

Federal Register

Wednesday
June 10, 1981

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- 30772 Recombinant DNA Research** HHS/NIH announces final plan for risk assessment program. (Part II of this issue)
- 30699 Cigarette Advertising** FTC solicits comments on staff report.
- 30676 Steel Belted Tires** Commerce/ITA announces preliminary results of administrative review of countervailing duty order on Michelin X Radials from Canada.
- 30739 Research Facilities** NSF requests comments on interim report on the involvement of commercial and industrial firms with NSF-supported research facilities.
- 30623 Commodity Reexports** Commerce/ITA reduces documentation requirements under distribution licenses.
- 30780 Agricultural and Vegetable Seeds** USDA/AMS proposes to update and standardize botanical names, testing methods, and certification standards. Public hearings are also announced. (Part III of this issue)

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

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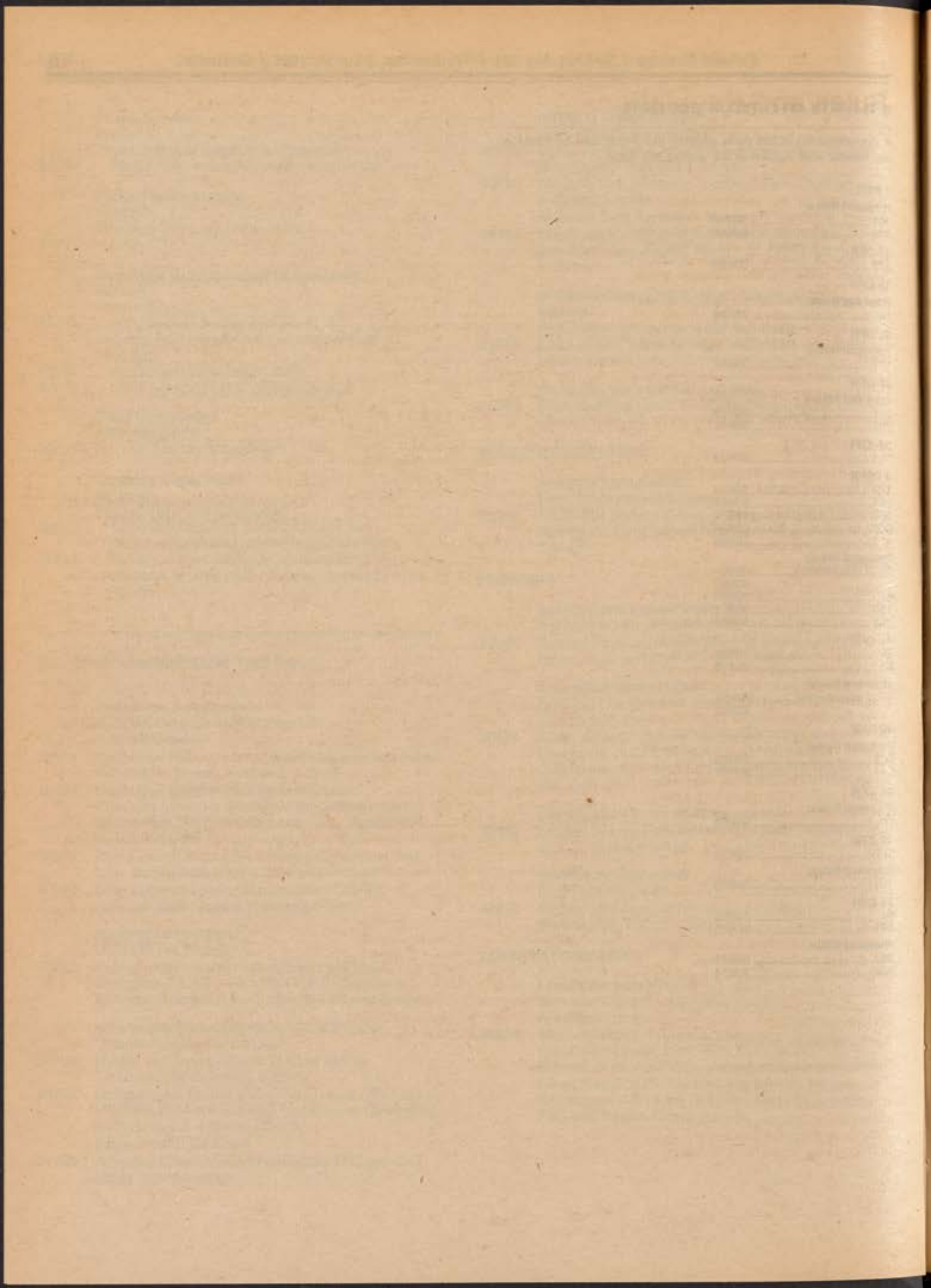
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.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

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 373

Policy Concerning Reexport Under a Distribution License

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: The Export Administration Regulations are revised to reduce documentation for reexports under a Distribution License (see paragraph 373.3(i)(3) of the Regulations) to require only the same supporting documents that are required with individual requests to reexport. This reduction will make the documentation requirements for reexports under a Distribution License consistent with other forms of reexport authorization. Up to this time, a reexporter of commodities originally shipped under a Distribution License has been required to supply more documentation than a reexporter of commodities furnished under an individual validated license. This revision lessens the burden on the reexporter, thus facilitating resale of U.S. commodities.

DATE: Effective June 10, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, Department of Commerce, Washington, D.C. 20230 (Telephone: (202) 377-5247 or 377-4811).

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

Section 13(a) of the Export Administration of 1979 ("the Act") exempts regulations promulgated thereunder from the public participation in rulemaking procedures of the

Administrative Procedure Act. Section 13(b) of the Act, which expresses the intent of Congress that to the extent practicable "regulations imposing controls on exports" be published in proposed form, is not applicable because these regulations do not impose new controls on exports. Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis.

This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* This rule is not a major rule within the meaning of section 1(b) of Executive Order 12291 (46 FR 12193, February 19, 1981), "Federal Regulation."

Accordingly, Part 373 of the Export Administration Regulations (15 CFR Part 373) is amended as follows:

1. Section 373.3(i)(3) is revised to read as follows:

§ 373.3 Distribution license.

* * * * *

(i) * * *

(3) Request for specific reexport authorization. A request for specific authorization for any reexport under a Distribution License that is not authorized by the provisions of § 373.3(i) (1) or (2) above, shall be submitted on a Form ITA-699P, Request to Dispose of Commodities or Technical Data Previously Exported, or by letter, to the Office of Export Administration (Room 1617M). (See § 374.3.) Each request shall be supported by any document that is required for an individual reexport request under the provisions of § 374.3(c).

(Sections 5, 13, 15, and 21, Pub. L. 96-72, 93 Stat. 503, 50 U.S.C. app. § 2401 *et seq.*; Executive Order No. 12214 (45 FR 29783, May 6, 1980); Department Organization Order 10-3 (45 FR 6141, January 25, 1980); International Trade Administration Organization and Function Orders 41-1 (45 FR 11862, February 22, 1980) and 41-4 (45 FR 65003, October 1, 1980))

Dated: June 5, 1981.

William V. Skidmore,

Director, Office of Export Administration,
International Trade Administration.

[FR Doc. 81-17151 Filed 6-9-81; 8:45 am]

BILLING CODE 3510-25-M

POSTAL SERVICE

39 CFR Part 601

Procurement of Property and Services; Amendments to Postal Contracting Manual

AGENCY: Postal Service.

ACTION: Amendments to the Postal Contracting Manual.

SUMMARY: The Postal Service hereby announces several revisions of section 19 of the Postal Contracting Manual, which deals with mail transportation contracts.

EFFECTIVE DATE: May 10, 1981.

FOR FURTHER INFORMATION CONTACT:

Eugene A. Keller, (202) 245-4818.

SUPPLEMENTARY INFORMATION: The Postal Contracting Manual, which has been incorporated by reference in the Code of Federal Regulations (See 39 CFR 601.100) has been amended by the issuance of PCM Circular No. 81-3, Revised, dated May 10, 1981.

In accordance with 39 CFR 601.105, notice of these changes is hereby published in the Federal Register and the text of the changes is filed with the Director, Office of the Federal Register. Subscribers to the Basic Manual will receive these amendments from the Postal Service. (For other availability of the Postal Contracting Manual, see 39 CFR 601.104.)

Explanation of these amendments to the Postal Contracting Manual follows:

Explanation:

Section 19 is amended

- To delete section 19-503.97 which prescribes certain restrictions regarding American flag preference in procurement of water transportation service;
- To permit renewal of certificated air carrier and uncertificated air route contracts; and
- To permit minor service changes to certificated air carrier contracts.

[5 U.S.C. 552(a), 39 U.S.C. 401, 404, 410, 411]

W. Allen Sanders,

Associate General Counsel, General Law and Administration.

[FR Doc. 81-17227 Filed 6-9-81; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Parts 122, 264, and 265**

(SWH-FRL-1850-7)

Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities**AGENCY:** Environmental Protection Agency (EPA)**ACTION:** Interim rule.

SUMMARY: On January 12, 1981, the Environmental Protection Agency issued an interim final regulation which established financial responsibility requirements applicable to owners and operators of hazardous waste treatment, storage and disposal facilities. The regulation included a requirement that those owners and operators maintain liability coverage of certain types and amounts during the operating lives of the facilities (40 CFR 264.147 and 40 CFR 265.147). The Agency announces that it will conduct meetings with interested persons of groups in response to comments regarding the liability coverage requirements.

DATES: The effective date for the regulations covered by this notice is October 13, 1981. EPA expects that it may hold meetings until June 16, 1981.

FOR FURTHER INFORMATION CONTACT: George A. Garland, Chief, Economic and Policy Analysis Branch, Hazardous and Industrial Waste Division, Office of Solid Waste (WH-565), 401 M Street, SW., Washington, D.C. 20460, (202) 755-9190.

SUPPLEMENTARY INFORMATION: On January 12, 1981 (46 FR 2802), EPA promulgated interim final regulations under the Resource Conservation and Recovery Act of 1976. These regulations included, as part of the interim status and general standard financial responsibility requirements, requirements for owners and operators of hazardous waste management facilities to insure coverage for claims arising from accidents at their facilities.

The Agency extended the original March 13, 1981, deadline for comments on these regulations to March 27, 1981. Many of the comments received concerned the liability coverage requirement. Based upon those comments, EPA believes that meetings with representatives of the insurance industry and other persons interested in the liability requirement are necessary. In fact, the Agency held such a meeting on May 29, 1981, and expects that it may hold additional meetings until June 16,

1981. The Agency will prepare memoranda summarizing the issues discussed at each meeting as well as all significant information which is brought to the Agency's attention. The memoranda will be made available to the public by being placed promptly in the public docket for Section 3004, Parts 264 and 265 of the RCRA regulations.

The public docket is available for inspection and copying in Room 2711, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C., and is open for viewing from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays. The Agency invites all interested persons to review the memoranda and present any appropriate responses.

Dated: June 8, 1981.

James N. Smith,*Acting Assistant Administrator for Water and Waste Management.*

(FR Doc. 81-17360 Filed 6-9-81; 8:45 am)

BILLING CODE 6560-30-M**40 CFR Part 180****[PP OF2400/R331; PH-FRL-1849-2]****Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities: "Hirsutella thompsonii"****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

SUMMARY: This rule establishes an exemption from the requirement of a tolerance for residues of *Hirsutella thompsonii* ABC-6065 fungus mycoacaricide under 40 CFR 180.1001(c) when applied to growing crops or to raw agricultural commodities after harvest for control of: the citrus rust mite; the blueberry mite; and the Bermuda turf mite. This regulation was requested by Abbott Laboratories. This regulation eliminates the need to establish a maximum permissible level for residues of *Hirsutella thompsonii*.

EFFECTIVE DATE: Effective on June 10, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St. SW., Washington, D.C. 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 No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7028).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the *Federal Register* of May 11, 1981 (46 FR 26168) that Abbott Laboratories, Chemical and Agricultural Products Division, N. Chicago, IL 60064, had filed a pesticide petition (PP OF2400) with the EPA. This petition proposed that an exemption from the requirement of tolerance be established for residues of the Mycoacaricide Wettable Powder *Hirsutella thompsonii* for use in or on all growing crops or to raw agricultural commodities after harvest, for control of: the citrus rust mite, the blueberry mite, and the Bermuda turf mite. No comments or request for referral to an advisory committee were received in response to this notice of filing.

The data submitted or referenced in this petition, as well as all other relevant material have been evaluated. The toxicological data considered in support of the proposed exemption from the requirement of a tolerance included: acute oral toxicity and pathogenicity studies; an eye irritation study; primary skin irritation study; and acute dermal toxicity study; and acute inhalation toxicity and pathogenicity studies. There were no adverse effects indicated in the above data reviews.

Data submitted by Abbott Laboratories were:

1. Acute safety and infectivity of *Hirsutella thompsonii* applied to the abraded epidermis of the domestic rabbit.
2. Acute safety and infectivity of *Hirsutella thompsonii* administered orally to rats.
3. Acute ocular safety and infectivity of *Hirsutella thompsonii* administered to rabbits;
4. Acute safety and infectivity of *Hirsutella thompsonii* administered to rats by intratracheal instillation;
5. Mycotoxin screen;
6. Combined acute dermal toxicity and primary dermal irritation of MYCAR in rabbits;
7. Acute oral toxicity and infectivity of MYCAR in rats; and
8. Primary ocular irritation of MYCAR in rabbits.

The agency is currently in the process of promulgating proposed guidelines for the registration of biorational pesticides (i.e., Biochemical and Microbial Pest Control Agents). These guidelines would establish the standards for testing and the requirements for data submission to support the registration of biorational pesticides. The agency expects that the proposed guidelines will be published in the *Federal Register* in late summer of 1981.

No adverse effects were indicated by the test data submitted, and hence no additional toxicity and infectivity data will be necessary for the intended uses.

Any person adversely affected by this regulation may, on or before July 10, 1981, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M-3708, (A-110), 401 M St. SW., Washington, D.C. 20460. Such objections must 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 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).

Effective on June 10, 1981.

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

Dated: June 2, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart D of 40 CFR Part 180 is amended by adding § 180.1061 to read as follows:

§ 180.1061 *Hirsutella thompsonii*; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for *Hirsutella thompsonii* when applied to all raw agricultural commodities (postharvest) to control the citrus rust mite, the blueberry mite, and the Bermuda turf mite.

[FR Doc. 81-17165 Filed 6-9-81; 8:45 am]

BILLING CODE 6560-32-M

40 CFR Part 413

[WH-FRL-1827-6]

Electroplating Point Source Category; Effluent Limitations Guidelines

AGENCY: Environmental Protection Agency.

ACTION: Correction to final amendments.

SUMMARY: This document corrects the final amendments to the Electroplating pretreatment standards for existing sources that appeared in the Federal Register on Wednesday, January 28, 1981, (46 FR 9462).

DATE: This correction is effective June 10, 1981.

FOR FURTHER INFORMATION CONTACT: Frank H. Hund, Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M Street SW, Washington, D.C. 20460, (202) 426-2582.

SUPPLEMENTARY INFORMATION: Amendments to the Electroplating pretreatment standards for existing sources were proposed on July 3, 1980, (45 FR 45322) and promulgated in final form on January 28, 1981, (46 FR 9462).

The effective date of these amendments was deferred until March 30, 1981, consistent with the President's memorandum of January 29, 1981. (See 46 FR 11972, Feb. 12, 1981). Today's notice corrects § 413.14 by deleting one phrase and adding another and a subsequent paragraph. The opening paragraph in § 413.14 and paragraph (a) should be identical to the opening paragraph and paragraph (a) in §§ 413.24, 413.44, 413.54, 413.64, 413.74 and 413.84. The phrase to be substituted and the paragraph to be added were inadvertently omitted from the January 28, 1981 notice.

In addition, today's notice corrects portions of the preamble published January 28, 1981, by publishing a recent letter from the Acting Administrator to counsel for the National Association of Metal Finishers (NAMF) and the Institute for Interconnecting and Packaging Electronic Circuits (IIPPEC) concerning the Agency's plans for future regulation of the job shop and printed circuit board manufacturing segments of the electroplating industry. Although this letter was written in the context of litigation between NAMF, IIPPEC and EPA, the Agency believes that the contents of the letter are of general interest to the public and, accordingly, are appropriately published with this correction notice.

In brief, the letter states that the Agency does not intend to apply more stringent limitations to job shops and printed circuit board manufacturers

covered by the existing electroplating pretreatment standards. The letter also states that the Agency presently intends to propose a limitation on the dumping of toxic organic solvents by all electroplaters, including job shops and printed circuit board manufacturers. The entire text of the letter is published below.

Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This correction notice is not major because it has no effect on the economy, will not increase costs for consumers, individual industries, government agencies or geographic regions and has 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.

Letter from EPA to NAMF

Theodore L. Garrett, Esq. Covington & Burling, 888 Sixteenth Street, NW, Washington, D.C. 20006

Edward H. Hatton, Esq. Jenner & Block, One IBM Plaza, Suite 4400, Chicago, Illinois 60611

Re: National Association of Metal Finishers, et al., v. EPA, No. 79-2256; The Institute for Interconnecting and Packaging Electronic Circuits v. EPA, No. 79-2443.

Dear Messrs. Garrett and Hatton: The purpose of this letter is to resolve the uncertainty with respect to EPA's intention to impose more stringent pretreatment standards on the job sector of the electroplating industry and the printed circuit board manufacturers. This uncertainty arose from the preamble discussion contained in the January 28, 1981, final amendments to the electroplating pretreatment standards (40 CFR Part 413, 46 Fed. Reg. 9462). After considerable deliberation within the Agency, we have concluded that we will not impose more stringent limitations. A detailed discussion of the relevant issues follows.

As you know, the Settlement Agreement in the above-captioned cases provided that if EPA published, *inter alia*, a promise not to impose more stringent limitations on the job shop and printed circuit board segments of the industry, then the National Association of Metal Finishers (NAMF) and the Institute for Interconnecting and

Packaging Electronic Circuits (IIPEC) would dismiss their appeals of the electroplating regulations. The language required by the agreement was as follows:

Therefore, EPA does not plan to develop more stringent new pretreatment standards for the job shop metal finishing segment in the next several years. Nor does EPA plan to develop in the next several years more stringent standards for the independent printed circuit board segment where significant economic vulnerability also exists.

This preamble discussion was proposed on July 3, 1980 (45 FR 45322) consistent with the terms of the Settlement Agreement.

The final amendments, however, differed from the language in the Settlement Agreement. Instead of promising not to impose more stringent standards for these segments of the industry, EPA stated that "it is unlikely that EPA will impose standards on job shops or printed circuit board manufacturers based on more advanced technology than that forming the basis for today's pretreatment standards." (46 FR 9464.) In other words, the Agency was unwilling to predict that the numerical standards would remain the same but was willing to predict that no additional technologies would be required in future regulations.

The Agency's uncertainty arose from incoming data concerning the next round of rulemaking for electroplaters. These future regulations, called "Metal Finishing" standards and limitations, will include the processes currently regulated by the electroplating standards, as well as additional processes. The metal finishing regulations will apply to both direct and indirect discharges. However, as we stated in the January 28 preamble, as work continued on the metal finishing regulations, the Agency might have had to reconcile the electroplating standards with the metal finishing standards. This uncertainty prevented the agency from promising not to impose more stringent limitations on job shops or printed circuit board manufacturers in the next round of rulemaking.

In addition, as we stated in the January 28 preamble, the Agency was in the process of considering limitations on the discharge of toxic organics by the industry. Preliminary investigations indicated that toxic organics could be controlled through best management practices with little economic impact on the industry, and the Agency was unwilling to rule out such controls for job shops and printed circuit board manufacturers.

Since the publication of the final amendments, the Agency has reviewed

the data supporting the new metal finishing regulations. We have concluded that it would be unwise to apply more stringent limitations to the job shops and printed circuit board manufacturers covered by the existing pretreatment standards since we have completed the rulemaking to establish these standards and have reached a Settlement Agreement which provides certainty for your clients and avoids the need for further litigation. Accordingly, EPA does not plan to develop more stringent pretreatment standards in the next several years for the job shop and printed circuit board manufacturers covered by the existing regulation.

The Agency is still considering how to control the discharge of toxic organic solvents by the industry. We presently intend to propose a limitation on the dumping of toxic organic solvents by all electroplaters, including job shops and printed circuit board manufacturers. This additional control should result in very low cost to the industry, and, in fact, is predicted in many cases to result in cost savings due to the reclamation value of spent solvents. The limitation would take the form of a pretreatment standard for total toxic organics ("TTO"). As an alternative to monitoring for these organics, the plant operator or owner would be permitted to certify that toxic organic solvents are not being dumped into the plant's wastewater. Such certification would obviate the need for monitoring, including monitoring for other toxic organics that might come from sources other than the solvents.

We believe that this requirement is not only cost effective but in most cases will be of financial benefit to the industry. Since we do not anticipate an economic impact from this requirement, we believe it is consistent with the Settlement Agreement. The Agency welcomes your clients' views on such an approach. Moreover, the use of solvents is limited to those plants with solvent degreasing operations. These plants are estimated to be only 24 percent of the job shop sector. Of this 24 percent approximately 73 percent already reclaim their solvents, with the result that only 6.5 percent of job shops would have to alter their current practices. In addition, reclamation would prevent the discharge of 3.2 million pounds per year of toxic organics by this small segment of the job shop sector. We would be especially interested in any information they might have on the costs of solvent reclamation. If EPA formally proposes such a regulation, your clients will, of course, have every opportunity to participate in the rulemaking.

I hope this letter fully clarifies the Agency's current position and reassures your clients that EPA intends to comply with the terms of the Settlement Agreement.

Sincerely,

Walter C. Barber, Jr.,

Acting Administrator.

cc: Ellen Maldonado, Esq., Office of General Counsel

Nancy J. Marvel, Esq., Land & Natural Resources Division, Department of Justice, Washington, D.C. 20530.

Accordingly, EPA is correcting 40 CFR 413.14 as follows:

§ 413.14 Pretreatment standards for existing sources.

Except as provided in 40 CFR 403.7 and 40 CFR 403.13, any existing source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for existing sources (PSES):

(a) No user introducing wastewater pollutants into a publicly owned treatment works under the provisions of this subpart shall augment the use of process wastewater or otherwise dilute the wastewater as a partial or total substitute for adequate treatment to achieve compliance with this standard.

Dated: May 27, 1981.

James N. Smith,

Acting Assistant Administrator for Water and Waste Management.

[FR Doc. 81-17171 Filed 6-9-81; 6:45 am]

BILLING CODE 6560-29-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6076]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATE: The date listed in the fifth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755-5585 or EDS Toll Free Line 800-638-6620 for Continental U.S. (except Maryland); 800-638-6831 for Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and 800-492-6605 for Maryland, Room 5270, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553 (b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A-95.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 64.6 List of eligible communities.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area	Hazard area identified
Ohio: Stark	East Sparta, village of	390655	750630 emergency, 810501 regular.	740405
Alabama: Jefferson	Fultondale, city of	010121	750625 emergency, 810505 regular.	740524
Arkansas: Yell	Danville, city of	050318	750709 emergency, 810505 regular.	750207
Florida: Seminole	Seminole County ¹	120289	740529 emergency, 810505 regular.	750117
Illinois: Cook	Sauk Village, village of	170157	740430 emergency, 810505 regular.	740308
Indiana: Madison	Frankton, town of	180154	750605 emergency, 810505 regular.	731214
Maine:				
Cumberland	Casco, town of	230044	750620 emergency, 810505 regular.	740726
Do	Raymond, town of	230205	750515 emergency, 810505 regular.	741206
Michigan:				
Macomb	Harrison, township of	260123	721208 emergency, 810505 regular.	721208
Oakland	Rochester, city of	260326	760409 emergency, 810505 regular.	750411
Wayne	Sumpter, township of	260243	760903 emergency, 810505 regular.	740628
Minnesota:				
Wright	Hanover, city of	270540	741025 emergency, 810505 regular.	731123
Hennepin	Hopkins, city of	270166	740502 emergency, 810505 regular.	731109
Mille Lacs	Milaca, city of	270289	740509 emergency, 810505 regular.	740510
Fillmore	Peterson, city of	270128	780807 emergency, 810505 regular.	740830
Missouri:				
Butler	Neelyville, city of	290046	750703 emergency, 810505 regular.	741206
Lincoln	Troy, city of	290641	800417 emergency, 810505 regular.	761029
North Carolina:				
Cabarrus	Cabarrus County ¹	370036	750707 emergency, 810505 regular.	741227
Halifax	Halifax County ¹	370327	761122 emergency, 810505 regular.	780623
North Dakota: Cass	Casselton, city of	380020	750312 emergency, 810505 regular.	740524
New Hampshire: Cheshire	Swanzey, town of	330026	750825 emergency, 810505 regular.	740719
New Jersey: Bergen	Park Ridge, borough of	340063	750219 emergency, 810505 regular.	740123
Oregon: Clackamas	Barlow, city of	410013	760210 emergency, 810505 regular.	750110
Tennessee: Obion	Union City, city of	470142	741025 emergency, 810505 regular.	740607

State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area	Hazard area identified
Texas:				
Henderson	Athens, city of	480324	750410 emergency, 810505 regular.	740823
Fannin	Bonham, city of	480222	750103 emergency, 810505 regular.	740607
Dallas	De Soto, city of	480172	740612 emergency, 810505 regular.	740802
Willacy	Lyford, city of	480665	750925 emergency, 810505 regular.	740517
Co	Raymondville, city of	480666	741007 emergency, 810505 regular.	740614
Cameron	San Benito, city of	480113	740513 emergency, 810505 regular.	761105
Willacy	San Perita, city of	480667	790216 emergency, 810505 regular.	741025
Cameron	Santa Rosa, city of	480114	800829 emergency, 810505 regular.	740517
Nolan	Sweetwater, city of	480502	750911 emergency, 810505 regular.	741018
Vermont: Windham	Jamaica, town of	500131	750607 emergency, 810505 regular.	740628
Washington:				
Kittitas	Cle Elum, city of	530096	750303 emergency, 810505 regular.	740628
Do	Ellensburg, city of	530234	740522 emergency, 810505 regular.	731217
Do	Kittitas County ¹	530095	740205 emergency, 810505 regular.	771108
King	Renton, city of	530088	750513 emergency, 810505 regular.	740607
Kittitas	South Cle Elum, city of	530263	761209 emergency, 810505 regular.	750711
Grays Harbor	Westport, city of	530067	740806 emergency, 810505 regular.	740621
Illinois: Lake	Lake Bluff, village of	170373	810511 emergency, 810511 regular.	740201

¹ Total is: 41.

(44 CFR § 64.6)

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

Issued: May 28, 1981.

Richard W. Krim,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-16982 Filed 6-9-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

National Flood Insurance Program;
Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FIA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESS: See table below.

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: The Federal Insurance Administrator gives notice of the final determination of flood elevations for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

The final base (100-year) flood elevations for selected locations are:

Final Base (100-year) Flood Elevations

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet. (NGVD)
California	Gonzales (City), Monterey County (FEMA-5979)	Gonzales Slough	At intersection of Gonzales Slough and 5th Street	*135
		East Branch Gonzales Slough	20 Feet Downstream of the intersection of U.S. Highway 101 (South Bound Lane) and East Branch Gonzales Slough.	*145
Maps available for inspection at City Hall, Gonzales, California.				
California	Yreka (City), Siskiyou County (FEMA-5979)	Yreka Creek	Montague Road over the channel	*2,571
			North edge of Raymond Street over the channel	*2,608
		Humbug Gulch	South edge of Sharps Road over the channel	*2,684
			Intersection of South Main Street and West Oberlin Road.	#1
		Greenhorn Creek	East edge of Third Street over the channel	*2,590
			Intersection of Hearn Street and West Street	*2,641
	West edge of South Main Street over the channel	*2,665		
	At the intersection of Greenhorn Road and South Main Street.	#1		
Maps available for inspection at Planning & Building Office, 701 4th Street, Yreka, California.				
Florida	Pasco County (Unincorporated Areas) (FEMA-5978)	Gulf of Mexico	Intersection of Dartmouth Avenue and Kenwood Drive	*12
			Intersection of Parkway Boulevard and Westwood Drive.	*13
		Anclote River	Intersection of River and Seven Springs Boulevard	*20
			Intersection of River and State Highway 54	*29
		Duck Slough	250 Feet Downstream of Intersection of Slough and Seven Spring Boulevard.	*15
		Hillsborough River	100 Feet Upstream of Intersection of River and Old Crystal Spring Road.	*61
		Pithlachasotee River	Intersection of River and Rowan Road	*11
		Withlacoochee River	Intersection of River and DeCubellis Drive	*21
Intersection of River and State Highway 575	*72			
Intersection of Roosevelt, Canal, and Wilson Streets	*78			
Maps available for inspection at Pasco County Courthouse, 4025 Moonlake Road, New Port Richey, Florida 33552.				
Massachusetts	Hanson, Town, Plymouth County (Docket No. FEMA-5955)	Indian Head River	Downstream Corporate Limits	*26
			Downstream of State Street	*33
			Upstream of State Street	*39
			Upstream of Winter Street	*45
			Upstream Corporate Limits on Factory Pond	*50
		Indian Head Brook	Downstream Corporate Limits	*41
			Upstream of Washington Street	*47
			Upstream of Brook Street	*54
			Downstream of Liberty Street	*60
			Upstream of Liberty Street at Wampatuck Pond	*70
Maps available for inspection at Memorial Town Hall, Hanson, Massachusetts.				
Massachusetts	(T) West Bridgewater, Plymouth County (Docket No. FEMA-5845)	Town River	About 2 miles downstream Main Street at the southern corporate limits.	*49
			Just upstream Main Street	*51
			Just upstream South Street	*61
			Approximately 0.3 mile upstream State Route 24 (at southern corporate limits).	*63
		Hockomock River	Approximately 0.6 mile downstream Maple Street (at southern corporate limits).	*63
			Just upstream of dirt road approximately 0.6 mile downstream Center Street.	*67
			Just downstream Manley Street (at confluence of Walnut Street Brook).	*72
			Just upstream Manley Street	*75
		Willow Brook	Just upstream abandoned railroad (about 1 mile upstream West Street).	*60
			At confluence with Town River	*50
			About 0.2 mile upstream Main Street	*64
		Salisbury Plain River	At eastern corporate limit	*62
			About 0.6 mile upstream Conrail	*68
		West Meadow Brook	At confluence with Town River	*63
			Just upstream South Elm Street	*65
			Just downstream Crescent Street	*75
			Just upstream dam	*82
			Just downstream dirt road (about 1.2 miles upstream Crescent Street).	*85
		Black Betty Brook	Just upstream dirt road (about 1.2 miles upstream Crescent Street).	*91
Upstream corporate limit	*102			
At the confluence with West Meadow Brook	*91			
About 900 feet upstream Samuel Avenue	*101			
Maps available for inspection at the Town Clerk's Office, Town Offices, North Main Street, West Bridgewater, Massachusetts 02379.				
Michigan	(C) Kentwood, Kent County (Docket No. FEMA-6000)	Plaster Creek	At downstream corporate limits	*678
			About 200 feet downstream of 44th Street	*700
			Just upstream of 52nd Street	*717
		Little Plaster Creek	Just downstream of 60th Street	*731
			About 500 feet downstream of State Highway 37	*692
		Whiskey Creek	Just downstream of 28th Street	*721
			At the confluence with Little Plaster Creek	*696

Final Base (100-year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
			Approximately 200 feet downstream of State Highway 37 (near upstream corporate limits).	*714
			About 800 feet upstream of State Highway 37 (near upstream corporate limits).	*720
Maps available for inspection at the Clerk's Office, City Hall, 4900 Breton, S.E., Kentwood, Michigan.				
Minnesota	(C) Mornstown, Rice County (Docket No. FEMA-5979)	Cannon River	At downstream corporate limits	*998
			At upstream corporate limits	*1,003
Maps available for inspection at the City Hall, P.O. Box 362, Mornstown, Minnesota.				
Minnesota	(C) Hermantown, St. Louis County (Docket No. FEMA-6000)	Keene Creek	Approximately 1,200 feet downstream of Okerstrom Road (located 2,460 feet downstream of Morris Thomas Road).	*1,220
			About 220 feet downstream of Okerstrom Road (located 2,460 feet downstream of Morris Thomas Road).	*1,235
			About 270 feet upstream of Okerstrom Road (located 2,460 feet downstream of Morris Thomas Road).	*1,249
			About 80 feet downstream of Morris Thomas Road.	*1,267
			About 80 feet upstream of Morris Thomas Road.	*1,281
			Just downstream of Okerstrom Road (located 2,410 feet downstream of Hermantown Road).	*1,281
			Just upstream of Okerstrom Road (located 2,410 feet downstream of Hermantown Road).	*1,285
			About 120 feet downstream of Hermantown Road.	*1,286
			Just downstream of Hermantown Road.	*1,288
		Miller Creek	About 25 feet upstream of Haines Road.	*1,335
			About 300 feet downstream of U.S. Highway 53 (northbound) (located 1,100 feet upstream of Haines Road).	*1,337
			Just upstream of U.S. Highway 53 (southbound) (located 1,160 feet upstream of Haines Road).	*1,343
			Just upstream of U.S. Highway 53 (northbound) (located 2,690 feet upstream of Haines Road).	*1,349
			About 230 feet downstream of Arrowhead Road.	*1,350
			About 1,200 feet downstream of Swan Lake Road.	*1,352
			Just downstream of Swan Lake Road.	*1,356
Maps available for inspection at the Hermantown City Hall, 3161 Maple Grove Road, Duluth, Minnesota.				
Montana	Yellowstone County (Unincorporated Areas) (FEMA-5778)	Yellowstone River	Intersection of Nahmis Avenue and U.S. Highway 312	*3,008
			Area 180 feet east of east end of Elaine Street	*3,069
			Intersection of Scenic View Drive and Orchard Lane	*3,141
			Intersection of Wise Lane and County Road	*3,187
			100 feet upstream from center of Duck Creek Road	*3,201
			260 feet downstream from center of U.S. Highway 310 and 212	*3,270
			Southern end of Red Bridge Road	*3,305
		Blue Creek	Intersection of Somatic and Cuanta Lane	*3,188
			Intersection of Aquista Avenue and Blue Creek Road	*3,336
			100 feet upstream from center of Bender Road	*3,416
			Intersection of creek and center of Heltrick Road	*3,509
			Confluence with Wyman Creek	*3,845
		Duck Creek	Intersection of Duck Creek Road and River Road	*3,222
			50 feet upstream from center of Duck Creek Road, upstream from confluence with Duck Creek Tributary	*3,446
		Duck Creek Tributary	Confluence with Duck Creek	*3,437
		Alkali Creek	Intersection of creek and center of Alkali Creek Road, first upstream crossing from City of Billings corporate limits	*3,247
			Intersection of creek and center of 40th Street SW	*3,202
			Intersection of creek and center of 48th Street West	*3,230
			50 feet upstream from center of Hesper Road	*3,293
			50 feet upstream from center of High Ditch Flume	*3,347
		Cove Creek	50 feet upstream from center of Cove Ditch Flume	*3,386
			50 feet upstream from center of Golfcourse Dam	*3,411
			50 feet upstream from intersection of creek and center of Mott Road (U.S. Highway 302)	*3,591
		Unnamed creek	25 feet upstream from center of Klenok Lane	*3,093
			50 feet north of intersection of Hardin Road and Maier Road	*3,141
		Dry Creek	Intersection of Greenwood Avenue and South Frontage Road	*3,133
			Intersection of Hillner Lane and Hemlock Drive	*3,180
Maps available for inspection at County Courthouse, 217 N. 27th, Billings, Montana.				
New Jersey	Milford, Borough, Hunterdon County (Docket No. FEMA-5841)	Delaware River	Downstream Corporate Limits	*136
			Confluence of Milford Creek	*137
			Bridge Street (Upstream)	*140
			Upstream Corporate Limits	*141
		Milford Creek	Conrail	*137
			Bridge Street (Downstream)	*140
			550' upstream of Bridge Street	*147
			Confluence of Quequacommissacong Creek	*150
			Mount Nebo Road	*157
			700' upstream of Mount Nebo Road	*160
			1,670' upstream of Mount Nebo Road	*174
			Upstream Corporate Limits	*180

Final Base (100-year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Quaquamiscong Creek	Water Street (Downstream)	*151
			Dam (Downstream)	*154
			Dam (Upstream)	*158
			150' downstream of York Road	*163
			York Road (Upstream)	*167
			Upstream Corporate Limits	*168
Maps available for inspection at the Milford Town Clerk's Office, Milford, New Jersey.				
New York	Buffalo, City, Erie County (Docket No. FEMA-5966)	Buffalo River	Confluence with Lake Erie	*581
			Upstream side of Seneca Street Bridge	*587
			Upstream side of South Ogden Street Bridge	*592
		Cazenovia Creek	Confluence with Buffalo River	*584
			Upstream side of Cazenovia Parkway Bridge	*595
			Corporate Limits	*599
		Scajquada Creek	315' downstream from Interstate Route 190	*573
			Most downstream Conrail Bridge	*561
			Upstream side of State Route 198	*588
			Upstream crossing of Private Road	*592
			Approximately 3,000' downstream Private Drive	*609
Maps available for inspection at City Hall, Division of Planning, Room 313, Buffalo, New York.				
New York	Newfane, Town, Niagara County (Docket No. FEMA-5973)	Eighteenmile Creek	Confluence with Lake Ontario	*249
			Downstream of Dam No. 1	*256
			Upstream of Dam No. 1	*303
			Idle Road	*304
			100' downstream of Ewings Road	*314
			100' upstream of Ewings Road	*317
			Downstream side of Dam No. 2	*319
			Upstream side of Dam No. 2	*331
			Condren Road	*339
			5,000' upstream of Condren Road	*345
			100' downstream of Jacques Road	*347
			400' upstream of Jacques Road	*350
			Downstream footbridge	*355
			Corporate Limits	*356
		Keg Creek	Confluence with Lake Ontario	*249
			Approximately 750' downstream of State Route 18	*254
			Approximately 75' downstream of State Route 18	*256
			State Route 18	*268
		Hopkins Creek	Confluence with Lake Ontario	*249
			125' downstream of State Route 18	*254
			150' upstream of State Route 18	*260
			100' downstream of Coomer Road	*263
			75' upstream of Coomer Road	*279
		East Branch Eighteenmile Creek	Confluence with Eighteenmile Creek	*354
			Downstream Lockport Corporate Limits	*358
			100' downstream of Day Road	*370
			100' upstream of Day Road	*373
			7,500' upstream of Day Road	*375
Maps available for inspection at the Newfane Town Hall, 2895 Transit Road, Newfane, New York.				
New York	Tarrytown, Village, Westchester County (Docket No. FEMA-5973)	Sunnyside Brook	Confluence with Hudson River	*8
			Approximately 455' upstream confluence with Hudson River	*11
			Approximately 175' downstream of downstream crossing of West Sunnyside Lane	*31
			Approximately 95' upstream of downstream crossing of West Sunnyside Lane	*48
			Upstream crossing of West Sunnyside Lane	*59
			Approximately 38' upstream of Private Road which is 390' upstream of upstream crossing of West Sunnyside Lane	*91
			Approximately 175' upstream of Private Road	*98
			Approximately 428' upstream of Private Road and 144' downstream of footbridge	*111
			At a footbridge 280' downstream of Old Croton Aqueduct	*120
			Approximately 24' downstream of Old Croton Aqueduct	*134
			Upstream of Old Croton Aqueduct	*151
			Approximately 52' downstream of Sunnyside Lane	*188
			Sunnyside Lane and Corporate Limits	*193
		Hudson River	Entire Shoreline	*8
Maps available for inspection at the Tarrytown Village Administrator's Office, Village Hall, 21 Wildey Street, Tarrytown, New York.				
New York	Warsaw, Village, Wyoming County (Docket No. FEMA-5911)	Oatka Creek	Corporate limits	*980
			Downstream of West Court Street	*996
			Downstream of South Main Street	*1,009
			Downstream of Washington Street	*1,010
			Upstream Corporate Limits	*1,033
		Crystal Brook	Confluence with Oatka Creek	*1,006
			Upstream of Oatka Street	*1,027
			500' upstream of Liberty Street	*1,044
Maps available for inspection at the Warsaw Village Office, 15 South Main Street, Warsaw, New York.				

Final Base (100-year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)		
Ohio	(C) Centerville, Montgomery County (Docket No. FEMA-8000)	Centerville Tributary	At downstream county boundary	*817		
			Just upstream of abandoned bridge	*871		
			Just downstream of Bigger Road	*876		
			Just upstream of Bigger Road	*882		
			Just downstream of Forest Brook Boulevard near Bigger Road	*887		
			Just upstream of Forest Brook Boulevard near Bigger Road	*893		
		Whites Corner Tributary	Just downstream of Clio Road	*896		
			At downstream county boundary	*882		
			Just upstream of Alexandersville-Bellbrook Road	*900		
			About 0.67 miles upstream of Alexandersville-Bellbrook Road	*943		
		Sugar Creek	At downstream county boundary	*818		
			Approximately 500 feet downstream Clio Road	*918		
		Maps available for inspection at the Office of the City Clerk, City Hall, 100 West Spring Valley Road, Centerville, Ohio.				
		Pennsylvania	Foster, Township, McKean County (Docket No. FEMA-5966)	Tunungwant Creek	Downstream State boundary	*1,411
Confluence with Foster Brook	*1,417					
Approximately 420' upstream of Chessie System	*1,424					
Confluence with Tunungwant Creek	*1,417					
Foster Brook	East Main Street (Upstream side)			*1,428		
	Approximately 450' downstream of Fourth Street			*1,435		
	Beechwood Road (Upstream side)			*1,466		
	Fairview Heights (Upstream side)			*1,477		
	Harrisburg Run Road (Upstream side)			*1,496		
	Derrick Road (Downstream crossing—upstream side)			*1,519		
	Derrick Road (Upstream crossing—upstream side)			*1,550		
	State Route 646 (Upstream side)			*1,580		
	Kendall Creek			Downstream Corporate Limits	*1,441	
				Approximately 2,400' upstream of Corporate Limits	*1,457	
				Lafferty Road (Upstream side)	*1,474	
				Approximately 3,500' upstream of Lafferty Road	*1,495	
	Confluence of Totten Hollow Road			*1,519		
	Approximately 3,100' upstream of Totten Hollow Road			*1,546		
	Approximately 1,100' downstream of State Route 246			*1,560		
	State Route 246 (Upstream side)			*1,572		
	Approximately 1,700' upstream of confluence of Tributary to Kendall Creek	*1,591				
	Approximately 4,000' upstream of State Route 246	*1,614				
Maps available for inspection at the Foster Township Building.						
South Dakota	Hill City (Town), Pennington County (FEMA-5979)	Spring Creek	150 feet downstream from centerline of downstream most crossing of Harney Peak Avenue	*4,966		
			150 feet upstream from centerline of upstream most crossing of Harney Peak Avenue	*4,978		
			150 feet upstream from centerline of Polar Street	*4,996		
Maps available for inspection at City Hall, Hill City, South Dakota.						

(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 19307; and delegation of authority to Federal Insurance Administrator)

Issued: May 28, 1981.

Richard W., Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-16978 Filed 6-9-81; 8:45 am]

BILLING CODE 6718-03-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Amend. No. 1 to Eighteenth Revised Service Order No. 1473]

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

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 1 to Eighteenth Revised Service Order No. 1473.

SUMMARY: Eighteenth Revised Service Order No. 1473 authorized various railroads to use tracks and/or facilities of Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee). The provisions of this order are extended for an additional ninety (90) days, and shall expire 11:59 p.m., September 30, 1981.

EFFECTIVE: 12:01 a.m., June 6, 1981, and

continuing in effect until 11:59 p.m., September 30, 1981, unless modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT:

M. F. Clemens, Jr. (202) 275-7840.
Decided June 5, 1981.

Upon further consideration of Eighteenth Revised Service Order No. 1473 (46 FR 25312), and good cause appearing therefor:

It is ordered,

§ 1033.1473 **Service Order No. 1473; Various Railroads Authorized To Use Tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company, Debtor, (William M. Gibbons, Trustee)**

Eighteenth Revised Service Order No. 1473 is amended by substituting the following paragraph (N) for paragraph (N) thereof:

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

Effective date. This order shall become effective at 12:01 a.m., June 6, 1981.

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

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

By the Commission, Railroad Service Board members, Joel E. Burns, Robert S. Turkington and John H. O'Brien.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-17215 Filed 6-9-81; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 91

Migratory Bird Hunting and Conservation Stamp Contest; Notice of Contest Dates

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Announcement of contest, changing final rule entry dates.

SUMMARY: The Service announces the date and location of the 1981 Migratory Bird Hunting and Conservation Stamp Contest. The growing popularity of the contest has resulted in a steady increase in the number of entries, with over 1,500 in the 1980 contest. To provide adequate time for preparing entries for judging, the Service is also changing the entry deadline from October 15 to October 1.

DATES: This amendment is effective June 10, 1981. The new entry deadline is October 1. The contest will be held on November 5, 1981, beginning at 9 a.m.

ADDRESS: The 1981 contest will be held in the Department of the Interior Auditorium, 18th and C Streets, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mr. Peter Anastasi or Ms. Bea Boone, Public Affairs/Audio Visual, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone (202) 343-8770/5612.

SUPPLEMENTARY INFORMATION: The annual Migratory Bird Hunting and Conservation Stamp Contest is held by the U.S. Fish and Wildlife Service to select a design for the following year's Migratory Bird Hunting and Conservation Stamp, popularly known as the Duck Stamp. The contest has steadily increased in popularity, with 1,507 entries in the 1980 contest. As a result, the Service has determined that the entry deadline of October 15 (postmarked date) does not provide adequate time to acknowledge receipt and prepare the entries for judging before each year's contest. The proposed change to an October 1 deadline would allow a July 1 to October 1 period for submitting entries.

The Department has determined that this is not a major rule under Executive Order 12291 and does not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act. All other portions of the contest rules remain unchanged.

As provided in 50 CFR 91.14, entries may not portray any of the species that were the dominant feature for the winner of the Migratory Bird Hunting and Conservation Stamp Contest during the preceding 5 years. For the 1981 contest, the species ineligible are Ross' geese, hooded merganser, green-winged teal, mallards, and ruddy ducks.

In accordance with 50 CFR 91.22, the date and location of the 1981 contest is November 5, 1981, at 9 a.m. in the Department of the Interior Auditorium, 18th and C Streets, NW., Washington, D.C.

Since the deadline for submitting entries is purely administrative in nature and announced well in advance of October 1, the Service has determined that notice and public comment procedure on the change is unnecessary and would be contrary to the public interest. This modification would thus be immediately effective when published. Additionally, each applicant for the contest will be notified of the

deadline when they request a copy of the contest rules and Reproduction Rights Agreement under 50 CFR 91.11.

For the reasons noted above, the Service is revising the last sentence of 50 CFR 91.11 as follows:

§ 91.11 Contest deadlines.

Entries may be received any time after July 1, but must be received or postmarked no later than midnight of October 1.

Dated: June 4, 1981.

C. F. Layton,

Acting Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-17247 Filed 6-9-81; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

Ocean Salmon Fisheries Off the Coasts of California, Oregon and Washington

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

ACTION: Emergency interim rule with notice of availability of plan amendment.

SUMMARY: NOAA issues emergency regulations to implement on an interim basis the 1981 amendment to the fishery management plan for the salmon fisheries off the coasts of Washington, Oregon and California. Proposed regulations soon will be published for public review and comment. This action also constitutes a notice of availability and request for comments upon the plan amendment which was approved by the Assistant Administrator for Fisheries, NOAA, on May 18, 1981. Specific management measures and implementing regulations vary by fisheries and area, but generally establish fishing seasons, provide harvest guidelines or quotas and other inseason management modifications, set daily catch limits for recreational fisheries and size limits on fish. The 1981 amendment and implementing regulations are intended to prevent overfishing, to apportion equitably the ocean harvest between commercial and recreational fisheries, to allow more salmon to survive the ocean fisheries

and reach the various inside fisheries, to meet the U.S. obligations to treaty Indian fisheries, and to achieve spawning escapement requirements. The 1981 fisheries are presently being governed by regulations that were in place during 1980. These regulations are not adequate to meet conservation needs after June 1, 1981.

DATES: Interim rules are effective on June 5, 1981, and remain effective until July 20, 1981.

ADDRESS: Send comments on the 1981 amendment to the Director, Northwest Region, National Marine Fisheries Service (NMFS), 1700 Westlake Avenue North, Seattle, Washington 98109. Copies of the 1981 amendment, the regulatory impact review, and the final supplement to the final environmental impact statement are available from the Pacific Fishery Management Council, 526 S.W. Mill Street, Portland, Oregon 97201.

FOR FURTHER INFORMATION CONTACT: H. A. Larkins (Regional Director, NMFS) 206-442-7575.

SUPPLEMENTARY INFORMATION: The fishery management plan (FMP) for the Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California, prepared by the Pacific Fishery Management Council (the Council) was approved by the Assistant Administrator for Fisheries (Assistant Administrator) on March 2, 1978. Regulations to implement the FMP were first published on April 14, 1978, (43 FR 15629) as emergency rules; regulations to implement amendments to the FMP were last issued as a final rulemaking on July 31, 1980 (45 FR 50764).

The Council has amended the FMP to improve management of the salmon fisheries in 1981. A supplement to the environmental impact statement (SEIS) for the 1981 amendment has been filed with the Environmental Protection Agency. A notice of availability of the SEIS was published on May 1, 1981 (46 FR 24674). The Council held six hearings on the amendment during the period February 19-21, 1981. The current FMP amendment was approved by the Assistant Administrator on May 18, 1981, under section 304 of the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.* (Magnuson Act). The 1981 amendment is intended to: (1) provide adequate spawning escapements from ocean salmon fisheries for the various salmon runs; (2) meet treaty obligations to Indian fishermen; and (3) allow for a viable harvest for each segment of the salmon fishery, including the commercial and recreational ocean fisheries and the

various internal water fisheries. NOAA issues a notice of availability of the FMP amendment for public review and comment, as required by Section 305(a) of the Magnuson Act.

Section 305(e) of the Magnuson Act authorizes the Secretary of Commerce to promulgate emergency regulations to implement fishery management plans. The Assistant Administrator has determined that the 1981 amendment should be implemented under that Section, by emergency regulations. This emergency rulemaking remains in effect for 45 days and may be extended for a second 45-day period. The regulations published here include both the regulations implementing the 1981 amendment and provisions from existing regulations not affected by the amendment (but which have been revised to some degree).

Proposed regulations soon will be published for public review. The final regulations, following publication in the *Federal Register*, will be effective for 1981 and subsequent years unless superseded or otherwise modified; except that, regulations establishing harvest guidelines and open seasons off California in 1981 (§ 661.10 to § 661.12) will remain in effect only for 1981. If regulations setting new harvest guidelines and open seasons off California are not adopted, approved, and implemented specifically for the 1982 season, then 1980 regulations (§ 661.10 to § 661.12) will apply in that area.

Status of the Salmon Resource in 1981

Current information on the abundance of the major stocks of chinook and coho salmon available to the ocean fisheries in 1981 indicates (1) that some stocks continue to be depressed, to the extent that their future productivity may be jeopardized if ocean harvests are not reduced, and (2) other stocks are expected to improve somewhat, although they are not expected to attain optimal levels of population abundance. The management objectives set forth in the FMP can only be achieved by carefully balancing a decrease of the ocean harvests for some areas with somewhat less restrictive regulations in other areas.

The following paragraphs summarize expectations regarding stock abundance for the 1981 fisheries and explain the basis for the desired levels of ocean harvests:

1. Coho stocks from the Oregon coast and Columbia River are predicted to be at a near-record low in 1981; only 772,000 coho can be taken in the ocean south of Cape Falcon without jeopardizing coho stocks. A reduction in

the ocean harvest of these stocks is necessary to achieve the 1981 escapement goal. Spawning escapement of Oregon coastal and Columbia River coho stock showed improvement last year over the three previous years, but it was still quite far below desired levels. Harvests must continue to be restricted to allow an adequate number of coho to reach the spawning grounds.

2. Low abundance of natural runs of Washington coastal coho is predicted to continue; returns of artificially propagated stocks to hatcheries are expected to be similar to those of 1980. Reduced ocean harvests of these stocks in 1981 are necessary to meet natural-stock escapement and treaty-Indian allocation goals. As a result, only 620,000 coho can be taken in the ocean north of Cape Falcon without further depleting coho stocks returning to the Washington coast and Puget Sound.

3. Natural coho stocks from Puget Sound are predicted to be below average, but the abundance of hatchery coho can be expected to be slightly higher in 1981 than in 1980. Allocation and spawning escapement goals for coho in Puget Sound should be met with the exception of Skagit River. A complete ocean closure plus elimination of the Puget Sound sport fishery would not return enough coho to the Skagit to meet the spawning escapement goal.

4. Fall chinook stocks from the Columbia River remain at a depressed level and are not expected to be any more abundant in 1981 than in 1980. Fall chinook from the lower river and the Bonneville pool are managed mainly for hatchery production. The upriver bright fall chinook stocks will remain at a low level of abundance, but closures off southeast Alaska, along with closures off Washington when 620,000 coho are taken, should increase the size of the in-river fall chinook run. Populations of spring and summer chinook originating in the upper Columbia River basin are stabilizing at new-record lows; escapement goals are not attainable in 1981. These stocks, however, constitute a minor part of the ocean catches off the Washington coast, because the mature spring chinook have entered the river before the ocean fishing season begins and because summer chinook comprise only about four percent of the troll catch off the Washington coast during May.

5. California chinook stocks, although recovering from the 1975-77 drought, are expected to be below optimal levels. Fall chinook from the Klamath River are predicted to be substantially above the 1980 level, but catch restrictions in 1981 should be continued if the short-range spawning escapement goal is to be

realized. Sacramento River chinooks may return in numbers slightly above the 1980 run but are still well below historical levels.

The Council and its advisors considered these and many other factors during their deliberations on the 1981 amendment. The management measures adopted by the Council are considered to be those most consistent with the FMP objectives and with the requirements of the Magnuson Act.

The Ocean Salmon Fisheries

The ocean salmon fisheries primarily harvest chinook and coho salmon, although those off Washington usually harvest substantial numbers of pink salmon in odd-numbered years (e.g., 1981). The fisheries include commercial trollers and recreational anglers; a significant portion of the latter depend upon services provided by commercially-operated charterboats. Oceanic processes and ocean harvesting activities affect the numbers of fish returning to fisheries in internal waters and to spawning grounds, some as far inland as several hundred miles. Coho and chinook salmon range widely during their ocean residence, intermingling with the races from different spawning grounds. Ocean-harvested salmon are considered by many to be of the highest quality. Market qualities are also affected by the size and maturity of the fish, type of fishing gear used, and the degree of care in handling and processing the catch. All of these factors affect prices, and market supplies and demands. The Council has recognized that the ocean commercial salmon fishery and the ocean recreational salmon fishery involve different and distinct motivations and benefits; its management measures are intended to fully reflect those differences. Management goals for the commercial fishery, after giving full consideration to resource conservation requirements and legal decisions affecting distribution of the catches, are intended to optimize poundage yield and financial returns to commercial fishermen. Management of the recreational fishery is intended to achieve the greatest amount of angler participation and recreational satisfaction.

Treaty-Indian and Internal Water Fisheries

Some of the runs of salmon that contribute to the ocean fisheries are subject to treaties between the United States and various Indian tribes in Washington and on the Columbia River. The treaties reserve to the tribes a right to take a portion of the harvestable surplus of salmon that pass through their

usual and accustomed fishing grounds. Recent Federal court decisions, affirmed by the United States Supreme Court, have interpreted the treaties as reserving to some tribes the right to harvest up to fifty percent of the runs that would return to their tribal fishing grounds. For Columbia River stocks, a separate agreement sets forth the obligations regarding the management of salmon returning to tribal fishing grounds. That agreement establishes numerical goals for salmon escapement from the ocean into the Columbia River and allocates the river harvest according to principles that are in lieu of the 50/50 allocation formula of the other treaty fisheries.

The Council, in developing the 1981 amendments to the management measures in the FMP, gave extensive consideration to the impacts that various management options would have on the rights of treaty-Indian fishermen. The Council gave thorough consideration to the expected returns of salmon to each of the areas of interest of the treaty tribes and designed these management measures to be consistent with treaty obligations. The inseason management provisions, particularly those which would automatically close the fishery when a specified number of fish are caught, should provide additional assurance that fishery obligations to treaty Indians will be met.

Certain season and area closures are applied to both commercial and recreational fisheries in the ocean to reduce ocean harvests in order to allow a greater proportion of the stocks to reach "inside" fisheries and to increase spawning escapements. Treaty-Indian fishermen, "inside" net fishermen other than treaty Indians, and recreational river fishermen should be assured a continuing opportunity to harvest salmon. There are significant commercial harvests in the internal waters of Washington State and on the Columbia River by fishermen other than treaty Indians. There is also an Indian reservation fishery on the Klamath River in California. These fisheries are expected to receive additional benefit under the 1981 regulations.

1981 Fishery Management Options

Six management options and corresponding management measures were set forth in January of 1981 in a document entitled "Proposed Plan for Managing the 1981 Salmon Fisheries off the Coast of California, Oregon and Washington." Three options were developed by the Council's Salmon Plan Development Team (Team); of these, one option was considered to contain restrictions necessary to meet the

Council's stated goals, another option was slightly more liberal and the third was slightly more restrictive. The other three options, one much more restrictive and two much less restrictive, were proposed by representatives of the commercial trollers, recreational fishermen, and treaty-Indian fishery interests. This document was widely distributed. All options were considered at six public review hearings in the three coastal states and in Idaho. As a result of these hearings and written comments on the proposed plan, the Team refined the resultant management packages and analyzed their impacts. The Council adopted the management measures contained in the 1981 amendment following its review of the Team's analysis.

1981 Management Measures

The Council selected management measures which are intended to prevent overfishing in the ocean fisheries, to achieve treaty-Indian allocations, to minimize impacts on weaker salmon stocks, while equitably apportioning the increased regulatory burden, and minimizing shifts in fishing effort along the coast.

For California, the Council adopted management measures that are a combination of seasonal restrictions and harvest guidelines. The seasonal controls allow commercial fishing from May 1 to May 15 for chinook salmon only, with an all-species season from May 16 to May 31 and from July 1 to September 30. The recreational season is open now and will close November 15. Harvest guidelines permit a commercial catch of 300,000 chinook north of Point Arena and 265,000 chinook south of that point. Recreational guidelines permit catches of 15,000 and 115,000 north and south of Point Arena respectively, with a two fish daily bag limit. The seasons for either user group in either area will be closed for the year by the Director, Northwest Region, NMFS (Regional Director), if that particular guideline is reached, before the scheduled end of the 1981 season. Unused portions of the harvest are to be transferred to the other user group in those areas, but not between areas.

For Oregon, the Council adopted management measures for the commercial fishery south of Cape Falcon, which provide for an all-species-except-coho season from May 1 to May 31, and an all-species season from July 1 to September 8. The total troll catch of coho salmon south of Cape Falcon (including California) cannot exceed 548,000 fish. Procedures for inseason control, described later, provide that the

fishery will close when 548,000 coho are taken. A chinook-only season south of Cape Falcon opens on September 8 and closes on October 31. If it is necessary to close the all-species fishery before September 8, a special chinook fishery using only whole bait or 5-inch or longer salmon plugs would begin immediately from Cape Falcon to Cape Sebastian and would end on September 8. The recreational season is scheduled for May 15 to September 20 for the Oregon coast, and a chinook-only recreational fishery is scheduled south of Cape Blanco from September 21 to October 31. The bag limit is two fish per day. Inseason control of coho harvests also may close the recreational fishery when 224,000 coho are taken south of Cape Falcon (including California).

For the ocean fisheries off Oregon north of Cape Falcon and off Washington, the Council adopted management measures that allow commercial trolling for all salmon except coho from May 1 to May 31, and for all species of salmon from July 15 to September 1. The recreational season is from May 23 to September 7 with a daily bag limit of two fish per day, except that three fish per day, only two of which may be chinook and or coho, may be taken north of the mouth of the Queets River. Minimum size limit for coho for the recreational fishery is increased from 16 to 20 inches off Washington only. The coho harvest is limited to 372,000 troll-caught coho and a 248,000 recreational coho catch unless inseason information on the stocks and harvests require changing these numbers.

For the four treaty tribes fishing at their usual and accustomed fishing grounds in the ocean, the all-salmon season is from May 1 to October 31. The coho minimum size limit is 16 inches and the chinook minimum size limit is 28 inches except for persons exercising rights under the Treaty with the Makah for whom the chinook minimum size limit is 24 inches.

Inseason Management Procedures

A procedure for inseason management review, applicable only to coho off Washington and Oregon, was included in the 1980 regulations and, with some modification, is included also for the 1981 season. The inseason review is adopted again in recognition that preseason estimates of coho abundance north of Cape Falcon, Oregon, (i.e., the Washington Production Projection area or WPP) are less accurate than inseason estimates made after catch and catch-per-effort data are available. Projections of total ocean harvest for coho in the WPP area and the Oregon Production Index (OPI) area (i.e., south from

Leadbetter Point, Washington) early in the season are subject to a variety of factors outside the Council's control (e.g., availability of albacore tuna as substitute targets for commercial trollers, weather conditions, salmon prices, and vessel operating costs). The inseason procedure provides for monitoring the fishery and updating the validity of estimates and projections for coho as the season progresses and more data are available. Current data may (1) verify that original stock estimates were accurate and that the original seasons should not be changed; (2) indicate that original stock abundance was overestimated and that the fishery should be closed immediately or earlier than originally planned; or (3) indicate that original stock abundance was underestimated and that the originally planned season should be extended or that the fishery should be reopened if prematurely closed by the Regional Director, as described below. After the opening of the all-species season, 21 days elapse before reliable catch and effort information is available for preliminary assessments. The preliminary assessments will be published in the *Federal Register*. After an additional 7 days of data are accumulated, plus 6 more days of agency analysis, final assessments are completed and recommendations are proposed by the State agencies. Agency reports are available on day 36. Two days are required for the Team to review the reports and prepare its recommendations (a process that was omitted in 1980), bringing the total elapsed time to 38 days for 1981. This is the absolute minimum time for NMFS and Team action. The Council's Scientific and Statistical Committee and its Salmon Advisory Subpanel meets with the Council on the 39th day. The Regional Director of NMFS makes his decision on the 40th day. Allowing two days for drafting decision documents, the decision will be filed with the *Federal Register* and becomes effective on the 43rd day. Current internal DOC review and E.O. 12291 requirements of a 10 day review by the Office of Management and Budget could extend this date even further. An exemption, if granted, could allow the 43 day response time to be more realistic.

Because the inseason management procedures would require a minimum of 43 days for implementation, it is possible that allowable harvest guidelines may be reached before that time. For this reason, separate WPP or OPI harvest guidelines are established for both the ocean troll and recreational fisheries, based on 1971-75 harvest

ratios. If projections based on catch data indicate that a WPP or OPI harvest guideline will be reached by either the troll or recreational fishery before the 43rd day of the all-species troll season, then the Regional Director will publish a notice in the *Federal Register* as soon as possible before the projected attainment of the harvest guideline and will close the ocean troll and/or recreational fisheries in the affected areas on the date the harvest guideline is predicted to be attained. If the WPP guideline is reached, the area closed will be north of Cape Falcon; if the OPI guideline is reached, the area closed will be south of Cape Falcon to the Oregon-California border. For each area, the Regional Director will specify whether the troll or recreational fishery, or both, would be closed on that date.

The inseason management process will still continue and, subsequent to a closure, the Regional Director may determine that that fishing could be reopened if current stock abundance were higher than preseason predictions.

Off California, inseason management provisions consist only of provisions to close the fisheries if chinook harvest guidelines are reached before the end of the season. No provision is included for inseason evaluation of previously established harvest guidelines with the possibility of increasing the allowable catch. Data and procedures are not available for evaluating the abundance of the two or three year-classes of chinook salmon that are involved in the fishery.

Experimental Fishery in 1981

In the 1981 amendment, the Council made provision for an experimental fishery, proposed by the Washington Department of Fisheries (WDF), during calendar year 1981. The dimensions of that experimental fishery are as follows:

(a) *Area*: between Leadbetter Point, Washington (46°38'10" N. lat.) and Cape Falcon, Oregon (45°46'00" N. lat.), shoreward of a line 12 miles from the baseline from which the territorial sea is measured;

(b) *Season*: commences on September 20 and terminates on October 3;

(c) *Participants*: No more than 10 vessels (to be selected by WDF) each of which shall carry on board a letter of authorization from WDF and an observer placed by WDF.

The Assistant Administrator has determined that it is best to treat the Council's approval of this experimental fishery as a recommendation under Section 661.16 of these emergency regulations. That section provides criteria and procedures for the Regional

Director to use in allowing an experimental fishery. It also contains requirements relating to vessels which participate in the experimental fishery.

Changes in Regulations From 1980

Certain regulations published here implement the 1981 amendment. That is, §§ 661.10, 661.11 and 661.13 implement the 1981 management measures (areas, seasons, bag limits) for the commercial, recreational and treaty-Indian salmon fisheries. Section 661.12 implements the 1981 amendment's provisions regarding inseason management (including harvest guidelines). Section 661.16 implements the 1981 amendment's provision on experimental fisheries; this section also contains guidelines and procedures for the Regional Director to follow in permitting an experimental fishery and provisions regarding the vessels participating in such a fishery.

A new § 661.17, on scientific research activities, implements the Magnuson Act policy on this subject. It has been added with the aim of reducing enforcement activities against scientific research vessels which engage in scientific research activities on salmon.

Certain definitions in § 661.5 have been modified from the 1980 regulations. The definitions of commercial and recreational fishing have been changed in order to maximize the enforceability of this Part. The definitions of the OPI and WWP Areas have been modified to incorporate the original intent of utilizing these terms for inseason management.

Some sections [certain definitions in § 661.5 and certain prohibitions in § 661.7] from the 1980 regulations have been rewritten to track the language of the Magnuson Act. Various other sections have been reworded for purposes of clarity or have been consolidated, without substantive change from the 1980 regulations.

Supporting Documents and Data Sources

The salmon FMP and the 1981 amendment incorporate by reference a number of documents and data sources utilized in deriving salmon fishery management measures. These documents and data sources or copies thereof will be made available to interested parties at reasonable times and places, and at a reasonable cost (if personal copies are desired), upon request to: H. A. Larkins, Regional Director, NMFS, 1700 Westlake Avenue, North, Seattle, Washington, 98109 (206) 442-7575.

Classification

The Assistant Administrator has determined that this amendment to the

FMP is necessary and appropriate for conservation and management of the salmon fisheries resources off the coasts of California, Oregon and Washington, and that it is consistent with the Magnuson Act, including the national standards, and other applicable law, including treaty obligations.

The amendment has been initially approved and comments thereon are requested for a 45 day period. Recognizing the critical need for specific regulations for the 1981 ocean salmon fisheries, the Assistant Administrator has determined that an emergency exists and that these regulations are issued under Section 305(e) of the Magnuson Act. He has determined that continuance of the 1980 regulations would not provide the safeguards necessary for the resource, and it is necessary to promulgate these emergency regulations immediately.

The Assistant Administrator also finds that, because of the emergency situation, the emergency regulations must be promulgated prior to publication of notice of proposed rulemaking.

The Assistant Administrator finds for good cause that the reasons justifying promulgating emergency regulations under Section 305(e) of the Magnuson Act also make it impracticable and contrary to the public interest to provide notice and opportunity for comment upon, or to delay for 30 days the effective date of these emergency regulations, under the provisions of Section 553 (b) and (d) of the Administrative Procedure Act, 5 U.S.C. 551 *et seq.*

The final supplement to the environmental impact statement (SEIS) for this action, which supplements the original environmental impact statement and previous supplements prepared for the FMP, is on file with the Environmental Protection Agency. A notice of availability of this SEIS was published on May 1, 1981 (46 FR 24674), and the 30-day cooling-off period required by the National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 *et seq.*, and regulations promulgated by the Council on Environmental Quality, 40 CFR Part 1500 *et seq.*, has run.

The NOAA Acting Administrator has determined that the FMP does not constitute a major rule under E.O. 12291 requiring a regulatory impact analysis. However, a regulatory impact review/initial flexibility analysis has been prepared. This review focuses on the issues and problems in the fishery and contains an analysis of the expected impacts of the adopted management measures and alternative management

options. Some issues could only be partially analyzed because of data limitations. The review supports the determination that the proposed regulations is not likely to: result in an annual effect on the economy of \$100 million or more; result in a major increase in costs or prices for consumers, the salmon industry, government agencies, or geographic regions; or have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The regulatory impact review also demonstrates that the regulations to implement the 1981 amendment to the plan comply with the requirements of Section 2 of E.O. 12291:

(a) The management measures specified in the 1981 amendment are based upon adequate information concerning the need for the consequences of regulation of the salmon fisheries;

(b) The potential benefits to society from regulation of the salmon fisheries outweigh the potential costs to society;

(c) The regulatory objectives chosen maximize the net benefits to society; and

(d) Alternative approaches to regulatory objectives which involved the least net cost to society were chosen.

The NOAA Acting Administrator has determined that the resource emergency which justifies the promulgation of emergency regulations under Section 305(e) of the Magnuson Act also constitutes an emergency situation under Section 8(a)(1) of E.O. 12291. Because it is imperative to implement the 1981 amendment immediately, it is impracticable to comply with Section 3(c)(3), which requires that NOAA transmit to the Director of the Office of Management and Budget (OMB) a copy of every final non-major rule, at least 10 days prior to publication. However, a copy of these emergency regulations and the regulatory impact review has been transmitted to the Director of OMB.

The NOAA Acting Administrator has determined that the rules implementing the 1981 amendment will have a significant economic impact on a substantial number of small entities, for purposes of the Regulatory Flexibility Act, 5 U.S.C. 601-12. An initial regulatory flexibility analysis (IRFA) has been prepared in conjunction with the regulatory impact review. A summary of the IRFA will be included in the preamble to the proposed regulations when those proposed rules

are published in the **Federal Register**, as required by 5 U.S.C. 603(a); the summary is not included here because the requirements of 5 U.S.C. 603-604 do not apply to rules (such as these emergency regulations) which are exempted, for good cause from the requirements of 5 U.S.C. 553 regarding publication of a general notice of proposed rulemaking.

Neither the emergency regulations nor the FMP, as amended, purport to "conduct or sponsor the collection of information," which activities would be subject to the Paperwork Reduction Act requirements of 44 U.S.C. 3507.

Dated: June 5, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR Part 661 is revised to read as follows:

1. The authority citation for Part 661 reads as follows:

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

2. Part 661, including the title, is revised to read as follows:

PART 661—OCEAN SALMON FISHERIES OFF THE COASTS OF CALIFORNIA, OREGON, AND WASHINGTON

Sec.

- 661.1 Purpose.
- 661.2 Relation to U.S.-Canada Sockeye and Pink Salmon Convention.
- 661.3 Relation to State laws.
- 661.4 Effective dates.
- 661.5 Definitions.
- 661.6 Salmon management sub-areas.
- 661.7 General restrictions.
- 661.8 Facilitation of enforcement.
- 661.9 Penalties.
- 661.10 Commercial fishing.
- 661.11 Recreational fishing.
- 661.12 In-Season adjustments.
- 661.13 Treaty Indian fishing.
- 661.14 Emergency regulations.
- 661.15 Catch reports.
- 661.16 Experimental fisheries.
- 661.17 Scientific research.

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

§ 661.1 Purpose.

The purpose of this Part 661 is to provide for the management of the salmon fisheries off the coasts of Washington, Oregon and California in the Fishery Conservation Zone (the FCZ, also known as the 3-to-200 mile zone) over which the United States exercises exclusive fishery management authority (i.e., the Pacific Fishery Management Council Fishery Management Area). This Part 661 implements the Pacific Council's Fishery Management Plan for Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California, pursuant to authority conferred by the Magnuson Fishery Conservation and Management Act.

§ 661.2 Relation to U.S.-Canada sockeye and salmon convention.

This Part 661 does not apply to fishing for pink and sockeye salmon conducted under the Convention for the Protection, Preservation and Extension of the Sockeye Salmon Fishery of the Fraser River System as amended by the Pink Salmon Protocol, in U.S. Convention Waters between 48° North latitude and the provisional international boundary between the United States and Canada.

§ 661.3 Relation to State laws.

This Part 661 recognizes that any state law which pertains to vessels registered under the laws of that state while in the Fishery Management Area, and which is consistent with the Salmon Management Plan, including any state landing law, shall continue to have force and effect with respect to fishing activities addressed herein.

§ 661.4 Effective dates.

These regulations shall become effective as Emergency Regulations upon the date of filing with the **Federal Register**, and shall remain in effect for 45 days unless extended or replaced by

Final Regulations. Any Final Regulations duly promulgated shall be effective until superseded or otherwise modified, except that those portions of §§ 661.10-661.12 relating to Sub-Area C (the FCZ adjacent to California) shall remain in effect no longer than the 1981 fishing season, after which time those portions of §§ 661.10-661.12 of the 1980 ocean salmon fishing regulations (45 FR 50764) relating to the FCZ adjacent to California shall again become effective for that area unless superseded or otherwise modified.

§ 661.5 Definitions.

(a) *Act*—means the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801-1882.

(b) *Authorized Officer*—means:

- (1) Any commissioned, warrant, or petty officer of the Coast Guard;
- (2) Any certified enforcement agent or special agent of the National Marine Fisheries Service;

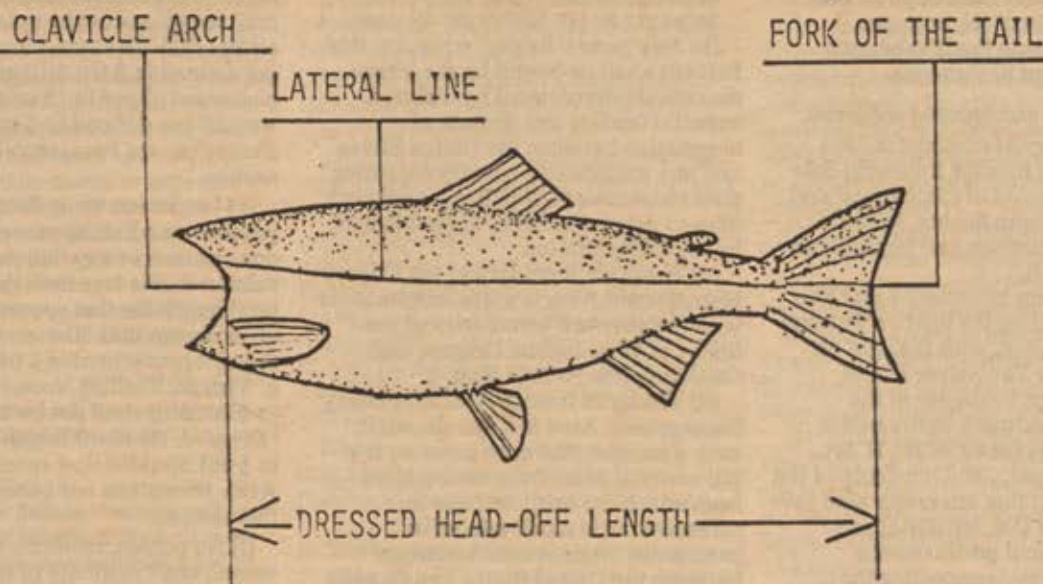
(3) Any officer designated by the head of any Federal or State agency which has entered into an agreement with the Secretary and the Secretary of Transportation to enforce the provisions of the Act; and

(4) Any Coast Guard personnel accompanying and acting under the direction of any person described in paragraph (1) of this subsection.

(c) *Commercial fishing*—means fishing with troll fishing gear as defined in paragraph (v) of this section, or fishing for the purpose of sale or barter of the catch.

(d) *Council*—means the Pacific Management Council.

(e) *Dressed, Head-off Length of Salmon*—means the shortest distance between the mid-point of the clavicle arch (see illustration) and the fork of the tail, measured along the lateral line while the fish is lying on its side, without resort of any force or mutilation of the fish other than removal of the head, gills, and entrails.



(f) *Dressed, Head-off Salmon*—means salmon that have been beheaded, gilled and gutted, without further separation of vertebrae, and are either being prepared for on-board freezing, or are frozen and will remain frozen until landed.

(g) *Fishing*—means:

(1) The catching, taking or harvesting of fish;

(2) The attempted catching, taking or harvesting of fish; or

(3) Any other activity which can reasonably be expected to result in the catching, taking or harvesting of fish, or

(4) Any operations at sea in support of, or in preparation for, any activity described in paragraph (g)(1) through (g)(3) of this section.

(h) *Fishing Vessel*—means any boat, ship or, other craft which is used for, equipped to be used for, or of a type which is normally used for fishing.

(i) *Freezer Trolling Vessel*—means a fishing vessel, equipped with troll fishing gear, which has a present capability for (1) on-board freezing of the catch, and (2) storage of the fish in a frozen condition until they are landed.

(j) *Fishery Management Area*—means the Fishery Conservation Zone (FCZ) off the coast of Washington, Oregon and California between 3 and 200 miles offshore, and bounded on the north by the Provisional International Boundary between the U.S. and Canada, and bounded on the south by International Boundary between the U.S. and Mexico.

(k) *Land or Landing*—means bringing fish to shore or off-loading fish from a fishing vessel.

(l) *ODF&W*—means the Oregon Department of Fish and Wildlife.

(m) *Oregon Production Index (OPI) Area*—means marine waters of the territorial sea and the FCZ south of a line extended due west from Leadbetter Point, Washington, at 46°38'10" N. latitude.

(n) *Recreational Fishing*—means fishing with recreational fishing gear as defined in paragraph (o) of this section and not for the purpose of sale or barter.

(o) *Recreation fishing gear*—means conventional angling tackle consisting of a rod, reel, line, and hooks with bait or lures attached.

(p) *Regional Director*—means the Regional Director of the Northwest Region of the National Marine Fisheries Service, or his designee.

(q) *Salmon*—means any anadromous species of the family Salmonidae and genus *Oncorhynchus*, commonly known as Pacific salmon, including but not limited to:

Chinook (King) salmon—*Oncorhynchus tshawytscha*.

Coho (Silver) salmon—*Oncorhynchus kisutch*.

Pink (Humpback) salmon—*Oncorhynchus gorbuscha*.

Chum (Dog) salmon—*Oncorhynchus keta*.

Sockeye (Red) salmon—*Oncorhynchus nerka*.

(r) *Secretary*—means the Secretary of Commerce or a designee.

(s) *Single, barbless hook*—means a hook with a single shank and point, with no secondary point or barb curving or projecting in any other direction. Hooks manufactured with barbs can be made "barbless" by forcing the point of the barb flat against the main part of the point.

(t) *Sub-area*—means one of the three salmon management subdivisions of the Fishery Management Area, as specifically described in § 661.6(a).

(u) *Total length of salmon*—means the shortest distance between the tip of the snout or jaw (whichever extends furthest while the mouth is closed) and the tip of the longest lobe of the tail, without resort to any force or mutilation of the salmon other than fanning or swinging the tail.

(v) *Troll fishing gear*—means fishing gear that consists of one or more lines that drag hooks with bait or lures behind a moving fishing vessel, and which lines originate from a spool or receptacle which is affixed to the vessel during the fishing operation, which spool or receptacle is not disengaged from the vessel at any time during the fishing operation.

(w) *Washington Production Projection (WPP) Area*—means marine waters of the territorial sea and the FCZ, between the U.S.-Canada boundary [as defined § 661.6(a)(1) (i) and (ii)] and a line

extended due west from Cape Falcon, Oregon, at 45°46'00", N. latitude.

(x) *WDF*—means the Washington State Department of Fisheries.

§ 661.6 Salmon management sub-areas.

(a) The Fishery Management Area shall be divided into the following Sub-Areas for regulation of commercial and recreational salmon fishing, with the following designations and boundaries:

(1) Sub-Area A:

(i) Northeastern boundary—that part of a line connecting the light on Tatoosh Island, Washington, with the light on Bonilla Point on Vancouver Island, British Columbia, southerly of the International Boundary between the U.S. and Canada (at 48°29'37" N. lat., 124°43'33" W. long.), and northerly of the point where that line intersects with the boundary of the U.S. territorial sea.

(ii) Northern and northwestern boundary is a line¹ connecting the following coordinates:

48°29'37.19" N. lat., 124°43'33.19" W. long.;

48°30'11" N. lat., 124°47'13" W. long.;

48°30'22" N. lat., 124°50'21" W. long.;

48°30'14" N. lat., 124°52'52" W. long.;

48°29'57" N. lat., 124°59'14" W. long.;

48°29'44" N. lat., 125°00'06" W. long.;

48°28'09" N. lat., 125°05'47" W. long.;

48°27'10" N. lat., 125°08'25" W. long.;

48°26'47" N. lat., 125°09'12" W. long.;

48°20'16" N. lat., 125°22'48" W. long.;

48°18'22" N. lat., 125°29'58" W. long.;

48°11'05" N. lat., 125°53'48" W. long.;

47°49'15" N. lat., 126°40'57" W. long.;

47°36'47" N. lat., 127°11'58" W. long.;

47°22'00" N. lat., 127°41'23" W. long.;

46°42'05" N. lat., 128°51'56" W. long.;

46°31'47" N. lat., 129°07'39" W. long.;

(iii) Southern boundary: a line extended due West from Cape Falcon, Oregon, at 45°46'00" N. latitude.

(2) Sub-Area B:

(i) Northern Boundary: A line extended due west from Cape Falcon, Oregon, at 45°46'00" N. latitude.

(ii) Southern Boundary: A line extended due west from the Oregon-California border at 42°00'00" N. latitude.

(3) Sub-Area C:

(i) Northern Boundary: A line extended due west from the Oregon-California border at 42°00'00" N. latitude.

(ii) Southern Boundary: The United States-Mexico International Boundary, which is a line connecting the following coordinates:

32°35'22" N. lat. 117°27'49" W. long.;

32°37'37" N. lat. 117°49'31" W. long.;

31°07'58" N. lat. 118°36'18" W. long.;

30°32'31" N. lat. 121°51'58" W. long. (b) Any person fishing subject to this Part 661 shall be bound by the above described international boundaries, notwithstanding any dispute or negotiation between the United States and any neighboring country regarding their respective jurisdictions, until such time as new boundaries are published by the United States.

(c) The inner boundary of the Fishery Management Area is a line coterminous with the seaward boundaries of the States of Washington, Oregon, and California (the "3-mile limit").

(d) The outer boundary of the Fishery Management Area is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured, or is a provisional or permanent international boundary between the United States and Canada or Mexico.

§ 661.7 General restrictions.

The following restrictions apply to all salmon fishing in Sub-Areas A through C, except that the restrictions in this Part 661 shall not apply to fishing for pink and sockeye salmon regulated under the Convention for the Protection, Preservation, and Extension of the Sockeye Salmon Fishery of the Fraser River System, as amended by the Pink Salmon Protocol, north of 48° north latitude.

(a) No person shall use nets to fish for salmon in the Fishery Management Area, except that a hand-held net may be used to bring hooked salmon on board a vessel.

(b) No person shall fish for, or take and retain any species of salmon:

(1) During closed seasons or in closed areas specified in this Part;

(2) Once any catch limit specified in this Part is attained;

(3) By means of gear or methods other than recreational fishing gear or troll fishing gear as defined in this Part 661; or

(4) In violation of any Field order issued under § 661.12.

(c) No person shall take and retain any species of salmon which is less than the minimum length specified in this Part [See §§ 661.7 (d), (e), (f), and (h); § 661.10(c); and § 661.11(c), regarding minimum lengths for commercially and recreationally caught fish, and exceptions for "Dressed, Head-off" salmon aboard a "Freezer Trolling vessel"].

(d) No person shall possess on board a fishing vessel in the Fishery Management Area any salmon for which a minimum total length is set by these

regulations, in such condition that its total length cannot be determined; except that "Dressed, Head-off" salmon [as defined in § 661.5(f)] may be possessed aboard a "Freezer Trolling Vessel" [as defined in § 661.5(i)].

Exception: see Paragraph (h) of this section.

(e) No person while fishing shall possess on a fishing vessel during an open season in any Sub-Area, any salmon that is less than the minimum total length for that species in that Sub-area; except that "Dressed, Head-off" Salmon [as defined in § 661.5(f)] aboard a "Freezer Trolling Vessel" [as defined in § 661.5(i)] shall not be less than the "Dressed, Head-off length" [as defined in § 661.5(e)] for that species in that Sub-Area. *Exception:* see paragraph (h) of this section.

(f) No person, while on board a fishing vessel, shall mutilate or otherwise disfigure any salmon in a manner that extends its length to conform to any minimum "Total Length" or "Dressed, Head-off length" requirement specified in this Part. Salmon may be gilled and gutted, if in doing so there is no separation of vertebrae. In addition, on board a "Freezer Trolling Vessel" [as defined in § 661.5(i)] salmon may be prepared [as defined in § 661.5(f)] for on-board freezing, if in doing so there is no further separation of vertebrae. *Exception:* see Paragraph (h) of this section.

(g) No person shall fail to return to the water immediately and with the least possible injury any salmon the retention of which is prohibited by this Part.

(h) No person shall remove the head of any salmon caught in the Fishery Management Area, nor possess a salmon with the head removed, if that salmon has been marked by removal of the adipose fin, which missing fin indicates that a Coded Wire Tag has been implanted in the head of the fish.

(i) No person shall possess, have custody or control of, ship, transport, offer for sale, sell, purchase, import, export, or land, any species of salmon or salmon part which was taken or retained in violation of the Act, this Part 661, or any regulation issued under the Act.

§ 661.8 Facilitation of enforcement.

(a) No person shall:

(1) Refuse to permit an Authorized Officer to board a fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of this Act, this Part, or any other regulation issued under the Act;

¹The line joining these coordinates is the provisional international boundary of the U.S. FCZ as shown on NOAA/NOS Charts #18480 and #18002.

(2) Forcibly assault, resist, oppose, impede, intimidate or interfere with any Authorized Officer in the conduct of any search or inspection described in Paragraph (a)(1) of this section;

(3) Resist a lawful arrest for any act prohibited by this Part; or

(4) Interfere with, delay, or prevent, by any means, the apprehension or arrest of another person knowing that such other person has committed any act prohibited by this Part.

(b) Each person aboard a fishing vessel shall comply immediately with instructions given by Authorized Officers to facilitate safe boarding and inspection of the vessel for purposes of enforcing the Act and this Part.

§ 661.9 Penalties.

Any person or fishing vessel found to be in violation of this Part 661 will be subject to the civil and criminal penalty provisions and forfeiture provisions prescribed in the Act.

§ 661.10 Commercial fishing.

(a) *Open seasons and areas.* The Fishery Management Area is closed to commercial salmon fishing as opened by this Part 661 or superseding regulations. All open fishing periods shall commence at 0001 hours and terminate at 2400 hours local time on the dates specified herein.

(1) Sub-Area A (U.S.-Canada Border to Cape Falcon, Oregon):

(i) The season for all salmon species, except coho, shall begin on May 1, and terminate on May 31.

(ii) The season for all salmon species, including coho, shall begin on July 15, and terminate on September 1.

(2) Sub-Area B (Cape Falcon to the Oregon-California border):

(i) The season for all salmon species, except coho, shall begin on May 1, and terminate on May 31.

(ii) The season for all salmon species, including coho, shall begin on July 1, and terminate on September 8.

(iii) The season for all salmon species, except coho, shall begin on September 9, and terminate on October 31.

(iv) If the July 1—September 8 season is terminated prior to September 8 pursuant to § 661.12, then a season for all salmon species, except coho, shall begin on the date of termination and continue until September 8 in that part of Sub-Area B between Cape Falcon and Cape Sebastian (at 42°19'26" N. lat.). During such season, no person shall use any fishing gear other than hooks with whole, natural bait, or salmon plugs at least five (5) inches in length.

(3) Sub-Area C (Oregon-California border to the U.S.-Mexico border):

(i) The season for all salmon species, except coho, shall begin on May 1, and terminate on May 15.

(ii) The season for all salmon species, including coho, shall begin on May 16, and terminate on May 31.

(iii) The season for all salmon species including coho, shall begin on July 1, and terminate on September 30.

(b) *Gear restrictions.* (1) No person shall engage in commercial salmon fishing using other than troll fishing gear [as defined in § 661.5(v)] in the Fishery Management Area; however in Subarea C, troll fishing gear need to be affixed to the fishing vessel as specified in § 661.5(v).

(2) No person shall engage in commercial salmon fishing in the Fishery Management Area using other than single, barbless hooks [as defined in § 661.5(s)] prior to July 15 in Subarea A, prior to July 1 in Subarea B, or prior to May 16 in Subarea C, except that bait hooks with natural bait attached as the primary attraction and hooks on artificial salmon plugs may be barbed. Spoons, wobblers, dodgers, flies and flexible plastic lures shall not be considered artificial salmon plugs under this sub-paragraph, and therefore must be equipped with barbless hooks in all Subareas during the time periods described in this Paragraph § 661.10(b)(2).

(c) *Length Restrictions.* Minimum total lengths of salmon and minimum dressed, head-off lengths of salmon are as follows:

	Minimum total length ¹	Minimum dressed head-off length ¹
Subarea A:		
Chinook	26	21½
Coho	16	12
Subarea B:		
Chinook	26	19½
Coho	16	12
Subarea C:		
Chinook	26	19½
Coho	22	16½
All subareas:		
Species other than Chinook and Coho	None	None

¹In inches.

(d) *Steelhead.* No person engaged in commercial salmon fishing shall take and retain, or possess, any steelhead (*Salmo gairdneri*) within the Fishery Management Area.

(e) *Restriction on use of commercial troll fishing gear for recreational fishing.* No person while on a fishing vessel with troll fishing gear on board shall use any part of that troll fishing gear to engage in recreational fishing for salmon.

§ 661.11 Recreational fishing.

(a) *Open seasons and areas.* The Fishery Management Area is closed to recreational salmon fishing except as opened by this Part 661 or by superseding regulations. All seasons shall begin at 0001 hours and terminate at 2400 hours local time on the dates specified herein.

(1) In Subarea A (U.S.-Canada border to Cape Falcon, Oregon), the season for all salmon species shall begin on May 23 and terminate on September 7.

(2) In Subarea B (Cape Falcon to Oregon-California border), the season for all salmon species shall begin on May 15 and terminate on September 20.

(3) In that part of Subarea B between the Oregon-California border and Cape Blanco (42°15'14" N. lat.), a season for all species of salmon, except coho, shall begin on September 21 and terminate on October 31.

(4) In Subarea C (Oregon-California border to the U.S.-Mexico border) the season for all salmon species shall begin on the Saturday closest to February 15 and terminate on the Sunday closest to November 15. (For calendar year 1981, the opening date is February 14 and the closing date is November 15.)

(b) *Gear restrictions.*

(1) No person shall engage in recreational salmon fishing in the Fishery Management Area using other than recreational fishing gear [as defined in § 661.5(o)], to which may be attached not more than one artificial lure or natural bait, with no more than four single or multiple hooks.

(2) No person shall use more than one rod and line for recreational salmon fishing in Subareas A and B; there shall be no limit to the number of rods and/or lines used for recreational salmon fishing in Subarea C.

(3) No person engaged in recreational fishing for salmon in Subarea C may use weights of more than four (4) pounds attached directly to the line.

(4) Recreational fishing gear (as defined in § 661.5(o)) shall be held by hand by the angler while the angler is playing a hooked fish and reducing it to possession.

(c) *Length restrictions.*

Minimum total lengths of salmon are as follows:

	Minimum total length (in inches)
Subarea A:	
Chinook	24
Coho: FCZ off Washington	20
Coho: FCZ off Oregon	16

	Minimum total length (in inches)
Subarea B:	
Chinook	22
Coho	16
Subarea C:	
Chinook and Coho	12
All subareas:	
Species other than Chinook and Coho	None

¹ Except that one chinook or coho salmon per day may be less than 22 inches but not less than 20 inches.

(d) *Catch limits.* No person shall fish for, or take and retain, or possess more than two salmon per day while recreationally fishing in the Fishery Management Area; *except* that three salmon, only two of which may be chinook or coho, may be taken and retained, or possessed per day while recreationally fishing in the area between the mouth of the Queets River (47°31'42" N. lat.) and the U.S.-Canada border (WDF Salmon Punch-card Areas 3 and 4).

§ 661.12 In-season adjustments.

(a) *Automatic fishing season closures based on harvest guidelines.* Harvest guidelines for the salmon fisheries subject to this Part are:

(1) The WPP Area (U.S.-Canada border to Cape Falcon, Oregon):

The total harvest quota for coho salmon has been established at 620,000, of which 40% or 248,000 coho are allocated to the recreational fishery and 60% or 372,000 to the commercial fishery.

(2) The OPI south of Cape Falcon, including California: The total harvest quota for coho salmon has been established at 772,000 coho salmon, of which 29% or 224,000 salmon are allocated to the recreational fishery, and 71% or 548,000 coho to the commercial fishery; *provided that*, the 548,000 coho allocated to the commercial fishery shall be reduced by the number of coho projected to be taken incidentally during the open season specified in § 661.10(a)(2)(iv).

(3) The California Area (marine waters of the territorial sea and the FCZ between the Oregon-California border and the U.S.-Mexico Border):

(i) For that part of the California Area north of Point Arena (38°57'20" N. lat.) the total harvest quota for chinook salmon has been established at 315,000 salmon, with 300,000 allocated to the commercial fishery and 15,000 to the recreational fishery.

(ii) For that part of the California Area south of Point Arena, the total harvest quota for chinook salmon has been established at 380,000 salmon with 265,000 allocated to the commercial

fishery and 115,000 to the recreational fishery.

