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Tuesday
July 7, 1981

Highlights

35106 **Iranian Assets** Treasury/FACO issues regulations on transfer of financial assets to the Federal Reserve Bank of New York

35082 **Banks, Banking—Farm Credit** FCA issues rules on disposition of obsolete records.

35117 FCA proposes rules on deposits of funds, distribution of earnings, and bankers acceptances.

35109 FCA proposes rules on loan policies and operations.

35123 **Veterans—Mobile Home Loans** VA proposes rule changes on resale and repair of repossessed mobile home units.

35227 **Prisons** Justice/LEAA extends application deadline to 9-30-81 for the Prison Industries Enhancement Certification Program.

35241 **Boycotts** Treasury publishes current list of countries requiring cooperation with an international boycott.

35094 **Broadcasting—Equal Opportunity** FCC makes interim changes to equal employment opportunity rules.

35092 **Maritime Carriers** FMC prohibits the filing of temporary amendments to tariffs published by carriers and conferences of carriers in the foreign ocean commerce of the United States.

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Highlights

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

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

35138 **Timber** USDA/FS announces review of small business timber sale set-aside program.

35088 **Library of Congress** Library of Congress informs public of programs on acquisition of materials by non-purchase means and disposition of surplus materials.

35090 **Water Pollution Control** EPA partially suspends consolidated permit regulations on testing requirements for a group of industrial facilities.

35080 **Federal Employees** OPM provides standards for determining whether a child is a dependent for the Civil Service Retirement and Federal Employees Health Benefits Programs.

35134 **Railroads** ICC proposes to allow for electronic transmission of freight bills and loss and damage claims.

35105 **Commodity Futures—Cotton** USDA/AMS designates five spot cotton markets for contract settlement purposes

35098, 35105 **Rail Carriers** ICC alters procedures in determining market dominance in freight rate cases (2 documents).

35109, 35118 **Regulatory Flexibility Plans** FRS, FTC

35233 **Privacy Act Documents** NRC

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Rules and Regulations

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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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 213

Excepted Service; Listing of Appointing, Authorities

AGENCY: Office of Personnel Management.

ACTION: Final rule; technical amendment.

SUMMARY: The Office of Personnel Management (OPM) is issuing a technical amendment to correct a numbering error in its regulations on the Excepted Service. This correction redesignates the numbering of sections only and does not affect the content of the regulations.

EFFECTIVE DATE: July 7, 1981.

FOR FURTHER INFORMATION CONTACT: William Bohling, 202-632-6000.

SUPPLEMENTARY INFORMATION: At 46 FR 20146 dated April 3, 1981, OPM published final regulations revising the Excepted Service provisions of 5 CFR Part 213. An error made in the numbering of the sections of those regulations has required OPM to issue a technical amendment redesignating certain paragraphs. Specifically § 213.3303, published as "Temporary Schedule C positions during a presidential transition, as a result of changes in department or agency heads, or at the time of a creation of a new department or agency" is redesignated as § 213.3302. § 213.3302, published as "Revocation of exceptions" is redesignated as § 213.3301b.

Office of Personnel Management.

Beverly McCain Jones,

Issuance System Manager.

§ 213.3302 [Redesignated as § 213.3301b]

§ 213.3303 [Redesignated as § 213.3302]

Accordingly, OPM revises 5 CFR Part 213 by redesignating § 213.3303 as § 213.3302 and § 213.3302 as § 213.3301b.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 81-19654 Filed 7-6-81; 8:45 am]
BILLING CODE 6325-01-M

5 CFR Part 315

Career and Career-Conditional Employment

AGENCY: Office of Personnel Management.

ACTION: Final regulations.

SUMMARY: In accordance with the Foreign Service Act of 1980, the Office of Personnel Management (OPM) is revising its regulations for noncompetitive appointment of present and former Peace Corps personnel who have completed at least 36 months of satisfactory service under a Foreign Service appointment to (1) remove the time limitation on agencies' use of the noncompetitive appointing authority; and (2) restate eligibility requirements for individuals.

EFFECTIVE DATE: February 15, 1981.

FOR FURTHER INFORMATION CONTACT: William Bohling, Noncompetitive Staffing and College Relations Branch, Staffing Services, (202) 632-6000.

SUPPLEMENTARY: The regulations for noncompetitive appointment of present and former Peace Corps personnel carry out the provisions of section 2506(a)(4) of title 22, United States Code, which was established by the International Cooperation Act of 1979. That act provided that present or former Peace Corps staff, other than volunteers, who had at least 36 months of substantially continuous satisfactory service under Foreign Service Reserve or staff appointment, or assignment governed by section 7(a) of the Peace Corps Act, would be eligible for noncompetitive appointment until October 1, 1982 or 3 years after separation from qualifying Peace Corps service, whichever is later. The act further provided that agencies could make appointments under this authority until enactment of Foreign Service personnel reform legislation amending or superseding section 7(a)(4) of the Peace Corps Act (22 U.S.C. 2506(a)(4)).

The Foreign Service Act of 1980 (Pub. L. 96-465) was such legislation. It amended 22 U.S.C. 2506(a)(4) to: (1) Continue without time limit agencies' authority to make noncompetitive appointments of Peace Corps staff; (2) require the 36 months of qualifying service to be without any break of 3 days or more; and (3) restate the period of