(4) When a harvest guideline for the commercial, the recreational fishery, or both, in any Area or specified portion of an Area is projected by the Regional Director [for the area described in Paragraph (a)(3) of this section, the Southwest Regional Director of the National Marine Fisheries Service shall make the projections] to be reached prior to the end of a season scheduled in this Part 661, the Regional Director shall, by publication of a field order in the *Federal Register*, close the commercial or recreational fishery, or both, as of the date the harvest guideline will be reached in that Area or specified portion of an Area.

(5) If it appears that either the commercial or recreational fishery will not catch all of its quota of chinook salmon in either the area north of Point Arena or the area south of Point Arena in the California Area by the end of the scheduled season, the surplus that will not be harvested shall be re-allocated to the other fishery in that portion of the California Area by field order of the Regional Director upon recommendation of the Southwest Regional Director.

(6) *Availability of Data:* The Regional Director shall compile in aggregate form all data and information relevant to the projections and field orders specified in Paragraph (a) of this section and shall make them available for public review during normal office hours at the Northwest Regional Office, 1700 Westlake Avenue North, Seattle, Washington 98109, or subsequent address of that office. Data and information pertaining to the California Area shall also be available for public review at the Southwest Regional Office of the National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

(7) *Public Comment:* Interested persons may submit comments, relevant to the actions taken as described in Paragraph (a) of this section, to the Regional Director from the date of filing any required notices with the *Federal Register* through the 15th day following any closure of fishing.

(b) *Modifications of regulations based on in-season developments.*

(1) In addition to automatic fishing season closures based on harvest guidelines, the Regional Director may also modify the open seasons and catch limits in § 661.10 and § 661.11 in Sub-Areas A and B by issuing a field order in accordance with the provisions of this section, if the Regional Director determines that:

(i) Actual conditions of abundance and distribution of coho salmon, and of

fishing effort and catches, differ from conditions anticipated prior to the opening of the fishing season; or

(ii) In-season modifications are reasonably necessary to provide adequate escapement of coho salmon from the ocean fisheries for spawning, to meet treaty Indian allocation requirements, or to maintain the historical harvest ratio between commercial and recreational salmon fisheries as set forth in Paragraph (b)(4) of this section.

(2) *Procedures for Preliminary Determinations:* Within 24 days following the opening of an All-Salmon Species season in Sub-Areas A or B, or the working day closest following, the Regional Director shall, based on catch data, make a preliminary projection of total ocean harvests that will occur by the end of the commercial and recreational salmon fishing seasons in the WPP and OPI Areas. The preliminary projections and determinations shall be published in the *Federal Register* and disseminated to public news media as soon as practicable after they are made.

(3) *Procedures for Final Determinations and Field Orders:* Within 40 days following the opening of an All-Salmon Species season in Sub-Areas A or B (hereinafter referred to as Day-40), or the working day closest following, the Regional Director, following consultation with the Chairman of the Council, the Director of WDF, and the Director of ODF&W, and taking into consideration all information received as provided for in this paragraph, shall estimate coho stock abundances in the WPP and OPI Areas and make a final projection of fishing effort and total ocean harvests that will occur by the end of the scheduled fishing season by the commercial and recreational fisheries. The final determinations by the Regional Director and any field order issued under Paragraph (b) of this section shall be published in the *Federal Register* and disseminated to public news media as soon as practicable after they are made, together with the reasons therefore. The following factors shall be considered in the final projection of coho abundance, ocean fishing effort and coho harvests in the WPP and OPI Areas:

(i) The amount, distribution, and trends of fishing effort and coho salmon catches of the commercial and recreational fisheries in the WPP and OPI areas as of Day-40, compared to similar data and time periods in prior years; and

(ii) The current and historical coho salmon harvest ratios between the

commercial fishery and the recreational fishery, as set forth in Paragraph (b)(4) of this section; and

(iii) Updated estimates of coho salmon abundance and distribution in the WPP and OPI Areas compared to the pre-season WPP and OPI predictions; and

(iv) Any available data from marked-fish recoveries, including analyses of recoveries of coho salmon with implanted coded-wire tags; and

(v) Any other available scientific information relevant to the abundance and distribution of coho salmon stocks, total fishing effort and catches of coho salmon in the WPP or the OPI Areas.

(4) Any modifications of fishing regulations made by the Regional Director under paragraph (b) of this section, shall, insofar as possible, maintain the historical coho salmon harvest ratios between the commercial and recreational fisheries as follows:

(i) For the WPP Area, a 60:40 coho-harvest ratio between the commercial and recreational fisheries, respectively.

(ii) For the OPI Area south of Cape Falcon, a 71:29 coho harvest ratio between the commercial and recreational fisheries, respectively.

(5) Availability of Data: The Regional Director shall compile in aggregate form all data relevant to the preliminary projections and final determinations under paragraph (b) of this section, and shall make them available for public review during normal office hours at the Northwest Regional Office of the National Marine Fisheries Service, 1700 Westlake Avenue North, Seattle, Washington 98109, or subsequent address of that office.

(6) Public Comments: Interested persons may submit comments that are relevant to the projections and determinations in paragraphs (b)(2) and (b)(3) of this section to the Regional Director, for at least 10 days following filing with the Federal Register.

(c) *Effective Dates.* (1) Any field order issued under Paragraphs (a) or (b) of this section shall be disseminated to public news media and shall be effective on the date specified in the field order or on the date the field order is filed with the Federal Register, whichever is later.

(2) Any field order issued under paragraphs (a) or (b) of this section shall remain in effect until the expiration date stated in the order, or until rescinded or superseded; *Provided that* no such field order shall have any effect beyond the end of the calendar year in which issued, at which time provisions of this Part 661 that were superseded by such field order shall again become effective until subsequently modified or superseded.

(d) Nothing contained in this Section shall limit the authority of the Secretary to issue emergency regulations under Section 305(e) of the Act as specified in § 661.14.

§ 661.13 Treaty Indian fishing.

(a) Persons authorized by the Makah Tribe to exercise rights under the Treaty with the Makah may fish for all salmon species in that portion of Sub-Area A north of 48°07'36" North latitude (Sandy Point) and such other areas as may hereafter be authorized for that tribe's treaty fishery by a federal court, from 0001 hours on May 1, to 2400 hours on October 31. Minimum size limits shall be 24-inches for chinook salmon and 18-inches for coho salmon. Except as specified by this paragraph (a), such persons are subject to the provisions of this Part 661, the Act, and any other regulation issued under the Act.

(b) Persons authorized by the Quileute and Hoh Tribes to exercise rights under the Treaty of Olympia, may fish for all salmon species in that portion of Sub-Area A south of 48°07'36" North latitude (Sandy Point) and north of 47°31'42" North latitude (mouth of Queets River), and such other areas as may hereafter be authorized for those tribes' fisheries by a federal court, from 0001 hours on May 1, to 2400 hours on October 31. Except as specified in this paragraph (b), such persons are subject to the provisions of this Part 661, the Act, and any other regulations issued under the Act.

(c) Persons authorized by the Quinault Tribe to exercise rights under the Treaty of Olympia, may fish for all salmon species in that portion of Sub-Area A south of 47°40'06" North latitude (Destruction Island) and north of 46°53'03" North latitude (Point Chehalis), and such other areas as may hereafter be authorized for that tribe's treaty fishery by a federal court, from 0001 hours on May 1, to 2400 hours on October 31. Except as specified by this paragraph (c), such persons are subject to the provisions of this Part 661, the Act, and any other regulations issued under the Act.

(d) The Secretary will give due consideration in promulgating emergency regulations under § 661.14 to the treaty fishing rights of Indian tribes with federally adjudicated usual and accustomed fishing grounds in the area affected by such regulations.

§ 661.14 Emergency regulations.

The Secretary may issue emergency regulations under Section 305(e) of the Act, if the Secretary determines that an emergency involving the salmon resource exists. Such emergency

regulations will become effective upon filing with the Federal Register. Information on emergency regulations will be disseminated to affected persons through public news media.

§ 661.15 Catch reports.

This Part 661 recognizes that catch and effort data necessary for implementation of this Fishery Management Plan shall be collected by the States of Washington, Oregon and California under existing State data-collection provisions. No additional catch reports will be required of fishermen or processors as long as the data-collection and reporting systems operated by State agencies continue to provide the Secretary with statistical information adequate for management.

§ 661.16 Experimental fisheries.

(a) The Pacific Council may recommend to the Director of the Northwest Region of the National Marine Fisheries Service that experimental fisheries for research purposes be allowed in the Fishery Management Area, as may be proposed by the Council, the Federal Government, State Governments, and Treaty Indian Tribes having usual and accustomed fishing grounds in the Fishery Management Area.

(b) The Regional Director shall not allow any experimental fishery recommended by the Council unless he determines that the purpose, design, and administration of the experimental fishery are consistent with the goals and objectives of the Council's fishery management plan, the national standards (as set forth in § 301(a) of the Act), and other applicable law.

(c) Each vessel participating in any experimental fishery recommended by the Council and allowed by the Regional Director shall be subject to all provisions of this Part 661, except those portions necessarily relating to the purpose and nature of the experimental fishery. These exceptions shall be specified in a letter issued by the Regional Director to each vessel participating in the experimental fishery and that letter shall be carried aboard each participating vessel.

§ 661.17 Scientific research.

Nothing in this Part 661 is intended to inhibit or prevent any scientific or oceanographic research which is conducted in the fishery management area by a scientific research vessel. The Regional Director shall acknowledge any notification he might receive of any scientific or oceanographic research with respect to salmon being conducted

by a scientific research vessel, by issuing to the operator or master of that vessel a letter of acknowledgement, containing information on the purpose and scope (locations and schedules) of the activities. The Regional Director shall transmit copies of such letter to the Council, and to State and Federal administrative and enforcement agencies, to ensure that all concerned parties are aware of the research activities.

[FR Doc. 81-17136 Filed 6-5-81; 12:55 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register

Vol. 46, No. 111

Wednesday, June 10, 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 AGRICULTURE

Agricultural Marketing Service

7 CFR Part 989

Raisins Produced From Grapes Grown in California; Varietal Types of Raisins

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice of proposed rulemaking would classify Dipped Seedless, and Oleate and Related Seedless, raisins as separate varietal types. Currently, these raisins are included in a category designated Dipped and Related Seedless. Raisins are separated into varietal types to apply volume and quality regulations established under the order. The proposal is based on a recommendation of the Raisin Administrative Committee. The Committee works with USDA in administering the order.

DATES: Comments must be received by June 30, 1981.

PROPOSED EFFECTIVE DATE: August 1, 1981.

ADDRESS: Send two copies of comments to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250, where they will be available for public inspection during regular business hours.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447-5697.

SUPPLEMENTARY INFORMATION: This proposal has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified "not significant" and, therefore, it is not a major rule.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of entities because it would result in only

minimal costs being incurred by the regulated 19 handlers.

J. S. Miller has determined that a comment period of less than 60 days is warranted. The final regulation should be issued by August 1, 1981, the beginning of the 1981-82 crop year, so that handlers can formalize their marketing plans for that crop year.

Information collection (reporting or recordkeeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

This action would be taken under § 989.10 of the marketing agreement, and Order No. 989 (7 CFR 989), both as amended, regulating the handling of raisins produced from grapes grown in California (hereinafter referred to collectively as the "order"). The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). Section 989.10 lists seven types of raisins, and provides that the Committee may, subject to the approval of the Secretary, change this list.

The seven listed varietal types are set forth as categories in § 989.110 and the raisins included in each category are defined. One of these is Category (2), Dipped and Related Seedless. That category includes raisins commonly referred to in the industry as water-dipped and soda-dipped, and oleate raisins.

The segment of the raisin industry making water-dipped and soda-dipped raisins is relatively small and is reasonably capable of tailoring supplies of those raisins to market needs. There are approximately 30 dehydrators in the industry capable of making water-dipped and soda-dipped raisins.

Production of oleate raisins is an outgrowth of the production of natural (sun-dried) raisins. Oleate raisins are of relatively recent origin to the U.S. raisin industry and were developed in order to reduce the time required to sun-dry raisins and reduce any problems associated with untimely rains during drying. Each producer making sun-dried raisins also is a potential producer of oleate raisins. There are roughly 4,800 producers making sun-dried raisins. Their number can fluctuate from year-to-year depending upon several factors, the

most important of which is the prospective price for raisins versus the price offered by wineries for raisin variety grapes. The large number of producers and the versatility of the Thompson Seedless grape make it virtually impossible to tailor production of these raisins to free tonnage needs.

Currently, if a producer sprays grapes to accelerate the rate of drying, the dried product would be classified as Dipped and Related Seedless raisins. If oleate production is minimal, there would be little effect on any volume control percentages established for Dipped and Related Seedless raisins. However, if production of oleate raisins in any one year is substantial, the reserve percentage for Dipped and Related Seedless raisins would be inflated and the water-dipped segment's portion of the free tonnage for that year would be reduced.

Under the Committee's proposal, water-dipped, soda-dipped, and oleate raisins would be classified on the basis of whether or not they are sun-dried or artificially dried. Therefore, Category (2), "Dipped and Related Seedless" would be changed to "Dipped Seedless" and would include all raisins produced by artificial dehydration of seedless grapes which have or have not been dipped in or sprayed with water, with or without soda, oil, ethyl oleate, methyl oleate, or any other chemical, after such grapes have been removed from the vine and which have not been sulfured prior to drying. This category would not include raisins from Category (1), Natural (sun-dried) Seedless, Category (3), Golden Seedless, and proposed Category (8), Category (8), Oleate and Related Seedless would include all raisins produced by sun-drying of seedless grapes which have been dipped in or sprayed with water, with or without soda, oil, ethyl oleate, methyl oleate or any other chemicals, either while such grapes are on the vine or after they have been removed from the vine. This category would not include raisins in Categories (1), (3), and those proposed to be included in Category (2). The purpose of the proposal is to provide equity between the sun-dried and artificially dehydrated raisin segments of the industry in volume regulation computations.

Because of the similarity in appearance between the water-dipped, soda-dipped, and oleate raisins, the

proposal contains surveillance and identification requirements for the Dipped Seedless category. For the purpose of classifying raisins as Dipped Seedless, handlers would have to make arrangements with the inspection service for it to observe the production of water-dipped, soda-dipped, and any other raisins included in that category, and to classify those raisins as Dipped Seedless. The arrangement would have to be made in accordance with procedures prescribed by the inspection service. Each lot of raisins classified as Dipped Seedless would have to be stored separate and apart from all other varietal types and remain intact until processing and shipment. Any raisins presented for inspection similar in appearance to the raisins in the Dipped Seedless category which were not produced under the surveillance of the inspection service would be considered as raisins in the Oleate and Related Seedless category.

The proposed change in the term "Dipped and Related Seedless" to "Dipped Seedless", and the addition of the new category, "Oleate and Related Seedless" necessitates some conforming changes in Subpart—Supplementary Regulations (7 CFR 989.202–989.233; 45 FR 75164), Subpart—Conversion Factors (7 CFR 989.601), and Subpart—Quality Control (7 CFR 989.701–989.703; 45 FR 65512), and these changes also are proposed in this document.

The proposal follows:

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Subpart—Administrative Rules and Regulations

1. Section 989.110 of Subpart—Administrative Rules and Regulations (7 CFR 989.102–989.176) is revised to read as follows:

§ 989.110 Changed list of varietal types.

Pursuant to § 989.10, the list of varietal types of raisins contained in that section is changed to include the category "Oleate and Related Seedless" and by specifying definitions for each varietal type category as follows:

(b) Category (2), Dipped Seedless includes all raisins, other than those in Categories (1), (3), and (8), produced by artificial dehydration of seedless grapes which have or have not been dipped in or sprayed with water, with or without soda, oil, ethyl oleate, methyl oleate, or any other chemicals, after such grapes have been removed from the vine.

(h) Category (8), Oleate and Related Seedless includes all raisins, other than those in Categories (1), (2), and (3), produced by sun-drying of seedless grapes which are dipped in or sprayed with water, with or without soda, oil, ethyl oleate, methyl oleate, or any other chemicals either while such grapes are on the vine or after they have been removed from the vine.

(i) For the purpose of classifying any raisins included in Category (2), Dipped Seedless handlers shall request the inspection service to observe the production of any raisins included in that category, and classify them as Dipped Seedless. Such raisins shall be kept separate and apart from all other categories of raisins and this segregation shall be maintained until the raisins have been processed and shipped by the handler. The handler shall make arrangements with the inspection service for this observation and identification, and all arrangements shall be made in accordance with procedures prescribed by the inspection service. Raisins presented for inspection which possess the characteristics of Category (2), Dipped Seedless but were not produced under the surveillance of the inspection service shall be classified by the inspection service as Category (8), Oleate and Related Seedless.

Subpart—Supplementary Regulations

§ 989.210 [Amended]

2. Amend § 989.210 of Subpart—Supplementary Regulations (7 CFR 989.210–989.233; 45 FR 75164) by changing the term "Dipped and Related Seedless", to "Dipped Seedless, and Oleate and Related Seedless".

Subpart—Conversion Factors

§ 989.601 [Amended]

3. The conversion factor table in § 989.601 is revised by changing the term "Dipped and Related Seedless" to "Dipped Seedless" and by adding the varietal type "Oleate and Related Seedless" to the list immediately after "Zante Currant". The conversion factors for "Oleate and Related Seedless" for weight computation "After Stemmer and Blower Processing", and after "Completion of Processing" shall be .94 and .92, respectively.

Subpart—Quality Control

§ 989.701 [Amended]

4. Amend § 989.701(b), 989.702, and 989.703 of Subpart—Quality Control (7 CFR 989.701–989.703; 45 FR 65512) by changing the term "Dipped and Related Seedless" wherever that term appears in

those sections, to "Dipped Seedless, and Oleate and Related Seedless".

Dated: June 5, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 81-17126 Filed 6-9-81; 9:45 am]

BILLING CODE 3410-02-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 811-0059]

Kennecott Corporation; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, would require, among other things, a Stamford, Conn. manufacturer engaged in the production of various products, including fabric air filter bags utilized in the control of industrial air pollution, to timely divest its subsidiary, the Filter Media Division ("FMD"), in accordance with the terms of the order. Pending such divestiture, the firm would be required to operate its prospective acquisition, National Filter Media, as a separately managed entity. The order would further bar the company from certain acquisitions for a period of ten years without prior Commission approval.

DATE: Comments must be received on or before Aug. 10, 1981.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., NW., Washington, D.C. 20580.

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

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with an accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered

by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

In the Matter of Kennecott Corporation, a corporation. Agreement containing consent Order File No. 811-0059.

The Federal Trade Commission ("Commission") having initiated an investigation of the proposed acquisition of Dorr-Oliver, Inc. ("Dorr-Oliver") by Kennecott Corporation ("Kennecott"), and it now appearing that Kennecott, as proposed respondent, is willing to enter into an agreement containing an order in settlement of that investigation:

It is hereby agreed by and between Kennecott, by its duly authorized agent and its attorney, and counsel for the Commission, that:

1. Kennecott is a corporation organized, existing, and doing business under and by virtue of the laws of the state of New York, with its principal offices at Ten Stamford Forum, Stamford, Connecticut.

2. Kennecott admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Kennecott waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify Kennecott, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by Kennecott that the law has been or would be violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and

if such acceptance is not subsequently withdrawn by the Commission pursuant to provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to Kennecott, issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order in disposition of the proceeding and make information public with respect thereto. When so entered, the order shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to-order to Kennecott shall constitute service. Kennecott waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement, may be used to vary or contradict the terms of the order.

7. Kennecott has read the proposed complaint and order contemplated hereby. Kennecott understands that once the Order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Kennecott further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

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It is ordered That for the purposes of this order the following definitions shall apply:

1. "Kennecott" means Kennecott Corporation, a corporation organized, existing, and doing business under and by virtue of the laws of the state of New York, with its principal offices at Ten Stamford Forum, Stamford, Connecticut, as well as its officers, employees, agents, its parents, divisions, subsidiaries, affiliates, successors, assigns, and the officers, employees or agents of Kennecott's parents, divisions, subsidiaries, affiliates, successors, or assigns.

2. "Curtiss-Wright" means Curtiss-Wright Corporation, a corporation, organized, existing, and doing business under and by virtue of the laws of the state of Delaware, with its principal offices at One Passaic Street, Wood-Ridge, New Jersey, as well as its officers, employees, agents, its parents, divisions, subsidiaries, affiliates,

successors, assigns, and the officers, employees or agents of Curtiss-Wright's parents, divisions, subsidiaries, affiliates, successors, or assigns.

3. "Dorr-Oliver" means Dorr-Oliver Inc., a corporation organized, existing, and doing business under and by virtue of the laws of the state of Delaware with its principal offices at 77 Havemeyer Lane, Stamford, Connecticut, as well as its officers, employees, agents, its parents, divisions, subsidiaries, affiliates, successors, assigns, and the officers, employees or agents of Dorr-Oliver's parents, divisions, subsidiaries, affiliates, successors, or assigns.

4. "Filter Media Division" or "FMD" means all assets, properties, titles to property, interests, rights and privileges of whatever nature, tangible and intangible, including, but not limited to, all real property, buildings, machinery, equipment, raw materials, inventory, customer lists, trade names, patents, patent applications, trademarks, orders for purchase that are unfilled on the date of the divestiture, and all other property of whatever description presently owned or operated, together with all additions, replacements, and improvements hereafter made, by the Filter Media Division of the Kennecott Engineered Systems Company, a division of Kennecott Corporation.

5. "National Filter Media" or "NFM" means the National Filter Media Corporation, a subsidiary of Dorr-Oliver. It includes all assets, properties, titles to property, interests, rights and privileges of whatever nature, tangible and intangible, including, but not limited to, all real property, buildings, machinery, equipment, raw materials, inventory, customer lists, trade names, patents, patent applications, trademarks, orders for purchase that are unfilled on the date of the divestiture, and all other property of whatever description presently owned or operated by NFM.

6. "Relevant Products" means fabric air filter bags, wet filtration media, and cages.

A. The term "fabric air filter bag" means a tubular or non-tubular, seamed or seamless bag, varying in length, width, and material, which is used within air pollution control systems called "bag houses."

B. The term "bag house" means a system used for the filtration of particulate matter from gas streams for environmental or safety reasons or for the recapture of valuable particulate.

C. The term "wet filtration media" means fabric filters of any shape used in industrial applications to separate liquids from solids.

D. The term "cages" means cylindrical wire mesh forms used in bag houses as a support for fabric air filter bags.

7. "Eligible Person" means any individual, corporation (including subsidiaries thereof), partnership, joint venture, trust, unincorporated association, other business or legal entity, or any combination thereof, approved by the Commission. Such approval shall be in the sole discretion of the Commission.

II

It is further ordered That Kennecott shall divest absolutely and unqualifiedly FMD to an Eligible Person within nine months from the date of the issuance of this order.

III

It is further ordered That divestiture under Paragraph II shall be in a manner which preserves the assets and business divested as a viable competitor.

IV

It is further ordered That, pending the divestiture of FMD required by Paragraph II of this Order, Kennecott shall not take any action other than in the ordinary course of business, without the consent of the Federal Trade Commission, to diminish the value of FMD.

V

It is further ordered That pending divestiture under Paragraph II required by this order:

A. Kennecott shall operate NFM as a separately managed subsidiary, separately maintaining its own financial books and records, internal auditors, employees and management. All earnings and profits of NFM shall be retained by NFM and shall not be distributed to Kennecott or any third party as dividends or in any other form.

B. Kennecott: (1) shall exert no control over or influence on or interfere in any way in any of the business decisions or operations of NFM; (2) shall not cause NFM, directly or indirectly, to adopt policies preferred, suggested, or dictated by Kennecott; (3) shall not change NFM's existing policies or methods of operation. Furthermore, no Kennecott officer, director, employee, representative, or agent shall serve in any NFM position and no Kennecott officer, director, employee, representative or agent shall serve on NFM's Board of Directors.

VI

It is further ordered That, for a period of ten years from the date of issuance of this order, Kennecott, its parents,

divisions, subsidiaries, affiliates, successors, or assigns, shall not, directly or indirectly, acquire any stock, share capital, or equity interest in, or assets used in the manufacture of any relevant product by, any concern, corporate or non-corporate, engaged in the manufacture or sale of any relevant product without the prior approval of the Federal Trade Commission.

VII

It is further ordered That Kennecott shall, within ninety days from the date of issuance of this order, and every ninety days thereafter until divestiture is completed, submit in writing to the Commission a report setting forth in detail the manner and form in which Kennecott intends to comply, is complying, and has complied with the terms of this order and such additional information relating thereto as may from time to time reasonably be required. All such report shall include a summary of contacts or negotiations with any one for the specified assets, the identity of all such persons, and copies of all written communications to and from such persons. After divestiture is completed, Kennecott shall submit in writing annual reports showing the manner and form of compliance with this order.

VIII

It is further order That for a period of ten years from the date of issuance of this order, Kennecott shall notify the Commission at least thirty days prior to any change in Kennecott which may affect compliance with the obligations arising out of this consent order, such as dissolution, assignment or sale resulting in the emergency of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation.

Kennecott Corporation, File No. 811-0059, Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has entered into an agreement to a proposed consent order with Kennecott Corporation ("Kennecott") concerning the acquisition by Kennecott of Dorr-Oliver Incorporated ("Dorr-Oliver"), a wholly-owned subsidiary of the Curtiss-Wright Corporation ("Curtiss-Wright"). Kennecott and Dorr-Oliver, through subsidiaries, are major manufacturers and direct competitors in the U.S. fabric air filter bag market. Fabric air filter bags are necessary components of baghouses, one of the principal methods of industrial air pollution control. The proposed order requires that Kennecott divest its Filter Media Division ("FMD"),

which manufactures and sells fabric air filter bags with filtration media, and bag cages, and follow a course of conduct, pending divestiture, which preserves the assets and business of FMD as a going and viable business. The order also requires that, pending divestiture, Kennecott will operate separately and exert no control over or interfere in any way with the operation and business of National Filter Media Corporation ("NFM"), the Dorr-Oliver subsidiary which manufactures and sells fabric air filter bags. In addition, Kennecott has agreed to a ten year ban on certain acquisitions without prior approval of the FTC.

The proposed consent order is being placed on the public record for sixty days to receive comments from interested persons. Comments received during this period will become a part of the public record. After sixty days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

Kennecott is a large, integrated producer of metals, minerals and metal products. It is the leading United States producer of copper, the second leading domestic producer of gold, and through its subsidiaries, is involved in a wide variety of other businesses. Its Kennecott Engineered Systems Company manufactures and sells pollution control equipment, and, through FMD, fabric air filter bags for use in industrial air pollution control.

Dorr-Oliver is primarily engaged in the manufacture and sale of process equipment used in environmental systems and holds over 85 percent of the voting stock in NFM.

The complaint underlying the proposed consent order alleges that Kennecott's acquisition of Dorr-Oliver violates Section 5 of the Federal Trade Commission Act and Section 7 of the Clayton Act in that the effects of the acquisition may be substantially to lessen competition or to tend to create a monopoly in the fabric air filter bag market. The proposed consent order discussed here is designed to maintain competition in that market. In addition, the consent order obligates Kennecott to divest two other product lines—wet filtration media and bag cages to further ensure the financial success of the divested entity.

The first paragraph of the proposed order supplies the necessary definitions for interpretation of the subsequent provisions. Under the terms of Paragraph II and Paragraph III of the order, Kennecott has agreed to divest FMD, as

a going concern and a viable competitor, within nine months from the date of the issuance of this order. In addition, under Paragraph II, Kennecott must receive FTC approval of the prospective acquirers prior to divestiture. Paragraph IV of the order prohibits Kennecott from diminishing the value of FMD prior to its divestiture. These provisions are designed to ensure that this acquisition will not result in the elimination of FMD as a viable competitor in the fabric air filter bag market and to avoid increased concentration in this market.

In order to assure that NFM also remains a viable competitor in the fabric air filter bag market and continues to compete with FMD during the period of time when Kennecott will own both companies, Paragraph V requires Kennecott to operate NFM as a completely separate entity with its own financial systems, employees and management, and furthermore, requires that all earnings and profits of NFM be retained by NFM. In addition, under Paragraph V, Kennecott may not exert any control, influence or interfere in any way with the business of NFM, nor may any person affiliated with Kennecott serve in any NFM position or on NFM's Board of Directors.

Under Paragraph VI of the proposed order, Kennecott may not, without prior approval of the Commission, purchase any concern engaged in the manufacture or sale of fabric air filter bags, wet filtration media, or "cages". This ban continues for ten years from the date of issuance of this order.

Paragraphs VII and VIII require Kennecott to make reports to the Commission detailing its ongoing compliance with the terms of the order and to notify the Commission of any changes in Kennecott which may affect its compliance with the order.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Carol M. Thomas,
Secretary.

[FR Doc. 81-17201 Filed 6-9-81; 8:45 am]
BILLING CODE 6750-01-M

DEPARTMENT OF STATE

22 CFR Part 171

[Document No. SD-171]

Access to Information—Privacy Provisions

AGENCY: Department of State.

ACTION: Proposed rule.

SUMMARY: The Department of State proposes to amend Part 171 of Title 22 of the Code of Federal Regulations by exempting portions of a new record system from certain provisions of the Privacy Act of 1974 [5 U.S.C. 552a]. It may be necessary to exempt certain portions of the Records of the Inspector General of the Department of State and the Foreign Service (STATE-53) from the requirements of any part of the Act, except subsections (b), (c) (1) and (2), (e)(4) (A) through (F), (e)(6), (7), (9), (10), and (11), and (i).

DATE: Comments must be received by August 4, 1981.

ADDRESS: Send comments to the Information and Privacy Coordinator, Foreign Affairs Information Management Center, Room 1239, Department of State, 2201 C Street, NW, Washington, D.C. 20520.

FOR FURTHER INFORMATION CONTACT: Frank M. Machak (202) 632-3411.

SUPPLEMENTARY INFORMATION: The Department is proposing the creation of a new record system, Records of the Inspector General of the Department of State and the Foreign Service, under the authority of Section 209 of the Foreign Service Act of 1980 which provides for investigations of allegations of waste, fraud, and mismanagement. The mandate of the Inspector General is consistent with the Administration's efforts to eliminate such violations in the Federal Government. While all files in the Office of the Inspector General are maintained by a coded case number, only those cases which will be referred to the Director General of the Foreign Service, the Office of Security, Medical Services, or the Department of Justice for review and possible action involving an individual will be retrievable by name [cross-referenced to the case file code number] as provided in the system description and subject to the provisions of the Privacy Act.

Pursuant to subsection (j)(2) of the Privacy Act, the Department intends to exempt those records referred to the Department of Justice in order to assure effective investigative and judicial proceedings in criminal cases. In addition, certain records contained within the system will be exempt from disclosure under subsections (k)(1), (k)(2), and (k)(5) of the Act in order to enable the Department to protect properly classified information, investigatory material compiled for law enforcement proceedings against an individual, and the identity of confidential sources in investigations for law enforcement or suitability purposes.

The Department believes that the withholding of such information from release to the public is necessary in the interest of national security or of the preservation of the effectiveness of the investigative and judicial processes. The Department of State therefore proposes to amend the Privacy Provisions of its Access to Information regulations as set forth below.

§ 171.32 [Amended]

1. In § 171.32, paragraph (h) will be amended by inserting "and by the Inspector General of the Department of State and the Foreign Service" between "Security" and "may";

2. In § 171.32, paragraph (i) will be amended by inserting "Records of the Inspector General of the Department of State and the Foreign Service. STATE-53" after "Munitions Control Records. STATE-42";

3. In § 171.32, paragraph (j)(1) will be amended by inserting "Records of the Inspector General of the Department of State and the Foreign Service. STATE-53" after "Munitions Control Records. STATE-42";

4. In § 171.32, paragraph (j)(2) will be amended by inserting "Records of the Inspector General of the Department of State and the Foreign Service. STATE-53" after "Munitions Control Records. STATE-42" and;

5. In § 171.32, paragraph (j)(5) will be amended by inserting "Records of the Inspector General of the Department of State and the Foreign Service. STATE-53" after "Senior Personnel Appointment Records. STATE-47."

[Pub. L. 93-579, 88 Stat. 1897; 5 U.S.C. 552a]

Dated: April 30, 1981.

Richard T. Kennedy,

Under Secretary for Management.

[FR Doc. 81-17201 Filed 6-9-81; 8:45 am]

BILLING CODE 4710-05-M

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

Compulsory License for Cable Systems

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice of public hearing.

SUMMARY: This notice is issued to advise the public that the Copyright Office of the Library of Congress is reviewing its regulations which implement portions of section 111 of the Copyright Act of 1976, title 17 of the

United States Code. That section prescribes conditions under which cable systems may obtain a compulsory license to retransmit copyrighted works, including the filing of Statements of Account. This notice announces and invites participation in a public hearing intended to elicit comments, views, and information which will assist the Copyright Office in considering alternatives, formulating tentative regulations to be later issued as proposed rules, and proposing revisions to the Statement of Account forms.

DATES: The hearing will be held on July 28, 1981 in Washington, D.C.

Anyone desiring to testify should submit a written request to present testimony by July 21, 1981, to the address set forth below. To assist the Copyright Office in scheduling witnesses we urge the public scrupulously to observe the date for requesting time to testify, even if written statements are submitted later. Ten copies of written statements must be received by the Copyright Office by 4:00 p.m., July 24, 1981.

ADDRESSES: Hearing location: The hearing will be held on July 28, 1981, at the James Madison Building of the Library of Congress, First and Independence Avenue, S.E., Washington, D.C. in the Assembly Room on the sixth floor, beginning at 9:30 a.m.

Written requests to present testimony and ten copies of written statements or of supplementary statements should be submitted as follows:

If sent by mail: Library of Congress, Department D.S., Washington, D.C. 20540.

If delivered by hand, copies should be brought to: Office of the General Counsel, James Madison Building, Room 407, First and Independence Avenue, S.E., Washington, D.C.

All requests to testify should clearly identify the individual or group desiring to testify and the amount of time desired. The Copyright Office will try to contact all witnesses to confirm the time of their appearances.

FOR FURTHER INFORMATION CONTACT: Dorothy Schrader, General Counsel, Copyright Office, Library of Congress, Washington, D.C. 20559, (202) 287-8380.

SUPPLEMENTARY INFORMATION:

1. *Background.* Section 111(c) of the Copyright Act of 1976 (Act of October 19, 1976, 90 Stat. 2541) establishes a compulsory licensing system under which cable systems may make secondary transmissions of copyrighted works. The compulsory license is subject to various conditions, including the requirements that the cable systems comply with provisions regarding

recording of Notices of Identity and Signal Carriage Complement and Notices of Change of Identity or Signal Carriage Complement under section 111(d)(1), and deposit of Statements of Account and statutory royalty fees under section 111(d)(2).

On January 5, 1978, the Copyright Office published in the *Federal Register* (43 FR 958) new §§ 201.11 and 201.17 of its regulations governing the form, content, and filing of the Notices, Statements of Account, and statutory royalty fees. The Copyright Office emphasized in the preamble to the regulations that (43 FR 958):

... we are dealing with an entirely new area of copyright law in which all parties concerned lack practical experience. Moreover, future actions by the Copyright Royalty Tribunal and Federal Communications Commission can be expected to affect the theory and application of our rules. Accordingly, these regulations must be considered somewhat experimental and subject to reconsideration as circumstances and experience develop.

On July 27, 1978, the Copyright Office announced in the *Federal Register* (43 FR 27827) the adoption of Statement of Account forms and published amendments to its regulations (37 CFR 201.17) to reflect changes necessitated by the new forms.

Further experience with these regulations led the Copyright Office to publish in the *Federal Register* on July 3, 1980 (45 FR 45270) certain clarifying and technical amendments to its regulations (37 CFR 201.17) governing the form, content, and filing of Statements of Account.

During the July 3, 1980 rulemaking proceeding, the Copyright Office received several comments suggesting substantive revisions to the regulations and Statement of Account forms (45 FR 45273):

Based on their experience reviewing the Statements of Account submitted during the first three accounting periods, copyright owners noted in their comments particular areas where they feel further information and/or clarifications are needed. These areas principally concerns the designation of local and distant stations, classification of Canadian and Mexican stations, and problems resulting from the filings submitted on behalf of joint "individual" cable systems. In addition, some copyright owners proposed changes that they contend would streamline the royalty calculation steps required on forms CS/SA-2 and CS/SA-3.

Comments on behalf of cable operators, on the other hand, suggested that a good deal of the information required on the Statements of Account for the purpose of assisting copyright owners and the Copyright Royalty Tribunal in the distribution of cable royalties is, in fact, unnecessary. They also advocated a review of our definition of "gross receipts

for the "basic service of providing secondary transmissions of primary broadcast transmitters" based on recent technological advances and new marketing strategies affecting the types of services now available for a single monthly fee.

Although these issues were outside the scope of that rulemaking, the Copyright Office stated that it believes "that some of these developments do warrant a review of our cable regulations and Statement of Account forms at an appropriate time." (45 FR 45273).

Since that time, several administrative actions have been taken affecting the cable television compulsory license mechanism. First, on September 11, 1980, the Federal Communications Commission (FCC) published in the *Federal Register* (45 FR 60186) the decision to remove the cable television distant signal limitations and syndicated program exclusivity rules from the FCC regulations. Second, on September 23, 1980, the Copyright Royalty Tribunal published in the *Federal Register* (45 FR 63026) its determination of the 1978 cable royalty distribution. Finally, on January 5, 1981, the Copyright Royalty Tribunal published in the *Federal Register* (46 FR 892) its adjustment of the compulsory license royalty rates. Although all three of these actions presently are on appeal in the courts, the Copyright Office has decided that the initial administrative determinations warrant attention and may now provide an adequate basis for a review of the cable television regulations and Statement of Account forms.

Over the last few months, the issue of whether or not the cable television compulsory license should be retained, modified, or eliminated, has been addressed during hearings in both the Senate and the House of Representatives. On April 21, 1981, the Copyright Office advised Senator Strom Thurmond and Representative Robert W. Kastenmeier that the Office has concluded that the "cable compulsory license of section 111 should be eliminated, or at least, significantly modified." This conclusion was reiterated in greater detail during hearings held on April 29, 1981, before the Senate Committee on the Judiciary. Notwithstanding this position taken in the context of possible legislative change, the July 28, 1981 public hearing is believed necessary to consider improvements in the administration of the existing cable compulsory license and is not intended as an alternative forum for consideration of legislative issues presently before the Congress.

2. *Specific Questions.* The Copyright Office is interested in receiving comments and testimony relevant to the following questions:

A. *Distant Signal Equivalent [DSE] Value.*

(1) Should a cable system be permitted to make a prorated adjustment to the full DSE value of a distant television station added, deleted or carried on a part-time basis during an accounting period if that station is also carried full-time during any portion of that accounting period?

(2) Where two or more distant television stations are carried part-time on any one cable channel during an accounting period, should a cable system be required to set the total DSE values for those stations at not less than the full value of the signal carried most frequently during the accounting period?

(3) Should a cable system be required to classify its carriage of distant Canadian or Mexican television stations as "independent stations" and correspondingly assign to such stations a DSE value of one?

(4) Where a cable system carries a distant television station on a tiered basis so that only a portion of its subscribers are able to receive it, should the system be permitted to prorate the DSE value of the station on the basis of the receivable subscriber audience?

B. *Part-Time Carriage.*

(1) Should the Part-Time Carriage Log in Space J on Statement of Account form CS/SA-2 be discontinued? If not, what purposes does its retention serve?

(2) Should a cable system be permitted to prorate the DSE value of a distant television station on the basis of part-time carriage because of lack of activated channel capacity where the cable system uses one or more of its activated channels for services other than secondary transmissions (e.g., local origination, subscription services, etc.)?

(3) What changes, if any, should be made to the Statement of Account forms and regulations with respect to part-time and substitute carriage as a result of the FCC elimination of its distant signal limitations and syndicated program exclusivity rules?

C. *Gross Receipts for the "Basic Service of Providing Secondary Transmissions of Primary Broadcast Transmitters."*

(1) Should a cable system be permitted to prorate its "basic service" gross receipts where it provides services other than secondary transmissions as part of its basic service?

(2) Where a cable system carries a distant television station on a tiered basis so that only a portion of its subscribers receive it, should the system

be required to include any, all, or part of the tiered service gross receipts as part of its "basic service" gross receipts?

D. *Other Issues.*

(1) In the case of "all-band" carriage of FM radio stations, should the regulatory requirement for cable system monitoring activities (reported in Block 3 of Space H of the Statement of Account forms) be discontinued? If not, what purposes does its retention serve?

(2) In the case of carriage of local television stations, should cable systems be required to specify in Space G of the Statement of Account forms the basis for classifying the station as "local" (i.e., within Grade B contour, significantly viewed, etc.)?

(3) Should the royalty computation formula in Space L of Statement of Account form CS/SA-2 be rewritten to read as follows:¹

1. Subtract \$41,500 [\$55,500] from amount of "gross receipts" from Space K.
2. Multiply the amount in Line 1 by .01 _____
3. Add \$15.00 [\$20.00] to the amount in Line 2. _____
4. Total Royalty Fee Payable for Accounting \$ _____ Period.

(17 U.S.C. 111, 702)

Dated: May 28, 1981.

David Ladd,

Register of Copyrights.

Daniel J. Boorstin,

The Librarian of Congress.

[FR Doc. 81-17238 Filed 6-9-81; 8:45 am]

BILLING CODE 1410-03-M

37 CFR Part 202

Registration of Claims to Copyright: Notice of Termination of Proposed Rulemaking Regarding Registration of Claims to Copyright in the Graphic Elements Involved in the Design of Books and Other Printed Publications

AGENCY: Library of Congress, Copyright Office.

ACTION: Notice of termination of proposed rulemaking.

SUMMARY: This notice of termination of proposed rulemaking is issued to advise the public that the Copyright Office of the Library of Congress is closing docket RM 79-2 without further action and does not intend to institute additional rulemaking proceedings at this time on the specific subject of registration of claims to copyright in the graphic elements involved in the design of books and other printed publications.

¹ Amounts in brackets represent adjustments to the "small system" gross receipts limitations adopted by the Copyright Royalty Tribunal on December 17, 1980 (46 FR 897) and presently on appeal in the courts.

FOR FURTHER INFORMATION CONTACT:

Dorothy Schrader, General Counsel, Copyright Office, Library of Congress, Washington, D.C. 20559. Telephone (202) 287-8380.

SUPPLEMENTARY INFORMATION: Existing Copyright Office regulations preclude registration of claims to copyright in certain works that are not subject to copyright. Specifically, Copyright Office Regulation 202.1(a) prohibits registration based on "mere variations of typographic ornamentation, lettering or coloring." (37 CFR 202.1(a))

On August 14, 1979 (44 FR 47555), the Copyright Office issued an advance notice of proposed rulemaking, inviting interested persons to participate in a public hearing and to submit written comments intended to elicit views and information to assist the Copyright Office in considering all aspects of the question concerning the registration of claims to copyright in the design of books, periodicals, pamphlets, brochures, and other printed publications.

Within the stated limits of the inquiry, the Copyright Office sought clarification of the creative elements involved in "book design," i.e., the arrangement or juxtaposition of text matter, pictorial matter, or combinations of text and pictorial matter, on a page, pages, or in an entire printed publication.

The Copyright Office solicited comments on the meaning of terms such as "layout", "format", "typography", "composition", "arrangement", "makeup", and "color schemes." We inquired whether these elements should be regarded as uncopyrightable ideas or concepts, or whether, alone or in combination, they could be considered copyrightable "works of authorship".

On October 10, 1979, a day-long hearing was held at the former location of the Copyright Office, Room 910, Crystal Mall, Building No. 2 1921 Jefferson Davis Highway, Arlington, Virginia. At that time testimony was received from nine witnesses. The period for written comments was extended to January 2, 1980. As of that closing date the Copyright Office had received twenty-four letters of comment. Four additional letters were received subsequently and have been considered in reaching the decision announced in this notice.

The written comments and oral testimony given at the hearing addressed various topics including technical definitions used in design, printing and publishing; the copyrightability of various subject matter and elements; infringement problems; a limited copyright approach

protection only against unauthorized photomechanical duplication; and others. The Copyright Office has carefully considered each of the comment letters and all of the oral testimony. Based on this review, the Copyright Office has decided not to propose further regulations concerning the registration of claims to copyright in the graphic elements involved in the design, of books, periodicals, pamphlets, brochures, and other printed publications.

Section 410(a) of title 17 of the United States Code (as amended by Pub. L. 94-553, 90 Stat. 2541), which became effective on January 1, 1978, authorizes the Register of Copyrights to issue a certificate of registration, after determining that the deposited material constitutes copyrightable subject matter and that other legal and formal requirements for copyright registration have been met. Section 102 extends copyright protection to "original works of authorship fixed in any tangible medium of expression * * *", and enumerates seven broad categories of copyrightable subject matter, including "literary works" and "pictorial, graphic, and sculptural works". These terms are defined in section 101 as follows:

"Literary works", are works, other than audiovisual works, expressed in words, numbers, or other verbal or numerical symbols or indicia, regardless of the nature of the material objects, such as books, periodicals, manuscripts, phonorecords, film, tapes, disks, or cards, in which they are embodied.

"Pictorial, graphic, and sculptural works" include two-dimensional and three-dimensional works of fine, graphic, and applied art, photographs, prints and art reproductions, maps, globes, charts, technical drawings, diagrams, and models. Such works shall include works of artistic craftsmanship insofar as their form but not their mechanical or utilitarian aspects are concerned; the design of a useful article, as defined in this section, shall be considered a pictorial, graphic, or sculptural work only if, and only to the extent that, such design incorporates pictorial, graphic, or sculptural features that can be identified separately, from, and are capable of existing independently of the utilitarian aspects of the article.

Subsection (b) of section 102 seeks to make clear, in express language, that copyright protection for an original work of authorship does not extend to any ideas, systems, or concepts that are "described, explained, illustrated, or embodied in such work". In commenting on this provision, the legislative reports say:

Copyright does not preclude others from using the ideas or information revealed by the author's work. It pertains to the literary, musical, graphic, or artistic form in which the

author expressed intellectual concepts. (S. Rep. No. 94-473, 94th Cong. 1st Sess., at 54 (1975) and H.R. Rep. No. 94-1476, 94th Cong. 2d Sess., at 56 (1976).

Both Reports accompanying the 1976 Act state that the new law "in no way enlarges or contracts the scope of copyright protection under the * * * (previous 1909 copyright) law. Its purpose is to restate, in the context of the new single Federal system of copyright, that the basic dichotomy between (copyrightable) expression and (uncopyrightable) idea(s) remains unchanged". (H.R. Rep. No. 94-1476, 94th Cong. 2d Sess., at 57 (1976) and S. Rep. No. 94-473, 94th Cong. 1st Sess., at 54 (1975). Moreover, the legislative history indicates that Congress intended to maintain the same standard of original authorship that had been established under the previous copyright law. (S. Rep. No. 94-473, 94th Cong. 1st Sess., at 50 (1975) and H.R. Rep. No. 94-1476, 94th Cong. 2d Sess., at 51 (1976).

Case law under the 1908 Act clearly established that in order to be copyrightable, books, periodicals, pamphlets, brochures, and other printed publications must contain an appreciable amount of original authorship, usually in the form of literary or pictorial expression. The decisions in a number of cases established that for a work to be copyrightable it must be on a basis other than typography, coloring, general format, or arrangement. That a work is distinctive, unique or pleasing in appearance, and embodies certain ideas of contrast or coloring does not necessarily afford a basis for copyright protection. Likewise, considerable time, effort, and expense may go into the creation of a work, but in the absence of sufficient original, creative expression to constitute a "work or authorship" required by the statute, the "work" does not constitute copyrightable subject matter.

It became evident from the written statements as well as testimony at the hearing that much of the protection sought can be secured under existing Copyright Office regulations and practices. For example, one witness, representing graphic designers and illustrators, presented a series of slides depicting examples of designs for which copyright protection was being urged. Among the examples appeared pictorial posters and illustrated title pages which the Copyright Office would register under existing regulations. Claims in the spacing and arrangement of text would not be registered under existing regulations and practices, however.

The testimony of a substantial number of witnesses was that book design as

such should not be considered copyrightable. The elements of typography, layout, and design were said to be constructed within a narrow range of alternatives by unwritten rules of legibility and aesthetics of design. Among the objections of those opposing registration of book designs was the fear that there would be a proliferation of litigation and that the author's ability to license his or her work would be limited. Authors and publishers were also concerned that a separate copyright in the book design might involve an injunction against the distribution of the literary work itself where relief had been granted for even an unintentional infringement of a "book design." Many witnesses pointed to the difficulty of determining the exact scope of protection resulting from such registrations, and anticipated serious pervasive effects on the publishing and graphics industries.

Many of those commenting and testifying in favor of some protection for book design focused on limiting the right to actual reproduction of the design by photocopying, or the like. The statute in the United Kingdom proscribing photoduplication was cited as a model. Under the United Kingdom statute, it is an infringement for unauthorized persons to make "by any photographic or similar process * * * a reproduction of the typographical arrangement of the edition."¹ Such protection exists independently of any copyright in the text of a literary, dramatic, or musical work. The protection is for 25 years from the end of the calendar year in which the edition is first published.

Another witness also suggested that the right to prepare derivative works should be limited to exploitation of the design in the context of exploitation of the literary work for which the design was conceived.

Congress could legislate solutions that would afford limited copyright protection for graphic designers of literary works. However, relief of this sort is beyond the province of the Copyright Office.

The Copyright Office has concluded that existing practices and regulations accurately reflect established principles of statutory and case law. The Copyright Office makes subject matter determinations of registrability solely on the basis of the original creative expression (if any) embodied in the works submitted for registration. We recognize that designers may employ substantial effort and artistic skills in the planning and development of book

¹ Copyright Act, 1956, 4 & 5 Eliz. 2, c. 74, § 15(3).

designs. However, we believe that the arrangement, spacing, or juxtaposition of text matter which is involved in book design falls within the realm of uncopyrightable ideas of concepts. Therefore, the Office has decided to terminate its advance notice of proposed rulemaking and to continue its long-standing practice with respect to the graphic elements involved in the design of books, periodicals, pamphlets, brochures, and other printed publications.

(17 U.S.C. 702, 410)

Dated: May 29, 1981.

David Ladd,

Register of Copyrights.

Approved:

Daniel J. Boorstin,

The Librarian of Congress.

[FR Doc. 81-17200 Filed 6-9-81; 8:45 am]

BILLING CODE 1410-03-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-6-FRL 1836-3]

Approval and Promulgation of Implementation Plans; New Mexico Plan for Nonattainment Areas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This action proposes approval of revisions to the State Implementation Plan for both the primary and secondary sulfur dioxide (SO₂) standards for San Juan County, New Mexico. These revisions include changes to the SO₂ emission limitations for the Arizona Public Service Company's Four Corners power plant and the Public Service Company of New Mexico's San Juan power plant. The proposed approval action is based on new monitoring and new dispersion modeling information on the expected impact of emissions on air quality in San Juan County in 1982 and 1984.

DATES: Interested persons are invited to submit comments on this proposed action on or before July 10, 1981.

ADDRESSES: Written comments should be submitted to: U.S. Environmental Protection Agency, Region 6, Air Programs Branch, 1201 Elm Street, Dallas, Texas 75270. The docket for the revision (NM-11-80) is available for inspection during normal business hours at the above address and at the following location: Environmental Protection Agency, Public Information Reference Unit, Room 2922, EPA Library,

401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Randy Brown, Implementation Plan Section, Environmental Protection Agency, Region 6, Air Programs Branch, 1201 Elm Street, Dallas, Texas 75270, (214) 767-2742.

SUPPLEMENTARY INFORMATION: New Mexico submitted its plan for attainment of the National Ambient Air Quality Standards (NAAQS) for sulfur dioxide (SO₂) to EPA in January 1979. On April 10, 1980 (45 FR 24460) EPA granted conditional approval to the plan for attainment of the primary and secondary SO₂ standards in San Juan County, New Mexico by the end of 1982. The conditionally approved plan included a Regulation 602 which set emission limits for Arizona Public Service Company's (APS) Four Corners power plant and Public Service Company of New Mexico's San Juan power plant. The plan approval was conditioned on State submittal of a compliance schedule for the Four Corners Plant. The State submitted that compliance schedule on August 18, 1980. However, based on certain monitoring data taken at critical high terrain locations allegedly indicating no violation of the standards, APS asked the State to revise the emission limits in Regulation 602. This request was denied. Litigation in State court among the State, APS, and environmental groups resulted in a settlement on August 21, 1980. As a result of the settlement, the State developed new emission limitations for both the Four Corners plant and the San Juan power plant, and after holding a public hearing, submitted a revised Regulation 602 and new compliance schedule to EPA for approval as a Part D SIP revision on November 24, 1980. A revised control strategy demonstration was submitted on February 6, 1981, with supplements submitted on February 17, 1981. In order to resolve questions regarding the enforceability of the provisions, the State also submitted on April 10, 1981 clarifications of language in the regulation and a memorandum of understanding between the State and APS on the procedure to be used by EPA in enforcing certain station emission limits.

The revised regulation contains both individual unit emission limits as well as overall plant limits. The revised emission limits provide for an average of 60 percent control for Four Corners units 1, 2 and 3 and no control on units 4 and 5 by the end of 1982, and an average of 72 percent control for the entire Four Corners plant (5 units total) by the end of 1984. This degree of control will be

achieved by the installation of flue gas desulfurization units (scrubbers). In addition, the regulation requires the use of continuous emission monitors. Installation of emission controls for units 4 and 5 compliance with a 72 percent plant-wide reduction by the end of 1984 are considered by EPA to be as expeditious as practicable. Plant-wide average SO₂ emissions will be .47 lb/mmBtu for the Four Corners plant and .65 lb/mmBtu for the San Juan plant after 1984. Considering the use of low sulfur coal in these plants, the level of control achieved in 1984 is considered to be reasonably available control. Regulation 602 also provides some interim emission limits before the end of 1982, but the continuous emission monitors needed to enforce them will in some cases not be installed before the end of 1981. For purposes of EPA enforcement of these interim limits before the end of 1981, the provisions of 40 CFR 52.21(c) will be applicable. In any event, emission reductions from these limits were not used as a basis for attainment for any of the NAAQS.

EPA has evaluated the submittals and prepared an evaluation report.¹ EPA has determined that the revised plan should be proposed for approval to replace the conditionally approved plan, since it contains enforceable emission limitations and compliance schedules that allow attainment of the primary SO₂ standards by the end of 1982 and attainment of the secondary SO₂ standard by the end of 1984.

Acceptance of the revised plan for other than high terrain locations is based on the State's modeling analysis which demonstrates the standards will be attained in 1982 and 1984. For high terrain locations the State has shown that there are potential SO₂ violations on the Hogback Mountain without application of controls in addition to those presently in operation at the Four Corners plant. However, the State's high terrain modeling is not appropriate for the Hogback Mountain and is not adequate to demonstrate the degree of control needed to show attainment of air quality standards. EPA's acceptance of the revised plan for high terrain locations must therefore be based on the available high terrain air quality data, the identification of expected maximum SO₂ locations by modeling, and required emission reductions included in the State's control strategy. Considering all the information available, it is EPA's judgment that on the high terrain in San

¹ EPA Review of New Mexico State Implementation Plan of November 24, 1980, April 1981.

Juan County there will be no violations of the primary standards after 1982 or the secondary standard after 1984. The demonstration is accepted with the plant operating at the maximum emission rates, or any combination of individual emission rates allowed by revised Regulation 602.

Under Executive Order 12291, EPA must judge whether a rule is major and therefore subject to the requirements of a Regulatory Impact Analysis. This proposed action is not a major rule because it imposes no new requirements, since it only proposes approval of State action. This proposed rule was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified (46 FR 8709) that the proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This action only proposes approval of State actions. It imposes no new requirements. In addition, this action only applies to two facilities.

This notice of proposed rulemaking is issued under the authority of Section 110(a) and 172 of the Clean Air Act, 42 U.S.C. 7410(a) and 7502.

Dated: April 22, 1981.

Francis E. Phillips,
Acting Regional Administrator.

[FR Doc. 81-17167 Filed 6-9-81; 8:45 am]
BILLING CODE 6560-38-M

40 CFR Part 52

(A-3-FRL 1840-5)

Proposed Revision of Maryland State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The State of Maryland has submitted a revision to the Maryland State Implementation Plan (SIP). This submittal contains revisions to Sections .01 (Definitions) and .11 (Permits and Approvals) of COMAR 10.18.01, and Sections .05 (Control of Certain Sources) and .07 (Control and Prohibition of Carcinogenic and Toxic Substances) of COMAR 10.18.02, 10.18.03, 10.18.04, 10.18.05, 10.18.06, and 10.18.07.

DATE: Comments must be submitted on or before July 10, 1981.

ADDRESSES: All comments on the proposed revision should be directed to: H. Sokolowski, Chief, MD, DE, DC Metro Section (3AH12), Air, Toxics & Hazardous Materials Division, U.S.

Environmental Protection Agency, Region III, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, ATTN: AH024MD.

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

U.S. Environmental Protection Agency, Air Media & Energy Branch, Curtis Building, 6th & Walnut Streets, Philadelphia, PA 19106, ATTN: Carol D. Peters (3AH13), Phone: 215/597-8181.

Maryland Environmental Health Administration, Air Quality Programs, 201 W. Preston Street, Baltimore, MD 21201, ATTN: George Ferreri.

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

FOR FURTHER INFORMATION CONTACT:

Carol D. Peters at (215) 597-8181.

SUPPLEMENTARY INFORMATION:

On December 10, 1979, Harry Hughes, Governor of the State of Maryland, submitted to EPA, Region III, a revision to amend the Regulations Governing the Control of Air Pollution in the State of Maryland. The State of Maryland submitted proof that public hearings were held July 30, 1979 in Hagerstown, August 1, 1979 in Baltimore, and on August 3, 1979 in Salisbury. The revision consists of the following changes:

A. COMAR 10.18.01 Control of Air Pollution in Maryland

1. Sections .01 AA, and AAA. Definitions—Minor administrative changes were made to the definitions of "National Emission Standards for Hazardous Air Pollutants Source" and "New Source Impacting on a Nonattainment Area (NSINA)." EPA is proposing these changes in the definitions for approval.

2. Section .11 Permits and Approvals—This revision significantly modifies the existing permit to construct, permit to operate, and registration regulations. The reorganization of the section was done to clarify the regulations. Certain terms have been added in Section A: "Applicant," "Application," "Completed Application," "Permit," and "Approval." These definitions appear to be approvable.

Regulations for determining whether a source or installation is required to obtain a permit (or approval) to construct have been consolidated into Section B. The phrase "Generating stations constructed by electric

companies" is added to the exception list. Consolidated into Section C are the provisions listing those installations requiring operating permits. Sewage sludge incinerators have been added to the list of installations requiring an operating permit.

A new provision (Section D) has been added which requires the Department to provide a written determination to persons who are in doubt as to whether a particular source or installation is required to obtain a permit or approval to be constructed or operated.

Section E has been clarified and certain changes have been made to the provisions specifying the duration of permits and approvals. For example, the time limit for commencing construction after receipt of a permit would increase from 12 months to 18 months; a specific cross reference is made to the Maryland Administrative Procedure Act regarding the effect of expiration of a permit on a source or installation which is currently in operation.

Section F allows Maryland to attach reasonable conditions to the issuance of permits and approvals.

Section G clarifies the intended legal effect of air quality permits and approvals. However, prior to EPA final approval, the State should show how it can legally enforce the terms or conditions of a permit or approval which has expired or been suspended or revoked as stated in subsection .11G(3).

Section H is reserved. Section I is clarified to include New Source Impacting on a Nonattainment Area (NSINA). Evidence of compliance with State Workmen's Compensation Laws is added to the list of information to be provided in the application. Section J has minor administrative changes made in its wording.

Section K clarifies the basis for denial of permit and approval applications. The regulations are also modified to make it clear that there must be predicted compliance with NSPS, NESHAPS and NSINA requirements. Also, in the case of permits to operate, this revision would make it clear that compliance with terms and conditions of previous permits and approvals are to be taken into consideration in determining whether to issue an operating permit.

The State requires an applicant, in 10.18.01.11K(2)(b), to demonstrate that it would comply with the terms or conditions of a permit or approval which has expired or been suspended or revoked. The State should show its authority to require these conditions. The State should also identify the types of orders or consent agreements that are available to it under State law for

varying the substantive requirements of 10.18.01-.07 as they apply to a particular source or installation. A new subsection (.11K(3)) would authorize, but not require, Maryland to deny a permit application for failure to comply with certain procedural requirements, air pollution episode requirements, testing and monitoring requirements, reporting of excess emissions, etc.

Sections L, M, N, and O have not been modified. Section P is clarified as to the effects of filing late application for permits and approvals.

EPA is proposing to approve all changes to Section 10.18.01.11 as summarized in the above discussion, if the State provides the requested information.

B. COMAR 10.18.02, 10.18.03, 10.18.04, 10.18.05, 10.18.06, and 10.18.07

1. Section .05 Control of Certain Sources—Section A is modified to conform to the 1978 edition of 40 CFR Part 60 for New Source Performance Standards (NSPS). This section is being proposed for approval.

2. Section .07 Control and Prohibition of Carcinogens and Toxic Substances—This section is modified to conform to the 1978 edition of 40 CFR Part 61 for National Emission Standards for Hazardous Air Pollutants (NESHAPS). This section is proposed for approval.

Therefore, it is the tentative decision of the Administrator to approve the proposed revision of the Maryland State Implementation Plan.

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

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

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

Dated: May 13, 1981.

Jack Schramm,
Regional Administrator.

[FR Doc. 81-17289 Filed 6-9-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Parts 52 and 81

[A-3-FRL-1838-1]

**Commonwealth of Pennsylvania,
Proposed Section 107 Redesignations;
Proposed Revisions on the
Pennsylvania State Implementation
Plan**

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: Allegheny County, Pennsylvania was designated nonattainment for Sulfur Dioxide (SO₂) and Total Suspended Particulates (TSP) on March 3, 1978 (43 FR 8962) and September 12, 1978 (FR 40502). Since that time many monitors have come into compliance with National Ambient Air Quality Standards (NAAQS). Furthermore, because of the uncertainty resulting from several attempts at SO₂ air quality diffusion modeling other designations are proposed to be changed.

On December 24, 1980, the Commonwealth of Pennsylvania submitted a revision to the Pennsylvania State Implementation Plan which redesignates areas within Allegheny County with respect to Ambient Air Quality Standards for Total Suspended Particulates and Sulfur Dioxide; provided for attainment of these standards in the County, and relaxes emission limitations for one major source in the county.

This Notice provides a complete description of the proposed redesignation and proposed SIP revisions, summarizes the Part D requirements, compares the revision to these requirements, identifies major issues and proposes EPA's action on these revisions.

The EPA invites public comments on this revision, the identified issues, and whether the redesignation and revision should be approved, disapproved or conditionally approved, especially with respect to the requirements of Part D of the Clean Air Act.

DATE: Comments must be submitted on or before August 10, 1981 to: Mr. H. G. Hanson (3AH11), U.S. Environmental Protection Agency, Region III, 6th & Walnut Streets, Curtis Building, Philadelphia, PA 19106.

ADDRESSES: Copies of the proposed SIP revision and the accompanying support

documents are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency,
Air Media & Energy Branch, Curtis
Building, 6th & Walnut Streets,
Philadelphia, PA 19106, ATTN:
Gregory Ham (3AH11)

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

Bureau of Air Quality Control,
Pennsylvania Department of
Environmental Resources, Fulton
Bank Building, Third and Locust
Streets, Harrisburg, PA 17120, ATTN:
Gary L. Triplett

Allegheny County Health Department,
Bureau of Air Pollution Control, 301
Thirty-Ninth Street, Pittsburgh, PA
15201

FOR FURTHER INFORMATION CONTACT:

Gregory Ham (3AH11), U.S.
Environmental Protection Agency, 6th &
Walnut Streets, Curtis Building,
Philadelphia, PA 19106, Telephone
Number 215-597-2745.

SUPPLEMENTARY INFORMATION: New provisions of the Clean Air Act, enacted in August 1977, Pub. L. 95-95 (42 U.S.C. § 7472), required States to revise their SIPs for all areas that do not attain National Ambient Air Quality Standards (NAAQS). The amendments required each State to submit to the Administrator a list of the NAAQS attainment status for all areas within the State. The Administrator promulgated these lists on March 3, 1978 (43 FR 8962) and on September 12, 1978 (43 FR 40502).

The entire State of Pennsylvania was designated as nonattainment for ozone and various portions of the State, including Allegheny County, were designated as nonattainment for Total Suspended Particulate Matter (TSP), Sulfur Dioxide (SO₂), and Carbon Monoxide (CO). As a consequence, the Commonwealth of Pennsylvania submitted State Implementation Plan (SIP) revisions for most areas designated nonattainment on April 24, 1979, and June 7, 8, 12, 13, 1979. On July 24, 1979 (44 FR 43306), EPA proposed action on the Pennsylvania SIP and finalized its approval and conditional approval on May 20, 1980 (FR 33607).

For Allegheny County, the Ozone portion of the Pennsylvania State Implementation Plan was submitted to EPA on April 24, 1979 and conditionally approved by EPA on May 20, 1980 (45 FR 33607). However, for the SO₂ and TSP portions of the SIP for Allegheny County, work continued and several

different drafts were prepared. Public hearings were held on July 30, 31 and October 23, 1979 and March 24, 25, 31, April 1, and November 12, 1980. Finally, on December 24, 1980, Clifford Jones, Secretary of the Department of Environmental Resources, submitted a redesignation request for SO₂ and TSP in Allegheny county and a revision to the Pennsylvania SIP providing for the attainment of the National Ambient Air Quality Standards (NAAQS) for SO₂ and TSP in the redesignated areas. Included as part of the SIP was an emission relaxation for Duquesne Light's Cheswick power plant, from 0.6 lbs SO₂/10⁶ Btu to 2.8 lbs SO₂/10⁶ Btu, which is now determined to be in attainment area.

EPA has reviewed the redesignation request, the emission relaxation for Cheswick and the nonattainment SIP revision with respect to the requirements of the Clean Air Act and criteria described or referenced in the Federal Register notice published on April 4, 1979 (44 FR 20372). Today's notice proposes EPA's action on the State submittal. The April 4, 1979 notice to which interested persons may refer is entitled "General Preamble for Proposed Rulemaking on Approval of Plan Revisions for Nonattainment Areas," and is incorporated herein by reference. This notice was further supplemented by the following Federal Register notices: July 2, 1979, 44 FR 38583, August 28, 1979, 44 FR 50371, September 17, 1979, 44 FR 53761 and November 23, 1979, 44 FR 67182.

A summary of the criteria for approving SIPs for nonattainment areas follows:

Criteria for Approval

The following list summarizes the basic requirements for nonattainment area plans.

1. Evidence that the proposed SIP revisions were adopted by the State after reasonable notice and public hearing.
2. A provision for expeditious attainment of the standards.
3. A determination of the level of control needed to attain the standards by 1982 and evidence that all criteria are met for approval of any extension beyond that date.
4. An accurate inventory of existing emissions.
5. Provisions for reasonable further progress (RFP) as defined in Section 171 of the Clean Air Act.
6. An identification of emissions growth.
7. A permit program for major new or modified sources, consistent with

Section 173 of the Clean Air Act.

8. Use of Reasonably Available Control Technology (RACT) control measures as expeditiously as practicable.

9. Inspection and Maintenance (I/M), if necessary, as expeditiously as practicable.

10. Necessary transportation control measures, as expeditiously as practicable.

11. Enforceable regulations.

12. An identification of, and commitment to, the resources necessary to carry out the plan.

13. State commitments to comply with schedules.

14. Evidence of public, local government, and State, involvement and consultation.

Sulfur Dioxide

Background

Allegheny County Health Department, in response to the requirements of Part D of the Clean Air Act, undertook in 1978 a diffusion modeling study attempting to validate the CDMQC model using 1976 base year emissions and air quality data, and project air quality for compliance with existing regulations by 1982. Because of the complexities of transport and dispersion characteristics of pollutants in Allegheny County it was necessary to make several modifications to the basic air quality diffusion model. The major modifications in the basic model dealt with plume-terrain interaction and plume rise. The results of the initial validation run were unsatisfactory due primarily to gross overpredictions at the Hazelwood monitor. Subsequently, other validation runs were made using various combinations of modifications of major model features.

A comparison of the tested combinations of model features showed that all were improvements over the version used in the initial validation run. However, the model still significantly overpredicted at the Hazelwood monitor by 56% and underpredicted, in one case, a known violation at the Glassport monitor by 43%.

The Allegheny County Health Department after much consultation with its advisory groups decided to select the model which showed the best overall performance at all the sites and run the model for the 1982 annual compliance with existing regulations. The results showed numerous and widespread violations of the annual ambient SO₂ standard over a large unmonitored area of the Monongahela River Valley from near downtown

Pittsburgh to Clairton and extending up to about 5 kilometers from the river. The highest predicted SO₂ value was 219 ug/m³ near Homestead while various other Monongahela Valley areas showed values in the 150 to 180 ug/m³ range.

The seven Allegheny County SO₂ continuous monitoring sites were predicted to be in compliance by the end of 1982 with the exception of the North Braddock monitor which showed a marginal violation at 83 ug/m³ and the Hazelwood monitor which had a violation of 119 ug/m³. It was theorized that the predicted violations at the Hazelwood monitor may have been caused by the models inability to predict SO₂ concentrations in areas where terrain considerations were vital to the accuracy of the prediction and this may have been a common occurrence throughout the County.

Based on the results of the validation and compliance runs for 1976 and 1982 respectively, Allegheny County concluded that the models were not accurately predicting air quality with any reasonable degree of certainty.

Section 107 Redesignation

Allegheny County Pennsylvania was designated nonattainment for Sulfur Dioxide and Total Suspended Particulates (TSP) on March 3, 1978 (43 FR 8962) and September 12, 1978 (43 FR 40502). Since that time, SO₂ data has shown a steady and consistent improvement in air quality levels at all monitored sites. The following chart shows the data used as the basis for the nonattainment designation and recent trends in SO₂ air quality levels.

Recent Annual SO₂ Data From Allegheny County Monitors

Monitor	9-76 to 8-77	4-77 to 3-78	4-78 to 3-79	4-79 to 3-80	7-79 to 6-80
North Braddock	102	79	40	43	43
Liberty Boro	134	99	82	69	69
Glassport	97	81	45	53	53
Hazelwood	170	157	128	104	101
Logans Ferry	94	85	61	48	45
Bellevue	76	65	61	69	72
Downtown	71	55	45	51	48

¹ Basis of Original 107 Designation.

On the basis of this recent air quality data and the inherent problems of the modeling discussed above, Allegheny County has requested a change in the SO₂ designations from primary nonattainment Countywide to the following:

1. Unclassified for an area within an eight-mile radius of the Duquesne Golf Association Club House excluding the Hazelwood nonattainment area. This

area includes most of the modeling violations.

2. Unclassified for the area within a two-mile radius of the Bellevue monitor. This area includes the remainder of the modeled violations.

3. Primary nonattainment for the area within a two-mile radius of the Hazelwood monitor.

4. Attainment for the remaining portions of the County.

EPA has reviewed the modeling demonstration and air quality data submitted by the County, and agrees with the conclusions reached. Therefore, EPA is today proposing the approval of these Section 107 redesignations as listed above.

Nonattainment Plan

Control Strategy and Demonstration of Attainment

For those areas designated as nonattainment, the Clean Air Act requires Allegheny County to submit a revision to the Pennsylvania SIP to demonstrate attainment of the primary National Ambient Air Quality Standards (NAAQS) by December 31, 1982, and the secondary NAAQS as expeditiously as practicable. The County has submitted a plan providing for attainment of the primary standards by December 31, 1982. According to this plan, the current air quality in the Hazelwood area is directly related to the operation of the coke oven gas desulfurization unit at the Jones and Laughlin Steel Corporation (J&L) plant in the area. Ambient air quality data and unit operations data reported in the plan indicate the beneficial effect of the operation of the desulfurization unit on ambient SO₂ levels. The plan shows a direct correlation between improvements in air quality and operation of the desulfurization unit. Average SO₂ concentrations for days when the unit was not running were 74% higher than corresponding days in the following year when the unit was operating properly. These average values exceeded the annual average standard of 0.03 ppm. The average ambient SO₂ concentrations for periods when the unit was in stabilized operation met the ambient air quality standard, averaging 0.027 ppm. The Commonwealth and EPA recently signed a Consent Decree with J&L which in part addressed operational problems with the desulfurization unit. This decree requires J&L to bring the unit into compliance with the applicable County regulations, to submit monthly reports on the operation of the unit, and to retain a consultant to assist in the evaluation of the unit and make recommendations on actions needed to

improve the reliability of this unit. The reporting and consulting requirements remain in effect until the unit availability has averaged 90% or more over a period of twelve consecutive months. This should result in more reliable operation of this unit and an overall improvement in air quality in the Hazelwood nonattainment area. Therefore, EPA proposes to approve the plan for the attainment of the SO₂ primary NAAQS by December 31, 1982.

According to an analysis using the Larsen statistical method, the short term standard should be attained if the annual standard is met, as the annual standard is the critical one. The County is currently attaining the secondary (3-hour) standard. No violations of the 3-hour SO₂ standard have occurred during the period from 1977 to the present. Furthermore, with the exception of the Hazelwood monitor, there have been no violations of the 24-hour SO₂ standard since 1978.

In the unclassified and nonattainment areas, the County has agreed to carry out additional evaluations of ambient sulfur dioxide concentrations. Additional monitors will be established in the nonattainment and unclassified areas where data will be collected for one year. The purpose of the monitoring is to better identify air quality levels and assess the accuracy of the modeled predictions. If any of these unclassified areas are found to be nonattainment, an attainment plan must be submitted within one year of the redesignation of these areas to nonattainment. This plan must provide for attainment of the applicable National Ambient Air Quality Standards (NAAQS) within three and one-half years of the date of plan approval by EPA. (EPA will take action on the plan within six months of submittal). Redesignation will occur within six months of the acquisition of four valid quarters of ambient SO₂ air quality data.) The EPA has reviewed the information submitted by the County, and is proposing that the plan be approved.

Emissions Inventory

The emissions inventory used in the development of this SO₂ plan is based on actual (vs. projected) emissions data from 1976. This data was used because at the time the plan development commenced, it was the latest year for which a complete set of data was available including industry fuel use and operations data. Projections for 1982 (the primary standard attainment data) and 1987 (the secondary attainment date) were developed from this 1976 data base, and include an allowance for growth of 0.5% per year.

Margin for Growth

The County accommodates growth of area sources and some point sources in the nonattainment area by including a growth increment of one half of one percent of the total Countywide sulfur dioxide emissions per year. Increases in emissions from major point sources will be provided for on a case-by-case emission offset basis.

Reasonable Further Progress

The County has submitted a graphical presentation of Reasonable Further Progress (RFP) for attaining the primary ambient SO₂ standard. In addition, a list of major events (i.e. shutdowns, startups, etc.) affecting SO₂ emissions was included. The expected overall effect will be a reduction of 17,000 tons per year of sulfur dioxide emissions from 1978 (actual emissions) to 1982 (projected emissions). EPA believes that these reductions are reasonable.

Reasonably Available Control Technology

The County has concluded that its Article (XX) regulations, which are applicable to existing sources, incorporate the requirements of Reasonably Available Control Technology (RACT). (The Article XX regulations were previously titled Article XVIII). EPA agrees with the County that the existing regulations satisfy RACT requirements. Therefore, EPA is proposing approval of the regulation.

Regulation Changes

Emission Relaxation-Attainment Area

In the areas redesignated as attainment both monitoring and modeling data show and predict attainment of primary and secondary standards. A relaxation of the regulations for these areas has been requested for existing plants above 5000 x 10⁶ Btu/hour rated heat input and for those between 0.2 and 0.5 x 10⁶ Btu/hr rated heat input. A demonstration submitted with this request showed that the attainment status of the area will not be jeopardized by these changes.

The previous limitations (1.0 lb/10⁶ Btu) on the smaller units were found to have been unnecessary, and should have no effect on emission levels. Therefore, this regulation is not included in Article XX (formerly Article XVIII). The relaxation for plants above 5000 x 10⁶ Btu/hr. changes the limitation from 0.60 lbs SO₂/10⁶ Btu to 2.80 lbs. SO₂/10⁶ Btu. This relaxation affects only one plant in Allegheny County, the

Duquesne Light Company's Cheswick Power plant.

The Cheswick power plant is a coal-fired steam generating station rated at 5280 million Btu. The coal burned contained approximately 2.1% sulfur, with emissions averaging 3.5 lbs. SO₂ 10⁶ Btu, until the coal feed was changed in March 1980. The SO₂ emission reduction resulting from compliance with this revised regulation will amount to approximately 9,000 tons per year (based on 1976 actual operations and projected reasonable maximum operations). A real reduction will occur even though the regulation is being relaxed because the source is currently not in compliance with the previous regulation. Compliance with the revised regulation will be achieved by using a combination of low sulfur coal (about 1.0% S), and through improved coal cleaning to achieve an overall sulfur content of about 1.7%. Under the previous regulation, a flue gas desulfurization system would have been required. However, if in the future attainment of ambient air quality standards is jeopardized, the County may require additional controls as necessary to attain the air quality standards.

The County has submitted a demonstration that the emissions from Cheswick when added to existing air quality in the region will not cause a violation of any ambient air quality standard. This demonstration consisted of an analysis using the CRSTER model and five years of meteorological data, which conforms to the criteria which was developed as a result of the decision rendered in the Cleveland Electric Illuminating Company court case. EPA is proposing approval of this revision.

Regulation of SO₂ Emissions From Silicon Carbide Manufacturing

The County has proposed a regulation controlling the emissions of SO₂ from silicon carbide manufacturing processes. Currently, this process is controlled under Article XX with a process SO₂ emission limitation of 500 ppm. However, the County has determined that this process regulation is not easily applicable to the one silicon carbide manufacturing process presently existing in the County. The revised regulation in Article XX establishes an equivalent degree of control (an 85% reduction in SO₂ emissions), but specifies control requirements as applicable to the silicon carbide process to facilitate enforcement. It also allows credit for the use of low-sulfur coke in the process. EPA is proposing approval of this regulation.

Total Suspended Particulates

Background

On December 24, 1980, the Commonwealth submitted a proposed revision to the Pennsylvania SIP for the attainment of the primary and secondary NAAQS for Total Suspended Particulates (TSP) in Allegheny County. This revision consists of a plan which contains: (1) an emission inventory, (2) a demonstration that more than Reasonably Available Control Technology (RACT) is needed for attainment of the standards, (3) a commitment to annual incremental reductions (Reasonable Further Progress), and (4) a proposal for further study of fugitive emissions which will result in the adoption of fugitive particulate regulations. For all those areas designated nonattainment, the plan provides for attainment of the primary standards by December 31, 1982, and the secondary standards by December 31, 1987.

EPA has reviewed the proposed TSP plan revision for Allegheny County. The following is a discussion of the plan and a summary of EPA's review.

Section 107 Redesignation

Allegheny County is currently designated nonattainment for TSP. This designation was requested in 1978 because of its administrative simplicity. However, in developing this plan, the County recognized the need for a review of this designation and a more accurate characterization of air quality within the County. In order to accurately assess current and future ambient particulate concentrations, the County conducted the following:

1. An exhaustive analysis of available data on air quality emissions, meteorological conditions and monitoring sites.

2. Special studies on the origins of particulate matter.

3. An analysis of TSP emissions in the vicinity of steel plants.

As a result of these analyses, the County has requested a redesignation which divides the County into seven primary nonattainment areas, one unclassified area, and one secondary nonattainment area. The remaining areas of the County are in attainment of the primary and secondary standards. These areas are described as follows:

Primary Nonattainment

1. Five continuous segments (areas #3,4,5,6, and 8) of a three-mile wide strip which is within a perpendicular distance two miles north and east and one mile south and west of the river center line, from the I-79 Bridge on the Ohio River

to the Westmoreland County Line on the Monongahela River, (area numbers are those used in a map and described in the plan).

2. An area within a 0.5 mile radius of the Greater Pittsburgh Airport monitor (area #2).

3. A one-mile wide strip centered on Turtle Creek from nonattainment area #6 (in number 1 above) to the Westmoreland County line (area #7).

Unclassified.

1. A three-mile wide strip within Allegheny County which is within a perpendicular distance two miles north and east of the Ohio River center line and one mile south and west of the Ohio river center line from the I-79 Bridge to the Beaver County line (area #1).

Secondary Nonattainment

1. An area within Allegheny County within a radius of two miles of the Springdale monitor (area #9).

Attainment

1. All remaining areas of the County.

The County has submitted data from twenty-four monitors located throughout the County as a basis for the redesignations proposed in this notice. The locations of these monitors were discussed in the plan, along with descriptions of local factors affecting ambient particulate levels in the vicinity of the monitors. The following chart indicates the most recent air quality data from these monitors.

Annual Average Particulate Levels in Allegheny County

Site	Geometric mean (microgram per cubic meter) ¹				
	1976	1977	1978	1979	1980
Logan's Ferry	3001	650	68	73	86
Springdale	3101	61	77		61 56
Greater Pittsburgh Airport	4401	77	70	85	79 67
Bellevue	4601	90	106	99	96
Murray Towers	5602	87	97	88	82 70
Control Lab	5702	104	129		
Oakland 3	5708			97	87 75
County Office Building	5801	89	100	95	86 89
Court House	5802	168	168	145	130
North Fayette	6201	62	62	61	59 53
Hazelwood 1	6903	100	102		
Hazelwood 2	6904	113	133	101	100 85
Kaufmann	8905	73	67	75	72 66
Swissvale	7004	118	127	138	108 81
Braddock	7102	133	146	141	164 101

Annual Average Particulate Levels in Allegheny County—Continued

Site	Geometric mean (microgram per cubic meter ^a)				
	1976	1977	1978	1979	1980
North					
Brad-dock	7104	104	118	110	97
Wall	7201	74	75	81	68
Du-quesne					
1	7502	100	108	106	96
2	7570	122	126	135	121
Allegheny County					
Airport	7601	71	77	79	67
South					
Fayette	8001	55	60	59	57
Clairton	8601	90	99	94	78
Glassport	8602	102	147	109	87
Liberty	8702	98	91	76	77
Cousin					
Hollow	8704	98	94	76	74

EPA has reviewed the information submitted with the plan as a basis for the redesignation listed above. As monitoring data was used primarily in this analysis, the review focused on the accuracy and representativeness of the data, and the scale that each monitor represented. In general, the data used for this plan is adequate, and the siting requirements are satisfied for most monitoring sites. The monitors used as a basis for the nonattainment area designations are mostly of the neighborhood scale, the scale preferred by EPA. Neighborhood scale is defined as an extended area of the city, or an area of uniform land use, from 0.5 to 4 kilometers wide. The three mile non-attainment corridor requested by the County encompasses the "neighborhood" area surrounding these monitors.

EPA agrees with the analysis conducted by the County as a basis for these redesignations, and is today proposing approval of the designations listed above.

Control Strategy and Demonstration of Attainment

The plan submitted by the County as part of its proposed SIP revision for TSP included studies of existing and projected particulate levels for the County. These studies indicate that the average annual particulate levels will decrease, but not sufficiently to attain the primary standard by December 31, 1982. Estimates have been made that between 60 and 80 percent of the projected 1982 ambient particulate levels will result from fugitive emissions if no further control strategies are implemented.

The demonstration submitted with this SIP consists of the following:

1. An exhaustive analysis of available air quality and emissions data, meteorological conditions, and monitoring sites.

2. Special studies on the origins of particulate matter.

3. Analysis of TSP emissions in the vicinity of steel plants.

This approach was used because of various problems in areawide modeling of particulate concentrations. The reliability of such dispersion modeling techniques is dependent upon the detail and accuracy of information used in the modeling.

In order to better characterize TSP levels in Allegheny County, the TSP emissions inventory will be further refined. In addition, modeling of fugitive emissions, whether from traditional or non-traditional sources, is difficult and not easily validated. Fugitive emissions are a significant contributor to ambient particulate levels in the County, and emission sources are often located in complex configurations. The unique topographical features of the area further complicate attempts at dispersion modeling.

Because of these problems, the County proposed the use of a proportional rollback model for the evaluation of control strategy alternatives, along with near-field modeling of major steel-making facilities and a sampling analysis program to determine relative source impacts on ambient particulate levels.

The objective of the approach used by the County in analyzing ambient TSP data was to quantify the relative ambient particulate contributions from traditional and non-traditional sources, and to determine background concentrations. This analysis shows that currently point sources are contributing to ambient levels, but that by 1982 point source contributions will be relatively minor due to compliance with existing regulations. In addition, several Consent Decrees have been signed, detailing various fugitive emission controls on sources operated by the United States Steel Corporation, the Shenango Corporation, and the Jones and Laughlin Corporation. Despite this control, industrial non-traditional sources (e.g., material storage and in-plant traffic) will continue to contribute to high levels of particulates at most monitoring sites. However, some sites will be significantly affected by other traditional sources, and urban non-traditional sources (traffic dust, construction, demolition, etc.).

Allegheny County believes that the existing traditional source regulations are, at a minimum, equivalent to reasonably available control technology

(RACT). Therefore, the attainment strategy which they have proposed consists primarily of the study and control of fugitive emissions. EPA agrees that fugitive emissions are a major contributor to existing nonattainment problems. EPA agrees that the existing regulations satisfy RACT requirements. Therefore, EPA is proposing approval of these regulations.

As part of its plan for attainment of the National Ambient Air Quality Standards (NAAQS) for particulates, the County has committed to conduct a study of non-traditional sources in the nonattainment areas. This study will consist of the following three parts:

- a. Inventory of non-traditional sources.
- b. Determination of non-traditional source contributions.
- c. Evaluation of control program effectiveness.

The County has proposed that the study begin on January 1, 1981 with the implementation of fugitive regulations by June 30, 1982. The regulations that are finally implemented will further demonstrate attainment by December 31, 1982.

Upon completion of this study, the County will begin to examine the reasons for nonattainment of the secondary standard. This study will use the prior study as a basis, and will develop and implement control strategies for the attainment of the secondary standard. This study will begin on January 3, 1983, and regulations resulting from this second study should be implemented by December 1, 1986.

In the unclassified area, TSP monitors will be installed to determine the attainment status. One year of data will be collected, at which time the need for an attainment plan will be determined. If a plan is needed, it will be submitted within one year of the redesignation of these areas to nonattainment. This plan must provide for attainment of the applicable National Ambient Air Quality Standards (NAAQS) within three and one-half years of the date of plan approval by EPA. (This must happen within six months of submittal to EPA. Redesignation will occur within 6 months of the acquisition of 4 valid quarters of ambient SO₂ air quality data.)

EPA proposes to conditionally approve Pennsylvania's particulate control strategy for the County. The conditional approval would then be based on the County's commitment to conduct certain studies, to implement certain regulations and to achieve compliance by specified dates, all as outlined above. However, if Allegheny

County fails to meet its commitments on the schedule specified with regard to attainment of the primary standard, it will not be meeting its obligation under the Act and growth restrictions will again apply.

Emissions Inventory

The emissions inventory used in the development of this TSP plan is based on actual emissions data from 1976. This data was used because at the time the plan development commenced, it was the latest year for which a complete set of data was available. Projections for 1982 (the primary date) were developed from this 1976 data base, and include an allowance for growth of 0.5% per year.

Margin for Growth

This SIP revision accommodates growth of emissions from non-major stationary sources by assuming an annual growth rate of 0.5 percent, for sources for which no growth estimates were available. Growth of emissions from major stationary sources will be accommodated through an emission offset policy in the County's regulations. Further, if non-major source growth jeopardizes attainment or reasonable further progress, the County will require additional offsetting emission reductions for non-major sources. The offset program is discussed in more detail in a later section entitled *Offset Program for New and Modified Sources*.

Reasonable Further Progress

Allegheny County has submitted graphical presentations of Reasonable Further Progress (RFP) for five subareas of the County, and one for the overall area. Each of these graphs represent expected emissions levels, for the years from 1976 to 1987, and indicate estimated (or measured) ambient particulate levels for 1976, 1982, and 1987. Significant reductions are expected up until 1982 as a result of compliance with existing regulations. In addition, the County submitted lists of events (shutdowns, start-ups, control device installation, etc.) which will significantly affect emissions in each area. Also, regulations governing the control of fugitive emissions in non-attainment areas from source premises, parking lots, construction, mining and demolition activities (sections 521, 522, 524, 525 and 526 of the new Article XX) become effective January 31, 1982, and a regulation controlling fugitive emissions in transport activities (§ 523) becomes effective January 1, 1981. The RFP estimates include credits for the reductions resulting from the implementation of these regulations. The EPA has reviewed these RFP estimates

and has found them to be generally adequate for the tracking of emission reductions and SIP progress.

General Comments

Offset Program for New and Modified Sources

Allegheny County has submitted as part of its plan a New Source Review program for the permitting of new and modified sources within the County. This includes any new, modified, reconstructed, or reactivated source. All major new or modified sources (those having potential emissions greater than 100 tons per year or more of any criteria pollutant), including applicable reconstructed and reactivated sources located in, or significantly impacting, any nonattainment area, are subject to the County's offset regulations. The regulation requires a source to obtain offsets which will result in a net air quality benefit. The following ratios of actual emissions reductions to new emissions apply, as a minimum, to offsets obtained by a source:

Type of new emissions	Type of emission reductions	Ratio of required emission reduction to new emissions
Flue emissions	Flue emissions	1 to 1.
Flue emissions	Fugitive emissions	2 to 1.
Fugitive emissions	Fugitive emissions	1.3 to 1 (where emissions are quantified by the same technique); 2 to 1 (where emissions are not quantified by the same technique).

These emission offsets were not included in developing estimates of reasonable further progress for attainment of the standards. Therefore, any net emission reductions produced by these offsets will be an additional benefit towards reasonable further progress. Other requirements include:

1. Establishment of emission limitations which specify the Lowest Achievable Emission Rate for the source or facility.
2. Demonstration that all other sources owned, operated, or under common control with the applicant in the Commonwealth of Pennsylvania are in compliance with all applicable SIP requirements, compliance orders, or court decrees.

Emission reductions committed to for emissions offsets must be enforceable by authorized State and/or local agencies and under the Clean Air Act. Internal offsets can be enforced at the Federal level through existing mechanisms in Pennsylvania, but external offsets would not presently be

Federally enforceable. Therefore, EPA is asking the County to submit any external offsets to EPA as SIP revisions. This commitment should be submitted during the public comment period on this proposed revision.

Specific requirements for the permitting of major and non-major sources are contained in Chapter VIII of the County's regulations.

These regulations are generally consistent with the Commonwealth of Pennsylvania's offset regulations, and also satisfy the requirements of Section 173 of the Clean Air Act. EPA is therefore proposing the approval of these regulations as part of the Pennsylvania SIP.

Bubble Regulation

Chapter IX of the County's regulations allows for Alternative Emission Reduction Plans, commonly known as bubble plans. These allow a source operator to employ a mix of control measures on multiple sources to achieve a specified overall emission reduction, and would permit operators to place a greater burden of control on sources where the marginal cost is low. Any applications will be reviewed by the County in order to assure consistency with EPA's policy statement as published in the Federal Register notice of December 11, 1979 (44 FR 71780). Any plan approved by the County will then be submitted as a revision to the SIP. In the County's bubble regulation, it appears that the bubble plan is effective upon approval by the Director of the County Health Department. However, because each bubble proposal becomes effective only upon approval as a SIP revision by EPA, EPA proposes to take no formal action on the County's bubble regulation.

Review of Regulations

Several issues were raised during EPA's review of the regulations submitted as part of the county's plan. These issues are discussed in the following paragraphs.

Under Chapter IV, Regulation 401 C, an alternative standard may be established where fugitive emissions have been controlled, where reasonably available control technology has been applied, and where the owner or operator demonstrates that the remaining fugitive emissions are of minor significance. In the regulation, it is stated that the alternative standard is effective upon adoption by the Department. However, this alternative standard must be submitted to EPA for inclusion in the SIP, and can only

become effective upon EPA approval for such inclusion.

EPA does not have the authority to enforce odor regulations (§ 404 of the County's regulations). Therefore, they are not approved as part of the SIP.

Regulation 304, Delayed Compliance Order (DCO's), allows for the issuance of DCO's to sources needing extensions of any final compliance date. The Clean Air Act specifies that final compliance dates contained in the DCO cannot extend beyond July 1, 1979 or three years beyond the compliance date required by the SIP. Since the latest possible final compliance date for previously regulated sources (including SO₂ and TSP sources) has passed, only newly regulated sources of volatile organic compounds can be issued DCO's.

Commitments and Resources To Implement and Enforce Adopted Measures.

Allegheny County has made an adequate commitment of financial and manpower resources to implement the TSP and SO₂ studies and their results, and define air quality conditions in the currently unclassified areas. The EPA is working with Pa.DER and the County to better define the details of both studies.

Commitments To Comply With Schedules

The County has provided adequate commitments to perform a detailed study of nontraditional sources in the nonattainment areas according to the schedule which was included in this plan. This includes implementation of regulations by June 30, 1982, where the regulations would provide for an improvement in air quality and attainment of the primary standard by December 31, 1982.

Public Involvement and Analysis of Effects

The Clean Air Act requires a SIP to include evidence of involvement and consultation with the public, local government, legislature, and all other interested parties. The County has satisfied this requirement through the issuance of public mailings, public hearings, and representation of the public, industry, and local governments on various committees and board's involved in the SIP process.

Also required in the SIP is an analysis of energy, economic, environmental and social impacts of the plan. The County has submitted a qualitative analysis which indicates that this plan will have a positive effect on the local economy, the social well-being of the area and on the environment (through attainment of

the standards). The effects on the consumption of energy are expected to be minimal.

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

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

A supplement to an April 4, 1979 Notice of Proposed Rulemaking (44 FR 20372 (1979)) was published on July 2, 1979 (44 FR 38583 (1979)) involving among other things, conditional approval. EPA proposes to conditionally approve the plan where there are minor deficiencies and the County provides assurances that it will submit corrections on a specified schedule. This notice solicits comment on what items should be conditionally approved. A conditional approval will mean that the restrictions on new major source construction will not apply unless, (1) the County fails to submit, by dates to be scheduled, SIP revisions necessary to remedy the deficiencies, or (2) the revisions are not approved by EPA.

The deficiencies in the Pennsylvania Plan that are not corrected may be cause for disapproval of the proposed revisions to the SIP. EPA is aware, however, that Allegheny County is undertaking efforts to rectify plan deficiencies.

Pursuant to the provisions of the Regulatory Flexibility Act, 5 U.S.C. § 605(b), the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act and attainment status designations under Section 107 of the Clean Air Act, will not have a significant economic impact on a substantial number of small entities, 46 FR 8709 (January 27, 1981). I have also determined that the SIP approval and attainment status redesignations proposed today would not be major rules within the meaning of Executive Order 12291. SIP approvals and today's attainment status designations, which change designations from nonattainment to attainment and unclassifiable, only approve State actions and impose no new requirements. Under the Clean Air Act inquiry into the economic reasonableness.

The measures proposed today will be in addition to, and not in lieu of, existing SIP regulations. The present emission control regulations of any source will remain applicable and enforceable to prevent a source from operating without control or under less stringent controls, while it is moving toward compliance with the new regulations (or, if it chooses, challenging the new regulations). Failure of a source to meet applicable pre-existing regulations will result in appropriate enforcement action, including assessment of non-compliance penalties. Furthermore, if there is any instance of delay or lapse in the applicability or enforceability of the new regulations because of a court order or for any other reason, the pre-existing regulations will be applicable and enforceable.

The only exceptions to this rule are cases where there are conflicts between the requirements of the new regulations and the requirements of the existing regulations such that it would be impossible for sources to comply with the regulations. In these situations, the State may exempt sources from compliance with the pre-existing regulations. Any exemption granted would be reviewed and acted on by EPA either as part of these proposed regulations or as future SIP revisions.

In addition, an existing requirement can be relaxed or revoked if it will not interfere with the attainment of standards.

Pursuant to the provisions of 5 U.S.C. § 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. See 46 FR 8709 (January 27, 1981). The attached rule, if promulgated, would constitute a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. In addition, this action only approves State actions, and would impose no new requirements of its own.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it will not have an annual effect of \$100 million or more on the economy, nor will it increase costs or adversely affect competition as specified in Section 1 of the Executive Order.

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

(42 U.S.C. §§ 7401-642)

Dated: May 14, 1981.

Jack Schramm,
Regional Administrator.

[FR Doc. 81-17197 Filed 6-9-81; 8:45 am]
BILLING CODE 6560-38-M

40 CFR Part 180

[OPP-300051; PH-FRL-1849-1]

Polyvinyl Chloride (PVC) Proposed Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This amendment proposes that polyvinyl chloride (film and resin) (PVC) be exempted from the requirement of a tolerance when used as an inert controlled-release dispenser for formulations of the attractant gossypure [(Z,Z-) and (Z,E-) 7,11-hexadecadien-1-ol acetate] for residues in or on cottonseed.

DATE: Written comments must be received on or before (July 10, 1981).

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

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

SUPPLEMENTARY INFORMATION: At the request of Herculite Products, Inc. 1107 Broadway, New York, NY 10010, the Administrator, proposes to amend 40 CFR Part 180 by establishing an exemption from the requirement of a tolerance for polyvinyl chloride (film and resin) when used as an inert controlled-release dispenser for formulations of the attractant gossypure [(Z,Z-) and (Z,E-) 7,11-hexadecadien-1-ol-acetate on cottonseed].

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 exemptions.

Name of inert ingredient	Name and address of requestor	Basis for approval
Polyvinyl chloride (film and resin) (PVC)	Herculite Products, Inc. 1107 Broadway, NY 10010.	Presently cleared under 40 CFR 180.1001(e) for use on animals. Cleared by Food and Drug Administration for several uses as indirect food additives. [21 CFR 175.105, 21 CFR 175.300, 21 CFR 176.170, 21 CFR 176.180, 21 CFR 177.1210.]

PVC has found widespread use in medical applications, often involving direct tissue contact. The low inherent toxicity is apparent in a published investigation of PVC used for medical purposes. (Autian, J. "Toxicology of Plastics" in *Toxicology the Basic Science of Poisons*, Casarett, L. J. and Doull, J. Eds. Macmillan, New York, 1975, pages 614-615.)

PVC has been manufactured in large quantities for over 30 years, with no reported effects associated with occupational exposure to the polymer (Autian, J. p.607).

Based on the proposed use of PVC dispensing a synthetic pheromone on cotton, the contribution of PVC to the diet is expected to be toxicologically insignificant. No overt hazard to applicators is expected.

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 Part 180, 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 the Federal Insecticide, Fungicide, and Rodenticide Act, which contains polyvinyl chloride may request, on or before July 10, 1981, that this rulemaking 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 document control number "[OPP-300051]." 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), Rm. 514D CM #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).

Effective on June 10, 1981.

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

Dated: June 1, 1981.

Douglas D. Campit,
Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that Subpart D of 40 CFR Part 180 be amended by adding § 180.1060 to read as follows:

§ 180.1060 Polyvinyl chloride; exemption from requirement of tolerance.

Polyvinyl chloride (film and resin) is exempt from the requirement of a tolerance for residues in or on cottonseed, when used as an inert controlled-release dispenser for formulations of the attractant gossypure [(Z,Z-) and (Z,E-) 7,11 hexadecadien-1-ol acetate] to disrupt the mating of the pink bollworm.

[FR Doc. 81-17197 Filed 6-9-81; 8:45 am]
BILLING CODE 6560-32-M

40 CFR Part 408

(WH-FRL-1849-8)

Canned and Preserved Seafood Processing Point Source Category**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Extension of comment period and notice of availability of additional supporting information.

SUMMARY: On January 9, 1981, EPA published in the *Federal Register* a proposed response to a petition for modification and amendment of regulations governing wastewater discharges from certain seafood processors located in Alaska (46 FR 2544). The comment period was initially scheduled to expire March 10, 1981. On March 23, 1981, EPA published in the *Federal Register* a notice which extended the comment period until May 11, 1981 and made available additional supporting information (46 FR 18055). The purpose of this notice is to extend the period for comment on all aspects of the proposed response to the petition for modification and the amendment of regulations until July 10, 1981.

DATE: Comments on the proposed response to the petition and the amendments to BPT regulations for the "non-remote" Alaskan subcategories of the seafood processing industry must be submitted to EPA by July 10, 1981.

ADDRESS: Send comments in triplicate to: Mr. Daniel S. Lent, Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. Attention: EGD Docket Clerk—Seafood Processing Industry.

The supporting information and all public comments submitted in response to this proposal will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2404 (rear) PM-213 (EPA Library), 401 M Street, S.W., Washington, D.C. 20460; EPA Region X, 1200 6th Avenue, Seattle, Washington 98101; and the EPA Alaska Operations Office, 701 "E" Street, Anchorage, Alaska. The EPA information regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Daniel S. Lent at (202) 426-2707.

SUPPLEMENTARY INFORMATION: On January 9, 1981, EPA proposed a response to a petition for modification and an amendment of regulations for portions of the Canned and Preserved Seafood Processing Industry (46 FR 2544). More specifically, the proposed

regulation amended effluent limitations based on the best practicable control technology currently available (BPT) for the "non-remote" Alaskan subcategories of the seafood processing industry. Comments on the proposal were to be submitted on or before March 10, 1981. Counsel for the petitioners initially requested a 60 day extension of the comment period, until May 11, 1981. EPA agreed to this request and extended the comment period until May 11, 1981, and also made available additional information for public review and comment. See the *Federal Register* for March 23, 1981 (46 FR 18055). Subsequently, counsel for the industry requested a six month extension of the comment period. EPA has decided to extend the comment period until July 10, 1981. Interested persons should be aware that subsequent to May 11, 1981, the Agency placed additional supporting information in the EPA Public Information Reference Unit, Washington, D.C., EPA Region X, and the EPA Alaska Operations Office. This information and the date made available is listed below:

1. Letter from the Agency to counsel for the petitioners dated May 28, 1981, listing the names of seafood processors sending waste solids from Anchorage to the Seward reduction facility. Available June 5, 1981.

2. Telephone memorandum on waste trucking from Anchorage to Seward, dated May 6, 1981. Available May 29, 1981.

In view of industry's familiarity with the pertinent issues from prior contacts with EPA, we believe that these actions will provide the petitioning seafood processors and other interested parties with sufficient opportunity to comment on the proposed response to petition and amendment of regulations.

Dated: June 4, 1981.

James N. Smith,

Acting Assistant Administrator for Water and Waste Management.

[FR Doc. 81-17164 Filed 6-9-81; 8:45 am]

BILLING CODE 6580-29-M

FEDERAL EMERGENCY MANAGEMENT AGENCY**44 CFR Part 67****[Docket No. FEMA-6053]****National Flood Insurance Program; Proposed Flood Elevation Determinations****AGENCY:** Federal Insurance Administration, FEMA.**ACTION:** Proposed rule; revision.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Unincorporated Areas of Kenosha County, Wisconsin.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in the *Kenosha News* on May 4, 1981, and at 46 FR 27137 on May 18, 1981, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above named community.

ADDRESS: See table below.

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: Proposed base (100-year) flood elevations are listed below for selected locations in the Unincorporated Areas of Kenosha County, Wisconsin, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Proposed Base (100-year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).	
Wisconsin	(Unincorporated), Kenosha County	Pike River	About 1,100 feet downstream of State Highway 32	*591	
			Just upstream of State Highway 32	*594	
			Just downstream of confluence of Unnamed Tributary	*601	
			Just upstream of abandoned railroad	*604	
			Just upstream of County Highway Y	*608	
			Just upstream of County Highway G	*617	
			Just downstream of County Highway A	*619	
			Just upstream of County Highway A	*624	
			About 100 feet upstream of Petrifying Springs Park Road	*633	
			Just upstream of County Highway A (near confluence of South Branch Pike River)	*645	
			North Branch Pike River	About 2,250 feet downstream of Alford Park Road	*587
				About 300 feet upstream of confluence of South Branch Pike River	*646
		Unnamed Tributary to Pike River	Just upstream of State Highway 31	*654	
			Just downstream of corporate limit	*657	
		South Branch Pike River	At confluence with Pike River	*601	
			About 3,600 feet upstream of confluence with Pike River	*602	
			About 50 feet downstream of corporate limits	*611	
			At corporate limits	*614	
		School Tributary	At confluence with Pike River	*645	
			About 2,500 feet downstream of confluence of Somers Tributary	*658	
			About 300 feet downstream of County Highway E	*664	
			About 400 feet upstream of County Highway E	*667	
			Just downstream of Chicago and North Western railroad	*673	
			Just upstream of County Highway L	*675	
		Somers Tributary	Just upstream of State Highway 43	*678	
			About 2,800 feet upstream of State Highway 158	*680	
			At confluence with South Branch Pike River	*646	
			About 700 feet upstream of confluence with South Branch Pike River	*647	
			Just downstream of County Highway A	*656	
			Just upstream of County Highway A	*661	
			Just downstream of Chicago and North Western railroad	*667	
			Just upstream of Chicago and North Western railroad	*673	
			Just upstream of County Highway EA	*682	
			Just downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad	*696	
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad	*706	
			Tributary to Somers Tributary	About 600 feet upstream of confluence with South Branch Pike River	*661
		Just downstream of Chicago and North Western railroad		*670	
		Just upstream of Chicago and North Western railroad		*674	
		Just upstream of County Highway EA		*679	
		Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad		*695	
		Just downstream of County Highway H		*703	
		Unnamed Tributary to South Branch Pike River	At confluence with Somers Tributary	*679	
			Just downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad bridge	*691	
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad bridge	*698	
		Barnes Creek South Outlet	At confluence with South Branch Pike River	*675	
			Just downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad	*677	
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad	*689	
		Barnes Creek North Outlet	At confluence with Lake Michigan	*584	
			About 1,000 feet upstream of Third Avenue	*586	
			About 400 feet downstream of divergence from Barnes Creek North Outlet	*589	
		Des Plaines River	At confluence with Lake Michigan	*584	
			Just upstream of First Avenue	*588	
			Just downstream of Chicago and North Western railroad	*590	
			Just downstream of State Highway 32	*601	
			About 200 feet upstream of State Highway 32	*607	
			Just upstream of Wisconsin-Illinois State boundary	*674	
		Kilbourn Road Ditch	Just upstream of County Highway C	*680	
			Just upstream of County Highway MB	*686	
			Just upstream of State Highway 50	*692	
			About 200 feet upstream of County Highway K	*695	
			About 3,100 feet upstream of State Highway 43	*700	
			Just downstream of Northern corporate limit	*706	
		Kilbourn Road Ditch	At confluence with Des Plaines River	*680	
			Just upstream of State Highway 50	*683	
			Just upstream of County Highway K	*697	
			About 200 feet upstream of State Highway 158	*700	
			Just upstream of State Highway 43	*707	
			About 0.8 mile downstream of County Highway E	*713	
		Kilbourn Road Ditch	Just upstream of County Highway E	*720	

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/country	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
		Brighton Creek	Just downstream of County Highway KR	*727
			At confluence with Des Plaines River	*696
			Just upstream of Gravel Pit Road	*698
			Just upstream of County Highway K	*708
			Just upstream of State Highway 45	*714
			About 600 feet upstream of Farm Road (near confluence of Salem Branch Brighton Creek)	*721
		Mud Lake Outlet	At confluence with Dutch Gap Canal	*757
			About 200 feet upstream of State Highway 45	*762
			About 1,700 feet upstream of State Highway 45 (near Gravel Road)	*763
		Fox River	Just upstream of Wisconsin-Illinois State boundary	*743
			Just upstream of Wilmet Dam	*745
			Just upstream of State Highways 50 and 83	*750
			Just downstream of northern corporate limit	*752
		Peterson Creek	At confluence with Fox River	*751
			Just downstream of 308th Avenue	*752
		Bassett Creek	At confluence with Fox River	*749
			Just upstream of County Highway J1	*756
			About 1.6 miles upstream of County Highway J1	*768
		Lake Michigan	Shoreline	*584
		Tributary to Kilbourn Road Ditch	At confluence with Kilbourn Road Ditch	*724
			About 2,700 feet upstream of confluence with Kilbourn Road Ditch	*725
		Von Gunten Creek	About 1,350 feet downstream of the corporate limits	*632
			About 1,100 feet upstream of the corporate limits	*647
		Pike Creek	At the downstream corporate limits	*651
			About 200 feet downstream of State Highway 142	*657
			Just upstream of State Highway 142	*661
			About 100 feet downstream of 47th Street	*666
			At the upstream corporate limits	*683

Maps available for inspection at the Office of the Director of Planning and Zoning, County Courthouse, 912 56th Street, Kenosha, Wisconsin.

Send comments to Honorable Ronald J. Frederick, County Board Chairman, Kenosha County, County Courthouse, 912 56th Street, Kenosha, Wisconsin 53140.

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

Issued: May 27, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration

[FR Doc. 81-10081 Filed 6-9-81; 9:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6075]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below and proposed changes to base flood elevations for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with Section 110 and Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L.

90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4.

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevation for selected locations are:

Proposed Base (100-year) Flood Elevations

State	City/town/county	Source of flooding	location	#Elevation, meters above mean sea level
Commonwealth of Puerto.	Rio Jacaguas Basin	Rio Jacaguas	Intersection of Puerto Rico Highway 1 and Puerto Rico Highway 510.	*11.0
			25 meters upstream of intersection of Rio Jacaguas and Puerto Rico Highway 49.	*77.0
		Rio Jacaguas (At Villalba)	20 meters downstream of intersection of Rio Jacaguas and Puerto Rico Highway 151.	*150.2
		Rio Inabon	50 meters upstream of intersection of Rio Inabon and Puerto Rico Highway 506.	*7.5
			20 meters upstream of intersection of Rio Inabon and Puerto Rico Highway 52.	*44.0
		Rio Guayo	20 meters downstream of intersection of Rio Guayo and Puerto Rico Highway 14.	*64.0
		Caribbean Sea	At mouth of Rio Jacaguas	*1.8

Maps available for inspection at Puerto Rico Planning Board, P.O. Box 41119, Minillas Station, Santurce, Puerto Rico.

Send comments to the Honorable Carlos Romero Barcelo, La Fortaleza, San Juan, Puerto Rico 00902.

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

Issued: May 29, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-10980 Filed 9-9-81; 845 am]

BILLING CODE 6716-03-M

FEDERAL MARITIME COMMISSION

46 CFR Part 502

[Docket No. 81-38]

Former Employees; Rules of Practice and Procedure

AGENCY: Federal Maritime Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The present rule suggests that a former FMC employee wishing to practice before the agency, with respect to a matter that was pending during the employee's tenure, is absolutely precluded from such activity if "associated" with a barred former FMC employee, by reason of current common employer. This amendment would make clear that a former employee may practice before the FMC under such circumstances subject to certain conditions and restrictions.

DATES: Comments must be submitted on or before July 13, 1981

ADDRESS: Address comments and inquiries to: Joseph C. Polking, Acting Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573, (202) 523-5725.

SUPPLEMENTARY INFORMATION: 46 CFR 502.32 (b) (2) requires a former employee wishing to appear or practice before the agency within one year of the termination of FMC employment of a particular matter, which was pending during the employee's tenure, to file an affidavit attesting, among other things, that the affiant "is not associated with"

nor will be associated with any other former member, employee, or officer who is precluded from practicing, appearing or representing anyone before the FMC in connection with that matter.

The term "not associated with" is neither defined nor explained in section 502.32 (b) (2). The term could be read, however, as absolutely precluding an otherwise qualified former FMC employee from appearing before the agency solely because that employee now happens to be associated, by reason of a common employer, to another former FMC employee who is precluded by law or regulation from so appearing. The Commission did not intend such a result.

Section 502.32 (b) (2) is intended to forbid a former employee intending to practice before the agency on a particular matter, that was pending during the employee's tenure, from obtaining an unfair or unethical advantage by conferring with or soliciting the assistance of another former FMC employee who is precluded from appearing before the Commission in connection with such matter. Interpreted in this manner, § 502.32 (b) (2) is consistent with section 502.32 (c), which permits a former employee's partners or associates to appear before the Commission, even if the former employee is precluded from so doing, provided that such partners or associates do not discuss the matter with, utilize the services of, or share any fees with the former FMC employee. This is the standard the Commission intended to apply to associations among

former employees rather than the absolute bar that could be implied from the existing language of § 502.32 (b) (2).

Therefore, pursuant to E.O. 11222 of May 11, 1965 (30 FR 6469), 18 U.S.C. 207, section 43 of the Shipping Act, 1916 (46 U.S.C. 841a), and 5 U.S.C. 553, the Commission proposes to revise paragraph 2 of section 502.32 (b) of Title 46 of the Code of Federal Regulations as follows:

§ 502.32 [Amended]

* * * * *

(b) * * *

(2) Such applicant shall be required to file an affidavit to the effect that the particular Commission matter was not under the applicant's official responsibility as a member, officer or employee of the Federal Maritime Commission at any time within a period of one year prior to the termination of his or her service with the Commission; that the applicant will not: (i) utilize the service of, (ii) discuss any matter with, or (iii) share directly or indirectly any fees or revenues received for services provided in the particular matter with a partner, fellow employee, or legal or business associate who is a former member, officer or employee of the Commission and who is either permanently or temporarily precluded from practicing, appearing or representing anyone before the Commission in connection with the particular matter; and that the applicant's employment is not prohibited by any law of the United States or by the regulations of the

Commission. The statements contained in such affidavit shall not be sufficient if disproved by an examination of the files and records of the case.

By the Commission.

Joseph C. Polking,
Acting Secretary.

[FR Doc. 81-17138 Filed 6-9-81; 8:45 am]

BILLING CODE 6730-01-M

46 CFR Part 547

[General Order No. 45; Docket No. 81-36]

Procedures for Environmental Policy Analysis

AGENCY: Federal Maritime Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes to amend section 547.4(a) of its environmental rules (46 CFR 547) to clarify certain existing categorical exclusions and to add several new exclusions. Based upon its administration of these rules, the Commission has concluded that several additional exclusions are warranted and will avoid unnecessary assessments on actions which have no potential for significantly affecting the environment. This action will allow both the Commission and the parties before it to more efficiently and effectively pursue those actions which are more likely to impact on the environment.

DATES: Comments (original and fifteen copies) on or before: July 27, 1981.

ADDRESS: Send comments to: Joseph C. Polking, Acting Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573.

FOR FURTHER INFORMATION CONTACT: Joseph C. Polking, telephone (202) 523-5725.

SUPPLEMENTARY INFORMATION: The Commission's environmental rules presently contain a list of Commission actions for which no environmental analysis need be undertaken (46 CFR 547.4(a)). These actions are generally ministerial and involve operations which neither increase nor decrease air, water or noise pollution or the use of fossil fuels, recyclables or energy. Thus, they have no significant effect on the quality of the human environment and can be categorically excluded from the environmental assessment process.

This proposed rule amends present section 547.4(a) to clarify existing exclusions and to add six new classes of Commission actions which are also ministerial functions, or, as experience has shown, do not individually or cumulatively have a significant effect on the quality of the human environment.

Specifically, it is proposed that the last sentence of present section 547.4(a) be revised by adding the words "and rulemakings related thereto" to clarify its intended effect. In addition, subparagraph 547.4(a)(3) would be amended to exclude from environmental assessment, Commission actions involving certification of financial responsibility for water pollution cleanup pursuant to 46 CFR 544.

Wharfage agreements would be deleted from present section 547.4(a)(12), since they would be included within the scope of proposed section 547.4(a)(30)(iii).

Present subparagraph 547.4(a)(18), concerning adjudication of small claims, would be deleted, since such actions are presently excluded by section 547.4(a)(22). In place thereof, a new subparagraph 547.4(a)(18) would be added to exclude actions solely affecting the environment in a foreign country. This conforms with sections 547.7(a) and 547.8(a)(4) which indicate that a finding of no significant impact and an environmental impact statement will only consider the potential impacts on the environment of the United States and the global commons.

Proposed subparagraphs 547.4(a)(30) through 547.4(a)(32) would expand the list of exclusions to include certain agreements involving marine terminals, longshoreman wages or working conditions, container equipment, cranes and other cargo handling equipment. The Commission believes that such actions involve operations which do not have a significant effect on the environment and, therefore, can be excluded. Similarly, actions in proposed subparagraphs 547.4(a)(33) and (34), relating to general agency agreements, credit rules and performance bonds, appear to involve ministerial duties of common carriers which can be exempted from the other provisions of this rule.

Proposed subparagraph 547.4(a)(35) would exclude agreements involving self-policing systems or cargo inspection services. These types of agreements do not involve the actual operation or construction of vessels, equipment or facilities and they consequently will have no significant effect upon the environment.

Therefore, pursuant to 5 U.S.C. 553 and section 43 of the Shipping Act, 1916 (46 U.S.C. 814a), the Commission proposes to amend Part 547 of 46 CFR as follows:

§ 547.4 [Amended]

1. The last sentence of section 547.4(a) would read, "The following Commission

actions, and rulemakings related thereto, are therefore excluded:"

2. Section 547.4(a)(3) would read, "Certification of financial responsibility for water pollution cleanup pursuant to 46 CFR Parts 542, 543, and 544:"

3. Section 547.4(a)(12) would be amended to read, "Consideration of exclusive or non-exclusive equipment interchange or husbanding agreements filed for section 15 approval:"

4. Present section 547.4(a)(18) would be deleted and replaced with a new section 547.4(a)(18) which would read, "Consideration of actions solely affecting the environment in a foreign country:"

5. The following new subparagraphs would be added to section 547.4(a):

(30) Consideration of agreements for marine terminal facilities and/or services which involve:

(i) the use, operation, repair or maintenance of: existing structures and facilities, such as docks, berths, piers, wharves, container freight stations, apron areas, warehouses, transit sheds or offices, cranes and other cargo handling areas and facilities;

(ii) the construction of facilities or structures of less than 50,000 square feet; the installation of supporting equipment and facilities, including paving or grading involving no expansion of land area; the installation of surface or subsurface pipelines, fences, lights, and water, sewage, electrical, and gas utilities; or

(iii) the performance of dockage, wharfage, free-time, wharf demurrage, terminal storage, handling, loading and unloading, stevedoring, checking and heavy lift services;

(31) Consideration of agreements regulating employee wages, hours of work, working conditions or labor exchanges;

(32) Consideration of agreements involving the repair, leasing, pooling and checking of shoreside containers, container equipment, cranes, and other cargo handling equipment;

(33) Consideration of general agency agreements involving ministerial duties of a common carrier such as internal management, cargo solicitation, booking of cargo, or preparation of documentation;

(34) Consideration of agreements pertaining to credit rules and performance bonds; and

(35) Consideration of agreements between the members of two or more conferences or other rate-fixing agreements to discuss and agree upon common self-policing systems or cargo inspection services.

By the Commission.

Joseph C. Polking,
Acting Secretary.

[FR Doc. 81-17172 Filed 6-9-81; 8:45 am]
BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[CC Docket No. 79-252]

Policy and Rules Concerning Rates for Competitive Common Carrier Services and Facilities Authorizations Therefor; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications
Commission.

ACTION: Proposed rule; extension of
reply comment period.

SUMMARY: Based on a request by
Eastern Microwave Inc. the period of
time for filing reply comments on the
further Notice of Proposed Rulemaking
issued in this proceeding, Policy and
Rules Concerning Rates for Competitive
Common Carrier Services and Facilities
Authorizations Therefor CC Docket 79-
252, 46 FR 10924 (February 5, 1981), is
extended to July 10, 1981.

DATES: Reply Comments; July 10, 1981.

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

FOR FURTHER INFORMATION CONTACT:
Michael B. Fingerhut, Common Carrier
Bureau (202) 632-6917.

Adopted: May 28, 1981.

Released: June 1, 1981.

By the Acting Chief, Common Carrier
Bureau:

1. Before the Common Carrier Bureau
is a motion filed by Eastern Microwave,
Inc. (EMI) for an extension of time in
which to file reply comments on the
Further Notice of Proposed Rulemaking
(*Further Notice*) issued in the above-
captioned proceeding.¹ Under the
current procedural schedule, reply
comments are due June 5, 1981; EMI
seeks a 60-day extension of this date to
August 4, 1981.

2. In support of its request, EMI points
out that many of the direct comments
which were filed on this proceeding on
May 1, 1981 are of considerable length
and involve complex legal analysis. It
argues that its ability to review these
comments and develop a response
representative of EMI's interest in this
far-reaching proceeding is hampered
both by the relatively short time frame

in which reply comments must be
prepared and the fact that EMI's counsel
are actively engaged in two lawsuits of
vital importance to the carrier.

3. We agree with EMI that because of
the voluminous number of direct
comments filed, the parties should have
some additional time in which to
prepare their replies. Based on our own
review of the comments as well as the
fact that at the request of several other
parties the Bureau previously granted a
two-month extension in the entire
pleading cycle, *Order*, Mimeo No. CC
07462 (released February 26, 1981), we
have decided to allow the parties until
July 10, 1981 in which to submit their
replies.

4. Accordingly, it is ordered, that
pursuant to authority delegated under
§ 0.291 of the Commission's Rules and
Regulations, 47 CFR § 0.291, the
procedural date for filing reply
comments in this proceeding is extended
to July 10, 1981.

5. It is further ordered that, except to
the extent granted, the motion for the
extension of time of Eastern Microwave,
Inc. is denied.

6. It is further Ordered, that this Order
is effective upon adoption.

7. It is further ordered, that a copy of
this Order be published in the *Federal
Register*.

Federal Communications Commission.

Joseph A. Marino,
Acting Chief, Common Carrier Bureau.

[FR Doc. 81-17139 Filed 6-9-81; 8:45 am]
BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1047

[Ex Parte MC 75 (Sub-3)]

Agricultural Cooperative Exemption

AGENCY: Interstate Commerce
Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: Section 24 of the Motor
Carrier Act of 1980 raised the limit on
nonfarm, nonmember regulated
commodities which agricultural
cooperatives could haul, from 15 to 25
percent of a cooperative's annual
tonnage. With the increased percentage
and the concern about sham
cooperatives, Congress provided the
Commission with enhanced enforcement
powers over agricultural cooperatives
hauling nonmember freight. The
Commission proposes minimal report
and record keeping requirements, and a
requirement that non-resident
agricultural cooperatives make their

reports and records available within the
United States. The "Notice to
Commission of Intent to Perform
Interstate Transportation for Certain
Nonmembers Under 49 U.S.C.
10526(a)(5)," Form BOP. 102, has been
redesignated as OCP 102 and will expire
one year from the date filed by the
agricultural cooperative. These
provisions do not increase economic
regulation over cooperatives but provide
an improved monitoring mechanism to
ensure that cooperatives are operating
within the exemption.

DATE: Written comments are due July 27,
1981.

ADDRESS: The original and, if possible,
15 copies of comments should be sent to:
Ex Parte No. MC-75 (Sub-No. 3), Room
7219, Office of Consumer Protection,
Interstate Commerce Commission,
Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:
Phyllis Gunn (202) 275-7475.

SUPPLEMENTARY INFORMATION:

Background

Section 24 of the Motor Carrier Act of
1980 specifically permits the
Commission (1) to prescribe the form in
which records shall be kept by
agricultural cooperative associations
providing nonmember transportation; (2)
to require the filing of reports containing
answers to questions about
transportation; (3) to inspect the lands,
buildings, equipment, and records of any
cooperative; and (4) to bring civil action
against a cooperative and levy specific
penalties for noncompliance with the
inspection, record keeping, and
reporting requirements.

The Proposed Rules

Records and Reports

The present regulations under 49 CFR
1047.22 prescribe the content of records
but not the form in which they must be
kept. Since most cooperatives do not
organize transportation information in
any particular order, it is difficult to
monitor compliance with the
nonmember, annual tonnage and
revenue limitations.

Section 1047.22(b)(1), (2) and (3), as
proposed, would hopefully remedy this
situation. First, a single trip report for
each member and nonmember haul
containing the required shipment
information shall be compiled. It can be
maintained as a single document or as
part of a continuous tally of all hauls.
The trip reports must be kept in some
type of order determined by the
cooperative, either chronologically, by
freight bill number, or some other
means, and cross referenced to

¹ *Further Notice of Proposed Rulemaking*, 84 FCC
2d 445 (1981).

supporting shipping and billing documents. These documents must also be kept and cross referenced to the trip reports. In § 1047.22(b)(1)(v), the weight of the shipment, rather than its volume, will be required to ensure that tonnages are properly figured.

The next proposal requires agricultural cooperatives performing nonmember transportation to compile a quarterly report of their tonnage and/or revenue figures for members; nonmembers who are farmers, cooperatives, federations thereof, and transportation otherwise exempt; other nonmembers; and the U.S. Government. Cooperatives should be maintaining this information in order to determine whether or not they are exceeding the tonnage and revenue limits. The new legislation sets a time limit of 30 days in which a cooperative must provide transportation information. The same time frame is proposed for the preparation of the quarterly reports.

It is reported that many so-called agents, sub-agents, and brokers are arranging transportation for a significant amount of regulated traffic under the name of a cooperative but without the knowledge of the cooperative they purport to represent. One step which can help curb such abuse is to have the cooperative maintain a list of all agents, sub-agents, and brokers it has authorized to represent it.

On the other hand, a cooperative may use its network of agents to scatter its transportation records throughout the country and hamper compliance monitoring significantly. To combat this problem, the regulations will mandate the keeping of all records and reports at the address specified in the Notice filed by the cooperative.

The Senate Committee on Commerce, Science, and Transportation "received testimony and informal comments that indicate a concern about so-called sham cooperatives that have been formed to take advantage of the exemption without truly being a transportation service for agricultural shippers." Determining whether or not the members of the cooperative are engaged to some extent in farming is the first step in identifying a sham operation. The agricultural cooperative would be required to maintain member qualification statements containing the basic information specified under Section 1047.22(c).

Although we believe these additional recordkeeping requirements will have minimal effect on legitimate cooperatives, we seek additional evidence and comments in assessing the paperwork burden presented by these proposals.

Form OCP 102

Form BOp 102, the "Notice to Commission of Intent to Perform Interstate Transportation for Certain Nonmembers Under 49 U.S.C. 10526(a)(5)," has already been redesignated as Form OCP 102 due to the reorganization of the Bureau of Operations into the Office of Consumer Protection. The new form designation was approved by the General Accounting Office on February 12, 1981, when the form was cleared for usage until December 31, 1981. The other change in the form involves the replacement of Section 203(b)(5) and 49 U.S.C. 10526(a)(5) due to the recodification of the Interstate Commerce Act.

The Notice, Form OCP 102, is required by 49 U.S.C. 10526(a)(5) for agricultural cooperatives intending to perform nonmember, nonfarm transportation. From 1968 (when the Notice was first required) to 1978, approximately 350 agricultural cooperatives filed Notices. The form was revised in July, 1978 and since then, approximately 48 cooperatives have refilled and an additional 60 new cooperatives have filed the Notice.

Although many of the agricultural cooperatives go out of business, the Notices which they filed remain in effect. A cooperative may be violating the requirements to make an annual filing and to file supplemental Notices when changes occur. However, such violations do not authorize the Commission to void the initial filing without initiating a formal procedure. Hence, it is impossible to tell how many Notices are actively used and whether or not the information on the form is accurate about the cooperative that filed it. Outdated Notices are misused by a sham cooperative or other illegal trucking operation to mislead shippers and state police into believing that it has "interstate operating authority." Even the "rights" to use the OCP 102 "authority" are sold to various trucking operations.

To help control these occurrences, we propose to amend the Form OCP 102 (see Appendix A) so that it expires one year from the date it is filed by the cooperative. The expiration date of the filing will be included in the annual publication of the Notice in the *Federal Register*. All cooperatives will have one year to refile and then all previously filed Notices will become null and void. This proposal will not place any extra burden on the cooperatives since they presently must file a Notice annually within 30 days of their annual meetings. This present requirement will be

eliminated since the expiration date necessitates an annual filing if the cooperative intends to continue hauling for nonmembers.

Any changes in the information contained in the Notice on file will necessitate another filing of the Notice within 30 days of the changes to replace the outdated Notice. The language in the certification statement on the OCP-102 has been simplified with no substantive changes in content or meaning.

Agricultural Cooperatives Domiciled in Other Countries

Commission investigators are unable to monitor compliance of a cooperative domiciled in a foreign country, if it refuses to make its records available in the United States. The regulation proposed under Section 1047.24 would resolve this problem. It would require the non-resident to maintain copies of records at a designated place in the United States. The OCP 102 would be modified to require the address in the *United States* where records are maintained.

Without such a regulation, our ability to monitor compliance by a foreign-based agricultural cooperative doing business in the United States, is significantly reduced. Presently, there are seven cooperatives domiciled in Mexico which have filed Notices and the number is likely to increase.

Environmental and Energy Considerations

This proposed action does not significantly affect the quality of the human environment or the conservation of energy resources.

Initial Regulatory Flexibility Analysis

Amendments to the regulations are being proposed in response to Congressional concern about sham agricultural cooperatives and transportation for nonmembers which exceed the tonnage and revenue limits established by Congress. By providing additional enforcement powers over cooperatives in Section 24 of the "Motor Carrier Act of 1980," Public Law 96-296, passed July 1, 1980, Congress clearly intended for the agricultural cooperative statute to be fully monitored.

This statute is found under 49 U.S.C. 10526(a)(5). Its present form (except nonmember annual tonnage has been increased from 15 to 25 percent) is due to a statutory amendment made by Congress in 1968 when Public Law 90-433 was enacted. To implement the new legislation, a set of regulations defining the new provisions was adopted under 49 CFR 1047.20 through 1047.23 and 49

CFR 1003.1(a). These regulations were modified in 1978 under Ex Parte No. MC-75 (Sub-No. 1) to define further the agricultural cooperative statute and deal with the fast growing problem of sham cooperatives and other illegal operations. Unfortunately, these regulations were deficient in certain respects, especially concerning non-resident cooperatives and the record keeping responsibilities of all cooperatives. Under 49 U.S.C. 11144(c), Congress had limited the Commission from prescribing the form of any records to be maintained by agricultural cooperatives. However, this prohibition was eliminated under the "Motor Carrier Act of 1980" and a new section was enacted under 49 U.S.C. 10529 which permits the Commission to prescribe a form for records, require filing of reports, and inspection and copying of records. Specific penalties for noncompliance with the requirements are assigned. Thus, the statutory amendments have enabled us to propose amendments to carry out the Congressional mandate in this area.

Overall, the proposed revisions seek to systematize information agricultural cooperatives already must keep to ensure its compliance with the statute. However, basic information regarding farmer members, brokers, and agents supporting the cooperative, will be required for the first time and thus made available to the Commission for compliance monitoring.

Approximately 110 agricultural cooperatives have filed the required Notice since July 1978, and would be affected by these proposed amendments. They can range in size from one driver and truck to a fleet of a hundred or more trucks with drivers. Their operations are often nationwide regardless of the size of the cooperative, although some tend to operate predominately in one region of the country.

The legitimate agricultural cooperative will feel minimal effects from these record keeping requirements since it already keeps such records as part of its regular business practice. On the other hand, the sham cooperative probably maintains few of the records pertaining to members, brokers, agents, and nonmember transportation.

Most of the information required for the trip report will be obtained from the freight bill. Other information will need to be gathered from other sources and included in the trip report. The summary report will consist of the total tonnage and revenue figures contained in trip reports for one quarter. Names and addresses of farmer members, brokers,

agents, and sub-agents should already be available to the cooperative.

Although the Commission can now require cooperative associations to submit reports, we are only proposing that such reports and records be maintained for possible inspection at the cooperative's office or in the case of non-resident cooperatives, at a place in the United States. Except for the cooperatives domiciled in a foreign country, there are no reproduction or mailing costs involved and clerical time spent on preparing records is greatly reduced.

The record and report keeping requirements will require at most, routine bookkeeping skills while other tasks may be accomplished by clerical personnel.

There are no other Federal rules which duplicate, overlap or conflict with the proposed rules.

The proposed amended regulations are straightforward and simple to comprehend. There are no significant alternatives which would accomplish the stated objectives. These proposed regulations will have a slight economic impact on relatively few small entities. To try to minimize the economic impact would require forfeiting some of the stated objectives and, thus, render the rulemaking unworthwhile.

A copy of this notice will be served on the Administrator of the Small Business Administration. Any input that agency intends to make should be presented within the 45-day comment period.

Amendments

We propose to amend Part 1047, Subtitle B, Chapter X of Title 49, of the Code of Federal Regulations, as follows:

1. In § 1047.20, paragraphs (a) and (b) are revised and paragraph (i) is added to read as follows:

§ 1047.20 Definitions.

(a) Cooperative Association. The term "cooperative association" means an association which conforms to the following definition in the Agricultural Marketing Act, approved June 15, 1929, as amended (12 U.S.C. 1141j): as used in this act, the term "cooperative association" means any association in which farmers act together in processing, preparing for market, handling, and/or marketing the farm products of persons so engaged, and also means any association in which farmers act together in purchasing, testing, grading, processing, distributing, and/or furnishing farm supplies and/or farm business services. Provided, however, that such associations are operated for the mutual benefit of the

members thereof as such producers or purchasers and conform to one or both of the following requirements: First. That no member of the association is allowed more than one vote because of the amount of stock or membership capital he may own therein; and Second. That the association does not pay dividends on stock or membership capital in excess of 8 per centum per annum. And in any case to the following: Third. That the association shall not deal in farm products, farm supplies, and farm business services with or for nonmembers in an amount greater in value than the total amount of such business transacted by it with or for members. All business transacted by any cooperative association for or on behalf of the United States or any agency or instrumentality thereof shall be disregarded in determining the volume of member and nonmember business transacted by such association. Associations which do not conform to such definition are not eligible to operate under the partial exemption of 49 U.S.C. 10526(a)(5).

(b) Federation of cooperative associations. The term "federation of cooperative associations" means a federation composed of either two or more cooperative associations and one or more farmers, which federation possesses no greater powers or purposes than a cooperative association as defined in paragraph (a) of this section. Federations of cooperative associations which do not conform to such definition are not eligible to operate under the partial exemption of 49 U.S.C. 10526(a)(5).

(i) Non-resident. The term "non-resident" means a cooperative association or federation of cooperative associations which maintains its principal place of business and/or its transportation records required by 49 CFR 1047.22 in any place not within the United States.

2. Section 1047.21 remains unchanged.

§ 1047.21 Computation of tonnage allowable in nonfarm-non-member transportation.

3. Section 1047.22 is amended by revising paragraph (b) and adding paragraph (c) to read as follows:

§ 1047.22 Nonmember transportation limitation, record and report keeping.

(b) Records and reports of interstate transportation when nonmember transportation is performed. Any cooperative association or federation of

cooperative associations performing interstate transportation for nonmembers and required to give notice to this Commission under § 1047.23 shall prepare and retain for a period of at least two years at the address specified in its OCP 102 on file, the following written records and reports of all interstate transportation performed for members and nonmembers.

(1) Each shipment shall be documents in a single trip report which shall contain:

- (i) the date of the shipment,
- (ii) cross references to the supporting shipping and/or billing documents,
- (iii) the names and addresses of the consignor and consignee,
- (iv) the origin and destination of the shipment,
- (v) a description of the articles in the shipment,
- (vi) the weight of the shipment,
- (vii) a description of the equipment used either by unit number or license number and, in the event this equipment is nonowned, the names and addresses of its owners and drivers,
- (viii) the total charges collected,
- (ix) whether the transportation performed is

(A) member transportation,
 (B) nonmember transportation for nonmembers who are farmers, cooperative associations, or federations thereof, and nonmember shipments which are exempt under Subchapter II, Chapter 105, Subtitle IV of Title 49 of the United States Code,

(C) other nonmember transportation, and if of category (C), how such transportation was incidental and necessary as defined in § 1047.21(a). A copy of all leases executed by the cooperatives association or federation of cooperative associations to obtain equipment to perform transportation under 49 U.S.C. 10526 (a)(5) shall also be kept. All trip reports shall be maintained in an orderly fashion, in a single document or on a continuous ledger sheet, and may be computerized.

(2) Within 30 days of the end of each quarter in the fiscal year of each agricultural cooperative or federation thereof, the following information shall be compiled into a single report: (i) Total tonnage and revenue for each of the

three categories described in Section 1047.22(b)(1)(ix); (ii) Total revenue from shipments transported for the U.S. Government; (iii) Names and addresses of all brokers, agents, and sub-agents authorized to represent the agricultural cooperative or federation thereof.

(3) Shipping and billing documents which provide the data for the above records and reports shall be maintained and cross referenced to the trip reports required under paragraph (b)(1) of this section.

(c) Member qualification statements. Any cooperative association or federation of cooperative associations required to give notice to this Commission under Section 1047.23 shall prepare and maintain a current list of its members' names and addresses, the date each member was admitted into the cooperative, the name of a person at the member's address who may be contacted about member's participation in the cooperative association, and a description of farm-related products produced by the member.

4. Section 1047.23 is revised to read as follows:

§ 1047.23 Notice to the Commission.

A cooperative association or federation of cooperative associations which performs or proposes to perform interstate transportation for nonmembers, who are not farmers, cooperative associations, or federations of cooperative associations, under 49 U.S.C. 10526(a)(5) (which transportation is not otherwise exempt under Subchapter II, Chapter 105, Subtitle IV of Title 49 of the United States Code) shall notify the Commission of its intent to perform such transportation. Such notification shall be given prior to the commencement of such operations and shall be in the form, contain the information, and be served in the manner called for in Form OCP 102. The Notice will expire one year from the filing date stamped on the Notice and must be refiled annually to comply with the notification requirement prior to the commencement of transportation for nonmembers. All previously filed Notices shall become null and void one year following the effective date of this section. Following the receipt of a

properly completed Form OCP 102,¹ the Federal Register and put in a central file at the Commission, as public notice of the intent of the agricultural cooperative association or federation of cooperative associations to conduct interstate for-hire transportation for nonmembers under 49 U.S.C. 10526(a)(5). The information requested is of a continuing nature and any changes in the information concerning officers, directors, and location of transportation records in the Notice on file shall be brought to the Commission's attention by the filing of another Form OCP 102 within 30 days of such change which will replace the previously filed Form OCP 102. Forms which are incomplete or are not properly notarized will be rejected by the Commission.

5. Section 1047.24 is added to read as follows:

§ 1047.24 Reports and records of non-resident cooperative associations and federations thereof.

Each non-resident cooperative association or federation which is required to give notice to the Commission under § 1047.23 shall maintain true and current copies of the records and reports required by Section 1047.22, at a place within the United States designated by the non-resident in the Form OCP 102.

(49 U.S.C. 10321, 10526(a)(5), 10529, and 5 U.S.C. 553)

Decided: May 28, 1981.

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

Agatha L. Mergenovich,
 Secretary.

The following Appendix A will not appear in the Code of Federal Regulations.

¹ Form OCP 102 is available upon request from the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

APPENDIX A

INTERSTATE COMMERCE COMMISSION		APPROVED BY GAO B-180230 (R0112) EXPIRES 3-31-81	
NOTICE TO COMMISSION OF INTENT TO PERFORM INTERSTATE TRANSPORTATION FOR CERTAIN NONMEMBERS UNDER 49 U.S.C. 10526 (a)(5)			
COMPLETE LEGAL NAME OF COOPERATIVE ASSOCIATION OR FEDERATION OF COOPERATIVE ASSOCIATIONS			
PRINCIPAL MAILING ADDRESS (Street No., City, State and Zip Code)		BUSINESS ADDRESS (If different from principal mailing address)	
STATE OF INCORPORATION	DATE	NO. OF MEMBERS	FISCAL YEAR
TYPE OF COOPERATIVE OR FEDERATION AND PRIMARY PURPOSE			
PRINCIPAL OFFICERS (Name, Title and Address)		PRINCIPAL OCCUPATION AND BUSINESS ADDRESS	
		AFFILIATION WITH OTHER COOPERATIVES OR FEDERATION REQUIRED TO FILE NOTICE (Past 5 years)	
1.			
2.			
3.			
DIRECTORS		PRINCIPAL OCCUPATION AND BUSINESS ADDRESS	
		AFFILIATION WITH OTHER COOPERATIVES OR FEDERATION REQUIRED TO FILE NOTICE (Past 5 years)	
1.			
2.			
3.			
4.			
WHERE ARE ALL RECORDS OF YOUR MOTOR TRANSPORTATION MAINTAINED IN THE UNITED STATES? (Street No., City, State and Zip Code)			
DESCRIBE TRANSPORTATION (Commodities and Territory) CONTEMPLATED TO BE PERFORMED BY YOU UNDER THE 25 PERCENT PROVISION OF 49 U.S.C. 10526(a)(5).			
PERSON TO WHOM INQUIRIES AND CORRESPONDENCE SHOULD BE ADDRESSED			
NAME	MAILING ADDRESS	PHONE NO. (Include Area Code)	
(Receipt Stamp)		NOTE: The filing of this Notice is a proforma requirement and therefore does not constitute approval of the Interstate Commerce Commission or bear on the legitimacy of the named organization or its operations.	
THE INFORMATION REQUESTED IS OF A CONTINUING NATURE AND ANY CHANGES IN THE INFORMATION CONCERNING OFFICERS, DIRECTORS, AND LOCATION OF TRANSPORTATION RECORDS IN THE NOTICE ON FILE SHALL BE BROUGHT TO THE COMMISSION'S ATTENTION BY THE FILING OF ANOTHER FORM OCP-102 WITHIN 30 DAYS OF SUCH CHANGE. THE FAILURE TO INFORM THE COMMISSION OF SUCH CHANGES MAY SUBJECT THE ASSOCIATION OR FEDERATION AND ITS OFFICERS AND DIRECTORS TO THE PENALTIES PRESCRIBED IN 18 U.S.C. § 1001.			
THIS NOTICE EXPIRES ONE YEAR FROM THE ABOVE RECEIPT STAMP DATE			

CERTIFICATION

(To be completed by each principal officer)

I certify that the above statements are true and correct; that I am a principal officer of the organization in whose behalf this Notice is filed and am duly authorized to sign said Notice; that I have acquainted myself with the requirements of 49 U.S.C. 10526(a)(5) and 10529 and the Commission's regulations (49 CFR 1047.20 to 1047.24, inclusive); that the organization is a cooperative association or federation thereof as defined in the Agricultural Marketing Act (12 U.S.C. 1141j) which intends to engage in interstate transportation for nonmembers who are neither farmers, cooperative associations, nor federations thereof, in addition to transportation otherwise exempt under Subchapter II, Chapter 105, Subtitle IV, Title 49 of the U.S. Code; that the original Notice is filed with the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423; that a copy of this Notice shall be carried upon each truck or tractor operating pursuant to 49 U.S.C. 10526(a)(5); and that according to 49 U.S.C. 10529, the Commission or its duly authorized employees may on demand and display of proper credentials (1) inspect and examine the lands, buildings, and equipment of the association or federation, and (2) inspect and copy any record of the association or federation.

I further certify that in signing the foregoing certificate I am aware that anyone who, in any matter within the jurisdiction of any agency of the United States, intentionally makes or uses any false, fictitious, or fraudulent writing or document, may be subject to prosecution and fined up to \$10,000 and imprisoned for up to 5 years. (18 U.S.C. § 1001).

SIGNATURE		TYPED NAME AND TITLE	
ADDRESS		DATE	
COUNTY OF _____)	STATE OF _____)	19__	
SUBSCRIBED AND SWORN TO BEFORE ME, A _____ IN AND FOR THE STATE AND COUNTY ABOVE NAMED, THIS _____ DAY OF _____, 19__			
SIGNATURE		TYPED NAME AND TITLE	
ADDRESS		DATE	
COUNTY OF _____)	STATE OF _____)	19__	
SUBSCRIBED AND SWORN TO BEFORE ME, A _____ IN AND FOR THE STATE AND COUNTY ABOVE NAMED, THIS _____ DAY OF _____, 19__			
SIGNATURE		TYPED NAME AND TITLE	
ADDRESS		DATE	
COUNTY OF _____)	STATE OF _____)	19__	
SUBSCRIBED AND SWORN TO BEFORE ME, A _____ IN AND FOR THE STATE AND COUNTY ABOVE NAMED, THIS _____ DAY OF _____, 19__			

ICP-102 (4/81)

Commissioner Trantum, dissenting:

I am very much opposed to the issuance of this Notice of Proposed Rulemaking. Inasmuch as the statute is permissive with regard to the use of Commission authority to impose new federal regulations on agricultural cooperatives, I would decline to do so at this time. I am particularly concerned that the Commission admits that it may never review or utilize any of the information it intends to require these businesses to compile. I doubt very much that this proposed action could stand the scrutiny of a cost/benefit analysis.

[FR Doc. 81-10953 Filed 8-9-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 653****Coastal Migratory Pelagics; Fishery Management Plan; Public Hearing**

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

ACTION: Notice of Public Hearing.

SUMMARY: The South Atlantic Fishery Management Council will hold hearings to allow for public input on proposed changes to the Coastal Migratory Pelagics (Mackerels) Fishery Management Plan.

DATES: Written comments will be accepted until June 26, 1981. Individuals or organizations wishing to comment on the proposed changes may do so at the hearings which will be held from 7:30 p.m. to 10:00 p.m. as follows:

- June 24, 1981 Greenville, North Carolina
- June 24, 1981 Savannah, Georgia
- June 25, 1981 Charleston, South Carolina
- June 25, 1981 Palm Beach Gardens, Florida

The proceedings will be recorded; the tapes will serve as the official transcript. A written summary of each hearing will also be prepared.

ADDRESSES: Send comments to Chairman, South Atlantic Fishery Management Council, 1 Southpark Circle, Suite 306, Charleston, SC 29407.

Hearing Locations

- June 24, 1981 Research Development Institute Auditorium, East Carolina University, Greenville, North Carolina
- June 24, 1981 Savannah Science Museum, Savannah, Georgia
- June 25, 1981 Marine Resources Auditorium, Charleston, South Carolina
- June 25, 1981 Northeast County Courthouse Complex, Palm Beach Gardens, Florida.

FOR FURTHER INFORMATION CONTACT: David H. G. Gould, Executive Director, South Atlantic Fishery Management Council, 1 Southpark Circle Suite 306, Charleston, SC 29407. Telephone 803 571-4366.

SUPPLEMENTARY INFORMATION: The South Atlantic and Gulf of Mexico Fishery Management Councils jointly prepared the Fishery Management Plan for Coastal Migratory Pelagics (Mackerels). The plan was disapproved by the National Marine Fisheries Service as originally written. Disapproval was based on three management measures: (1) Specifying a minimum size of 25 inches for king mackerel that are bought, sold, or processed commercially; (2) stipulating a minimum mesh size of 4¾ inches for king mackerel gill nets; and (3) prohibiting the use of purse seines in the king and Spanish mackerel fishery off the South Atlantic Coast.

The South Atlantic Fishery Management Council reconsidered these management measures and voted to: (1) delete the minimum 25 inch size limit for king mackerel; (2) reaffirm its position in support of the 4¾ inch minimum king mackerel gill net mesh size (and develop additional rationale); and (3) allow purse seiners to compete with:

- (a) Other netters for up to 400,000 lbs. of king mackerel (the total allocation of king mackerel to netters is 5,122,800 lbs. The total allowable harvest by all gear types is 37 million lbs.), and
- (b) Other users for up to 300,000 lbs. of Spanish mackerel (the total allowable harvest of Spanish mackerel is 27 million lbs.)

The South Atlantic council will hold hearings to allow for public comment on these proposed changes to this plan. When changes to the disapproved measures are accepted by both

Councils, then the plan may be resubmitted to the National Marine Fisheries Service for reconsideration.

Dated: June 5, 1981.

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

[FR Doc. 81-17225 Filed 6-9-81; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Part 682**Western Pacific Fishery Management Council; Public Hearings; Correction**

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

ACTION: Correction of Notice of Public Hearings.

SUMMARY: On May 29, 1981 (46 FR 28883) a notice was published in the Federal Register 50 CFR Part 682 announcing a series of hearings to receive comments on a proposed fishery management program for billfish fisheries of the Western Pacific Region as described in the draft environmental impact statement/fishery management plan (DEIS/FMP). The notice has been amended as follows.

ADDRESSES: Public hearing locations: The June 18 hearing in Kona will take place at the King Kamehameha Hotel. The June 30 hearing in Kahului, Maui, will take place at the Kahului Library on Kaahumanu Street. A hearing will be held on July 11 in Saipan, Commonwealth of the Northern Mariana Islands, at 7:00 p.m. in the Governor's Conference Room.

FOR FURTHER INFORMATION CONTACT: Svein Fougner, Executive Director, Western Pacific Fishery Management Council, 1164 Bishop Street, Suite 1608, Honolulu, Hawaii 96813 (808) 523-1368, or Mr. Doyle Gates, Western Pacific Program Office, Southwest Region, NMFS, P.O. Box 3830, Honolulu, Hawaii 96812 (808) 946-2181.

Dated: June 5, 1981.

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

[FR Doc. 81-17224 Filed 6-9-81; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register

Vol. 46, No. 111

Wednesday, June 10, 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

Forest Service

Record of Decision, Final Environmental Impact Statement; A Programmatic Statement for Methods of Managing Competing Vegetation Pacific Northwest Region National Forest Lands in Oregon, Washington and Siskiyou and Del Norte Counties of California

Based on the analysis and evaluation in the Final Environmental Impact Statement for Methods of Managing Competing Vegetation, it is my decision to adopt Alternative 2 as the mix of methods to be used on appropriate National Forest Lands in the Pacific Northwest Region. Alternative 2 is: "Full use of all methods of vegetation management, except chemical use would be reduced. Use of chemicals would be critically examined for effects on adjacent land, streams, water systems, and nearness to communities." It is expected that a reduction in chemical use would be accomplished through consideration of local concerns and strict adherence to current law, regulation, policy, and guidelines. Seven alternatives were identified. All alternatives, except "no action," considering varying mixes of methods, including chemical, mechanical, manual, biological, and thermal.

Alternative 2 best meets all the evaluation criteria and gives due consideration to public input, public health and safety, environmental protection, cost effectiveness, employment opportunities, and accomplishment of assigned targets.

Alternative 2 was one of two alternatives identified as environmentally preferable.

The alternative selected provides adequate mitigation to avoid environmental harms.

Implementation may take place 45 days from the date of this decision. The decision to adopt Alternative 2 as described in the Final EIS is subject to administrative review (appeal) pursuant to 36 CFR 211.19.

Dated: June 2, 1981.

R. E. Worthington,

Regional Forester, Pacific Northwest Region.

[FR Doc. 81-17001 Filed 6-9-81; 8:45 am]

BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

[Order 81-6-25]

Fitness Determination of Puerto Rico International Airlines, Inc.; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of commuter air carrier fitness determination—Order 81-6-25, order to show cause.

SUMMARY: The Board is proposing to find that Puerto Rico International Airlines, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended; that it is capable of providing reliable essential air service; 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 22, 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 Mr. Patrick V. Murphy, Jr., Chief, Essential Air Services Division, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-6-25.

FOR FURTHER INFORMATION CONTACT: Richard E. Clusman, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5216.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-6-25 is available from the Distribution Section, Room 516, Civil Aeronautics Board, 1825

Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-6-25 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. 81-17195 Filed 6-9-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-6-44]

United States-Chile Show Cause Proceeding; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause; order 81-6-44.

SUMMARY: The Board proposes to institute the *United States-Chile Show Cause Proceeding*. Docket 39692, and consolidate the certificate applications of Pan American World Airways, Eastern Air Lines, and Air Florida, Inc. and other applicants, into this proceeding.

ANSWERS: Interested persons may answer these applications NO LATER THAN July 8, 1981. Copies of answers shall be filed with the Civil Aeronautics Board (23 copies, addressed to Docket 39692, Dockets Section, Civil Aeronautics Board, Washington, D.C. 20428), and shall be mailed to Pan American World Airways, Eastern Air Lines, Air Florida, Inc., the Departments of State and Transportation and the Ambassador of Chile in Washington, D.C.

Answers must cite the docket number and must include a summary of testimony, statistical data or other such supporting evidence.

To get a copy of the complete order, request it from the Civil Aeronautics Board, Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: Laurie Schaffer, (202) 673-5203, Legal Division, Bureau of International Aviation, Civil Aeronautics Board, Washington, D.C. 20423.

By the Civil Aeronautics Board: June 5, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-17190 Filed 6-9-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

[Case No. 618 and Case No. 617]

Bryan V. Williamson, a/k/a Byron Williams and Datalec Ltd.; Order Temporarily Denying Export Privileges

The Office of Export Administration, International Trade Administration, (ITA), issued charging letters against the above named respondents, alleging the parties separately and in association with each other, violated the provisions of the Export Administration Regulations, 15 CFR 368 *et seq.* It petitioned for an order temporarily denying respondents all export privileges pending final resolution of the charges.

Bryan Williamson, a/k/a Byron Williams, was denied all export privileges by Order of August 20, 1968, 43 FR 11841 (August 22, 1968). At that time the record disclosed that Williamson and others have connived and conspired to procure American-manufactured communications and electronic equipment for ultimate transshipment to proscribed destinations and persons. The evidence presented in support of the present petition leads to the conclusion that Datalec, 16 Haviland Road, Ferndown Industrial Estate Wimborne, Dorset, England BH21 7 RF is a dummy corporation, wholly owned and controlled by Williamson, dedicated to the purpose of evading the export laws of the United States, and that it has purchased and seeks to acquire additional American-controlled commodities for ultimate delivery to Eastern European destinations.

The record before me enforces the conclusion that to allow the export of any commodity for or on behalf of Williamson, a person long known for varied and continued violations of export laws, is inimical to the public welfare and may pose a threat to the national security.

I find that an order temporarily denying all export privileges to the respondents is reasonably necessary for the protection of the national security and the public interest to permit and facilitate enforcement of the Export Administration Act, and implementing regulations, pending the final disposition

of the proceedings initiated against the parties as indicated above.

Accordingly, it is hereby ordered that:

I. All outstanding validated export licenses in which respondents appear or participate, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Administration for cancellation.

II. The respondents, their successors or assigns, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Administration Regulations. Without limitation of the generality of the foregoing, participation in any such transaction, either in the United States, or abroad, shall include participation, directly or indirectly, in any manner or capacity, (a) as parties or as representatives of a party to a validated export license application, (b) in the preparation or filing of any export license application or reexportation authorization, or of any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part, exported or to be exported from the United States, and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any successor and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade of services connected therewith.

IV. No person, firm corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Administration, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with any named respondent or related party, or whereby any named respondent or related party may obtain any benefit

therefrom or have any interest or participation therein, directly or indirectly: (a) apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any named respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

V. In accordance with the provisions of § 388.19(b) of the Export Administration Regulations, the respondents may move at any time to vacate or modify this temporary denial order by filing with the Hearing Commissioner, International Trade Administration, U.S. Department of Commerce, Room 3810, 14th and Constitution Avenue, NW Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which if requested, shall be held before the Hearing Commissioner at the earliest convenient date.

VI. This order is effective immediately. It remains in effect until the final disposition of any administrative proceeding or proceedings initiated against the named respondents have been completed. A copy of this order shall be served upon the respondents.

Dated: June 4, 1981.

Bertram Freedman,
Hearing Commissioner.

[FR Doc. 81-17016 Filed 6-9-81; 8:45 am]

BILLING CODE 3510-25-M

Michelin X-Radial Steel Belted Tires From Canada; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Countervailing Duty Order.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on Michelin X-

radial steel belted tires from Canada. The review is based upon information for the period January 1, 1978 through December 31, 1979. As a result of this review, the Department has preliminarily determined to assess countervailing duties equal to the calculated value of the net subsidies for 1978 and 1979. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: June 10, 1981.

FOR FURTHER INFORMATION CONTACT:

Josephine A. Russo or Joseph A. Black, Office of Compliance, Room 2803 International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1168 or 377-1774).

SUPPLEMENTARY INFORMATION:

Procedural Background

On January 8, 1973, a "final Countervailing duty Determination," T.D. 73-10, was published in the *Federal Register* (38 FR 1018). The notice stated that the Department of the Treasury had determined that exports of Michelin X-radial steel belted tires from Canada benefitted from bounties or grants within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Tariff Act"). Accordingly, imports into the United States of this merchandise were subject to countervailing duties.

On January 1, 1980, the provisions of Title I of the Trade Agreements Act of 1979 ("the TAA") became effective. On January 2, 1980, the authority for administering the countervailing duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the *Federal Register* of May 13, 1980 (45 FR 31455) a notice of intent to conduct administrative reviews of all outstanding countervailing duty orders. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the order on Michelin X-radial steel belted tires from Canada.

Scope of the Review

Imports covered by this review are X-radial steel belted tires manufactured in Canada by Michelin tires (Canada) Limited (formerly Michelin tires Manufacturing Company of Canada, Ltd.), such imports are currently classifiable under item number 772.51 of the Tariff Schedules of the United States (TSUS).

The review is based upon information for the period January 1, 1978 through December 31, 1979 and is limited to the programs found countervailing in the final determination. Those programs are:

(1) a preferential long-term loan from Industrial Estates Limited ("IEL"); (2) capital and training grants from the Federal Department of Regional Economic Expansion ("DREE") and IEL; and (3) a preferential property tax agreement.

Analysis of Programs

1. IEL Loan. In the final determination, Treasury countervailed against a 1970 \$50 million loan agreement ("the 1970 agreement") with IEL at the preferential rate of 6 percent interest. Treasury ascertained the going rate for like funds to be 8 percent, thereby resulting in a 2 percent interest subsidy. Further, the 1970 agreement contained a pledge which tied the receipt of all of the grant monies to the repayment of the loan. In Michelin's September 11, 1980 response to our questionnaire, the company informed the Department of an agreement with IEL undertaken in 1972 ("the 1972 agreement") which changed certain of the terms of the 1970 loan contract. The 1972 loan agreement deferred payment of the first seven principal payments while financing that amount at higher interest rates. We have found that these amending provisions of the 1972 agreement do not result in a subsidy. We compared the interest rates on the deferred portion of the loan principal with the prevailing rates on the Canadian corporate bond and Eurobond markets in the month that the agreement became effective. Based on this data, the rates fixed by the 1972 agreement were not below market rates. For the loan principal that was not deferred and has continued to bear the original rate of 6 percent interest, we have calculated the subsidy rate by applying the same method used by Treasury in the final determination. We have preliminarily determined that the rates of benefit for this program are 0.49 and 0.22 percent *ad valorem* for 1978 and 1979, respectively.

2. Capital and Training Grants. Grants from DREE were direct cash grants for construction, expansion and/or modernization. Those from IEL were both training and capital grants. Since the 1970 loan agreement contained a pledge which tied all grants received to the repayment of the loan, Treasury calculated the benefit by allocating the grants over the same loan repayment schedule. The 1972 loan agreement discontinued this pledge, and, therefore, we will no longer apply our past method of allocation. Further, Michelin has received additional DREE grants for its later phases of expansion of capital plant and equipment. Consequently, we calculated the subsidy rates from the grants by determining those remaining

portions of the capital grants that would be applicable to buildings and to machinery, and allocating them on a straightline basis over half the useful life of the assets (20 years for buildings; 10 years for machinery) beginning in the year each grant installment was received. We then divided the allocated monies by the value of production (discussed below). We have preliminarily determined that the *ad valorem* rates of benefit from all of the capital grants for 1978 and 1979 are 2.33 and 2.07 percent, respectively. (See offset discussion below.)

For the IEL training grants received during 1973 and 1974, Treasury followed the same rationale for allocating each award over the life of the loan repayment schedule. The Department would normally expense a training grant in the year received. However, because the training grants are no longer tied to the loan's repayment, we have decided to approximate the normal approach by allocating the outstanding balances of these grants only to the year 1978, and divide by the value of production. This has resulted preliminarily in the subsidy rate of 1.63 percent *ad valorem* in 1978 and 0 percent in 1979.

Michelin requested that the Department take into consideration offsets due to costs incurred by location in an economically disadvantaged area. Under the TAA, offsets of this type can no longer be considered by the Department for entries made after January 1, 1980. However, since entries made after January 1, 1980. However, since entries covered by this review were made prior to the enactment of the TAA, the Department will allow such offsets if supported by sufficient evidence. Michelin did not provide verified evidence for these offsets; thus no offsets have been granted.

Michelin further requested that we take into account the after-tax consequences of the grant awards in calculating the amount of the subsidy. Under Canadian tax law, assets purchased with funds from DREE grants are not eligible for depreciation-related tax deduction. This, Michelin argues, increases the level of taxable income. The Department will not investigate the indirect consequences of domestic taxation law which flow from an alleged subsidy program unless that program is itself a provision of domestic taxation law. Thus, no adjustment has been made for this factor.

Lastly, Michelin requested that we make an adjustment for the payment made by Michelin to IEL for the release from the grant pledge. We have taken this payment into consideration on the

grounds that it represents a cost to Michelin for obtaining unrestricted use of the grant funds. We have applied this adjustment to the rate for 1979, the year in which the payment was made, resulting in an offset 0.24 percent *ad valorem*. The net subsidy for the capital grants after deduction of this offset is 1.83 percent in 1979.

3. Preferential Property Tax Agreement. The property tax agreement between IEL and the area taxing authorities provided for a flat rate of 1 percent property tax based on the actual costs of construction, rather than the appraised values. Each year, Treasury calculated the benefit by estimating the normal property tax incidence, and subtracting from this figure the payments made by Michelin on its 1 percent agreement. We have used this same method to determine the subsidy for 1978 and 1979. We have included the value of land in the total value of real property, since land is normally included in appraised values. We have preliminarily determined that the *ad valorem* rates under this program are 0.12 and 0.09 percent for 1978 and 1979, respectively.

In the calculation of all of the subsidy rates, we have decided to use the value of Michelin's exports to the United States as the best information available in representing the value of production. Michelin submitted in October 1980 values of production based upon an improper method of calculation. Further, Michelin declined to allow the Department to verify the production figures it furnished in response to our request. Michelin did offer, on May 12, 1981, to provide additional information and verification. However, we have not accepted this information since it was not provided in a timely manner.

Thus, while Michelin sells this merchandise in both the United States and Canadian markets, we are not able in a timely manner to verify from corporate books and records the production value of the merchandise sold in either, or the combined, markets. The only verified evidence of the production value of this merchandise consists of the value of exports to the United States. This information, which was obtained through the United States Government, was used, therefore, as the best evidence of the total production value of the merchandise.

We verified certain of the information presented by Michelin through examination of Canadian Government laws and documents; corporate loan contracts, cancelled checks and invoices and other documents; import statistics from the U.S. Government; and consultation with Canadian Government

officials who are familiar with the specific programs in this case.

Preliminary Results of Review

As a result of our review, we preliminarily determine that the aggregate net subsidy is 4.57 percent of the f.o.b. invoice price for 1978 and 2.25 percent *ad valorem* for 1979.

The Department intends to instruct the Customs Service to assess countervailing duties of 4.57 percent of the f.o.b. invoice price for 1978 and 2.25 percent *ad valorem* for 1979 on all unliquidated entries of Michelin X-radial steel belted tires from Canada exported during the period 1978 and 1979 respectively.

Further, a cash deposit of estimated countervailing duties of 2.25 percent of the f.o.b. invoice price shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of the present review. This requirement shall remain in effect until publication of the final results of the next administrative review.

Pending publication of the final results of the present review, the suspension of liquidation and deposit requirements previously ordered will continue.

Interested parties may submit written comments on these preliminary results on or before July 9, 1981 and may request disclosure and/or a hearing within 15 days of the date of publication. Any request for an administrative protective order must be made on or before June 15, 1981. The Department will publish the final results of the administrative review after analysis of issues raised in written comments or at a hearing.

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

Waring Partridge III,

Acting Deputy Assistant Secretary for Import Administration.

June 4, 1981.

[FR Doc. 81-17119 Filed 6-9-81; 8:45 am]

BILLING CODE 3510-25-M

Maritime Administration

Retrofitting of Four Tankers and Two OBOs To Comply With the Port & Tanker Safety; 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 retrofitting four MA Design T8-S-

100b tankers and two MA Design O88-S-90a OBOs to comply with the Port and Tanker Safety Act of 1978 (Pub. L. 95-474).

Any person, firm or corporation having any interest (within the meaning of Section 502(b)) in such computations may file written statements by the close of business on June 25, 1981, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099B, Department of Commerce Building, 14th & E Streets NW, Washington, D.C. 20230.

Dated: June 4, 1981.

By Order of the Maritime Subsidy Board,
Maritime Administration.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 81-17138 Filed 6-9-81; 8:45 am]

BILLING CODE 3510-15-M

National Oceanic and Atmospheric Administration

Caribbean Fishery Management Council; Education and Information Subcommittee; and Administration Subcommittee; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The Caribbean Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Public Law 94-265), has established Education and Information and Administrative Subcommittees. The Council and its Subcommittees will hold separate meetings. The Council will hold its 36th regular meeting to consider status reports on fishery management plans (FMP's) under development; draft FMP for shallow-water reef fishes; draft FMP for coastal migratory pelagics resources and discuss the proposed participation of the Council on joint efforts of various Councils regarding and FMP for swordfish; discuss progress on preparation of the color-slide narrated presentation on Council activities, as well as discuss administrative matters and other Council business. The Education and Information Subcommittee will also meet to consider the color-slide narrated presentation on Council activities and discuss the Council's newsletter; the Administrative Subcommittee will meet to consider matters related to the Council's budget and administrative operations. These meetings are open to the public.

DATES: The Council meeting will convene on Wednesday, July 22, 1981, at approximately 9 a.m., and will adjourn on Thursday, July 23, 1981, at

approximately noon. The Council's Education and Information Subcommittee will meet on Tuesday, July 21, 1981, at approximately 1:30 p.m., and will adjourn at approximately 3 p.m. and the Council's Administrative Subcommittee meeting will also convene on the same day, at approximately 3:30 p.m., and will adjourn at approximately 5 p.m.

ADDRESS: The meetings will take place at the Conference Room Number 4, La Torre Annex, Caribe Hilton Hotel, San Juan, Puerto Rico.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, Suite 1108, Banco de Ponce Building, Hato Rey, Puerto Rico 00918, Telephone: (809) 753-4926.

Dated: June 5, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-17211 Filed 6-9-81; 8:45 am]

BILLING CODE 3510-21-M

Inter-Council Swordfish Steering Committee; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The South Atlantic, Mid-Atlantic, New England, Gulf of Mexico, and Caribbean Fishery Management Councils, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Public Law 94-265), will hold inter-council meetings to review and discuss the source document of the Swordfish Fishery Management Plan.

DATES: The public meetings will convene on Monday, July 20, 1981, at approximately 9 a.m., and will adjourn on Tuesday, July 21, 1981, at approximately noon.

ADDRESS: The meetings will take place at the Caribbean Hilton International Hotel, San Juan, Puerto Rico.

FOR FURTHER INFORMATION CONTACT: South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, South Carolina 29407, Telephone: (803) 571-4366.

Dated: June 5, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-17212 Filed 6-9-81; 8:45 am]

BILLING CODE 3510-22-M

New England Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The New England Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Public Law 94-265), will meet to discuss the status of the groundfish and Atlantic sea herring fisheries; the Maine herring fishery management plan; reports of the Scientific and Statistical Committee, Advisory Subpanel and ad hoc enforcement committee; oversight committee's reports on Atlantic sea scallops; environmental affairs committee's report; reports of the inter-council and Chairpersons'/Executive Directors' meetings; National Marine Fisheries Service's secretarial hearings and summary of comments received at public hearings, as well as other business.

DATES: The public meetings will convene on Tuesday, June 30, 1981, at approximately 10 a.m., and will adjourn on Wednesday, July 1, 1981, at approximately 5 p.m. The meetings may be lengthened or shortened, or agenda items rearranged depending upon progress on the agenda.

ADDRESS: The meetings will take place at the King's Grant Inn, Route 128 at Trask Lane, Danvers, Massachusetts.

FOR FURTHER INFORMATION CONTACT: New England Fishery Management Council, Suntaug Office Park, Five Broadway-Route One, Saugus, Massachusetts 01600.

Dated: June 5, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-17213 Filed 6-9-81; 8:45 am]

BILLING CODE 3510-22-M

National Marine Fisheries Service; Notice of Issuance of Permit

On April 23, 1981, Notice was published in the *Federal Register* (46 FR 23097), that an application had been filed with the National Marine Fisheries Service by Mr. Brent S. Stewart, Field Biologist, 1700 South Shores Road, San Diego, California 92109, for a permit to take 1,000 Northern elephant seals and four other species of marine mammals for scientific research. The Notice erroneously gave the address as 700 South Shores Road and did not address adequately the numbers of animals to be taken from the other four listed pinniped species. The number of California sea lions, harbor seals, Northern sea lions, and Northern fur seals is undetermined. These species may be inadvertently harassed in the course of aerial and beach walk surveys in conducting the Northern elephant seal research.

Notice is hereby given that on June 4, 1981, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Scientific Research Permit to Mr. Brent S. Stewart, to conduct population studies on one thousand (1,000) Northern elephant seals (*Mirounga angustirostris*) subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: June 4, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-17214 Filed 6-9-81; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Military Traffic Management Command; Tender Format Requirements To Move Military Freight

AGENCY: Military Traffic Management Command (MTMC), DOD.

ACTION: Request for Public Comment on Proposed Change.

SUMMARY: MTMC proposes, as a revised procedure, to require mandatory use of the new tender format now in Optional Form 280, to move military freight shipments (excluding personal property). MTMC proposes that it will not distribute, but will return, to the issuing carrier or rate bureau any military freight tender that has not been submitted in the revised tender format. The purpose of this notice is to seek public guidance before a final decision is made.

DATE: Written public comments should be received by July 15, 1981.

ADDRESS: Directorate of Inland Traffic (MT-INNT), 5611 Columbia Pike, Falls Church, Virginia 22041.

FOR FURTHER INFORMATION CONTACT: Mr. Martin Cunningham, Headquarters, Military Traffic Management Command, Attention: MT-INNT, 5611 Columbia Pike, Falls Church, Virginia 22041, Telephone: (202) 756-1567; 756-1149.

SUPPLEMENTARY INFORMATION: In FR 51817, November 7, 1978, and 44 FR 59249, October 15, 1979, the General Services Administration, under 49 U.S.C.

10721, published changes to the standard format used to tender rates to U.S. Government agencies. Accordingly, 41 CFR 101-40.306-1, was amended to encourage optional use of the new tender format, illustrated in 41 CFR 101-40.4906.2, and designated Optional Form 280. MTMC now proposes mandatory use by common carriers of the new tender format to move military freight (excluding personal property).

Copies of Optional Form 280 and of tender preparation instructions can be obtained either from the Superintendent of Public Documents, U.S. Government Printing Office, Attention: Public Documents, Washington, D.C. 20402 (Stock No. 022-000-00183-3), or from the American Trucking Associations, Inc., Government Traffic Department, 1616 P Street, NW., Washington, D.C. 20036.

M. S. Healy,

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

June 5, 1981.

[FR Doc. 81-17199 Filed 6-9-81; 8:45 am]

BILLING CODE 3810-70-M

Corps of Engineers; Department of the Army

Draft Supplement Environmental Impact Statement (DSEIS) for a Proposed Cooperative Aquatic Plant Control Program for the State of Alabama

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of intent to prepare a draft supplement environmental impact statement (DSEIS).

SUMMARY: 1. *Description of Proposed Action:* The proposed action involves a cooperative program between the U.S. Army Corps of Engineers, Mobile District, and the State of Alabama Department of Conservation and Natural Resources to control/manage obnoxious aquatic plants in the waters of the State. The primary action involves herbicidal treatment, with the appropriate EPA-labeled herbicides, of Eurasian watermilfoil (*Myriophyllum spicatum*) and hydrilla (*Hydrilla verticillata*). The control efforts on Eurasian watermilfoil will be in limited areas of high public contact (i.e., boat channels, launching ramps) in the Mobile Delta area of south Alabama. Hydrilla control will be carried out initially on Coffeerville Lake on the Tombigbee River.

2. *Alternatives to the Proposed Action.* Alternatives considered include various degrees of plant management

using chemical, biological, mechanical, and integrated control methodologies, as well as the no action alternative.

3. *Description of the Scoping Process.* Numerous releases through the local media have been made in an effort to inform the public of the proposed action. In addition, many presentations have been made to local civic, conservation, and fishing organizations. The DSEIS will undergo the public review process as required by the National Environmental Policy Act. Significant issues to be addressed in the DSEIS will include purpose and need for the proposed action, the environmental impacts of herbicidal control activity, and the degree of treatment.

4. *Scoping Meeting.* None scheduled.
5. *DSEIS Preparation.* The DSEIS should be completed and made available to the public in August 1981.

ADDRESS: Questions about the proposed action and DSEIS can be answered by: Mr. James B. Hildreth, PD-EE, U.S. Army Engineer District, Mobile, P.O. Box 2288, Mobile, AL 36628.

Dated: June 2, 1981.

Robert H. Ryan,

Colonel, CE, Commander and District Engineer.

[FR Doc. 81-17153 Filed 6-9-81; 8:45 am]

BILLING CODE 3710-CR-M

Rocky Mountain Arsenal, Colorado; Filing of Final Second Supplement to Final Environmental Impact Statement, Transportation of Chemical Materiel, Operation RMT (October 1977)

A Final Environmental Impact Statement (FEIS) for the transportation of WETEYE chemical bombs from Rocky Mountain Arsenal, Colorado to Tooele Army Depot, Utah was filed in November 1977.

A first Supplement to the FEIS was filed in October 1978 to present the results of the 1978 Special Surveillance inspection of the munitions.

Section 809 of the Military Construction Authorization Act of 1981, Pub. L. 96-418, requires the Secretary of Defense, notwithstanding any other provision of law, to remove all chemical munitions from Rocky Mountain Arsenal, CO by October 10, 1981. In compliance with Section 809(b) of that Act, the Under Secretary of Defense (Research and Engineering) proposed to the Congress that the munitions be moved to Tooele Army Depot for future storage.

Although Section 809 of the Military Construction Act, 1981, exempts the removal of the WETEYE bombs from

Rocky Mountain Arsenal from the requirements of other laws, the Departments of Defense and Army, as a matter of policy, are continuing to use the procedures of Section 102 of the National Environmental Policy Act, 42 U.S.C. section 4332 (1976) as a guide in planning the movement. Accordingly, a Second Draft Supplement to the Final Environmental Impact Statement was filed on February 20, 1981. This Final Supplement presents the results of the 1979 WETEYE Reassessment Inspection, changes in inspection criteria, and other clarifications to the FEIS.

Copies of this Final Second Supplement have been delivered to the Environmental Protection Agency and are being forwarded to concerned, Federal, state and local agencies, as well as congressional delegations and Chairmen of the Congressional Armed Services Committees. Interested organizations or individuals may obtain copies from Commander, U.S. Army Armament Materiel Readiness Command, Building 390, Attn: DRSAR-ASN (Mr. N. H. Baker), Rock Island, IL 61201 (Phone (309) 793-5916). In the Washington area, inspection copies may be seen in the Environmental Office, Office of the Assistant Chief of Engineers, Room 1E676, Pentagon, Washington, D.C. 20310 (Phone (202) 694-1183).

Dated: June 5, 1981.

Lewis D. Walker,

Deputy for Environmental Safety and Occupational Health OASA(IL&FM).

[FR Doc. 81-17202 Filed 6-9-81; 8:45 am]

BILLING CODE 3710-08-M

Department of the Navy

Privacy Act of 1974; Addition of New Systems of Records

AGENCY: Department of the Navy (DON).

ACTION: Addition of a new system of records.

SUMMARY: The Department of the Navy proposes to add a new systems of records to its inventory of systems of records subject to the Privacy Act of 1974. The systems notices for this new system of records is set forth below.

DATES: The proposed actions will be effective without further notice on July 10, 1981, unless comments are received which would result in a contrary determination.

ADDRESSES: Any comments, to include written data, views or arguments concerning the actions proposed should

be addressed to the systems managers identified in the systems notices.

FOR FURTHER INFORMATION CONTACT:

Mrs. Gwendolyn R. Aitken, Privacy Act Coordinator, Office of the Chief of Naval Operations (OP-09B1P), Department of the Navy, The Pentagon, Washington, DC 20350; telephone 202-694-2004.

SUPPLEMENTARY INFORMATION: The Department of the Navy inventory of systems of records notices as prescribed by the Privacy Act of 1974, Title 5, United States Code, Section 552a (Pub. L. 93-579; 88 Stat. 1896, et seq.) have been published in the *Federal Register* at:

FR Doc. 81-897 (46 FR 6696) January 21, 1981
FR Doc. 81-3277 (46 FR 9693) January 29, 1981
FR Doc. 81-10892 (46 FR 21226) April 9, 1981

The Navy submitted a new system report for this system under the provisions of Subsection 552a(o) of Title 5 of the United States Code, on May 1, 1981.

M. S. Healy,

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

June 5, 1981.

N1754

SYSTEM NAME:

Navy Family Support Program

SYSTEM LOCATION:

Navy Family Service Centers located at various Naval and Marine Corps activities. A list of the proposed 78 Family Service Center Sites and anticipated implementation year is attached.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy and Marine Corps service members and their families/dependents. In certain overseas locations civilian Navy and Marine Corps employees may be eligible for services. In certain CONUS locations, civilian Marine Corps employees may be eligible for services.

CATEGORIES OF RECORDS IN THE SYSTEM:

File could contain personal information such as name, social security number, home address, telephone number, marriage counseling information, parent-child relationship information, family relations, financial data, and developmental disability information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 Departmental Regulations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the Family Service Centers in the performance of their duties related to counseling/servicing the member and/or dependent.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of member.

SAFEGUARDS:

Records are maintained in monitored or controlled areas accessible only to authorized personnel that are properly cleared and trained. Building/rooms locked outside regular working hours.

RETENTION AND DISPOSAL:

Records are retained for two years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Operations (OP-152), Department of the Navy, Washington, DC 20370.

NOTIFICATION PROCEDURES:

Written requests may be addressed to the appropriate Naval/Marine Corps activity concerned (mailing addresses are listed in the Navy directory in the component system notice). Individuals should provide proof of identity, full name, rank, dates of counseling, etc.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Form submitted by the individual applying for counseling/assistance.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Navy and Marine Corps—Family Service Center Sites

Name of site/station and geographical location	Parent activity	Fiscal year
Annapolis, Maryland	NAVSTA	1983
Adak, Alaska	NAVSTA	1983
Alameda, California	NAS	1982

Navy and Marine Corps—Family Service Center Sites—Continued

Name of site/station and geographical location	Parent activity	Fiscal year
Atsugi, Japan	NAF	1983
Bangor, Washington	NAVBASE	1982
Barbers Point, Hawaii	NAS	1983
Bermuda, Bermuda	NAS	1983
Brooklyn, New York	NAVSTA	1983
Brunswick, Maine	NAS	1983
Cecil Field, Florida	NAS	1983
Charleston, South Carolina	NAVBASE	1981
Charleston, South Carolina	WEPSTA	1983
Chase Field, Texas	NAS	1983
Corpus Christi, Texas	NAS	1983
Dallas, Texas	NAS	1983
Gaeta, Italy	NAVSUPACTDET	1983
Great Lakes, Illinois	NTC	1982
Guam, Marianas Islands	NAVSTA	1982
Guantanamo Bay, Cuba	NAVSTA	1983
Gulfport, Mississippi	NAVCONST-BATTCCN	1983
Holy Loch, Scotland	NAVACTDET	1983
Jacksonville, Florida	NAS	1981
Keflavik, Iceland	NAVSTA	1983
Key West, Florida	NAS	1983
Kings Bay, Georgia	NAVSUPSUBASE	1982
Kingsville, Texas	NAS	1983
La Maddalena, Italy	NAVSUPOFF	1983
Lemmore, California	NAS	1983
Little Creek, Virginia	NAVPHIBASE	1983
Longbeach, California	NAVSTA	1981
Mare Island, California	NAVSTA	1983
Mayport, Florida	NAVSTA	1983
Memphis, Tennessee	NAS	1983
Meriden, Mississippi	NAS	1983
Miramar, California	NAS	1981
Moffett Field, California	NAS	1983
Naples, Italy	NAVSUPACT	1982
New London, Connecticut	NAVBASE	1982
New Orleans, Louisiana	NAVSUPACT	1983
Newport, Rhode Island	NETC	1983
Norfolk, Virginia	NAVBASE	1980-81
North Island, California	NAS	1981
Ooesna, Virginia	NAS	1983
Okinawa, Okinawa (Japan)	FLTACT	1983
Orlando, Florida	NTC	1982
Patuxent River, Maryland	NAVIRTESTCEN	1983
Pearl Harbor, Hawaii	NAVSTA	1982
Pensacola, Florida	NAS	1981
Philadelphia, Pennsylvania	NAVSTA	1983
Port Hueneme, California	NAVCONST-BATTCCN	1982
Puget Sound, Washington	NAVSHIPYD	1983
Rota, Spain	NAVSTA	1983
Roosevelt Roads, Puerto Rico	NAVSTA	1983
San Diego, California	NAVSTA	1980-81
Sigonella, Italy	NAF	1983
South Weymouth, Massachusetts	NAS	1983
Subic Bay, Rep. of Philippines	NAVSTA	1983
Treasure Island, California	NAVSTA	1982
Washington, DC, District of Columbia	WNY	1982
Whidbey Island, Washington	NAS	1982
Whiting Field, Florida	NAS	1983
Yokosuka, Japan	FLTACT	1981

Became Operational During Current Year 1980

Name of Site and Geographical Location

MCAS, Cherry Point, North Carolina
MCB, Camp LeJeune, North Carolina
MCB, Camp Pendleton, California
MCAS, El Toro/MCAS, Tustin, California
MCB, Camp Butler, Okinawa, Japan
MCDEC, Quantico, Virginia
HQMC/Henderson Hall, Arlington, Virginia
MCAS, Yuma, Arizona
MCDB, Albany, Georgia
MCRD, San Diego, California
MCRD, Parris Island, South Carolina
MCAS, Iwakuni, Japan

MCAGCC, Twentynine Palms, California
 MCAS, Beaufort, South Carolina
 MCAS, Kaneohe Bay, Hawaii
 MCLB, Barstow, California
 [FR Doc. 81-17204 Filed 6-9-81; 8:45 am]
 BILLING CODE 3810-71-M

Office of the Secretary

Defense Science Board Summer Study Panel on Operational Readiness With High Performance Systems, Advisory Committee Meeting

The Defense Science Board Summer Study Panel on Operational Readiness with High Performance Systems will meet in closed session on June 29-30 in Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

At its meeting on June 29-30, 1981 the Defense Science Board Summer Study Panel on Operational Readiness with High Performance Systems will review the impact of high performance systems on the current state of readiness of U.S. forces.

In accordance with 5 U.S.C. App. 1 § 10(d) (1976), it has been determined that this Defense Science Board Summer Study Panel meeting concerns matters listed in 5 U.S.C. 552b(c) (1) (1976), and that accordingly, this meeting will be closed to the public.

June 2, 1981.

M. S. Healy,

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

[FR Doc. 81-17006 Filed 6-9-81; 8:45 am]
 BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Case Nos. 52007-1626-01-82, 52007-1626-02-82, 52007-1626-03-82]

New England Power Co. of Westborough, Massachusetts, Salem Harbor Units 1, 2, and 3; Intention To Proceed With Prohibition Order Proceedings

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of its intention to proceed with the pending Prohibition Order Proceedings relating to certain powerplants owned by New England Power Company (NEP) of Westborough, Massachusetts, and located in Salem, Massachusetts, and

identified as Salem Harbor units 1, 2 and 3.

Pursuant to sections 301(b) and 701(b) of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.*, (FUA) proposed prohibition orders for Salem Harbor units 1, 2 and 3 were issued by ERA on March 28, 1980, and published in the *Federal Register* on April 3, 1980 (45 FR 22183).

Description of Prohibition Order Proceedings

In accordance with 10 CFR 501.51, the issuance of the proposed prohibition orders commenced an initial public comment period, during which period NEP was given an opportunity to challenge ERA's initial finding that Salem Harbor units 1, 2 and 3 have or previously had the technical capability to burn an alternate fuel (coal) as a primary energy source. The initial comment period was extended twice, to a final date of May 1, 1981, in order to allow the utility to conduct air quality modeling on the effects of coal burning at Salem Harbor and to discuss the modeling results with appropriate environmental agencies. During this period, the utility was required to furnish ERA with evidence bearing upon the other statutory findings which ERA must make prior to the issuance of a final prohibition order. The utility must also have identified, during this period, any exemptions for which the powerplant may qualify, but need not have submitted evidence attempting to demonstrate entitlement to an exemption.

The publication of this Notice of Intention To Proceed commences another three-month period during which NEP may present evidence to demonstrate that the powerplants would qualify for exemptions, which would constitute a defense to the issuance of final prohibition orders.

Subsequent to the end of this three-month period ERA will, if it intends to issue final prohibition orders, prepare and publish a notice of availability of a Tentative Staff Analysis concerning the findings ERA must make prior to issuance of final prohibition orders. Those findings, which are required by section 301(b) of FUA, are: (1) that the powerplant has the technical capability to use coal or another alternate fuel as a primary energy source, or it could have such capability without (A) substantial physical modification of the powerplant or (B) substantial reduction in the rated capacity of the powerplant; and (2) that it is financially feasible for the powerplant to use coal or another alternate fuel as its primary energy source.

The provisions of section 701(d) of FUA and 10 CFR 501.33 afford any interested person an opportunity to request a public hearing on the proposed prohibition order. Interested persons wishing a hearing must make their request, in writing, no later than 45 days after publication of the Notice of Availability of the Tentative Staff Analysis. In accordance with 10 CFR 501.33, the request must include a description of the requesting party's interest in the issue or issues involved, and an outline of the anticipated content of the presentation proposed to be made. The request should, to the extent possible, identify witnesses that are intended to be called and include, if possible, a summary of their anticipated testimony and/or questions expected to be asked. If a hearing is requested, the hearing will be held in accordance with Subpart C of 10 CFR Part 501. Interested persons may also submit written comments during this 45-day period.

After the hearing and comment period closes, ERA shall determine whether a final prohibition order will be issued based upon ERA's review of the entire administrative record. Any final prohibition order, together with a summary of the basis therefore, will be published in the *Federal Register*. Such order shall not take effect earlier than sixty days after publication.

Comments and Written Submission Received on Proposed Prohibition Order

NEP submitted comments on the proposed prohibition order by letter dated April 30, 1981, indicating that NEP is working with various local, state and federal officials to obtain the necessary approvals to allow coal burning at Salem Harbor units 1, 2 and 3. NEP indicates that it will continue to work towards conversion to coal as long as the proposition is financially feasible, in the economic interest of utility customers, and environmentally safe.

Neither NEP, nor any other interested persons, submitted any information contrary to ERA's initial finding that Salem Harbor units 1, 2 and 3 have or previously had the technical capability to burn an alternate fuel (coal) as a primary energy source.

In accordance with 10 CFR 501.51, NEP submitted evidence relating to the other findings that ERA is required to make under section 301(b) of FUA, and identified, in their response dated April 30, 1981, those exemptions for which Salem Harbor units 1, 2 and 3 may qualify. The exemptions authorized by sections 311 and 312 of the Act which NEP identified are:

(a) Temporary exemption due to lack of alternate fuel supply, site limitations, or environmental requirements;

(b) Temporary exemption based upon future use of synthetic fuels;

(c) Temporary exemption based upon use of innovative technologies;

(d) Temporary exemption for units to be retired;

(e) Temporary public interest exemption;

(f) Temporary exemption for peakload powerplants;

(g) Temporary exemption for powerplants where necessary to maintain reliability of service;

(h) Permanent exemption due to lack of alternate fuel supply, site limitations, or environmental requirements;

(i) Permanent exemption due to certain state or local requirements;

(j) Permanent exemption for certain fuel mixtures containing natural gas or petroleum;

(k) Permanent exemption for emergency purposes;

(l) Permanent exemption for peakload powerplants;

(m) Permanent exemption for intermediate load powerplants;

(n) Permanent exemption for the use of LNG by certain powerplants; and

(o) Permanent exemption for installations necessary to meet scheduled equipment outages.

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, (202) 653-4055.

Steven Frank, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room 3302, Washington, D.C. 20461, (202) 653-4184.

James Renjilian, Office of General Counsel, Department of Energy, Forrestal Building, Room 6B-178, Washington, D.C. 20585, (202) 252-2967.

Issued in Washington, D.C., June 4, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion,
Economic Regulatory Administration.

[FR Doc. 81-17191 Filed 6-9-81; 8:45 am]

BILLING CODE 6450-01-M

Ozona Gas Processing Plant; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of Action Taken on Consent Order.

SUMMARY: The Office of Enforcement (OE), Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: June 1, 1981.

FOR FURTHER INFORMATION CONTACT: Natural Gas Liquid Products, Attn.: Claude Corzatt, Program Operations Division, Office of Enforcement, 2000 M Street, N.W., Room 5108, Washington, D.C. 20461, (202) 653-3541.

SUPPLEMENTARY INFORMATION: On December 7, 1979, the OE published notification in the *Federal Register* that it executed a Consent Order with Ozona Gas Processing Plant (OGP) of Tyler, Texas on November 28, 1979, 44 FR 70538 (1979). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believe they have a claim to all or a portion of the refund amount paid by OGP pursuant to the Consent Order were requested to submit notice of their claims to the OE.

One comment was received. The commentor raised issues concerning its independent claims against another purchaser from OGP. The Consent Order, by its terms, only resolved civil claims between OGP and the Department of Energy. The Consent Order, therefore, was not modified.

Pursuant to the Consent Order, OGP refunded the sum of \$177,000 by certified checks made payable to the United States Department of Energy in four installments. All such funds received by DOE have been placed into a suitable account pending determination of their proper distribution.

The following persons submitted claims to the OE:

Suburban Propane Gas Corporation
Growth Energy, Inc.

ACTION TAKEN: The OE is unable, readily, to identify the persons entitled to receive the \$177,000, or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the OE has petitioned the Office of Hearings and Appeals (OHA) on June 1, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply

with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 3rd day of June 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-17190 Filed 6-9-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 4538-000]

Wisconsin Public Power Incorporated 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. 4538 to be known as Mississippi River Lock and Dam No. 6 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 10,815 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 42,440 MWh.

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 which time studies would be made to determine the economic, engineering, and environmental feasibility of the project. In addition, Federal, State, and local agencies would be consulted concerning the environmental effects of the project. Applicant estimates the cost of the studies would be \$48,000.

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 6, 1981, either the competing application itself or a notice of intent to file a competing application.

Submission of a timely notice of intent allows an interested person to file the competing application no later than October 5, 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 6, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests,

or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4538. 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. 81-17020 Filed 6-9-81; 8:45 am]

BILLING CODE 8450-85-M

Determinations by Jurisdictional Agencies

Issued: June 2, 1981.

OFFICE	DATE	API NO	APPLICANT	FIELD NAME	PROD	PURCHASER
NORTH DAKOTA GEOLOGICAL SURVEY						
-ALPAR RESOURCES INC		33053010FD	RECEIVED: 05/04/81 JA: ND	CHERRY CREEK	144.0	AMINOIL USA INC
8129744	376		102-4 NORSTOG 1A-3			
-JERRY CHAMBERS-OIL PRODUCER		3300700547	RECEIVED: 05/04/81 JA: ND	T R FIELD	7.4	WESTERN GAS PROCE
8129745	375		102-4 2-26 MOSSER	T R	4.0	WESTERN GAS PROCE
8129742	374	3300700253	102-4 3-22 FRANKS CREEK STATE			
-MARTIN OIL COMPANY		3310500000	RECEIVED: 05/04/81 JA: ND	TIOGA MADISON	27.3	AMINOIL USA INC
8129741	373		102 435-1 JOHNSON			
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS						
ARCO OIL AND GAS COMPANY						
8129737		3002527158	RECEIVED: 05/04/81 JA: NM	LANGLIE MATTIX TR ON	5.0	EL PASO NATURAL G
8129738		3002527232	103 G W TOBY WELL NO 5	EUNICE (TR ON SOUTH)	100.0	PHILLIPS PETROLEU
8129732		3002526602	103 STATE 157 B WELL #4	JALMAT	7.0	PHILLIPS PETROLEU
8129731		3002526560	103 STATE 367 WELL NO 4 (BLIMBERRY)	BLIMBERRY	35.0	WARREN PETROLEUM
8129730		3002526560	103 STATE 367 WELL NO 4 (TUBB)	TUBB	7.0	WARREN PETROLEUM
8129739		3002527101	103 T M LANKFORD WEL WELL NO 2	LANGLIE MATTIX (TR ON)	15.0	EL PASO NATURAL G
-CITIES SERVICE COMPANY		3001523469	RECEIVED: 05/04/81 JA: NM	UND NORTH TURKEY TRACT	365.0	
8129729			103 STATE G2 NO 1			
-CONSOLIDATED OIL & GAS INC		3004524197	RECEIVED: 05/04/81 JA: NM	BASIN-DAKOTA	0.0	
8129733			103 JAQUEZ #2			
-COQUINA OIL CORPORATION		3002500000	RECEIVED: 05/04/81 JA: NM	LANGLIE-MATTIX	13.0	EL PASO NATURAL G
8129734			108-ER JANDA STATE #1			
-ENSERCH EXPLORATION INC		3004120565	RECEIVED: 05/04/81 JA: NM	NORTH PETERSON	80.0	TRANSWESTERN PIPE
8129723			103 PEARL JORDAN NO 2			
-GETTY OIL COMPANY		3004524312	RECEIVED: 05/04/81 JA: NM	BASIN DAKOTA	169.0	EL PASO NATURAL G
8129726			103 BUNCE FEDERAL COM WELL NO 1E	BASIN DAKOTA	91.0	NORTHWEST PIPELIN
8129727		3004524325	103 NEW MEXICO B WELL NO 1E			
-MESA PETROLEUM		3004524017	RECEIVED: 05/04/81 JA: NM	BASIN DAKOTA	142.0	EL PASO NATURAL G
8129740			103 STATE COM AH #30E			
-MOBIL PRDG TEXAS & NEW MEXICO INC		3002500000	RECEIVED: 05/04/81 JA: NM	DRINKARD	5.0	NORTHERN NATURAL
8129735			108 BRUNSON-ARGG NO 12	DRINKARD	7.9	NORTHERN NATURAL
8129736		3002511373	108 S E LONG NO 6			
-SOUTHLAND ROYALTY CO		3004320450	RECEIVED: 05/04/81 JA: NM	SOUTH BLANCO EXTENSION	80.0	EL PASO NATURAL G
8129725			103 DON EVANS #1			
-TENNECO OIL COMPANY		3002527127	RECEIVED: 05/04/81 JA: NM	KEPATZ ATOKA-MORROW	29.0	TRANSWESTERN PIPE
8129724			102 STATE LF-30 #1			
-YATES PETROLEUM CORPORATION		3001523154	RECEIVED: 05/04/81 JA: NM	EAGLE CREEK - PERMO PENN	0.0	TRANSWESTERN PIPE
8129728			103 JACKSON ESTATE BY #5			
TENNESSEE OIL & GAS BOARD						
-BRADY ENERGY CORP						
			RECEIVED: 05/04/81 JA: TN			

CO NO	UNIT	API NO	E-SEC CAT	WELL NAME	FIELD NAME	FRAC	PURCHASER
8129745	A-568	4112920454	102-2	RALPH PEMBERTON-D LAVENDER #1	DOUGLAS BRANCH	----	21.9 INTRASTATE ENERGY
WEST VIRGINIA DEPARTMENT OF MINES							

-BEREA OIL AND GAS CORPORATION							
8129820		4700101229	103	H L STEERMAN #1	VALLEY		17.6 CONSOLIDATED GAS
8129819		4700101260	103	L O SHINGLETON #1	VALLEY		7.8 CONSOLIDATED GAS
8129823		4700101240	103	R VOWLS #3	VALLEY		14.4 CONSOLIDATED GAS
8129822		4700101241	102-3	R VOWLS #4	VALLEY		9.8 CONSOLIDATED GAS
8129821		4700101241	103	R VOWLS #4	VALLEY		10.2 CONSOLIDATED GAS
8129784		4700101203	103	T HARRIS #1	VALLEY		9.6 CONSOLIDATED GAS
-BURDETTE OIL & GAS CO INC							
8129769		4707300783	0 102-3	AUBRA GRACE THORN #3	BENS RUN		0.0 COLUMBIA GAS TRAN
8129770		4707300784	0 102-3	AUBRA GRACE THORN #4	BENS RUN		0.0 COLUMBIA GAS TRAN
8129768		4707300748	0 102-3	WALDO WAGNER #3	BENS RUN		0.0 COLORADO GAS TRAN
-BUTTES RESOURCES CO							
8129747		4701500986	108	BROWN GOSHORN #1	GEARY PROSPECT		4.3 COLUMBIA GAS CO
8129745		4701500985	108	BROWN GOSHORN #2	GEARY PROSPECT		4.3 COLUMBIA GAS CO
8129748		4701500988	108	BROWN GOSHORN #3	GEARY PROSPECT		4.3 COLUMBIA GAS CO
8129749		4701500991	108	BROWN GOSHORN #4	GEARY PROSPECT		4.3 COLUMBIA GAS CO
8129750		4701500992	108	BROWN GOSHORN #5	GEARY PROSPECT		4.3 COLUMBIA GAS CO
-CARSON PETROLEUM CORP							
8129785		4702103633	103	JAMES #3	BIG ELLIS		30.0 CONSOLIDATED GAS
8129786		4702103625	103	JONES #2A	BIG ELLIS		30.0 CONSOLIDATED GAS
8129761		4701702705	103	SHULTE #1	ST CLAIR		20.0 COLUMBIA GAS TRAN
8129767		4702103664	103	SPROUSE #1	BIG ELLIS		25.0 CONSOLIDATED GAS
-FOX DRILLING CO INC							
8129783		4700101266	103	H POLING #2(47-001-1266)	BELINGTON FIELD		45.0 COLUMBIA GAS TRAN
8129782		4700101267	103	H POLING #3(47-001-1267)	BELINGTON FIELD		45.0 COLUMBIA GAS TRAN
8129761		4700101280	103	WAGNER #2(47-001-1280)	BELINGTON FIELD		35.0 COLUMBIA GAS TRAN
-HAUGHT-EVANS GAS CO							
8129779		4708504537	103	PANSY LEMON EVANS H-759	MURPHY DISTRICT		20.0 CONSOLIDATED GAS
-J & J ENTERPRISES INC							
8129768		4700101106	103	B-181	PHILIPPI		400.0 CONSOLIDATED GAS
8129829		4703302158	103	E-267	SARDIS		200.0 CONSOLIDATED GAS
8129766		4703302331	103	P-301	EAGLE		200.0 CONSOLIDATED GAS
8129762		4700101350	103	B-340	VALLEY		200.0 CONSOLIDATED GAS
8129777		4701702524	103	J-103	NEW MILTON		200.0 CONSOLIDATED GAS
8129837		4701702786	103	J-130	NEW MILTON		200.0 CONSOLIDATED GAS
8129763		4701702600	103	J-169	CENTRAL		200.0 CONSOLIDATED GAS
8129764		4701702606	103	J-171	NEW MILTON		200.0 COLUMBIA GAS TRAN
8129826		4701702740	103	J-241	NEW MILTON		200.0 COLUMBIA GAS TRAN
8129776		4700101335	103	J-282	BARKER		200.0 COLUMBIA GAS TRAN
8129765		4701702802	103	J-287	NEW MILTON		200.0 CARNegie NATURAL
8129828		4701702790	103	J-299	NEW MILTON		200.0 CARNegie NATURAL
-NRM PETROLEUM CORPORATION							
8129757		4709701954	103	STONE STREET #2	BUCKHAMMON RIVER		0.0 COLUMBIA GAS TRAN
-PENNOIL COMPANY							
8129771		4702103275	108	RUSH-HOLT #1	DEKALB		0.0 CONSOLIDATED GAS
8129794		4708504072	108	CHARLES LIEVING #1	MURPHY		0.0 CONSOLIDATED GAS
8129793		4708504073	108	CHARLES LIEVING #2	MURPHY		0.0 CONSOLIDATED GAS
8129792		4708504076	108	CHARS L LIEVING #5	MURPHY		0.0 CONSOLIDATED GAS
8129835		4702103297	108	D HARDMAN #6	DEKALB		0.0 CONSOLIDATED GAS

JD NO	DATE	ACRES	REC CAT	SELL NAME	FULL NAME	PROC	PURCHASER
8129834		4702103300	10R	CARL HAROMAN #1	DEKALB	0.0	CONSOLIDATED GAS
8129833		4702103301	10R	CARL HAROMAN #2	DEKALB	0.0	CONSOLIDATED GAS
8129799		4708504065	10R	ELIZ KEMP #1	MURPHY	0.0	CONSOLIDATED GAS
8129803		4708500921	10R	ELIZ KEMP #2	MURPHY	0.0	CONSOLIDATED GAS
8129808		4702103347	10R	F C GAINER #3	DEKALB	0.0	CONSOLIDATED GAS
8129832		4702103306	10R	FRENCH HAROMAN #2	DEKALB	0.0	CONSOLIDATED GAS
8129811		4702103307	10R	FRENCH HAROMAN #3	DEKALB	0.0	CONSOLIDATED GAS
8129810		4702103310	10R	FRENCH HAROMAN 9	DEKALB	0.0	CONSOLIDATED GAS
8129800		4708504063	10R	S C FEITY #1	MURPHY	0.0	CONSOLIDATED GAS
8129814		4710301110	0	H L SMITH #40	GRANT	0.0	CONSOLIDATED GAS
8129807		4708500212	10R	HAUGHT-LAMBERT #15	MURPHY	0.0	CONSOLIDATED GAS
8129806		4708500505	10R	HAUGHT-LAMBERT #18	MURPHY	0.0	CONSOLIDATED GAS
8129805		4708500534	10R	HAUGHT-LAMBERT #19	MURPHY	0.0	CONSOLIDATED GAS
8129790		4708504092	10R	HAYS-LAMBERT #1	MURPHY	0.0	CONSOLIDATED GAS
8129767		4702103262	10R	I D WOODFORD #3	DEKALB	0.0	CONSOLIDATED GAS
8129791		4708504090	10R	J C HAYS #2	MURPHY	0.0	CONSOLIDATED GAS
8129838		4702103281	10R	JOAG CRITES #RS #6	DEKALB	0.0	CONSOLIDATED GAS
8129836		4702103292	10R	LAFAYETTE HARDEN #2	DEKALB	0.0	CONSOLIDATED GAS
8129789		4710500786	10R	N J DAMSON #2	BURNING SPRINGS	0.0	CONSOLIDATED GAS
8129804		4708500807	10R	N W HAUGHT #3	MURPHY	0.0	CONSOLIDATED GAS
8129798		4708504066	10R	NEWTON KEMP #1	MURPHY	0.0	CONSOLIDATED GAS
8129797		4708504067	10R	NEWTON KEMP #2	MURPHY	0.0	CONSOLIDATED GAS
8129824		4710301166	0	O P MCINTYRE #1	GRANT	0.0	CONSOLIDATED GAS
8129788		4710500759	10R	PHOEBE PEPPER #1	BURNING SPRINGS	0.0	CONSOLIDATED GAS
8129812		4710500800	10R	PHOEBE PEPPER #2	BURNING SPRINGS	0.0	CONSOLIDATED GAS
8129816		4710500803	10R	PHOEBE PEPPER #5	BURNING SPRINGS	0.0	CONSOLIDATED GAS
8129815		4710500804	10R	PHOEBE PEPPER #6	BURNING SPRINGS	0.0	CONSOLIDATED GAS
8129816		4710500805	10R	PHOEBE PEPPER #7	BURNING SPRINGS	0.0	CONSOLIDATED GAS
8129837		4702103288	10R	R J ELLIS #5	DEKALB	0.0	CONSOLIDATED GAS
8129801		4702103330	10R	MIDDLE BROTHERS #8	DEKALB	0.0	CONSOLIDATED GAS
8129796		4708503422	10R	SARAH J LEMON #20	MURPHY	0.0	CONSOLIDATED GAS
8129795		4708504070	10R	SARAH J LEMON #24	MURPHY	0.0	CONSOLIDATED GAS
8129802		4708504071	10R	SARAH J LEMON #35	MURPHY	0.0	CONSOLIDATED GAS
8129813		4708503279	10R	SARAH LEMON #20	MURPHY	0.0	CONSOLIDATED GAS
8129825		4710301107	0	SHUMAN HEIRS #5	GRANT	0.0	CONSOLIDATED GAS
8129759		4704301547	0	W T HARRIS #4	DUVAL	0.5	CONSOLIDATED GAS
8129756		4703923483	103	RECEIVED: 05/04/81	ASPINALL-FINSTER	71.0	CONSOLIDATED GAS
8129751		4703903585	103	OLETA TURNER #1	ELK DISTRICT	16.1	COLUMBIA GAS TRAN
8129755		4703903477	103	J H CARTE #10	ELK DISTRICT	11.0	COLUMBIA GAS TRAN
8129754		4703903489	103	L KELLY #5	BIG SANDY DISTRICT	13.1	COLUMBIA GAS TRAN
8129753		4703903490	103	MOHLER LUMBER CO #6	ELK DISTRICT	13.1	COLUMBIA GAS TRAN
8129752		4703903491	103	MOHLER LUMBER CO #7	ELK DISTRICT	11.0	COLUMBIA GAS TRAN
8129830		4708504796	103	O GILBERT #10	MURPHY DISTRICT	12.0	CABOT CORP
8129831		4707300904	103	O GILBERT #11	UNION DISTRICT	0.0	COLUMBIA GAS TRAN
8129817		4703502325	103	RECEIVED: 05/04/81	LOST CREEK	8.0	CONSOLIDATED GAS
8129778		4708504863	103	RECEIVED: 05/04/81	PEREA	9.0	COLUMBIA GAS TRAN

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FIELD NAME ----- PURCHASER -----

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ADKIN 30.0 CONSOLIDATED GAS

ELMIRA 25.0 COLUMBIA GAS TRAN

ELMIRA 39.0 COLUMBIA GAS TRAN

GLENVILLE NORTH 30.0 CONSOLIDATED GAS

STEWARTS CREEK 40.0 COLUMBIA GAS TRAN

STEWART CREEK 46.0 COLUMBIA GAS TRAN

UNDESIGNATED FRUITLAND 10.0 EL PASO NATURAL G

BASIN DAKOTA 59.0 NORTHWEST PIPELIN

BLANCO MESAVERDE 59.0 GAS CO OF NEW MEX

OTERO CHACRA 29.0 EL PASO NATURAL G

BASIN DAKOTA 30.0 NORTHWEST PIPE LI

UTE DOME DAKOTA 21.0 EL PASO NATURAL G

CAT CLAW DRAW (MORROW GA 800.0 GAS CO OF NEW MEX

OTERO CHACRA 30.0 GAS CO OF NEW MEX

BLANCO MESA VERDE 30.0 GAS CO OF NEW MEX

BURTON FLAT WOLF CAMP MOR 110.0

BISTI GALLUP 50.0 EL PASO NATURAL G

BLANCO MESAVERDE 18.0 GAS CO OF NEW MEX

GALLUP 0.0 NORTHWEST PIPELIN

BASIN-DAKOTA 0.0 NORTHWEST PIPELIN

RUSTY CHACRA 335.1 SOUTHWEST GAS COR

PICTURED CLIFFS 7.5 EL PASO NATURAL G

BASIN DAKOTA 62.0 EL PASO NATURAL G

BLANCO SOUTH - PICTURED 20.0 EL PASO NATURAL G

BALLARD - PICTURED CLIFF 22.0 EL PASO NATURAL G

BLANCO - PICTURED CLIFFS 21.0 EL PASO NATURAL G

AZTEC - PICTURED CLIFFS 20.0 EL PASO NATURAL G

BLANCO 49.0 EL PASO NATURAL G

BASIN DAKOTA 69.0 EL PASO NATURAL G

JANMAT YATES-SEVEN RIVER 15.0 EL PASO NATURAL G

LANGLIE-MATTIX (SEVEN RI 11.0 EL PASO NATURAL G

BLANCO-MESAVERDE GAS 20.0 EL PASO NATURAL G

AZTEC PICTURED CLIFFS 20.0 EL PASO NATURAL G

UNDESIGNATED CHACRA 20.0 EL PASO NATURAL G

SOUTH BLANCO PICTURED CL 50.0 EL PASO NATURAL G

BLANCO-MESAVERDE GAS 4.0 EL PASO NATURAL G

BASIN-DAKOTA 17.0 EL PASO NATURAL G

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JD #1	JD #2	SEC CAT	WELL NAME	FIELD NAME	PRCD	PURCHASER
8129675	NM-0281-81-A	103	SAN JUAN 27-5 UNIT #35A	BLANCO MESAVERDE	250.0	EL PASO NATURAL G
8129680	NM-0281-81	103	SAN JUAN 27-5 UNIT #35A	SOUTH BLANCO PICTURED CL	50.0	EL PASO NATURAL G
8129701	NM-0318-81-A	103	SAN JUAN 27-5 UNIT #53A	BLANCO MESAVERDE	250.0	EL PASO NATURAL G
8129702	NM-0318-81-B	103	SAN JUAN 27-5 UNIT #53A	TAPACITO PICTURED CLIFFS	70.0	EL PASO NATURAL G
8129677	NM-0270-81	103	SAN JUAN 29-7 UNIT #84A	BLANCO MESAVERDE	180.0	EL PASO NATURAL G
8129674	NM-0268-81	108	STOREY #1	BLANCO - MESAVERDE	21.0	EL PASO NATURAL G
8129675	NM-0271-81	108	SUNRAY D. #2	BLANCO - MESAVERDE	16.0	EL PASO NATURAL G
-HMG OIL COMPANY						
8129700	NM-0217-81	102-2	RECEIVED: 05/04/81	LA VOCA DRAW (MORROW)	511.0	INTRATEX GAS CO
8129641	NM-002181102	102-2	BELL LAKE 11 FEDERAL #1	COMANCHE STATELINE TANSI	12.2	EL PASO NATURAL G
8129642	NM-002181103	103	WILSON 21 FEDERAL #BY NM 23199	COMANCHE STATELINE TANSI	12.2	EL PASO NATURAL G
8129635	NM-001881102	102-2	WILSON 8 FEDERAL #6	SIoux TANSILL YATES	19.6	EL PASO NATURAL G
8129640	NM-001981102	102-2	WILSON 8 FEDERAL #7	SIoux TANSILL YATES	34.6	EL PASO NATURAL G
-JACK A COLE						
8129690	NM-8302-81	108	RECEIVED: 05/04/81	BALLARD PICTURED CLIFFS	15.0	EL PASO NATURAL G
-JEROME P MCHUGH						
8129668	NM-0242-81	103	APACHE HILLS NO 5	MAM FRUITLAND PC	18.0	EL PASO NATURAL G
-KIMBARK OPERATING CO						
8129651	NM-3191-81	103	CHACO PLANT #21	BLANCO PICTURED CLIFFS	0.0	SOUTHWEST GAS COR
-MESA PETROLEUM						
8129653	NM-0201-81	102-2	HORTON #12	UNDESIGNATED ABO	100.0	TRANSWESTERN PIPE
8129652	NM-0200-81	102-2	BARN FEDERAL #1	UNDESIGNATED ABO	200.0	TRANSWESTERN PIPE
8129644	NM-0133-81	103	COYOTE FEDERAL #1	LYBROOK	40.0	GAS CO OF NEW MEX
8129654	NM-0202-81	102-2	SOUTH BLANCO FEDERAL #2-6	UNDESIGNATED ABO	700.0	TRANSWESTERN PIPE
-NORTHWEST PIPELINE CORPORATION						
8129622	NM-1162-80	108	RECEIVED: 05/04/81	GAVILAN PICTURED CLIFFS	0.0	NORTHWEST PIPELIN
8129659	NM-0247-81	108	FEDERAL #7	BASIN DAKOTA	10.0	EL PASO NATURAL G
8129632	NM0008-PE	108-PB	SAN JUAN 29-6 NP 88	BLANCO	13.0	NORTHWEST PIPELIN
8129633	NM0007-81-FF	108-PB	SAN JUAN 30-5 UNIT #34	BLANCO	10.0	NORTHWEST PIPELIN
-PIONEER PRODUCTION CORPORATION						
8129648	NM-0178-81	103	RECEIVED: 05/04/81	BLANCO	0.0	PIONEER NATURAL G
8129645	NM-0150-81	103	LUCERNE B #1-E	BASIN DAKOTA	0.0	PIONEER NATURAL G
8129647	NM-0165-81	103	LUCERNE C #1-E	BASIN DAKOTA	0.0	PIONEER NATURAL G
8129650	NM-0189-81	103	LUCERNE D #1-E	BASIN DAKOTA	0.0	PIONEER NATURAL G
-SOUTHERN UNION EXPLORATION COMPANY						
8129660	NM-0228-81	103	PHILLIPS #2E	BASIN DAKOTA	597.0	GAS CO OF NEW MEX
8129687	NM-0296-81	103	HODGES #18	BALLARD	695.0	GAS CO OF NEW MEX
8129659	NM-0228-81	103	HODGES #19	BALLARD	153.0	GAS CO OF NEW MEX
8129688	NM-0297-81	103	HODGES #20	BALLARD	259.0	GAS CO OF NEW MEX
8129661	NM-0230-81-A	103	HODGES #21	BALLARD	53.0	GAS CO OF NEW MEX
8129662	NM-0231-81	103	JICARILLA B #11	BASIN	70.0	GAS CO OF NEW MEX
8129664	NM-0232-81-B	103	JICARILLA B #12	BLANCO	111.0	GAS CO OF NEW MEX
8129663	NM-0232-81-A	103	JICARILLA B #13	BLANCO	89.0	GAS CO OF NEW MEX
8129686	NM-0294-81	103	JICARILLA B 13	SOUTH BLANCO	130.0	GAS CO OF NEW MEX
-SOUTHLAND ROYALTY CO						
8129634	NM0009-81-PB	108-PB	NICKSON #18	BLANCO PICTURED CLIFFS	9.0	GAS CO OF NEW MEX
8129635	NM0010-PE	108-PB	ARIZONA JICARILLA #4	BLANCO PICTURED CLIFFS	10.0	GAS CO OF NEW MEX
8129636	NM0011-PE	108-PB	ARIZONA JICARILLA #5	SOUTH BLANCO PICTURED CL	14.6	GAS CO OF NEW MEX
8129637	NM0012-PE	108-PB	ARIZONA JICARILLA #7	BLANCO	19.0	SOUTHERN UNION GA
8129649	NM-0185-81	103	DECKER A #4	BLANCO	125.0	NORTHERN NATURAL
8129658	NM-0208-81 A	103	EMPIRE FEDERAL 26 #1	BASIN	100.0	EL PASO NATURAL G
8129658	NM0208R1 (F)	103	FRONTIER E #1E	KUTZ	90.0	EL PASO NATURAL G
8129667	NM-0240-81	103	FRONTIER E #1E	BASIN	150.0	SOUTHERN UNION GA
8129667	NM-0240-81	103	HUEFELL A #1C	BASIN	150.0	SOUTHERN UNION GA

WELL NO	DATE	WELL NAME	SFC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8129591	05/04/81	JICARILLA 101-83M	103	JICARILLA 101-83M	BASIN	125.0	GAS CO OF NEW MEX
8129592	05/04/81	JICARILLA 101-83M	103	JICARILLA 101-83M	WILHORSE	105.0	GAS CO OF NEW MEX
8129593	05/04/81	LA JARA CANYON #1A	103	LA JARA CANYON #1A	BLANCO	365.0	NORTHWEST PIPELIN
8129594	05/04/81	LA JARA CANYON #1A	103	LA JARA CANYON #1A	GOVERNADOR	125.0	NORTHWEST PIPELIN
8129595	05/04/81	MARY DODD -A- NO 2-17	108	MARY DODD -A- NO 2-17	JACKSON GRAYBURG QUEEN G	1.0	PHILLIPS PETROLEU
8129596	05/04/81	MARY DODD -A- HELL NO 2-14	108	MARY DODD -A- HELL NO 2-14	GRAYBURG JACKSON QUEEN G	0.1	PHILLIPS PETROLEU
8129597	05/04/81	MARY DODD -S- NO 3-26	108	MARY DODD -S- NO 3-26	GRAYBURG JACKSON QUEEN G	0.1	PHILLIPS PETROLEU
8129598	05/04/81	MARSHALL #1-14	108	MARSHALL #1-14	BLANCO	16.0	NORTHWEST PIPELIN
8129599	05/04/81	NEWSOM B 14-E	103	NEWSOM B 14-E	BASIN DAKOTA	105.0	EL PASO NATURAL G
8129600	05/04/81	ZACHRY 24	103	ZACHRY 24	BLOOMFIELD CHACRA EXTENS	133.0	SOUTHERN UNION GA
8129601	05/04/81	NAVAJO NADIC #1	103	NAVAJO NADIC #1	GALLEGOS GALLUP	500.0	EL PASO NATURAL G
8129602	05/04/81	OMLER A 2-E	103	OMLER A 2-E	BASIN DAKOTA/CHACRA	250.0	EL PASO NATURAL G
8129603	05/04/81	LAURA V HAMNER B NO 1A	103	LAURA V HAMNER B NO 1A	BLANCO MESA VERDE	216.0	EL PASO NATURAL G
8129604	05/04/81	PUCKETT B NO 28	103	PUCKETT B NO 28	MALJAMAR	1.0	PHILLIPS PETROLEU
8129605	05/04/81	EVERETTE OO FEDERAL #1	102-2	EVERETTE OO FEDERAL #1	WILDCAT	0.0	TRANSWESTERN PIPE
8129606	05/04/81	FEDERAL	102-2	FEDERAL	SWANSON CREEK	10.0	MONTANA-DAKOTA UT
8129607	05/04/81	MIAMI-FEDERAL 226-26	108	MIAMI-FEDERAL 226-26	WILCCAT	21.0	KANSAS-NEBRASKA N
8129608	05/04/81	AMOCO FEDERAL B NO 1	102-2	AMOCO FEDERAL B NO 1	SCAIRT WOMAN - RED RIVER	225.0	
8129609	05/04/81	USA 13-22-51	102-4	USA 13-22-51	MONDAK	15.5	MONTANA DAKOTA UT
8129610	05/04/81	USA 14-19-23	102-4	USA 14-19-23	MONDAK	78.5	MONTANA DAKOTA UT
8129611	05/04/81	USA 41-16-96	102-2	USA 41-16-96	POKER JIM	10.0	MONTANA DAKOTA UT
8129612	05/04/81	USA 43-30-45	102-4	USA 43-30-45	MONDAK	6.5	MONTANA DAKOTA UT
8129613	05/04/81	SILURIAN UNIT 7 WELL NO 1X	102-3	SILURIAN UNIT 7 WELL NO 1X	CHARLSON	270.0	MONTANA DAKOTA UT
8129614	05/04/81	USA AMOCO U NO 1	107-DP	USA AMOCO U NO 1	WILLCAT (EMIGRANT TRAIL	143.1	CITIES SERVICE GA
8129615	05/04/81	BHI - MADEX FED	102-4	BHI - MADEX FED	MARIANNE	150.0	
8129616	05/04/81	GOVERNMENT #1-19	102-2	GOVERNMENT #1-19	MARIANNE	400.0	
8129617	05/04/81	GOVERNMENT #4-19	102-2	GOVERNMENT #4-19	BURNT WAGON	60.0	SUN GAS CO
8129618	05/04/81	GOVERNMENT #5-19	102-2	GOVERNMENT #5-19	BURNT WAGON	60.0	SUN GAS CO
8129619	05/04/81	FEDERAL 193 #1-18	103	FEDERAL 193 #1-18	FULLER	180.0	INTERNORTH INC
8129620	05/04/81	TABLE ROCK UNIT NO 45	103	TABLE ROCK UNIT NO 45	TABLE ROCK	18.3	COLORADO INTERSTA
8129621	05/04/81	HAWKS-VIABLE #1	103	HAWKS-VIABLE #1	PINE MOUNTAIN	204.0	KANSAS-NEBRASKA N

OTHER PURCHASERS

CORRECTIONS TO PREVIOUS NOTICES/REVISIONS TO PRIOR DETERMINATIONS

MONTANA DAKOTA UTILITIES CO
 BROOKLYN UNION GAS
 BROOKLYN UNION GAS
 BROOKLYN UNION GAS
 BROOKLYN UNION GAS
 BROOKLYN UNION GAS
 BROOKLYN UNION GAS
 BROOKLYN UNION GAS

JD No.	JA	TX	Applicant	Well Name	State of Texas Blk 14-L # 11	Orig. FESC Vol. No.	Date Pub. in Federal Register	Re: Revision of Re-determination by Jurisdictional Agency Prior Fed. Reg. Notice
81-05958	TX		Superior Oil Company	State of Texas Blk 14-L # 11	327	12-04-80	C: 102 and 103 Approved	
81-24376	OK		Sabine Production Company	Bozgers # 1-29	412	05-01-81	C: 102 and 102	
81-24355	OK		Tropel Petro Explor. & Dev. Corporation	Stiles 1-31	412	05-01-81	C: 103 Approved Not 108	
81-23829	OH		C. W. Riggs Inc.	Nery Kesseling # 1	409	04-30-81	C: Well Name	
79-08294	OO		Beaver Mesa Exploration	Johnston 21-24	040	07-05-79	C: 103 Approved	
81-24810	LA		Mid Louisiana Gas Co.	M/LGC Gas No. 1003	414	05-04-81	C: 103 Approved,	
81-25098	TX		Danden Petroleum Inc.	Krodsen # 20	415	05-11-81	C: Well Name	
81-25264	SM		Phillips Petroleum Co.	E. Vacuum CB/SA TR				
81-24752-				3236 #007	416	05-11-81	C: 103 Approved,	
81-24781	LA		Calpetco Herbet Exploration Company	LA Dockent Moia. 81-368 thru 81-617	414	05-04-81	C: 103 and 108 Approved	
80-44563	OK		Kaiser-Francis Oil Co	Mason # 1	246	08-06-80	C: 102 & 103 Approved	
81-24359	OK		National Oil Company	Kane # 1	412	05-01-81	C: Well Name	
81-15964	TX		Turner Properties	McGettes No. 1	372	03-02-81	C: Field Name Coahoma (Miss)	
81-24810	LA		Mid Louisiana Gas Co.	RSC ID # 26058	414	05-11-81	C: 103 Approved, not	
80-51673	TX		Superior Oil Company	M/LGC Fee Gas No. 1003	269	09-17-80	C: 102 and 103	
80-51674	TX		Superior Oil Company	State of Texas Blk 14-L # 6-U	269	09-17-80	C: 102 and 103	
81-26821	TX		Sun Oil Company	State of Texas Blk 14-L # 6-L	423	05-15-81	C: 103 Approved, Not 108	
				Sun Fee Lot 13 No. 1				

BILLING CODE 6450-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" 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-CB: Geopressed 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. 81-17170 Filed 6-9-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[RD-FRL-1841-6]

Public Hearing on the Federal Energy Conservation Program

AGENCY: Environmental Protection Agency.

ACTION: Participation in a public hearing.

SUMMARY: Section 11 of the Federal Nonnuclear Energy Research and Development Act (Public Law 93-577) requires EPA "to carry out a continuing analysis of the adequacy of attention to energy conservation." Part of this analysis is the conduct of annual public hearings and the preparation of a Report to the President, the Secretary of Energy, and the Congress.

The Hearings will be held at the Office of Personnel Management's Auditorium, 1900 E Street, NW, Washington, DC. The Hearings will begin at 9:00 am each day. Witness testimony is limited to 10 minutes and will be followed by questions from the Hearing panel. An open period at the end of each day will be set aside for unscheduled testimony. The public is invited to participate.

DATES: Tuesday, July 14, 1981 and Wednesday, July 15, 1981 (9 am through 5 pm).

ADDRESSES: An information package is available on the Hearings. Copies can be obtained from the Section 11 Program Manager, Office of Research and

Development (RD-681), EPA, 401 M Street, SW, Washington, DC 20460. Witnesses should submit a copy of their testimony or a summary of their full statement to the EPA Section 11 Program Manager by July 8, 1981. EPA will notify witnesses in early July of the date and time of their scheduled testimony. The envelope and its contents should be clearly marked "Written Testimony". All written testimony should be received by July 31, 1981. Copies of the Transcript and other products may be obtained from the EPA Section 11 Program Manager in December, 1981.

FOR FURTHER INFORMATION CONTACT: Gregory Ondich, at the EPA address above, or by telephone at (202) 426-9434.

SUPPLEMENTARY INFORMATION: The 1981 Section 11 review program focuses on Federal energy conservation programs. Many of the changes in Federal energy conservation programs are based on projections that rising market prices of energy commodities will enhance conservation efforts, and the private sector and state/local agencies will carry out activities previously supported by the Federal government. Given the new directions of Federal energy policy and the decentralized nature of energy conservation, how can the adequacy of attention to conservation be assured?

To explore the impacts of the changes in Federal programs, witnesses are asked to address the following issues in their testimony:

- How are private firms, state governments and local agencies

preparing to assume their new responsibilities?

- Which activities will get priority from public and private organizations and what will be the consequences if some activities are discontinued?
- Have any new initiatives, opportunities or efficiencies been created as a result of the shift in Federal energy conservation programs?
- How can the Federal government assist in this period of transition?
- How should the Federal government evaluate and monitor the effects of its new energy policies and program changes?

Dated: May 22, 1981.

Kurt W. Riegel,
 Acting Deputy Assistant Administrator for
 Environmental Engineering and Technology.

[FR Doc. 81-16210 Filed 6-2-81; 8:45 am]

BILLING CODE 6560-35-M

[PF-225; PH-FRL-1849-5]

Certain Pesticide Chemicals; Filing of Pesticide, Food, and Feed Additive Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This announces that certain companies have submitted pesticide, food, and feed petitions to establish tolerances and food and feed additive regulations for certain pesticide chemicals.

ADDRESS: Written comments and inquiries 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, 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-225]" 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 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each specific petition at the telephone number provided.

SUPPLEMENTARY INFORMATION: EPA gives notice that the following pesticide, food, and feed additive petitions have been submitted to the EPA, 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 1H5295. Dow Chemical Co., P.O. Box 1706, Midland, MI 48840, proposes that 21 CFR 561.98 be amended by establishing a regulation permitting the combined residues of the insecticide chlorpyrifos [*O,O*-diethyl *O*-(3,5,6-trichloro-2-pyridyl)phosphorothioate] and its metabolite 3,5,6-trichloro-2-pyridinal in the feed item tomato pomace at 35 parts per million. (PM 12, Jay S. Ellenberger, 703-557-7024).

PP1F2488. Rohm and Haas Co., Independence Mall West, Philadelphia, PA 19105, proposes amending 40 CFR 180.381 by establishing a tolerance for the combined residues of the herbicide oxyfluorfen and its metabolites, containing the diphenyl ether linkage in or raw agricultural commodity cotton at 0.05 part per million (ppm), fresh mint hay (peppermint and spearmint) at 0.1 ppm; pistachio (nut) at 0.05 ppm; and walnut (nut) at 0.05 ppm. The proposed analytical method for determining residues is gas liquid chromatography procedure using an electron capture detector. (Richard F. Mountfort 703-557-7070).

FAP 1H5296. Rohm and Haas Co., Independence Mall West, Philadelphia, PA 19105 proposes amending 21 CFR 193.325 and Part 561 by establishing regulations permitting the combined residues of the herbicide oxyfluorfen and its metabolites, containing the diphenyl ether linkage in or on the food items: cottonseed at 0.2 part per million

(ppm), mint oil (peppermint and spearmint) at 0.25 ppm; and the feed items (part 561) pistachio (hulls) 0.1 ppm; and walnut (hulls) at 0.1 ppm. (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: June 1, 1981.

Douglas D. Camp,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-17141 Filed 6-9-81; 8:45 am]

BILLING CODE 6560-32-M

[PP 8G2118/T299; PH-FRI-1849-4]

Ethalfuralin; Extension of Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: A temporary tolerance has been extended for residues of the herbicide ethalfuralin [*N*-(ethyl-*N*-(2-methyl-2-propenyl)-2,6-dinitro-4-(trifluoromethyl) benzenamine) in or on the raw agricultural commodity groupings seed and pod vegetables, forage legumes, peanuts, peanut hulls, and cucurbits at 0.05 part per million.

DATE: This temporary tolerance expires April 16, 1982.

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

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the *Federal Register* of May 21, 1980 (45 FR 34052), that a temporary tolerance had been established for residues of the herbicide ethalfuralin [*N*-(ethyl-*N*-(2-methyl-2-propenyl)-2,6-dinitro-4-(trifluoromethyl) benzenamine) in or on the raw agricultural commodity groupings seed and pod vegetables, forage legumes, peanuts, peanut hulls at 0.05 part per million.

Elanco Products Co. submitted an amended section F to include cucurbits at 0.05 part per million (ppm).

This temporary tolerance has been extended to permit the continued marketing of the above raw agricultural commodities when treated in accordance with an experimental use permit (1471-EUP-63) that has been extended under the Federal Insecticide, Fungicide, and Rodenticide Act as amended (92 Stat. 819; 7 U.S.C.).

The scientific data reported and other relevant material have been evaluated,

and it has been determined that the temporary tolerance will protect the public health. Therefore, the temporary tolerance is extended on the condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The amount of the pesticide to be used will not exceed the amount authorized in the experimental use permit.

2. Elanco Products Co. will immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company will also keep records of production, distribution, and performance, and on request make these records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires April 16, 1982. Residues remaining in or on the raw agricultural commodities after the expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provision 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,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-17142 Filed 6-9-81; 8:45 am]

BILLING CODE 6560-32-M

[PP 7G1923/T302; PH-FRL-1849-3]

Pendimethalin; Extension of Temporary Tolerance**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

SUMMARY: A temporary tolerance has been extended for the combined residues of the herbicide pendimethalin [*N*-(1-ethyl-propyl)-3,4-dimethyl-2,6-dinitrobenzenamine] and its metabolites 4-[(1-ethylpropyl)amino]-2,3,5-dinitrobenzyl alcohol in or on peas at 0.1 part per million (ppm).

DATE: This temporary tolerance expires March 25, 1982.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412E, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7066).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of May 5, 1980 (45 FR 29632) that American Cyanamid Co., P.O. Box 400, Princeton, NJ 08540 had requested a renewal of a temporary tolerance for the combined residues of the herbicide pendimethalin and its metabolites in or on peas at 0.1 ppm.

American Cyanamid has requested an extension of the temporary tolerance to permit the continued marketing of the above raw agricultural commodity when treated in accordance with the experimental use permit (241-EUP-85) 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 has been evaluated and it has been determined that the temporary tolerance will protect the public health. Therefore, the temporary tolerance is being extended on the condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The amount of the pesticide to be used will not exceed the amount authorized in the experimental use permit.
2. American Cyanamid will immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company will also keep records of production, distribution, and performance, and on request make these records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires March 25, 1982. Residues remaining in or on 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 (36 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. 81-17143 Filed 6-9-81; 8:45 am]

BILLING CODE 6560-32-M

[PP 5G1582/T300; PH-FRL-1849-6]

Thiobencarb; Extension of a Temporary Tolerance**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

SUMMARY: A temporary tolerance has been extended for the combined residues of the herbicide thiobencarb [S[(4-chlorophenyl) methyl] diethylcarbamothioate] and its metabolite 4-chlorobenzyl methylsulfone in or on rice grain at 0.1 part per million (ppm).

DATE: This temporary tolerance expires June 30, 1982.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs,

Environmental Protection Agency, Rm. 412D CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7070).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of April 17, 1980 (45 FR 26128) that Chevron Chemical Co., Ortho Agricultural Chemicals Div., 940 Hensley Rd., Richmond, CA 94804, had submitted a request to the EPA to extend a temporary tolerance for the combined residues of the herbicide thiobencarb [S[(4-chlorophenyl)methyl] diethylcarbamothioate] and its metabolite 4-chlorobenzyl methylsulfone in or on the raw agricultural commodity rice grain at 0.1 ppm.

Chevron Chemical 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 experimental use permits (239-EUP-77 and 239-EUP-78) which are being extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended 1978 (92 Stat. 819; (7 U.S.C. 136)).

The scientific data reported and all other relevant material have been evaluated, and it was determined that the extension of the temporary tolerance will protect the public health. Therefore, the temporary tolerance is being extended on the condition that the pesticide be used in accordance with the experimental use permits and the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized in the experimental use permits.
2. Chevron Chemical Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company will also keep records of production, distribution, and performance, and, on request, make these records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires June 30, 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 permits and temporary tolerance. This temporary tolerance may be revoked if the experimental use permits are 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 (36 FR 24950).

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j)))

Dated: May 28, 1981.

Douglas D. Camp, Jr.

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-17140 Filed 6-9-81; 8:45 am]

BILLING CODE 6560-32-M

[OPTS-53025; TSH-FRL-1848-5]

Premanufacture Notices; Monthly Status Report for April 1981

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to publish a list in the *Federal Register* at the beginning of each month reporting the premanufacture notices (PMN's) pending before the Agency and

the PMN's for which the review period has expired since publication of the last monthly summary. This is the report for April 1981.

DATE: Written comments are due no later than 30 days before the applicable notice review period ends on the specific chemical substance.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW, Washington, DC 20460 (202) 426-2610.

FOR FURTHER INFORMATION CONTACT: Kirk Maconaughey, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-208, 401 M St., SW, Washington, DC 20460 (202) 426-2601.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA (90 Stat. 2012 (15 U.S.C. 2604)) requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the *Federal Register* on May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50544-Revised). The requirement to submit PMN's for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979. EPA has 90 days to review a PMN once the Agency receives it (section 5(a)(1)). The section 5(d)(2) *Federal Register* notice indicates the

date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the *Federal Register*.

The monthly status report published in the *Federal Register* as required under section 5(d)(3), will identify: (a) PMN's received during the month; (b) PMN's received previously and still under review at the end of the month; (c) PMN's for which the notice review period has ended during the month; and (d) chemical substances for which EPA has received a notice of commencement to manufacture. Therefore, EPA, is publishing the April 1981 PMN Status Report.

Interested persons may submit written comments on the specific chemical substance no later than 30 days before the applicable notice review period ends to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW, Washington, DC 20460. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-53025]" and the specific PMN number. Nonconfidential portions of the PMN's written comments received on individual PMN's, and other documents in public record may be seen in Rm. E-106 at the above address between 8 a.m. and 4 p.m., Monday through Friday, excluding legal holidays.

Dated: June 3, 1981.

Edward A. Klein,

Director, Chemical Control Division.

Premanufacture Notices Monthly Status Report, April 1981

PMN No.	Identity/generic name	FR citation	Expiration date
I. Premanufacture notices received during the month			
81-152	Generic name: Poly(ester)-Co-poly (hydantoin polyether)	46 FR 24681 (5/1/81)	June 30, 1981.
81-153	Generic name: Substituted alkaldienal	46 FR 24681 (5/1/81)	July 1, 1981.
81-154	Generic name: Alkyl epoxide, reaction products with organic acid	46 FR 24681 (5/1/81)	Do.
81-155	Generic name: Urethane oligomer	46 FR 24681 (5/1/81)	Do.
81-156	Generic name: Neutralized polymer of styrene, an alkeneic acid, and an alkeneic ester	46 FR 24681 (5/1/81)	Do.
81-157	Vegetable oil fatty acid ester	46 FR 24988 (5/4/81)	July 5, 1981.
81-158	Generic name: Ethylene interpolymer	46 FR 24990 (5/4/81)	July 6, 1981.
81-159	Generic name: Ethylene interpolymer	46 FR 24990 (5/4/81)	Do.
81-160	Generic name: Ethylene interpolymer	46 FR 25693 (5/8/81)	Do.
81-161	Generic name: Polyacrylate	46 FR 24988 (5/4/81)	Do.
81-162	Generic name: Hydroxy-alkoxy alkyl alkane	46 FR 24990 (5/4/81)	Do.
81-163	Generic name: Acrylated alkoxyated aliphatic glycol	46 FR 25693 (5/8/81)	Do.
81-164	Generic name: Allylglycidyl ether polyol resin	46 FR 25693 (5/8/81)	Do.
81-165	Generic name: Siliconized alkyd resin	46 FR 24990 (5/4/81)	Do.
81-166	2-Naphthalenesulfonyl chloride, 2-acetamino	46 FR 24990 (5/4/81)	Do.
81-167	Ethanol, 2-(5-acetaminonaphth-2-yl sulfonyl)	46 FR 24990 (5/4/81)	Do.
81-168	p-Chlorophenol-resorcinol-formaldehyde polymer end blocked with carbanil	46 FR 24990 (5/4/81)	July 7, 1981.
81-169	Generic name: Copolymer of styrene and mixed alkyl acrylates	46 FR 25693 (5/8/81)	July 8, 1981.
81-170	Generic name: (Oxy-1,2-ethanedyl-alpha-acyl-omega-alkyl	46 FR 25693 (5/8/81)	Do.
81-171	1,3-Isobenzofurandione, polymer with 2,2-dimethyl-1, 3-propanediol, 1,2-ethanediol, 2-hydroxymethyl-1,3-propanediol, and tall oil acids.	46 FR 24988 (5/4/81)	Do.
81-172	Generic name: Poly(amide-ester) resin X2-821	46 FR 25693 (5/8/81)	Do.

Premanufacture Notices Monthly Status Report, April 1981—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
81-173	Adipic acid, isophthalic acid, trimethylolpropane, 2,2,4-trimethyl-1,3-pentanediol, trimellitic anhydride polymer.	46 FR 24988 (5/4/81)	Do.
81-174	Generic name: Disubstitutednaphthalenol	46 FR 24988 (5/4/81)	Do.
81-175	Generic name: Disubstitutednaphthalenol	46 FR 24988 (5/4/81)	Do.
81-176	Generic name: Disubstitutednaphthalenol	46 FR 26683 (5/15/81)	Do.
81-177	Generic name: Chloroalkyl alkoxysilane	46 FR 25693 (5/8/81)	July 12, 1981.
81-178	Generic name: Chloroalkylchlorosilane	46 FR 25693 (5/8/81)	Do.
81-179	Generic name: Derivatized fatty alcohols	46 FR 25693 (5/8/81)	Do.
81-180	Generic name: Alkadiene	46 FR 27170 (5/18/81)	July 14, 1981.
81-181	Generic name: Polymer of alkene and diene	46 FR 27170 (5/18/81)	Do.
81-182	Generic name: Alkadiene	46 FR 27170 (5/18/81)	Do.
81-183	Generic name: Isocyanate modified polyester/polyether	46 FR 27170 (5/18/81)	Do.
81-184	Generic name: Silicone polyol	46 FR 27170 (5/18/81)	Do.
81-185	Generic name: Polymer of alkanediol, carbomonocyclic anhydride, and substituted alkanic acid ester	46 FR 27170 (5/18/81)	Do.
81-186	Generic name: Polyester polyurethane	46 FR 27170 (5/18/81)	July 14, 1981.
81-187	Generic name: Cycloaliphatic polyester modified with a polyether glycol	do	Do.
81-188	Hexahydropyrimidine-1,3-diacetonitrile	do	Do.
81-189	Generic name: Unsaturated polyester	do	July 21, 1981.
81-190	Generic name: Unsaturated polyester resin	do	Do.
81-191	Acrylic acid, bisphenol A-epichlorohydrin resin, ethyl acrylate, methyl methacrylate, polyvinyl butyral resin, styrene polymer.	do	July 16, 1981.
81-192	Generic name: Trisubstituted silylalkanoacetate	do	July 21, 1981.
81-193	Generic name: Poly(oxyalkyl-disubstituted silane) aroyl, alkoxy terminated	do	Do.
81-194	Oligomers from 1,6-dimethylnaphthyl sulfonic acid, sodium salt, and formaldehyde	do	Do.
81-195	2,4,6-Tributylphenol, ethoxylated, acetate	do	Do.
81-196	Polymer from propylene oxide and ethylene oxide acetylated	do	Do.
81-197	Monylphenol, ethoxylated, acetate	do	Do.
81-198	Polymer of N-vinyl-N-methylacetamide and maleic acid, diisocetyl ester	do	Do.
81-199	Polymer of Vinyl acetate, butyl acetate, neodecanoic acid, vinyl ester, and vinyl sulfonic acid, sodium salt	do	Do.
81-200	Generic name: Trisubstitutedbenzene	do	July 23, 1981.
81-201	Generic name: Polymer of substitutedacrylic acid derivative and substitutedstyrene	do	Do.
81-202	Generic name: Polyether alkenyl alkanyl	do	July 26, 1981.
81-203	Generic name: Substituted alkyl cyanoacrylate	do	Do.
81-204	Generic name: Aliphatic alcohol	do	July 28, 1981.
81-205	Generic name: Aliphatic alcohol ester	do	Do.
81-206	Generic name: Substitutedthiol salt	do	July 26, 1981.
81-207	Generic name: Halogenated alkylated titanium mixed aluminum magnesium oxides	do	July 28, 1981.
81-208	Generic name: Alkanyltri (substituted alkoxy) silane	do	Do.
81-209	Generic name: Polymer of Adipic acid, isophthalic acid, trimethylol propane, neopentyl glycol, and silicone.	do	Do.
81-210	Generic name: Aromatic disazo dye	do	Do.
81-211	Generic name: Aromatic disazo dye	do	Do.
81-212	Generic name: Aromatic disazo dye	do	Do.
81-213	Generic name: Aromatic disazo dye	do	Do.
81-214	Generic name: Aromatic disazo dye	do	Do.
81-215	Generic name: Aromatic disazo dye	do	Do.
81-216	Generic name: Aromatic disazo dye	do	Do.
81-217	Generic name: Amide functional silane	do	July 29, 1981.

II. Premanufacture notices received previously and still under review at the end of the month

81-44	3,4,5,6-Tetrahydro-2(1H)pyrimidinone	46 FR 16123 (3/11/81)	May 3, 1981.
81-45	Generic name: Polyester(1,4-butanediol/isophthalic acid, dimethyl ester/poly(oxyethylene/oxpropylene/terephthalic acid, dimethyl ester).	46 FR 16125 (3/11/81)	Do.
81-46	Generic name: Neutralized polymer of modified epoxy resin	46 FR 15944 (3/10/81)	Do.
81-47	Generic name: Neutralized polymer of modified epoxy resin	46 FR 15944 (3/10/81)	Do.
81-48	Generic name: Substituted polyamine	46 FR 15944 (3/10/81)	Do.
81-49	Generic name: Sodium poly-4-vinyl-phenol-formaldehyde condensate	46 FR 16319 (3/12/81)	May 5, 1981.
81-51	Polymer of tall oil fatty acids, neopentyl glycol, pentaerythritol, isophthalic acid, and benzoic acid	46 FR 16319 (3/12/81)	May 4, 1981.
81-53	Generic name: Ester of salicylic acid	46 FR 16319 (3/12/81)	May 10, 1981.
81-54	Generic name: Disazo dye	46 FR 16319 (3/12/81)	Do.
81-55	Generic name: Acrylate urethane oligomer	46 FR 16933 (3/16/81)	Do.
81-56	Generic name: Polymer of substituted alkanediol, carbomonocyclic anhydride, and substituted alkanic acid ester.	46 FR 16933 (3/16/81)	Do.
81-57	Acetamide, N-[4-[(2-hydroxyethyl)sulfonyl-2-methoxy-5-methylphenyl]	46 FR 16931 (3/16/81)	Do.
81-58	Generic name: Phenolic novolak resin	46 FR 16933 (3/16/81)	Do.
81-59	Generic name: Phenolic novolak resin	46 FR 16933 (3/16/81)	Do.
81-60	Resin from alkali refined safflower oil, neopentyl glycol, trimethylolpropane, isophthalic acid, dimethylolpropionic acid, and isophorone diisocyanate.	46 FR 16931 (3/16/81)	Do.
81-62	Generic name: Polyester-polyether copolymer reaction product with toluene diisocyanate and hydroxyethyl methacrylate.	46 FR 16936 (3/16/81)	May 11, 1981.
81-63	Diisocyanic acid, tetramethylene bis-(oxytri-methylene)ester	46 FR 16931 (3/16/81)	Do.
81-64	Generic name: Polymer of neopentyl glycol, adipic acid, trimellitic anhydride, and an aromatic aliphatic ester.	46 FR 16933 (3/16/81)	Do.
81-65	Generic name: Disubstitutednitrobenzene	46 FR 16933 (3/16/81)	Do.
81-66	Generic name: Bis[(Substituted)-amino(phenyl)]substituent	46 FR 16933 (3/16/81)	Do.
81-67	Generic name: Bis[(Substituted)-nitro-phenyl]substituent	46 FR 16933 (3/16/81)	Do.
81-68	Generic name: Sodium salt of disulfonated alkylaromatic	46 FR 16931 (3/16/81)	May 12, 1981.
81-69	Generic name: Benzophenone tetracarboxylic dianhydride copolyimide	46 FR 19075 (3/27/81)	Do.
81-70	Generic name: 2-Methyl-2-propanoic acid, polycyclohexy ester	46 FR 16936 (3/16/81)	May 14, 1981.
81-71	Generic name: Alkenylpyridinedione	46 FR 19075 (3/27/81)	Do.
81-72	Generic name: 2,2-Chloro-6-cyano-4-nitrophenylazo-5-[d(n-pentyl)amino]acetamide	46 FR 19305 (3/30/81)	Do.
81-73	Generic name: N-(Tetrakisubstitutedphenyl)-acetamide	46 FR 19307 (3/30/81)	Do.
81-74	Generic name: Tetrasubstitutedphenol	46 FR 19307 (3/30/81)	Do.
81-75	2,2,4-Trimethyl-1,3-pentanediol, 1,6-hexanediol, isophthalic acid, terephthalic acid, and dibutyltin oxide.	46 FR 19305 (3/30/81)	May 19, 1981.
81-76	Soya bean oil and polymer of bisphenol A, p-tert-butylphenyl, formaldehyde	46 FR 19305 (3/30/81)	Do.

Premanufacture Notices Monthly Status Report, April 1981—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
81-77	Generic name: Tetrasubstitutedphenol	46 FR 19307 (3/30/81)	May 14, 1981.
81-78	Generic name: Tetrasubstitutedphenol	46 FR 19307 (3/30/81)	Do.
81-79	Generic name: Polyurethane from substituted alkanols and an aromatic diisocyanate	46 FR 19307 (3/30/81)	May 19, 1981.
81-80	Generic name: Trisubstitutedbenzenamine	46 FR 19307 (3/30/81)	May 14, 1981.
81-81	Generic name: Tetrasubstitutedphenol	46 FR 19307 (3/30/81)	Do.
81-82	Generic name: Neutralized polymer of styrene, acrylic acid, alkyl acrylate, and alkyl methacrylate	46 FR 19312 (3/30/81)	May 19, 1981.
81-83	Generic name: Copolymer of dibasic aliphatic and substituted dibasic aromatic carboxylic acids with glycols	46 FR 19307 (3/30/81)	Do.
81-84	Generic name: Tetrasubstitutedphenol	46 FR 19307 (3/30/81)	May 14, 1981.
81-85	Generic name: Tetrasubstituted phenol	46 FR 19307 (3/30/81)	Do.
81-86	Generic name: Disubstituted benzenamine hydrochloride	46 FR 19307 (3/30/81)	Do.
81-87	Generic name: Polyether urethane-acrylate blocked	46 FR 19303 (3/30/81)	May 19, 1981.
81-88	Generic name: Substituted transition metal oxide	46 FR 19312 (3/30/81)	May 20, 1981.
81-89	Generic name: Epoxy resin/substituted amine adduct	46 FR 20763 (4/7/81)	May 21, 1981.
81-90	Generic name: Oxime blocked polyurethane pre-polymer, waterborne	46 FR 19314 (3/30/81)	Do.
81-91	Generic name: Hydroxy aryl ester of alkenoic acid	46 FR 19314 (3/30/81)	Do.
81-92	Lithium-lime-hydrogenated castor oil-tallowalphathenic acid	46 FR 19314 (3/30/81)	May 19, 1981.
81-93	Acrylic alkyl ester polymer	46 FR 19314 (3/30/81)	May 27, 1981.
81-94	Polymer of: D-glucose; acetic acid; propanoic acid, 2-oxo, arabinose; D-mannose, 6-deoxy; D-glucuronic acid, mixed ammonium, calcium, magnesium, potassium, and sodium salt	46 FR 19314 (3/30/81)	Do.
81-95	Polymer of: D-glucose; succinic acid; propanoic acid, 2-oxo; and galactose, mixed ammonium, calcium, magnesium, potassium, and sodium salt	46 FR 19314 (3/30/81)	Do.
81-96	Oxidized soy isolate	46 FR 19303 (3/30/81)	Do.
80-308	(Cuprate(3-), [3-[[[5-hydroxy-4-[[1-hydroxy-6-(phenylamino)-4-sulfo-2-naphthalenyl]azo]-2-methyl-phenyl]azo]-1,5-naphthalenedisulfonato-(5)], arisodium	46 FR 19077 (4/7/81)	Do.
80-309	(Cuprate(6-), [u-[[[3,3'-aminobis[[1-hydroxy-3-sulfo-6,2-naphthalendyl]azo(5-hydroxy-2-methyl-4,1-phenylene)azo]]bis[1,5-naphthalene-disulfonato]](10-1)]dihexasodium	46 FR 20770 (4/7/81)	Do.
81-97	Generic name: Bisubstituted carbomonocyclic substituted carboxylic acid	46 FR 19303 (3/30/81)	May 31, 1981.
81-98	Generic name: 4-Diazo-2,5-dithoxymorpholino phenyl sulfonate salt	46 FR 20763 (4/7/81)	Do.
81-99	Generic name: Diazo dye	46 FR 20763 (4/7/81)	Do.
81-100	Generic name: Hydroxymethylheteromonocycle	46 FR 20763 (4/7/81)	Do.
81-101	Generic name: Polyester-amide	46 FR 22645 (4/20/81)	June 1, 1981
81-102	Generic name: Urethane polymer from polyester polyol and diisocyanate	46 FR 20767 (4/7/81)	Do.
81-103	Generic name: Alkylamine methacrylic copolymer	46 FR 22645 (4/20/81)	June 3, 1981
81-104	Generic name: Ammonium salts of substituted alkyl phosphoric acid	46 FR 20767 (4/7/81)	Do.
81-105	Generic name: Alkoxyated alkylphenol substituted sulfosuccinate, isopropylamine salt	46 FR 20767 (4/7/81)	Do.
81-106	Generic name: Modified polymer of carbomonocyclic anhydride, glycerine oil, substituted alkanediol, and an alkanolic ester	46 FR 20767 (4/7/81)	Do.
81-107	Generic name: Modified water-borne, linseed fatty acid based alkyl	46 FR 20767 (4/7/81)	Do.
81-108	Generic name: Modified soya alkyl	46 FR 20767 (4/7/81)	Do.
81-109	Generic name: Modified alkyl from a substituted alkanediol, a substituted alkanolic acid, and a carbomonocyclic anhydride	46 FR 20767 (4/7/81)	Do.
81-110	Acetamide, N-[2-[(2-chloro-4,6-dinitrophenyl)-azo]-5-(diethylamino)-4-(2-methoxyethoxy)phenyl]	46 FR 22645 (4/20/81)	Do.
81-111	4-[[4-Chloro-6-[[8-hydroxy-3,6-disulfo-7-[[2-sulfo(phenyl)azo]-1-naphthalenyl]amino]-1,3,5-triazin-2-yl] amino]benzenesulfonic acid, tetrasodium salt	46 FR 20765 (4/7/81)	Do.
81-112	Butanamide, 2-[[4-(4-aminocarbonylphenyl)-aminocarbonylphenyl]azo]-N-(2,3-dihydro-2-oxo-1H-benzimidazole-5-yl)-3-oxo	46 FR 22645 (4/20/81)	Do.
81-113	Generic name: Polymer of: Styrene, butyl acrylate, hydroxy ethyl acrylate, dimethylamine propyl methacrylamide	46 FR 20765 (4/7/81)	Do.
80-356	Benzoic acid, 2-[[2-amino-5-hydroxy-6-[[4-[[1-hydroxy-8-[[[4-methylphenyl]sulfonyl]amino]-3,6-disulfo-2-naphthalenyl]azo]-3,3'-dimethoxy[1,1'-biphenyl]-4-yl]azo]-7-sulfo-1-naphthalenyl]azo]-5-nitro, trisodium salt	46 FR 20770 (4/7/81)	Do.
80-357	Benzoic acid, 2-[[4-amino-6-[[4-[[[2,5-disulfo(phenyl)azo]-1-hydroxy-6-(phenylamino)-3-sulfo-2-naphthalenyl]azo]-3,3'-dimethoxy[1,1'-biphenyl]-4-yl]azo]-azo]-5-hydroxy-7-sulfo-1-naphthalenyl]azo]-5-nitro, tetrasodium salt	46 FR 20770 (4/7/81)	Do.
81-114	Generic name: Modified epoxy resin	46 FR 20765 (4/7/81)	June 4, 1981.
81-115	1,4-Cyclohexanedimethanol, 2,2-dimethyl-1,3-propanediol, 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, 1,3-benzene dicarboxylic acid polymer	46 FR 20765 (4/7/81)	Do.
81-116	Generic name: Substituted hydroxy ether of an alkanolic acid ester	46 FR 22260 (4/16/81)	June 7, 1981.
81-117	Generic name: (Substituted cycloaliphatic ether) hydroxy alkyl ester	46 FR 22260 (4/16/81)	Do.
81-118	Generic name: Polyurethane polyisocyanate silane	46 FR 22260 (4/16/81)	Do.
81-119	Generic name: Alkyl aluminum halide	46 FR 22260 (4/16/81)	Do.
81-120	Generic name: Alkyl aluminum halide	46 FR 22260 (4/16/81)	Do.
81-121	Generic name: Polyacrylocarbonyl alkyl silane	46 FR 22260 (4/16/81)	Do.
81-122	Generic name: Isocyanatodisilane substituted polyester	46 FR 22260 (4/20/81)	Do.
81-123	Fatty acids, C ₁₈ -unsaturated dimers, light fractions reacted with 1,3-butanediol ethoxylate	46 FR 22648 (4/20/81)	Do.
81-124	Generic name: Substituted anisole	46 FR 22643 (4/20/81)	June 9, 1981.
81-125	Generic name: Benzophenone tetracarboxylic dianhydride polyimide	46 FR 22646 (4/20/81)	June 8, 1981.
81-126	Safflower oil, polymers with benzoic acid, bisphenol A, epichlorohydrin	46 FR 22643 (4/20/81)	June 14, 1981.
81-127	Safflower oil, polymers with benzoic acid, bisphenol A, epichlorohydrin	46 FR 22646 (4/20/81)	Do.
81-128	Generic name: Unsaturated alicyclic ether	46 FR 22648 (4/20/81)	Do.
81-129	Polymer of: Styrene, isobutyl acrylate, hydroxy ethyl acrylate, acrylic acid, ter. butyl perbenzoate, dimethyl ethanol amine	46 FR 22648 (4/20/81)	Do.
81-130	Generic name: Unsaturated alicyclic alcohol	46 FR 22648 (4/20/81)	Do.
81-131	Generic name: Allylglycidyl ether polyol resin	46 FR 23796 (4/28/81)	June 15, 1981.
81-132	Generic name: Maleic anhydride-based Unsaturated polyester resin modified with mixed phthalic acid	46 FR 22648 (4/20/81)	Do.
81-133	Generic name: Unsaturated carboxylic amide	46 FR 23796 (4/28/81)	Do.
81-134	Generic name: Unsaturated carboxylic amide-carboxylic acid	46 FR 23796 (4/28/81)	Do.
81-135	Generic name: Acrylic polymer	46 FR 23796 (4/28/81)	Do.
81-136	Generic name: Water-borne, linseed acid based modified alkyl	46 FR 22648 (4/20/81)	June 16, 1981.
81-137	Generic name: Polymer of a substituted polypropylene oxide and a substituted cyclic alkanediol	46 FR 22648 (4/20/81)	Do.
81-138	Generic name: Acrylate-nitrogen heterocycle copolymer	46 FR 24683 (5/1/81)	June 21, 1981.
81-139	Polymer of carbomonocyclic acids, carbomonocyclic anhydride and modified vegetable oil	46 FR 24683 (5/1/81)	Do.
81-140	Polymer of an alkanediol, aliphatic dicarboxylic acid, and an aromatic dicarboxylic acid	46 FR 24683 (5/1/81)	Do.
81-141	4,N-Diethylaminobenzene diazonium sulfonate salt	46 FR 23796 (4/28/81)	June 23, 1981.
81-142	4-(4-Morpholinyl)-2,5-dibutoxybenzene diazonium sulfonate salt	46 FR 23796 (4/28/81)	Do.
81-144	4-(1-Pyrolidinyl)-3-methyl benzene diazonium sulfonate salt	46 FR 23796 (4/28/81)	Do.

Premanufacture Notices Monthly Status Report, April 1981—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
81-145	4-N,N-Dimethylaminobenzene diazonium sulfonate salt	46 FR 23796 (4/28/81)	Do.
81-146	Organic amine salts of dihydrogen phosphate esters of mixed alcohol ranging from C ₁₀ to C ₁₈	46 FR 24683 (5/1/81)	Do.
81-147	Poly (oxy-1,4-butanediyl) alpha-hydro-omega-hydroxy, polymer with 1,1-methylene bis (4-isocyanatobenzene) and 2-hydroxyethyl-2-methyl-2-propanoate	46 FR 24683 (5/1/81)	June 24, 1981.
81-148	Generic name: Carboxylic sulfonic acid salt	46 FR 24990 (5/4/81)	June 25, 1981.
81-149	Generic name: Styrene acrylic polymer	46 FR 24990 (5/4/81)	Do.
81-150	Polyol reaction product with methylene bis (cyclohexyl isocyanate)-hydroxy propyl acrylate blocked	46 FR 24681 (5/1/81)	Do.
81-151	Copolymer of styrene and mixed alkyl acrylates	46 FR 24990 (5/4/81)	June 28, 1981.

III. Premanufacture notices for which the notice review period has expired during the month. (Expiration of the notice review period does not signify that the chemical has been added to the inventory)

81-1	Polymer of tall oil fatty acids, neopentyl glycol, trimethylol ethane, phthalic anhydride, and benzoic acid	46 FR 12315 (2/13/81)	Apr. 2, 1981.
81-2	Water reducible siliconized alkyl resin	46 FR 11350 (2/6/81)	Do.
81-3	Methyl, bis (hydroxypropyl) tallow alkyl ammonium methyl sulfate	46 FR 11349 (2/6/81)	Do.
81-4	Polymer of maleic anhydride, phthalic anhydride, dicyclopentadiene, diethylene glycol, and adipic acid	46 FR 12312 (2/13/81)	Do.
81-5	Generic name: Nylon	46 FR 12836 (2/18/81)	Do.
81-6	Polysteramide polymer	46 FR 12836 (2/18/81)	Apr. 5, 1981.
81-7	Generic name: Modified resorcinol resin	46 FR 12314 (2/13/81)	Apr. 26, 1981.
81-8	Generic name: Urethane resin	46 FR 12314 (2/13/81)	Do.
81-9	Generic name: Silylated phosphonate	46 FR 11352 (2/6/81)	Apr. 13, 1981.
81-10	Generic name: Sodium salt of allylated phosphonate	46 FR 11352 (2/6/81)	Do.
81-11	Polymer of: Esteriol 204; 1,8-hexanediol; neopentyl glycol; trimethylol propane; isophthalic acid and; and dibutyl tin oxide	46 FR 11352 (2/6/81)	Do.
81-12	Generic name: Acrylic copolymer adhesive	46 FR 12104 (2/12/81)	Do.
81-13	18-32 Polypropylene ether	46 FR 12836 (2/18/81)	Do.
81-14	Polymer of tetrabromophthalic anhydride, isophthalic acid, ethylene glycol, propylene glycol, and maleic anhydride	46 FR 12315 (2/13/81)	Apr. 15, 1981.
81-15	Polymer of tetrabromophthalic anhydride, isophthalic acid, ethylene glycol, propylene glycol, and fumaric acid	46 FR 12315 (2/13/81)	Do.
81-16	Generic name: Reaction product of an epoxy and a substituted amine	46 FR 13018 (2/19/81)	Do.
81-17	Generic name: Polymer of methacrylic acid, alkyl methacrylate, alkyl acrylate, and an acrylic acid derivative	46 FR 13018 (2/19/81)	Do.
81-18	Maleic half ester of ethoxylated aliphatic alcohol emulsifier	46 FR 12104 (2/12/81)	Do.
81-19	Polymer of: Butyl acrylate, methyl acrylate, acrylonitrile, 2-hydroxyethyl acrylate, and acrylic acid	46 FR 12836 (2/18/81)	Do.
81-20	Generic name: Sodium salts of N-methylene phosphonic acids of a complex substituted amine mixture (a forecut from the fractionation of a crude carbocycle) consisting principally of 2,2'-substituted bis ethyl amine	46 FR 16118 (3/11/81)	Apr. 19, 1981.
81-21	Generic name: Halogenated conjugated diene, polymer with haloalkyl benzene, and alkanolic acid	46 FR 16123 (3/11/81)	Do.
81-22	1,3-Bis(4-hydroxybutyl)-1,3-dicyclicdimethyl siloxane	46 FR 16118 (3/11/81)	Apr. 21, 1981.
81-23	Di (hydrogenatedtallowalkyl)-quaternary ammonium compounds	46 FR 16125 (3/11/81)	Do.
81-24	Ditallowalkylquaternary ammonium compounds	46 FR 16125 (3/11/81)	Do.
81-25	Generic name: Derivatized copolymer of acrylic acid and N-(1,1-dimethyl-3-substituted butyl) acrylamide	46 FR 16118 (3/11/81)	Do.
81-26	Generic name: Polyfluorohydrocarbon-methacrylic copolymer	46 FR 14952 (3/3/81)	Do.
82-27	Generic name: Alkyd resin 342-45	46 FR 16118 (3/11/81)	Do.
81-28	Generic name: Alkyd resin 343-42	46 FR 16118 (3/11/81)	Apr. 22, 1981.
81-29	Generic name: Reaction product olefins, vegetable oil, and sulfur	46 FR 16118 (3/11/81)	Apr. 22, 1981.
81-30	Generic name: Polyester resin derived from a mixture of phthalic acids with alkylene glycols and lighter polyols	46 FR 16118 (3/11/81)	Do.
81-31	Generic name: Polyurethane polyacrylic block polymer	46 FR 14952 (3/3/81)	Do.
81-32	Generic name: (Substituted phenoxy) alkanolic acid	46 FR 16118 (3/11/81)	Do.
81-33	Generic name: Tetrahydro acridinone	46 FR 14952 (3/3/81)	Apr. 26, 1981.
81-34	Generic name: Acridinone	46 FR 14952 (3/3/81)	Do.
81-35	Generic name: N-Methylene phosphonic acids of a complex substituted amine mixture (a forecut from the fractionation of a crude carbocycle), consisting principally of 2,2'-substituted bis ethyl amine	46 FR 16118 (3/11/81)	Apr. 19, 1981.
81-36	Alkyl acid phosphorous esters	46 FR 16118 (3/11/81)	April 26, 1981.
81-37	Methylenebis (disophopylaniline)	46 FR 19076 (3/27/81)	Do.
81-38	Bicyclo [3.2.1] octan-8-ol, 1,5-dimethyl-, acetate bicyclo [3.3.0] octan-2-ol, 1,5-dimethyl-, acetate bicyclo [3.2.1] nonan-1-ol	46 FR 16123 (3/11/81)	Do.
81-41	5-Methyl-4H-1,2,4-triazole-3-selenol 1,2-dihydro-5-methyl-3H-1,2,4-triazole-3-selone	46 FR 16123 (3/11/81)	April 30, 1981.
81-42	Generic name: (Substituted phenoxy) alkanolic acid, alkyl ester	46 FR 15944 (3/10/81)	Do.
81-43	Generic name: Chromophore substituted poly (oxypropylene)	46 FR 16123 (3/11/81)	Do.

PMN No.	Submitter	Chemical identification	FR citation
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IV. Chemical substances for which EPA has received notice of commencement to manufacture

80-67	Claimed confidential business information (CBI).	Polymer of styrene vinyl heteromonocycle and vinyl (substituted) heteromonocyclic salt.	45 FR 27007 (4/22/80).
80-101	CBI	1,3-Isobenzofuranone, polymer with 1,6-hexanediol, 2,2-dimethyl-1,3-propanediol, and 2,2-dimethyl-3-hydroxy propionate.	45 FR 37280 (6/2/81).
80-352	CBI	Polymer of acrylic acid, styrene, substituted alkyl acrylate, alkyl mercaptan.	46 FR 8711 (1/27/81).

PMN No.	Submitter	Chemical identification	FR citation
80-373	Martin Marietta Corp.	Generic name: Reaction product of 4-nitrosophenol, hydroxybenzene, and an oxo alkane with sodium sulfide (Na ₂ S ₂ O ₈).	46 FR 12104 (2/12/81).
81-13	Exxon Chemical Co.	C ₁₂ H ₂₂ O ₂ as polyoxymethylene	46 FR 12936 (2/18/81).
81-29	CSI	Reaction product of olefin, vegetable oil, and sulfur	46 FR 16118 (3/11/81).

Received by EPA October 10, 1980, 90-day review period started February 26, 1981.

[FR Doc. 81-17085 Filed 6-9-81; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. B-13]

FM Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: June 3, 1981.

Cut-off Date: July 30, 1981.

Notice is hereby given that the application listed below is accepted for filing. Because it is in conflict with the application of Unique Radio Group, Inc., File No. BPHI-810219AD, for authority to operate the facilities of former Station WMJX on an interim basis which was accepted for filing and listed previously as subject to a cut-off date for conflicting applications, no application which would be in conflict with the application listed will be accepted for filing.

Petitions to deny the listed application and minor amendments thereto must be on file with the Commission not later than the close of business on July 30, 1981. The Unique Radio Group may also be amended as a matter of right not later than the close of business on July 30, 1981. Amendments filed pursuant to this notice are subject to the provisions of § 73.3572(b) of the Commission's Rules.

BPHI-810427AE, Miami, Florida, Scripture Church of Christ, Req: 96.3, Channel 242, 98 kW, 799 Feet (H&V).

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-17118 Filed 6-9-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL HOME LOAN BANK BOARD

[No. AC-124]

Texas Federal Savings and Loan Association, Dallas, Tex.; Final Action Approval of Conversion Applications

Dated: June 5, 1981.

Notice is hereby given that on March 31, 1981, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance

Corporation ("Corporation"), by Resolution No. 81-176 approved the application of Texas Federal Savings and Loan Association, Dallas, Texas, ("Association"), for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, N.W., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Little Rock, 1400 Tower Building, Little Rock, Arkansas 72201.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-17173 Filed 6-9-81; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MEDIATION AND CONCILIATION SERVICE

Labor-Management Cooperation Program; Resumption of Application Process

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Resumption of Application Process.

SUMMARY: The Federal Mediation and Conciliation Service published program guidelines for its new Labor-Management Cooperation Program in the January 30, 1981 issue [46 FR 10008] of the Federal Register. Those guidelines were first deferred on February 10 [46 FR 11706], and again deferred on April 13 [46 FR 21697] pending congressional action on the President's decision to rescind the \$1 million fiscal year 1981 appropriation for the program. On June 4, the Congress voted to retain the original fiscal year 1981 appropriation. As a result, the application process for the Labor-Management Cooperation Program is being resumed. The guidelines published on January 30 and mailed out to those parties requesting application kits remain in effect and unchanged except for the application deadlines and A-95 clearance. All applications (plant, area, and industrywide) must be postmarked on or before July 31, 1981. Obtaining clearance

from an appropriate state A-95 clearinghouse will not be required in fiscal year 1981. Applicants should, however, forward an information copy to their A-95 agency.

FOR FURTHER INFORMATION CONTACT: Peter L. Regner, Director, Office of Labor-Management Grant Programs, FMCS, 2100 K Street NW., Washington, D.C. 20427.

SUPPLEMENTARY INFORMATION:

Individuals needing copies of parts or all of the application kit are advised to call 202/653-5240 to expedite processing.

Kenneth E. Moffett,

Acting Director.

[FR Doc. 81-17108 Filed 6-9-81; 8:45 am]

BILLING CODE 6732-01-M

FEDERAL RESERVE SYSTEM

Sugarland Bankshares, Inc.; Formation of Bank Holding Company

Sugarland Bankshares, Inc., Jeanerette, Louisiana, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Sugarland State Bank, Jeanerette, Louisiana. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 28, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 28, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17123 Filed 6-9-81; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Cigarette Advertising

AGENCY: Federal Trade Commission.

ACTION: Request for Comment on Commission Staff Report on Cigarette Advertising.

SUMMARY: This Notice requests comment on a staff report which (1) discusses current medical and consumer knowledge of the health risks of cigarette smoking, (2) explores whether current cigarette advertising is deceptive under Section 5 of the Federal Trade Commission by omitting material information about the health risks of cigarette smoking, and (3) discusses various informational alternatives that might be appropriate for action by Congress, other government agencies, private organizations, or the Commission.

DATES: Comments must be postmarked on or before December 10, 1981.

ADDRESSES: Comments should be submitted to: Secretary, Federal Trade Commission, 6th and Pennsylvania Avenue NW., Washington, D.C. 20580. Comments should refer to File No. 792-3204. Agencies and organizations are requested to submit comments in triplicate.

ADDITIONAL MATERIALS AVAILABLE FOR REVIEW: Copies of the Report and studies discussed in the Report may be obtained from: Public Reference Room, Room 130, Federal Trade Commission, 6th and Pennsylvania Avenue NW., Washington, D.C. 20580 (202) 523-3598.

FOR FURTHER INFORMATION CONTACT: Wallace S. Snyder, Assistant Director, or Matthew Myers, Attorney, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580 (Telephone: 202-724-1499 and 202-724-1490, respectively).

SUPPLEMENTARY INFORMATION: All comments received pursuant to this Notice will be placed in a public file which will be available for inspection as described above, except for information that discloses the identity of a confidential source or contains confidential commercial or financial information. If you believe your comment contains such information or fits this category, please specify the reasons for your belief. Such information will be retained in a non-public investigative file. Portions of the Staff Report do contain information for which confidential treatment has been requested by the cigarette manufacturer or advertising agency which supplied it. Those portions of the Staff Report which refer to this information have been deleted in the copy released to the public. The staff will continue its investigation during the period in which comments are being received.

Part A—Background Information

In May 1981, the Federal Trade Commission's Bureau of Consumer Protection published a report on

cigarette advertising. The report represents the fourth time in the last sixteen years that the Commission has addressed the general subject of cigarette advertising.

In 1964, the Federal Trade Commission found that the mounting evidence of the "grave hazards to life and health" caused by cigarette smoking, together with the failure of the cigarette manufacturers to warn consumers of this danger, constituted "an unfair or deceptive act or practice" within the meaning of Section 5 of the Federal Trade Commission Act. Prompted by the same concern, the Commission in 1969 and in 1971 took formal action to require cigarette manufacturers to inform the public about the dangers of smoking. As a result, all cigarette advertisements today contain the same health warning that Congress requires on cigarette packages.

The serious health consequences of cigarette smoking have also been a major concern of Congress. In 1965, Congress passed the Federal Cigarette Labeling and Advertising Act requiring all cigarette packages sold or distributed in the United States to contain a health warning. In 1970, Congress passed the Public Health Cigarette Smoking Act requiring all cigarette packages to contain the current warning and making it unlawful to advertise cigarettes on radio and television.

The Staff Report discusses several recent events that suggest that a reexamination of whether consumers are being adequately warned about serious health hazards of smoking is appropriate at this time. Reports by the Surgeon General in recent years have confirmed and strengthened the conclusions of the 1964 Surgeon General's Report regarding the relationship between smoking and certain diseases. In addition, these recent reports have established a relationship between smoking and a number of other health hazards about which little was known in 1964. Yet, despite this increased knowledge about the medical risks of smoking, the Staff Report finds that more people are smoking today than ever before. In addition, substantial portions of the public may still lack specific knowledge of these hazards. They include the relationship between smoking and heart disease, lung cancer and emphysema, plus more recent concerns about the risks of smoking during pregnancy, and the interaction between smoking and birth control pills. The Staff Report also finds that consumers desire more information about the health effects of smoking. The findings and

recommendations, which are summarized and discussed in the Staff Report, indicate the need for reexamination of whether current cigarette advertising may be deceptive by failing to provide sufficient material information about the dangers of smoking.

The staff review which culminated in this Staff Report was authorized by the Commission in 1976. The staff focused its review on the following five major issues: (1) In light of the substantial growth of medical information in recent years, what are the known consequences of smoking? (2) What health information does cigarette advertising contain about the nature, probability and severity of the dangers of smoking? (3) Does the public already know these facts, or does a substantial portion of the population lack knowledge of or hold false beliefs about the dangers of smoking? (4) Is the current warning effective in alerting the public to the health hazards of smoking? (5) Is remedial action necessary? If so, what remedial measures, if any, are likely to result in the public being provided with sufficient health information to avoid any possible deception in cigarette advertising?

The Commission recognizes that the issues today are far more complex than they were when the Commission first took action on this problem in 1964. At that time, cigarette packages and advertisements contained no health warnings, and the Commission's focus was on the threshold question of whether to require a health warning at all. In light of the number of years the current warning has been in use and the increased knowledge about the health risks of smoking, it is now necessary to examine the effectiveness of the existing warning, the remedy adopted a decade ago. In addition, the warning the Commission required for cigarette advertisements is the same as that required by Congress for cigarette packages. Because of these parallel approaches and Congress' involvement in this area, the Commission desires to work with Congress and other relevant organizations in carefully considering what further action with respect to advertising practices would be appropriate.

In light of the available evidence about public awareness, or the lack thereof, of the risks associated with smoking, the staff undertook a review of the effectiveness of the current health warning in cigarette advertising. The Staff believes that the warning is not effective because of its generalized and abstract nature, because it has appeared

in the same unchanging size and shape for a decade and because the current warning does not adequately communicate the various health risks of smoking. The Staff indicates something more than this warning may be needed to cure possible deception in cigarette advertising. The Report therefore reviews a number of possible remedial options. These options include consumer education, industry self-regulation, changing the size and shape of the current warning, replacing the current warning with a more specific one, instituting a system of rotational warnings for cigarette advertisements, permitting only "tombstone" advertising for cigarettes, and disclosure of carbon monoxide levels. Based upon this review, the staff has tentatively concluded that increasing consumer education, changing the size and shape of the current warning, and replacing the current warning with a system of short warnings that rotate in cigarette advertising may be the most effective in remedying and deception in cigarette advertising and in improving public awareness of the health consequences of smoking.

The Commission wishes to emphasize that the remedial options suggested are not limited to action by this agency; they may well be appropriate for consideration by other entities, including private organizations, government agencies such as the Department of Health and Human Services, and especially Congress. The Commission's 1978 Report to Congress on Cigarette Advertising has already suggested that Congress consider strengthening the language of the current warning and adopting a system of rotational disclosures. The Commission currently believes that because of the nature of the issues posed by such a system, rotational warning proposals are particularly appropriate for congressional consideration. The staff report's analysis of how such a proposal might work will hopefully facilitate this discussion.

Part B—Issues on Which Comment is Invited

The remedial options suggested by the staff are primarily information in nature. To the extent any further action is called for, whether by Congress, this agency or others, the Commission believes that information-oriented approaches are preferable to more intrusive remedies. However, the Commission has not reached any conclusions regarding the need for action by this agency with respect to the subjects addressed by the

Staff Report. By publishing this Report, the Commission hopes to initiate a dialogue with members of Congress, the industry, and the general public concerning the important issues raised by the Report. This dialogue will enable the Commission to determine whether further action is necessary to cure any deception in current cigarette advertising and, if so, what action might be appropriate.

Because of the complexity of the issues raised, the Commission has determined to solicit public comment for a period of six months.

Interested persons are invited to address any issues of fact, law, policy or procedure which they feel are relevant and should be considered by the Commission. The Commission particularly desires comment upon the questions listed below. These questions are provided in order to facilitate public comment and should not be construed to limit the nature and scope of comments submitted in response to this request.

(1) The Staff Report discusses evidence linking smoking with many specific health consequences. Has the staff accurately summarized the available medical evidence? Is there additional evidence which should be considered?

(2) The Staff Report includes a detailed analysis of the available survey data on the level of the public's knowledge of the health hazards of smoking. Are there other surveys or material which the staff should have considered? Are the staff's conclusions based on the survey data appropriate? Is the public adequately informed about the health hazards of smoking to avoid any possible deception?

(3) The Staff Report describes both the quantitative level of cigarette advertising in this country and the major themes in current cigarette advertising. Is the staff's description accurate?

(4) The staff believes that the current health warning is not effective. Does the warning provide sufficient information to adequately alert consumers to the health consequences of smoking? Is the staff's analysis of the reasons why the warning may not be effective accurate and complete?

(5) In view of knowledge about the general health hazard of smoking, is further legal action necessary to require more specific disclosure in advertising of the health risks associated with cigarette smoking? Should any action be taken with respect to advertising that might differ from the warning disclosure required by Congress for cigarette packages?

(6) The Staff Report describes a

number of possible remedial options. Are there options not mentioned in the Report which should have been considered? Are there additional educational efforts not involving the mass media, such as school or smoker education programs, which deserve further consideration in evaluating the options discussed in the Staff Report? Are there any aspects about the options discussed in the Report which merit particular consideration? Are the options discussed feasible? The Commission also invited comments on the staff's tentative conclusion that three of the options discussed are likely to be most effective and on any particular aspect of the staff's discussion of the nature and operation of any of the options discussed.

(7) The staff has made no recommendation on the merits of requiring disclosure of carbon monoxide levels in all cigarette ads? Would the addition of these figures to the "tar" and nicotine figures now disclosed be useful?

(8) Health warnings on billboards pose special problems. The Staff Report discusses four options in an effort to select a proposal which will make a revised health warning effective in billboard advertisements, taking into account cost and administrative burden to cigarette manufacturers. The Commission invites comments and suggestions on these or any other proposals.

Commenters should be aware that the Commission has concluded that the size of the current billboard warning is too small to be seen and read at the distance from which most consumers view the typical billboard and at the speed at which motorists drive past billboards. The Commission is currently involved in litigation over this issue with the R. J. Reynolds Company in federal court.

By direction of the Commission.
Carol M. Thomas,
Secretary.

[FR Doc. 81-17193 Filed 6-9-81; 8:45 am]
BILLING CODE 6750-01-M

GENERAL SERVICES ADMINISTRATION

Office of the Federal Register

Basic Building Code; Code Development and Educational Conference

AGENCY: Office of the Federal Register.

ACTION: Notice of public meeting.

SUMMARY: The Building Officials and Code Administrators International (BOCA) will hold its annual Code Development and Educational Conference. The Conference will include hearings on proposed changes to the Basic Building Code and other related codes. All interested parties are invited to participate at this open meeting. The Office of the Federal Register is announcing this meeting as a public service.

DATES: June 22, 1981 through June 26, 1981.

ADDRESS: Sheraton-Hartford Hotel, Hartford, Connecticut.

FOR FURTHER INFORMATION CONTACT:

Registration information and code change agenda: Clarence R. Bechtel, Executive Director, Building Officials and Code Administrators International, 17926 South Halsted Street, Homewood, IL 60430, (312) 799-2300. Federal Register contact: Gary Segal, (202) 523-4534.

Martha B. Girard,

Acting Director of the Federal Register.

[FR Doc. 81-17194 Filed 6-9-81; 8:45 am]

BILLING CODE 1505-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Advisory Committees; Reestablishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (5 U.S.C. Appendix I), the Alcohol, Drug Abuse, and Mental Health Administration announces the reestablishment by the Secretary of Health and Human Services, with the concurrence of the General Services Administration Committee Management Secretariat, of the following advisory committees:

Alcohol Human Resource Development Review Committee.

Community Alcoholism Services Review Committee.

Authority for these committees will expire September 30, 1981, unless the Secretary formally determines that continuance is in the public interest.

Dated: June 4, 1981.

Robert L. Trachtenberg,

Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 81-17117 Filed 6-9-81; 8:45 am]

BILLING CODE 4110-88-M

Centers for Disease Control

Health and Safety Effects of Cold Stress; National Conference on Occupational Health and Safety Issues Affecting Minority Workers; Open Meetings

The following meetings will be convened by the National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and will be open to the public for observation and participation, limited only by space available:

Health and Safety Effects of Cold Stress

Date and time: June 26, 1981, 1 p.m.-5 p.m.

Place: Robert A. Taft Laboratories, 4676 Columbia Parkway, room 241, Cincinnati, Ohio 45226

Purpose: To critically evaluate details of project concerning, (a) epidemiological, environmental and psychophysiological assessments of work places where cold may be a stressor and (b) objective methods for in-house study of continuous and intermittent work in cold environments including handling of cold objects.

Additional information may be obtained from: Mr. Walter S. Carlson, Division of Biomedical and Behavioral Science, National Institute for Occupational Safety and Health, Centers for Disease Control, 4676 Columbia Parkway, Cincinnati, Ohio 45226, telephone: (513) 684-8286

National Conference on Occupational Health and Safety Issues Affecting Minority Workers

Date and time:

July 6, 1981, 9:30 a.m.-5:00 p.m.

July 7, 1981, 8 a.m.-5:00 p.m.

July 8, 1981, 8 a.m.-4:30 p.m.

Place: Grand Ballroom of Stouffer's Cincinnati Towers, 141 West Sixth Street, Cincinnati, Ohio 45202

Purpose: To discuss occupational safety and health problems as they relate to minority workers of America and to develop strategies for both the public and private sector to address these problems/issues. Several workshops will be conducted in conjunction with the conference on such issues as gathering of injury and health data; inclusion of minorities in epidemiological investigations; minority worker education and training; diseases and hazards which impact minority workers disproportionately, etc. Viewpoints and suggestions from industry, organized labor, worker groups, academia, small businesses, civil rights advocates, equal opportunity affirmative action officers, State, local, and other Federal agencies are invited. The registration date has been extended until June 30.

Additional information may be obtained from: Mr. Marshall E. LaNier, Office of the Director, National Institute for Occupational Safety and Health, Centers for Disease Control, 4676 Columbia Parkway, Cincinnati, OH 45226, telephone: (513) 684-8215.

Dated: June 3, 1981.

William H. Foege, M.D.,

Director, Centers for Disease Control.

[FR Doc. 81-17154 Filed 6-9-81; 8:45 am]

BILLING CODE 4110-87-M

Cooperative Agreement To Support a Uniform National Health Program Reporting System for Comprehensive Public Health Services; Availability of Fiscal Year 1981 Funds

The Centers for Disease Control announces the availability of funds for fiscal year 1981 for a cooperative agreement to support a uniform national health program reporting system. The system is specified in the Catalog of Federal Domestic Assistance, Number 13.210 under the Reports Section. Authorization is under Section 314(d) of the Public Health Service Act, as amended (42 U.S.C., 246(d)).

The purpose of the activity is to continue the operation of the uniform national health program reporting system that has been in existence for 10 years. Section 314(d)(2)(C)(ii) of the Public Health Service Act defines the activity in these terms:

*** From time to time, as prescribed by the Secretary, report to the Secretary (through a uniform national health program reporting system and by such categories as the Secretary may prescribe) a description of the comprehensive public health services provided in the State in the fiscal year for which the grant applied for is made and the amount and source of funds expended in that fiscal year and in the preceding fiscal year for the provision of each such category of services ***.

It is expected that approximately \$430,000 will be available in fiscal year 1981 for this cooperative agreement. The agreement will be for a period of 10 to 12 months. Projected initiation date is approximately September 15, 1981. Any public or private nonprofit entity is eligible to apply.

Funding criteria will include the following factors:

1. Technical approach and understanding the problem.
2. Administrative capability and staff expertise in the handling and analysis of large data bases.
3. Present or prior experience dealing with the 57 State and Territorial health jurisdictions or a plan to initiate such an effort.
4. Proposals to improve the present system and analysis of the data.
5. Proposals to expand the system to include local health department data.
6. Response to selected recommendations recently published by the Technical Advisory Panel.

7. Work schedule (e.g., Program Evaluation and Review Technique (PERT)).

8. Cost proposal.

Applications must be received by July 27, 1981. Applications are not subject to review as governed by OMB Circular A-95 and regulations (42 CFR Parts 122 and 123) implementing the National Health Planning and Resource Development Act of 1974, as amended.

Guidelines and information may be obtained from, and applications, must be submitted to, the Procurement and Grants Office, Centers for Disease Control, Atlanta, Georgia 30333.

Dated: June 5, 1981.

William C. Watson, Jr.,

Deputy Director, Centers for Disease Control.

[FR Doc. 81-17287 Filed 6-9-81; 8:45 am]

BILLING CODE 4110-86-M

Office of the Assistant Secretary for Health

Advisory Committees; Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory bodies scheduled to meet during the month of June 1981:

Name: Health Care Technology Study Section
Date and Time: June 15-17, 1981, 8:30 a.m.
Place: Gramercy Inn, South Scott Room, 1616 Rhode Island Avenue, N.W., Washington, D.C. 20036

Open June 15, 8:30 a.m.-10:30 a.m.

Closed for remainder of meeting

Purpose: The Committee is charged with the initial review of health research grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research.

Agenda: The open session of the meeting on June 15 will be devoted to a business meeting covering administrative matters and reports. The closed portion of the meeting will be utilized in a review of health services research grant applications relating to the delivery, organization, and financing of health services. The closing is in accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code, and the Determination by the Assistant Secretary for Health, pursuant to Pub. L. 92-463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Dr. Alan E. Mayers, National Center for Health Services Research, OASH, Room 7-50A, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, telephone (301) 436-6916.

Name: Health Services Research Review Subcommittee

Date and Time: June 17-19, 1981, 8:00 a.m.

Place: Capital Hilton, June 17, 1981, 16th & K Streets, N.W., Washington, D.C. 20036;

Gramercy Inn, June 18-19, 1981, North Scott

Room, 1616 Rhode Island Avenue, N.W., Washington, D.C. 20036

Open June 17, 8:00 a.m.-9:00 a.m.

Closed for remainder of meeting

Purpose: The objective of the Subcommittee is to advise the Secretary and make recommendations to the Director, National Center for Health Services Research, concerning the scientific and technical merit review of health services research grant applications involving primarily the analysis and use of economic, statistical, and other theoretical approaches which examine problems associated with the delivery of health services.

Agenda: The open session of the meeting on June 17, 1981, will be devoted to a business meeting covering administrative matters and reports. During the closed session, the Subcommittee will be reviewing research grant applications relating to the delivery, organization, and financing of health services. The closing is in accordance with provisions set forth in section 552b(c)(6), Title 5, U.S. Code, and the Determination by the Assistant Secretary for Health, pursuant to Pub. L. 92-463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Anthony Pollitt, Ph.D., National Center for Health Services Research, OASH, Room 7-50A, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, telephone (301) 436-6916.

Name: Health Services Developmental Grants Review Subcommittee

Date and Time: June 22-23, 1981, 9:00 a.m.

Place: Gramercy Inn, North Scott Room, 1616 Rhode Island Avenue, N.W., Washington, D.C. 20036

Open June 22, 9:00 a.m.-9:45 a.m.

Closed for remainder of meeting

Purpose: The Subcommittee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research.

Agenda: The open session of the meeting on June 22, 1981, will be devoted to a business meeting covering administrative matters and reports. During the closed sessions the Subcommittee will be reviewing research grant applications relating to the delivery, organization and financing of health services. The closing is in accordance with provisions set forth in section 552b(c)(6), Title 5, U.S. Code, and the determination by the Assistant Secretary for Health, pursuant to Pub. L. 92-463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Mr. David McFall, National Center for Health Services Research, OASH, Room 7-50A, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, telephone (301) 436-6916.

Agenda items are subject to change as priorities dictate.

Dated: June 3, 1981.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 81-17116 Filed 6-9-81; 8:45 am]

BILLING CODE 4110-85-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Montana; Campground Stay Limitation

AGENCY: Bureau of Land Management, Interior.

ACTION: Closure of road vehicle and primitive camping; campground stay limitation.

SUMMARY: Notice is hereby given that motorized vehicle use and use of the public lands for temporary or permanent occupancy in the form of bedrolls, tipis, tents, pickup campers, camping trailers, tent trailers, mobile homes and such like is prohibited in accordance with the provisions of regulations dealing with closure of lands (43 CFR Part 8364.1).

The area and trails on public lands affected by this designation are in Phillips County, Montana, immediately northeast of the town of Zortman and immediately west of the town of Landusky and are described as follows:

T. 25 N., R. 25 E., PMM, Section 16,
All north of main county road into
Zortman.

T. 25 N., R. 24 E., PMM, Section 27,
All north of main county road into
Landusky.

All camping of any form is prohibited except for the 15 family units in Camp Creek Campground and the 10 family units in Montana Gulch Campground. All vehicular use in above areas is restricted to the established improved graveled roads to each respective campground, the Zortman school and Thompson Avenue. All camping inside the two established campgrounds is limited to 14 days per year per camper in accordance with regulations covering occupancy and use of developed sites (43 CFR Part 8363.1-3(b)). The closure and length of stay limitations are necessary because of public health hazards, excessive erosion, destruction of plant life and impacts on the aesthetics of the area. These areas will remain closed until further notice.

This notice is effective immediately. Any person who knowingly and willfully violates this closure shall be fined not more than \$1,000 or imprisoned not more than 12 months, or both.

FOR FURTHER INFORMATION CONTACT:

Charles Dahlen, Area Manager, Phillips Resource Area, 501 So. 2nd St. East, P.O. Box B, Malta, Montana 59538, 406/654-1240.

Glenn W. Freeman,
District Manager.

[FR Doc. 81-17002 Filed 6-9-81; 8:45 am]

BILLING CODE 4310-84-M

**National Environmental Policy Act;
Adoption of Another Agency
Environmental Impact Statement**

AGENCY: Bureau of Land Management, Interior.

ACTION: Adoption by the Bureau of Land Management of three (3) Department of Army Final Environmental Impact Statements Concerning Proposed Land Withdrawals for the 172nd Infantry Brigade (Alaska) at (1) Fort Richardson, (2) Fort Wainwright, (3) Fort Greely.

SUMMARY: Pursuant to section 43 CFR 1506.3 of the Code of Federal Regulations for implementing the provisions of the National Environmental Policy Act (NEPA), notice is hereby given that the Bureau of Land Management will adopt the three final environmental impact statements prepared by the Department of Army, dated November 1980, and filed with the Environmental Protection Agency May 6, 1981. BLM assisted the Department of Army in the preparation of the final environmental impact statements and is identified as a cooperator in accordance with section 43 CFR 1501.6 of the Code of Federal Regulations.

DATES: Written comments on the proposal and alternatives contained in the final environmental impact statement prepared by the Department of Army will be accepted by the Bureau of Land Management up to and including July 15, 1981.

ADDRESSES: Written comments on the proposals are to be addressed to Mr. Gary Seitz, Planning and Environmental Coordination Staff, Bureau of Land Management, P.O. Box 13, Anchorage, Alaska 99513.

A limited number of the final impact statements may be obtained from the Department of Army, HQ 172nd Infantry Brigade (AK), Attn: AFZT-FE-EQ, Fort Richardson, Alaska 99505.

SUPPLEMENTARY INFORMATION: The final environmental impact statements identify and analyze the impacts that would result from the withdrawal and use by the Department of Army of 3,340 acres at Fort Richardson, 249,552 acres at Fort Wainwright and 624,225 acres at Fort Greely, Alaska. The withdrawal of these lands as proposed would allow present military use to continue.

Alternatives considered and analyzed in the impact statements include no action, the proposed action, moving present military activities to other areas, reducing the acreage of the proposed land withdrawals, and allowing uses other than strictly military use on certain of the lands proposed for withdrawal.

BLM's jurisdictions in the proposed actions are to prepare under authority of Pub. L. 94-579 (Federal Land Policy and Management Act of 1976) a Public Land Order for the signature of Secretary, U.S. Department of Interior, concerning the land withdrawals at Fort Richardson, and under authority of Pub. L. 85-337 (Engle Act 1958) make recommendations to the Secretary USDI on proposed congressional legislation concerning the land withdrawals at Fort Wainwright and Fort Greely. BLM has determined that the final environmental impact statements are adequate for the actions and recommendations BLM must make, and they satisfy the requirements set forth by NEPA, CEQ and appropriate USDI and BLM regulations. The documents are therefore adopted for these purposes.

Dated: June 1, 1981.

Fred Wolf,

Associate State Director, Alaska.

[FR Doc. 81-17120 Filed 6-9-81; 8:45 am]

BILLING CODE 4310-84-M

(SL-064606)

**Utah; Order Providing for Opening of
Public Lands**

1. In an exchange of lands made under the provision of Section 8 of the Act of June 28, 1934, 48 Stat. 1269, 1272, as amended and supplemented, 43 U.S.C. 315g (1964), the following lands have been reconveyed to the United States:

Salt Lake Meridian, Utah

T. 30 S., R. 7 W.,

Sec. 9, NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$;

Sec. 10, NW $\frac{1}{4}$ NW $\frac{1}{4}$.

(Less 6.06 acres for Highway in Sec. 9)

Containing 153.94 acres in Beaver County.

2. By Warranty Deed dated July 15, 1948, both the surface and minerals were reconveyed to the United States.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands described in paragraph 1 hereof are hereby open to operation of the public land laws including the mining and mineral leasing laws. All valid applications received at or prior to July 10, 1981, shall be considered as simultaneously filed at that time. Those

received thereafter shall be considered in the order of filing.

4. Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Dated: June 2, 1981.

Darrell Barnes,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 17003 Filed 6-9-81; 8:45 am]

BILLING CODE 4310-84-M

(N-27612)

**Nevada; Proposed Withdrawal and
Opportunity for Public Hearing**

June 1, 1981.

The Bureau of Land Management, Department of the Interior, proposes the following described lands be withdrawn, subject to valid existing rights, from appropriation under the public land laws, including the mining laws, but not the mineral leasing laws:

Mount Diablo Meridian, Nevada

T. 17 S., R. 60 E.

Sec. 26, S $\frac{1}{2}$;

Sec. 34, NE $\frac{1}{4}$;

Sec. 35, N $\frac{1}{2}$ N $\frac{1}{2}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$,

W $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 36, W $\frac{1}{2}$.

T. 18 S., R. 50 E.

Sec. 1, Lots 3 and 4;

Sec. 2, Lots 1 and 2, S $\frac{1}{4}$ NE $\frac{1}{4}$.

The land described aggregates 1,419.04 acres.

The purpose of the proposed withdrawal is to protect the essential habitat of the Warm Springs Pupfish (*Cyprinodon nevadensis petoralis*), a Federally listed endangered species. This action is an objective of the approved Warm Springs Pupfish Recovery Plan.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2764, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, at the address shown below within 40 days from the date of publication of this notice. Upon determination by the State Director that a public hearing will be held, a notice will be published in the **Federal Register**, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec.

2351.16 B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management within the 40 day period allowed.

The above described lands are temporarily segregated from the operation of the public land laws, including the mining laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Segregation will terminate two years from the date of this notice.

All correspondence in connection with this withdrawal should be addressed to the Bureau of Land Management, Department of the Interior, Chief, Division of Technical Services, 300 Booth Street, P.O. Box 12000, Reno, Nevada 89520.

William J. Malencik,

Chief, Division of Technical Services.

[FR Doc. 81-17146 Filed 6-9-81; 8:45 am]

BILLING CODE 4310-84-M

Idaho; Filing of Plat of Survey

June 2, 1981.

1. Plats of survey for the following described land, accepted January 15, 1981, will be officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective at 10:00 a.m., on August 3, 1981.

Boise Meridian, Idaho

T. 4 S., R. 33 E.

- Sec. 1, Lots 9 and 10;
- Sec. 11, Lot 2;
- Sec. 12, Lots 8 to 10, inclusive and NE $\frac{1}{4}$ SW $\frac{1}{4}$;
- Sec. 13, Lot 4;
- Sec. 14, Lots 8 to 12, inclusive;
- Sec. 22, Lots 6 to 9, inclusive;
- Sec. 23, Lots 8 and 9;
- Sec. 27, Lots 9 and 10;
- Sec. 32, Lots 11 to 15, inclusive;
- Tract 37.

The areas described aggregate 620.45 acres.

2. The lands involve dependent resurveys, survey of islands and omitted lands.

3. The omitted lands are subject to the provisions of the Act of May 31, 1962 (76 Stat. 89). Before sale of any of the omitted lands can be made, a notice in accordance with the regulations in 43 CFR 2546.1 must be published in the

Federal Register. Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, Box 042 Federal Building, 550 West Fort Street, Boise, Idaho 83724.

Sharon Deroin,

Chief, Branch of Records.

[FR Doc. 81-17145 Filed 6-9-81; 8:45 am]

BILLING CODE 4310-84-M

District Grazing Advisory Board, Susanville, Calif.; Correction

This document corrects the Notice of Meeting that was published May 29, 1981 (FR 28953). The Susanville District Grazing Advisory Board will meet on July 9, 1981; not on June 9 as published on May 29, 1981. All other information regarding the meeting remains the same.

C. Rex Cleary,

District Manager.

[FR Doc. 81-17147 Filed 6-9-81; 8:45 am]

BILLING CODE 4310-84-M

Multiple Use Advisory Council; Meeting

June 2, 1981.

AGENCY: Bureau of Land Management, Interior.

ACTION: Multiple Use Advisory Council; Meeting.

SUMMARY: The Council will conduct a field trip on July 30, with formal recommendations being made in a meeting on July 31. Both meetings will begin at 9 a.m.

LOCATION: Moab District Office, 125 West 200 South, Moab, Utah.

SUPPLEMENTARY INFORMATION: The agenda is scheduled as follows:

July 30

- 9 a.m.—Call to order and briefing on purpose of field trip
- 9:30 a.m.—Leave for field trip up U-128 along the Colorado River to discuss the Wild and Scenic River nomination
- 12 Noon—Lunch at Fisher Valley Ranch
- 1 p.m.—Continue up U-128 to discuss humate and placer mining along the river

July 31

- 9 a.m.—Call to order. Old business.
- 10 a.m.—New business, including the Vernal Highway, the Book Mountain Transportation Plan, and the "blocking" of State lands
- 12 Noon—Lunch
- 1 p.m.—Public statements
- 2 p.m.—Recommendations formalized
- 3 p.m.—Agenda for next meeting; adjournment

FOR FURTHER INFORMATION CONTACT: Mary Plumb, Public Affairs Officer, Bureau of Land Management, 125 West 200 South, P.O. Box 970, Moab, Utah 84532, 801-259-6111.

All Advisory Council meetings are

open to the public. Written statements may be filed, or verbal statements may be made at 1 p.m. on July 31. Anyone wishing to make a verbal statement must contact the District Manager by July 29. Depending on the number of statements, a per person time limit may be established so that all may be heard. Summary minutes for the meeting will be maintained in the District Office and be available for public inspection within thirty days following the meeting.

Gene Nodine,

District Manager.

[FR Doc. 81-17148 Filed 6-9-81; 8:45 am]

BILLING CODE 4310-84-M

Utility Corridor Land Use Plan

ACTION: Notice of Off-Road Vehicle use designation contained in approved Land Use Plan.

SUMMARY: Because a portion of the Dalton Highway through the Utility Corridor north of the Yukon River will be open for public travel for the first time during the summer of 1981, and in accordance with 43 CFR 8342.2(b), this Federal Register notice is provided to inform the public of the off-road vehicle management guidelines contained in the Utility Corridor Land Use Plan, which was approved in September 1979. These guidelines have already received extensive public comment through the formal public review process during the preparation of the Land Use Plan. Additional public notice is planned through the local news media. The Land Use Plan designated the Utility Corridor as a Limited Use Area for off-road vehicles until a special ORV Plan is prepared.

DATE: Effective September 24, 1979.

FOR FURTHER INFORMATION CONTACT: Yukon Area Manager, Bureau of Land Management, P.O. Box 1150, Fairbanks, Alaska 99707 (907) 356-2025.

Limited use designation: North of the Yukon River, the use of ORV's regardless of size is by permit only, except as established by other law or regulation. This designation will allow for (1) ORV use in support of lawful mining activities (including prospecting) providing that the individual files a Notice of Intent of Plan of Operations with the Bureau in advance, or as otherwise outlined in Title 43 Code of Federal Regulations, "Mining Claims Under the General Mining Laws," Subparts 3802 and 3809, and (2) commercial operators who have been issued a Temporary Use Permit, Right-of-Way, or similar expressed written

authorization from the BLM. Permits for recreation use will not be issued.

Carl D. Johnson,
District Manager.

[FR Doc. 81-17150 Filed 6-9-81; 8:45 am]

BILLING CODE 4310-84-M

[Wyoming 74478]

Wyoming; Application

June 2, 1981.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185) the Colorado Interstate Gas Company of Colorado Springs, Colorado filed an application for a right-of-way to construct a 4" pipeline for the purpose of transporting natural gas across the following described public lands:

Sixth Principal Meridian, Wyoming

- T. 24 N., R. 87 W.,
Sec. 20, SW $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 23 N., R. 88 W.,
Sec. 4, Lots 1, 2, 3, S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 24 N., R. 88 W.,
Sec. 24, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 25, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$,
N $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 36, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$.

The pipeline will transport natural gas within T. 24 N., R. 87 W., T. 23 N., R. 88 W., and T. 24 N., R. 88 W., in Carbon County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 670, 1300 3rd Street, Rawlins, Wyoming 82301.

Harold G. Stinccomb,
Chief, Branch of Lands and Minerals
Operations.

[FR Doc. 81-17149 Filed 6-9-81; 8:45 am]

BILLING CODE 8410-84-M

Proposed Revision to the Five-Year Outer Continental Shelf Oil and Gas Lease Sale Schedule; Availability of Draft Supplemental Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft supplement to the final

environmental impact statement relating to a proposed revision to the Five-Year Outer Continental Shelf Oil and Gas Lease Sale Schedule.

Single copies of the draft supplemental environmental impact statement can be obtained from the Office of the Manager, New York Outer Continental Shelf Office, Bureau of Land Management, 26 Federal Plaza, Suite 32-120, New York, New York 10278; Office of the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, Hale Boggs Federal Building, Suite 841, 500 Camp Street, New Orleans, Louisiana 70130; Office of the Manager, Pacific Outer Continental Shelf Office, Bureau of Land Management, 1340 West 6th Street, Los Angeles, California 90017; Office of the Manager, Alaska Outer Continental Shelf, Bureau of Land Management, P.O. Box 1159, Anchorage, Alaska 99510, and from the Office of Public Affairs, Bureau of Land Management (130), Washington, D.C. 20240.

Copies of the draft supplemental environmental impact statement will also be available for review in public libraries located throughout the coastal States. Information regarding the locations of libraries where copies of the statement will be available may be obtained from the OCS Offices listed above.

In accordance with 43 CFR 3314.1, public hearings will be held in New York, New York; New Orleans, Louisiana; Los Angeles, California; Anchorage, Alaska, and Washington, D.C. for the purpose of receiving comments and suggestions relating to the supplemental environmental impact statement. The exact locations and dates of the hearings will be announced at a later date. Comments will be accepted until July 27, 1981.

After a public hearing is held and comments have been received and analyzed, a final environmental impact statement will be prepared.

Ed Hastey,
Associate Director, Bureau of Land
Management.

Approved:
Cecil S. Hoffmann,
Special Assistant to Assistant Secretary of
the Interior.

[FR Doc. 81-17152 Filed 6-9-81; 8:45 am]

BILLING CODE 4310-84-M

Wilderness Decision

Correction

The document with the file number "81-16510", beginning in the third column of page 29770 and ending in the

first column of page 29771 in the issue of Wednesday, June 3, 1981, should have been numbered, "81-16548".

BILLING CODE 1505-01-M

[1784 (N-6305)]

Battle Mountain Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 94-579 that a meeting of the Battle Mountain District Grazing Advisory Board will be held on July 28 and 29, 1981. The meeting will begin at 9:00 a.m. both days in the Tonopah Convention Center at 301 Brougher, Tonopah, Nevada.

The agenda for the meeting will include: (1) a discussion of the function of the Board, (2) expenditure of range betterment funds for range improvements, (3) a review of all proposed Stewardship Plans and Allotment Management Plans for the Tonopah Resource Area, (4) discussion of the Board's future involvement in the Experimental Stewardship and Allotment Management Plan Program, (5) field tour of an allotment under a proposed Stewardship Plan, and (6) arrangements for the next meeting.

The meeting is open to the public. Interested persons may make oral statements to the board between 3:30 and 4:30 p.m. on July 28, 1981 or file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 2nd and Scott Streets, Battle Mountain, Nevada 89820 by July 17, 1981. Minutes of the board meeting will be maintained in the district office and will be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: June 1, 1981.
Michael C. Mitchel,
Acting District Manager, Battle Mountain,
Nevada.

[FR Doc. 81-17144 Filed 6-9-81; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Endangered Species Permits Issued for the Month of May

Notice is hereby given that the U.S. Fish and Wildlife Service has taken the following action with regard to permit applications duly received according to Section 10 of the Endangered Species Act of 1973 as amended, 16 U.S.C. 1539. Each permit listed as issued was granted

only after it was determined that it was applied for in good faith, that by granting the permit it will not be to the disadvantage of the endangered species; and that it will be consistent with the purposes and policy set forth in the Endangered Species Act of 1973 as amended.

Additional information on these permit actions may be requested by contacting the Federal Wildlife Permit Office, Box 3654, Arlington, VA 22203, telephone (702/235-1903) or by appearing in person at the Federal Wildlife Permit Office, 1000 N. Glebe Road, Room 605, Arlington, VA, between the hours of 9:00 a.m. and 3:00 p.m. weekdays.

Pylaeux Wildf Res	0010	05-20-81
Field Museum of Nat	1565	05-28-81
Emory Univ./Yerkes	2390	05-20-81
Michigan St. U.	3185	05-08-81
Regional Director 6	3276	05-05-81
Institute for Raptor	6388	05-22-81
Memphis State Univ	7703	05-08-81
Bronson, Thomas J.	7732	05-01-81
Herpetofauna, Inc	7733	05-29-81
Davik, Keith	7770	05-19-81
New York Zool Society	7778	05-08-81
San Antonio Zool Grdn	7796	05-05-81
Univ of Florida	7802	05-08-81
National Cancer Inst	7806	05-08-81
Cuneo, John F.	7813	05-20-81
Louisiana State Univ	7829	05-01-81

Dated: June 5, 1981.

Larry LaRochelle,

Acting Chief Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 81-17176 Filed 6-9-81; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Application

Applicant: Duke University Primate Center, Durham, NC 27705.

The applicant requests an amendment to PRT 2-6388 to allow importation of five (5) individuals of any subspecies of Verreaux's sifaka, *Propithecus verreauxi*, rather than only *P.v. coquereli*, and a maximum of ten (10) individuals of any of the following species: *Lemur macaco*, *L. mongoz*, *L. variegatus*, *Cheirogaleus medius*, *C. major*, and/or *Microcebus coquereli* from Direction des eaux et forets of the Madagascar Government, Madagascar. The animals are to be removed from the wild for enhancement of propagation and survival.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish and Wildlife

Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2-6368. Interested persons may comment on this application on or before July 10, 1981 by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: June 5, 1981.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 81-17174 Filed 6-9-81; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Application

Applicant: David A. Etnier, Department of Zoology, University of Tennessee, Knoxville, TN.

The applicant requests an amendment to PRT 2-7818 to take for scientific purposes 20 snail darters (*Percina tanasi*) from Sewee Creek, Tennessee. The fish will be sacrificed for taxonomic purposes.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2-7818. Interested persons may comment on this application on or before July 10, 1981 by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: June 5, 1981.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 81-17175 Filed 6-9-81; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Application

Applicant: U.S. Army Corps of Engineers, Jacksonville District, Jacksonville, FL.

The applicant requests a permit to take Atlantic ridley (*Lepidochelys kempi*), hawksbill (*Eretmochelys imbricata*), leatherback (*Dermochelys coriacea*), green (*Chelonia mydas*) and loggerhead (*Caretta caretta*) sea turtles for scientific purposes and for enhancement of survival during

dredging operations along the coast of Florida.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2-8063. Interested persons may comment on this application on or before July 10, 1981 by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: June 5, 1981.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 17177 Filed 6-9-81; 8:45 am]

BILLING CODE 4310-55-M

National Park Service

Cuyahoga Valley National Recreation Area Advisory Commission; Meeting

Notice is hereby given, in accordance with the Federal Advisory Committee Act, 86 Stat. 770, 5 U.S.C. App. 1, as amended by the Act of September 13, 1976, 90 Stat. 1247, that a meeting of the Cuyahoga Valley National Recreation Area Advisory Commission will be held beginning 8:30 a.m. (EDT), on Thursday, June 25, 1981, at Happy Days Visitor Center located on State Route 303 (Streetsboro Road), 1 mile west of State Route 8 near Peninsula, Ohio. Parking is on the north side of Route 303 and a pedestrian tunnel leads to the building on the south side of the highway.

The Commission was established by the Act of December 27, 1974, 88 Stat. 1788, 16 U.S.C. 460ff-4, to meet and consult with the Secretary of the Interior on matters relating to the administration and development of the Cuyahoga Valley National Recreation Area.

The members of the Commission are as follows:

Mrs. Tommie Patty (Chairperson)
Mr. John Craig
Mr. Norman A. Godwin
Mrs. William Hutchison
Mr. James S. Jackson
Mrs. George Klein
Mr. Stanley Mettershead
Mr. C. W. Eliot Paine
Mr. Melvin J. Rebbholz
Mr. F. Eugene Smith

Ms. Robbie Stillman
Mr. Barry K. Sugden
Dr. Robert W. Teater

Matters to be discussed at this meeting include:

1. Environmental Assessment for Oak Hill development.
2. Trail planning subcommittee process.
3. Expanding visitor services.
4. Update on Park operations.

The meeting will be open to the public. It is expected that about 100 persons, in addition to members of the Commission, will be able to attend this meeting. Interested persons may submit written statements. Such statements should be submitted to the official listed below prior to the meeting.

Further information concerning this meeting may be obtained from Lewis S. Albert, Superintendent, Cuyahoga Valley National Recreation Area, P.O. Box 158, Peninsula, Ohio 44264, telephone (216) 650-4414. Minutes of the meeting will be available for public inspection 3 weeks after the meeting, at the office of Cuyahoga Valley National Recreation Area, located at 501 West Streetsboro Road (State Route 303), 2 miles east of Peninsula, Ohio.

Dated: May 29, 1981.

J. L. Dunning,

Regional Director, Midwest Region.

[FR Doc. 81-17189 Filed 6-9-81; 8:45 am]

BILLING CODE 4310-70-M

Mining Plan of Operations at Death Valley National Monument; Availability

Notice is hereby given that pursuant to the provisions of Section 2 of the Act of September 28, 1976, 16 U.S.C. 1901 et seq., and in accordance with the provisions of § 9.17 of 36 CFR Part 9, Western Minerals Gas, Oil and Mining and its subsidiary Western Minerals Exploration Ltd. has filed a plan of operations in support of proposed mining activities on lands embracing the Gold Bar Mining Claim within the Death Valley National Monument. The plan is available for public inspection during normal business hours at the Death Valley National Monument Headquarters, Death Valley, California.

Dated: May 20, 1981.

George Van der Lippe,

Superintendent, Death Valley National Monument.

[FR Doc. 81-17188 Filed 6-9-81; 8:45 am]

BILLING CODE 4310-70-M

San Juan National Historic Site, San Juan, Puerto Rico; Concurrent Jurisdiction Accepted

Notice is hereby given that effective April 6, 1981, concurrent legislative jurisdiction between the United States and the Commonwealth of Puerto Rico is established over all lands and waters within San Juan National Historic Site. The retrocession of exclusive jurisdiction was authorized by the Act of October 7, 1976 (Pub. L. 94-458 (16 U.S.C. 1a-et seq.)). The acceptance of jurisdiction was authorized by the Act of May 12, 1980 (P.R. Act No. 36), in which the Governor of the Commonwealth of Puerto Rico was authorized to accept a cession of jurisdiction over the lands within the Commonwealth of Puerto Rico, title of which was vested in the United States.

San Juan National Historic Site, established by order of the Secretary of the Interior on February 14, 1949, under authority of the Act of August 21, 1935 (49 Stat. 666), consists mainly of 16th and 18th century fortifications that include: Ft. El Morro, El Canuelo, San Cristobal, The City Walls, Outerworks, and the San Juan Gate. Prior to the establishment of the historic site, the San Juan fortifications were under the exclusive legislative jurisdiction of the United States.

Exclusive jurisdiction was retroceded and concurrent jurisdiction was established by written agreement dated April 6, 1981, between the Director of the National Park Service and the Governor of the Commonwealth of Puerto Rico.

The establishment of concurrent jurisdiction will allow the National Park Service and the Commonwealth of Puerto Rico to jointly exercise responsibility for public health and safety and to otherwise administer this area more effectively.

Jim Mills,

Attorney Advisor, Regional Solicitor's Office, Southeast Region.

[FR Doc. 81-17187 Filed 6-9-81; 8:45 am]

BILLING CODE 4310-70-M

Office of the Secretary

[Order No. 3066]

Trans-Alaska Pipeline System; Organizational and Functional Responsibilities

Sec. 1 Purpose. The purpose of this Order is to repeal Order No. 3003 and substitute therefor new supervisory and management responsibilities for Department of the Interior supervision of the Trans-Alaska Pipeline System;

and reaffirmation of prior delegation of authority to the Director, Bureau of Land Management to issue pipeline rights-of-way pursuant to Section 28 of the Mineral Leasing Act, as amended, 30 U.S.C. 185 (Supp. 1975), on lands administered by the Bureau of Land Management or by two or more Federal agencies.

Sec. 2 Authority. This Order is issued in accordance with the authority provided by Section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262).

Sec. 3 Responsibility. Supervisory, management and support responsibilities are assigned as follows:

a. *The Under Secretary.* The Under Secretary resolves internal jurisdictional and other conflicts which may arise within the Department; and supervises the functions of the Assistant Secretary, Land and Water Resources conducted pursuant to this Order.

b. *The Assistant Secretary—Land and Water Resources.* The Assistant Secretary—Land and Water Resources, is the principal Department Official responsible to the Secretary for Trans-Alaska Pipeline System matters, and under the direction of the Secretary coordinates the contact with Congressional Committees, pipeline officials and the general public. He supervises the work of the Director, Bureau of Land Management, in matters pertaining to the Trans-Alaska Pipeline System.

c. *Director, Bureau of Land Management.* The Director, Bureau of Land Management has overall responsibility for management of the Trans-Alaska Pipeline System.

d. *Alaska State Director, Bureau of Land Management.* The Alaska State Director, Bureau of Land Management, has the responsibility for the day-to-day management of Trans-Alaska Pipeline System operations. He supervises the Authorized Officer for the Trans-Alaska Pipeline System.

e. *Authorized Officer.* The Manager, Office of Special Projects, Alaska State Office, BLM, is the Authorized Officer referred to in the "Agreement and Grant of Right-of-Way for the Trans-Alaska Pipeline," including the stipulations thereto. The Authorized Officer is responsible for:

(1) Ensuring compliance with the terms and conditions of the "Agreement and Grant of Right-of-Way for the Trans-Alaska Pipeline," and other terms and conditions placed on rights-of-way, permits, and leases issued pursuant to the Trans-Alaska Pipeline Authorization Act of November 16, 1973, Pub. L. 93-153, 87 Stat. 584, which relate to the construction, operation, maintenance, or

termination of the Trans-Alaska Pipeline System, and any stipulations attached to such authorizations.

(2) Taking necessary steps to enforce the terms and conditions of the above authorizations; protecting Federal interests relating to the Trans-Alaska Pipeline; monitoring of the Permittees and their agents, contractors and subcontractors; and coordinating monitoring activities with State of Alaska government officials.

(3) Coordination of billing of charges to the TAPS owners. Such billings will be based on plans submitted by the appropriate bureaus for operations associated with and approved by the Authorized Officer for planning, studies, report preparation, liaison and other activities required for TAPS.

f. *Director, Fish and Wildlife Service and Director, Geological Survey.* The Director, Fish and Wildlife Service and Director, Geological Survey will make available to the Authorized Officer such personnel and expertise as the Authorized Officer may from time to time require. Personnel provided will be under the direction and supervision of the Authorized Officer.

g. *Other Bureaus and Offices.* Other bureaus and offices will cooperate by providing any assistance and personnel which the Authorized Officer may from time to time require.

Sec. 4 *Secretarial Delegation of Authority.*

a. *Assistant Secretary, Land and Water Resources.* All authority granted to the Secretary of the Interior by Title I and Title II of the act of November 16, 1973, Pub. L. 93-153, 87 Stat. 576 (Trans-Alaska Pipeline Act and amendments to the Mineral Leasing Act of 1920), is hereby delegated to the Assistant Secretary, Land and Water Resources. Excepted is the authority reserved to the Secretary under the "Agreement and Grant of Right-of-Way for Trans-Alaska Pipeline," including the authority to amend or modify said "agreements."

b. *Director, Bureau of Land Management* is delegated:

(1) Subject to the Supervisory authority of the Assistant Secretary, Land and Water Resources, the authority granted to the Secretary of the Interior by Title I and II of the Act of November 16, 1973, Pub. L. 93-153, 87 Stat. 576 (Amendments to the Mineral Leasing Act of 1920 and Trans-Alaska Pipeline Authorization Act). Excepted is the authority reserved to the Secretary under the "Agreement and Grant of Right-of-Way for Trans-Alaska Pipeline," including the authority to amend or modify said "agreement."

(2) The authority of the Secretary of the Interior necessary to perform the

functions specified for the Authorized Officer in the "Agreement and Grant of Right-of-Way for Trans-Alaska Pipeline," including the stipulations thereto; and for ensuring compliance with the terms and conditions placed on rights-of-way, permits, and leases issued pursuant to the Trans-Alaska Pipeline Authorization Act of November 16, 1973, Pub. L. 93-153, 87 Stat. 584, which relate to the construction, operation, maintenance, or termination of the Trans-Alaska Oil Pipeline System, and any stipulations attached to such authorizations. Excepted is the authority reserved to the Secretary under the "Agreement and Grant of Right-of-Way for Trans-Alaska Pipeline," including the authority to amend or modify said "agreements."

c. *Authorized Officer, TAPS.* The Authorized Officer, TAPS, subject to the supervisory authority of the State Director, is delegated:

(1) The authority of the Secretary of the Interior necessary to perform the functions specified for the Authorized Officer in the "Agreement and Grant of Right-of-Way for Trans-Alaska Pipeline," including the stipulations thereto; and for ensuring compliance with the terms and conditions placed on rights-of-way, permits, and leases issued pursuant to the Trans-Alaska Pipeline Authorization Act of November 16, 1973, Pub. L. 93-153, 87 Stat. 584, which relate to the construction, operation, maintenance, or termination of the Trans-Alaska Oil Pipeline System, and any stipulations attached to such authorizations. Excepted is the authority reserved to the Secretary under the "Agreement and Grant of Right-of-Way for Trans-Alaska Pipeline," including the authority to amend or modify said "agreements."

(2) The authority, subject to the limitations set forth in Part 205 of the Departmental Manual, to enter into procurement contracts or modifications thereof.

d. *Redelegation.* The authority granted in Section 4a, 4b, and 4c of this Order may be redelegated.

Sec. 5 *Revocation.* This Order supersedes Order No. 3003 dated April 26, 1977 (42 FR 22426).

Sec. 6 *Effective Date.* This Order is effective immediately. Its provisions will remain in effect until its conversion to the Departmental Manual; termination of the Trans-Alaska Pipeline; or until it is amended, superseded, or revoked, whichever occurs first. However, in the absence of the foregoing actions, the provisions of this Order will terminate and be considered obsolete on December 31, 1982.

Dated: May 29, 1981.

James G. Watt,

Secretary of the Interior.

[FR Doc. 81-17014 Filed 6-9-81; 6:45 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

[Permanent Authority Decisions Volume No. OPY-3-088]

Motor Carriers; Permanent Authority; Decision-Notice

Decided: June 3, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will

be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2,
Members Carleton, Fisher, and Williams.
Agatha L. Mergenovich,
Secretary.

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".

MC 13134 (Sub-105), filed May 27, 1981. Applicant: GRANT TRUCKING, INC., P.O. Box 256, Oak Hill, OH 45656. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215, (614) 228-1541. Transporting *metal products*, between Detroit, MI, and points in Georgetown County, SC, and Sumner County, TN, on the one hand, and, on the other, points in Hocking County, OH.

MC 56914 (Sub-6), filed May 18, 1981. Applicant: ARIZONA BUS LINES, INC., 814 W. Jefferson, Phoenix, AZ 85007. Representative: Andrew V. Baylor, 337 E. Elm St., Phoenix, AZ 85012, (602) 274-5146. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at points in AZ, and extending to points in the U.S.

MC 61825 (Sub-143), filed May 27, 1981. Applicant: ROY STONE TRANSFER CORPORATION, V.C. Drive, P.O. Box 485, Collinsville, VA 24078. Representative: John D. Stone (same address as applicant), (703) 638-8851. Transporting *general commodities* (except classes A and B explosives), between the facilities and distributors of Heafner Tire Company, Incorporated, located at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 105375 (Sub-87), filed May 27, 1981. Applicant: DAHLEN TRANSPORT,

INC., 1680 Forth Ave., Newport, MN 55055. Representative: Joseph A. Eschenbacher, Jr., P.O. Box 289, Newport, MN 55055, (612) 459-3344. Transporting *general commodities* (except classes A and B explosives), between points in Douglas, Hennepin, Ramsey, Washington, Brown, Martin and McLeod Counties, MN, Winnebago, Story and Marion Counties, IA, and Barron and Dunn Counties, WI.

MC 106074 (Sub-179), filed May 27, 1981. Applicant: B AND P MOTOR LINES, INC., Shiloh Rd. and U.S. Hwy 221, S., Forest City, NC 28043. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328, (404) 256-4320. Transporting *meat products, meat by-products, and articles distributed by meat packing houses*, between points in IL, IA, KS, MO and NE, on the one hand, and, on the other, points in GA, NC, SC, TN and VA.

MC 113974 (Sub-76), filed May 21, 1981. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., a corporation, 211 Washington Ave., Dravosburg, PA 15034. Representative: James D. Porterfield (same address as applicant), (412) 461-5100. Transporting *building materials*, between points in Lucas County, OH, on the one hand, and, on the other, those points in the U.S. in and east of IL, KY, LA, TN, and WI.

MC 117095 (Sub-4), filed May 27, 1981. Applicant: MERVIN E. WEAVER, 11 South Tower Rd., New Holland, PA 17557. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797-6060. Transporting *clay, concrete, glass or stone products*, between points in PA, on the one hand, and, on the other, points in NJ, MD, DE, OH, VA and NY.

MC 118535 (Sub-164), filed May 27, 1981. Applicant: TIONA TRUCK LINE, INC., 102 West Ohio, Butler, MO 64730. Representative: Jim Tiona, Jr. (same address as applicant), (816) 679-4197. Transporting *hazardous materials*, between points in Jackson and Jasper Counties, MO, Harris County, TX, Sumter County, AL, Cherokee County, KS, and Ottawa County, OK.

Note.—The certificate granted in this proceeding shall expire 5 years from the date of issuance.

MC 119774 (Sub-113), filed May 28, 1981. Applicant: EAGLE TRUCKING COMPANY, a corporation, P.O. Box 471, Kilgore, TX 75662. Representative: Bernard H. English, 6270 Firth Rd., Fort Worth, TX 76116, (817) 731-8431. Transporting (1) *forest products*, (2) *lumber and wood products*, and (3) *pulp, paper and related products*, between

points in AR, LA and TX, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 126844 (Sub-97), filed March 18, 1981, previously noticed in **Federal Register** on April 6, 1981. Applicant: R.D.S. TRUCKING CO., INC., 1713 North Main Rd., Vineland, NJ 08360. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501, (515) 682-8154. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of beverage products, between those points in the U.S. in and east of MT, WY, CO, and NM.

Note.—This republication corrects the commodity description.

MC 134035 (Sub-49), filed May 27, 1981. Applicant: DOUGLAS TRUCKING COMPANY, a corporation, P.O. Box 698, Highway 75 South, Corsicana, TX 75110. Representative: Jack K. Williams, P.O. Box 698, Corsicana, TX 75110, (214) 872-3017. Transporting (1) *such commodities* as are dealt in or used by wholesale, retail and discount stores, between the facilities of Gibson Co-op Warehouse, Inc. and Gibson's Discount Centers, Inc., located at points in the U.S., on the one hand, and, on the other, points in the U.S.; and (2) *electrical equipment*, between points in Galveston, Harris and Tarrant Counties, TX, and San Diego, Los Angeles and Orange Counties, CA, on the one hand, and, on the other, points in the U.S.

MC 135185 (Sub-62), filed May 29, 1981. Applicant: COLUMBINE CARRIERS, INC., P.O. Box 66, 55275 U.S. Hwy 31 N., South Bend, IN 46624. Representative: Jack B. Wolfe, 1600 Sherman St., No. 665, Denver, CO 80203, (303) 839-5856. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Land-O-Lakes, Inc., Spencer Beef Division, of Spencer, IA.

MC 136285 (Sub-41), filed May 21, 1981. Applicant: SOUTHERN INTERMODAL LOGISTICS, INC., P.O. Box 1375, Thomasville, GA 31792. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210, (703) 525-4050. Transporting *general commodities* (except classes A and B explosives), between New Orleans, LA, and Mobile, AL, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, IN, KY, LA, MD, MS, MO, NC, OK, SC, TN, TX, VA, and WY. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary to the

Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application for common control to Team 3, Room 2158.

MC 138315 (Sub-145), filed May 27, 1981. Applicant: OLEN BURRAGE TRUCKING, INC., P.O. Box 706, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205, (601) 355-3543. Transporting (1) *metal products*, and (2) *machinery*, between points in Madison County, IL, Porter County, IN, Wayne County, MI, and Hancock County, WV, on the one hand, and, on the other, points in AL, AR, FL, GA, KY, LA, MS, MO, NC, SC, TN, TX and VA.

MC 141364 (Sub-6), filed May 29, 1981. Applicant: AFFILIATED VAN LINES, INC., 2124 Washington St., Lawton, OK 73502. Representative: Jack B. Wolfe, 1600 Sherman St. No. 665, Denver, CO 80203, (303) 839-5856. Transporting *textile mill products*, between points in the U.S., under continuing contract(s) with Hagger Company, of Dallas, TX.

MC 142575 (Sub-7), filed May 27, 1981. Applicant: UNDERWOOD TRUCK LINES, INC., 303 Murphy St., Brazil, IN 47834. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846-8655. Transporting *building materials*, between points in the U.S., under continuing contract(s) with Metal Industries, Inc., and its subsidiaries, of Ontario, CA.

MC 148524 (Sub-3), filed May 27, 1981. Applicant: C & M DELIVERY, INC., 22 Lakeville St., P.O. Box 2555, Petaluma, CA 94952. Representative: Eldon M. Johnson, 650 California St., San Francisco, CA 94108, (415) 986-8696. Transporting *general commodities* (except classes A and B explosives), between San Francisco, CA, and points in Alameda, Contra Costa, and Solano Counties, CA.

MC 148705 (Sub-4), filed May 27, 1981. Applicant: TWIN CONTINENTAL TRANSPORT CORP., 5738 Olson Hwy., Minneapolis, MN 55402. Representative: Steven F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402, (612)-333-1341. Transporting *food and related products*, between points in IA, IL, MN, NE, SD and WI, on the one hand, and, on the other, points in AL, CA, GA, LA, MS, OR and WA.

MC 148715 (Sub-2), filed May 27, 1981. Applicant: DANIEL E. HAYNES, d.b.a. HAYNES TRUCKING COMPANY, Route 2, Box 202, Section, AL 35771. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203, (205) 251-2881. Transporting *furniture and fixtures*, between those

points in the U.S., in and east of ND, SD, NE, KS, OK and TX.

MC 151225 (Sub-4), filed May 27, 1981. Applicant: DON WARD, INC., 241 West 56th Ave., Denver, CO 80216. Representative: Steven E. Napper, 718 17th St., Suite 1700, Denver, CO 80202, (303) 825-5111. Transporting *uranium liquor*, between points in CO, on the one hand, and, on the other, points in WY.

MC 154114, filed May 21, 1981. Applicant: POOLE CHEMICAL, INC., P.O. Box 3, Texline, TX 79087. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612, (913) 233-9629. Transporting *chemicals and related products*, (1) between points in Jackson County, OK, on the one hand and, on the other, points in CO and TX, (2) between points in Dallan County, TX, on the one hand, and, on the other, points in CO, NM, OK, and KS, (3) between points in Rogers County, OK, on the one hand, and, on the other, points in CO, TX, KS, AR, and MO, (4) between points in Mayes County, OK, on the one hand, and, on the other, points in TX, KS, and MO, (5) between points in Castro County, TX, on the one hand, and, on the other, points in NM and OK, (6) between points in Woodward County, OK, on the one hand, and, on the other, points in NE, CO, NM, TX, KS, AR, and MO, (7) between points in Beaver County, OK, on the one hand, and, on the other, points in CO, NM, TX, and KS, (8) between points in Moore County, TX, on the one hand, and, on the other, points in OK, (9) between points in Hutchinson County, TX, on the one hand, and, on the other, points in OK and KS, and (10) between points in Finney County, TX, on the one hand, and, on the other, points in NE, CO, and OK.

MC 154294, filed May 27, 1981. Applicant: ALEXANDER TRANSPORT, INC., Rt. 2, Box 893, Harrisburg, NC 28075. Representative: Jesse Lee Alexander, Jr., (same address as applicant), (704) 455-2666. Transporting (1) *lumber and wood products*, and (2) *forest products*, between those points in the U.S., in and east of ND, SD, NE, KS, OK and TX.

MC 154784, filed May 27, 1981. Applicant: COMMODITY TRANSPORT, INC., P.O. Box 7776, 5510 South 300 West, Murry, Utah 84107. Representative: Lee Redman (same address as applicant); (801) 262-5523. Transporting (1) *Mercer commodities*; and (2) *machinery*, between points in AL, AR, AZ, CA, CO, FL, ID, KS, LA, MS, MO, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA and WY.

MC 155915, filed May 27, 1981. Applicant: M. T. TRANSPORTATION, INC., 400 Hickman St., P.O. Box 1597, Gadsden AL 35902. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203, (205) 251-2881. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Modern International, Inc. and Modern Tables, Inc., both of Gadsden, AL.

MC 156154, filed May 27, 1981. Applicant: DEALER TRANSPORT SERVICE, INC., 3379 34th Ave. N.E., Salem, OR 97303. Representative: James A. Hedlund (same address as applicant), (503) 378-1319. Transporting (1) *machinery*, and (2) *transportation equipment*, between points in WA, OR, WY, ID, NE, UT, MT and CA.

MC 156175, filed May 28, 1981. Applicant: WILLIAM MILLER, d.b.a. MILLER TRUCKING, 20 N. Main St., Manchester, MD 21102. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740, (301) 739-4860. Transporting (1) *building materials*, and (2) *metal products*, between Baltimore, MD, on the one hand, and, on the other, points in PA, MD, DE, VA, NJ, and DC.

MC 156205, filed May 27, 1981. Applicant: AFFILIATED TRANSPORTS, INC., 17225 Ellis Court, South Holland, IL 60473. Representative: Joel H. Steiner, 39 South LaSalle, Suite 600, Chicago, IL 60603, (312) 236-9375. Transporting *metal products*, between points in IA, IL, IN, KY, MI, MN, MO, OH, TN and WI.

[FR Doc. 81-17186 Filed 6-9-81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. 97]

Restriction Removals; Decision-Notice

Decided: June 4, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,
Secretary.

MC 2202 (Sub-671)X, filed May 13, 1981. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Boulevard, Akron, Ohio 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Avenue, Washington, D.C. 20014. Applicant seeks to remove restrictions in its Sub-Nos. 149, 175, 188, 304, 323, 399, 400, 442, 463, 475, 492, 496, 501, 506, 515, 527, 529, 531, 539, 553F, 558F, 559F, 561F and 580F certificates to (1) eliminate the restrictions prohibiting or limiting service to the transportation of shipments (a) moving from, to, or through Akron, Columbus, or Hamilton, OH, (b) originating at or destined to Cleveland, Cincinnati, and Dayton, OH; and (c) at points in the commercial zones of points in OH which are not within the confines of the State of OH in Sub-No. 507; and (2) replace off-route plantsite or city-wide authority with county-wide authority: (a) facilities near Newburgh, IN, with Warrick County, IN, in Sub-No. 149, (b) facilities near Sherman TX, with Grayson County, TX, in Sub-No. 175, (c) facilities near Mount Vernon, IN, with Posey County, IN, in Sub-No. 188, (d) facilities at Brown's Ferry, AL, with Limestone County, AL, in Sub-No. 304, (e) facilities at or near Winchester, KY, with Clark County, KY, in Sub-No. 323, (f) facilities in Marshall County, AL, with Marshall County, AL, in Sub-No. 399, (g) facilities near Mt. Holly Springs, PA, with Cumberland County, PA, in Sub-No. 400, (h) facilities at or near Goddard, KS, with Sedgwick County, KS, in Sub-No. 463, (j) facilities near Iowa Park, TX, with Wichita County, TX, in Sub-No. 475, (k) facilities at or near Wallis, TX, with Austin County, TX, in Sub-No. 492, (l) facilities at or near Greenwood Springs, MS, with Monroe County, MS, in Sub-No. 496, (m) facilities at or near Columbus, MS, with

Lowndes County, MS, in Sub-No. 501, (n) facilities at or near Chocolate Bayou, TX, with Brazoria County, TX in Sub-No. 506, (o) facilities at or near Kennedy, AL, with Lamar County, AL, in Sub-No. 515, (p) facilities at or near Marble Falls, TX, with Burnet County, TX, in Sub-No. 527, (q) facilities at or near Milledgeville, GA, with Baldwin County, GA, in Sub-No. 529, (r) facilities at or near Hartsville, TN, with Trousdale County, TN in Sub-No. 531, (s) Little Rock, AR, with Pulaski County, AR, in Sub-No. 539, (t) facilities in Burke County, GA, in Sub-No. 553F, (u) facilities at or near Olney, TX, with Young County, TX, in Sub-No. 558F, (v) facilities at or near Canton, MS, with Madison County, MS, in Sub-No. 559F, (w) facilities at or near Milan, MI, with Washtenaw County, MI, in Sub-No. 561F and 580F.

MC 13134 (Sub-104)X, filed May 22, 1981. Applicant: GRANT TRUCKING, INC., P.O. Box 266, Oak Hill, OH 45656. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its Sub-Nos. E-1, E-2, E-3, E-4, E-5, E-6, E-7, E-8, E-9, E-10, E-11, E-12, E-13, and MC-93003. Sub-Nos. E-1, E-2, E-3, E-4, E-5, E-6, E-7, E-8, E-9, E-10, E-11, E-12, E-13, E-14, E-15, E-16, E-18, E-19, E-20, E-21, E-22, E-23, E-24, E-25, E-26, E-27, E-28, E-29, E-30, E-31, E-32, E-35, E-36, E-37, E-38, E-39, E-40, E-41, E-42, E-43, E-44, and E-45 letter notices to (1) broaden the commodity descriptions from (a) iron and steel products, reinforcement steel, steel rails, railway track, materials and fittings, structural steel, including fittings and bolts, steel posts, iron and steel bars, corrugated iron and steel pipe, steel mine roof bolts, steel track bolts, steel plates, steel sheets, steel pipe, and related contractor's materials and supplies to "metal products" in MC-13134 E-2, E-3, E-4, E-5, E-6, E-7, E-8, E-9, E-10, E-11 (part 2), and E-13, and MC-93003 E-1, E-2, E-3, E-4, E-5, E-6, E-7, E-8, E-9, E-10, E-11, E-12, E-13, E-14, E-15, E-16, E-17, E-18, E-19, E-20, E-21, E-22, E-23, E-24, E-25, E-26, E-27, E-28, E-29, E-30, E-31, E-32, E-35, E-36, E-37, E-38, and E-39; (b) glassware, clay refractory products, lime, limestone, and limestone products, clay products and refractories, damaged or returned shipments of clay products and pallets used in the transportation of clay products to "clay, concrete, glass or stone products" in MC-13134 E-1 and E-12; (c) materials, equipment and supplies used in the manufacture or processing of iron and steel articles to "materials, equipment, and supplies used in the manufacture or processing of metal products" in MC-13134 E-11 (part 1); and (d) mine cars, shovels, scrapers, and

scoops, and parts thereof, and related contractor's materials and supplies to "those commodities which because of their size and weight require the use of special handling or equipment" in MC-93003 E-40, E-41, E-42, E-43, E-44, and E-45; (2) eliminate the facilities limitations in MC-13134 E-1, E-8, E-9, E-10, E-11, and E-13; (3) replace city with county-wide authority from Siloam to Greenup County, KY, Elizabeth Township to Lawrence County, OH, in MC-13134 E-1; Burns Harbor to Porter County, IN, in MC-13134 E-1, E-8, and E-9; Lorain to Lorain County, OH, in MC-13134 E-6 and E-7; Ironton to Lawrence County, OH, in MC-13134 E-12; Lackawanna to Erie County, NY, in MC-13134 E-13; and Johnstown to Cambria County, PA, in MC-93003 E-35, E-36, E-37, E-38, and E-39; (4) remove the restrictions (a) except commodities in bulk in MC-13134 E-1, E-9, E-10, and E-11; (b) except furnace and stove lining shapes and plastic brick in MC-13134 E-1; (c) against size and weight in MC-13134 E-3, E-4, E-5, E-6, E-7, E-8, E-9, E-10, E-11, E-13 and MC-93003 E-1, E-2, E-3, E-4, E-5, E-6, E-7, E-8, E-9, E-10, E-11, E-12, E-13, E-14, E-15, E-16, E-17, E-18, E-19, E-20, E-21, E-22, E-23, E-24, E-25, E-26, E-27, E-28, E-29, E-30, E-31, E-32, E-35 and E-37; (d) except building materials in MC-13134 E-4, E-5, E-9, E-13 and MC-93003 E-37; (e) against reinforcement steel and steel rails and railway tract materials and fittings, bolts, agricultural implement parts, steel posts, and iron and steel bars in MC-13134 E-13; (f) except aircraft and missiles and parts in MC-13134 E-13; and (g) the originating at or destined to restriction in MC-13134 E-1, E-8, E-9, E-10 and E-11.

MC 29648 (Sub-15)X, filed May 28, 1981. Applicant: E. F. SMITH, INC., P.O. Box 73, Roaring Spring, PA 16673. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108. Applicant seeks to remove restrictions in its lead and Sub-Nos. 12, 13, and 14, to (1) broaden the commodity description from (a) paper, paper products, materials, equipment and supplies to "pulp, paper, and related products" in the lead and Sub-Nos. 12 and 13; (b) fuel oil to "petroleum or coal products" in Sub-No. 13; (c) canned food to "food and related products" in the lead; (d) general commodities (with exceptions) to "general commodities (except classes A and B explosives)" in the lead; (2) broaden cities to counties: Dunkirk, NY, to Chautauqua County, NY; Roaring Spring, PA, to Blair County, PA; Dunellen, NJ, to Middlesex County, NJ; Martinsburg, PA, to Blair County, PA; Bridgetown, NJ to Cumberland County,

NJ; Claysburg and Sproul, PA, to Blair Counties, PA, in the lead; Roaring Springs, PA, to Blair County, PA, in Sub-Nos. 12 and 13; North Woodbury Township, PA, to Blair County, PA, in Sub-No. 14; (3) authorize radial service between the counties named above and points in named eastern states in the lead and Sub-Nos. 12 and 13; (4) remove the restriction limiting transportation to traffic originating at and destined to named origins in Sub-No. 14; (5) delete plantsite restriction in Sub-No. 13.

MC 30513 (Sub-16)X, filed April 21, 1981, previously noticed in the Federal Register May 1, 1981, republished as corrected this issue. Applicant: NORTH STATE MOTOR LINES, INC., P.O. Box 4108, Rocky Mount, NC 27801.

Representative: Lawrence E. Lindeman, 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th St., NW., Washington, DC 20004. Applicant seeks to remove restrictions in its lead and Sub-Nos. 8, 10, 12, and 15 certificates to (1) broaden its commodity descriptions (a) in the lead, to "general commodities, [except classes A and B explosives]", from general commodities (with exceptions); to "food and related products", from agricultural commodities, peanuts, fish, flour, livestock and groceries and food; to "textile mill products", from cotton; to "lumber and wood products", from lumber; to "machinery", from batteries; to "clay, concrete, glass or stone products", from glass bottles and jars; to "metal products", from ice tanks; to "building materials", from terra cotta pipe; to "machinery, building materials, and metal products", from hardware, machinery, roofing, tin, and solder; to "chemicals and related products", from fertilizer and fertilizer materials; to "petroleum, natural gas, and their products", from petroleum products, in containers; to "metal products, and rubber and plastic products", from empty petroleum containers; and to "tobacco products", from leaf tobacco, dried and packed tobacco, tobacco, and tobacco sheets; (b) in Sub-No. 8, to "chemicals and related products", from fertilizer and fertilizer materials, [except in bulk, in tank vehicles]; (c) in Sub-No. 10, part 1, to "building materials", from fibreboard, fibreboard products, and accessories and supplies used in the installation and application thereof, and in part 2, remove the commodities in bulk exception; (d) in Sub-No. 12, to "tobacco products", from reconstituted, reconstructed, or homogenized tobacco; and (e) in Sub-No. 15, to "tobacco products, and materials, supplies and equipment used in the processing, packing, storing, handling, and marketing thereof", from materials,

supplies and equipment (with exceptions) used in the processing, packing, storing, handling, and marketing of unmanufactured tobacco, and unmanufactured tobacco when moving on the same vehicle at the same time with the commodities described above and remove "except cellulose and paper products and commodities in bulk, in tank vehicles" exception from the materials description; (2) replace cities and facilities with county-wide authority (a) in the lead, beginning with the 4th granting paragraph, Farmville, NC, with Pitt County, NC, Wilmington, NC, with New Hanover and Brunswick Counties, NC, Reading, PA, with Berks County, PA, Wilson, NC with Wilson County, NC, Bridgeton, NJ, with Cumberland County, NJ, Mount Olive, NC, with Wayne and Duplin Counties, NC, Greenville, NC, with Pitt County, NC, Columbia, SC with Richland and Lexington Counties, SC, Jarratt, VA, with Sussex and Greensville, VA, Fayetteville and Goldsboro, NC, with Cumberland, Green, and Wayne Counties, NC, Williamston, Wilmington, Rocky Mount, Wilson, Greenville, Kinston, New Bern and Washington, NC, with Martin, Brunswick, New Hanover, Nash, Edgecombe, Wilson, Pitt, Lenoir, Craven, and Beaufort Counties, NC; Mullins, Loris, Conway, and Dillon, SC, with Marion, Horry and Dillon Counties, SC, Fairmont, Lumberton, Whiteville, Chadburn, and Fair Bluff, NC, with Robeson and Columbus Counties, NC, Farmville, Goldsboro, Greenville, Rocky Mount, Kinston, Robersonville, Williamston, and Henderson, NC, with Pitt, Wayne, Nash, Edgecombe, Lenoir, Martin, and Vance Counties, NC, Oxford, Durham, Winston-Salem, and Reidsville, NC, with Granville, Durham, Forsyth, and Reidsville Counties, NC, (b) in Sub-No. 8, Charleston, SC, with Charleston and Berkeley Counties, SC, (c) in Sub-No. 10, Spring Hope, NC, with Nash County, NC, and (d) in Sub-No. 12, Louisville, KY, with Jefferson and Oldham Counties, KY, and Floyd and Clark Counties, IN; (3) change one-way to radial authority between several specified counties, cities and States and points in several specified counties, cities and States in the eastern part of the U.S.; and (4) replace points and mileage radii territories in the lead certificate with county-wide authority: (a) in paragraph 1, from Norfolk, VA and points within 10 miles to "Norfolk, Hampton, Newport News, Portsmouth, Virginia Beach, Chesapeake, Suffolk, VA and points in Isle of Wight County, VA" and from Farmville, NC and points within 50 miles to "point in Pitt, Wake, Franklin, Warren, Halifax,

Northampton, Hertford, Bertie, Washington, Beaufort, Pamlico, Craven, Jones, Onslow, Duplin, Sampson, Johnston, Nash, Wayne, Lenoir, Greene, Wilson, Martin and Edgecombe Counties, NC"; (b) in paragraph 2, from Robersonville, NC and points within 50 miles to "points in Northampton, Gates, Perquimans, Hertford, Warren, Halifax, Franklin, Nash, Wake, Johnston, Wilson, Edgecombe, Bertie, Martin, Chowan, Tyrrell, Washington, Hyde, Beaufort, Pamlico, Craven, Jones, Lenoir, Wayne, Greene, and Pitt Counties, NC, and from Edenton, NC to "points in Chowan County"; (c) in paragraph 3, from Wilmington, Turkey, Windsor, and La Grange, NC, and points within 25 miles of those cities to "points in Brunswick, Bladen, Pender, New Hanover, Columbus, Bertie, Chowan, Perquimans, Washington, Martin, Beaufort, Pitt, Edgecombe, Halifax, Hertford, Lenoir, Duplin, Jones, Craven, Greene, Wilson, Johnston, Wayne Sampson, Onslow, and Cumberland Counties, NC" and from Atlanta, GA to "points in Fulton, De Kalb, Clayton and Cobb Counties, GA", from Orlando, FL to "points in Orange and Seminole Counties, FL" and from Miami, FL to points in Dade County, FL"; (d) paragraph 18, from Roberson, NC, and points within 200 miles to "points in North Carolina in and east of Surry, Wilkes, Iredell, Catawba, Lincoln, and Gaston Counties, NC."

The purpose of this republication is to expand mileage radius to county-wide territories in part (4), as the Commission recently determined that this was a reasonable broadening of authority.

MC 41406 (Sub-168)X, filed March 3, 1981, and noticed in the Federal Register republished as corrected this issue. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., P.O. Box 8414, Merrillville, IN 46410. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street NW., Washington, D.C. 20001. Applicant seeks to remove restrictions in its Sub-No. 68, certificate to broaden the commodity description from automobile parts, and materials, equipment and supplies to "general commodities, except classes A and B explosives." The Board has decided to renounce this portion of the original application following the presentation of evidence which demonstrated that "transportation equipment" was insufficiently broad.

MC 107162 (Sub-81)X, filed April 22, 1981, published in the Federal Register of May 13, 1981, republished as follows: Applicant: NOBLE GRAHAM TRANSPORT, INC., Rural Route 1, Brimley, MI 49715. Representative:

Michael S. Varda, 121 South Pinckney Street, Madison, WI 53703. Applicant seeks to remove restrictions in Certificate No. MC-107162 Sub-Nos. 1, 34, 37, 41, 42, 46, 47, 49, 51F, 55, 62F, 63F, 66F, 67, 68, 69, 70, 71, 72, 73, 74F, 77, and E8 and E9 letter notices to (1) broaden the commodity description in Sub-No. 1, from lumber, rough lumber, lumber (except flooring, plywood, veneer, paneling, dimension stock, furniture stock, or built-up wood), hardwood flooring systems, hardwood flooring, and accessories and supplies, wood fencing, post, accessories used in the installation thereof, cinder blocks, concrete block, and brick to "construction materials," from logs, evergreens, pulp wood, and wooden posts, piling and spars, to "forest products," from lumber, lumber products, and treated wood products, to "lumber and wood products," from dry asphalt and black topping material, in bulk, to "commodities in bulk," from agricultural lime and lime products, mineral feed, and animal poultry feed and feed ingredients to "such commodities as are dealt in by feed and agricultural products distributors," from fertilizer, fertilizer ingredients, and chemicals used in the manufacture of fertilizer to "chemicals and related products," from malt beverages to "food and related products," from mined rock to "ores and minerals;" in Sub-No. 34, from plywood, veneer sheets or board, wood paneling, hardboard, construction board, and wood particleboard to "construction materials;" in Sub-No. 37, from salt and salt products to "ores and minerals;" in Sub-No. 41, from malt beverages to "food and related products" and from salt to "ores and minerals;" in Sub-No. 42, from hardwood flooring and systems to "construction materials;" in Sub-No. 46, from lumber to "construction materials;" in Sub-No. 47, from wood chips to "forest products;" in Sub-No. 49, from construction board to "construction materials;" in Sub-No. 51F, from iron and steel articles and steel casings and pipe to "metal products;" in Sub-No. 55, from lumber, and lumber products to "lumber and wood products," and from building and insulating materials (except iron and steel articles and commodities in bulk) to "construction materials;" in Sub-No. 62F, from lumber to "lumber and wood products," from fabricated metal products to "metal products," and from fertilizer and chemicals used in the manufacture of fertilizer to "chemicals and related products;" in Sub-No. 63F, from non-alcoholic beverages to "food and related products;" in Sub-No. 67F, from lumber

and lumber products to "lumber and wood products;" in Sub-No. 68F, from lumber and lumber products, wood products, and waferboard to "lumber and wood products" and "construction materials;" in Sub-No. 69F, from lumber to "lumber and wood products;" in Sub-No. 70F, from dry-mixed concrete and tar emulsion sealer to "construction materials;" in Sub-No. 71F, from steel tube to "metal products;" in Sub-No. 72F, from iron and steel article to "metal products;" in Sub-No. 73F, from building and insulating materials (except iron and steel articles) to "construction materials;" in Sub-No. 74F, from compressed sawdust logs to "lumber and wood products;" and in letter notices E8 and E9 from lumber to "lumber and wood products;" (2) remove the "in bulk" restriction in Sub-Nos. 1, 37, 41, 55, 62F, 63F, and 70F; (3) remove plantsite limitations (a) in Sub-No. 1 and replace Ishpeming, MI and White Lake, WI with Marquette County, MI and Langlade County, WI; Dollar Bay, MI with Houghton County, MI; Alpena, MI with Alpena County, MI; and Green Bay, WI with Brown County, WI (b) in Sub-No. 34, part (2) and replace Oshkosh, WI with Winnebago County, WI, (c) in Sub-No. 42 and replace Amasa, MI with Iron County, MI, (d) in Sub-No. 51F and replace Dafer, MI with Chippewa County, MI, (e) in Sub-No. 55 leaving Scott County, MN, and (f) in Sub-No. 71F and replace Union, MO with Franklin County, MO, (4) replace city with county-wide authority (a) in Sub-No. 1, from Laramie, WY to Albany County, WY; from Mayville, Rockwood, Jackson, Antigo, Cameron, Green Bay, Prairie du Chien, Watertown, Madison, Hillsboro, and Stevens Point, WI and Dubuque, IA, to Dodge, Jefferson, Manitowoc, Washington, Langlade, Barron, Brown, Crawford, Walworth, Dane, Vernon, and Portage Counties, WI and Dubuque County, IA; from South Bend, IN and Sault Ste. Marie and Hessel, Engadine, MI to St. Joseph County, IN and Chippewa and Mackinac Counties, MI, (b) in Sub-No. 37 from Manistee, MI to Manistee County, MI, (c) in Sub-No. 41 from Green Bay, Hurley, Aurora, and Marinette, WI to Brown, Iron, Florence, and Marinette Counties, WI, (d) in Sub-No. 55 from Bangor, WI, Camden, NJ, and Charleston, SC to LaCrosse County, WI, Camden County, NJ and Charleston County, SC, (e) in Sub-No. 62F from Kincheloe, Lansing and Grand Ledge, MI and Hazel Green, WI to Chippewa, Eaton, Ingham and Clinton Counties, MI and Grant County, WI, (f) in Sub-No. 63F from Lakeland, FL to Polk County, FL, (g) in Sub-No. 70F from Menomonee Falls, WI to Waukesha, Washington, Ozaukee

and Milwaukee Counties, WI, (h) in Sub-No. 72F from Rockdale, IL to Will County, IL, (i) in Sub-Nos. 73F and 74F from Minneapolis, MN to Anoka, Carver, Dakota, Hennepin, Ramsy, Scott and Washington Counties, MN, (j) in Sub-No. 74F from Shawano, WI to Shawano County, WI, (k) in Sub-No. 77 from Canton and Washington Court House, OH to Stark and Fayette Counties, OH from Green Bay, WI to Brown County, WI and from Milwaukee, WI to Ozaukee, Washington, Waukesha, Milwaukee and Racine Counties, WI; (5) replace the named ports of entry in named states with all ports of entry in named states in Sub-Nos. 1, 28, 34, 37, 41, 47, 49, 51 and 62, (6) remove the restriction to transportation in foreign commerce only in Sub-No. 1, (7) remove the restriction to the transportation of traffic having a subsequent movement to Ontario, Canada, in Sub-No. 37, (8) remove the "originating at and/or destined to named points" restrictions in Sub-Nos. 1, 34, 66, 71, (9) remove the restriction against transportation to AK and HI in Sub-No. 51, (10) remove the restrictions in Sub-Nos. 1, E3 and E9 against traffic that originates in Canada, (11) remove the restriction in Sub-No. 1 requiring that shipments originating in Canada move through, the port of entry at or near Sault Ste. Marie, MI, and (12) change one-way to radial authority between various points throughout the U.S. in all Subs and E letter notices except part of Sub-No. 69F. The purpose of this republication is to notice Langlade County, WI for Whitelake, WI, removal of facilities in Sub-No. 55, Jefferson and Dodge Counties for Watertown, WI, Clinton County, MI, for Grand Ledge, MI, Waukesha, Washington, Ozaukee and Milwaukee Counties, WI, for Menomonee Falls, WI, expansion of ports of entry in Sub-No. 62 and notice of restriction removal in part (7) in Sub-No. 37.

MC 112391 (Sub-4)X, filed April 28, 1981. Applicant: HADLEY AUTO TRANSPORT, P.O. Box 96, Pico Rivera, CA 90660. Representative: David E. Driggers, 1600 Lincoln Center, 1600 Lincoln Street, Denver, CO 80284. Applicant seeks to remove restrictions in its permit No. MC-112391 and Sub-Nos. 14, 31 and 40F and permit authority acquired in MC-F-12442 to (1) broaden the commodity description to "machinery" from new automobiles, new trucks, new tractors, and new chassis, in the lead (paragraphs 1, 6 and 8); automobiles, trucks, tractors and chassis, in the lead (paragraphs 3 and 4); to "transportation equipment" from new automobiles, in the lead (paragraphs 2, 5, and 7); automobiles, trucks and buses,

except trailers and show paraphernalia, in the lead (para 9); automobiles and trucks, in the lead (para 10); new trucks, in Sub-No. 14; automobiles, trucks, buses and chassis, in Sub-No. 40F; and to "machinery" from automobiles and trucks, and farm type tractors, in Sub-No. 31; to "machinery" from new automobiles, new trucks, chassis, and new tractors, automobiles, trucks, and tractors and motor vehicles, in MC-F-12442 (paragraphs 1 and 4); to "transportation equipment" from motor vehicles, in MC-F-12442 (paragraphs 2 and 3); (2) remove the initial movements, secondary movements, drive-away service, truckaway service, restrictions wherever they may appear, in the lead and all subs, and (3) broaden all territorial description to between points in the U.S. either under continuing contract(s) with named shippers, or under open-ended permit authority.

MC 115917 (Sub-41)X, filed May 19, 1981. Applicant: UNDERWOOD & WELD COMPANY, INC., P.O. BOX 247, Crossnore, NC 28618. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-No. 37F certificate to (1) broaden the commodity description to "ores and minerals, and, clay, concrete, glass or stone products" from olivine and olivine products, in part (1); bentonite clay, in part (2); foundry sand additives, in part (3); and mica, in part (4); and (2) eliminate the AK and HI restriction, in all parts.

MC 115276 (Sub-8)X, filed May 22, 1981. Applicant: HAROLD D. MILLER, INC., 385 Jones Street, Shreve, OH 44676. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its lead and Sub-Nos. 4 and 7F certificates, and E-1 letter notice, to (1) broaden the commodity descriptions 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 by-products, 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 of pipe in connection with main lines to "such commodities as are dealt in or used by producers, manufactures and distributors of petroleum and petroleum products, machinery, and metal products" in each certificate and letter notice; and (2) remove the restrictions

against (a) commodities in bulk in Sub-No. 4 and E-1; and (b) stringing and picking up of pipe in connection with main lines in E-1.

MC 117201 (Sub-53)X, filed May 4, 1981. Applicant: INTERSTATE DISTRIBUTOR CO., 8311 Durango SW., Tacoma, WA 98499. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. Applicant seeks to remove restrictions in its permit No. MC-125952 Sub-Nos. 11, 19, 24, 31F, 33F, 36F, 37F, 38F, 46F, and 54 to (1) broaden the commodity descriptions to "such commodities as are dealt in by grocery, food and variety establishments (except commodities in bulk)" from such commodities as is dealt in by wholesale and retail grocery establishment; except frozen foods and foods in vehicles equipped with mechanical refrigeration, in Sub-Nos. 11, 19 and 31F; cakes, cookies, bakery supplies, materials and ingredients, in Sub-Nos. 24 and 33F; canned seafoods, in Sub-No. 36F; salt (except in bulk), in Sub-Nos. 37F and 46F; toppings, flavoring, extract, pie filling, syrups, fruit juice concentrates, jams and jellies, in packages and equipment used for dispensing the commodities shown above, in Sub-No. 38F; and such commodities as are dealt in and used by grocery and food business houses, and agricultural feed houses and soy products (except commodities in bulk), in Sub-No. 45F and (2) broaden the territorial application to between points in the United States under continuing contract(s) with named shippers.

MC 126679 (Sub-28)X, filed May 12, 1981. Applicant: DENNIS TRUCK LINES, INC., P.O. Box 189, Vidalia, GA 30474. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. Applicant seeks to remove restrictions in its Sub-Nos. 13, 16, 19, 23 and 25 to (1) remove facilities limitation at Marietta, GA in Sub-No. 16, (2) broaden the commodity description from pallets, paneling, particleboard and plywood to "lumber and wood products" in part of part (3) in Sub-No. 25, (3) change one-way to radial authority between (a) NC and SC, and, AL and FL in Sub-No. 13, (b) 2 points in GA, and, 1 point in GA in Sub-No. 16, and, (c) 2 points in SC, and, 4 States in Sub-No. 19.

MC 128205 (Sub-105)X, filed, May 26, 1981. Applicant: BULKMATIC TRANSPORT COMPANY, 12000 S. Doty Avenue, Chicago, IL 60628. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-Nos. 3, 14, 22, 23, 26, 27, 29, 31,

34, 38, 47, 50F, 51F, 56F, 58F, 64F, 66F, 71F, 78F, 82F, 83F, 89F, and 91F, to (1) broaden the commodity descriptions to "food and related products," from (a) "flour," in Sub-Nos. 3, 14, 22, 23, 26, 27, 29, 31, 34, 47, 50F, 56F, 71F, 76F, and 82F; (b) "corn and soybean products," in Sub-No. 38; (c) "dry sugar," in Sub-No. 51F; (d) "dry edible sugar," in Sub-No. 58F; (e) "starch," in Sub-Nos. 64F and 89F; (f) "cereal food products," in Sub-No. 66F; (g) "dry corn sugar and dry corn starch," in Sub-No. 83F; and (h) "flour and grain products," in Sub-No. 91F; (2) eliminate the "in bulk" limitations in Sub-Nos. 3, 14, 22, 23, 26, 27, 29, 31, 34, 47, 50F, 51F, 56F, 58F, 64F, 66F, 71F, 78F, 82F, 83F, 89F, and 91F; (3) eliminate the "in pneumatic tank vehicles" limitation in Sub-No. 31, the "in tank vehicles" limitation in Sub-Nos. 27, 50F, 51F, 58F, and 64F; (4) convert the existing one-way authority to radial authority between points in the central and eastern portion of U.S.; (5) broaden the geographic descriptions to county-wide or commercial zones; (a) from Dowagiac, MI, to Cass County, MI, in Sub-No. 14; (b) from Naperville, IL to Du Page County, IL, Augusta, MI, Fostoria, OH, and Ligonier, IN, to Kalamazoo County, MI, Seneca County, OH, and Noble County, IN, in Sub-No. 23; (c) from Frankenmuth, MI to Saginaw County, MI, in Sub-No. 26; (d) from Fremont, NE to Dodge County, NE, in Sub-No. 27; (e) from the facilities of a named shipper at Indianapolis, IN, to Indianapolis, IN, in Sub-No. 29; (f) from the plantsite of a named shipper at Toledo, OH to Toledo, OH, and Fair Lawn, NJ to Bergen County, NJ, in Sub-No. 34; (g) from the facilities of a named shipper in North Kansas City, MO to Kansas City, MO, in Sub-No. 38; (h) from Muskegon, MI to Muskegon County, MI, Fort Wayne, IN to Allen County, IN from Hillsdale, MI to Hillsdale County, MI, from Canton, OH to Stark County, OH, from Lowell, MI to Kent County, MI, from Richmond, IN to Wayne County, IN, and from Quincy, MI to Branch County, MI, in Sub-No. 47; (i) from the facilities of a named shipper at or near Chaska, Crookston, Moorehead and Renville, MN and Wahpeton, ND to Carver, Polk, Clay, and Renville Counties, MN and Richland Counties, ND and from Kankakee, IL, Lafayette, IN, and Battle Creek, MI to Kankakee County, IL, Tippecanoe County, IN, and Calhoun County, MI, in Sub-No. 58F; (j) from Battle Creek, MI to Calhoun County, MI, and from Delevan, WI, to Walworth County, WI, in Sub-No. 66F; (l) from Hastings, MN to Dakota County, MN, and from Alton, IL to Madison County, IL, in Sub-No. 71F; (m) from

Winona, Wabasha, New Ulm, and New Prague to Winona, Wabasha, Brown, Nichollet, Scott and Le Sueur Counties, MN in Sub-No. 82F; (n) from Argo, IL to Chicago, IL, in Sub-No. 83F; and (o) from Hillsdale, MI to Hillsdale County, MI, in Sub-No. 91F; (6) eliminate the restriction limiting service to traffic which has had a prior movement by rail in Sub-Nos. 22 and 64F; and (7) eliminate the originating at restrictions in Sub-Nos. 26, 38, and 51F.

MC 128896 (Sub-7)X, filed May 22, 1981. Applicant: ANDREWS TRUCKING LTD., Rural Route No. 4, St. Catharines, Ontario, Canada L2R6R1. Representative: William J. Hirsch, 1125 Convention Tower, 43 Court St., Buffalo, NY 14202. Applicant seeks to remove restrictions in its Sub-No. 6 certificate to (A) broaden the commodity description to "transportation equipment" from boats; (B) remove the exception excluding service in AK and HI; and (C) broaden the territorial description by substituting county-wide authority in place of Portland, ME, to authorize service between: points in Cumberland County, ME and ports of entry on the U.S.-Canada boundary line in six named States, and, points in the U.S.

MC 129217 (Sub-1)X, filed May 21, 1981. Applicant: PONTIAC CONTRACT CARRIER, INC., P.O. Box 198-1505 North Main, Pontiac, IL 61764. Representative: Edward F. Stanula, P.O. Box 306-900 East 162nd Street, South Holland, IL 60473. Applicant seeks to remove restrictions in its lead permit to (1) broaden the commodity description from Lawn, weed and brush mowing equipment, and accessories, parts, materials, tools, and supplies used in the manufacture, processing, or sale of lawn, weed, and brush mowing equipment, to "lawn and weed equipment" and "metal products"; (2) remove exception to commodities in bulk; and (3) broaden territorial authority to between points in the U.S., under contract(s) with a named shipper.

MC 134806 (Sub-74)X, filed June 1, 1981. Applicant: B-D-R-TRANSPORT, INC., P.O. Box 1277, Vernon Drive, Brattleboro, VT 05301. Representative: Francis J. Ortman, 4401 East West Highway, Suite 404, Washington, DC 20014. Applicant seeks to expand the territorial authority in its Sub-Nos. 1, 5, 15, 21, 41, 54F, 56F, 57F, 61F, 63F, 66F, 67F, and 69F permits to authorize service between points in the U.S., under continuing contract(s) with named shippers.

MC 136635 (Sub-59)X, filed May 13, 1981. 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 Sub-No. 29 certificate to (1) broaden the commodity description from plastic bottles and containers to "rubber and plastic products," (2) remove the facilities limitation at or near Jeffersonville, IN, and Louisville, KY and replace with Clark County, IN and Jefferson County, KY, and (3) change one-way to radial authority, between Clark County, IN, and Jefferson County.

MC 140101 (Sub-11)X, filed May 15, 1981. Applicant: L.T.A. TRUCKING, INC., P.O. Box 219, Amherst, WI 54406. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2F, 3F, 5F, 7F and 8F certificates to (A) broaden the commodity descriptions to (1) "food and related products" from (a) potato products, in the lead certificate, (b) frozen foods, in Sub-No. 3F, (c) frozen meat, in Sub-No. 5F and (d) frozen foodstuffs and frozen meats and meat by-products, unfit for human consumption, in Sub-No. 7F; (2) "metal products" from wire and wire products, and rejected shipments, empty wire containers, and materials, equipment and supplies used in the manufacture and distribution of wire and wire products, in Sub-No. 2F, and (3) "metal products and rubber and plastic products" from wire and wire products, in Sub-No. 2F, and (3) "metal products and rubber and plastic products" from wire and wire products and materials, equipment and supplies used in the manufacture or distribution of wire and wire products, and plastic and metal forming wire and materials, equipment and supplies used in the manufacture or distribution of plastic and metal forming wire, in Sub-No. 8F; (B) remove the plantsite restriction, in the lead certificate and Sub-Nos. 3F and 7F; (C) remove the "originating at and destined to" restriction, in Sub-Nos. 3F, 5F, and 7F; (D) remove the "in bulk" and/or "in tank vehicle" restriction, in the lead certificate and Sub-Nos. 2F, 3F, 7F, and 8F; (E) authorize county-wide authority to replace existing city-wide service: (1) Portage County, WI, for Plover, WI, in the lead and Sub-No. 3F, (2) Outagamie County, WI, for Appleton, WI, in Sub-Nos. 2F and 8F, and (3) Dodge County, WI, for Beaver Dam, WI, in Sub-No. 7F; (F) remove the AK and HI restriction, in the lead and Sub-Nos. 7F and 8F; and (G) in all certificates authorize radial authority to replace existing one-way service between points throughout the U.S.

MC 141439 (Sub-7)X, filed May 22, 1981. Applicant: HILL TRUCK LINE, INC., P.O. Box 6291, Omaha, NE 68106. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions in its Sub-No. 3F certificate to (1) broaden the commodity descriptions from telephones, telephone sets, and telephone equipment to "electrical machinery, equipment, or supplies"; (2) replace a plantsite limitation at or near Omaha, NE with Omaha, NE; (3) replace authority to serve Goddard, KS with Sedgwick County, KS; and (4) replace one-way authority with radial authority between Omaha, NE and Sedgwick County, KS.

MC 142854 (Sub-2)X, filed May 26, 1981. Applicant: A & S LEASING CO., INC., 321 Warren Avenue, Jersey City, NJ 07306. Representative: Kenneth M. Piken, 95-25 Queens Boulevard, Rego Park, NY 11374. Applicant seeks to remove restrictions in its Sub-No. 1 permit to (1) broaden the commodity description from synthetic resins, varnishes, pigments, and materials, equipment and supplies used in the production thereof to "chemicals and related products"; (2) remove the except in bulk restriction; and (3) broaden the territorial description to between points in the U.S., under continuing contract(s) with a named shipper.

MC 146927 (Sub-24)X, filed May 11, 1981. Applicant: DIXIE TRANSPORT, INC., P.O. Box 1126, Hattiesburg, MS 39401. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Applicant seeks to remove restrictions in its MC 146927 (Sub-Nos. 1, 2F, 6F, 7F, 8F, 9F, 10F, 11F, 12F, 13F, 14F, 15F and 16F) certificates (1) broaden commodity descriptions to "food and related products," from sugar in Sub-Nos. 1, 7 and 14 and from "salt and salt products," in Sub-No. 16; to "pulp, paper and related products," from paper and paper products, and printing paper in Sub-Nos. 2, part of 8, 9 and 11; "lumber and wood products," from wood pulp in part of Sub-No. 8; (2) remove in bulk restrictions in Sub-Nos. 10 and 12, (3) remove the facilities limitations (a) in Sub-No. 1 and replace Gramercy, and Reserve, LA, with St. James and St. John the Baptist Parishes, LA, (b) in Sub-No. 2 and replace Mobile, AL with Mobile County, AL, (c) in Sub-No. 6 and replace Naheola and Livingston, AL, and Meridan, MS, with Choctaw and Sumter Counties, AL, and Lauderdale County, MS, (d) in Sub-No. 7 and replace Kenner and Reserve, LA, with Jefferson and St. John the Baptist Parishes, LA, (e) in Sub-No. 8 and replace Jackson, AL, with

Clarke County, AL, (f) in Sub-No. 8 and replace Crossett and Pine Bluff, AR, and Port Hudson, LA, with Ashley and Jefferson County, AR, and East Baton Rouge Parish, LA, (g) in Sub-No. 11 and replace Yazoo City, MS, with Yazoo County, MS, (h) in Sub-No. 12 and replace Naheola, AL, and Meridan, MS, with Choctaw County, AL, and Lauderdale County, MS, (4) replace city with county-wide authority in (a) in Sub-No. 7 St. James Parish, LA, for Gramercy, LA, (b) in Sub-No. 10 Putnam County, FL, for Palatka, FL, (c) in Sub-No. 13 Polk County, FL, Spartanburg and Chesterfield Counties, SC, and Taylor County, TX, for Bartow, FL, Spartanburg and Cheraw, SC, and Abilene, TX, and (5) change one-way to radial authority between (a) 2 LA Parishes, and, 3 states, in Sub-No. 1, (b) 1 AL county, and, 2 states in Sub-No. 2, (c) 2 AL counties and 1 MS county, and, 7 states in Sub-No. 6, (d) 3 LA Parishes, and, FL in Sub-No. 7, (e) 1 AL county, and, 4 states in Sub-No. 8, (f) 7 States, and, 1 AL county and, 1 AL county and 1 MS county in Sub-No. 12, (g) 2 LA Parishes, and, 8 States in part (1) and 1 LA Parish, and, 11 States in part (2) in Sub-No. 14, and, (h) 2 TX counties, and, 10 States in Sub-No. 16.

MC 146814 (Sub-12)X, filed May 14, 1981. Applicant: VAN WYK, INC., "C" Street, Sheldon, IA 51201. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. Applicant seeks to remove restrictions in its Sub-Nos. 3F, 4F, 6F, 7F and 9F certificates to (A) broaden the commodity descriptions to (1) "food and related products" from (a) meats, meat products, meat byproducts, and articles distributed by meat-packing houses, as described in sections, A, C and/or B of Appendix I to the report in the *Descriptions* case, 61 M.C.C. 209 and 766, in Sub-Nos. 3F, 4F part (3), 6F and 7F, and (b) dairy products, in Sub-No. 6F and (2) "building materials" from insulating materials, in Sub-No. 9F; (B) eliminate the restriction (a) prohibiting the transportation of specified commodities, commodities in bulk and/or in tank vehicles, in Sub-Nos. 3F, 4F part (1), 6F and 7F, and (b) limiting service to the transportation of traffic originating at and destined to named points, in all certificates; (c) remove the "except for traffic moving in foreign commerce" restriction, in Sub-Nos. 3F and 4F parts (3) (a) and (b); (D) replace plantsite or city-wide authority with county-wide authority: (1) LeMars, IA, with Plymouth County, IA, in Sub-No. 3F, (2) Boyden and Hawarden, IA, with

Sioux County, IA, and Sub-No. 4F parts (3) (a) and (b), (3) Sioux Falls, SD, with Minnehaha County, SD, and Estherville and Sioux City, IA, with Emmet and Woodbury Counties, IA, in Sub-No. 6F, (4) Hawarden, IA, with Sioux County, IA, in Sub-No. 7F, and (5) Orange City, IA, with Sioux County, IA, and St. Anne, IL, with Kankakee County, IL, in Sub-No. 9F; and (E) authorize radial authority to replace existing one-way service between points in various eastern States, in Sub-Nos. 3F, 4F part (3), 6F, 7F and 9F.

MC 149582 (Sub-1)X, filed May 12, 1981. Applicant: SAWYER EASTERN, INC., Route No. 1, Chesterton, IN 46304. Representative: Stephen H. Loeb, Suite 2027, 33 N. LaSalle, Chicago, IL 60602. Applicant seeks to remove restrictions from authority in MC-10694 and Sub-Nos. 49, 52, 54, 59, 64, 65, 68, 70, 75, 85, 89, 93, 95, 99, 102 and 103 certificates acquired in MC-F-13429 to (1) remove all exceptions other than class A and B explosives from its general commodities authorities (2) in the lead (a) remove the exception to service at 2 named plantsites in connection with service within 10 miles of Ft. Wayne, IN (b) change city to county-wide authority for off-route point authority in connection with all carriers regular routes: from Riverside, CA to Cambria County, PA; and from Aliquippa, PA to Beaver County, PA (c) allow service at all intermediate points in connection with regular routes between (1) points within 10 miles of Ft. Wayne, IN, (2) Beaver Dam, OH and Harrisburgh, PA, (3) Cleveland, OH and Lafayette, NY (4) Joliet, IL and named junction in IL, and (5) Cleveland, OH and Pittsburgh, PA (d) remove restriction to traffic moving to and from points west of the OH-PA state line in connection with off-route point service at Cambria County, PA, (e) remove the restriction which applies to paragraphs 1 through 5 of the lead which restricts service between any two points both of which are located in IL, IN, and OH, as a part of its operations over the routes between the following points (a) Huntington, IN, and Fort Wayne, IN, and (b) Beaver Dam, OH and Harrisburgh, PA, and which further restricts service between any two points both of which are located east of the Ohio Pennsylvania State line as part of its operations over the routes between the following points (a) West Springfield, PA and New York, NY, and (b) Beaver Dam, OH, and Harrisburgh, PA; (3) in Sub-No. 49(a) change Mahwah, NJ to Bergen County, NJ as an off-route point in connection with all of carriers regular

routes, and (b) remove restriction to traffic moving to or from points west of the OH-PA State line (4) in Sub-No. 52 remove restriction to service at a named junction in PA for purpose of joinder only, (5) in Sub-No. 54 remove plantsite limitation and replace Deer Park, NY with Suffolk county, NY as an off-route point in connection with all of carriers regular routes, (6) in Sub-No. 59 remove plantsite limitation and replace Darrowville, OH with Summit County, OH as an off-route point in connection with all of carriers regular routes, (7) in Sub-No. 64 remove plantsite limitation and replace Joliet, IL with Will County, IL as an off-route point as described in (6) above, (8) in Sub-No. 64 (irregular route) change Union, NJ to Union county, NJ and remove restriction against the handling of freight moving between authorized service points east of the OH-PA State line and a described portion of NJ, (9) in Sub-No. 68(a) remove plantsite limitation and replace Twinsburg, OH, with Summit County, OH, as an off-route point as described in (6) above and (b) remove the restriction against transportation of named commodities in its general commodities authority (10) in Sub-Nos. 70, 85, 93, 95 and 103 remove plantsite limitation in specified counties and authorize service at all points in those counties as off-route points as described in (6) above (11) in Sub-No. 85 remove the "originating at and destined to" named plantsite restriction, (12) in Sub-No. 89(a) remove plantsite limitation and replace Mechanicsburg, PA with Cumberland County, PA as an off-route point as described in (6) above, and (b) remove restriction to transportation of traffic moving between named plantsite and point west of the PA-OH State line, (13) in Sub-No. 93 remove the restriction against the transportation of traffic moving between named origin and points in the Chicago, IL commercial zone, (14) in Sub-No. 95 remove the restriction to transportation of traffic moving to or from points west of the OH-PA State line (15) in Sub-No. 99 remove the plantsite limitation and replace Elysburg, PA with North Cumberland County, PA, as an off-route point as described in (6), (16) in Sub-No. 102 (irregular route) remove restriction to the transportation of traffic moving to, from or through those points authorized to be served by applicant which are west of the OH-PA State line.

[FR Doc. 81-17185 Filed 6-9-81; 8:45 am]

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[Volume No. 86]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice**Correction**

In FR Doc. 81-15579, published at page 28248, on Tuesday, May 26, 1981, on page 28253, in the third column, in the first paragraph, in the first line "MC 148903 (Sub-100)" Should be corrected to read "MC 148903 (Sub-10)".

BILLING CODE 1505-01-M

Motor Carriers; Temporary Authority Application; Important Notice**Correction**

In FR Doc. 81-15507, published at page 28231, on Tuesday, May 26, 1981, on page 28234, in the second column, in the third paragraph, "MC 147093", in the eleventh line "LA" should be corrected to read "AL".

BILLING CODE 1505-01-M

[AB 167 (SDM)]

Conrail; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Conrail has filed with the Commission its amended color-coded system diagram map in docket No. AB 167 (SDM). The Commission on May 26, 1981, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each State in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 167 (SDM).

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-17135 Filed 6-9-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier; Temporary Authority Application**Import Notice**

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with

the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property**Notice No. F-127**

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 156233 (Sub-II-1TA), filed June 1, 1981. Applicant: PATRICIA A. HUTCHINSON d.b.a. D. J. P. LEASING, 724 Carrollton Ave., Salem, VA 24153. Representative: Patricia A. Hutchinson (same as applicant). *Malt Beverages, wine and empty containers for malt beverages and wine*, between Roanoke County, VA and points in GA, MD, PA, KY, OH, and MI for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Valley Distributing Co., Inc., 3752 Lee Hwy., Roanoke, VA 24018.

MC 140159 (Sub-II-7TA), filed June 1, 1981. Applicant: C. L. FEATHER, INC., P.O. Box 1190, Altoona, PA 16601. Representative: Thomas M. Mulroy, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. *Coal, in bulk, in dump vehicles*, from points in Clearfield

County, PA to Martinsburg, WV for 270 days. Supporting shipper: Donald H. Richards Coal Co., Inc., 885 Lancaster Ave., Berwyn, PA 19312.

MC 81908 (Sub-II-6TA), filed June 1, 1981. Applicant: GARNER TRUCKING, INC., Rt. No. 4, Findlay, OH 45840. Representative: John L. Alden, Stiverson & Alden, 1396 W. Fifth Ave., Columbus, OH 43212. *Fertilizer and fertilizer ingredients* between points in IN, MI and OH for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: The Ohio Farmers Grain & Supply Assoc., 455 W. 4th St., P.O. Drawer M, Fostoria, OH 44830; Workers & Associates, 1200 Springville Highway, Clayton, MI 49235; The Andersons, P.O. Box 119, Maumee, Oh 43537.

MC 150939 (Sub-II-20TA), filed June 1, 1981. Applicant: GEMINI TRUCKING, INC., 1533 Broad St., Greensburg, PA 15601. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219. *Contract; irregular: Such commodities as are dealt in by mail order houses and retail chain department stores and equipment, materials and supplies used in the conduct of such businesses (except commodities in bulk)* between the facilities of David Weis Wholesale Jewelers, Inc. in PA and WV, on the one hand, and, on the other, points in the US, under a continuing contract(s) with David Weis Wholesale Jewelers, Inc. of Monroeville, PA for 270 days. Supporting shipper: David Weis Wholesale Jewelers, Inc., Miracle Mile Shopping Center, Monroeville, PA 15146.

MC 151230 (Sub-II-1TA), filed June 1, 1981. Applicant: ISNER TRUCKING, INC., Route 4, Marietta, OH 45750. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. *Contract; Irregular: Metal and metal products and materials, supplies and equipment used in the manufacture and production thereof, except Class A & B explosives*, between Marietta, OH; Marion, IL and Clearfield, UT, on the one hand, and, on the other, points in CO, IA, ID, IL, IN, KY, MI, MT, MO, NV, NM, NY, OH, PA, TN, UT, VA, WV and WY for 270 days. Supporting shipper(s): Pattin Manufacturing Co., P.O. Box 659, Marietta, OH 45750.

MC 151706 (Sub-II-3TA), filed April 30, 1981. Applicant: JAN-AL SALES, INC., 5321 Southwyck Blvd., Toledo, OH 43614. Representative: Joseph E. Ludden, 2707 South Ave., P.O. Box 1567, La Crosse, WI 54601. *General commodities* having a prior or subsequent movement in rail piggyback service between railroad piggyback facilities located in Chicago, IL on the one hand and on the

other, points in IL, IN, KY, MI and OH for the account of White Motor Corporation for 270 days. Applicant intends to tack this authority with authority held under MC 151706. Supporting shipper(s): White Motor Corporation, 34500 Grand River Ave., Farmington Hills, MI 48025. Republication: Applicant intends to tack this authority was omitted from original publication of May 13, 1981.

MC 65475 (Sub-II-14TA), filed June 1, 1981. Applicant: JETCO, INC., 4701 Eisenhower Ave., Alexandria, VA 22304. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. *Railroad ties, pile driving equipment, and iron and steel articles*, between points in and east of MN, IA, MO, OK, and TX, restricted to shipments originating at or destined to facilities of L. B. Foster Co., or its customers for 270 days. Supporting Shipper: L. B. Foster Co., P.O. Box 47367, Doraville, GA 30362.

MC 65475 (Sub-II-15TA), filed June 1, 1981. Applicant: JETCO, INC., 4701 Eisenhower Ave., Alexandria, VA 22304. Representative: J. G. Dial, Jr., P.O. Box LL, McLean, VA 22101. *Aluminum and aluminum articles, and materials and supplies used in the manufacture of aluminum articles*, between Rockwall, TX, on the one hand, and, on the other, points in the United States, for 270 days. Supporting Shipper: Howmet Aluminum Corporation, 18601 L.B.J. Freeway, Ste. 700, Mesquite, TX 75150.

MC 149541 (Sub-II-5TA), filed June 1, 1981. Applicant: LEBARNOLD, INC., 470 St. John's Church Rd., Camp Hill, PA 17011. Representative: Francis W. McInerney, 1000 Sixteenth St., NW, Suite 502, Solar Bldg., Washington, DC 20036. *Contract; irregular: of stereo loud speakers and parts, materials and equipment used in the manufacturing and distribution thereof*, between Milroy, PA, on the one hand, and, on the other, Chicago, Elk Grove Village, and Lincolnwood, IL for 270 days, under continuing contract(s) with Fisher Corp., Milroy, PA. An underlying ETA seeks 120 days authority. Supporting shipper: Fisher Corp., Fisher Park, Milroy, PA 17063.

MC 135364 (Sub-II-11TA), filed May 28, 1981. Applicant: MORWALL TRUCKING, INC., Rural Delivery 3, Box 76C, Moscow, PA 18444. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. *Contract; Irregular: Engines, transmissions, and parts thereof*, between Detroit, MI, on the one hand, and, on the other, Harrisburg, Kirberville, and Philadelphia, PA, under continuing contract(s) with Penske Corp. An underlying ETA seeks 120 days authority. Supporting shipper: Penske

Detroit Allison, Inc., Division of Penske Corp., 8330 State Rd., Philadelphia, PA 19136.

MC 123887 (Sub-II-2TA), filed June 1, 1981. Applicant: L. J. NAVY TRUCKING CO., 2300 Eighth Ave., Huntington, WV 25703. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. *Malt beverages*, between Charleston, WV, on the one hand, and, on the other, Peoria and Belleville, IL; Detroit and Frankenmuth, MI; Newark, NJ; Baltimore, MD; Latrobe and Pittsburgh, PA; Cincinnati, Columbus and Fostoria, OH and Newport, KY, for 270 days. Supporting shipper(s): Central Distributing Company, 108 4th Ave., Huntington, WV.

MC 123887 (Sub-II-3TA), filed June 1, 1981. Applicant: L. J. NAVY TRUCKING CO., 2300 Eighth Ave., Huntington, WV 25703. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. *Malt beverages* between Ironton and Portsmouth, OH and Huntington, WV, on the one hand, and, on the other, Baltimore, MD; Evansville, IN; Frankenmuth, MI; Belleville, IL and Pabst, GA for 270 days. Supporting shipper(s): Callahan Distributing Co., Inc., 917-919 R South 3rd St., Ironton, OH 45638.

MC 123887 (Sub-II-4TA), filed June 1, 1981. Applicant: L. J. NAVY TRUCKING CO., 2300 Eighth Ave., Huntington, WV 25703. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. *Malt beverages* between Huntington, WV, on the one hand, and, on the other, Baltimore, MD; Evansville, IN; Frankenmuth, MI and Belleville, IL for 270 days. Supporting shipper(s): Sullivan Distributing Co., 807 23rd St., Huntington, WV 25703.

MC 107012 (Sub-II-170TA), filed May 28, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns (same address as applicant). *Contract; irregular: general commodities (except class A & B explosives)* between Austin, TX, on the one hand, and on the other, all points in AZ, AR, CA, CO, CT, DE, ID, KS, LA, ME, MD, MA, MT, NE, NV, NH, NJ, NY, NC, ND, OK, OR, PA, RI, SD, UT, VT, VA, WA, WY, and DC for 270 days. Supporting shipper: International Business Machines Corp., P.O. Box 10, Princeton, NJ 08540.

Note.—Common control may be involved.

MC 107012 (Sub-II-171TA), filed June 1, 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). *General commodities (except class A & B explosives)* between points in the U.S. (restricted to traffic originating at or destined to the facilities utilized by W. W. Grainger, Inc.) for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: W. W. Grainger, Inc., 5959 West Howard St., Chicago, IL 60648.

Note.—Common control may be involved.

MC 107012 (Sub-II-172TA), filed June 1, 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). *Air vent systems, and air silencers, and parts and accessories for air vent systems and silencers* from the facilities of Semco Manufacturing, Inc., at or near Sunland Park, NM to points in the U.S. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Semco Manufacturing, Inc., 205 East Ash, Columbia, MO 65205.

Note.—Common control may be involved.

MC 144910 (Sub-II-6TA), filed June 1, 1981. Applicant: TY PRUITT TRUCKING, INC., 6717 Quad Ave., Baltimore, MD 21237. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Wash., DC 20005. *Malt beverages*, between Rochester, NY and Detroit, MI, on the one hand, and, on the other, points in Maryland, for 270 days. Supporting shippers: H & S Distributing Company, Havre de Grace, MD 21078; Choptank Distributing Company, Easton, MD 21601.

MC 124059 (Sub-II-1TA), filed June 1, 1981. Applicant: REJER TRANSPORT, INC., P.O. Box 566, Marietta, OH 45750. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. *Carbon black*, from the facilities of Cabot Corp. at or near Cabot, WV to points in and east of MN, IA, NE, MO, AR and LA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Cabot Corp., 125 High St., Boston, MA 02110.

MC 138805 (Sub-II-3TA), filed May 28, 1981. Applicant: S&L SERVICES, INC., Rural Delivery No. 1 Milton, PA 17847. Representative: Terrence D. Jones, 2033 K St., NW, Washington, DC 20006. *Cleaning compounds, detergents and floor sweeping compounds* from Dewart, PA, to Stockton, CA, Auburn, WA, Denver, CO, Fort Worth, TX, Kansas City, MO, Chicago, IL, Shelby, OH, Boston, MA, Edison, NJ, Franconia and Norfolk, VA, and Savannah and Atlanta, GA for 270 days. An underlying ETA seeks 120 days authority. Supporting

shipper: Lyrco Products, Inc., 20 Main St., Dewart, PA 17730.

MC 151693 (Sub-II-3TA), filed June 1, 1981. Applicant: SPECIAL SERVICE DELIVERY CO., INC., 2514 Bridge Ave., Cleveland, OH 44113. Representative: David A. Turano, Baker & Hostetler, 100 E. Broad St., Columbus, OH 43215. *Such commodities as are dealt in or used by manufacturers and distributors of photographic products and cosmetics (except commodities in bulk) between Columbus and Cleveland, Ohio, including points in their respective Commercial Zones, on the one hand, and, on the other, pts in PA, WV, KY and IN for 270 days.* Supporting shipper: Eastman Kodak Company, 2400 Mt. Read Blvd., Rochester, NY 14650; Revlon, Inc., Route 27 & Talmadge Road, Edison, NJ 08817.

MC 128662 (Sub-II-2TA), filed June 1, 1981. Applicant: STICKLEY'S GARAGE, INC., P.O. Box 2842, Winchester, VA 22601. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Irregular: *Contract: Foodstuffs, except in bulk, including materials and supplies used in the manufacture, sale and distribution thereof, between Winchester, Timberville and Mount Jackson, VA; Kent City, MI; Martinsburg, WV; and Lincolnton, NC, including their respective commercial zones, on the one hand, and, on the other, points in the U.S. in and east of WI, IL, KY, TN and MS, for 270 days.* Supporting shipper(s): Shenandoah Apple Cooperative, P.O. Box 435, Winchester, VA 22601; National Fruit Product Company, Inc., 550 Fairmont Ave., Winchester, VA 22601; Bowman Apple Products Company, Inc., P.O. Box 247, Mt. Jackson, VA 22842.

MC 124045 (Sub-2-1TA), filed June 1, 1981. Applicant: RAYMOND G. WISHARD d.b.a. WISHARD TRUCKING, Rural Delivery 5, Chambersburg, PA 17201. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. (1) *Calcined fire clay or grog and (2) cement in buckets between Alexandria, PA on the one hand, and, on the other, points in DE, MD, NJ, NY, PA, OH, VA, WV, MI, MO, WI, TX, IN and IL for 270 days.* An underlying ETA seeks 120 days authority. Supporting shipper(s): Maryland Refractories Co., Inc., P.O. Box 355, Alexandria, PA 16611.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 136123 (Sub-3-16TA), filed June 1, 1981. Applicant: MEAT DISPATCH,

INC. P.O. Box 1058, Palmetto, Florida 33561. Representative: William L. Beasley (same as above). *Foodstuffs, and related products, between the facilities of Jones Brothers Canning Company, Inc. and points in and east of MN, IA, MO, AR and LA.* Supporting shipper: Jones Brothers Canning Company, Inc., P.O. Box 401, Greer, South Carolina 29651.

MC 138570 (Sub-3-1TA), filed May 27, 1981. Applicant: JOHN B. LAMBERT TRUCKING COMPANY, 8 McIntosh Street, P.O. Box 219, Newnan, GA 30263. Representative: John B. Lambert, Sr. (Same address as applicant). *Contract: Irregular: Salt Cake for the account of the William L. Bonnell Company, Newnan, GA in dump trucks and dump trailers in truck load quantities from the William L. Bonnell Company plant at Newnan, GA to Barmet of Kentucky plant at Livia, KY.* Supporting shipper: William L. Bonnell Company, Inc., 25 Bonnell St., Newnan, GA.

MC 148903 (Sub-3-3TA), filed May 29, 1981. Applicant: J & M TANK LINES, INC., P.O. Box 544, Americus, GA 31709. Representative: Ralph B. Matthews, P.O. Box 872, Atlanta, GA 30301. *Granulated slag, in bulk, from Carrollton, GA to points in AL and TN.* Supporting shipper: F & S Abrasive Company, Inc., P.O. Box 2012, Birmingham, AL 35201.

MC 146495 (Sub-3-6TA), filed May 29, 1981. Applicant: ST. JOSEPH MOTOR LINES, 5724 New Peachtree Road, Chamblee, GA 30341. Representative: Thomas H. Davis, (address same as above). *Radioactive waste and hazardous waste materials (except in bulk, in tank vehicles), between points in the U.S.* Supporting shippers: O.H. Materials, 90 Almon Rd., Covington, GA 30209; Applied Radiological Control, 2810 New Spring Rd., Atlanta, GA 30339; Cooke and Co., Industrial Park, Lumber City, GA; APCO GRAPHICS, 338 Grant St., S.E., Atlanta, GA 30312.

MC 138157 (Sub-3-52TA), filed May 29, 1981. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, TN 37410. Representative: Patrick E. Quinn (same as above). *General commodities (except Classes A and B explosives) between points in the United States. Restricted to traffic moving for the account of Wallace Companies, Inc.* Supporting Shipper: Wallace Companies, Inc., 175 Citation Court, Birmingham, AL, 35226.

MC 148362 (Sub-3-10TA), filed May 29, 1981. Applicant: HAR-BET, INC, 7209 Tara Blvd., Jonesboro, GA 30236. Representative: O. L. Godfrey, Jr. (same address as applicant). *Contract:*

irregular: general commodities, except commodities in bulk and classes A and B explosives, between all points in the U.S. except AK and HI. Supporting Shipper: Distribution Services of America, Inc., 666 Summer St., Boston, MA 02210; under a continuing contract with Distribution Services of America, Inc.

MC 156227 (Sub-3-1TA), filed June 1, 1981. Applicant: STATELINE SYSTEMS, INC., P.O. Box 101020, Nashville, TN 37210. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Bldg., Nashville, TN 37201. *General commodities (except Classes A & B explosives) having a prior or subsequent movement by rail between Wilson County, TN, on the one hand, and, on the other, Shelby County, TN.* Supporting Shipper: Toshiba America, Inc., Manufacturing Division, 1420 Toshiba Drive, Lebanon, TN 37087.

MC 152763 (Sub-3-4TA), filed June 1, 1981. Applicant: EXPRESSCO, INC., 103 Rhine St., Madison, TN 37115. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. *Contract, Irregular, Lumber (1) from points in AL, AR, GA, LA, MS and SC to points in Davidson County, TN and (2) from points in Davidson County, TN to points in KY, IL, IN, MI, MO, OH, and WI.* Supporting shipper: Norvell Wood Products, Inc., 6211 Centennial Blvd., Nashville, TN 37215. Under a continuing contract with Norvell Wood Products, Inc.

MC 155028 (Sub-3-3TA), filed June 1, 1981. Applicant: H&R TRANSPORTATION CO., INC., 715 E. Court Street, P.O. Box 964, Marion, NC 28752. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue, NW., Washington, DC 20005. *Textile mill products, and chemicals and related products, between points in Los Angeles County, CA, on the one hand, and, on the other, points in NJ, NC, SC, GA, AL, and TN.* Supporting Shippers: Advanced Color & Chemical Corporation, 12226 Garvey Avenue, El Monte, CA 91732; Sierra Spinning, Inc., 2325 Redondo Avenue, Signal Hill, CA 90806; Christone & Associates, P.O. Box 58606, Los Angeles, CA 90058; and Sierra Color and Chemical, 7849 Jutland Avenue, Northridge, CA 91325.

MC 128117 (Sub-3-8TA), filed June 1, 1981. Applicant: NORTON-RAMSEY MOTOR LINES, INC., P.O. Box 896, Hickory, NC 28601. Representative: Francis J. Ortman, 4401 East West Highway, Suite 404, Washington, DC 20014. *Sugar, in containers, from Gramercy, LA to points in KY and TN.*

Supporting shipper: Colonial Sugars Company, Gramercy, LA 70052.

MC 155003 (Sub-3-10TA), filed June 1, 1981. Applicant: FREIGHT MASTERS, INC., P.O. Box 6855, Jackson, MS 39212. Representative: Charles L. Moseley (same address as applicant). *Waterbed furniture, mattresses, upholstered box springs and bed frames. Equipment, materials and supplies used in the manufacture, sale and distribution thereof*, between points in CA on the one hand and on the other all points in the U.S. except AK and HI. Supporting shippers: Laguna Manufacturing, 17622 Von Karman Ave., Irvine, CA., America the Elegant, Inc., 3101 South Harbour Blvd., Santa Ana, CA. 92704.

MC 125037 (Sub-3-15TA), filed June 1, 1981. Applicant: DIXIE MIDWEST EXPRESS, INC., P.O. Box 372, Greensboro, AL 36744. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209. *General Commodities (except commodities in bulk and Classes A and B explosives)* between points in the U.S. under contract or continuing contracts with Distribution Services of America, Inc. of Boston, MA. Supporting shipper: Distribution Services of America, Inc., 666 Summer Street, Boston, MA 02210.

MC 125037 (Sub-3-14TA), filed June 1, 1981. Applicant: DIXIE MIDWEST EXPRESS, INC., P.O. Box 372, Greensboro, AL 36744. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209. *General Commodities (except used household goods, hazardous or secret materials, and sensitive weapons and munitions)* between points in the U.S. restricted to service for the account of Seaport Coop, Inc. Supporting shipper: Seaport Coop, Inc., 730 N.W. 11th Avenue, Portland, OR 97209.

MC 121592 (Sub-3-1TA), filed June 1, 1981. Applicant: TULLAHOMA FREIGHT COMPANY, INC., P.O. Box 717, Tullahoma, TN 38388. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004. *Alcoholic beverages and materials, supplies and equipment used in the manufacture, sale and distribution of alcoholic beverages*, between the facilities of Jack Daniels Distillery in Moore and Coffee Counties, TN, on the one hand, and, on the other, points in the U.S. Supporting shipper(s): Jack Daniels Distillery, P.O. Box 199, Lynchburg, TN 37352.

MC 151173 (Sub-3-11TA), filed June 1, 1981. Applicant: HAR-BET, INC., 7209 Tara Blvd., Jonesboro, GA 30236. Representative: O. L. Godfrey Jr. (same address as applicant). *Such commodities as are dealt in by food*

business houses and materials, equipment and supplies used in the manufacture, sale and distribution thereof, except commodities in bulk, between points in the U.S. (except AK and HI). Supporting shipper: Tom's Foods LTD., P.O. Box 60, Columbus, GA 31902.

The following applications were filed in region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 152935 (Sub-4-4TA), filed May 29, 1981. Applicant: HILL-ROM COMPANY, INC., Highway 46, Batesville, IN 47006. Representative: Steve A. Oldham, Hillenbrand Industries, Inc., Highway 46, Batesville, IN 47006. *Steel office furniture* from Ossining, NY to points in Cleveland, Cincinnati, Columbus and Dayton, OH; Pittsburgh, PA; Indianapolis, IN; and Lexington and Louisville, KY under continuing contract(s) with Filex Steel Products. Supporting shipper: Filex Steel Products, North Water St., Ossining, NY 10562.

MC 50935 (Sub-4-3TA), filed May 29, 1981. Applicant: WOLVERINE TRUCKING COMPANY, 1020 Doris Rd., Pontiac, MI 48057. Representative: Robert E. McFarland, 2855 Coolidge, Ste. 201A, Troy, MI 48064. *Contract irregular: (1) aluminum articles and aluminum products* from Jackson, Lincoln Park, MI, and Waverly, OH, to points in the U.S.; (2) *materials, equipment and supplies used in the manufacture, distribution, and installation of the commodities named in (1) above* from points in the U.S. to Jackson, MI, Lincoln Park, MI, and Waverly, OH, under a continuing contract(s) with Wolverine Aluminum Corporation. An underlying ETA seeks 120 days authority. Supporting shipper: Wolverine Aluminum Corporation, 1660 Howard, Lincoln Park, MI 48146.

MC 154766 (Sub-4-2TA), filed May 29, 1981. Applicant: JOHN A. VERIHA, d.b.a. PAPER RECLAIM, Route 1, Box 271A, Porterfield, WI 54159. Representative: Daniel R. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. *Contract irregular: Such commodities as are dealt in or used by a manufacturer or distributor of fire protection products*, between the facilities of The Ansul Company at Marinette, WI, on the one hand, and, on the other, points in the U.S., under continuing contracts with The Ansul Company of Marinette, WI. An underlying ETA seeks 120 days authority. Supporting shipper: The Ansul Company, One Stanton Street, Marinette, WI 54143.

MC 153806 (Sub-4-2TA), filed May 29, 1981. Applicant: BILL MCKEEN

TRUCKING LIMITED, 1708 County Road 46, Comber, Ontario, CD NOP 1JO. Representative: W. Walter Travis, P.O. Box 774, Chatham, Ontario, CD N7M 5L1. *Rough and dressed lumber* between the Canadian-American International Boundary at Detroit, MI, and MI, OH, IL, IN, and KY. Supporting Shipper: Kirkpatrick Lumber Company, P.O. Box 22, Hannon, Ontario LOR 1PO; Marquette Lumbermen's Warehouse, Affiliate of T. W. Hager Lumber Co., P.O. Box 9040, Grand Rapids, MI 49509.

MC 128205 (Sub-4-14TA), filed May 24, 1981. Applicant: BULK MATIC TRANSPORT COMPANY, 12000 South Doty Avenue, Chicago, IL 60628. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, D.C. 20001 (202) 628-9243. *General commodities (except classes A and B explosives and household goods as defined by the Commission)*, between points in the U.S., under continuing contract(s) with W. W. Grainger, Inc. for 270 days. Supporting shipper: W. W. Grainger, Inc., 5959 West Howard Street, Chicago, IL 60648.

MC 156204 (Sub-4-1TA), filed May 29, 1981. Applicant: HEDGE PATH TRUCKING, INC., P.O. Box 142, Plato Center, IL 60170. Representative: Norman A. Cooper, 145 W. Wisconsin Avenue, Neenah, WI 54956. *Metal buildings and materials, supplies and equipment* utilized in the manufacture, sale and distribution between Plato Center, IL on the one hand, and, on the other, points in the United States, for the account of Arch Technology Corporation of Plato Center, IL, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Arch Technology Corporation, P.O. Box 6, Plato Center, IL 60170.

MC 152246 (Sub-4-4TA), filed May 29, 1981. Applicant: SCHULD TRANS., INC., 774 Planner Rd., Box 57, Mosinee, WI 54455. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Steel storage tanks, accessories and other metal products*, between Cape Girardeau County, MO on the one hand, and, on the other, points in the U.S. Supporting shipper: Engineered Tanks Industries, Inc., P.O. Box 839, 1209 Broadway, Cape Girardeau, MO 63701.

MC 153829 (Sub-4-19TA), filed May 29, 1981. Applicant: UNITED SHIPPING COMPANY, P.O. Box 21186, St. Paul, MN 55121. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102. *Such commodities as are dealt in by department stores*, between points in the U.S. (restricted to traffic

originating at or destined to the facilities of Target Stores, a division of Dayton-Hudson Corporation). Supporting shipper: Target Stores, a division of Dayton-Hudson Corporation, 7120 Highway 65 N.E., Fridley, MN 55432.

MC 134940 (Sub-4-3TA), filed May 29, 1981. Applicant: VERNON KUFAHL d.b.a. KUFAHL TRUCKING, 4704 N. 32nd Avenue, Wausau, WI 54401. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. *Contract irregular Such commodities as are dealt in or used by manufacturers, converters, printers and distributors of paper and paper products (except commodities in bulk) between the facilities of Hennepin Paper Company at or near Little Falls, MN, on the one hand, and, on the other, points in IA, IL, IN, KS, KY, MI, MO, OH, TN, and WI. Restriction: Restricted to a service to be performed under a continuing contract(s) with Hennepin Paper Company. Underlying ETA seeks 120 days authority. Supporting shipper: Hennepin Paper Company, P.O. Box 90, Little Falls, MN, 56345.*

MC 35602 (Sub-4-2TA), filed May 29, 1981. Applicant: BETTENDORF TRANSFER, INC., Route 2, Box 261, River Falls, WI 54022. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Food and Related Products, between the facilities of McCormick & Co. and its subsidiaries on the one hand, and, on the other, points in the U.S. Supporting shipper: McCormick & Co., 215 E. 78th Street, Minneapolis, MN 55420.*

MC 143280 (Sub-4-30TA), filed May 29, 1981. Applicant: SAFE TRANSPORTATION COMPANY, 6834 Washington Avenue South, Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Furniture and fixtures, between Maricopa County, AZ, on the one hand, and, on the other, points in the U.S. Supporting shipper: The Waterbed Factory, 110 No. Perry Lane, Tempe, AZ.*

MC 143280 (Sub-4-29TA), filed May 29, 1981. Applicant: SAFE TRANSPORTATION COMPANY, 6834 Washington Avenue South, Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Containers and container accessories, between the facilities of Kerr Glass Manufacturing Corporation, on the one hand, and, on the other, points in the U.S. Supporting shipper: Kerr Glass Manufacturing Corporation, P.O. Box 97, Sand Springs, OK.*

MC 143280 (Sub-4-28TA), filed May 29, 1981. Applicant: SAFE TRANSPORTATION COMPANY, 6834 Washington Avenue South, Eden Prairie,

MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Electrical appliances, between Maricopa County, AZ, on the one hand, and, on the other, points in the U.S. Supporting shipper: Electrical Equipment Co., 205 So. 29th Street, Phoenix, AZ 85036.*

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-17137 Filed 6-9-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

Correction

In FR Doc. 81-14150, appearing on page 26188, in the issue of Monday, May 11, 1981.

On page 26189, first column, nineteenth line, the last three entries reading: "NJ, NJ, NC," should have read "NH, NJ, NC".

BILLING CODE 1505-01-M

[AB 10 (SDM)]

Norfolk & Western Railway Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Norfolk and Western Railway Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 10 (SDM). The Commission on May 21, 1981, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 10 (SDM).

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-17135 Filed 6-9-81; 8:45 am]
BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practices, see 49 CFR 1100.247.

Special Rule 247 was published in the Federal Register of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the request for authority are not allowed. Some of the application may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 day 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. OP2-064

Decided: June 4, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler and Taylor.

MC 151393 (Sub-1) (Republication) filed November 12, 1980, published in the Federal Register of December 10, 1980, and republished this issue:

Applicant: MILLERS BEND CARRIERS, INC., U.S. Hwy 231 North, P.O. Box 197, Wetumpka, AL 36092. Representative: Ronald L. Stichweh, 727 Frank Nelson Bldg., Birmingham, AL 35203. A decision of the Commission, *Review Board 2*, decided March 9, 1981, and served March 23, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a common carrier, by motor vehicle, transporting general commodities (except household goods as defined by the Commission and classes A and B explosives), between points in the United States (except Alaska, Hawaii, Maine, New Hampshire, North Dakota, South Dakota, Vermont, and Wyoming); that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to broaden the scope of authority.

Volume No. OP2-065

Decided: June 4, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler and Taylor.

MC 3753 (Sub-30) (Republication) filed December 19, 1980, published in the Federal Register of January 19, 1981, and republished this issue: Applicant: AAA TRUCKING CORP., 3620 Quaker Bridge Rd., P.O. Box 8042, Trenton, NJ 08650. Representative: Zoe Ann Pace, Suite 2373, One World Trade Center, New York, NY 10048. A decision of the Commission, *Review Board 3*, decided April 22, 1981, and served May 15, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over regular routes, as a common carrier, by motor vehicle, transporting general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring

special equipment), between Scranton, and Williamsport, PA: from Scranton over Interstate Hwy 81 to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction U.S. Hwy 15, then over U.S. Hwy 15 to Williamsport, and return over the same route, serving all intermediate points and the off-route points in Bradford, Columbia, Lackawanna, Luzerne, Lycoming, Montour, Sullivan, Susquehanna, and Wyoming Counties, PA.

Note.—Applicant intends to tack with its irregular-route authority to serve points in New Jersey, New York, Connecticut, Rhode Island, Massachusetts, and Maryland; that applicant is fit, willing and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to broaden the scope of authority.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-17132 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 C.F.R. 1100.251. Special Rule 251 was published in the Federal Register on December 31, 1980, at 45 F.R. 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 C.F.R. 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 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 became unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY-2-092

Decided: June 1, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier.

MC 65802 (Sub-75F), filed May 14, 1981. Applicant: LYNDEN TRANSPORT, INC., 5615 W. Marginal Way, Southwest, Seattle, WA 98106. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425—13th Street, N.W., Washington, DC 20004. 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 156033, filed May 18, 1981. Applicant: GORDON L. SAMELSON, R.R. No. 2 Box 33, Redfield, SD 57469. Representative: Charles E. Dye, P.O. Box 971, West Bend, WI 53095. 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.

MC 156043F, filed May 18, 1981. Applicant: ROBERT G. PALUCH, 7800 West 60th Pl, Summit, IL 60501. Representative: William H. Towle, 180 N. LaSalle St., Chicago, IL 60601. As a broker of general commodities (except household goods), between points in the U.S.

MC 156103, filed May 22, 1981. Applicant: MASS TRANSPORT, INC., 12 Mason St., Worcester, MA 01609. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103, (413) 781-8205. Transporting for or on behalf of the United States Government, general commodities (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OPY-2-094

Decided: June 3, 1981.

By the Commission, Review Board Number 1. Members Parker, Chandler and Fortier. Member Parker not participating.

MC 123872 (Sub-128), filed May 29, 1981. Applicant: W & L MOTOR LINES, INC., P.O. Box 3467, Hickory, NC 28601. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101, (703) 893-4924. 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 129702 (Sub-10), filed May 27, 1981. Applicant: CARPET TRANSPORT, INC., Route 5, Lovers Lane Rd., Calhoun, GA 30701. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345, (404) 321-1765. 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 134073 (Sub-19), filed May 27, 1981. Applicant: GENOVA TRANSPORT, INC., 484 Clayton Rd., Williamstown, NJ 08094. Representative: George A. Olsen, P.O. Box 357,

Gladstone, NJ 07934, (201) 435-7140. 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 149283 (Sub-1), filed May 27, 1981. Applicant: HAYWARD TRUCKING, INC., 6549 Robinson Road, Jacksonville, FL 32217. Representative: Norman J. Bolinger, 3100 University Blvd. So., Suite 225, Jacksonville, FL 32216, (904) 724-7539. 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 151543F, filed May 11, 1981. Applicant: FAMILY MOVING & STORAGE CO., INC., P.O. Box 1579, Lawton, OK 73502. Representative: Glenn S. Windham (same as applicant), (405) 353-5066. 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 156083, filed May 21, 1981. Applicant: MARVIN A. PAYNE, d.b.a. PAYNE TRUCKING, 11 Park Ave., Hudson, NH 03051. Representative: Robert D. Hansen, P.O. Box 825, Framingham, MA 10701, (800) 225-9490. Transporting food and other edible products and byproducts intended for human consumption (except alcoholic beverages and drugs), agricultural limestone and fertilizer, and other soil conditioners by the owner of the motor vehicle in such vehicle, between points in the U.S.

Agatha L. Mergenovich,
Secretary.

(FR Doc. 81-17131 Filed 6-9-81; 8:45 am)

BILLING CODE 7035-01-M

[Volume No. 83]

Permanent Authority Decisions; Restriction Removals; Decision-Notice

Correction

In FR Doc. 81-15032 appearing on page 27574 in the issue of Wednesday, May 20, 1981 make the following correction:

On page 27575, third column, sixth line from bottom of the page "MC 12551" should have read "MC 125551".

BILLING CODE 1505-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems, (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

On or before August 10, 1981 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. OP1-166

Decided: June 3, 1981

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier. Member Parker not participating.

MC 67450 (Sub-117), filed May 27, 1981. Applicant: PETERLIN CARTAGE CO., a corporation, 9651 S. Ewing Ave., Chicago, IL 60617. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL (312) 263-2306. Transporting *food and related products*, between the facilities of H. J. Heinz Company and its subsidiaries, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 74681 (Sub-16), filed May 28, 1981. Applicant: STEVENS VAN LINES, INC., 121 South Niagara St., Saginaw, MI 48602. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, DC 20036. (202) 483-6044. Transporting *household goods*, between points in the U.S., under continuing contract(s) with Stevens Forwarders, Inc., of Saginaw, MI.

MC 121340 (Sub-3), filed May 11, 1981. Applicant: JOSH, INC., 2700 N. Garden, Alvin, TX 77511. Representative: C. W. Ferebee, 720 N. Post Oak, Suite 230, Houston, TX 77024. (713) 688-6110. Transporting (1) *Mercer commodities*, and (2) *pipe and earth drilling materials, equipment and supplies*, between points in TX, on the one hand, and, on the other, points in AR, LA, MS, OK, NM, CO, WY, and TX.

MC 125551 (Sub-25), filed May 27, 1981. Applicant: K & W TRUCKING CO., INC., P.O. Box 1415, St. Cloud, MN 56301. Representative: Robert D. Gisvold, 1600 TCF Tower, Minneapolis, MN 55402 (612) 333-13431. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Intalco Aluminum Corporation, of Ferndale, WA.

MC 128290 (Sub-19), filed May 21, 1981. Applicant: EARL HAINES, INC., P.O. Box 2557, Winchester, VA 22601. Representative: Bill R. Davis, Suite 101—

Emerson Center, 2814 New Spring Rd., Atlanta, GA 30339, (404) 434-3381. Transporting *machinery and food and related products*, between Philadelphia, PA and Winchester, VA, and points in Middlesex County, MA, York County, SC, and Somerset County, NJ, on the one hand, and, on the other, points in the U.S.

MC 143311 (Sub-13), filed May 27, 1981. Applicant: FAMCO TRANSPORT, INC., 6640 Ellis Avenue South, P.O. Box 80007, Seattle, WA 98108. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101 (206) 824-2832. Transporting *general commodities* (except classes A and B explosives), between points in WA, OR, CA, ID, MT, UT, NV, AZ, CO, NM, WY, and TX.

MC 147911 (Sub-7), filed May 20, 1981. Applicant: TILFORD TRUCKING, INC., P.O. Box 34, Readyville, TN 37149. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 435 13th St., N.W., Washington, D.C. 20004, (202) 347-8862. Transporting *food and related products*, between those points in NY on and west of Interstate Hwy 81, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 148600 (Sub-11), filed May 12, 1981. Applicant: TRANSHIELD TRUCKING, INC., 1000 N. Harvester Road, West Chicago, IL 60185. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW, Washington, DC 20001 (202) 628-9243. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Alchem International, Inc., and its subsidiaries, Davis Metals and Alchem Aluminum, all of Fort Wayne, IN.

MC 149240 (Sub-2), filed May 27, 1981. Applicant: DEE DECKERT, d.b.a. DECKERT TRUCKING CO., General Delivery, Tescott, KS 67484. Representative: Scott E. Daniel, 800 Nebraska Savings Bldg., 1623 Farnam, Omaha, NE 68102 (402) 348-0832. Transporting *such commodities* as are dealt in or used by a manufacturer and distributor of glass and glass products, between points in the U.S., under continuing contract(s) with Westinghouse Electric Corporation, of Salina, KS.

MC 150521 (Sub-3), filed May 22, 1981. Applicant: HUMISTON FARMS, Route 1, Box 144, Muleshoe, TX 79347. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408 (806) 763-9555. Transporting *metal products*, between points in Douglas County, NE, on the one hand, and, on the other, points in CO, AZ, AR, and LA.

MC 151641 (Sub-4), filed May 27, 1981. Applicant: WILLIAM E. JOHNSON, d.b.a. WILLIAM E. JOHNSON TRUCKING COMPANY, 11211 Sherman Ave., Dallas, TX 75220. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75245 (214) 358-3341. Transporting *food and related products*, between points in Seward County, KS, on the one hand, and, on the other, points in AZ, NM, CA, OR and WA.

MC 151660 (Sub-3), filed May 27, 1981. Applicant: IMPALA TRANSPORTATION SERVICES, INC., P.O. Box 678, Irving, TX 75060. Representative: Larry P. Cardin (same address as applicant) (214) 438-2851. Transporting *rubber and plastic products*, between the facilities used by Mobil Chemical Company in the U.S., on the one hand, and, on the other, points in the U.S.

MC 153550 (Sub-4), filed May 27, 1981. Applicant: MEXICAN ORIGINAL TRANSPORTATION, INC., P.O. Box 1368, Fayetteville, AR 72701. Representative: Ralph B. Matthews, P.O. Box 872, Atlanta, GA 30301 (404) 522-2322. Transporting *furniture and fixtures*, between points in Washington County, AR, on the one hand, and, on the other, points in the U.S.

MC 153981, filed May 27, 1981. Applicant: LEeway FLEET LINES, INC., 1321 Arch St., Philadelphia, PA 19107. Representative: Malcolm H. Waldron, Jr. (same address as applicant) (215) LO 3 7322. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter and special operations, beginning and ending at Philadelphia, PA, and extending to points in NY, NJ, DE, MD, OH, WV, VA, and DC.

MC 154121 (Sub-8), filed May 28, 1981. Applicant: TRAILINER CORP., P.O. Box 357 (Old Chester Rd.) Gladstone, NJ 07934. Representative: George A. Olsen (same address as applicant) (201) 435-7140. Transporting *food and related products*, between points in CA, on the one hand, and, on the other, points in the U.S.

MC 155020, filed May 27, 1981. Applicant: JOSEPH MUSTO, 128 Stephens Ave., Bronx, NY 10473. Representative: Norman Weiss, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. Transporting *homing pigeons*, between New York, NY, and points in CT and NJ, on the one hand, and, on the other, points in NJ, DE, MD, VA, NC, SC, and DC.

MC 155121, filed May 22, 1981. Applicant: AARON HOSMER, d.b.a. AARON HOSMER TRUCKING, 701 Southwest First St., Wadena, MN 56482.

Representative: James B. Hovland, 525 Lumber Exchange Bldg., Ten South Fifth St., Minneapolis, MN 55402 (612) 340-0608. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Wadena Sawmills, of Wadena, MN.

Volume No. OPY-2-093

Decided: June 1, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier

MC 2202 (Sub-672F), filed May 22, 1981. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014 (301) 986-1410. Over regular routes, transporting *general commodities* (except classes A and B explosives), serving Siloam Springs, AR, as an off-route point, in connection with carrier's otherwise authorized regular-route operations.

MC 16872 (Sub-31F), filed May 21, 1981. Applicant: WILLIAM MIRROR d.b.a. MIRROR'S TRUCKING, 100 E. 25th St Paterson, NJ 07514. 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 or utilized by Purex Corporation, Ltd., its subsidiaries, divisions, vendors, packers, and distributors, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 71902 (Sub-100), filed May 22, 1981. Applicant: UNITED TRANSPORTS, INC., 4900 N. Santa Fe Ave., Oklahoma City, OK 73154. Representative: Robert B. Walker, 915 Pennsylvania Bldg., 425-13th St., NW, Washington, DC 20004 (202) 737-1030. Transporting *transportation equipment*, between points in the U.S.

MC 107912 (Sub-45), filed May 21, 1981. Applicant: REBEL MOTOR FREIGHT, INC., 3934 Homewood Rd. Memphis, TN 38118. Representative: Tommie J. Perkins, Sr. (same address as applicant) (901) 795-4100. Transporting *general commodities* (except classes A and B explosives), between points in TX, on the one hand, and, on the other, points in AR, LA, MS, and TN.

Note.—Applicant proposes to tack this authority with its existing authority and to interline at all points where interchange agreements are maintained.

MC 112822 (Sub-490F), filed May 21, 1981. Applicant: BRAY LINES INCORPORATED, 1401 North Little Street, Cushing, OK 74023. Representative: Edward T. Lyons, Jr.,

1600 Lincoln Center Building, 1660 Lincoln Street, Denver, CO 80264 (303) 861-4028. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 128672 (Sub-9), filed May 22, 1981. Applicant: TIMBER TRUCKING CO., INC., P.O. Box 231, Ripley, WV 25271. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526 (304) 562-3460. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Maphis Chapman, of Harrisonburg, VA.

MC 144572 (Sub-51), filed May 14, 1981. Applicant: MONFORT TRANSPORTATION COMPANY POB G, Greeley, CO 80632. Representative: John T. Wirth, 717-17th St., Suite 2600, Denver, CO 80202. *General commodities* (except classes A and B explosives), between points in CO and NE, on the one hand, and, on the other, points in the U.S.

MC 145992 (Sub-4), filed May 6, 1981. Applicant: The Town Tour Fun Bus Company, Inc. d.b.a. Fun Bus Systems, 304 Katella Way, Anaheim, CA. 92802. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609, 213-945-2745. Transporting *Passengers and their baggage, and express and newspaper in the same vehicle with passengers*, between Anaheim, CA, and Las Vegas, NV: (a) from Anaheim over CA Hwy 91 to junction CA Hwy 57, then over CA Hwy 57 to junction CA Hwy 60, then over CA Hwy 60 to junction Interstate Hwy 15, then over Interstate Hwy 15 to Las Vegas, and return over the same routes, and (b) from Anaheim over CA Hwy 57 to junction CA Hwy 60, then over CA Hwy 60 to junction Interstate Hwy 15, then over Interstate Hwy 15 to Las Vegas, and return over the same routes, serving Buena Park and Fullerton, CA, as intermediate and off route points.

MC 146853 (Sub-6), filed May 21, 1981. Applicant: FRANK F. SLOAN, d.b.a., HAWKEYE WOODSHAVINGS, Route 1, Runnells, IA 50327. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309 (515) 244-2329. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of salt, between points in Tooele County, UT and Rice County, KS, on the one hand, and, on the other, points in IA, IL, MN, MO, and WI.

MC 147242 (Sub-12), filed May 21, 1981. Applicant: PLAZA FREIGHT TRANSPORT, INC., 12-90 Plaza Rd., Fair Lawn, NJ. 07410. Representative: Arthur Liberstein, 888 Seventh Ave., New York, NY 10106 (212) 757-8025. Transporting *pulp, paper and related*

products, and rubber and plastic products, between points in the U.S., under continuing contract(s) with Permanent Label, of Clifton, NJ.

MC 147632 (Sub-7), filed May 11, 1981. Applicant: M & M FARM LINES, INC., Route 1, Bertrand, MO 63832. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440 (216) 652-2789. Transporting *General commodities* (except classes A and B explosives) between the facilities utilized by West Coast Shippers' Association and its affiliates at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 148893 (Sub-6), filed May 11, 1981. Applicant: WREN TRUCKING, INC., 1989 Harlem Road, Buffalo, NY 14212. Representative: James E. Brown, 38 Brunswick Road, Depew, NY 14043 (716) 681-7190. Transporting (1) *transportation equipment*, (2) *metal products*, and (3) *such commodities* as are dealt in or used in the manufacture and distribution of electric fans and electric heating equipment, between points in Erie County, NY, on the one hand, and, on the other, points in AL, AR, CO, CT, DE, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, OH, OK, OR, PA, RI, TN, TX, VT, VA, WA, WV, WI, and DC.

MC 150292 (Sub-2), filed May 21, 1981. Applicant: PITTS TRUCKING, INC., Rural Route No. 2, Hutchinson, KS 67501. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612 (913) 233-9629. Transporting *food and related products*, (1) Between points in Sedgwick County, KS, on the one hand, and, on the other, points in MN, IA, MO, AR, LA, TX, OK, KS, NE, SD, ND, MT, WY, CO, NM, AZ, UT, ID, and NV, and (2) Between points in Logan County, AR, on the one hand, and on the other, points in WI, IL, MN, IA, MO, AR, LA, TX, OK, KS, NE, SD, ND, MT, WY, CO, NM, AZ, UT, ID, WA, OR, NV, and CA.

MC 150783 (Sub-16), filed May 12, 1981. Applicant: SCHEDULED TRUCKWAYS, INC., P.O. Box 757, Rogers, AR 72756. Representative: Ronnie Sleeth (same as applicant) (501) 636-1979. Transporting *food and related products* between points in Jefferson County, CO, on the one hand, and, on the other, points in TN, LA and MS.

MC 154343 (Sub-1), filed May 22, 1981. Applicant: HERITAGE TRAILS, INC., 16020 Forest, Oak Forest, IL 60452. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602 (312) 726-6525. Transporting *passengers and their baggage*, in special or charter operations, beginning and ending at

Daytona Beach, FL, and extending to points in IL, IA, IN, KS, MN, MO, MI, OH, TN, and WI, under continuing contract(s) with The Plaza, Co. Ltd., d.b.a. Plaza Hotel and Dayonta Beach Resort Inns, Ltd. of Daytona Beach, FL.

MC 155952F, filed May 14, 1981.

Applicant: J. L. STEWART COMPANY, P.O. Box 33035, San Antonio, TX 78233. Representative: Clayte Binion, 623 South Henderson, Fort Worth, TX 76104, (817) 332-4415. Transporting *food and related products*, between points in TX.

MC 156053F, filed May 18, 1981.

Applicant: RACK TRANSPORT CO., INC., 11642 E. Artesia Blvd., Artesia, CA 90701. Representative: Robert Fuller, 13215 E. Penn St., Suite 310, Whittier, CA 90602. Transporting (1) *general commodities* (except classes A and B explosives), between points in CA, and (2) *mercer commodities, lumber and wood products, building materials, metal products, clay, concrete, glass or stone products, machinery, transportation equipment, and those commodities which because of their size or weight require the use of special handling or equipment*, between points in CA, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NM, NV, OR, TX, UT, WA, and WY.

Volume No. OPY-2-091

Decided: June 2, 1981.

By the Commission, Review Board Number 1. Members Parker, Chandler and Fortier.

W-1333, filed May 18, 1981. Applicant: CONAGRA TRANSPORTATION, INC., 5440 West Channel Rd., Catoosa, OK 74015. Representative: Peter A. Greene, 1920 N St., NW, Suite 700, Washington, DC 20036, (202) 331-8800. To operate as a *common carrier*, by water, in interstate or foreign commerce, by non-self-propelled vessels with the use of separate towing vessels in the transportation of *general commodities* and by towing vessels in the performance of *general towage*, between ports and points on the Arkansas River and its tributaries and on the Mississippi River between Rosedale, MS, and New Orleans, LA.

MC 77972 (Sub-51), filed May 22, 1981. Applicant: MERCHANTS TRUCK LINE, INC., P.O. Box 908, New Albany, MS 38652. Representative: James R. Holt, P.O. Box 523, Collierville, TN 38017. Transporting *furniture and fixtures*, between points in MS, on the one hand, and, on the other, points in the U.S.

Note.—Applicant intends to tack this authority with its existing regular route authority.

MC 105733 (Sub-84), filed May 21, 1981. Applicant: RITTER TRANSPORTATION, INC., P.O. Box

1064-A, Rahway, NJ 07065.

Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St. NW., Washington, DC 20005, 202-296-3555. Transporting *commodities in bulk*, between points in the U.S., under continuing contract(s) with Ashland Chemical Company, of Dublin, OH.

MC 107012 (Sub-711), filed May 6, 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 *urethane foam products* between the facilities of Cushion Products of America, Inc., at points in Sumter County, GA, on the one hand, and, on the other, points in the U.S.

MC 109632 (Sub-36), filed May 26, 1981. Applicant: LOPEZ TRUCKING, INC., 131 Linden St., Waltham, MA 02154. Representative: Joseph M. Klements, 84 State St., Boston, MA 02109, 617-523-0800. Transporting *pulp, paper and related products and rubber and plastic products*, between points in PA and NJ, on the one hand, and, on the other, points in MA, RI, CT, ME, NH, and VT.

MC 114612 (Sub-5), filed May 21, 1981. Applicant: C. A. SHETROM, INC., Rt. 22, Huntingdon, PA 16652. Representative: C. A. Shetrom (same address as applicant), 815-643-1633. Transporting *food and related products*, between points in Monroe County, NY, on the one hand, and, on the other, points in PA.

MC 126472 (Sub-25), filed May 21, 1981. Applicant: WILLCOXSON TRANSPORT, INC., R.R. No. 2, Kahoka, MO 63445. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501, 515-682-8154. Transporting *chemicals and related products*, between points in IA, IL, and MO.

MC 143032 (Sub-39) [correction], filed May 4, 1981, published in the *Federal Register*, issue of May 26, 1981, and republished, as corrected, this issue. Applicant: THOMAS J. WALCZYNSKI, d.b.a. WALCO TRANSPORT, 3112 Truck Center Drive, Duluth, MN 55806. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., 10 South Fifth St., Minneapolis, MN 55402, (612) 340-0808. Transporting *lumber and wood products, forest products, and pulp and paper products*, between the facilities of Potlatch Corporation at points in MN, on the one hand, and, on the other, points in the U.S. The purpose of this republication is to correct the commodity description by adding "pulp and paper products".

MC 145203 (Sub-12), filed May 22, 1981. Applicant: REITZEL TRUCKING

CO., 7401 Fremont Pike, Perrysburg, OH 43551. Representative: Andrew Jay Burkholder, 275 East State St. Columbus, OH 43215, 614-228-8575. Transporting (1) *food and related products, metal products, transportation equipment, chemicals and related products, building materials, and buildings* and (2) *such commodities* as are dealt in or used by manufacturers and distributors of containers, between those points in the U.S., in and east of MN, IA, MO, AR, and LS.

MC 145412 (Sub-3), filed May 22, 1981. Applicant: LEE RAY FARNSWORTH, d.b.a. FARNSWORTH TRUCKING, 765 East 1600 North, Orem, UT 84097. Representative: Harry D. Pugsley, 940 Donner Way No. 370, Salt Lake City, UT 84108, (801) 581-0322. Transporting *dairy products* between points in the U.S., under continuing contract(s) with Meadow Gold Dairies, of Salt Lake City, UT.

MC 151632 (Sub-9), filed April 21, 1981. Applicant: EASTWOOD CARRIERS, INC., P.O. Box 1073, Lockhouse Road, Westfield, MA 01085. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103. Transporting *such commodities* as are dealt in or used in the manufacture of books and printed matter between San Francisco, CA, Chicago, IL and Philadelphia, PA, and points in Los Angeles and San Joaquin Counties, CA, Noble County, IN, Franklin and Penobscot Counties, ME, Middlesex and Worcester Counties, MA, Ulster and Jefferson Counties, NY, and Lehigh County, PA, on the one hand, and, on the other, points in the U.S.

MC 153842, filed May 22, 1981. Applicant: RAYMOND W. GILLIGAN AND JOSEPH L. MONDERINE, d.b.a. R & L PROPERTIES CHRISTIAN CARRIERS, 6571 Altura Blvd., Buena Park, CA 90620. Representative: Donald R. Hedrick, P.O. Box 88, Norwalk, CA 90650, 213-863-8883. Transporting *passengers and their baggage*, in the same vehicle with passengers, in round-trip special and charter operations, beginning and ending at points in Los Angeles, Orange, San Bernardino, Riverside, and San Diego Counties, CA, and extending to points in the U.S.

MC 156102F, filed May 14, 1981. Applicant: DALE PICKETT, 12726 67 N.E., Arlington, WA 98223. Representative: Gary Anderson, 3220 Hewitt Ave., Everett, WA 98206, (206) 259-2145. 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., under continuing contract(s) with the Lee Grocery Company of Everett, WA.

Volume No. OPY-2-095

Decided: June 3, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier. Member Parker not participating.

MC 19922 (Sub-4), filed May 11, 1981. Applicant: CREEL TRUCKING AND CONSTRUCTION COMPANY, INC., P.O. Box 317, Highway 34, Hardin, TX 77561. Representative: C. W. Ferebee, 720 N. Post Oak Rd., Suite 230, Houston, TX 77024, (713) 688-6110. Transporting (1) *Mercer commodities*, and (2) *earth drilling machinery and equipment and machinery, equipment, materials, supplies and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage and transmission of commodities resulting from drilling operations at well or hole site, and (d) the injection or removal of commodities into or from holes or wells, between points in AL, AR, FL, LA, MS, OK, TX and NM.*

MC 32882 (Sub-167), filed May 27, 1981. Applicant: MITCHELL BROS. TRUCK LINES, 3841 North Columbia Boulevard, Portland, OR 97217. Representative: David J. Lister, P.O. Box 17039, Portland, OR 97217, (503) 285-0481. Transporting *construction materials* between points in the U.S.

MC 52793 (Sub-72), filed May 20, 1981. Applicant: BEKINS VAN LINES CO., 333 S. Center St., 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 Blue Bell, Inc., of Greensboro, NC.

MC 58923 (Sub-71), filed May 27, 1981. Applicant: GEORGIA HIGHWAY EXPRESS, INC., 2090 Jonesboro Rd., SE., Atlanta, GA 30315. Representative: William W. West (same as applicant), (404) 627-7331. Transporting *general commodities* (except classes A and B explosives), between the facilities of The Pillsbury Company, its subsidiaries, and affiliates at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 109633 (Sub-53), filed May 21, 1981. Applicant: ARBET TRUCK LINES, INC., P.O. Box 697, Sheffield, IL 61361. Representative: Arnold L. Burke, 180

North LaSalle St., Chicago, IL 60601, (312) 322-5106. Transporting *machinery*, between points in Knox and Williamson Counties, IL, Fayette County, IN, Bradley County, TN, Los Angeles County, CA, and Calhoun County, AL, on the one hand, and, on the other, points in AL, AR, CA, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MA, MD, MI, MN, MS, MO, NE, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VA, VT, WV, WI, and DC.

MC 114323 (Sub-26), filed May 21, 1981. Applicant: PAUL MARCKESANO AND SONS CO., INC., 36 Ferris St., Brooklyn, NY 11231. Representative: Morton E. Kiel, Two World Trade Center, Suite 1832, New York, NY 10048, (212) 466-0220. Transporting *clay, concrete, glass or stone products*, between points in Albany County, NY, on the one hand, and, on the other, points in CT, NJ, NY, and PA.

MC 115122 (Sub-9) (correction), filed May 12, 1981, published in the *Federal Register*, issue of May 29, 1981, and republished as corrected, this issue. Applicant: MARIANO BROTHERS, INCORPORATED, Shelter Rock Rd., Danbury, CT 06810. Representative: Paul J. Goldstein, 109 Church St., New Haven, CT 06510, 203-787-1288. Transporting *those commodities* which because of their size or weight require the use of special handling or equipment, (1) between points in ME, NH, VT, MA, CT, RI, NY, NJ and PA, and (2) between points in ME, NJ, VT, MA, CT, RI, NY, NJ and PA, on the one hand, and, on the other, points in DE, MD, VA, NC, WV, OH, IN, IL, MO, WI, MI, SC, GA, FL, and DC. The purpose of this republication is to correct the commodity description.

MC 125433 (Sub-475), filed May 27, 1981. Applicant: F-B TRUCK LINE COMPANY, 1945 So. Redwood Rd., Salt Lake City, UT 84104. Representative: Roger E. Crum (same as applicant), (801) 973-4242. Transporting *lumber and wood products, and fabricated metal products*, between points in IL, on the one hand, and, on the other, points in the U.S.

MC 144083 (Sub-16), filed May 27, 1981. Applicant: RALPH WALKER, INC., P.O. Box 3222, Jackson, MS 39207. Representative: Fred W. Johnson, Jr., P.O. Box 22807, Jackson, MS 39205, (601) 355-3543. *General commodities* [except classes A and B explosives] between points in the U.S. under a continuing contract(s) with Aircap Manufacturers, Inc., of Tupelo, MS.

MC 144572 (Sub-53), filed May 27, 1981. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. Box G, Greeley, CO 80632. Representative: John T. Wirth, 717-17th

St., Suite 2600, Denver, CO 80202, 303-892-6700. Transporting *clay, concrete, glass or stone products, metal products, and rubber and plastic products*, between points in Huntington County, IN, on the one hand, and, on the other, points in WY.

MC 145242 (Sub-15), filed May 27, 1981. Applicant: CASE HEAVY HAULING, INC., P.O. Box 267, Warren, OH 44482. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215, 614-228-8575. Transporting *metal products, those commodities which because of their size or weight require the use of special handling or equipment, lumber and wood products, rubber and plastic products, clay, concrete, glass or stone products, chemicals and related products, machinery, building materials, Mercer commodities, and transportation equipment*, between points in OH, PA, WV, WI, TN, NH, VT, ME, IN, IL, KY, MI, MD, CT, NY, NJ, RI, MA, DE, and VA, on the one hand, and, on the other, points in the U.S.

MC 147572 (Sub-3), filed May 27, 1981. Applicant: COUNTRY LEASING, INC., 8206 Park Ave., Allen Park, MI 48101. Representative: Alex J. Miller, 555 S. Woodward, Suite 512, Birmingham, MI 48011, 313-647-3350. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with (1) Spartan Stores, Inc., of Grand Rapids, MI, and (2) Unisource Foods Co., and its wholly-owned subsidiaries, Amendt Milling Co., Michigan Shortening Co., Protein, Inc., and New Quality Prepared Flour, of Detroit, MI.

MC 154632, filed May 27, 1981. Applicant: K & A TRANSPORTATION, INC., P.O. Box 1708, Marion, NC 28752. Representative: Gary E. Morgan (same address as applicant), 704-652-8383. Transporting *rubber and plastic products*, between points in Caldwell County, NC, on the one hand, and, on the other, points in the U.S.

MC 156122, filed May 26, 1981. Applicant: JUDY SPENCER, d.b.a. JUDY SPENCER ASSOCIATES, 335 Mill Rd., Stamford, CT 06903. Representative: L. C. Major, Jr., Suite 400 Overlook Bldg., 6121 Lincolina Rd., P.O. Box 11268, Alexandria, VA 22312, (703) 750-1112. As a *broker*, at Stamford, CT, in arranging for the transportation of *passengers and their baggage*, between points in the U.S.

Volume No. OPY-4-174

Decided: June 2, 1981.

By the Commission, Review Board Number 2, Members Carleton, Fisher and Williams.

MC 145637 (Sub-7), filed May 21, 1981. Applicant: B&B EXPRESS, INC., P.O. Box 5552, Station B, Greenville, SC 29606. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., NW., Washington, DC 20004, (202) 347-8862. Transporting *general commodities* (except classes A and B explosives), between points in Laurens County, SC, on the one hand, and, on the other, points in the U.S.

MC 148127 (Sub-33), filed May 21, 1981. Applicant: LINEHAUL EXPRESS CORPORATION, P.O. Box 5078, Manchester, NH 03108. Representative: Neal R. Michaud (same address as applicant) (603) 669-9150. Transporting *food and related products*, between point in CO and KS, on the one hand, and, on the other, points in CT, DE, MA, ME, MD, NJ, NY, NH, PA, RI, VT, and DC.

MC 152547, filed May 21, 1981. Applicant: E&E TRUCK LINE, INC., 7th and Olive Sts., Charleston, IL 61920. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701 (217) 544-5468. Transporting *fertilizer and anhydrous ammonia*, between points, in IL, IA, IN, MO, and WI.

Volume No. OPY-4-175

Decided: June 2, 1981.

By the Commission, Review Board Number 2, Members Carleton, Fisher and Williams.

MC 144017 (Sub-4), filed May 22, 1981. Applicant: GEO. W. NOFFS MOVING & STORAGE, INC., 1735 E. Davis St., Arlington Heights, IL 60005. Representative: William Westwood, Jr. (same address as applicant) (312) 870-3200. Transporting *furniture and fixtures*, between points in Lake County, IL, on the one hand, and, on the other, points in the U.S.

MC 158107, filed May 22, 1981. Applicant: VARDAROS MOTOR LINES, INC., Suite 1530A, 510 Plaza Dr., College Park, GA 30349. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349 (404) 996-6266. Transporting *chemicals and related products*, between the facilities of Time Chemical, Inc. at Atlanta, GA and Chicago, IL, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 156127, filed May 18, 1981. Applicant: PAGE TRANSPORTATION, INC., P.O. Box 2086D, Oswego, NY 13126. Representative: Herbert M. Canter, 305 Montgomery St., Syracuse, NY 13202 (315) 472-8845. Transporting (1) *metal products*, between points in the U.S., under continuing contract(s) with Alcan Aluminum Corporation of Cleveland, OH, (2) *pulp, paper and*

related products and (3) *printed matter*, between points in the U.S. under continuing contract(s) with Climax Manufacturing Company of Castorland, NY.

Volume No. OPY-4-176

Decided: June 2, 1981.

By the Commission, Review Board Number 2, Members Carleton, Fisher and Williams

MC 146166 (Sub-6), filed May 18, 1981. Applicant: TRIANGLE TRANSPORT CO., INC., 74 Sulyma St., Cumberland, RI 02864. Representative: William F. Poole, 41 Bea Dr., North Kingstown, RI 02854 (401) 885-0474. Transporting *textile mill products*, between points in the U.S., under continuing contract(s) with Engineered Yarns, Inc., of Coventry, RI.

MC 147876 (Sub-5), filed May 21, 1981. Applicant: SHAY COMPANY, INC., P.O. Box 2081, Clarksville, IN 47130. Representative: K. Edward Wolcott, Suite 1200 Gas Light Tower, 235 Peachtree St., N.E., Atlanta, GA 30303 (405) 522-2322. Transporting *machinery*, between points in Jefferson County, KY and Clark County, IN, on the one hand, and, on the other, points in the U.S.

MC 150496 (Sub-17), filed May 18, 1981. Applicant: P.A.M. TRANSPORT, INC., P.O. Box 188, Tontitown, AR 72770. Representative: Robert W. Weaver (Same address as applicant) (501) 361-2545. Transporting *textile mill products*, between points in Franklin Taylor, and Warren Counties, KY, Iberia and St. Martin Counties, LA, Panola, Pontotoc, and Union Counties, MS, Cleveland County, NC, and Woodward County, OK, on the one hand, and, on the other, points in the U.S.

MC 155156, filed May 20, 1981. Applicant: JERRY POPOVICH, d.b.a. B & J DISTRIBUTORS, Rural Route No. 1, Wynndel, B.C. Canada VOB 2nd. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055 (206) 235-1111. In foreign commerce only, transporting (1) *lumber and wood products*, (2) *chemicals and related products*, (3) *rubber and plastic products*, and (4) *clay, concrete, glass or stone products*, between those ports of entry on the international boundary line between the U.S. and Canada in WA, ID, MT, on the one hand, and, on the other, points in WA, OR, and ID.

MC 155176, filed May 4, 1981. Applicant: ELLIS LIMOUSINE SERVICE, INC., 1690 Republic Rd., Huntingdon Valley, PA 19006. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110 (215) 322-2055. Transporting *passengers and their baggage*, limited to the transportation of

not more than six (6) passengers in any one vehicle (excluding the driver and excluding children under 10 years of age, who do not occupy a seat or seats), in special and charter operations, in non scheduled door-to-door service, between New York, NY, Newark, NJ, points in Atlantic County, NJ, and those in Bucks, Montgomery, and Philadelphia Counties, PA.

MC 156066, filed May 20, 1981. Applicant: GARY TRANSFER COMPANY, INC., 3600 W. Ridge Rd. Gary, IN 46408. Representative: Stephen H. Loeb, Suite 2027, 33 N. La Salle St., Chicago, IL Transporting *metal products*, between Chicago, IL, on the one hand, and, on the other, points in IL, IN, MI, OH, and WI.

Volume No. OPY-4-177

Decided: June 2, 1981.

By the Commission, Review Board Number 2, Members Carleton, Fischer and Williams.

MC 82507 (Sub-8), filed May 22, 1981. Applicant: STEMM TRANSFER & STORAGE, INC., 2300 6th St. North, St. Cloud, MN 56301. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542-1121. Transporting *printed matter*, between points in the U.S., under continuing contract(s) with St. Cloud Newspaper, Inc. of St. Cloud, MN.

MC 123407 (Sub-675), filed May 22, 1981. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: Sterling W. Hygema (Same address as applicant) (219) 926-7575. Transporting *metal products*, between points in Kanawha County, WV, on the one hand, and, on the other, points in the U.S.

MC 138157 (Sub-276), filed May 22, 1981. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC. d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 S. Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn (Same address as applicant) (615) 756-7511. Transporting *food and related products*, between points in Cache County, UT, on the one hand, and, on the other, points in the U.S.

MC 144117 (Sub-75), filed April 28, 1981, previously noticed in the Federal Register issue of May 15, 1981, and republished this issue. Applicant: TLC LINES, INC., 1666 Fabrick Dr., Fenton, MO 63026. Representative: William D. Brejcha, 10 S. LaSalle St. Suite 1600, Chicago, IL 60603 (312) 263-1600. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under

continuing contract(s) with Teneco West, Inc., of Bakerfield, CA.

Note.—The purpose of this republication is to correctly state the commodity description.

Volume No. OPY-4-178

Decided: June 2, 1981.

By the Commission, Review Board Number 2, Members Carleton, Fisher and Williams.

MC 59507 (Sub-13), filed May 20, 1981. Applicant: EDGAR H. ALLEN & SON, INC., P.O. Box 184 (Bordentown Ave.), Old Bridge, NJ 07934. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934 (202) 435-7140. Transporting (1) *forest products*, (2) *lumber*, and (3) *contractors' materials, equipment and supplies*, between points in PA, CT, RI, MA, NY, NJ, DE, MD, VA, and DC.

MC 63417 (Sub-308), filed May 21, 1981. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant) (703) 342-1835. Transporting *general commodities* (except classes A and B explosives), between the facilities of American Can Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 79687 (Sub-39), filed May 21, 1981. Applicant: WARREN C. SAUERS, COMPANY, INC., 200 Rochester Rd., Zelienople, PA 16063. Representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219 (412) 471-1800. Transporting *food and related products*, between those points in the U.S. in and east of MN, IA, MO, AR, and TX.

MC 107227 (Sub-136), filed May 21, 1981. Applicant: INSURED TRANSPORTERS, INC., 100 Industrial Way, Benicia, CA 94510. Representative: John G. Lyons, 220 Bush St., Suite 1418, San Francisco, CA 94104 (415) 392-1423. Transporting *transportation equipment*, between points in CA, on the one hand, and, on the other, points in AZ, CO, ID, NM, OR, and WA.

MC 117427 (Sub-84), filed May 20, 1981. Applicant: G. G. PARSONS TRUCKING COMPANY, P.O. Box 1084, N. Wilkesboro, NC 28659. Representative: Dean N. Wolfe, 4 Professional Dr., Suite 145, Gaithersburg, MN 20760 (301) 840-8565. Transporting *such commodities* as are dealt in by manufacturers of boots and shoes, between points in NH, ME, MA, KY, NC, TN, and VA.

MC 128497 (Sub-17), filed May 21, 1981. Applicant: JACK LINK TRUCK LINE, INC., P.O. Box 127, Dyersville, IA 52040. Representative: Jack H. Blanshan, 205 West Touhy Ave., Suite 200-A, Park Ridge, IL 60068 (312) 698-2235.

Transporting (1) *lumber and wood products, machinery and metal products*, between points in Clayton and Clinton Counties, IA, on the one hand, and, on the other, points in IL, IN, KS, KY, MI, MN, MO, NE, SD, and WI, and (2) *building materials*, between points in MN, IL, and WI, on the one hand, and, on the other, points in Benton, Black Hawk, Bremer, Buchanan, Clayton, Delaware, Dubuque, Fayette, Hamilton, Henry, Howard, Jones, Linn, Marion, Mitchell, Tama and Union Counties, IA.

MC 139797 (Sub-4), filed May 19, 1981. Applicant: AUGUSTA AIR CARGO, INC., Rt. 3 Box 60, Augusta, GA 30906. Representative: R. G. Tolar (Same address as applicant) (404) 863-5190. Transporting *general commodities* (except classes A and B explosives), between points in Richmond County, GA, on the one hand, and, on the other, points in Columbia, McDuffie, Lincoln, Wilkes, Green, Taliaferro, Hancock, Warren, Glascock, Washington, Jefferson, Burke, Jenkins, Emanuel, Candler, Screven, and Bullock Counties, GA and points in Aiken, Barnwell, Hampton, Edgefield, and Saluda Counties, SC.

MC 141937 (Sub-2), filed May 21, 1981. Applicant: SPOONER ENTERPRISES, INC., d.b.a. AA AUTOMOTIVE, 1408 Pitman Ave., Sparks, NV 89431. Representative: Robert G. Harrison, 4299 James Dr., Carson City, NV 89701 (702) 882-5649. Transporting *transportation equipment*, between points in and north of Mono, Tuolumne, San Joaquin, Sacramento, Solano and Sonoma Counties, CA, and points in OR and ID, on the one hand, and, on the other, points in Washoe County, NV.

MC 142827 (Sub-11), filed May 22, 1981. Applicant: DE MARLIE TRUCKING, INC., P.O. Box 338, Reynolds, IL 61279. Representative: Jack H. Blanshan, 205 W. Touhy Ave., Suite 200-A, Park Ridge, IL 60068 (312) 698-2235. Transporting *chemicals and related products*, between points in Henry, Knox, Mercer, and Rock Island Counties, IL, on the one hand, and, on the other, points in IA on and east of Interstate Hwy 35, points in MO on and east of U.S. Hwy 63 and points in WI on and south of Interstate Hwy 94.

MC 144927 (Sub-35), filed May 20, 1981. Applicant: REMINGTON FREIGHT LINES, INC., Box 315, U.S. 24 West, Remington, IN 47977. Representative: Jack Luck (Same address as applicant) (219) 261-3461. Transporting *general commodities* (except classes A and B explosives), between the facilities of Top Value Enterprises, Inc. at points in the U.S., on

the one hand, and, on the other, points in the U.S.

MC 148387 (Sub-6), filed May 20, 1981. Applicant: S.M.P., INC., 166 Sitgreaves St., Phillipsburg, NJ 08865. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934 (201) 435-7140. Transporting *machinery and metal products*, between points in PA, on the one hand, and, on the other, points in the U.S.

MC 149397 (Sub-2), filed May 20, 1981. Applicant: SOUTHEAST TRUCKING COMPANY, 8418 Tallmadge Rd., Rural Delivery No. 6, Ravenna, OH 44266. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210, (703) 525-4050. Transporting *such commodities* as are dealt in or used by manufacturers or distributors of bricks, between the facilities of The Belden Brick Company, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 151707 (Sub-9), filed May 20, 1981. Applicant: PIONEER TRUCKING, INC., 1105 N. Market St., 15th Fl. Wilmington, DE 19801. Representative: Dennis J. Kupchik (same address as applicant) (215) 985-6853. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Bendix Modern Materials Corp., of Detroit, MI.

MC 151707 (Sub-10), filed May 20, 1981. Applicant: PIONEER TRUCKING, INC., 1105 N. Market St., 15th Fl. Wilmington, DE 19801. Representative: Dennis J. Kupchik (same address as applicant) (215) 985-6853. Transporting (1) *plastic pipe and plastic pipe fittings*, and (2) *insulation products*, between points in the U.S., under continuing contract(s) with Super "K" Industries, of Flint, MI, and R & G Sloane Manufacturing Co., Inc., of Sun Valley, CA.

MC 156067, filed May 18, 1981. Applicant: JOHN E. NEESE, d.b.a. NEESE ENTERPRISES, 113 Norman Dr., West Columbia, SC 29169. Representative: Harry S. Dent, P.O. Box 528, Columbia, SC 29202 (803) 779-7700. Transporting *chemicals*, between points in the U.S., under continuing contract(s) with Lindau Chemical Company, of Columbia, SC.

Volume No. OPY-5-077

Decided: June 1, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce and Dowell.

MC 107229 (Sub-7), filed May 18, 1981. Applicant: AMODIO MOVING, INC., 600 East St., New Britain, CT 06014. Representative: Robert J. Gallagher, 1000

Connecticut Ave., NW., Washington, DC 20036 (202) 785-0024. Transporting *household goods*, between points in the U.S.

MC 118318 (Sub-60), filed May 20, 1981. Applicant: IDA-CAL FREIGHT LINES, INC., P.O. Drawer M, Nampa, ID 83651. 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 Albertson's Inc. of Boise, ID.

MC 119489 (Sub-87), filed May 20, 1981. Applicant: CENTRAL TRANSPORTATION CO., INC., P.O. Box 249, Norfolk, NE 68701. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106, (402) 3927-1220. Transporting *commodities in bulk*, between points in LA, AR, IL, WI, MO, MN, IA, ND, SD, NE, KS, OK, TX, NM, CO, and WY.

MC 124408 (Sub-19), filed May 12, 1981. Applicant: THOMPSON BROS., INC., P.O. Box 1283, Sioux Falls, SD 57101. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126 (701) 235-4487. Transporting *such commodities* as are dealt in or used by the manufacturers and distributors of automotive products, between points in the U.S., under continuing contract(s) with Pam Oil, Inc., of Sioux Falls, SD.

MC 136679 (Sub-2), filed May 21, 1981. Applicant: TUKWILA KENT TRUCKING/BECKER TRANSFER, INC., 12677 E. Marginal Way S., Seattle, WA 98168. Representative: George R. LaBissoniere, 12 S. Grady Way, Suite 233, Renton, WA 98055 (206) 228-3807. Transporting *general commodities* (except classes A and B explosives), between points in WA and OR. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the applications for common control to team r Room 6370.

MC 141879 (Sub-2), filed May 11, 1981. Applicant: L. D. CHILDRESS TRUCKING CO., P.O. Box 486, Briscoe, TX 79011. Representative: William D. Lynch, P.O. Box 912, Austin, TX 78767 (512) 472-1101. Transporting (1) *machinery*, (a) between Kansas City, MO, points in Milwaukee County, WI, La Porte County, IN, and Ventura County, CA, on the one hand, and on the

other, points in TX, NM, OK, and KS, and (b) between points in TX, NM, OK, and KS, and (2) *mercator commodities*, (a) between points in TX, OK, KS, NM, CO, LA, and NE, and (b) between points in IL, PA, ND, SD, AZ, UT, WY, and CA, on the one hand, and, on the other, points in TX, OK, LA, NM, CO, NE and KS.

MC 142189 (Sub-48), filed May 18, 1981. Applicant: C. M. BURNS, d.b.a. WESTERN TRUCKING, P.O. Box 980, Baker, MT 59313. Representative: James B. Hoveland, 525 Lumber Exchange Bldg., Ten South Fifth St., Minneapolis, MN 55402 612-340-0808. Transporting (1) *mercator commodities*, (2) *clay, concrete, glass or stone products*, (1) between points in the U.S. (2) between points in WY on the one hand, and, on the other, points in the U.S.

MC 147149 (Sub-1), filed May 21, 1981. Applicant: P.T. & E. CO., a corporation, P.O. Box 1027, Lufkin, TX 78701. Representative: James R. Boyd, 1000 Perry Brooks Bldg., Austin, TX 78701 (512) 476-8066. Transporting (1) *ores and minerals*, and (2) *clay, concrete, glass or stone products*, between points in the U.S., under continuing contract(s) with Halliburton Services, a Division of Halliburton Company, of Duncan, OK.

MC 148479 (Sub-22), filed May 21, 1981. Applicant: MIDWEST SOLVENTS COMPANY, INC., 1300 Main St., Atchison, KS 66002. Representative: Kenneth E. Smith (same address as applicant) (913) 367-1480. Transporting *such commodities* as are dealt in or used by manufacturers of alcoholic beverages, between points in the U.S., under continuing contract(s) with Heublein, Inc., of Hartford, CT.

MC 149308 (Sub-15), filed May 20, 1981. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., P.O. Box P, Sellersburg, IN 47172. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210 (703) 525-4050. Transporting *building materials*, between points in Pima County, AZ, on the one hand, and, on the other, points in the U.S.

MC 150088 (Sub-6), filed May 14, 1981. Applicant: STERLING TRANSPORT DIVISION, INC., 2005 South Great Southwest Parkway, Grand Prairie, TX 75051. Representative: Robert K. Frisch, 2711 Valley View Lane, Suite 101, Dallas, TX 75234 (212) 247-0994. Transporting *such commodities* as are dealt in or used by retail, variety, and department stores, between points in Dallas and Tarrant Counties, TX, on the one hand, and, on the other, Memphis, TN, and points in AR, OK, and LA.

MC 150139 (Sub-3), filed May 21, 1981. Applicant: HAMBEL FREIGHT LINES, INC., 4965 South Howell Ave., Milwaukee, WI 53207. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703, 608-256-7444. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with General Electric Company of New York, NY.

MC 150999 (Sub-4), filed May 21, 1981. Applicant: GENE F. LACAEYSE, d.b.a. G. F. LACAEYSE TRANSPORT, R. R. #2, Box 110, Montezuma, IA 50171. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309, 515-244-2329. Transporting *such commodities* as are dealt in or used by restaurant chains, between the facilities of Acapulco Y Los Arcos Mexican Restaurant in the U.S., on the one hand, and, on the other, points in the U.S.

MC 151598 (Sub-2), filed May 21, 1981. Applicant: HOW-DEA SERVICE CENTER, INC., Route 1, Belgium, WI 53004. Representative: Michael S. Varda, 121 South Pinckney St., Madison, WI 53703, 608-255-8891. Transporting *food and related products*, between points in the U.S. under continuing contract(s) with United Wine and Spirits Co., Inc., of Milwaukee, WI.

MC 152748, filed March 2, 1981. Applicant: EZEKIEL MORRIS TRANSPORTATION, INC., 8042 South Champlain, Chicago, IL 60619. Representative: Stephen D. Froikin, One IBM Plaza, Suite 4750, Chicago, IL 60611, (312) 467-0590. Transporting (1) *printed matter*, (2) *machinery*, and (3) *pulp, paper and related products*, between points in IL, on the one hand, and, on the other, points in IN, IA, KY, MI, MN, MO, NH, NJ, NY, OH, PA, TN, and WI.

MC 154238 (Sub-1), filed May 18, 1981. Applicant: WESTERN CARRIER EXPRESS INCORPORATED, 2800 Brighton Blvd., Denver, CO 80216. Representative: Jerald Watters (same address as applicant), (303) 629-7117. Transporting *food and related products*, between points in Adams, Delta, Denver, Larimer, Logan and Otero Counties, CO, Ford, Reno, Atchison, Johnson, Rice and Wyandotte Counties, KS, Potter, Castro, Harris, Tarrant, Webb, Cameron, Hildago, Grayson, Bexar and Dallas Counties, TX, Creek, Muskogee, Okmulgee, Tulsa, Cleveland, Oklahoma and Pottawatomie Counties, OK, Iberia and St. Martin Parrishes, LA, Little River, Craighead and Arkansas Counties, AR, Alameda, Butte, Fresno, Los Angeles, Madera, Merced, Orange, Sacramento, San Diego, San Francisco, San Joaquin, San Mateo, Santa Clara,

Stanislaus and Tulare Counties, CA, Davis County, UT, Jackson County, MO, Douglas and Lancaster Counties, NE, Bernalillo County, NM, and Goshen and Washakie Counties, WY, on the one hand, and, on the other, points in Crawford, Crittenden, Jefferson, Phillips, Pope and Pulaski Counties, AR, Maricopa and Pima Counties, AZ, Alameda, Los Angeles, Orange, Sacramento, San Diego, San Francisco, and Santa Clara Counties, CA, Adams, Arapahoe, Boulder, Denver, Douglas, El Paso, Jefferson, Larimer, Mesa, Morgan, Otero, Pueblo and Weld Counties, CO, Cloud, Crawford, Doniphan, Ford, Johnson, Leavenworth, Lyon, Reno, Riley, Salina, Saline, Sedgwick, Seward, Shawnee and Wyandotte Counties, KS, East Baton Rouge, West Baton Rouge, Jefferson, Iberia, St. Martin and Orleans Parishes, LA, Audrain, Buchanan, Clay, Cole, Crawford, Greene, Jackson, Jasper, Pettis, Platte and St. Louis Counties, MO, Buffalo, Douglas, Filmore, Hall, Lancaster, Lincoln, Scottsbluff and York Counties, NE, Bernalillo, Chaves, McKinley, San Juan, San Miguel and Santa Fe Counties, NM, Caddo, Canadian, Carter, Cleveland, Comanche, Oklahoma, Payne, Tulsa and Woodward Counties, OK, Angelina, Bell, Bexar, Cameron, Coleman, Dallas, El Paso, Grayson, Harris, Lubbock, Potter, Randall, Smith, Tarrant, Taylor, Tom Green, Travis and Washington Counties, TX, Davis and Salt Lake Counties, UT.

Note.—Applicant intends to tack this authority with its existing authority in MC-154238.

MC 155319, filed April 13, 1981. Applicant: WILLIAM L. BLACK, d.b.a. BLACK'S TRUCKING, Rural Route No. 2, Box 48, Franklin, IN 46131. Representative: Michael D. McCormick, 1301 Merchants Plaza, Indianapolis, IN 46204, 317-638-1301. Transporting (1) *metal products* between points in Middlesex County, NJ, on the one hand, and, on the other, points in IL, IN, KY, and OH; (2) *feed and feed ingredients*, between points in Marion County, IN, on the one hand, and, on the other, points in DE, IL, IN, KY, MD, ME, NC, NY, OH, PA, VA, and WV; (3) *electrical equipment and supplies*, between points in Lee County, MS, on the one hand, and, on the other, points in IL, IN, KY, MO, and OH; (4) *lumber and wood products and building materials*, between points in Bartholomew, Boone, Clay, Clinton, Decatur, Delaware, Fayette, Fountain, Franklin, Hamilton, Hancock, Hendricks, Johnson, Madison, Marion, Montgomery, Morgan, Owen, Parke, Putnam, Rush, Shelby, Tippecanoe, Tipton, and Wayne Counties, IN, on the one hand, and, on

the other, points in AL, AR, FL, GA, LA, MS, and NC; and (5) *such commodities* as are dealt in or used by agricultural or lawn equipment dealers, between points in Johnson and Shelby Counties, IN, on the one hand, and, on the other, points in IA, IL, KY, and OH.

MC 155589, filed April 28, 1981. Applicant: DENNIS BOONE, d.b.a. P.T.L. EXPRESS, 3830 West Montebello Ave., Phoenix, AZ 85019. Representative: David Earl Tinker, 1000 Conn. Ave., NW., Washington, DC 20036, (202) 887-5868. Transporting *general commodities* (except classes A and B explosives), between points in Maricopa County, AZ, Santa Fe County, NM, Sonoma County, CA, San Bernardino County, CA, and Montezuma County, CO, on the one hand, and, on the other points in WA, OR, CA, ID, NV, AZ, CO, NM, TX, UT, MT, OK, and WY.

MC 156098 filed May 21, 1981. Applicant: YANDELL TRUCKAWAY, INC., 583 Julie Ann Way, Oakland, CA 94621. Representative: James F. Russi (same address as applicant), 415-563-2100. Transporting *metal products* between points in the U.S., under continuing contract(s) with Hoyt Heater Company of Northern California, of Oakland, CA.

Volume OPY-5-078

Decided: June 1, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce and Dowell.

MC 56679 (Sub-179), filed May 21, 1981. Applicant: BROWN TRANSPORT CORP., 352 University Avenue, SW., Atlanta, GA 30315. Representative: Leonard S. Cassell (same address as applicant), (404) 752-5151. Transporting *general commodities* (except classes A and B explosives) (1) between points in OK, AR, TX, MO, KS, and NE, and (2) between points in Orange, Jefferson, Galveston, Harris and Ft. Bend Counties, TX, and points in CO, NM, AZ, and CA.

MC 108119 (Sub-284), filed May 22, 1981. Applicant: E. L. MURPHY TRUCKING COMPANY, a corporation, P.O. Box 43010, St. Paul, MN 55164. Representative: Donald A. Morken, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333-1341. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 118848 (Sub-26), filed May 20, 1981. Applicant: DOMENICO BUS SERVICE, INC., 71 New Hook Access Road, Bayonne, NJ 07002. Representative: Larsh B. Mewhinney, 555 Madison Ave., New York, NY 10022, (212) 838-0600. To engage in operations in interstate or foreign commerce, as a

broker, at New York, NY, and points in Hudson County, NJ, in arranging for the transportation of *passengers and their baggage*, in special or charter operations, between points in the U.S.

MC 123748 (Sub-28), filed April 29, 1981. Applicant: CONNECTICUT LIMOUSINE SERVICE, INC., 1060 State St., New Haven, CT 06511. Representative: Palmer S. McGee, Jr., One Constitution Plaza, Hartford, CT 06103, 203-278-1330. Over regular routes, transporting *passengers and their baggage* in the same vehicle with passengers, (1) between Farmington, CT, and LaGuardia Airport and John F. Kennedy International Airport, New York, NY; from Farmington over access roads to junction Interstate Hwy 84, then over Interstate Hwy 84 to Interstate Hwy 684, then over Interstate Hwy 684 to junction Interstate Hwy 287, then over Interstate Hwy 287 to junction Interstate Hwy 95, then over Interstate Hwy 95 to New York, NY, then over city streets and highways to LaGuardia Airport and John F. Kennedy International Airport, serving the intermediate points of New Britain, Southington, and Newtown, CT; and (2) between Wethersfield, CT, and LaGuardia Airport and John F. Kennedy International Airport, New York, NY; from Wethersfield over access roads to junction Interstate Hwy 91, then over Interstate Hwy 91 to junction Interstate Hwy 95, then over Interstate Hwy 95 to New York, NY, then over city streets and highways to LaGuardia and John F. Kennedy International Airport, serving the intermediate points of Middletown, Meriden, and Wallingford, CT.

MC 138469 (Sub-274), filed May 19, 1981. Applicant: DONCO CARRIERS INCORPORATED, P.O. Box 75387, Oklahoma City, OK 73147. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064, 615-790-2510. Transporting *food and related products*, between Atlanta, GA; Boston, MA; Denver, CO; Detroit, MI; Philadelphia, PA; and points in Fresno County, CA; Morgan County, IL; Dade County, FL; Mecklenburg County, NC; Hudson County, NJ; Hamilton and Cuyahoga Counties, OH; Multnomah County, OR; Gibson and Shelby Counties, TN; Grayson County, TX and Dodge County, WI, on the one hand, and, on the other, points in the U.S.

MC 147199 (Sub-7), filed May 20, 1981. Applicant: MWM TRUCKING, INC., 1400 Chestnut, P.O. Box 736, Ottawa, IL 61350. Representative: Leslieann G. Maxey, 907 South Fourth St., Springfield, IL 62703, (217) 528-8478. Transporting (1) *glass and glass products*, between points in Lucas and Wood Counties,

OH, La Salle County, IL, Cerro Gordo County, IA, Sampson and Scotland Counties, NC, Grayson County, TX, and San Joaquin County, CA, on the one hand, and, on the other, points in the U.S., and (2) *agricultural chemicals*, between points in IL, on the one hand, and, on the other, points in NE, MN, IA, MO, WI, IN, NY, OH, MI, KY, TN, and PA.

MC 148879 (Sub-2), filed March 2, 1981. Applicant: SPRINGFIELD BEVERAGE, INC., 80 Baldarelli Court, Springfield, MA 01104. Representative: Patrick A. Doyle, 60 Robbins Road, Springfield, MA 01104, (413) 737-1476. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Atlas Distributing Corp., of Auburn, MA.

MC 151118 (Sub-10), filed May 4, 1981. Applicant: MDR CARTAGE, INC., 516 West Johnson, Jonesboro, AR 72401. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701, 601-335-3576. Transporting *food and related products*, between points in Craighead County, AR, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, CO, and NM.

MC 151429 (Sub-2), filed May 21, 1981. Applicant: REMPEL-TRAIL TRANSPORTATION LTD., P.O. Box 5300, Vancouver, BC, Canada V6B 4B6. Representative: Jack R. Davis, 1100 IBM Bldg. Seattle, WA 98101, (206) 624-7373. Transporting *commodities in bulk*, in foreign commerce only between the ports of entry on the international boundary line between the United States and Canada, at points in ID, MT, and ND, on the one hand, and, on the other, point in MT, ND, WY, MN, and SD.

MC 155899, filed May 18, 1981. Applicant: HAY BROTHERS, INC. 2105 First St., Lake Charles, LA 70601. Representative: C. W. Ferebee 720 N. Post Oak, Suite 230, Houston, TX 77024, (713) 688-6110. Transporting *mercer and earthdrilling commodities*, between points in LA, on the one hand, and, on the other, points in TX and MS.

MC 156048, filed May 19, 1981. Applicant: MORTON FROZEN FOODS, INC., One Morton Drive, Charlottesville, VA 22906. Representative: Harry J. Jordan, Suite 502, Solar Bldg., 1000 16th St., N.W., 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 International Telephone and Telegraph Corporation of New York, NY., Continental Baking Company of New York, NY., Royal Electric of Rumford, RI, Supranant of Leominster, MA.,

Teves of Culpeper, VA., Marlow Pumps of Midland Park, NJ., Grinnell of Providence, RI., and Thompson Metals of Valdosta, GA.

MC 156059, filed May 18, 1981. Applicant: LINDERHOLM TRUCKING, INC., 5232 Hanson Court, Crystal, MN 55429. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118 (612) 457-8889. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Upper Midwest Freight Association, of Minneapolis, MN.

Volume No. OPY-5-079

Decided: June 2, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce and Dowell.

MC 6319 (Sub-10), filed May 27, 1981. Applicant: CALIFORNIA CARTAGE COMPANY, INC., 20021 Susana Rd., Compton, CA 90224. Representative: John C. Russell, 1545 Wilshire Blvd., Los Angeles, CA 90017, 213-483-4700. Transporting *general commodities* (except classes A and B explosives), between points in CA. Condition: Any certificate issued in this proceeding is subject to the prior or coincidental cancellation, at applicant's written request, of Certificate of Registration MC 6319 Sub-7.

MC 45968 (Sub-10), filed May 21, 1981. Applicant: ENGLE OOSTDYK, INC., 465 Boulevard, Elmwood Park, NJ 07407. Representative: Harold H. Crist, P.O. Box 197, Elmwood Park, NJ 07407. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Rohm and Haas Company, of Philadelphia, PA.

MC 93649 (Sub-35), filed May 27, 1981. Applicant: GAINES MOTOR LINES, INC., I-40 West (P.O. Box 1549), Hickory, NC 28601. Representative: Dennis Gaines (same address as applicant) 704-322-2000. Transporting *general commodities* (except classes A and B explosives) (1) between points in GA, NC, SC, and VA; and (2) between points in GA, NC, SC, and VA, on the one hand, and, on the other, points in CT, DE, MD, MA, NH, NJ, NY, PA, RI, and DC.

MC 96878 (Sub-9), filed May 20, 1981. Applicant: CONSOLIDATED TRANSFER AND WAREHOUSE CO., INC., 1251 Tancy, North Kansas City, MO 64116. Representative: Alfred L. King (same address as applicant) (816) 221-3411. Transporting *such commodities as are manufactured, distributed or dealt in by retail food stores*, between Kansas City, MO, on the

one hand, and, on the other, points in AZ, AR, CO, IA, KS, MN, MO, MT, NE, NM, ND, OK, SD, TX, and WY. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 5 Room 6370.

MC 105269 (Sub-10), filed May 22, 1981. Applicant: GRAFF TRUCKING COMPANY, INC., 2110 Lake St., P.O. Box 986, Kalamazoo, MI 49005. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, 616-459-6121. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Champion International Corporation at points in the U.S. on the one hand, and, on the other, points in the U.S.

MC 118318 (Sub-61), filed May 26, 1981. Applicant: IDA-CAL FREIGHT LINES, INC., P.O. Drawer M, Nampa, ID 83851. 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 The Bon., of Seattle, WA.

MC 118838 (Sub-85), filed May 27, 1981. Applicant: GABOR TRUCKING, INC., Rural Route No. 4, Detroit Lakes, MN 56501. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 South 8th St., Minneapolis, MN 55402, 612-333-1341. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Valley Industries, Inc. of St. Louis, MO.

MC 121598 (Sub-19), filed May 27, 1981. Applicant: SHELBYVILLE EXPRESS, INC., Old Railroad Ave., Shelbyville, TN 37160. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137 (901) 787-5600. Transporting *general commodities* (except classes A and B explosives), between points in Bolivar County, MS, on the one hand, and, on the other, points in the U.S.

MC 134329 (Sub-6), filed May 27, 1981. Applicant: FISCUS MOTOR FREIGHT, INC., Route 9, Box 201, Yakima, WA 98901. Representative: Philip G. Skofstad, 1525 N.E. Weidler, Portland, OR 97232 (503) 288-8141. Transporting (1) *ores and minerals, pulp, paper and related products, petroleum, natural gas*

and their products, and clay, concrete, glass or stone products, between points in the U.S., under continuing contract(s) with General Refractories Company, of Bala Cynwyd, PA; and (2) *lumber and wood products*, between points in the U.S., under continuing contract(s) with Cascade Hardwood, division of Nicholson Manufacturing, of Chehalis, WA.

MC 135809 (Sub-10), filed May 22, 1981. Applicant: B-H TRANSFER CO., A Corporation, P.O. Box 151, Sandersville, GA 31082. Representative: J. Raymond Clark, Suite 350, 1225 19th St., NW, Washington, DC 20036 (202) 659-0770. Transporting *clay, concrete, glass or stone products*, between points in Bibb, Glascock, Jefferson, Richmond, Twiggs, Warren, Washington, and Wilkinson Counties, GA, and Aiken County, SC, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and TX.

MC 135989 (Sub-29), filed May 26, 1981. Applicant: COAST EXPRESS, INC., 14280 Monte Vista Ave., Chino, CA 91710. Representative: William J. Lippman, Steele Park, Suite 330, 50 South Steele St., Denver, CO 80209 (303) 320-6100. Transporting *food and related products* between points in the U.S., under continuing contract(s) with General Tea Corporation of Denver, CO.

MC 135989 (Sub-30), filed May 26, 1981. Applicant: COAST EXPRESS, INC., 14280 Monte Vista Ave., Chino, CA 91710. Representative: William J. Lippman, Steele Park, Suite 330, 50 South Steele St., Denver, CO 80209 (303) 597-4821. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Peppertree Beef Company of Denver, CO.

MC 136939 (Sub-4), filed May 11, 1981. Applicant: CLAYTON'S, INC., P.O. Box 38, Ucon, ID 83454. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701 (208) 336-5955. Transporting (1) *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Clayton Sales, Inc., of Ucon, ID, and (2) *building materials*, between points in the U.S., under continuing contract(s) with Gittings Lumber Co., Inc., of Denver, CO, Hern Lumber & Sawmills, Inc., of Spokane, WA, and Champion International Corporation, of Stamford, CT.

MC 138069 (Sub-17), filed May 21, 1981. Applicant: LUCIUS, INC., 2512 South 163rd St., Omaha, NE 68130. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114 (402) 397-7033. Transporting *general commodities* (except classes A

and B explosives), between Chicago, IL and points in Brown County, WI, on the one hand, and, on the other, points in CO, NE, MO and KS.

MC 143259 (Sub-3), filed May 22, 1981. Applicant: TOM DURKIN TRUCKING, 36 East Chestnut St., Walla Walla, WA 99362. Representative: Steve Van Wyk, 12012 N.E. Lonetree, Poulsbo, WA 98370, 206-779-5789. Transporting (1) *building materials*, (2) *forest products*, (3) *lumber and wood products*, (4) *pulp, paper and related products*, and (5) *metal products*, between points in the U.S., under continuing contract(s) with Louisiana-Pacific Corporation of Samoa, CA.

MC 143639 (Sub-5), filed May 22, 1981. Applicant: SMITH AND SMITH, INC., 4381 Headquarters Rd., Charleston Heights, SC 29405. Representative: Frank A. Graham, Jr., P.O. Box 11864, Columbia, SC 29211, 803-799-9122. Transporting *chemicals and related products*, between points in NC and SC.

MC 146078 (Sub-43), filed May 27, 1981. Applicant: CAL-ARK, INC., 854 Moline, P.O. Box 610, Malvern, AR 72104. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753, 501-846-2185. Transporting *floor tile, flooring, and facing*, between points in Harris County, TX on the one hand, and, on the other, points in the U.S.

MC 146078 (Sub-44), filed May 27, 1981. Applicant: CAL-ARK, INC., 854 Moline, P.O. Box 610, Malvern, AR 72104. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753, 501-846-2185. Transporting *rolled roofing and insulation*, between points in Clark County, AR, on the one hand, and, on the other, points in the U.S.

MC 152108, filed May 27, 1981. Applicant: RELCO SYSTEMS, INC., 7310 Chestnut Ridge Rd., Lockport, NY 14094. Representative: George V. C. Muscato, 188 East Ave., Lockport, NY 14094, 716-434-9177. Transporting *fruit juice and fruit concentrate, in bulk*, between points in the U.S. under continuing contract(s) with Knouse Foods, Inc., of Peach Glen, PA.

MC 155548, filed May 21, 1981. Applicant: MAYFIELD TRUCKING INC., 10508 Plunkett St., Bellflower, CA 90706. Representative: Leonard Mayfield (same address as applicant) (213) 925-2841. Transporting (1) *machinery*, and (2) *clay, concrete, glass or stone products*, between points in CA, on the one hand, and, on the other, points in AZ and NV.

MC 156089, filed May 21, 1981. Applicant: C. E. MYERS & SONS TRUCKING CO., INC., P.O. Box 159, Kamay, TX 76369. Representative: James

R. Boyd, 1000 Perry Brooks Bldg., Austin, TX 78701, (512) 476-0866. Transporting *Mercer commodities*, between points in CO, LA, NM, OK, and TX.

MC 156099, filed May 21, 1981. Applicant: NORTRUP PETROLEUM, INC., 203 South Mary, Stronghurst, IL 61480. Representative: Douglas G. Brown, 913 South Sixth St., Springfield, IL 62703, (217) 753-3925. Transporting *petroleum, natural gas and their products*, between points in Lake County, IN, and points in IL, IA, and MO.

MC 156128, filed May 26, 1981. Applicant: JOHN ALBANO d.b.a. COLONY TRAVEL SERVICES, 393 Colony St., Meriden, CT 06450. Representative: John Albano (same address as applicant) (203) 634-4121. To engage in operations in interstate or foreign commerce, as a *braker*, at points in New Haven County, CT, in arranging for the transportation of *passengers and their baggage*, in special or charter operations, beginning and ending at points in New Haven County, CT, and extending to points in the U.S.

MC 156129, filed May 22, 1981. Applicant: W & R TRANSPORTATION COMPANY, INC., P.O. Box 12463, 4001 N. E. Randolph Rd., Kansas City, MO 64118. Representative: Frank W. Taylor, Jr., Suite 600 Midland Bldg., 1221 Baltimore Ave., Kansas City, MO 64105, (816) 221-1464. Transporting *transportation equipment*, between points in the U.S., under continuing contract(s) with (a) General Motors Corporation, Truck and Coach Division, of Pontiac, MI, (b) Westfall GMC Truck, Inc., of North Kansas City, MO, and (c) Rapid Ways, Inc., of Kansas City, MO. Agatha L. Mergenovich, Secretary.

(FR Doc. 81-17129 Filed 6-9-81; 8:45 am)

BILLING CODE 7035-01-M

Southern Pacific Transportation Co.

[AB 12 SDM]

Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Southern Pacific Transportation Company has filed with the Commission its amended color-coded system diagram map in Docket No. AB 12(SDM). The Commission on May 27, 1981, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting Docket No. AB 12(SDM).

Agatha L. Mergonovich,
Secretary.

[FR Doc. 81-17133 Filed 6-9-81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Volume No. OP3-236]

Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the *Federal Register*.

An original and one copy of opposing verified statements must be filed with the Commission within 45 days after the date of this *Federal Register* notice. Applicant may file a verified statement in rebuttal within 60 days. Such pleadings shall comply with 49 CFR 1100.247 (renumbered 1100.251) addressing specifically the issue(s) indicated as the purpose for republication. Special Rule 247 (renumbered 251) was published in the *Federal Register* of July 3, 1980, at 45 FR 45539.

MC 116544 (Sub-227) (Republication) filed November 3, 1980, published in the *Federal Register* issue of November 26, 1980 and republished this issue. Applicant: ALTRUK FREIGHT SYSTEMS, 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303. A Decision of the Commission, Review Board Number 2, decided March 23, 1981 and served March 30, 1981, finds that the performance by applicant of the service described will serve a useful public purpose, responsive to a public demand or need to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) foodstuffs, and (2) *materials, equipment and supplies* used in the manufacture, processing, or distribution of foodstuffs, between points in FL, points in Monterey and Los Angeles Counties, CA, and Spartanburg County, SC, on the one hand, and, on the other, points in the U.S. (except AK and HI); that 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 to reflect service from Los Angeles County, CA not just Monrovia, CA as previously published.

MC 151475 (Sub-1) (Republication) filed December 16, 1980, published in the *Federal Register* issue of January 9, 1981 and republished this issue. Applicant: ARROW CHARTER LINES, INC., 7825 Santa Fe Ave., Huntington Park, CA, 90255. Representative: James H. Lyons, 523 West 6th St., Suite 1216, Los Angeles, CA 90014. A Decision of the Commission, Review Board Number 3, decided April 30, 1981, and served May 15, 1981, finds that the performance by applicant of the service described will serve a useful public purpose, responsive to a public demand or need to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers and their baggage*, in round-trip charter and special operations, beginning and ending at points in Los Angeles and Orange Counties, CA, and extending to points in AZ, CO, NV, and UT; that applicant is fit, willing, and able properly to perform this service and to conform to statutory and administrative requirements. The purpose of this republication is to indicate that the carrier will be performing charter operations.

Agatha L. Mergonovich,
Secretary.

[FR Doc. 81-17130 Filed 6-9-81; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Amendment to Delegation of Authority 116; Director, Office of U.S. Foreign Disaster Assistance

Pursuant to the authority delegated to me by Delegation of Authority No. 1 of October 1, 1979 from the Director of the United States International Development Cooperation Agency and Executive Order 12163 of September 29, 1979, it is hereby ordered as follows:

1. Delegation of Authority No. 116, dated August 19, 1976 (41 F.R. 36671), as amended, is further amended as follows:
 - a. The title "Assistant Administrator for Private and Development Cooperation" is deleted and the title "Director, Office of U.S. Foreign Disaster Assistance" is inserted in lieu thereof.
 - b. The text of Section 2.a. is deleted and the following is inserted in lieu thereof: "Delegation of Authority No. 95

dated May 17, 1978 (43 F.R. 27627 and 27628) to the Assistant Administrator, Bureau for Private and Development Cooperation is amended by

- (1) Deleting Sec. 1.b. in its entirety;
- (2) Deleting '69, 99(1)(D), and 116' from Sec. 2 and substituting 'and 69' in lieu thereof; and
- (3) Deleting Sec. 9. in its entirety."

This amendment is effective immediately.

Dated: May 28, 1981.

M. Peter McPherson,
Administrator.

[FR Doc. 81-17000 Filed 6-9-81; 8:45 am]

BILLING CODE 4710-02-M

Board for International Food and Agricultural Development; Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10(a).(2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the Forty-Fourth meeting of the Board for International Food and Agricultural Development (BIFAD) on June 25, 1981.

The purpose of the meeting is to receive and discuss reports on: the Consultative Group on International Agricultural Research (CGIAR) Review; the Collaborative Research Support Program; (CRSP) Review; Title XII programs in Egypt; activities of the Joint Committee on Agricultural Development (JCAD) and the Joint Research Committee (JRC); and meet with the BIFAD Support Staff to discuss staff actions and operational procedures.

The meeting will begin at 9:00 a.m. and adjourn at 12:15 p.m., and will be held in Room 540, National Science Foundation, 1800 G Street, N.W., Washington, D.C. The meeting with the BIFAD Support Staff will begin at 1:30 p.m. and adjourn at 3:00 p.m. This meeting will be held in Room 3524, New State Department Building, 22nd and C Streets, N.W., Washington, D.C. The meetings are open to the public. Any interested person may attend, may file written statements with the Board before or after the meetings, or may present oral statements in accordance with procedures established by the Board, and to the extent the time available for the meetings permit.

Dr. Erven J. Long Coordinator Title XII Strengthening Grants and University Relations, Development Support, Agency for International Development (A.I.D.), is designated as A.I.D. Advisory Committee Representative at this meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, State Department,

International Development Cooperation Agency, Washington, D.C. 20523, or telephone him at (703) 235-8929.

Dated: June 4, 1981.

Dr. Erven J. Long,

*A.I.D. Advisory Committee Representative,
Board for International Food and Agricultural
Development.*

[FR Doc. 81-16999 Filed 6-9-81; 8:45 am]

BILLING CODE 4710-02-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-101; Order No. 1]

Certain Hot Air Corn Poppers and Components Thereof; Investigation

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Donald K. Duvall as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the *Federal Register*.

Issued: May 29, 1981.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 81-17223 Filed 6-9-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 104-TAA-3]

Certain Spirits From Ireland; Countervailing Duty Investigation

AGENCY: International Trade Commission.

ACTION: Institution of a countervailing duty investigation.

SUMMARY: On May 25, 1914 in T.D. 34466 the Department of the Treasury (Treasury) imposed countervailing duties, under section 4 of the Tariff Act of 1913, on certain classes of spirits imported from the United Kingdom of Great Britain and Ireland. On June 20, 1935, in T.D. 47753, Treasury stated that countervailing duties continued to be applicable to spirits from Ireland, because the export bounties set forth in T.D. 34466 had been paid continuously since the date of the notice notwithstanding the establishment of the Irish Free State. Accordingly imports of spirits from Ireland, currently provided for under items 168.96, 168.98, 169.19, 169.20, 169.46 and 169.47 of the Tariff Schedules of the United States have been subject to countervailing duties.

On January 1, 1980, the provisions of the Trade Agreements Act of 1979 became effective, and on January 2,

1980, the authority for administering the countervailing duty statute was transferred from Treasury to the Department of Commerce (Commerce). On May 13, 1980, Commerce published a notice in the *Federal Register* (44 FR 31455) of intent to conduct an annual administrative review of all outstanding countervailing duty orders.

The U.S. International Trade Commission received a request for this investigation on March 28, 1980, from the Delegation of the Commission of European Communities.

As required by section 751(a)(1) of the Tariff Act of 1930, Commerce has conducted its first annual administrative review of the countervailing duty order on spirits from Ireland. As a result, Commerce, in the *Federal Register* of April 20, 1981 (46 FR 22632), preliminarily determined that the net subsidy conferred is 0.004 Irish pounds per liter of alcohol in plain spirits and 0.008 Irish pounds per liter of alcohol in compounded spirits. On the basis of that determination, the United States International Trade Commission, pursuant to section 104(b)(2) of the Trade Agreements Act, is instituting an investigation with respect to certain spirits from Ireland. Commerce reported that it would issue a final determination in this case after analysis of issues received in written comments or at a hearing. However, no hearing was requested and no written comments had been received by the deadline for their submission to Commerce, May 20, 1981. Commerce's final determination as to the most current level of subsidies will be made as soon as possible.

EFFECTIVE DATE: June 4, 1981.

FOR FURTHER INFORMATION CONTACT: John MacHatton, Supervisory Investigator, U.S. International Trade Commission, Washington, D.C. 20436 (202-523-0439).

SUPPLEMENTARY INFORMATION: The United States International Trade Commission is instituting this countervailing duty investigation to determine whether an industry in the United States would be materially injured, would be threatened with material injury, or the establishment of an industry in the United States would be materially retarded, by reason of imports of spirits from Ireland provided for under items 168.96, 168.98, 169.19, 169.20, 169.46 and 169.47 of the Tariff Schedules of the United States covered by the countervailing duty if the order were to be revoked.

Public Hearing. Any person with an interest in this investigation may request in writing that the Commission hold a public hearing in connection with this

investigation. Any such request must be received by the Commission on or before June 24, 1981. Such request should be filed with the Office of the Secretary, U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. 20436.

Questionnaires. No questionnaires soliciting information from U.S. producers, importers, or purchasers of the articles under investigation will be prepared or mailed unless a person with an interest in this investigation requests that the Commission prepare an mail such questionnaires. Any such request must be received by the Commission within 14 days of the date of publication of the notice in the *Federal Register*. Such requests should be filed with the Office of the Secretary, U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436.

Written submission. Any person may submit to the Commission on or before June 26, 1981, written statements of information pertinent to the subject matter of the investigation. A signed original and nineteen true copies of such statements must be submitted in accordance with § 201.8 of the Commission's Rules of Practice and Procedure, 19 CFR 201.8 (1980).

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately and each sheet must be clearly marked at the top "Confidential business data." Confidential submissions must conform with the requirements of § 201.6 of the Rules of Practice and Procedure, 19 CFR 201.6. All written submissions, except confidential business data, will be available for public inspection.

For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and C (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201).

This notice is published pursuant to section 207.20 of the Commission's Rules of Practice and Procedure (19 CFR 207.20, 44 FR 76458).

Issued: June 5, 1981.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 81-17216 Filed 6-9-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-103]

Certain Stabilized Hull Units and Components Thereof and Sonar Units Utilizing Said Stabilized Hull Units; Investigation

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on April 29, 1981, and amended May 20, 1981, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), on behalf of Western Marine Electronics, Inc., 905 Dexter Avenue North, Seattle, Washington 98109. The amended complaint (hereinafter the complaint) alleges unfair methods of competition and unfair acts in the importation of certain stabilized hull units and components thereof and sonar units utilizing said stabilized hull units into the United States, or in their sale, by reason of the alleged infringement by said stabilized hull units of claims 1, 11, 12, and 14 of U.S. Letters Patent 3,553,638 and the contribution to the infringement of said claims by said components. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests that, after a full investigation, the Commission issue, for the life of said patent, both an order excluding said articles from entry into the United States and an order directing respondents to cease and desist from engaging in said unfair acts.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in section 210.12 of the Commission's Rules of Practice and Procedure.

Scope of the investigation: Having considered the complaint, the U.S. International Trade Commission, on May 27, 1981, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain stabilized hull units and components thereof and sonar units utilizing said stabilized hull units into the United States, or in their sale, by reason of the alleged infringement by said stabilized hull units of claims 1, 11, 12, or 14 of U.S. Letters Patent 3,553,638 and the

contribution to the infringement of said claims by said components, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) the complainant is—
Western Marine Electronics, Inc., 905 Dexter Avenue North, Seattle, Wash. 98109

(b) The respondents are the following companies, alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Furuno Electric Co., Ltd., 9-52, Ashihara-cho, Nishinomiya, Japan
Furuno U.S.A., Inc., 271 Harbor Way, South San Francisco, Calif. 94080

(c) Robert S. Budoff, Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall be the Commission investigative attorney, a party to this investigation; and

(3) For the investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall designate the presiding officer.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21). Pursuant to §§ 201.16(d) and 210.21(b) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good and sufficient cause therefor is shown.

Failure of respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both a recommended determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW.,

Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: Robert S. Budoff, Unfair Import Investigations Division, U.S. International Trade Commission, telephone 202-523-0113.

Issued: June 1, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-17220 Filed 6-9-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-97]

Certain Steel Rod Treating Apparatus and Components Thereof; Grant of Leave To Review Order No. 13 and of Affirmance of Order No. 13

AGENCY: International Trade Commission.

ACTION: Grant of Application for review of Order No. 13 and affirmance of Order No. 13.

SUMMARY: Notice is hereby given that on the basis of an Application for review of Order No. 13 filed by parties respondent Korf Industrie und Handel GmbH & Co., KG, and Korf Engineering GmbH, (Motion No. 97-40), the Commission has granted the Application for review and affirmed the presiding officer's denial of Motions No. 97-28 and 97-30 (Order No. 13).

Authority: The authority for the Commission's action is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in § 210.60(b) (19 CFR 210.60(b)) of the Commission's Rules of Practice and Procedure.

SUPPLEMENTARY INFORMATION: Upon receipt of a complaint filed by Morgan Construction Co., the Commission instituted investigation No. 337-TA-97 on January 23, 1981, to determine whether there is a violation of section 337 of the Tariff Act of 1930 by reason of the importation into and sale in the United States of certain steel rod treating apparatus and components thereof. Complainant Morgan alleges that the accused steel treating apparatus infringes claims 1-7 of U.S. Letters Patent 3,390,871. Notice of the Commission's investigation was published in the *Federal Register* on January 28, 1981 (46 FR 9263).

Respondents Korf Industrie und Handel GmbH & Co., KG and Korf Engineering GmbH, moved on April 30, 1981 to be dismissed as parties respondent to this investigation for improper service of process and lack of *in personam* jurisdiction (Motions Nos.

97-28, 97-30). The presiding officer denied the motions (Order No. 13), but granted respondents leave to file an interlocutory appeal with the Commission.

FOR FURTHER INFORMATION CONTACT: Warren H. Maruyama, Esq., Office of the General Counsel, U.S. International Trade Commission; telephone 202-523-0143.

Issued: June 8, 1981.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 81-17217 Filed 6-9-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-97]

Certain Steel Rod Treating Apparatus and Components Thereof; Addition of Parties Respondent

AGENCY: International Trade Commission.

ACTION: Addition of Mr. Willy Korf and Mr. Johann Heinrich Rohde as parties respondent in the above-captioned investigation.

SUMMARY: Notice is hereby given that on the basis of a motion filed by complainant Morgan Construction Co. (Motion Nos. 97-9, 97-10), the Commission has amended the complaint and notice of investigation by adding the following persons as parties respondent in investigation No. 337-TA-97, *Certain Steel Rod Treating Apparatus and Components Thereof:*

- (1) Mr. Willy Korf, c/o Korf Industrie & Handel GmbH Co. K.G., Moltkestrasse 15, D7570, Baden-Baden, West Germany
- (2) Mr. Johann Heinrich Rohde, 3 Bleicherhof, Ratingen, West Germany

The Commission denied the motions to add parties respondent with respect to:

- (1) Coinvest, B.V., Amsterdam, Holland
- (2) Korf Stahl, A.G., Moltkestrasse 15, D7570, Baden-Baden, West Germany

Authority: The authority for the Commission's action is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in §§ 210.20(d) and 210.22(a) (19 CFR 210.20(d), 210.22(a)) of the Commission's *Rules of Practice and Procedure.*

SUPPLEMENTARY INFORMATION: Upon receipt of a complaint filed by Morgan Construction Co., the Commission instituted investigation No. 337-TA-97 on January 23, 1981, to determine whether there is a violation of section 337 of the Tariff Act of 1930 by reason of the importation into and sale in the United States of certain steel rod treating apparatus and components

thereof. Complainant Morgan alleges that the accused steel treating apparatus infringes claims 1-7 of U.S. Letters Patent 3,390,871. Notice of the Commission's investigation was published in the *Federal Register* on January 28, 1981 (46 FR 9263).

On April 14, 1981, complainant moved to add four new parties respondent to the investigation (Motion 97-10). Respondents opposed the motion in a submission filed on April 22, 1981.

On May 11, 1981, the presiding officer's recommended determination (Order No. 14) was certified to the Commission. The presiding officer recommended that the motion be granted with respect to Mr. Korf and Mr. Rohde and denied with respect to Coinvest, B.V., Amsterdam, Holland, and Korf Stahl, A.G., Baden-Baden, West Germany.

FOR FURTHER INFORMATION CONTACT: Warren H. Maruyama, Esq., Office of the General Counsel, U.S. International Trade Commission; telephone 202-523-0143.

Issued: June 2, 1981.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 81-17219 Filed 6-9-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-102]

Certain Wheel Locks and Components Thereof; Order; Investigation

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Janet D. Saxon as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the *Federal Register.*

Issued: June 1, 1981.

Donald K. Duvall,
Chief Administrative Law Judge.

[FR Doc. 81-17221 Filed 6-9-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-83]

Certain Window Shades and Components Thereof; Issuance of Exclusion Order

AGENCY: International Trade Commission.

ACTION: Issuance of exclusion order.

SUMMARY: On May 29, 1981, the Commission issued an Action and Opinion in the above-captioned investigation. The Commission ordered

that window shades and components thereof which infringe claims 1, 2, 7, 8, or 9 of U.S. Letters Patent 4,006,770 be excluded from entry into the United States for the remaining term of said patent, except under license.

SUPPLEMENTARY: The Commission instituted this investigation and published notice thereof in the *Federal Register* of May 29, 1980 (45 FR 36229) to determine whether there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in connection with the importation into the United States and the sale therein of certain window shades and components thereof.

On May 19, 1981, the Commission unanimously determined that there is a violation of section 337 in the unauthorized importation and sale of certain peel-to-width window shades, and components thereof, which infringe claims 1, 2, 7, 8, or 9 of U.S. Letters Patent 4,006,770. The Commission determined that the appropriate remedy is an order directing that the infringing articles be excluded from entry into the United States for the remaining term of the patent, except under license granted by the patent owner, and that the public interest considerations do not preclude the granting of relief in this case.

Copies of the Commission's Action and Order, the Commission Opinion, and any other public documents on the record in this investigation are available for inspection by the public during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 161, Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: Jack Simmons, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0350.

Issued: May 29, 1981.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 81-17222 Filed 6-9-81; 8:45 am]

BILLING CODE 7020-02-M

[332-126]

Emerging Textile Exporting Countries; Investigation

AGENCY: International Trade Commission.

ACTION: In accordance with the provisions of section 332(b) of the Tariff Act of 1930 (19 U.S.C. 1332(b)), the Commission has instituted investigation No. 332-126 for the purpose of gathering and presenting information on emerging

textile exporting countries. Data will be provided to show changes which have occurred in world trade patterns in textiles and clothing with emphasis on changes in the past 5 to 8 years.

Particular attention will be given to those countries which have had recent, significant growth in their exports of textile products or which seem to have the potential for significant export expansion. Certain of these individual countries will be selected for detailed study of their textile and apparel industries, trade, domestic markets, international competitive positions, and export potential. The report is expected to aid in an understanding of recent trends in international trade in textiles and apparel and the impact which the newly emerging exporters may have on world trade patterns and U.S. imports and exports.

EFFECTIVE DATE: June 1, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. Reuben Schwartz or Mr. Joseph Williams, Textiles, Leather Products, and Apparel Division, U.S. International Trade Commission, Washington, D.C. 20436 (Phone 202-523-0114 or 202-523-5702).

WRITTEN SUBMISSIONS: There will be no public hearing scheduled for this study; however, written submissions from interested parties are invited concerning any phase of the study. Commercial or financial information which a party desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.8 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. To be assured of consideration by the Commission in this study, written statements should be submitted at the earliest practicable date, but no later than December 1, 1981. All submissions should be addressed to the Secretary at the Commission's office in Washington, D.C.

Issued: June 2, 1981.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 81-17218 Filed 6-9-81; 8:45 am]

BILLING CODE 7020-02-M

NATIONAL SCIENCE FOUNDATION

Involvement of Commercial and Industrial Firms with NSF-Supported Research Facilities

ACTION: Request for Comment on Interim Reports of the "Committee on User Decisions" and the "Committee on Operator Decisions."

SUMMARY: The National Science Foundation has established a staff group to examine NSF policy toward involvement of commercial and industrial firms with research facilities that the NSF supports. The group divided into two committees. The "Committee on User Decisions" has considered issues relating to use of NSF-supported facilities by researchers from commercial firms. The "Committee on Operator Decisions" has considered issues concerning commercial alternatives to establishment of NSF facilities and commercial contributions to facilities that also receive NSF support.

The Foundation would welcome comments on the interim reports of these two committees, copies of which are available from Charles H. Herz, General Counsel, Suite 501, 1800 G Street NW, Washington, D.C. 20550, 357-9435. The interim reports do not have the final approval of the parent task group, let alone of the Director of the National Science Foundation or of the National Science Board. They will be revised in light of comments received from outside the Foundation, possibly substantially, into a single report from the parent staff group. That report will be transmitted to the Director and the National Science Board. Only after action by the Director or the Board might recommendations made in the final report become NSF Policy.

Comments should be sent to: Charles H. Herz, General Counsel, Suite 501, 1800 G Street NW, National Science Foundation, Washington, D.C. 20550. Comments should be received by June 30th in order to assure that they can be considered in preparation of the final report.

For further information, please contact: Charles H. Herz, General Counsel, Suite 501, 1800 G Street, NW, National Science Foundation, Washington, D.C. 20550.

Dated: June 2, 1981.

Charles H. Herz,
General Counsel.

[FR Doc. 81-17152 Filed 6-9-81; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Appointment to Performance Review Board for Senior Executive Service

AGENCY: Nuclear Regulatory Commission.

ACTION: Appointments to Performance Review Board for Senior Executive Service.

SUMMARY: The Nuclear Regulatory Commission (NRC) has announced the following appointments to the NRC Performance Review Board roster, to replace members whose terms have expired or who are no longer available:

Denwood F. Ross, Deputy Director, Office of Nuclear Regulatory Research;

James G. Keppler, Director, Region, III, Office of Inspection and Enforcement; Thomas E. Engelhardt, Deputy Executive Legal Director, Office of the Executive Legal Director;

Norman M. Haller, Director, Office of Management and Program Analysis; Ormon E. Bassett, Director, Division of Accident Evaluation, Office of Nuclear Regulatory Research;

Thomas F. Carter, Deputy Director, Division of Fuel Cycle and Material Safety, Office of Nuclear Material Safety and Safeguards

These appointments are to three year terms, and are made pursuant to Section 4314 of Chapter 43 of Title 5 of the United States Code. The functions of the Board were published in the *Federal Register*, Volume 45, No. 99, Tuesday, May 20, 1980.

In addition to the above new appointments, the following members are continuing on the Performance Review Board:

Harold R. Denton, Director, Office of Nuclear Reactor Regulation;

John G. Davis, Director, Office of Nuclear Material Safety and Safeguards;

Daniel J. Donoghue, Director, Office of Administration;

Richard C. DeYoung, Deputy Director, Office of Inspection and Enforcement; Thomas E. Murley, Director, Division of Safety Technology;

Patricia G. Norry, Deputy Director, Office of Administration;

James A. Fitzgerald, Assistant General Counsel.

EFFECTIVE DATE: June 10, 1981.

FOR FURTHER INFORMATION CONTACT:

Daniel J. Donoghue, Chairman, Performance Review Board, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 301-492-7335.

Dated at Bethesda, Maryland, this 5th day of June, 1981.

For the Nuclear Regulatory Commission,

E. Kevin Cornell,

Chairman, Executive Resources Board.

[FR Doc. 81-17179 Filed 6-9-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-261]

Carolina Power & Light Co. (H. B. Robinson Steam Electric Plant, Unit No. 2); Order for Modification of License

I

The Carolina Power Light Company (the licensee) holds Facility Operating License No. DPR-23, which authorizes the licensee to operate the H. B. Robinson Steam Electric Plant Unit No. 2 at power levels not in excess of 2300 megawatts thermal rated power. The license was originally issued on July 31, 1970 and will expire on April 13, 2007. The facility, which is located at the licensee's site in Darlington County, South Carolina, is a pressurized water reactor (PWR) used for the commercial generation of electricity.

II

The Reactor Safety Study (RSS), WASH-1400, identified in a PWR an intersystem loss of coolant accident (LOCA) which is a significant contributor to risk of core melt accidents (Event V). The design examined in the RSS contained in-series check valves isolating the high pressure Primary Coolant System (PCS) from the Low Pressure Injection System (LPIS) piping. The Scenario which leads to the Event V accident is initiated by the failure of these check valves to function as a pressure isolation barrier. This causes an over pressurization and rupture of the LPIS low pressure piping which results in a LOCA that bypasses containment.

In order to better define the Event V concern, all light water reactor licensees were requested by letter dated February 23, 1980, to provide the following in accordance with 10 CFR 50.54(f):

1. Describe the valve configurations and indicate if and Event V isolation valve configuration exists within the Class I boundary of the high pressure piping connecting PCS piping to low pressure system piping; e.g., (1) two check valves in series, or (2) two check valves in series with a motor operated valve (MOV);

2. If either of the above Event V configurations exist, indicate whether continuous surveillance or periodic tests are being performed on such valves to

ensure integrity. Also indicate whether valves have been known, or found, to lack integrity; and

3. If either of the above Event V configurations exist, indicate whether plant procedures should be revised or if plant modifications should be made to increase reliability.

In addition to the above, licensees were asked to perform individual check valve leak testing prior to plant startup after the next scheduled outage.

By letter dated March 14, 1980, the licensee responded to our February letter. Based upon the NRC review of this response as well as the review of previously docketed information for the facility, I have concluded in consonance with the Safety Evaluation that one or more valve configuration(s) of concern exist at the facility. The Technical Evaluation Report (TER) provides, in Section 4.0, a tabulation of the subject valves.

The staff's concern has been exacerbated due not only to the large number of plants which have an Event V configuration(s) but also because of recent unsatisfactory operating experience. Specifically, two plants have leak tested check valves with unsatisfactory results. At Davis-Besse, a pressure isolation check valve in the LPIS failed and the ensuing investigation found that valve internals had become disassembled. At the Sequoyah Nuclear Plant, two Residual Heat Removal (RHR) injection check valves and one RHR recirculation check valve failed because valves jammed open against valve over-travel limiters.

It is, therefore, apparent that when pressure isolation is provided by two in-series check valves and when failure of one valve in the pair can go undetected for a substantial length of time, verification of valve integrity is required. Since these valves are important to safety, they should be tested periodically to ensure low probability of gross failure. As a result, I have determined that periodic examination of check valves must be undertaken by the licensee as provided in Section III below to verify that each valve is seated properly and functioning as a pressure isolation device. Such testing will reduce the overall risk of an intersystem LOCA. The testing mandated by this Order may be accomplished by direct volumetric leakage measurement or by other equivalent means capable of demonstrating that leakage limits are not exceeded in accordance with Section 2.2 of the TER.

In view of the operating experiences described above and the potential consequences of check valve failure, I

have determined that prompt action is necessary to increase the level of assurance that multiple pressure isolation barriers are in place and will remain intact. Therefore, the public health, safety and interest require that this modification of Facility Operating License No. DPR-23 be immediately effective.

III

Accordingly, pursuant to Section 1611 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered that effective immediately, Facility Operating License No. DPR-23 is modified by the addition of the following requirements:

1. Implement Technical Specifications which require periodic surveillance over the life of the plant and which specify limiting conditions for operation for PCS pressure isolation valves.

2. If check valves have not been (a) individually tested within 12 months preceding the date of the Order, and (b) found to comply with the leakage rate criteria set forth in the Technical Specifications, the MOV in each line shall be closed within 30 days of the effective date of this Order and quarterly Inservice Inspection (ISI) MOV cycling ceased until the check valve tests have been satisfactorily accomplished. (Prior to closing the MOV, procedures shall be implemented and operators trained to assure that the MOV remains closed. Once closed, the MOV shall be tagged closed to further preclude inadvertent valve opening).

3. The MOV shall not be closed as indicated in paragraph 2 above unless a supporting safety evaluation has been prepared. If the MOV is in an emergency core cooling system (ECCS), the safety evaluation shall include a determination as to whether the requirements of 10 CFR 50.46 and Appendix K to 10 CFR Part 50 will continue to be satisfied with the MOV closed. If the MOV is not in an ECCS, the safety evaluation shall include a determination as to whether operation with the MOV closed presents an unreviewed safety question as defined in 10 CFR 50.59(a)(2). If the requirements of 10 CFR 50.46 and Appendix K have not been satisfied, or if an unreviewed safety question exists as defined in 10 CFR 50.59, then the facility shall be shut down within 30 days of the date of this Order and remain shutdown until check valves are satisfactorily tested in accordance with the Technical Specifications.

4. The records of the check valve tests required by this Order shall be made

available for inspection by the NRC's Office of Inspection and Enforcement.

IV

The licensee or any other person who has an interest affected by this Order may request a hearing on this Order on or before July 6, 1981. A request for hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request shall also be sent to the Executive Legal Director at the same address, and to G. F. Trowbridge, Esquire; Shaw, Pittman, Potts and Trowbridge; 1800 M Street NW, Washington, DC 20036, attorney for the licensee. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the manner in which his or her interest is affected by this Order. Any request for a hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee or other person who has an interest affected by this Order, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issues to be considered at such a hearing shall be:

(a) Whether the licensee should be required to individually leak test check valves in accordance with the Technical Specifications.

(b) Whether the actions required by Paragraphs 2 and 3 of Section III of this Order must be taken if check valves have not been tested within 12 months preceding the date of this order.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on this Order. In the event that a need for further action becomes apparent, either in the course of proceedings on this Order or any other time, the Director will take appropriate action.

Effective date: April 20, 1981, Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

References:¹

1. Safety Evaluation Report.
2. Technical Evaluation Report.
3. Technical Specifications.

[FR Doc. 81-17180 Filed 6-9-81; 8:45 am]

BILLING CODE 7590-01-M

¹References are available in the Nuclear Regulatory Commission's Public Document Rooms.

[Docket 50-255-SP]

Consumers Power Co.; Establishment of Atomic Safety and Licensing Board To Preside in Proceeding

Pursuant to Commission order, an Atomic Safety and Licensing Board is being established in the following proceeding to rule on a request for hearing and to preside over the proceeding in the event that a hearing is ordered.

Consumers Power Company

Palisades Nuclear Power Facility

Provisional Operating License No. DPR-20

This action is in reference to an order of the Commission dated May 29, 1981, concerning an order published by the Commission on March 19, 1981, in the Federal Register (46 FR 17688-90) entitled, "Order Confirming Licensee Actions to Upgrade Facility Performance".

The Board is comprised of the following Administrative Judges:

Elizabeth S. Bowers, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Dr. Peter A. Morris, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Dr. John R. Lamarsh, 68 N. Chatsworth Avenue, Larchmont, N.Y. 10538

Issued at Bethesda, Maryland, this 3rd day of June, 1981.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 81-17181 Filed 6-9-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-341-OL]

Detroit Edison Co., et al. (Enrico Fermi Atomic Power Plant, Unit 2); Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721 (1980), the Atomic Safety and Licensing Board for Detroit Edison Company, et al. (Enrico Fermi Atomic Power Plant, Unit 2), Docket No. 50-341-OL, is hereby reconstituted by appointing the following Administrative Judge to the Board: Mr. Gary L. Milhollin. Mr. Charles Bechhoefer was a member of this Board, but, because of a schedule conflict, is unable to continue to serve.

As reconstituted, the Board is comprised of the following Administrative Judges:

Gary L. Milhollin, Chairman
David R. Schink

Frederick J. Shon

All correspondence, documents and other materials shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The address of the new Board member is:

Administrative Judge Gary L. Milhollin, 1815 Jefferson Street, Madison, Wisconsin 53711

Dated at Bethesda, Maryland, this 3rd day of June 1981.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 81-17182 Filed 6-9-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-315, 50-316]

Indiana and Michigan Electric Co. (Donald C. Cook Nuclear Plant, Units 1 and 2); Order for Modification of Licenses

I

The Indiana and Michigan Electric Company (the licensee) holds Facility Operating License Nos. DPR-58 and DPR-74, which authorizes the licensee to operate the D.C. Cook Unit Nos. 1 and 2 at power levels not in excess of 3250 and 3391 megawatts thermal rated power respectively. The licenses were originally issued on October 24, 1974 and December 23, 1977 and both will expire on March 25, 2009. The facility, which is located at the licensee's site in Barrien County, Michigan, consists of two pressurized water reactors (PWR) used for the commercial generation of electricity.

II

The Reactor Safety Study (RSS), WASH-1400, identified in a PWR an inter-system loss of coolant accident (LOCA) which is a significant contributor to risk of core melt accidents (Event V). The design examined in the RSS contained in-series check valves isolating the high pressure Primary Coolant System (PCS) from the Low Pressure Injection System (LPIS) piping. The scenario which leads to the Event V accident is initiated by the failure of these check valves to function as a pressure isolation barrier. This causes an overpressurization and rupture of the LPIS low pressure piping which results in a LOCA that bypasses containment.

In order to better define the Event V concern, all light water reactor licensees were requested by letter dated February 23, 1980, to provide the following in accordance with 10 CFR 50.54(f):

1. Describe the valve configurations and indicate if an Event V isolation valve configuration exists within the

Class I boundary of the high Pressure piping connecting PCS piping to low pressure system piping; e.g., (1) two check valves in series, or (2) two check valves in series with a motor operated valve (MOV);

2. If either of the above Event V configurations exist, indicate whether continuous surveillance or periodic tests are being performed on such valves to ensure integrity. Also indicate whether valves have been known, or found, to lack integrity; and

3. If either of the above Event V configurations exist, indicate whether plant procedures should be revised or if plant modifications should be made to increase reliability.

In addition to the above, licensees were asked to perform individual check valve leak testing prior to plant startup after the next scheduled outage.

By letter dated March 24, 1980, the licensee responded to our February letter. Based upon the NRC review of this response as well as the review of previously docketed information for the facility, I have concluded in consonance with the Safety Evaluation that one or more valve configuration(s) of concern exist at the facility. The Technical Evaluation Report (TER) provides, in section 4.0, a tabulation of the subject valves.

The staff's concern has been exacerbated due not only to the large number of plants which have an Event V configuration(s) but also because of recent unsatisfactory operating experience. Specifically, two plants have leak tested check valves with unsatisfactory results. At Davis-Besse, a pressure isolation check valve in the LPIS failed and the ensuing investigation found that valve internals had become disassembled. At the Sequoyah Nuclear Plant, two Residual Heat Removal (RHR) injection check valves and one RHR recirculation check valve failed because valves jammed open against valve over-travel limiters.

It is, therefore, apparent that when pressure isolation is provided by two-in-series check valves and when failure of one valve in the pair can go undetected for a substantial length of time, verification of valve integrity is required. Since these valves are important to safety, they should be tested periodically to ensure low probability of gross failure. As a result, I have determined that periodic examination of check valves must be undertaken by the licensee as provided in Section III below to verify that each valve is seated properly and functioning as a pressure isolation device. Such testing will reduce the overall risk of an

inter-system LOCA. The testing mandated by this Order may be accomplished by direct volumetric leakage measurement or by other equivalent means capable of demonstrating that leakage limits are not exceeded in accordance with Section 2.2 of the TER.

In view of the operating experiences described above and the potential consequences of check valve failure, I have determined that prompt action is necessary to increase the level of assurance that multiple pressure isolation barriers are in place and will remain intact. Therefore, the public health, safety and interest require that this modification of Facility Operating Licenses Nos. DPR-58 and DPR-74 be immediately effective.

III

Accordingly, pursuant to Section 1611 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered that effective immediately, Facility Operating Licenses Nos. DPR-58 and DPR-74 is modified by the addition of the following requirements:

1. Implement Technical Specifications which require periodic surveillance over the life of the plant and which specify limiting conditions for operation for PCS pressure isolation valves.

2. If check valves have not been (a) individually tested within 12 months preceding the date of the Order, and (b) found to comply with the leakage rate criteria set forth in the Technical Specifications, the MOV in each line shall be closed within 30 days of the effective date of this Order and quarterly Inservice Inspection (ISI) MOV cycling ceased until the check valve tests have been satisfactorily accomplished. (Prior to closing the MOV, procedures shall be implemented and operators trained to assure that the MOV remains closed. Once closed, the MOV shall be tagged closed to further preclude inadvertent valve opening).

3. The MOV shall not be closed as indicated in paragraph 2 above unless a supporting safety evaluation has been prepared. If the MOV is in an emergency core cooling system (ECCS), the safety evaluation shall include a determination as to whether the requirements of 10 CFR 50.46 and Appendix K to 10 CFR Part 50 will continue to be satisfied with the MOV closed. If the MOV is not in an ECCS, the safety evaluation shall include a determination as to whether operation with the MOV closed presents an unreviewed safety question as defined in 10 CFR 50.59(a)(2). If the requirements of 10 CFR 50.46 and

Appendix K have not been satisfied, or if an unreviewed safety question exists as defined in 10 CFR 50.59, then the facility shall be shut down within 30 days of the date of this Order and remain shutdown until check valves are satisfactorily tested in accordance with the Technical Specifications.

4. The records of the check valve tests required by this Order shall be made available for inspection by the NRC's Office of Inspection and Enforcement.

IV

The licensee or any other person who has an interest affected by this Order may request a hearing on this Order on or before July 6, 1981. A request for hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request shall also be sent to the Executive Legal Director at the same address, and to Gerald Charnoff Esquire, Shaw, Pitman, Potts and Trowbridge, 1800 M Street NW., Washington, D.C. 20036, attorney for the licensee. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the manner in which his or her interest is affected by this Order. Any request for a hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee or other person who has an interest affected by this Order, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issues to be considered at such a hearing shall be:

(a) Whether the licensee should be required to individually leak test check valves in accordance with the Technical Specifications.

(b) Whether the actions required by Paragraphs 2 and 3 of Section III of this Order must be taken if check valves have not been tested within 12 months preceding the date of this order.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on this Order. In the event that a need for further action becomes apparent, either in the course of proceedings on this Order or any other time, the Director will take appropriate action.

Effective Date: April 20, 1981, Bethesda, Maryland.

References:¹

1. Safety Evaluation Report.
2. Technical Evaluation Report.

¹References are available in the Nuclear Regulatory Commission's Public Document Rooms.

3. Technical Specifications.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

[FR Doc. 81-17183 Filed 6-9-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-338]

**Virginia Electric and Power Co.;
Issuance of Amendment to Facility
Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 32 to Facility Operating License No. NPF-4 issued to the Virginia Electric and Power Company (the licensee) which revised the Technical Specifications for operation of the North Anna Power Station, Unit No. 1 (the facility) located in Louisa County, Virginia. The amendment is effective 7 days from the date of issuance.

The amendment revises the Technical Specifications regarding the NRC requirements for (1) providing redundancy in decay heat removal capability, (2) addition of certain TMI-2 Lessons Learned Category "A" items, and (3) maintenance of a minimum water level above fuel assemblies.

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 this 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 October 15, 1980 and December 23, 1980; (2) Amendment No. 32 to Facility Operating License No. NPF-4; and (3) 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 items (2) and (3) 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 2nd day of June, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3,
Division of Licensing.

[FR Doc. 81-17184 Filed 6-9-81; 8:45 am]

BILLING CODE 7590-01-M

**SECURITIES AND EXCHANGE
COMMISSION**

[Release No. 17837; (SR-PSE-80-27)]

**Pacific Stock Exchange, Inc.; Order
Approving Proposed Rule Change**

June 4, 1981.

The Pacific Stock Exchange, Inc. ("PSE") submitted on January 7, 1981, a proposed rule change, pursuant to Rule 19b-4 under the Securities Exchange Act, to allow members that operate more than one specialist post to meet PSE's minimum post capital requirements on an averaging basis rather than on a post by post basis.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34-17685, April 3, 1981) and by publication in the *Federal Register* (46 FR 21302, April 9, 1981). All written statements with respect to the proposed rule change which were filed with the Commission and all written communications relating to the proposed rule change between the Commission and by any person were considered and (with the exception of those statements or communications which may be withheld from the public in accordance with the provisions of 5 U.S.C. Section 552) were made available to the public at the Commission's Public Reference Room. No public comments were received with respect to the proposal.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchange and in particular, the requirements of Section 6(b)(5) and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-17208 Filed 6-9-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11602; (812-4861)]

**State Mutual Securities, Inc., and State
Mutual Life Assurance Company of
America; Application To Amend an
Existing Order Permitting Certain Joint
Transactions**

June 4, 1981.

Notice is hereby given that State Mutual Securities, Inc. ("Fund"), a registered close-end, diversified investment company, and its investment adviser, State Mutual Life Assurance Company of America ("Insurance Company"), 440 Lincoln Street, Worcester, Massachusetts 01605, a mutual life insurance company organized under the laws of Massachusetts (the Fund and the Insurance Company are together referred to hereinafter as "Applicants"), filed an application on April 10, 1981, for an order amending the conditions contained in a prior order of the Commission ("1973 Order") (Investment Company Act Release No. 7665, February 12, 1973) pursuant to section 17(d) of the Investment Company Act of 1940 ("Act") and Rule 17d-1 thereunder, which order authorized the Insurance Company to invest concurrently for its general account in each issue of securities purchased by the Fund at direct placement (unless the security to be purchased is a long-term debt obligation or preferred stock without equity participation). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Section 17(d) of the Act and Rule 17d-1 thereunder, taken together, provide, in part, that it is unlawful for an affiliated person of a registered investment company, acting as principal, to effect any transaction in which such investment company is a joint participant, without the permission of the Commission. Rule 17d-1 provides, in part, that in passing upon applications for orders granting such permission, the Commission will consider (1) whether the participation of the investment company in such transaction on the basis proposed is consistent with the provisions, policies and purposes of the Act, and (2) the extent to which such

participation is on a basis different from or less advantageous than that of other participants. Section 2(a)(3) of the Act includes within the definition of "affiliated person" any investment adviser of an investment company. As noted above, the Insurance Company is the Fund's investment adviser. Colonial Management Associates Inc. ("Colonial"), a second-tier subsidiary of the Insurance Company, acts as sub-adviser to the Fund.

Applicants state that the terms of the 1973 Order permitting concurrent investment by the Insurance Company and the Fund include the following specified conditions: (i) that all securities which the Insurance Company is prepared to purchase at direct placement and which are consistent with the Fund's investment policies, be shared equally by the Insurance Company and the Fund (unless certain determinations are made by the Fund's Board of Directors); (ii) the Insurance Company will invest an amount equal to the amount invested in the issue by the Fund; (iii) neither the Fund nor the Insurance Company will have any prior interest in the issuer or acquire any subsequent interest in the issuer, other than interests in all respects identical; and (iv) neither the Insurance Company nor the Fund will sell, exchange or otherwise dispose of any interest in any security of a class held by the Fund unless each makes such disposition at the same time, for the same unit consideration and in the same amount.

Applicants represent that at the time of the Fund's inception in 1973, it was believed that common stocks or other securities with equity participations acquired at direct placement would be attractive investments for the Fund because these investments frequently offered substantial yields in addition to potential for capital appreciation. Applicants further state that since 1973 the Insurance Company and the Fund have jointly acquired two securities with equity participations in direct placements, and that at December 31, 1980, approximately 10.6 percent of the value of the Fund's assets was invested in direct placement securities, with approximately 1.8 percent consisting of securities with equity participations and approximately 8.8 percent being debt securities without equity participations. Applicants state that the balance of approximately 89.4 percent of the Fund's portfolio consisted of publicly-traded debt issues, cash and cash items, and dividends and interest receivables. It is also stated that in the immediate future, the Insurance Company anticipates that

it will have opportunities to participate in and may make substantial acquisitions of direct placement securities with equity participations.

Applicants further represent that the Insurance Company, Colonial and the Fund believe that the investment criteria applicable to the Fund and those applicable to the Insurance Company are sufficiently different so that the purchase of direct placement securities with equity participations which the Insurance Company finds attractive may not be in the best interests of the Fund in fulfilling its primary investment objective of providing a high rate of current income, with capital appreciation as a secondary objective. Applicants further state that a significant difference in investment capacity exists between the Fund and the Insurance Company, as the Insurance Company enjoys a continuous and largely predictable flow of new funds available for investment, whereas the Fund, which is not engaged in a continuous public offering of its shares, has only a very limited flow of new funds for investment, derived from repayments of principal on its portfolio securities. Applicants state that because of this difference in cash inflow and because the Insurance Company's net assets are more than twenty times the Fund's net assets, the Insurance Company frequently has funds available for purchase of a direct placement, whereas the Fund would have only such funds as may be forthcoming from principal repayments or from the sale of a publicly-traded debt security. Applicants further state that many direct placements involve substantial delays between the time of commitment to purchase and the closing date; that while the Insurance Company can anticipate having newly-acquired capital to invest on the date of a closing, the Fund must, in effect, commit itself to liquidate portfolio securities at a future date when such liquidation might not be appropriate. Applicants note, in addition, that there may be times when it would be inappropriate for the Fund to make additional investments in a particular industry or in securities with equity participations while the Insurance Company may, because of different holdings, be adding to its investment in that industry, or increasing its investment in securities with equity participations.

Applicants further represent that during the period in which the 1973 Order has been in effect, the Insurance Company and the Fund have filed more than ten applications with the

Commission for special orders, pursuant to section 17(d) of the Act and Rule 17d-1 thereunder, permitting proposed actions that were either clearly or arguably inconsistent with the conditions contained in the 1973 Order, but which Applicants believed were consistent with the purposes of the Act and did not involve participation by the Fund on a basis less advantageous than that of any other participants. For these reasons, Applicants request that the 1973 Order be amended to rescind all conditions contained therein, and to substitute, in lieu thereof, the following conditions:

1. Each time the Insurance Company proposes to participate in a direct placement involving its purchase of securities the purchase of which would be consistent with the investment policies of the Fund, the Insurance Company will offer the Fund an opportunity to purchase an amount of each class of such securities equal to the amount of such securities proposed to be purchased by the Insurance Company. The Fund may choose to purchase none of such securities, or an amount of such securities up to the entire amount of securities offered to it by the Insurance Company.

2. If the Fund chooses to participate in a direct placement and share equally with the Insurance Company in each class of such securities, the Insurance Company and the Fund may purchase such securities at the same times and at the same unit prices without further order of the Commission.

3. If the Fund chooses to participate in a direct placement on a basis other than an equal basis with the Insurance Company, an application for an order of the Commission specifically permitting such unequal participation must be filed with the Commission pursuant to Section 17(d) of the Act and Rule 17d-1 thereunder. In the event that the Commission shall not enter such an order prior to the scheduled closing date for the acquisition of such securities by the Fund, the Insurance Company will purchase the portion of such securities intended to be purchased by the Fund and will apply for an order of the Commission under section 17(b) of the Act permitting the Insurance Company to sell such securities to the Fund at the price paid by the Insurance Company, plus accrued interest or dividends (and, in the case of any debt securities purchased by the Insurance Company for less or more than the principal amount thereof, adjusted to reflect the accrual of the original discount or the amortization of the original premium). If

such order of the Commission shall be entered within three months after such closing date, then the Insurance Company shall sell to the Fund the portion of such securities which had been intended to be purchased by the Fund, such sale to be made at the price described in the preceding sentence. If such order shall not be granted within three months after such closing date, then the Insurance Company's obligation to sell such securities to the Fund will terminate.

4. If the Fund chooses not to participate in a direct placement offered to it by the Insurance Company, the Fund's decision must be approved by the Board of Directors of the Fund, including a majority of the directors of the Fund who are not "interested persons" of the Fund, as defined in the Act. The Fund's determination not to participate in a direct placement and the reasons therefor will be recorded and become a part of the permanent records of the Fund.

5. Unless otherwise permitted by special order of the Commission, neither the Insurance Company nor the Fund will exercise warrants of a class held by both the Fund and the Insurance Company except at the times and in amounts proportionate to their respective holdings of such securities.

6. Unless otherwise permitted by special order of the Commission, neither the Insurance Company nor the Fund will sell, exchange or otherwise dispose of any interest in any security of a class held by both the Fund and the Insurance Company unless such dispositions are made at the same times, for the same unit consideration and in amounts proportionate to their respective holdings of such securities.

7. The expenses, if any, of the distribution of any securities registered for sale under the Securities Act of 1933 and sold by the Insurance Company and the Fund at the same time will be shared by the Insurance Company and the Fund in proportion to the respective amounts they are selling.

Applicants submit that the foregoing conditions are adequate to ensure that the concurrent participation by the Insurance Company and the Fund in direct placements, and the subsequent exercise of warrants and conversion privileges and other rights relating to securities purchased by the Insurance Company and the Fund in such direct placements, would be consistent with the provisions, policies and purposes of the Act and would not result in the participation of the Fund being on a basis different from or less advantageous than that of the Insurance

Company or any other participants.

Applicants assert that the proposed conditions will give the Fund the opportunity (i) to acquire common stocks and other securities with equity participations or to acquire long-term debt obligations or preferred stocks without equity participations on an equal basis with the Insurance Company and (ii) to decline to participate with the Insurance Company in a direct placement of such securities, depending on the best interests of the Fund. Applicants submit that there are ample safeguards to assure that any participation by the Fund in such direct placements will not be on a basis less advantageous than that of the Insurance Company. Applicants assert that because the proposed conditions would permit the Insurance Company and the Fund to exercise warrants and conversion privileges and other rights relating to securities held by both the Insurance Company and the Fund, and to dispose of such securities, only in proportion to their respective holdings of such securities, such actions could not be taken in a manner which would be disadvantageous to the Fund as compared to the Insurance Company.

Notice is further given that any interested person may, not later than June 29, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-17209 Filed 6-9-81; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 17838; (SR-SCCP-81-2)]

Stock Clearing Corporation of Philadelphia ("SCCP"); Order Approving Proposed Rule Change

June 4, 1981.

On April 21, 1981, SCCP, 17th Street and Stock Exchange Place, Philadelphia, PA 19103, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change establishing a \$100 monthly account fee for pledgee banks.

Notice of the proposed rule change together with its terms of substance was given by publication of a Commission Release (Securities Exchange Act Release No. 17756, April 27, 1981) and by publication in the *Federal Register* (46 FR 24354, April 30, 1981). No written comments were received by the Commission.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to clearing agencies and, in particular, the requirements of Section 17A and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change be approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-17210 Filed 6-9-81; 8:45 am]
BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

[Number: 113-1]

Establishment of the Office of the Assistant Secretary (Public Liaison and Consumer Affairs)

Dated: June 1, 1981.

By virtue of the authority vested in me as Secretary of the Treasury, including the authority vested in me by Reorganization Plan No. 26 of 1950, it is ordered that:

1. *The position of the Assistant Secretary (Public Liaison and Consumer Affairs) is hereby established. The incumbent will report to the Secretary through the Deputy Secretary, and will be responsible for:*

a. Establishing general operating policies and guidelines, and providing leadership, direction and management strategy for administering public liaison and consumer affairs programs and activities in all Treasury offices and bureaus.

b. Formulating and executing Public Liaison and Consumer Affairs policies and programs which will increase the knowledge and understanding of businesses, trade and professional organizations, and consumer groups regarding Treasury's activities and services.

c. Providing public liaison and consumer affairs logistic support, program development, and policy development to the Office of the Secretary.

d. Serving as the principal advisor to the Secretary, the Deputy Secretary, and senior officials throughout the Treasury Department on matters affecting the understanding by businesses, trade and professional organizations, and consumer groups of Treasury policies and programs.

e. Providing executive direction to the Small and Disadvantaged Business Utilization program. In the performance of these functions, the Assistant Secretary shall be known as the "Director, Office of Small and Disadvantaged Business Utilization."

2. *The Office of the Assistant Secretary (Public Liaison and Consumer Affairs) is hereby established. Under the supervision of the Assistant Secretary (Public Liaison and Consumer Affairs) this Office performs the following functions:*

a. Developing materials to inform businesses, trade and professional organizations, and consumer groups

regarding the Department's policies, programs, activities, and services.

b. Serving the specialized needs of specific Treasury officials for communications with businesses, trade and professional organizations, and consumer groups.

c. Providing editorial services for publications of the Office of the Assistant Secretary (Public Liaison and Consumer Affairs), e.g. brochures, pamphlets, and other communications materials.

d. Coordinating public liaison and consumer affairs activities throughout the Department.

e. The functions provided for by Public Law 95-507. In performing these functions, the Office shall be known as the Office of Small and Disadvantaged Business Utilization.

3. *All of the functions, positions, personnel, records and property assigned to the Office of the Special Assistant to the Secretary (Consumer Affairs) are transferred to the Office of the Assistant Secretary (Public Liaison and Consumer Affairs). The Director, Consumer Affairs, will have direct access to the Secretary on consumer affairs matters.*

4. *All of the functions, positions, personnel, records and property assigned to the Office of Small and Disadvantaged Business Utilization are transferred to the Office of the Assistant Secretary (Public Liaison and Consumer Affairs).*

5. Responsibility for answering correspondence as outlined in Treasury Order 251 dated May 3, 1977, and the positions, personnel, records, and property associated with these responsibilities are transferred to the Office of the Assistant Secretary (Public Liaison and Consumer Affairs) from the Office of the Assistant Secretary (Public Affairs).

6. The Assistant Secretary (Public Liaison and Consumer Affairs) is authorized to define the organizational

structure and the specific responsibilities of the positions and personnel assigned to the Office of the Assistant Secretary (Public Liaison and Consumer Affairs).

7. This Order supersedes Treasury Order 101-6 dated May 16, 1979; and Treasury Directive 90-23.A dated May 28, 1980.

Donald T. Regan,
Secretary.

[FR Doc. 81-17123 Filed 6-9-81; 8:45 am]

BILLING CODE 4810-25-M

[Number: 150-93]

Transfer of the Office of Industrial Economics to the Internal Revenue Service

Dated: June 29, 1981.

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950, supervision of the current functions of the Office of Industrial Economics is transferred from the Office of the Assistant Secretary (Tax Policy) to the Commissioner of Internal Revenue, effective with the pay period beginning on May 24, 1981.

Personnel and records, as determined by the Assistant Secretary (Tax Policy), the Assistant Secretary (Administration) and the Commissioner of Internal Revenue, will be transferred from the Office of the Secretary to the Internal Revenue Service, effective on the date agreed upon by the Assistant Secretary (Administration) and the Commissioner of Internal Revenue.

Treasury Department Order No. 175-5, dated June 11, 1973, is superseded. Treasury Department Order No. 111-1, dated March 13, 1979, is rescinded.

Donald T. Regan,
Secretary of the Treasury.

[FR Doc. 81-17121 Filed 6-9-81; 6:45 am]

BILLING CODE 4810-25-M

Sunshine Act Meetings

Federal Register

Vol. 46, No. 111

Wednesday, June 10, 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

COMMODITY FUTURES TRADING COMMISSION.

AGENCY HOLDING THE MEETING:

Commodity Futures Trading Commission.

TIME AND DATE: 11 A.M. Friday, June 19, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C. Eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Surveillance Briefing.

CONTACT PERSON FOR MORE

INFORMATION: Jane Stuckey, 254-6314.

[S-900-01 Filed 6-8-81; 11:30 am]

BILLING CODE: 6351-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of agency meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, June 15, 1981, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of Title 5, United States Code, to consider the following matters:

Applications for Federal deposit insurance:

The Bank of Hollywood, a proposed new bank, to be located at 1616 North La Brea Avenue, Los Angeles (Hollywood), California.

Peoples Savings Bank, Worcester, Massachusetts, an operating noninsured mutual savings bank.

Application for consent to merge and establish a branch:

La Jolla Bank & Trust Company, La Jolla, California, for consent to merge, under its charter and title, with Vista National Bank, Vista, California, and to establish the sole office of Vista National Bank as a branch of the resultant bank.

Application for consent to acquire assets and assume liabilities:

Wilmington Savings Fund Society, Wilmington, Delaware, for consent to acquire the assets of and assume the liability to pay deposits made in Peoples Savings and Loan Association, Dover, Delaware.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,298-L (Amended)—Bank of Bloomfield, Bloomfield, New Jersey
Case No. 44,774-L (Amended)—Hamilton Bank & Trust Company, Atlanta, Georgia
Case No. 44,824-L—Franklin National Bank, New York, New York
Case No. 44,825-L—Franklin National Bank, New York, New York

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8), (c)(9), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), (c)(9), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

Reports of committees and officers:

Report of the Director, Office of Corporate Audits:

Audit Report re: American Bank and Trust Company, New York, New York.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: June 8, 1981.

Hoyle L. Robinson,

Executive Secretary.

[S-901-01 Filed 6-8-81; 3:14 pm]

BILLING CODE: 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of agency meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, June 15, 1981, to consider the following matters:

Disposition of minutes of previous meetings.

Memorandum re: Delinquent Assessment Payments.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550-17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: June 8, 1981.

Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.
[S-802-81 Filed 6-8-81; 3:15 pm]
BILLING CODE 6714-01-M

4

**FEDERAL ENERGY REGULATORY
COMMISSION.**

June 5, 1981.

TIME AND DATE: 10 a.m., June 12, 1981.

PLACE: Room 9306, 825 North Capitol
Street, N.E., Washington, D.C. 20426.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Docket No.
OR81- , LOOP, Inc. and LOCAP, Inc.

**CONTACT PERSON FOR MORE
INFORMATION:** Kenneth F. Plumb,
Secretary; telephone (202) 357-8400.

[S-800-81 Filed 6-6-81; 10:10 am]

BILLING CODE 6450-01-M

5

FEDERAL RESERVE SYSTEM.

Board of Governors

TIME AND DATE: 10 a.m., Monday, June
15, 1981.

PLACE: 20th Street and Constitution
Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments,
promotions, assignments, reassignments, and
salary actions) involving individual Federal
Reserve System employees.

2. Any items carried forward from a
previously announced meeting.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Joseph R. Coyne,
Assistant to the Board (202) 452-3204.

Dated: June 5, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-806-81 Filed 6-5-81; 4:17 pm]

BILLING CODE 6210-01-M

federal register

Wednesday
June 10, 1981

Part II

**Department of
Health and Human
Services**

National Institutes of Health

**Recombinant DNA Research; Final Plan
for a Program To Assess the Risks**

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Recombinant DNA Research; Final Plan for a Program To Assess the Risks of Recombinant DNA Research

AGENCY: National Institutes of Health.

ACTION: Notice of final plan for a program to assess the risks of recombinant DNA research.

SUMMARY: This notice sets forth the first annual update of the NIH program to assess the risks of recombinant DNA research.

EFFECTIVE DATE: June 10, 1981.

FOR FURTHER INFORMATION CONTACT: Additional information may be obtained from Dr. William J. Gartland, Jr., Director, Office of Recombinant DNA Activities, NIAID, Building 31, Room 4A52, National Institutes of Health, Bethesda, Maryland 20205 (301-496-6051).

SUPPLEMENTAL INFORMATION:

I. Decision of the NIH Director to issue the Final Plan.

The proposed first annual update was published in the *Federal Register*, Volume 45, No. 182, Wednesday, September 17, 1980, pages 61874 to 61878. A formal closing date for public comment of December 16, 1980, was established.

A. Eight correspondents submitted comments on the plan. They were divided into generic categories as follows:

1. General Opposition to the Risk Assessment Program.

One correspondent objected to the fact that the program failed to evaluate the risks "created by the regulations of recombinant DNA research." It was stated that risk assessment studies should be addressed to the risks created in the laboratory by the use of chemicals employed as disinfectants; by excessive use of autoclaves; by use of automatic formaldehyde atomizer guns; and other various dangers due to crowded conditions and inadequate ventilation of laboratories. The commentator suggested that the name of the program should be changed to "Program to Assess the Hypothetical Risks of the Recombinant DNA Technique." Further, the author objected to the title of the course "Microbiological Principles and Techniques for Work With Potentially Biohazardous Agents Including Recombinant DNA" to be sponsored by the NIH.

In response to the main criticism raised, the laboratory practices and

containment procedures specified in the Guidelines are those that have been widely used in containing microorganisms.

A second commentator said that there is absolutely no evidence, thus far, that indicates that recombinant DNA research is unusually risky. Further, he stated that intended programs to evaluate risks will never be able to prove that the risk is negative. The commentator concluded that "the NIH should get out of the recombinant DNA business as rapidly as possible."

As I noted in issuing the first final plan, I am required to establish that actions under the NIH Guidelines for Research Involving Recombinant DNA Molecules present no significant risks to health or the environment. While I concur with most scientists that the perception of risk from this research is certainly less now than earlier, there still remain selected areas where data are insufficient to determine risk. This plan is an attempt to satisfy this remaining need and will afford an opportunity to assess progress toward achieving the scientific objectives.

2. Criticism of the Program and the Risk Assessment Experiments.

One writer expressed concern that the proposed risk assessment plan update does not address "non-scientific risks," such as risks of accidents due to carelessness or arrogance, risks of sabotage, and risks of intentional misuse of recombinant DNA technology. An objection was also raised to a statement in the Plan which asserts that much information on recombinant DNA risk analysis has come from research not primarily designed to assess risks. It is the opinion of the writer that it is not good scientific practice to base policy and conclusions on research that was not designed specifically to provide information on risk.

The objective of the risk assessment program is to obtain information derived from scientific experiments relevant to the use of recombinant DNA molecules which would also be applicable to cases of accidents, carelessness, etc.

It still remains our conviction as stated in the first Final Plan that:

The vast majority of information relevant to recombinant DNA risk analysis has already come from research not primarily designed to provide information on risk. This will undoubtedly continue to be the case. This information will be obtained chiefly from publications in the scientific literature, from persons with special scientific knowledge, and from ongoing basic biomedical research. Risk assessment analysis will require continuing review of data developed in the fields of microbiology, infectious diseases, and related biological research.

Some essential information has been, and will continue to be, derived from projects specifically designed to assess various aspects of potential risks associated with recombinant DNA experimentation. Such experiments will be supported by the Intramural and Extramural programs of NIH. Many experiments may also be conducted in the private sector or may be funded by other agencies or governments.

The essential goal of a successful risk assessment plan will be the development of means to collect, collate, coordinate, evaluate, and disseminate data obtained from all sources.

Another commentator criticized the interpretation of the results of polyoma risk assessment experiments. The correspondent noted that positive results were obtained with regard to oncogenicity and infectivity when cloned dimeric polyoma DNA was carried in intact phage lambda particles.

The published results and interpretations derived from the polyoma DNA risk experiments have been the subject of wide reviews and discussions. The consensus of most scientists supports the conclusions of the investigators who conducted the polyoma risk assessment experiments that neither potentially infectious nor tumorigenic recombinant DNA was transferred out of the EK2 host into susceptible mice or hamster cells to produce progeny virions or tumors. Further, propagation of polyoma viral DNA as a component of a recombinant DNA molecule in *E. coli* K-12 reduces its biologic activity as an infectious unit many orders of magnitude relative to the virus.

3. Support and General Suggestions for the Program.

Three correspondents submitted letters supporting the Proposed Plan as published, and made some general suggestions for improvement. One commentator said that the risk assessment work has helped to allay many initial fears of this area of research. This correspondent also felt that it will be difficult to devise systematic standards for training all the workers in various areas of recombinant DNA research.

Another commentator stated that it would be prudent to provide risk assessment experiments to assess parameters of possible hazards for some of the more widely used host organisms not heretofore assessed.

One commentator stated that it was his impression that at the Pasadena Recombinant DNA Risk Assessment Workshop the question was not one of concern about antibody to insulin made

by recombinant DNA, but rather to any hybrid proteins made between bacterial proteins and insulin or other peptide hormones. With regard to this comment, the central issue on this point is whether or not autoimmunity could follow administration of self proteins in any of several forms; hybrid proteins were one of the forms briefly discussed.

Another correspondent wrote that the increased responsibility given to the local Institutional Biosafety Committees will provide for more expeditious monitoring of recombinant DNA research. The commentator suggested that some effort be made to collate information emanating from ORDA memoranda, the *Federal Register*, and the Recombinant DNA Technical Bulletin. It was also suggested that thought should be given to preparing a tabular listing of a classification of microorganisms on the basis of hazard and their recommended containment levels. While these are not comments specifically on the risk-assessment plan, I wish to indicate that ORDA is exploring ways to summarize major actions of the RAC. Also, the Centers for Disease Control, in a joint effort with NIH, has published for comment "Proposed Biosafety Guidelines for Microbiological and Biomedical Laboratories."

B. The Recombinant DNA Advisory Committee considered the Proposed First Annual Update of the Risk Assessment Plan at its meetings on September 25, 1980, and January 8, 1981. At the latter meeting, Dr. Luther Williams, a RAC member, presented a summary of the program, as published in the *Federal Register* on September 17, 1980, and responded to questions. Committee members and the public were provided an opportunity to present their views, questions, criticisms, or suggestions. A RAC member raised a point regarding the wording in the second paragraph, third column of page 61876 of the *Federal Register* of September 17, 1980, dealing with colonization of the intestinal tract. It was recommended that the word "known" should be deleted from the last clause of the paragraph. This has been done, and the clause now reads as follows: ". . . even though *E. coli* K-12 has apparently lost those characteristics that are required for colonization of the normal intestinal tract." A public commentator suggested that additional references should be added to the risk assessment plan. This has been done in this document. The RAC did not recommend any other significant changes in the plan as a result of other

issues which were raised at the RAC meeting.

II. Final Plan for a Program to Assess the Risks of Recombinant DNA Research

A. Introduction.

With the issuance in December 1978 of revised guidelines for the conduct of recombinant DNA research, the Secretary, DHEW (now DHHS), requested that the National Institutes of Health (NIH) prepare an NIH Risk Assessment Plan which, after review by the Recombinant DNA Advisory Committee (RAC) and publication in the *Federal Register* for comment, would be made final and updated annually. The present document is the first annual update.

B. Scientific Aspects.

We stated in the Final Plan and it is still our conviction that:

The vast majority of information relevant to recombinant DNA risk analysis has already come from research not primarily designed to provide information on risk. This will undoubtedly continue to be the case. This information will be obtained chiefly from publications in the scientific literature, from persons with special scientific knowledge, and from ongoing basic biomedical research. Risk assessment analysis will require continuing review of data developed in the fields of microbiology, infectious diseases, and related biological research.

Some essential information has been, and will continue to be, derived from projects specifically designed to assess various aspects of potential risks associated with recombinant DNA experimentation. Such experiments will be supported by the Intramural and the Extramural programs of NIH. Many experiments may also be conducted in the private sector or may be funded by other agencies or governments.

The essential goal of a successful risk assessment plan will be the development of means to collect, collate, coordinate, evaluate, and disseminate data obtained from all sources.

The Scientific Aspects of the Plan noted that a number of events must occur before a laboratory microorganism becomes a possible risk to people or higher organisms outside the immediate laboratory environment. A major aspect of the risk assessment plan was to acquire and analyze information and data relevant to those elements for the three general categories of host-vector systems in use; prokaryotic, lower eukaryotic and higher eukaryotic systems. Initial emphasis was on the prokaryotic *E. coli* K-12 systems because those were, and remain, the systems predominately used by investigators, and because needed areas of investigation had already been identified. Seven areas were identified

as requiring particular consideration, and progress has been made in collecting and/or analyzing data for all of them. Before considering these it is worth saying that, despite intensive study by the RAC Subcommittee on Risk Assessment and NIH staff, several conferences and workshops to consider specific issues and several experiments, no risks of recombinant DNA research have been identified that are not inherent in the microbiological and biochemical methodology used in such research. A synoptic report of progress follows and all data, reports, and other documents referred to are available on request.

1. Prokaryotic Host-Vector Systems.

a. Survival in the environment and the potential for selective advantage of organisms carrying recombinant DNA should they survive was cited as a matter of concern. NIAID had four contractors working on various aspects of this issue; the contracts were originally awarded to provide independent testing in the process whereby EK2 systems could possibly be elevated to EK3 status. The tests were performed in situations simulating accidental spills in the laboratory, in a model sewage treatment system, in mice and cultures simulating the mouse gastrointestinal system, in germfree mice, and finally in humans. The status of the work of all four contractors, at the time the Plan was initially published, can be found in the Recombinant DNA Technical Bulletin, Vol. 2, No. 2, July 1979. The expiration date of all contracts has now been reached and Final Reports are or soon will be available.

(1) The work of the contractor testing in "accidental spill situations" was completed shortly after publication of the Plan and was in two areas: (1) to determine whether selected strains of *E. coli*, used as hosts to propagate recombinant DNA molecules, and some phage and plasmid vectors would survive or retain their capacity to infect or transform host cells after exposure to the environments expected to occur in the event of spill or aerosolization, (2) to inventory and simulate common procedures used in recombinant DNA laboratory studies so that aerosol output potential of the procedures could be assessed.

Considerable effort was expended on quantitative descriptions of the biological characteristics of hosts and vectors of concern in current rDNA studies, and the physical dispersion aspects have been examined with particular attention to procedures unique to such laboratory work.

The data on biological survival characteristics are applicable to evaluation of potential dosage to workers or to the environments both from accidents creating massive release and from the continuing releases incidental to the laboratory procedures. Evaluation of the effect of survival of the agents in the course of routine work should assist in prudent and cost-effective application of physical and biological containment. Further, it can lend emphasis to the areas in which training in "good practice" can be most productive.

This work was supported by Interagency Agreement YOI-AI-70003, Naval Biosciences Laboratory, Robert J. Heckley, principal investigator.

(2) The Survival of EK1 and EK2 Systems in Sewage Treatment Plant Models.

In an early series of studies utilizing bench scale models of wastewater treatment facilities, *E. coli* DP50supF, *E. coli* Chi 1776 and phage Charon 4A concentrations were shown to be reduced by at least two orders of magnitude by a conventional treatment chain (including primary settling followed by activated sludge treatment and anaerobic digestion of all sludges generated). This work was described in brief form in the *Recombinant DNA Technical Bulletin* of July 1979.

Similar results are now available for the survival of *E. coli* Chi 2656 (which carries plasmid pBR322) and for *E. coli* GF 2174 (carrying plasmid pBR325). Evidence also was sought in these studies for transfer of the plasmids to indigenous coliforms and, within the sensitivity of the methods used, such transfer was not demonstrated. Experiments favoring plasmid transfer in raw wastewater and in primary biological sludges also failed to demonstrate such mobilization.

Likewise, *E. coli* 2e01C carrying a lambda prophage (λ cl857nin5 plac5) was removed effectively by wastewater treatment; no free lambda phage was observed at any point in the treatment train.

Studies have been completed measuring the survival of an indigenous *E. coli* and *E. coli* K-12 in these treatment plant models as well. The results of experiments utilizing such genetically tagged organisms confirm an earlier report that conventional domestic wastewater treatment processes will result in at least two log₁₀ reductions in concentration of indigenous EK1 and EK2 organisms. These results are similar to those obtained with the indigenous wastewater microflora. Further reduction of these host-vector

populations will depend on appropriate sludge treatment and effluent disinfection.

This work was supported by Contract NO1-AI-82566, University of Texas, San Antonio, Bernard Sagik, principal investigator.

(3) The contractor who was performing tests in mice and in cultures made significant progress during the intervening year. The most notable result was the establishment of a mathematical model to study the exchange of plasmids between normal hosts and indigenous bacteria.

Plasmid transfer in continuous flow (CF) cultures of defined or natural intestinal flora occurred with similar efficiency as in pure cultures *in vitro*. One can conclude that the capacity of *E. coli* K-12 strains to function as plasmid donors or recipients was not impaired by the presence of an indigenous microflora. *E. coli* Chi 1776 donated plasmid R1drd19 with somewhat lower efficiency than a standard *E. coli* K-12 donor.

Plasmid transfer in mice harboring a defined intestinal microflora appears to have the same degree of efficiency as in the CF cultures, because the rate constants calculated on the basis of the equations are similar to those obtained in CF cultures. However, the validity of this mathematical treatment for mice is not completely certain, because the mathematical model is based on the assumption that the bacteria are freely suspended, which is not likely to be the case in the animal. Nevertheless, the data suggest that plasmid transfer efficiency in the gut should not differ profoundly from that in CF cultures. These conclusions are based on similarities of transfer rate constants as measures of donor and recipient capacity.

The actual rates of transfer are, of course, critically dependent on the concentrations of donors and recipients. The *E. coli* populations in normal mice (and in people) are so low (approx. 10⁸ per ml gut content), that little plasmid transfer occurred in the mice after the initial 20 hours of the experiment, i.e., after the large inoculum of donors had passed through the animals. This was true in spite of the fact that the resident *E. coli* were artificially implanted, highly efficient recipients for the highly efficient conjugative plasmid. It is not very common to find *E. coli* of such high recipient capacity in natural gut flora. Despite the fact that the capacities of the *E. coli* strains to donate or receive the plasmid were not seriously impaired in the gut, the quantitative parameters in the normal gut are such that little actual

transfer occurred once the large initial inoculum of donors had been eliminated.

From these data one may tentatively conclude that the probability for triparental transfer of a non-conjugative plasmid in the normal gut would be exceedingly small. The only circumstances in which one could imagine a realistic possibility for triparental transfer to occur, would be at times when abnormally high *E. coli* populations are present in the gut, as may be the case during fasting and other types of stress, in diarrhea, or as a consequence of antibiotic therapy.

These studies were supported by Contract NO1-AI-823518, University of Michigan, Rolf Freter, principal investigator.

(4) The major effort of the contractor who was testing in both mice and humans in the interim has been to initiate triparental mating studies using Chi 1666 (an EK1 host), the plasmid pBR322, and two additional mobilizing plasmids.

The studies are designed to determine if the presence of a mobilizing plasmid in a bacterial host cell can cause the transfer of the non-conjugative pBR322 to the indigenous microflora of either mice or humans.

Two studies have been done in mice. In both cases germ-free mice were colonized with human *E. coli* to provide an array of potential recipients and then fed the Chi 1666 containing the three plasmids. In the first study, 5x10⁹ organisms were fed once and fecal samples from the mice were pooled to facilitate assay; Chi 1666 could only be isolated during the first day of the study. In the second mouse study, the Chi 1666 containing the plasmids were fed daily for 4 days to the mice and their drinking water contained tetracycline. In this latter group the Chi 1666 survived at levels of 10²/gram or less for the 4 days. In neither case, however, was the pBR322 mobilized to the indigenous flora.

Finally, Chi 1666 containing pBR322 and the two mobilizing plasmids was fed to 4 human subjects. More than 70 fecal samples were collected during the study and a large number of cultures and subcultures (2500) performed. The Chi 1666 survived from 3½ to 7 days and that interval corresponds well with previous data from studies in which Chi 1666 was fed to humans with and without pBR322. While the data for transfer of pBR322 await DNA:DNA colony hybridization and further confirmation, from the data already available on the two transferable plasmids, we can make certain estimates. Highly transferable pSI222-4

was found to transfer to coliforms at a frequency no higher than 8×10^{-6} . This value is 10^{-5} lower than seen when the plasmid is tested under the best laboratory conditions. Thus pBR322, which is transferable by F-like R plasmids at $10^{-5} - 10^{-6}$ would be expected to be transferred at an extremely low frequency; probably below experimentally detectable levels. The same is presumably true of potential mobilization by the second conjugative plasmid, although the data for their mobilization of pBR322 are not readily available. We would estimate that pBR322 would be transferred at a frequency at least $10^4 - 10^5$ fold less than the conjugatable plasmid, i.e., $10^{-9} - 10^{-10}$.

These studies were supported by Contract N01-AI-72529, Tufts University, Stuart Levy, principal investigator.

b. Progress on the evaluation of the transmission of vectors from *E. coli* K-12 to other bacteria in the gastrointestinal tract of animals and human beings has been made via three approaches.

(1) Data reported in section a. by two of the contractors relates directly to this question.

(2) A meeting was convened on August 30, 1979 at the NIH with the purpose of considering Falmouth Workshop Protocols I and II (Jour. Infect. Dis. 157, 704-708, 1978) and some related issues. Dr. Stanley Falkow served as Chairman and sixteen participants and NIH staff attended.

Protocol I addressed the colonization and transmission of plasmids from *E. coli* K-12 in the gastrointestinal tract of humans to other bacterial strains in the intestinal flora. The Working Group unanimously recommended that the NIAID not initiate new studies to pursue the investigations as written in Protocol I. This judgment was based on a review of data that existed at the time of the Falmouth Workshop, a consideration of some newer published data and the results of contracts that NIAID was supporting. As written by the Falmouth Workshop Participants, the experiments were to be based on *E. coli* K-12 and this was judged to not be a fruitful experimental model. It was a clear consensus of the Group that, based on the available data, it can be predicted that only negative results will be obtained and that limited resources could be better expended in other pursuits.

Protocol II was designed to study the transmission of plasmids from *E. coli* K-12, including Chi 1776, into the normal intestinal flora utilizing a germ-free mouse model.

The Working Group unanimously supported the view that the NIAID should not initiate new studies for the Protocol as it was written, but to rely on the contracts to supply some additional data. This judgment was based on the same reasoning and data base considered for Protocol I.

During discussion of the issues cited above it was obvious that the Working Group felt that a more beneficial use of monies would be to support the training of workers in good microbiological laboratory practices and to support research aimed at gaining a better basic scientific understanding of bacterial colonization and plasmid mobilization. Toward this last goal the Working Group strongly recommended that the NIAID support studies that could obtain quantitative data, expand scientific knowledge in an important area and which may prove useful at some future date for risk assessment. The Group felt that such studies should be performed directly in humans and employ wild type *E. coli* (not K-12). Strain HS containing pBR325 was suggested as a good initial combination, and the study should be developed to assay for both survival and transfer to the indigenous flora. [These studies are now in their early stages and being performed by an NIAID contractor at the University of Maryland Medical School.]

The full transcript of this meeting and a verbal report was made to RAC at their March 1980 meeting and the recommendations were approved by that Committee.

(3) NIAID identified two relevant grant applications, and the National Advisory Allergy and Infectious Diseases Council supported selective payment of these projects for inclusion into the risk assessment program.

One grantee (Dr. Rolf Freter, University of Michigan, AI 15279) will focus on the mechanisms that control human and animal gut flora. Of the four stated proposed aims of the research plan three relate to issues of importance to the NIH Recombinant DNA Risk Assessment Program. They are: (1) characterize and extend the application of anaerobic continuous flow cultures, (2) analyze the efficiency of plasmid and bacteriophage transfer, and (3) determine whether human microflora can be maintained in gnotobiotic mice and in anaerobic continuous flow cultures. The issue of mobilization of vector plasmids to the indigenous flora has always been a concern when considering the use of *E. coli* K-12 based host-vector systems. Most recently concern has been expressed over the potential for exchange of plasmids in the intestinal tract between the

Enterobacteriaceae and the anaerobic flora, principally members of the genus *Bacteroides*. This project has the capacity for filling a significant void in experimental data.

A second grantee (Dr. Paul Cohen, University of Rhode Island, AI 16370) will be exploring a related issue which focuses on the molecular mechanisms of *E. coli* colonization of the intestine, specifically on the relative importance of plasmid or chromosomal determinants of colonization.

At this point in time the majority of experiments using recombinant DNA technology employ host-vector systems based on *E. coli* K-12 and its plasmids or bacteriophages. Prominent among the scenarios raised early in the debate over use of this technology was the possible colonization of the intestinal tract by host-vector systems followed by various consequences due to the elaboration of a product which would cause harm to the individual by either direct or indirect mechanisms. There now are a considerable number of studies describing the survival of various types of *E. coli* in the intestinal tracts of man and mice and they demonstrate a tremendous disparity in the survivability and colonization potential of such strains. A complete understanding of those factors that control survival and colonization may permit the development of both safer and more useful *E. coli* hosts in the future as well as perhaps provide data suggesting adjustments in the physical containment requirements of the NIH Guidelines governing use of this technology.

c. Experiments testing *E. coli* K-12 host-vector systems carrying recombinant DNA for virulence have been done by NIH scientists (Dr. Malcolm Martin and colleagues). The studies were designed to determine the pathogenicity and stability of shotgun clones of *Saccharomyces* DNA when used with both plasmid and bacteriophage vectors. In this experimental model, which utilized mice, there was no evidence that the presence of segments of the entire yeast genome altered the inherently low pathogenicity of *E. coli* K-12 in any way.

d. A Workshop was convened to consider two areas [within the NIH Program] recommended by the Risk Assessment Subcommittee of RAC. This Workshop was designed to define the scientific issues and assess the potential risks of: (a) Possible direct adverse effects of hormone-producing strains of *E. coli* K-12 and (b) The possible occurrence of autoantibodies or autoreactive cells due to the production of eukaryotic polypeptides (including

hormones) by *E. coli* K-12 should they colonize higher organisms.

In the charge to the Workshop it was noted that these potential risks were under consideration because there is still debate over the degree of possible risk, even though *E. coli* K-12 has apparently lost those characteristics that are required for colonization of the normal intestinal tract.

The purpose was to decide whether the two specific possibilities are valid scientific hypotheses if such an event did occur; and if valid, to determine if sufficient experimental data already exist to make a final judgment concerning possible risk. If data were insufficient, the participants were asked to outline those types of studies necessary to develop the definitive information on these issues.

The meeting brought together 92 scientists from the fields of immunology, endocrinology, physiology, microbiology, infectious diseases and other appropriate disciplines. The Chairmen's Summary and a full transcript of the Final Plenary Session were distributed to all participants and also to the RAC for their review at the June 1980 meeting. In addition to the report of the Director, NIAID, Drs. Setlow and Campbell, members of the RAC, prepared a separate report and the RAC Risk Assessment Subcommittee also reported their analysis of the Workshop.

NIAID plans in implementing the four prime recommendations were influenced by the RAC discussions. At this time we propose to respond to the recommendations as follows:

(1) It was recommended that experiments of the following general type should be performed: "*E. coli* cells carrying recombinant DNA and making a mammalian protein are introduced into living animals under conditions where they cause genuine infection (e.g., an abscess), with subsequent monitoring for breakdown of immune tolerance."

This subject stimulated the most discussion during the final plenary session of the Workshop. The sentiment was to acquire the data as a matter of scientific interest rather than to answer the risk assessment question. An RFP was developed to solicit proposals from interested investigators. Immunologists from the NIAID staff designed the experimental protocol for the workshop and other specifications of the study.

(2) Additional information was requested on the handling and absorption of polypeptides from the normal and pathologic colon, and the potential effects of synthetic peptides on the bowel itself.

We have confirmed that this is an issue about which there are little direct data. The Workshop participants opined that although their own calculations revealed that only extremely small amounts of hormones would be produced under the most ideal conditions, data should still be sought for potential future needs. The issue of the potential effects of synthetic peptides on the bowel itself is different from that of hormones, and that discussion was centered on interferon and its direct effect on cells.

Although this will be a difficult study to initiate because of the technical difficulties as well as the process for approval of research in human subjects, NIAID is considering solicitation of grant proposals through a Request for Applications (RFA). The study will have as its objective a determination of the fate of peptide hormones when deposited in the distal small intestine and large intestine of humans. These sites are relevant to the production of hormones by recombinant DNA technology because they represent the regions of colonization by *E. coli*.

(3) It was suggested that additional information is needed on the potential transfer of plasmids to anaerobic bacteria from *E. coli*. This recommendation differs from the findings of the *ad hoc* group convened in August 1979 which RAC reviewed at the March 1980 meeting. That expert Group noted that by studying the epidemiology of plasmids the conjugative plasmids of *E. coli* are not found within the anaerobic flora of the gut. The uniform use of nonconjugative plasmids in rDNA research further reduces the likelihood of transfer.

It is likely that the requested data will be forthcoming from NIH (NIAID) supported studies on plasmids through the regular grant-supporter research programs and that new initiatives are not needed. In fact, the NIAID Advisory Council identified a grant application (AI 15279) for selective payment that addressed some aspects of this issue; this action will initiate the acquisition of the data at an early date. There is no plan to develop a RFA at this time but NIAID staff will continue to identify all appropriate incoming applications as potential sources of data.

(4) It was recommended the NIH communicate with the Centers for Disease Control (CDC) about possible types of health surveillance for workers using recombinant DNA.

A CDC representative was present at the Pasadena meeting and discussed some approaches to this issue. Furthermore, representatives of the National Institute for Occupational

Safety and Health and the Occupational Safety and Health Administration were also present and therefore, are cognizant of the Workshop recommendation. All of these agencies are members of The Industrial Practices Subcommittee of The Federal Interagency Advisory Committee on Recombinant DNA Research.

e. NIH scientists have continued a further evaluation of the biological activity of polyoma virus DNA cloned in *E. coli* host-vector systems. It had been reported (*Science* 203: 883-892, 1979), when the Final Plan was initially published, that polyoma DNA was noninfectious when cloned in EK2 plasmid and bacteriophage host-vector systems.

As a further step in evaluating the biologic activity of the polyoma-plasmid and polyoma-lambda recombinant DNA host-vector systems, the scientists tested the ability of the EK2 systems containing polyoma DNA to induce tumors in suckling hamsters.

These animals are highly sensitive to tumor induction by polyoma virus and in some cases even subgenomic fragments of viral DNA can induce tumors in them. The results (*Science* 205: 1140-1142, 1979) indicated that inoculation of suckling hamsters with 2×10^8 live cells of *E. coli* K-12 strain Chi 1776 carrying the complete genome of polyoma virus in a recombinant plasmid, failed to induce tumors in any of 32 recipients. Also, lambda phage DNA and particles with a monomeric insert of polyoma DNA did not induce tumors. Purified recombinant plasmid DNA, as well as phage particles and DNA containing a head-to-tail dimer of polyoma DNA, showed a low degree of oncogenicity, comparable to that of polyoma DNA prepared from mouse cells. These findings support the previous conclusions, based on infectivity assays in mice, that propagation of polyoma virus DNA as a component of recombinant DNA molecules in *E. coli* K-12 reduces its biologic activity many orders of magnitude relative to the virus itself.

Currently both the infectivity and tumorigenicity experiments are being extended. In one, *E. coli* K-12 (EK1) containing recombinant plasmids consisting of two copies of polyoma virus DNA and one copy of pBR322 plasmid DNA are being inoculated into newborn hamsters and weanling mice. It is also planned to test lambda phage lysogens (*E. coli* K-12 containing one or two copies of a lambda bacteriophage-polyoma virus DNA recombinant integrated into the bacterial chromosome) by inoculation into

appropriate animal model systems. Results will be published in the open scientific literature and will be presented in a subsequent update of the Final Plan.

f. NIH scientists are also determining the biological activity of *E. coli* K-12 clones carrying DNA copies of an RNA tumor virus. These studies involve the administration to hamsters of bacterial preparations containing Harvey sarcoma virus DNA ligated to lambda and pBR322. These studies are still in progress and when definitive results have been obtained they will be published in the open scientific literature and will appear in a subsequent update of the Final Plan.

g. Although they had not appeared in the previous Final Plan, two additional NIAID contract-supported projects are peripherally related to the total risk assessment activities.

(1) RAC had suggested that a model cloned DNA segment be constructed to serve as a uniform heterologous DNA segment for risk assessment studies. This endeavor has been successfully completed by an investigator at the University of Wisconsin and employed, as a source of DNA, the plasmid NR79. The EcoRI fragment NR79-R1-G1 contains genes encoding for chloramphenicol, kanamycin and sulfonamide resistance, as well as the promoters that govern these resistances. NR79-R1-G1 was shown not to have an internal EcoRI site and also not to be capable of replicating by itself or with the help of other plasmids. Experimental results indicated that NR79-R1-G1 is not capable of autonomous replication and does not contain an origin of replication that can function in a recombinant plasmid. The antibiotic resistances encoded for by NR79-R1-G1 were tested and found not to be transposable, that is gene movement and insertion at a new site be a mechanism which does not involve the homologous recombination system of the host strain.

Since the fragment is not capable of autonomous replication, plasmid pJT353, a recombinant plasmid containing NR79-R1-G1 cloned into the EcoRI site of pBR322, is the suggested way of propagating this fragment. Stocks of *E. coli* strain KH802 containing pJT353 have been preserved for the propagation and isolation of NR79-R1-G1. Protocols used for the isolation of purified plasmid pJT353 (NR79-R1-G1 and pBR322) and purified NR79-R1-G1 fragment are available.

This work was supported by Contract NO1-AI-92606, University of Wisconsin, Robert Rownd, principal investigator.

(2) A contract has been awarded to the University of Minnesota, (Contract

NO1-AI-02654, Donald Vesley, principal investigator) to develop a Comprehensive Course on Microbiological Principles and Techniques for Work with Potentially Biohazardous Agents Including Recombinant DNA. The Principal Investigator will work with the Board of Education and Training of the American Society for Microbiology (ASM) in developing the materials.

In 1977, the ASM undertook a study to devise standards of training for recombinant DNA research workers. A proper state of training of the laboratory workers is the first line of containment and it was their opinion that such training standards should be set by knowledgeable professionals. The product of that study was not standards but rather an outline of a body of knowledge which it was felt that any Principal Investigator should be aware of before independently embarking on recombinant DNA research. This contract will develop all necessary resources to present a course based on the ASM findings.

The plan is for the NIAID to support the development of the resource materials and once that phase is completed, the NIH Division of Safety will have the materials reproduced and distributed to the various Institutions where the NIH supports research to assist them in performing their own local training responsibilities. We will devise both a standard lecture/laboratory course and self study aides.

2. Eukaryotic Host-Vector Systems.

Lower eukaryotic and higher eukaryotic host/vector systems were given a lower priority in the Final Plan than prokaryotic systems.

After discussion at both the March and June 1980 meetings, the RAC recommended modifying the Guidelines to include *Saccharomyces cerevisiae* host-vector systems under Section III-0. During their consideration the RAC considered information that: (1) *S. cerevisiae* is nonpathogenic, (2) it does not implant in the intestine, (3) the dilute conditions in which it is found in nature are extremely unfavorable for mating, (4) it does not efficiently compete with wild strains of *S. cerevisiae*, and (5) it is fully sensitive to autoclaving and disinfection by standard agents.

RAC also considered the question of proper physical containment for higher eukaryotic viral vectors. The Guidelines have been modified to permit work at more relaxed levels of physical containment than previously required.

The Guidelines have been modified to permit recombinant DNA molecules containing no more than two-thirds of the genome of any eukaryotic virus (all

viruses from a single Family being considered identical) to be propagated and maintained in cells in tissue culture using P1 containment. It must be shown that the cells lack helper virus for the specific families of the defective viruses being used. The DNA may contain fragments of the genomes of viruses from more than one family but each fragment must be less than two thirds of a genome.

No initiatives have been started to directly answer the issues raised in the Final Plan relative to eukaryotic host-vector systems. NIH will continue to monitor the results of free ranging research to collect useful data that can be analyzed as part of the risk assessment process.

C. Implementation.

The original Final Plan stated that NIAID would recruit and appoint an eminent scientist as a Special Assistant to the Director, NIAID for Risk Assessment. Attempts to recruit a person to fill this position were made including national advertising. No individual with the desired level of credentials and broad recognition by the various scientific disciplines was identified who was willing to undertake this work at the NIH under the conditions we could offer. By midyear it had become evident that the probable scope and number of various activities encompassed by the Risk Assessment Plan would probably stabilize at the current level and not increase further. Consequently, the necessity for a Special Assistant was reconsidered and alternatives for satisfying the needs were evaluated. A decision was made to distribute the proposed functions of the Special Assistant to the Office of Recombinant DNA Activities and the Office of Specialized Research and Facilities, both within the NIAID. When appropriate, these offices will use *ad hoc* consultants in fulfilling the tasks originally described for the Special Assistant and for which staff and the RAC Risk Assessment Subcommittee feel that additional or specific expertise is required.

The remainder of the Implementation section of the plan remains in effect as stated. Most implementation actions have been cited earlier in this document. However, an important part of the Plan is the submission of periodic reports to the RAC. In this regard, the Director, NIAID, has reported to the RAC on activities related to risk assessment, and has provided thereby an important and continuing review of progress, and receives the advice or comment of this advisory group.

Dated: June 1, 1981.

Donald S. Fredrickson, M.D.,
Director National Institutes of Health.

OMB's "Mandatory Information Requirements for Federal Assistance Program Announcements" (45 FR 39592) requires a statement concerning the official government programs contained in the *Catalog of Federal Domestic Assistance*. Normally NIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this

notice covers not only virtually every NIH program but also essentially every federal research program in which DNA recombinant molecule techniques could be used, it has been determined to be not cost effective or in the public interest to attempt to list these programs. Such a list would likely require several additional pages. In addition, NIH could not be certain that every federal program would be included as many federal agencies, as well as private organizations, both national and international, have elected to follow the NIH Guidelines. In lieu of the

individual program listing, NIH invites readers to direct questions to the information address above about whether individual programs listed in the *Catalog of Federal Domestic Assistance* are affected.

NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in Section 8-(b)-(4) and (5) of that Circular.

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Part III

Department of Agriculture

Agricultural Marketing Service

**Proposed Changes in Botanical Names,
Testing Seed, and Standards for
Certification of Seed**

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 201

Federal Seed Act Regulations: Update and Standardize Botanical Names, Testing Methods and Certification Standards; Notice of Public Hearings

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule and notice of public hearings.

SUMMARY: The proposed amendments to Part 201—Federal Seed Act Regulations (7 CFR Part 201) would change the botanical names of several agricultural and vegetable seeds, the regulations for testing seed, and standards for certified seed. These changes, requested by interested persons and organizations, would update and standardize botanical names, testing methods, and certification standards. Hearings with respect to the proposed amendments will be held in Denver, Colorado, and Washington, DC, at which time interested persons and organizations shall be given the opportunity to participate in the rulemaking through submission of written data, views, or oral presentation with respect to the proposals. Interested persons may also submit written comments to the Department.

DATES: Hearing—Washington, DC—July 22, 1981; Denver, Colorado—July 30, 1981.

Written Comments—Filed by: July 30, 1981.

ADDRESSES: Send comments, in duplicate, to the Hearing Clerk, USDA, Room 1077, South Building, Washington, DC 20250.

The Washington, DC, hearing will be held in Room 2096, South Agriculture Building, 14th and Independence Avenue, SW., Washington, DC.

The Denver, Colorado, hearing will be held in Room 239, Denver Federal Building, 1961 Stout Street, Denver, Colorado.

FOR FURTHER INFORMATION CONTACT: Donald W. Ator, Chief, Seed Regulatory Branch, Livestock, Poultry, Grain, and Seed Division, Agricultural Marketing Service, Department of Agriculture, Room 2603, South Building, Washington, DC 20250, telephone (202) 447-9340.

SUPPLEMENTARY INFORMATION: Under section 402 of the Federal Seed Act, as amended (7 U.S.C. 1592 hereinafter "the

Act"), and the administrative procedure provisions of 5 U.S.C. 553, notice is hereby given of intention to amend Part 201 of the regulations (7 CFR Part 201) under the Act.

This proposed action has been determined by the Administrator, Agricultural Marketing Service (AMS), USDA not to be a "major rule" as defined in section 1(b) of Executive Order 12291. No significant increase in cost would be imposed on the seed industry or related groups.

The Administrator, AMS, has determined that this action will not have a significant economic effect on a substantial number of small entities because there is no increase in recordkeeping or paperwork requirements, no increase of direct or indirect cost of compliance with the rule, no effect on the competitive position of small entities in relation to larger entities, no effect on small entity's cash flow and liquidity, no effect on the ability of a small entity to remain in the market and imposes no need for, and therefore no cost of obtaining professional assistance for compliance. A letter and certification to this has been sent to the Small Business Administration.

Public hearings with respect to the proposed amendments will be held on July 22, 1981, starting at 9:00 a.m. in Room 2096, South Agriculture Building, 14th and Independence Avenue, SW., Washington, DC, and on July 30, 1981, starting at 9:00 a.m. in Room 239, Denver Federal Building, 1961 Stout Street, Denver, Colorado. Interested persons or groups who wish to appear at the hearings to present oral or written data or views on the proposed amendments may do so either in person or through a representative. Interested persons or groups who do not wish to appear at the hearings but desire to submit written data or views on the proposed amendments may do so by filing them, in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250, not later than July 30, 1981. Data or views submitted in writing will be given the same consideration as data or views presented orally at the hearings. All written data and views filed with the Hearing Clerk, and a transcript or summary of the public hearings, will be available to the public for inspection at the Office of the Hearing Clerk during official hours of business.

A final decision in this matter will be

based on the written data and views filed with the Hearing Clerk, the transcript of the public hearings, and other information available to the Department. A notice of the final action taken will be published in the *Federal Register* after the hearings.

Part 201 of the regulations under the Act was amended in 1976 (41 FR 20155) with respect to the botanical names of seeds subject to the Act. Since that date, changes, have been made in the list of standardized names of plants as adopted by the International Association of Plant Taxonomy and the International Seed Testing Association. The Administrator, AMS, proposes changes in the listing of certain botanical names in the Part 201 regulations so as to reflect international nomenclature. The changes are necessary to maintain effective and orderly seed regulatory enforcement.

Part 201 of the regulations was amended in 1976 (41 FR 20157) with respect to the methods and procedures for testing seeds. Since that date, changes in testing procedures have been made by the Association of Official Seed Analysts (AOSA) based on data obtained through research, verified by AOSA referee study. The Administrator, AMS, has reviewed and evaluated these changes which have been adopted by AOSA. These changes appear to be based on advances in seed technology in the United States and should be considered for adoption into the Federal Seed Act (FSA) Regulations. Therefore, the amendments to Part 201 of the regulations with respect to the methods and procedures for testing seed are being proposed by the Administrator, AMS, in order to maintain standardization in seed testing between Federal, State and Commercial Seed Testing Laboratories. Uniform seed testing methods and procedures are desirable because seedsmen depend on reliable seed test information in order to accurately label seed lots for market. Seed law enforcement officials depend on reliable seed test information in order to verify the accuracy of the labeling. In summary, the proposed changes are as follows:

1. Multiple florets, spikelets, spikelet groups, and fascicles of certain kinds of seed would be recognized as pure seed without regard to whether a caryopsis is present.
2. Additional seeds and other material not seeds would be recognized as inert matter.

3. Expanded usage of "The Uniform Blowing Method" and "The Multiple Unit" procedures for several kinds of seed would be recognized to promote uniform testing between State and Federal agencies.

4. The use of ethephon and ethylene would be recognized for breaking the dormancy of peanut seed.

5. Dormant seeds would be recognized for several kinds of grass seed.

6. Testing procedures to determine the effectiveness of inoculation would be recognized.

Part 201 of the regulations was amended in 1977 (42 FR 38573) with respect to seed certifying agency standards and procedures. Since that date, the Association of Official Seed Certifying Agencies (AOSCA) has adopted certain technical changes in its land, isolation, field, and seed standards, and has submitted its standards to the Department for consideration as to changes which the Department might propose in the regulations for certified seed. The Administrator, AMS has reviewed the AOSCA standards and proposes that they should be considered for adoption due to advances in plant breeding, varietal maintenance procedures and certified seed production practices. In addition, the Administrator proposes a provision which specifies that the absence of standards for the Registered class of a particular crop included in Table 5 signifies that the class is prohibited. The Administrator also proposes to correct certain past printing errors in Table 5 as published in the **Code of Federal Regulations**. In summary, the proposed changes are as follows: (Note: The term "all three classes" where referenced below refers to the following classes of certified seed: Foundation, Registered and Certified.)

1. The format of Table 5 would be revised and several printing errors with respect to footnote references contained therein would be corrected.

2. Land standards for all three classes of cowpea, crambe, favabean, field bean, field pea, garden bean, mung bean, okra, onion, pepper, rice, sorghum, tomato, vetch and watermelon seed would be relaxed by waiving the land standard, if the previous crop was grown from certified seed of the same variety. The current regulations provide that the land standard is waived, only if the previous crop was of the same variety and produced a class of certified seed equal or superior to that of the crop being seeded.

3. For cotton seed, field standards for the three classes and seed standards for the Foundation class would be relaxed to allow more other varieties or offtypes. The seed standard for the Registered class would be made stricter by allowing for fewer other varieties or offtypes.

4. Seed standards would be relaxed to allow 3.0 percent other varieties or offtypes in the Certified class of nonfluorescent varieties of perennial ryegrass seed. The current regulations allow 2.0 percent other varieties or offtypes in the Certified class of all grasses, except Merion Kentucky bluegrass.

5. The current regulations do not include requirements for safflower. The regulations would be amended to add requirements for all three classes of safflower seed.

6. Isolation standards for all three classes of hybrid and non-hybrid sunflower seed would be made stricter by increasing the distance required between oil and non-oil types and between either type and other volunteers or wild types to 5,280 feet. The current regulation requires isolation of 2,640 feet between all types.

7. The regulations would be made stricter by eliminating the Registered class of mustard seed and by increasing the isolation distance for the Foundation and Certified classes from 165 feet to 1,320 and 660 feet, respectively.

8. Separate standards for cross- and self-pollinated millet and rape seed would be established. The current regulations make no distinction as to the mode of reproduction. Isolation, field, and seed standards for three classes of self-pollinated millet seed would be relaxed. Further, the rape seeds standards would be made stricter by eliminating the Registered class of cross- and self-pollinated rape and by increasing the isolation distance required for the Foundation and Certified classes of cross- and self-pollinated rape.

9. Isolation standards for the Certified class of alfalfa would be relaxed by application of an "isolation zone" concept. Portions of the field being certified falling within the zone would be eligible as the Certified class. Isolation standards for Foundation and Registered classes would be stricter for fields 5 acres and under.

For the reasons set out in the preamble, Part 201, Subchapter K, Chapter 1 of Title 7, **Code of Federal**

Regulations, is proposed to be amended as follows.

PART 201—FEDERAL SEED ACT REGULATIONS

§ 201.2 [Amended]

1. Amend § 201.2 as follows:
 - a. Change the names in § 201.2(h) "Agricultural Seeds," as follows:
 - Following "Cowpea—Vigna" delete "sinensis (Torner) Savi." and insert "unguiculata (L.) Walpers Subsp. unguiculata"
 - Following "Crotalaria, slenderleaf—Crotalaria brevidens Benth." insert "var. Intermedia (Kotschy) Polhill"
 - Following "Fescue, Chewings—Festuca rubra" delete "var. commutata Gaud." and insert "L. subsp. commutata Gaudin"
 - Following "Rape, bird—Brassica" delete "campestris L." and insert "rapa L."
 - Following "Rape, turnip—Brassica" delete "campestris vars L." and insert "rapa L."
 - Following "Sainfoin—Onobrychis" delete "viciaefolia Scop." and insert "viciifolia Scopoli"
 - Following "Wheatgrass, beardless—Agropyron" delete "inerme (Schribn. & Smith) Rydb." and insert "spicatum (Pursh) Scribner & Smith f. inerme (Scribner & Smith) Beetle"
 - Following "Wheatgrass, pubescent—Agropyron" delete "trichophorum (Link) Richt." and insert "intermedium (Host) Beauvois var. trichophorum (Link) Halacsy"
 - b. Change the name in § 201.2(i) "Vegetable Seeds," as follows:
 - Following "Cowpea—Vigna" delete "sinensis (Torner) Savi." and insert "unguiculata (L.) Walpers subsp. unguiculata"
 - c. After the text in § 201.2(mm), add a new paragraph (nn) to read as follows:
 - (nn) *Backcross*
 - (1) The term "first generation backcross" means the first generation cross between a single cross of related inbred lines and an inbred line which is one of the inbreds in the single cross.
 - (2) The term "second generation backcross" means the cross of a first generation backcross (seed parent) with its recurrent inbred parent (pollen parent).

§ 201.46 [Amended]

- a. Amend § 201.46 Table 1 as follows:

a. Under the heading "Agricultural Seed":

Following "Cowpea—*Vigna*" delete "sinensis" and insert "unguiculata subsp. unguiculata"

Following "Crotalaria, Slenderleaf—*Crotalaria brevidens*" insert "var. intermedia"

Following "Fescue, Chewings—*Festuca rubra*" delete "var. commutata" and insert "subsp. commutata"

Following "Rape: Bird—*Brassica*" delete "campestris" and insert "rapa"

Following "Rape: Turnip—*Brassica*" delete "campestris vars" and insert "rapa"

Following "Sainfoin—*Onobrychis*" delete "viciaefolia" and insert "viciifolia"

Following "Wheatgrass: Beardless—*Agropyron*" delete "inermis" and insert "spicatum f. inermis"

Following "Wheatgrass: Pubescent—*Agropyron*" delete "trichophorum" and insert "intermedium var. trichophorum"

b. Under "Vegetable Seed," make the following name change:

§ 201.47 [Amended]

Following "Cowpea—*Vigna*" delete "sinensis" and insert "unguiculata subsp. unguiculata"

3. Amend § 201.47(e) to read as follows:

(e) The Uniform Blowing Procedure described in § 201.51a(a) shall be used for the separation of pure seed and inert matter in seeds of Kentucky bluegrass (*Poa pratensis*), Canada bluegrass (*P. compressa*), Rough bluegrass (*P. trivialis*), "Pensacola" variety of bahiagrass (*Paspalum notatum*), and orchardgrass (*Dactylis glomerata*).

4. Revise § 201.47a to read as follows:

§ 201.47a Seed unit.

The seed unit is the structure usually regarded as a seed in planting practices and in commercial channels. The seed unit may consist of one or more of the following structures:

(a) True seeds;

(b) For the grass family:

(1) Caryopses and single florets;

(2) Multiple florets and spikelets in tall oatgrass (*Arrhenatherum elatius*), oat (*Avena* spp.), grammas (*Bouteloua* spp., *rhodesgrass* (*Chloris gayana*), barley (*Hordeum vulgare*), and bluegrass (*Poa* spp.);

(3) Entire spikelets in *Agrostis* (*Agrostis* spp.), *Panicum* (*Panicum* spp.), and foxtail millet (*Setaria italica*). Entire spikelets which may have attached rachis segments, pedicels, and sterile spikelets in bluestems (*Andropogon* spp., *Bothriochloa ischaemum* and *Schizachyrium scoparium*), *Sorghum*

(*Sorghum* spp.), and yellow indiagrass (*Sorghastrum nutans*);

(4) Spikelet groups that disarticulate as units with attached rachis and internodes in big bluestem (*Andropogon* spp., *Bothriochloa ischaemum* and *Schizachyrium scoparium*), side-oats grama (*Bouteloua curtipendula*), and yellow indiagrass (*Sorghastrum nutans*);

(5) Fascicles of buffelgrass (*Cenchrus ciliaris*) consisting of bristles and spikelets;

(6) Burs of buffalograss (*Buchloe dactyloides*);

(7) Bulblets of bulbous bluegrass (*Poa bulbosa*);

(8) Multiple units as defined in 201.51a(b)(1).

(c) Dry indehiscent fruits in the following plant families: Buckwheat (*Polygonaceae*), sunflower (*Compositae*), geranium (*Geraniaceae*), goosefoot (*Chenopodiaceae*), and valerian (*Valerianaceae*);

(d) One- and two-seeded pods of small-seeded legumes (*Leguminosae*), burs of the burclovers (*Medicago arabica*, *M. polymorpha*), and pods of peanuts (*Arachis hypogaea*). (This does not preclude the shelling of small-seeded legumes for purposes of identification.) Pods of legumes normally containing more than two seeds, when occurring incidentally in the working sample, should be hulled if the kind is hulled when marketed.

(e) Fruits or half fruits in the carrot family (*Umbelliferae*);

(f) Nutlets in the following plant families: Borage (*Boraginaceae*), mint (*Labiatae*), and vervain (*Verbenaceae*);

(g) "Seed balls" or portions thereof in multigerm beets (*Beta vulgaris*), and fruits with accessory structures such as occur in New Zealand spinach (*Tetragonia tetragonioides*).

5. Revise § 201.48 to read as follows:

§ 201.48 Kind or variety considered pure seed.

The pure seed shall include all seeds of each kind or each kind and variety under consideration present in excess of 5 percent of the whole. Seeds of kinds or kinds and varieties present to the extent of 5 percent or less of the whole may be considered pure seed if shown on the label as components of a mixture in amounts of 5 percent or less. The following shall be included with the pure seed:

(a) Immature or shriveled seeds and seeds that are cracked or injured. For seeds of legumes (*Leguminosae*) and crucifers (*Cruciferae*) with the seed coats entirely removed refer to § 201.51(a)(1);

(b) Pieces of seeds which are larger than one-half of the original size. For separated cotyledons of legume seeds to § 201.51(a)(2);

(c) Insect-damaged seeds, provided that the damage is entirely internal, or that the opening in the seed coat is not sufficiently large so as to allow the size of the remaining mass of tissue to be readily determined. Weevil-infested vetch seeds, irrespective of the amount of insect damage, are to be considered pure seed, unless they are broken pieces one-half or less than the original size. For classification of broken pieces of seed units one-half or less than the original size, refer to § 201.51(a)(2). Refer to § 201.51(a)(3) for chalcid-damaged seeds;

(d) Seeds that have started to germinate;

(e) Seeds of the cucurbit family (*Cucurbitaceae*) and the nightshade family (*Solanaceae*) whether they are filled or empty;

(f) Intact fruits, whether or not they contain seed, of species belonging to the following families: Sunflower (*Compositae*), buckwheat (*Polygonaceae*), carrot (*Umbelliferae*), valerian (*Valerianaceae*), mint (*Labiatae*) and other families in which the seed unit may be a dry, indehiscent one-seeded fruit. For visibly empty fruits, refer to inert matter, § 201.51(a)(6);

(g) Seed units of the grass family listed in §§ 201.47a(b)(1) through (5) if a caryopsis with some degree of endosperm development can be detected in the units, either by slight pressure or by examination over light. Species in which determination of endosperm development is not necessary are listed in subparagraphs (1) and (2) of this section. Refer to §§ 201.48(h) and 201.51(a)(5) when nematode galls and fungal bodies have replaced the caryopsis in seed units. The following procedures apply to determine pure seed in the grass families listed below:

(1) Intact burs of buffalograss (*Buchloe dactyloides*) shall be considered pure seed whether or not a caryopsis is present. Refer to § 201.51(a)(6) for burs which are visibly empty.

(2) The Uniform Blowing Procedure described in § 201.51a(a) shall be used to determine classification of florets into pure seed or inert matter for Kentucky bluegrass (*Poa pratensis*), Canada bluegrass (*P. compressa*), rough bluegrass (*P. trivialis*), Pensacola bahiagrass (*Paspalum notatum*) and orchardgrass (*Dactylis glomerata*).

(3) Special purity procedures for Chewings fescue (*Festuca rubra* subsp. *commutata*), red fescue (*F. rubra*), orchardgrass (*Dactylis glomerata*), crested wheatgrass (*Agropyron cristatum* or *A. desertorum*), pubescent wheatgrass (*A. intermedium* var. *trichophorum*), intermediate wheatgrass (*A. intermedium*), and smooth brome (*Bromus inermis*), are listed in § 201.51a(b).

(4) For methods of determining pure seed percentages of annual and perennial ryegrass, refer to §§ 201.58(b)(10) and 201.58a(a).

(h) Seed units with nematode galls, fungal bodies (i.e. ergot, other sclerotia and smut) and spongy or corky caryopses which are entirely enclosed within the seed unit. Refer to § 201.51(c)(1) for inert matter classification, and to § 201.51(a)(5) for dallisgrass (*Paspalum dilatatum*) and bahiagrass (*Paspalum notatum*) as inert matter.

(i) Seed units of New Zealand spinach (*Tetragonia tetragonioides*) and beets (*Beta Vulgaris*). Refer to §§ 201.47a(g) and 201.51(a)(6) for definitions of seed units and inert matter, respectively.

6. Revise § 201.50 to read as follows:

§ 201.50 Weed seed.

Seeds (including bulblets or tubers) of plants shall be considered weed seeds when recognized as weed seeds by the law or rules and regulations of the State into which the seed is offered for transportation or transported; or by the law or rules and regulations of Puerto Rico, Guam, or District of Columbia into which transported, or District of Columbia in which sold; or found by the Secretary of Agriculture to be detrimental to the agricultural interests of the United States, or any part thereof. Damaged weed seeds and immature seedlike structures, as described in § 201.51(b), shall be considered inert matter. Weed seeds, as defined above in this section, requiring further separation into weed seed and inert matter components are as follows:

(a) Capsules and clusters of seeds of poverty rush (*Juncus tenuis*), and other species of rush (*Juncus* spp.) having seeds of similar size, are classed as weed seeds. For the classification of individual seeds of rush (*Juncus* spp.), refer to § 201.51(b)(9).

(b) For species having seeds larger than rush (*Juncus* spp.), the individual seeds are to be removed from fruiting structures such as pods and heads. The seeds are classified as weed seed and the remaining fruiting structures classified as inert matter.

(c) Wild onion and wild garlic (*Allium* spp.) bulblets which have any part of the

husk remaining and are not damaged at the basal end are considered weed seeds regardless of size. For wild onion and wild garlic (*Allium* spp.) bulblets classed as inert matter refer to § 201.51(b)(5).

7. Revise § 201.51 to read as follows:

§ 201.51 Inert matter.

Inert matter shall include seeds and seed-like structures from both crop and weed plants and other material not seeds as follows:

(a) Seeds and seed-like structures from crop plants:

(1) Seeds of legumes (*Leguminosae*) and crucifers (*Cruciferae*) with the seed coats entirely removed. Refer to § 201.48(a) for pure seed classification.

(2) Pieces of broken and damaged seed units, including those that are insect damaged, which are one-half the original size or less. If greater than one-half, refer to §§ 201.48(b) and (c) for pure seed classification. Also included as inert matter are separated cotyledons of legumes, irrespective of whether or not the radicle-plumule axis and/or more than one-half of the seed coat may be attached.

(3) Chalcid-damaged seeds (puffy, soft, or dry and crumbly) of alfalfa, red clover, crimson clover, and similar kinds of small seeded legumes. Refer to § 201.48(c) for pure seed classification.

(4) Glumes and empty florets except as stated under pure seed. Refer to §§ 201.48 (g) and (h) for pure seed classification.

(5) Seed units with nematode galls or fungal bodies (smut, ergot, and other sclerotia) protruding from the tip of the seed unit. Also included are ergot and smut diseased caryopses of dallisgrass (*Paspalum dilatatum*) and bahiagrass (*Paspalum notatum*) which are entirely enclosed within the seed unit. Refer to § 201.48(h) for pure seed classification.

(6) Fruit portions or fragments of monogerm beets (*Beta vulgaris*), New Zealand spinach (*Tetragonia tetragonioides*), buffalograss (*Buchloe dactyloides*) and families in which the seed unit is a dry indehiscent one-seeded fruit which visibly does not contain a seed. Refer to §§ 201.48(f), 201.48(g)(1) and 201.48(i) for pure seed classification.

(b) Seeds and seed-like structures from weed plants, which by visual examination (including the use of light or dissection), can be determined to be within the following categories:

(1) Damaged seed (other than grasses) with over one-half of the embryo missing.

(2) Grass florets and caryopses classed as inert:

(i) Glumes and empty florets of weedy grasses;

(ii) Damaged grass caryopses, including free caryopses, with over one-half the root-shoot axis missing (the scutellum excluded);

(iii) Immature free caryopses devoid of embryo and/or endosperm;

(iv) Immature florets of quackgrass (*Agropyron repens*) in which the caryopses are less than one-third the length of the palea. The caryopsis is measured from the base of the rachilla;

(v) Free caryopses of quackgrass (*A. repens*) that are 2 mm or less in length.

(3) Seeds of legumes and species of Brassica with the seed coats entirely removed.

(4) Immature seed units, devoid of both embryo and endosperm, such as occur in but not limited to the following plant families: Sedge (*Cyperaceae*) buckwheat (*Polygonaceae*), morning glory (*Convolvulaceae*), nightshade (*Solanaceae*), puncturevine (*Zygophyllaceae*) and sunflower (*Compositae*). Cocklebur (*Xanthium* spp.) burs are to be dissected to determine whether or not seeds are present.

(5) Wild onion and wild garlic (*Allium* spp.) bulblets:

(i) Bulblets which are completely devoid of the husk and pass through a 1/13th-inch, round-hole sieve.

(ii) Bulblets which show evident damage to the basal end, whether husk is present or absent. Refer to § 201.50(c) for wild onion and wild garlic (*Allium* spp.) bulblets classed as weed seeds.

(6) Dodder (*Cuscuta* spp.) Seeds devoid of embryos and seeds which are ashy gray to creamy white in color are inert matter. Seeds should be sectioned when necessary to determine if an embryo is present as when seeds have a normal color but are slightly swollen, dimpled or have minute holes.

(7) Buckhorn (*Plantago lanceolata*): Black seeds, with no brown color evident, whether shriveled or plump; the color of questionable seeds shall be determined by use of a stereoscopic microscope with magnification of approximately 10X and a fluorescent lamp with two 15-watt daylight-type bulbs.

(8) Ragweed (*Ambrosia* spp.): Seed with both the involucre and pericarp absent.

(9) Individual seeds of *Juncus* species shall be left in the inert matter and their presence recorded under "weed seeds."

(c) Other matter that is not seed:

(1) Free nematode galls or fungal bodies such as smut, ergot, and other sclerotia.

(2) Soil particles, sand, stone, chaff, stems, leaves, flowers, and any other foreign material.

B. Revise § 201.51a to read as follows:

§ 201.51a Special Procedures for Purity Analysis.

(a) The Uniform Blowing Procedure shall be used for the separation of pure seed and inert matter in the following: Kentucky bluegrass (*Poa pratensis*); Canada bluegrass (*P. compressa*); rough bluegrass (*P. trivialis*); Pensacola variety of bahiagrass (*Paspalum notatum*) and orchardgrass (*Dactylis glomerata*). When kinds listed in this section appear in mixtures they shall be separated from other kinds before using the uniform blowing procedure. To determine the blowing point for these procedures, individual calibration samples for Kentucky bluegrass, orchardgrass, and Pensacola variety of bahiagrass are to be used. The calibration sample for Kentucky bluegrass will also be used for Canada and rough bluegrass. In the case of rough bluegrass, only a factor of 0.82 of the blowing point established for Kentucky bluegrass will be used. Calibration samples and instructions are available through the Seed

Standardization Branch, AMS, LPG&S Division, USDA Bldg. 306, Room 213, Beltsville, Maryland 20705. The calibration samples are used to establish a blowing point prior to proceeding with the separation of pure seed and inert matter for these kinds. After completing the blowing procedure, remove all weed and crop seeds from the light portion and add these to the weed or crop separation, as appropriate. The remainder of the light portion will be considered inert matter. Remove all weed and crop seeds and other inert matter (stems, leaves, dirt) from the heavy portion and add these to the weed, crop or inert matter separations, as appropriate. The remainder of the heavy portion will be considered pure seed. With orchardgrass, after the blowing, proceed with the multiple unit procedure.

(b) The Multiple Unit Procedure of determining the pure seed fraction shall be used for the kinds included in the following table when multiple units are present in a sample.

(1) A multiple unit is a seed unit that includes at least one fertile floret plus one or more of attached structures as follows (the length of an awn shall be

disregarded when determining the length of a fertile floret or an attached structure):

(i) A sterile floret that extends to or beyond the tip of the fertile floret;

(ii) Basally attached glume, glumes, or sterile florets of any length.

(2) Procedure for determining of multiple seed units:

(i) For a single kind: determine the percentage of single florets present, based on the total weight of single florets and multiple units. Apply the appropriate factor, as determined from the following table, to the weight of the multiple units and add that portion of the multiple unit weight to the weight of the single units. The remaining multiple unit weight shall be added to the weight of the inert matter.

(ii) For mixtures that include one or more of the kinds in the following table, determine the percentage of single florets, based on the total weight of single florets and multiple units, for each kind. Apply the appropriate factor, as determined from the following table, to the weight of multiple units of each kind.

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Factors Applicable To Multiple Units¹

Percent of single florets of each kind	Kind of Seed					
	Chewings fescue	Red fescue	Orchard-grass	Crested wheat-grass ²	Pubescent wheatgrass	Intermediate Smooth brome
50 or below	91	80	80	70	66	72
50.01-55.00	91	81	81	72	67	74
55.01-60.00	91	82	81	73	67	75
60.01-65.00	91	83	82	74	67	76
65.01-70.00	91	84	82	75	68	77
70.01-75.00	91	86	82	76	68	78
75.01-80.00	91	87	83	77	69	79
80.01-85.00	91	88	83	78	69	80
85.01-90.00	91	89	83	79	69	81
90.01-100.00	91	90	84	79	70	82

1. These factors represent the percentages of the multiple unit weights which are considered pure seed. The remaining percentage is regarded as inert matter.

2. Includes both fairway crested wheatgrass (*Agropyron cristatum*) and standard crested wheatgrass (*A. desertorum*).

9. Amend § 201.52 by adding the words "§ 201.46" in front of the word "Table" in the first sentence of the section and by deleting the entire last sentence of the section which begins with the words "If the sample . . ." and ends ". . . shall be determined." and adding the following sentences:

§ 201.52 [Amended]

"The seeds per unit weight shall be based on the number of single seeds. The number of individual seeds shall be determined in burs of sandbur (*Cenchrus* spp.) and cocklebur (*Xanthium* spp.), capsules of dodder (*Cuscuta* spp.), berries of horsetail and nightshade (*Solanaceae*) and in the fruits of other noxious weeds that contain more than one seed. Refer to §§ 201.50 and 201.51(b)(4) for the classification of weed seeds and inert matter, respectively."

10. Amend § 201.56-6(a)(1)(i) by adding the following words after the word "seeding";

§ 201.56-6 [Amended]

"except that adzuki, lima and mung may have both cotyledons missing provided the seedling is otherwise normal;" Amend § 201.56-6(a)(2)(iv) by adding the following words after the word "attached":

"except that adzuki, lima and mung must have seedlings that are weak and lacking in vigor when both cotyledons are missing"

11. Amend § 201.56-6(c)(1) by deleting the "or" in front of subparagraph (iv) and adding after subparagraph (iv) a new subparagraph (v) as follows:

"; or (v) at least one complete cotyledon or two broken cotyledons and one-half or more of the cotyledon tissue remaining attached to the seedling. Cowpea and asparagusbean may have both cotyledons missing."

12. Revised § 201.57a to read as follows:

§ 201.57a Dormant seeds.

Dormant seeds are viable seeds, other than hard seeds, which fail to germinate when provided the specified germination conditions for the kind of seed in question.

(a) Viability of ungerminated seeds shall be determined by any of the following methods or combinations of methods: a cutting test, tetrazolium test, scarification, or application of germination promoting chemicals.

(b) The percentage of dormant seed, if present, shall be determined in addition to the percentage of germination for only the following kinds: Bahiagrass

(*Paspalum notatum*), bluestems (*Andropogon gerardi*, *A. hallii*, *Bothriochloa ischaemum* and *Schizachyrium scoparium*), buffalograss (*Buchloe dactyloides*), buffelgrass (*Cenchrus ciliaris*), grammas (*Bouteloua* spp.), Indian ricegrass (*Oryzopsis hymenoides*), lovegrasses (*Eragrostis* spp.), sand dropseed (*Sporobolus cryptandrus*), smilo (*Oryzopsis miliacea*), switchgrass (*Panicum virgatum*), veldtgrass (*Ehrharta calycina*), western wheatgrass (*Agropyron smithii*), and yellow indiagrass (*Sorghastrum nutans*).

13. Amend § 201.58(a) as follows:

§ 201.58 [Amended]

Amend § 201.58(a)(7) by adding, between the definitions of symbols "C" and "RB", the following:

"TC= on top of crepe cellulose paper without a blotter" and by adding after § 201.58(a)(9), new paragraphs (10) and (11) as follows:

(10) *Ethephon*. This term means a 29 parts per million (0.0029 percent) solution of ethephon [[2-chloroethyl] phosphonic acid] which shall be used to moisten the substratum. This solution is prepared by mixing 0.6 ml of a stock solution with 5,000 ml of distilled water. The stock solution contains 24 grams of active material per 100 ml of propylene glycol or two pounds of active material per gallon. A solution which is five times this concentration (5 × 29 ppm) may be used for extremely dormant seeds, provided seeds are transferred to substratum moisture with water after 1 to 3 days.

(11) *Ethylene*. This term means that five (5) ml of ethylene gas per cubic foot of germinator space is injected into a germinator in which peanut seeds in moist rolled towels have been placed. Following injection of the ethylene, the germinator is kept closed until the first count (5 days). If the germinator door is opened for the purpose of checking or rewetting the samples, another injection of ethylene at the same rate shall be made.

14. Amend § 201.58(b)(2) to read as follows:

(2) Bahiagrass (*Paspalum notatum*); removal of glumes. On all varieties except 'Pensacola', remove the enclosing structures (glumes, lemma, and palea) from the caryopsis with the aid of a sharp scalpel. If the seed is fresh or dormant, scratch the surface of the caryopsis lightly.

15. Amend § 201.58(c) Table 2 as follows:

a. Under "Agricultural Seed", under the column "name of Seed":

Following "Bluestem: Sand—*Andropogon*" delete "nallii" and insert "hallii"

Following "Buffelgrass—*Cenchrus*" delete "ciliaris" and insert "ciliaris"

Following "Corn: Pop-Zea" delete "Mays" and insert "mays"

Following "Cowpea—*Vigna*" delete "sinensis" and insert "unguiculata subsp. unguiculata"

Following "Crotalaria: Slenderleaf—*Crotalaria*" delete "intermedia" and insert "brevidens var. intermedia"

Following "Fescue: Chewings—*Festuca rubra*" delete "var. commutata" and insert "subsp. commutata"

Following "Rape: Bird—*Brassica*" delete "campestris" and insert "rapa"

Following "Rape: Turnip—*Brassica*" delete "campestris vars" and insert "rapa"

Following "Sainfoin—*Onobrychis*" delete "viciaefolia" and insert "viciifolia"

Following "Wheatgrass: Beardless—*Agropyron*" delete "inerme" and insert "spicatum f. inerme"

Following "Wheatgrass: Pubescent—*Agropyron*" delete "trichophorum" and insert "intermedium var. trichophorum"

Under the column "Substrata," add "TC" at the following entries:

Corn: Field—*Zea mays*

Corn: Pop—*Zea mays*

Soybean—*Glycine max*

At the entry "Peanut—*Arachis hypogaea*," amend the column "Additional directions, Fresh and dormant seed" by changing the words "Predry up to 14 days at 40°C." to "Ethephon, ethylene—see § 201.58(a)(10) and (11)."

Under the column "Additional directions, Fresh and dormant seed," add

"See Dormant seeds—§ 201.57a" at the following entries:

Bahiagrass—*Paspalum notatum*: Var. Pensacola

Bahiagrass—*Paspalum notatum*: All other vars.

Bluestem: Big—*Andropogon gerardi*

Bluestem: Little—*Schizachyrium scoparium*

Bluestem: Sand—*Andropogon hallii*
Bluestem: Yellow—*Bothriochloa ischaemum*

Buffalograss—*Buchloe dactyloides*: (Burs)

Buffalograss—*Buchloe dactyloides*: (Caryopses)

Buffelgrass—*Cenchrus ciliaris*

Dropseed, sand—*Sporobolus cryptandrus*

Grama: Blue—*Bouteloua gracilis*

Grama: Side-oats—*Bouteloua curtipendula*

Indiangrass, yellow—*Sorghastrum nutans*
 Lovegrass, sand—*Eragrostis trichodes*
 Lovegrass, weeping—*Eragrostis curvula*
 Ricegrass, Indian—*Oryzopsis hymenoides*
 Smilo—*Oryzopsis miliacea*
 Switchgrass—*Panicum virgatum*
 Veldtgrass—*Ehrharta calycina*
 Wheatgrass: Western—*Agropyron smithii*
 b. Under "Vegetable Seed":
 Under the column "Name of Seed":
 Following "Cowpea—*Vigna*" delete "sinensis" and insert "unguiculata subsp. unguiculata"
 Under the column "Substrata," add "TC" at the following entries: Corn, sweet—*Zea mays*
 Soybean—*Glycine max*
 16. Following § 201.58c add a new section as follows:

§ 201.58d Detection of Rhizobium on inoculated seed.

Determine the symbiotic effectiveness of nitrogen fixing bacteria (*Rhizobium* spp.) associated with a sample of inoculated legume seed by using the following procedures:

(a) Obtaining the Working Sample—

(1) Use a sterile spatula or a disposable piece of stiff plastic or paper to thoroughly mix each sample on a separate clean sheet of paper.

(2) Repeatedly divide the sample into halves until approximately 200 seeds remain.

(b) Growth Test—

(1) To minimize cross contamination of bacteria among developing seedlings, either plant two seeds in each 25 x 200 mm culture tube, or plant several seeds at least 25 mm apart in a container equipped with a watering tube or a reservoir that provides a constant supply of nutrient solution from beneath the roots.

(2) Plant about 150 seeds to provide at least 100 plants for evaluation. To avoid cross contamination during the planting of different samples, use forceps that have been sterilized prior to use with each sample. Thoroughly moisten a layer of vermiculite at least 40 mm in depth with nitrogen-free nutrient solution, and level the surface with a 10 m layer of washed sterile sand. After placing the seeds cover them with an additional layer of the washed sterile sand to a depth of 10 mm.

(3) Grow the test sample, a laboratory inoculated (positive check) sample, and a surface sterilized (negative check) sample at the same time. Satisfactory growth conditions will result in the production of pink nodules on roots of the positive check by at least 21 days from planting date.

(c) Evaluation—

(1) Carefully remove plants from the substrate and examine the roots of each plant 21 to 30 days from planting date.

(2) The presence of at least one pink nodule (visible without magnification) on either of the following indicates that effective nitrogen fixing bacteria were present on the original seed:

(i) The primary root;

(ii) A secondary root within 10 mm of the primary root.

(3) General observations of plant size and chlorophyll development of the test plants compared to plants of the positive and negative check samples are an aid in detecting the pink root nodules.

(4) To calculate the percentage of seeds effectively inoculated with *Rhizobium*, divide the number of plants found with pink nodules, located as specified in paragraph (c)(2) above of this section, by the number of plants evaluated (100 minimum).

§ 201.70 [Amended]

17. Amend § 201.70(b) in the first sentence of the paragraph by deleting the words "prior to the planting season" after the words "when an emergency is declared"

§ 201.74 [Amended]

18. Amend § 201.74 as follows:

a. In § 201.74(a) change "reference number" to "lot number or other identification."

b. In § 201.74(b), at the end, change "identifying number" to "lot number or other identification."

19. In § 201.76, revise the paragraph preceding Table 5, to read as follows:

§ 201.76 Minimum land, isolation, field and seed standards.

(a) In the following Table 5 the figures in the "Land" column indicate the number of years that must elapse between the destruction of a stand of a kind and establishment of a stand of a specified class of a variety of the same kind. The figures in the "Isolation" column indicate the distance in feet from any contaminating source. The figures in the "Field" column indicate the minimum number of plants or heads in which one plant or head of another variety is permitted. The figures in the "Seed" column indicate the maximum percentage of seed of other varieties of off-types permitted in the cleaned seed.

(b) The absence of standards for a particular class of seed in the following Table 5 signifies that the class is prohibited.

* * * * *

20. Revise and amend § 201.76, Table 5, as follows:

a. Revise Table 5 to read as follows:

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TABLE 5

CROP	FOUNDATION			REGISTERED			CERTIFIED		
	LAND ISOLATION	FIELD SEED	FIELD SEED	LAND ISOLATION	FIELD SEED	FIELD SEED	LAND ISOLATION	FIELD SEED	FIELD SEED
Alfalfa -----	1 4 5, 44 600	1,000 0.1	1 3 3, 5, 44 300	1 2 1 3, 44 165	400 0.25	100 1.0			
Hybrid -----	1 4 43 1, 320 42 1, 000 0.1			1 2 1 3, 43, 44 165		42 100 1.0			
Barley -----	7 1 23 0 3, 000 0.05		7 1 23 0 2, 000 0.1	7 1 23 0 1, 000 0.2					
Hybrid -----	30 1 21, 32 660 3, 000 0.05		30 1 21, 32 660 2, 000 0.1	30 1 21, 32 530 1, 000 0.2					
Birdsfoot Trefoll -----	1 5 5, 44 600 1, 000 0.1		1 3 5, 44 300 400 0.25	1 2 6, 44 165 100 1.0					
Clover (all kinds) -----	1, 9 5 5, 18, 44 600 1, 000 0.1		1, 9 3 5, 18, 44 300 400 0.25	1, 9 2 18, 44 165 100 1.0					
Corn:									
Backcross lines -----	0 10, 11 660 13 1, 000 15 0.1								
Inbred lines -----	0 10, 11 660 13 1, 000 15 0.1								
Foundation, single cross -----	0 10, 11 660 13 1, 000 15 0.1								
Hybrid -----				0 11, 12 660 ----- 0.5					
Open-pollinated -----				0 11, 12 660 200 0.5					
Sweet -----				0 11, 14 660 ----- 0.5					

CROP	FOUNDATION			REGISTERED			CERTIFIED				
	LAND	ISOLATION	FIELD SEED	LAND	ISOLATION	FIELD SEED	LAND	ISOLATION	FIELD SEED		
Cotton	0	19	0	0	19	0	0	19	0	7,000	0.1
Cowpea	8	23	0	8	23	0	8	23	0	500	0.5
Crambe	8	660	2,000	8	24	660	8	24	660	500	0.25
Crownvetch	1	5,44	1,000	1	5,44	300	1	6,44	165	100	1.0
Fava bean	8	23	0	8	23	0	8	23	0	500	0.2
Field and garden beans	8	23	0	8	23	0	8	23	0	500	0.2
Field pea	8	23	0	8	23	0	8	23	0	500	0.2
Flat pea	1	4	5,44	1	3,5,44	300	1,2	3,44	165	100	1.0
Flax	7	23	0	7	23	0	7	23	0	1,000	0.2
Grasses-Cross pollinated Strains at least 80 percent apomictic and highly self- fertile species	5	4,18,20	900	8	4,18,20	300	8	4,18,20	165	50	2.0
Lespedeza	5	4,18,20	60	8	4,18,20	30	8	4,18,20	15	50	2.0
Milk vetch	1	5	4,4	1	4	10	1	4	10	100	1.0
Millet	1	5	4,4	1	5,44	300	1	5,44	165	200	0.5
Mung bean	8	1	40	8	40	1,320	8	40	660	5,000	0.02
Mustard	8	23	0	8	23	0	8	23	0	500	0.5
	4	165	2,000	2	24	165	2	24	165	500	0.25

CROP	FOUNDATION		REGISTERED		CERTIFIED	
	LAND ISOLATION	FIELD SEED	LAND ISOLATION	FIELD SEED	LAND ISOLATION	FIELD SEED
Oat	7 ¹	23 ⁰ 3,000 0.2	7 ¹	23 ⁰ 2,000 0.3	7 ¹	23 ⁰ 1,000 0.5
Okra	8 ¹	1,320 ²⁷ 0 0.0	8 ¹	1,320 ²⁷ 2,500 0.5	8 ¹	825 ²⁷ 1,250 1.0
Onion	8 ¹	5,280 22,200 0.0	8 ¹	2,640 22,200 ²² 0.5	8 ¹	1,320 22,200 ²² 1.0
Peanut	7 ¹	23 ⁰ 1,000 0.1	7 ¹	23 ⁰ 500 0.2	7 ¹	23 ⁰ 200 0.5
Pepper	8 ¹	25 ²⁰⁰ 0 0.0	8 ¹	25 ¹⁰⁰ 300 0.5	8 ¹	25 ³⁰ 150 1.0
Rapeseed	4	165 2,000 0.05	2	24 ¹⁶⁵ 1,000 0.1	2	24 ¹⁶⁵ 500 0.25
Rice	8 ¹	39 ¹⁰ 10,000 0.05	8 ¹	39 ¹⁰ 5,000 0.1	8 ¹	39 ¹⁰ 1,000 0.2
Rye	7 ¹	18 ⁶⁶⁰ 3,000 0.05	7 ¹	18 ⁶⁶⁰ 2,000 0.1	7 ¹	18 ⁶⁶⁰ 1,000 0.2
Sainfoin	1 ⁵	5,44 ⁶⁰⁰ 1,000 0.1	1 ⁵	5,44 ³⁰⁰ 400 0.25	1 ²	5,44 ¹⁶⁵ 100 1.0
Sorghum	8 ¹	990 ²⁷ 50,000 0.005	8 ¹	990 ²⁷ 35,000 0.01	8 ¹	29 ⁶⁶⁰ 20,000 0.05
Hybrid seedstock	8 ¹	990 ²⁷ 50,000 0.005				
Commercial hybrid						
Soybeans	33 ¹	23 ⁰ 1,000 0.1	33 ¹	23 ⁰ 500 0.2	33 ¹	23 ⁰ 200 0.5
Sunflower	1	4 ¹ 2,640 200 0.02	1	4 ¹ 2,640 200 0.02	1	4 ¹ 2,640 200 ³⁴ 0.1
Hybrid	1	4 ¹ 2,640 35 ²⁵⁰ 0.02			1	4 ¹ 2,640 35 ²⁵⁰ 0.1
Tomato	8 ¹	25 ²⁰⁰ 0 0	8 ¹	25 ¹⁰⁰ 300 0.5	8 ¹	25 ³⁰ 150 1.0
Tobacco	36 ¹	37 ¹⁵⁰ 0 0.01	36 ¹	37 ¹⁵⁰ 0 0.01	36 ¹	37 ¹⁵⁰ 0 0.01

CROP	FOUNDATION		REGISTERED		CERTIFIED	
	LAND	ISOLATION	LAND	ISOLATION	LAND	ISOLATION
Hybrid					36	38
					0	150
						0
Triticale	7	23	7	23	7	23
					1	0
						0
Vetch	1,8	17,44	1,8	17,44	1,8	17,44
	5	10	3	10	2	10
						10
Watermelon	8	26	8	26	8	26
	1	2,640	1	2,640	1	1,320
						28
Wheat	7	23	7	23	7	23
	1	0	1	0	1	0
						0
Hybrid	30	21,32	30	21,32	30	21,32
	1	660	1	660	1	330
						1,000
						0,2

¹The land must be free of volunteer plants of the crop kind during the year immediately prior to establishment and no manure or other contaminating material shall be applied the year previous to seeding or during the establishment and productive life of the stand.

²At least 2 years must elapse between destruction of indistinguishable varieties or varieties of dissimilar adaptation and establishment of the stand for the production of the Certified class of seed.

³Isolation distance for certified seed production shall be at least 500 feet from varieties of dissimilar adaptation.

⁴Isolation distance for classes of the same variety may be reduced to 25 percent of the distance otherwise required.

⁵This distance applies when fields are 5 acres or larger in area. For smaller fields, the distances are 900 feet and 450 feet for the Foundation and Registered classes, respectively.

⁶Fields of less than 5 acres require 330 feet.

⁷Requirement is waived if the previous crop was grown from certified seed of the same variety.

⁸Requirement is waived if the previous crop was of the same variety and of a certified class equal or superior to that of the crop seeded.

⁹Reseeding varieties of crimson clover may be allowed to volunteer back year after year on the same ground. If a new variety is being planted where another variety once grew, the field history requirements apply.

¹⁰No isolation is required for the production of hand-pollinated seed.

¹¹When the contaminant is of the same color and texture, the isolation distance may be modified by (1) adequate natural barriers, or (2) differential maturity dates, provided there are no receptive silks in the seed parent at the time the contaminant is shedding pollen. In the case of inbred lines and foundation single crosses, these modifications may apply only for fertile seed production.

¹²Where the contaminating source is corn of the same color and texture as that of the field inspected, the isolation distance is 410 feet and may be modified by the planting of pollen parent border rows according to the following table:

MINIMUM NUMBERS OF BORDER ROWS REQUIRED

Minimum distance from contaminant	Field size,	
	up to 20 acres	20 acres or more
410	0	0
370	2	1
330	4	2
290	6	3
245	8	4
205	10	5
165	12	6
125	14	7
85	16	8
0	(Not permitted)	10

¹³Refers to off-type plants in the pollen parent that have shed pollen or to the off-type plants in the seed parent at the time of the last inspection.

¹⁴The required minimum isolation distance for sweet corn is 660 feet from the contaminating source, plus four border rows when the field to be inspected is 10 acres or less in size. This distance may be decreased by 15 feet for each increment of 4 acres in the size of the field to a maximum of 40 acres, and further decreased 40 feet for each additional border row to a maximum of 16 rows. These border rows are for pollen-shedding purposes only.

¹⁵Refers to off-type ears. Ears with off-colored or different textured kernels are limited to 0.5 percent, or a total of 25 off-colored or different textured kernels per 1,000 ears.

¹⁶The Merion variety of Kentucky bluegrass is allowed 3 percent.

¹⁷All cross-pollinating varieties must be 400 feet from any contaminating source.

¹⁸Isolation between diploids and tetraploids shall be at least 15 feet.

¹⁹Minimum isolation shall be at least 100 feet if the cotton plants in the contaminating source differ by easily observable morphological characteristics from the field to be inspected. Isolation distance between upland and Egyptian types shall be at least 1,320, 1,320, and 660 feet for Foundation, Registered, and Certified classes, respectively.

- 20 These distances apply when there is no border removal. Border removal applies only to fields of 5 acres or more. Removal of a 9-foot border (after flowering) decreases the required distance for Foundation, Registered, and Certified seed to 600, 225, and 100 feet, respectively, for cross-pollinated species, and to 30, 15, and 15 feet, respectively, for apomictic and self-pollinated species. Removal of a 15 foot border (after flowering) allows a further decrease to 450, 150, and 75 feet, respectively, for cross-pollinated species.
- 21 Isolation distances between two fields of the same kind may be reduced to a distance adequate to prevent mechanical mixture, if the sum of percentages of plants in bloom in both fields does not exceed 5 percent at a time when more than 1 percent of the plants in either field are in bloom.
- 22 Refers to bulbs.
- 23 Distance adequate to prevent mechanical mixture is necessary.
- 24 Required isolation between classes of the same variety is 10 feet.
- 25 The minimum distance may be reduced by 50 percent if different classes of the same variety are involved.
- 26 The minimum distance may be reduced by 50 percent if the field is adequately protected by natural or artificial barriers.
- 27 These ratios are for definite other varieties. The ratios for doubtful other varieties are:

	Foundation	Registered	Certified
Millet -----	1:10,000	1:5,000	1:2,500
Sorghum -----	1:20,000	1:10,000	1:1,000
Hybrid Sorghum -----	1:20,000	(Not applicable)	1:1,000
Okra -----	None	1:750	1:500

- 28 Whiteheart fruits may not exceed 1 per 100, 40 and 20 for Foundation, Registered, and Certified classes, respectively. Citron or hard rind is not permitted in Foundation or Registered classes and may not exceed 1 per 1,000 fruits in the Certified class.
- 29 This distance applies if the contaminating source does not genetically differ in height from the pollinator parent or has a different chromosome number. If the contaminating source does (genetically) differ and has the same chromosome number the distance shall be 990 feet. The minimum isolation from grass sorghum or broomcorn with the same chromosome number shall be 1,320 feet.
- 30 Requirement is waived for the production of pollinator lines if the previous crop was grown from a certified class of seed of the same variety. Sterile lines and crossing blocks must be on land free of contaminating plants.
- 31 If the contaminating source is similar to the hybrid in all important characteristics, the isolation may be reduced by 66 feet for each pair of border rows of the pollinator parent down to a minimum of 330 feet. These rows must be located directly opposite or diagonally to the contaminating source. The pollinator border rows must be shedding pollen during the entire time 5 percent or more of the seed parent flowers are receptive.

- 32 An unplanted strip at least 2 feet in width shall separate male sterile plants and pollinator plants in inter-planted blocks.
- 33 Unless the preceding crop was another kind or unless the preceding soybean crop was planted with a class of certified seed of the same variety, or unless the preceding soybean crop and the variety being planted are of contrasting pubescence or hilum color, in which case, no time need elapse.
- 34 May include not more than 0.04 percent purple or white seeds.
- 35 Standards apply equally to seed parents and pollen parents which may include up to 1:1,000 plants each of the wild-type branching, purple or white-seeded plants.
- 36 A new plant bed must be used each year unless the bed is properly treated with a soil sterilant prior to seeding.
- 37 This distance is applied between varieties of the same type and may be waived if four border rows of each variety are allowed to bloom and set seed between the two varieties but are not harvested for seed. Isolation between varieties of different types shall be 1,320 feet except if protected by bagging or by topping all plants in the contaminating source before bloom.
- 38 When male sterile and male fertile plants of the same type are planted adjacent in a field, this requirement may be waived; provided, four border rows of male sterile plants are allowed to bloom and set seeds. The seed from these border rows shall not be harvested as part of the certified lot of seed produced by the male sterile plants. When plants are of different types, the distance shall be 1,320 feet except if protected by bagging or by topping all plants in the contaminating source before bloom.
- 39 Isolation between varieties shall be 100 feet if aerial seeded and 50 feet if ground broadcast.
- 40 Isolation between millets of different genera shall be 6 feet.
- 41 Does not apply to *Hellanthus similis*, *H. Ludens*, or *H. agrestis*.
- 42 The ratio of male sterile (A) strains and pollen (B or C) strains shall not exceed 2:1.
- 43 Parent lines (A and B) in a crossing block, or seed and pollen lines in a hybrid seed production field, shall be separated by at least 6 feet and shall be managed and harvested in a manner to prevent mixing.
- 44 Distance between fields of certified classes of the same variety may be reduced to 10 feet regardless of the class or size of the fields.

b. Amend Table 5 as revised above by adding, in proper alphabetical order, the following:

Crop	FOUNDATION			REGISTERED			CERTIFIED					
	Land Isolation	Field Seed	Land Isolation	Field Seed	Land Isolation	Field Seed	Land Isolation	Field Seed				
Millet (self-pollinated)	8 ¹	2 ³ ₀	3000	0.05	8 ¹	2 ³ ₀	2000	0.1	8 ¹	2 ³ ₀	1000	0.2
Rape (self-pollinated)	4	2 ⁴ ₆₆₀	2000	0.05	-	- - - -	- - - -	- - - -	2	2 ⁴ ₃₃₀	500	0.25
Safflower	7 ²	1320	10,000	0.01	7 ²	1320	2000	0.05	7 ²	1320	1000	0.1

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c. In Table 5 as revised above, in the Land column, in the Foundation, Registered, and Certified classes, change the reference from footnote "8" to footnote "7" for the following entries:

Cowpea
Crambe
Fava bean
Field and garden beans
Field pea
Mung bean
Okra
Onion
Pepper
Rice
Sorghum
Tomato
Vetch
Watermelon

d. In Table 5 as revised above, in the Field column, in the Foundation class, add a reference to footnote "46" for the following entries:

Corn: Backcross lines
Corn: Inbred lines
Corn: Foundation, single cross

e. In Table 5 as revised above, for "Cotton," in the Field column in the Foundation, Registered and Certified classes, change "0," "35,000," and "7,000," to "10,000," "5,000," and "1,000," respectively.

f. In Table 5 as revised above, for "Cotton" in the Seed column, in the Foundation and Registered classes, change "0" and "0.1" to "0.03" and "0.05," respectively.

g. In Table 5 as revised above, for "Grasses—Cross-pollinated," in the Seed column, in the Certified class, add a reference to footnote "47."

h. In Table 5 as revised above, for "Mustard" in the Land, Isolation, Field,

and Seed columns, in the Registered class, delete all numbers and insert dotted line.

i. In Table 5 as revised above, for "Mustard" in the Isolation column, in the Foundation and Certified classes, change "165" and "165" to "1320" and "660," respectively.

j. In Table 5 as revised above, for "Rapeseed" in the Crop column, change "Rapeseed" to "Rape (Cross-pollinated)"; in the Land, Isolation, Field and Seed columns, in the Registered class, delete all numbers and insert dotted line; in the Isolation column, in the Foundation and Certified classes, change "165" and "165" to "1320" and "330," respectively; and in the Isolation column, in the Foundation class, add a reference to footnote "24".

k. In Table 5 as revised above, for "Sunflower" in the Isolation column, in the Foundation, Registered and Certified classes, add a reference to footnote "45."

l. In Table 5 as revised above, for "Sunflower Hybrid" in the Isolation column, in the Foundation and Certified classes, add a reference to footnote "45."

m. In Table 5 as revised above, for "Tobacco" in the Land column, the Foundation, Registered and Certified classes, change "1" to "0."

n. In Table 5 as revised above, for "Alfalfa" in the Isolation column, in the Foundation and Registered classes, change the reference from footnote "5" to footnote "48"; in the Certified class, change the reference from footnote "3" to footnote "49."

o. At the end of section 201.76, Table 5 as revised above, add new footnotes 45, 46, 47, 48 and 49 as follows:

45. An isolation distance of 5,280 feet is required between oil and non-oil sunflower types and between either type and other volunteers or wild types.

46. Detasseling, cutting, or pulling of the cytoplasmic male-sterile seed parent is permitted.

47. All nonfluorescent varieties of perennial ryegrass seed are allowed 3.0 percent.

48. This distance applies for fields over 5 acres. For alfalfa fields of 5 acres or less that produce the Foundation and Registered seed classes, the minimum distance from a different variety or a field of the same variety that does not meet the varietal purity requirements for certification shall be 900 and 450 feet, respectively.

49. There must be at least 10 feet between a field of another variety (or noncertified area within the same field) and the area being certified. The 165 feet isolation requirement is waived if the area of the "isolation zone" is less than 10 percent of the field eligible for the Certified class. The "isolation zone" is that area calculated by multiplying the length of the common border(s) with other varieties of alfalfa by the average width of the field (being certified) falling within the 165 feet isolation. Areas outside the isolation zone nearest the contamination source shall not be certified.

(Sec. 402, 53 Stat. 1285 (7 U.S.C. 1592))

Signed in Washington, D.C. on June 4, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-17127 Filed 6-9-81; 8:45 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the

Day-of-the-Week Program Coordinator,
Office of the Federal Register,
National Archives and Records Service,
General Services Administration,
Washington, D.C. 20408.

REMINDERS

The "reminders" below identify documents that appeared in issues of the *Federal Register* 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Deadlines for Comments on Proposed Rules for the Week of June 14 through June 20, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

26786 5-15-81 / Dried prunes in Calif.; specification changes; comments by 6-15-81

Animal and Plant Health Inspection Service—

22197 4-16-81 / Quarantine of California to control Mediterranean fruit fly; comments by 6-15-81

Food Safety and Quality Service—

22383 4-17-81 / Revision of shell egg standards and grades; comments by 6-16-81

26787 5-15-81 / U.S. standards for grades of mixed nuts in the shell; comments by 6-15-81

Rural Electrification Administration—

22383 4-17-81 / Public information; REA bulletins specification for filled telephone cable; comments by 6-16-81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

23957 4-29-81 / Atlantic butterfish fishery, initial approval and availability of plan amendment; comments by 6-15-81

26658 5-14-81 / Proposed clarification of term "directly affecting the coastal zone"; comments by 6-15-81

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

27963- 5-22-81 / High-cost gas produced from Tight formations (4 documents); comments by 6-17-81

27966

24585 5-1-81 / Natural gas; sales and transportation by interstate pipelines and distributors; comments by 6-15-81

ENVIRONMENTAL PROTECTION AGENCY

27129 5-18-81 / Approval and promulgation of State Implementation Plans; Utah's Total Suspended Particulates and lead; comments by 6-17-81

27131 5-18-81 / Designation of areas for air quality planning purposes; Alabama; proposed redesignation of Marion, Lamar, and Fayette Counties; comments by 6-17-81

21999 4-15-81 / Hazardous waste and hazardous waste management; availability of information; comments by 6-15-81

27502 5-20-81 / Proposed approval of revision of Florida State Implementation Plan; comments by 6-19-81

27503 5-20-81 / Proposed approval of revision to Georgia State Implementation Plan; comments by 6-19-81

27504 5-20-81 / Proposed approval of revision to Kentucky State Implementation Plan; comments by 6-19-81

26793 5-15-81 / State implementation plans; identification of State regulatory provisions; New Jersey, Puerto Rico, and Virgin Islands; comments by 6-15-81

27504 5-20-81 / Supplementary approval of Massachusetts State Implementation Plan; comments by 6-19-81

[See also 45 FR 61293, 9-16-81]

22400 4-17-81 / Textile mills point source category effluent limitations guidelines pretreatment standards, and new source performance standards; comments by 6-16-81

[Originally published at 46 FR 8590, 1-27-81]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

22395 4-17-81 / Employment discrimination; procedures for handling complaints; comments by 6-16-81

21784 4-14-81 / Privacy Act Regulations; comments by 6-15-81

FEDERAL COMMUNICATIONS COMMISSION

20708 4-7-81 / FM broadcast stations; table of assignments; Arroyo Grande and Pismo Beach, Calif.; reply comments by 6-15-81

- 20709 4-7-81 / FM broadcast stations; table of assignments; Powell, Wyo.; reply comments by 6-15-81
- 20711 4-7-81 / FM broadcast stations; table of assignments; San Manuel, Miami, Claypool, Summerhaven, Ariz.; reply comments by 6-15-81
- 83592 12-19-80 / Revision of Amateur Radio Service Rules into plain English; comments by 6-19-81
- 21791 4-4-81 / Table of television channel allotments; reply comments by 6-15-81
- 81796 12-12-80 / Television channel allotments; reply comments by 6-15-81
[Originally published at 45 FR 72902, 9-18-80]
- 26507 5-13-81 / Television pickup on a secondary basis to the Local Television Transmission Service, amendment to make a certain frequency available; comments by 6-19-81
- FEDERAL LABOR RELATIONS AUTHORITY**
- 16058 3-10-81 / Foreign service; organization, functions, authority delegations, systems of records, and processing of cases (interim rules); comments by 6-15-81
- FEDERAL RESERVE SYSTEM**
- 24576 5-1-81 / Collection of checks and other items and transfer of funds by Reserve Banks (Regulation J); comments by 6-19-81
- 22600 4-20-81 / Interpretation of regulation regarding class of depositors eligible to maintain NOW account at member banks; comments by 6-15-81
- FOREIGN SERVICE IMPASSE DISPUTES PANEL**
- 16058 3-10-81 / Foreign service; organization, functions, authority delegations, systems of records, and processing of cases (interim rules); comments by 6-15-81
- FOREIGN SERVICE LABOR RELATIONS BOARD**
- 16058 3-10-81 / Foreign Service; organization, functions, authority delegations, systems of records and processing of cases (interim rules); comments by 6-15-81
- HEALTH AND HUMAN SERVICES DEPARTMENT**
- Food and Drug Administration—
- 22389 4-17-81 / Iodomestic assay method for ampicillin and amoxicillin; comments by 6-16-81
Public Health Service—
- 22616 4-20-81 / Provision of abortion services by the Indian Health Service; comments by 6-19-81
Social Security Administration—
- 22609 4-20-81 / Social security benefits, etc.; reduction of retroactive benefits; comments by 6-19-81
[Corrected at 46 FR 23765, Apr. 28, 1981]
- HOUSING AND URBAN DEVELOPMENT DEPARTMENT**
- Federal Housing Commissioner Office of Assistant Secretary for Housing—
- 21932 4-14-81 / Comprehensive Improvement Assistance Program requirements; comments by 6-15-81
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- 28192 5-26-81 / Export of bobcat, lynx, river otter, Alaskan gray wolf, and Alaskan brown bear taken in 1981-82 season; comments by 6-15-81
- 18666 3-25-81 / Proposed 1981-82 migratory game bird hunting regulations (preliminary); comments for proposed regulations frame works for Alaska, Puerto Rico and the Virgin Islands, by 6-19-81
- INTERSTATE COMMERCE COMMISSION**
- 26799 5-15-81 / Motor carriers; duplicate operating rights; policy statement; comments by 6-15-81
- 26801 5-15-81 / Motor property carriers; control of duplicate operating rights; comments by 6-15-81
- JUSTICE DEPARTMENT**
- 22395 4-17-81 / Employment discrimination; procedures for handling complaints; comments by 6-16-81
Drug Enforcement Administration—
- 22393 4-17-81 / Schedules of controlled substances; denial of petition to decontrol mazindol; rescheduling of mazindol into schedule IV; comments by 6-16-81
Prisons Bureau—
- 24902 5-1-81 / Control, custody, care, treatment, and instruction of inmates; comments by 6-15-81
- MANAGEMENT AND BUDGET OFFICE**
- Federal Procurement Policy Office—
- 22243 4-16-81 / Availability of segment of draft Federal Acquisition Regulation; comments by 6-17-81
- POSTAL SERVICE**
- 26792 5-15-81 / Unpaid and part-paid mail addressed to U.S. government offices; comments by 6-15-81
- SECURITIES AND EXCHANGE COMMISSION**
- 22602 4-20-81 / Going private transactions by certain issuers or their affiliates; comments by 6-19-81
- TRANSPORTATION DEPARTMENT**
- Research and Special Programs Administration—
- 27146 5-18-81 / Transportation of liquefied petroleum gas in intrastate commerce; comments by 6-16-81
- TREASURY DEPARTMENT**
- Alcohol, Tobacco and Firearms Bureau—
- 21624 4-13-81 / Reporting taxes due to the Insular Governments on Puerto Rican and Virgin Islands spirits bottled in the U.S.; comments by 6-15-81
Internal Revenue Service—
- 27968 5-22-81 / Income tax; Dollar-value LIFO inventory; comments by 6-16-81
- VETERANS ADMINISTRATION**
- 27361 5-19-81 / United States Government Life Insurance and National Service Life Insurance; interest rates and dividends; comments by 6-18-81

Deadlines for Comments on Proposed Rules for the Week of June 21 through June 27, 1981

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service—

- 23264 4-24-81 / Bird importation; handling procedures; comments by 6-24-81

CIVIL AERONAUTICS BOARD

- 2-563 4-6-81 / Liberalization of rules for indirect cargo air carriers; reply comments by 6-25-81

DEFENSE DEPARTMENT

Army Department—

- 28446 5-27-81 / Personal privacy and rights of individuals regarding personal records; comments by 6-26-81

ENVIRONMENTAL PROTECTION AGENCY

- 27972 5-22-81 / Approval and promulgation of state implementation plans; Kansas; comments by 6-22-81
- 27973 5-22-81 / 2-Chloroallyldiethyldithiocarbamate; proposed tolerance; comments by 6-22-81
- 26796 5-15-81 / Oklahoma Corporation Commission; underground injection control; primacy application; comments by 6-22-81
- 28179 5-26-81 / Promulgation of Michigan State Implementation plan; comments by 6-24-81
- 27974 5-22-81 / S-Propyl Dipropylthiocarbamate; proposed tolerance; comments by 6-22-81
- 27975 5-22-81 / Trifluralin; proposed tolerance; comments by 6-22-81

- 27132 5-18-81 / Virginia application for Interim Authorization, Phase I: Hazardous Waste Management Program; comments by 6-24-81

FEDERAL COMMUNICATIONS COMMISSION

- 27729 5-21-81 / Amendment of the Commission's rules to expand the use of Digital Voice Modulation generally to the Private Land Mobile Radio Services; comments by 6-22-81
- 26509 5-13-81 / FM broadcast station in Ansley, Ala., change in table of assignments; reply comments extended to 6-24-81 [See also 46 FR 17809, 3-20-81]
- 22006 4-15-81 / FM broadcast station in Bay City, Tex., proposed changes in table of assignments; reply comments by 6-22-81
- 22088 6-1-81 / FM broadcast stations Beaumont, Lake Jackson and Port Lavaca, Tex., proposed changes in table of assignments; reply comments by 6-22-81
- 25662 5-8-81 / FM broadcast stations in Christiansted, and Fredericksted, Virgin Islands; changes in table of assignments; comments by 6-22-81
- 25488 5-7-81 / FM broadcast station in Deer Park, Wash.; proposed changes in table of assignments; comments by 6-22-81
- 22769 4-21-81 / FM broadcast station in Freeport, Texas; changes in table of assignments; reply comments by 6-22-81
- 22770 4-21-81 / FM broadcast station in Lockhart, Texas; changes in table of assignments; reply comments by 6-22-81
- 22400 4-17-81 / FM broadcast stations in Montpelier, Stowe, Vergennes, and Waterbury, Vermont, and Marich and Port Henry, N.Y.; changes in table of assignments; reply comments by 6-22-81
- 25489 5-7-81 / FM broadcast station in Sonora, Calif.; proposed changes in table of assignments; comments by 6-22-81
- 28457 5-27-81 / Pleading cycle on Computer and Business Equipment Manufacturers Association (CBEMA) petition for policy ruling on AT&T offering of new CPE (customer-premises equipment); filed under Federal tariff filed after second computer inquiry final decision; comments by 6-26-81
- 22624 4-20-81 / Talk-around in Private Land Mobile Radio Services on shared conventional channels above specific frequency band; reply comments by 6-24-81 [Corrected at 46 FR 23275, 4-24-81]
- 25487 5-7-81 / TV Broadcast station in Roanoke, Va.; proposed changes in table of assignments; comments by 6-22-81

FEDERAL TRADE COMMISSION

- 29256 6-1-81 / Trade regulation rule; labeling and advertising of home insulation; comments by 6-22-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

- 18992 3-27-81 / Irradiated foods; procedures for regulation in foods for human consumption; comments by 6-25-81
Office of the Secretary—
- 29732 6-3-81 / Child Day Care Services; Postponement of regulations and requirement that applicable State and local standards be met for Federal funding; comments by 6-24-81
- 23273 4-24-81 / Public and medical assistance; time limits for States to file claims; comments by 6-23-81

INTERIOR DEPARTMENT

National Park Service—

- 27970 5-22-81 / Everglades National Park; use of air boat; comments by 6-22-81

INTERSTATE COMMERCE COMMISSION

- 28457 5-27-81 / Rail carrier informational State tariff filings; comments by 6-26-81

POSTAL SERVICE

- 27970 5-22-81 / Facing identification marks on official mail; comments by 6-22-81

TRANSPORTATION DEPARTMENT

Coast Guard—

- 29288 6-1-81 / Lake Washington, Wash.; establishment of area of controlled navigation; comments by 6-22-81

Next Week's Meetings:

AGRICULTURE DEPARTMENT

Forest Service—

- 24219 4-30-81 / Lincoln National Forest Grazing Advisory Board, Carlsbad, N. Mex. (open), 6-19-81
- 30157 6-5-81 / National Forest System Advisory Committee, Washington, D.C. (open), 6-17 and 6-18-81
- 28888 5-29-81 / Uinta National Forest Grazing Advisory Board, Woodland, Utah (open), 6-17-81
Rural Electrification Administration—
- 26605 5-15-81 / Colorado-Ute Electric Association, Inc., Pueblo, Colo., 6-16-81; Walsenburg, Colo., 6-17-81

ARTS AND HUMANITIES, NATIONAL FOUNDATION

- 26957 5-15-81 / Humanities Panel, Washington, D.C. (closed), 6-15 and 6-16-81
- 28051 5-22-81 / Humanities Panel, Washington, D.C. (closed), 6-15 and 6-16-81
- 28531 5-27-81 / Museum Panel, Washington, D.C. (partially open), 6-15 and 6-16-81

CIVIL RIGHTS COMMISSION

- 28462 5-27-81 / District of Columbia Advisory Committee, Washington, D.C. (open), 6-18-81
- 29300 6-1-81 / Indiana State Advisory Committee, Muncie, Ind. (open), 6-17 through 6-19-81
- 29300 6-1-81 / New Hampshire Advisory Committee, Manchester, N.H., (open), 6-17-81
- 28463 5-27-81 / New Jersey Advisory Committee, New Brunswick, N.J. (open), 6-18-81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

- 26672 5-14-81 / Deep Seabed Mining Program, Washington, D.C. (open), 6-17-81
National Telecommunications and Information Administration—
- 28695 5-28-81 / Frequency Management Advisory Council, Washington, D.C. (open), 6-19-81
Office of the Secretary—
- 23965 4-29-81 / Potential Role of Advanced Materials in the Aerospace Industry, Nashville, Tenn. (open), 6-15, 6-16, and 6-17-81

CONSUMER PRODUCT SAFETY COMMISSION

- 27721 5-21-81 / Dual-purpose child resistant packaging, Washington, D.C. (open), 6-16-81
- 29740 6-3-81 / Flammable Fabric Act National Advisory Committee, Washington, D.C. (open), 6-18-81
- 27993 5-22-81 / Toxicological Advisory Board, Bethesda, Md. (open), 6-16 and 6-17-81

DEFENSE DEPARTMENT

Air Force Department—

- 27517 5-20-81 / USAF Scientific Advisory Board, Arlington, Va. (closed), 6-17, 6-18, and 6-19-81

- 27517 5-20-81 / USAF Scientific Advisory Board, Wright-Patterson AFB, Ohio (closed), 6-15 and 6-16-81
- 27518 5-20-81 / Army Advisory Panel on ROTC Affairs, Fort Knox, Ky. (open), 6-17 and 6-18-81
Office of the Secretary—
- 27747 5-21-81 / Defense Science Board Task Force on Anti-Tactical Missiles, Arlington, Va. (closed), 6-18 and 6-19-81
- 22923 4-22-81 / Wage Committee, Washington, D.C. (closed), 6-16-81
- EDUCATION DEPARTMENT**
- 27374 5-19-81 / National Advisory Council on Adult Education, Washington, D.C. (open), 6-17 through 6-19-81
- 28696 5-28-81 / National Advisory Council on Vocational Education, Washington, D.C. (open), 6-18-81
- ENVIRONMENTAL PROTECTION AGENCY**
- 29532 6-2-81 / Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel, Arlington, Va. (open), 6-17 through 6-19-81
- 28008 5-22-81 / Interagency Toxic Substances Data Committee, Washington, D.C. (open), 6-18-81
- FEDERAL COMMUNICATIONS COMMISSION**
- 30195 6-5-81 / Radio Technical Commission for Marine Services, Washington, D.C. (open), 6-16, 6-18, 6-23, and 6-24-81
- FEDERAL PREVAILING RATE ADVISORY COMMITTEE**
- 28011 5-22-81 / Meetings, Washington, D.C. (partially open), 6-4, 6-18, and 6-25-81
- HEALTH AND HUMAN SERVICES DEPARTMENT**
- Alcohol, Drug Abuse, and Mental Health Administration—
- 26697 5-14-81 / Basic Psychopharmacology and Neuropsychology Research Review Committee, Silver Spring, Md. (partially open), changed from 6-18 and 6-19-81 to 6-17 through 6-19-81
[Changed at 46 FR 29541, 6-2-81]
- Alcohol, Drug Abuse, and Mental Health Administration—
- 28945 5-29-81 / Community Alcoholism Services Review Committee, Rockville, Md. (partially open), 6-17 through 6-22-81
- 28512 5-27-81 / Minority Advisory Committee, Rockville, Md. (open), 6-18-81
- Food and Drug Administration—
- 27394 5-19-81 / Circulatory System Devices Panel, Washington, D.C. (partially open), 6-18 and 6-19-81
- Health Services Administration—
- 23816 4-28-81 / Genetic Diseases Review and Advisory Committee, Rockville, Md. (partially open), 6-15 through 6-17-81
- National Institute for Occupational Safety and Health—
- 25352 5-6-81 / Testing and approval of spirometers, Rockville, Md. (open), 6-15 and possibly 6-16-81
- National Institutes of Health—
- 22463 4-17-81 / Communicative Disorders Review Committee, Bethesda, Md. (partially open), 6-18 and 6-19-81
- 24715 5-1-81 / Minority Access to Research Careers Review Committee, Bethesda, Md. (partially open), 6-18 and 6-19-81
- 24712 5-1-81 / Research Grants Division, Cardiovascular & Renal Study Section, Bethesda, Md. (partially open), 6-17 through 6-19-81
- 24712 5-1-81 / Research Grants Division, Communicative Sciences Study Section, Georgetown, Washington, D.C. (partially open), 6-15 through 6-17-81
- 24712 5-1-81 / Research Grants Division, Endocrinology Study Section, Bethesda, Md. (partially open), 6-14 through 6-16-81
[See also 46 FR 28017, 5-22-81]
- 24712 5-1-81 / Research Grants Division, Experimental Therapeutics Study Section, Bethesda, Md. (partially open), 6-17 through 6-20-81
- 24712 5-1-81 / Research Grants Division, General Medicine A Study Section, Bethesda, Md. (partially open), 6-15 and 6-16-81
- 24712 Research Grants Division, Immunological Sciences Study Section, Bethesda, Md. (partially open), 6-17 through 6-19-81
- 24712 5-1-81 / Research Grants Division, Mammalian Genetics Study Section, Bethesda, Md. (partially open), 6-18 through 6-20-81
- 24712 5-1-81 / Research Grants Division, Neurology A Study Section, Washington, D.C. (partially open), 6-18 through 6-20-81
- 24712 5-1-81 / Research Grants Division, Pathology B Study Section, Chevy Chase, Md. (partially open), 6-17 through 6-19-81
- 24712 5-1-81 / Research Grants Division, Physical Biochemistry Study Section, Bethesda, Md. (partially open), 6-17 through 6-19-81
- 24712 5-1-81 / Research Grants Division, Surgery & Bioengineering Study Section, Bethesda, Md. (partially open), 6-18 and 6-19-81
- 24712 5-1-81 / Research Grants Division, Tropical Medicine & Parasitology Study Section, Bethesda, Md. (partially open), 6-15 through 6-17-81
- 24712 5-1-81 / Research Grants Division, Visual Sciences A Study Section, Alexandria, Va. (partially open), 6-17 through 6-19-81
- 24712 5-1-81 / Research Grants Division, Visual Sciences B Study Section, Georgetown, Washington, D.C. (partially open), 6-17 through 6-20-81
- INTERIOR DEPARTMENT**
- Land Management Bureau—
- 26874 5-15-81 / California Desert District, Thermal, Calif., 6-20-81
- 28755 5-28-81 / Roseburg District Advisory Council, Roseburg, Oreg. (open), 6-16-81
- 27398 5-19-81 / Roswell District Grazing Advisory Board, Roswell, N. Mex. (open), 6-18-81
- National Park Service—
- 29338 6-1-81 / Cumberland/North Branch Development Concept Plan, environmental assessment, Cumberland, Md. (open), 6-17-81
- 28225 5-26-81 / Gateway National Recreation Area, New York, N.Y. (open), 6-15-81
- 27773 5-21-81 / Mormon Pioneer National Historic Trail Advisory Council, Lakewood, Colo. (open), 6-18 and 6-19-81
- 28226 5-26-81 / National Capital Memorial Advisory Committee, Washington, D.C. (open), 6-17-81
- JUSTICE DEPARTMENT**
- 29556 6-2-81 / Attorney General's Task Force on Violent Crime, Chicago, Ill. (open), 6-17 and 6-18-81
- NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**
- 28771 5-28-81 / NASA Advisory Council, Aeronautics Advisory Committee, Informal Executive Subcommittee, Washington, D.C., (open), 6-18-81 and 6-19-81
- NATIONAL SCIENCE FOUNDATION**
- 28051 5-22-81 / Environmental Biology Advisory Committee, Long-Term Ecological Research Subcommittee, Washington, D.C. (closed), 6-15 and 6-16-81

- 28772 5-28-81 / NSF Advisory Council, Task Group No. 19, Washington, D.C. (open), 6-16-81
- 28052 5-22-81 / NSF Advisory Council, Task Group No. 17, Stanford, Calif. (open) 6-19-81
- NUCLEAR REGULATORY COMMISSION**
- 29801 Reactor Safeguards Advisory Committee, Waterford Steam Electric Station Unit No. 3 Subcommittee, Hahnville, La. (partially open), 6-18 and 6-19-81
- SECURITIES AND EXCHANGE COMMISSION**
- 28778 5-28-81 / Shareholders Communications Advisory Committee, New York, N.Y. (open), 6-17-81
- STATE DEPARTMENT**
- 29370 6-1-81 International Investment, Technology, and Development Advisory Committee, Washington, D.C. (open), 6-17-81
- 28271 5-26-81 / Overseas Schools Advisory Council, Washington, D.C. (open), 6-18-81
Office of the Secretary—
- 28059 5-6-81 / Oceans and International Environmental and Scientific Affairs Advisory Committee, Antarctic Section, Washington, D.C. (closed), 6-15-81
- TRANSPORTATION DEPARTMENT**
- Federal Highway Administration—
- 28795 5-28-81 / Development of self-powered vehicle detector, Washington, D.C. (open), 6-17-81
- 28272 5-26-81 / Outdoor Advertising and Motorist Information National Advisory Committee, Washington, D.C. (open), 6-18 and 6-19-81
National Highway Traffic Safety Administration—
- 59246 9-8-80 / National Highway Safety Advisory Committee, Washington, D.C. (open), 6-15 through 6-17-81
- 43922 6-30-80 / National Highway Safety Advisory Committee, Washington, D.C. 6-15 through 6-17-81
- 26736 5-14-81 / National Highway Safety Advisory Committee, Washington, D.C. (open), 6-16 and 6-17-81
- 22715 4-20-81 / Rulemaking, research and enforcement programs, Ann Arbor, Mich. (open), 6-17-81
- 7123 1-22-81 / Safety Standards; International Harmonization; Program of Work of The WP29 Sixteenth Session, Ad Hoc Meeting; Geneva, Switzerland; 6-18 and 6-19-81
- VETERANS ADMINISTRATION**
- 24786 5-1-81 / Educational Allowances Station Committee, Little Rock, Ark. (open), 6-17-81
- 26593 5-13-81 / Scientific Review and Evaluation Board for Health Services Research and Development, Washington, D.C. (open), 6-18 and 6-19-81

Next Week's Public Hearings**AGRICULTURE DEPARTMENT**

Forest Service—

- 26805 5-15-81 / Richland Creek Wilderness Study Area and Rare II Addition Hearing Announcement, Arkansas, 6-20-81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

- 28883 5-29-81 / Billfish fisheries; Western Pacific Fishery Management Council, Honolulu, Hawaii, 6-16; Hilo, Hawaii, 6-17; Kona, Hawaii, 6-18-81

DEFENSE DEPARTMENT

Corps of Engineers, Department of Army—

- 26792 5-15-81 / Proposed Nationwide Permits, Washington, D.C., 6-15-81; St. Paul, Minn., 6-17-81
Navy Department—
- 19969 4-2-81 / Naval Discharge Review Board, San Diego, Calif.; 6-14 through 6-20-81

ENVIRONMENTAL PROTECTION AGENCY

- 24602 5-1-81 / Air quality, interstate pollution abatement; petitions by New York and Pennsylvania; Washington, D.C., 6-18 and 6-19-81
- 20706 4-7-81 / Hazardous waste management system; standards applicable to owners and operators of hazardous waste treatment, storage and disposal facilities and EPA administered permit programs, Houston, Texas, 6-15 and 6-16; San Francisco, Ca. 6-18 and 6-19-81
- 26796 5-15-81 / Oklahoma Corp. Commission Underground Injection Control Primacy Application, Dallas, Tex., 6-15-81
- 27132 5-18-81 / Virginia application for Interim Authorization, Phase I: Hazardous Waste Management Program, Richmond, Va., 6-17-81

INTERIOR DEPARTMENT

Fish and Wildlife Service—

- 18666 3-25-81 / 1981-82 Migratory Game Bird Hunting Regulations, Early Season Regulations, Washington, D.C., 6-19-81
Land Management Bureau—
- 24999 5-4-81 / Lakeview Grazing Management, Lakeview, Oreg., 6-18-81

LABOR DEPARTMENT

Pension and Welfare Benefit Programs Office—

- 28047 Proposed class exemption for life insurance company discretionary asset management, Washington, D.C., 6-19-81

TREASURY DEPARTMENT

Internal Revenue Service—

- 26660 5-14-81 / Proposed excise tax regulations under the Crude Oil Windfall Profit Tax Act of 1980, Washington, D.C., 6-18-81
- 26660 5-14-81 / Proposed excise tax regulations under the Crude Oil Windfall Profit Tax Act of 1980, Washington, D.C., 6-18-81

List of Public Laws

Last Listing May 27, 1981.

This is continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the Federal Register but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

- H.R. 3512 / Pub. L. 97-12 Supplemental Appropriations and Rescission Act, 1981 (June 5, 1981; 95 Stat. 14) Price: \$3.75.

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the Federal Register during the previous week.

DEADLINES FOR COMMENTS ON PROPOSED RULES

- 29242 6-1-81 / DOE—Weatherization assistance for Low income persons; comments by 7-1-81
- 29438 6-1-81 / Justice/JJDPO—Formula grants for juvenile justice; comments by 7-15-81

MEETINGS

- 29329 6-1-81 / EPA—Proposal to terminate the State of Idaho's Federal Air Grant Funding; Boise, Idaho, 7-2-81 (hearing)

- 29336 6-1-81 / HHS-NIH—NIDR Special Grants Review Committee, Bethesda, Md. (partially open), 6-23-81
- 29574 6-2-81 / NFAH—Dance Panel (Dance Touring Program), Washington, D.C. (partially open), 6-29 through 7-2-81
- 29575 6-2-81 / NFAH—Theater Panel, Washington, D.C. (closed), 6-30 through 7-1-81
- 29574 6-2-81 / NFAH—Theatre Panel (Playwrights Fellowships Section), Washington, D.C. (closed), 6-29-81
- 29575 6-2-81 / NFAH—Theater Panel (Small Professional Companies), Washington, D.C. (closed), 7-2 and 7-3-81

OTHER ITEMS OF INTEREST

- 29908 6-3-81 / HUD—CPD/Community Development Block grants; Small Cities Program: addition of special procedures applicable only to Puerto Rico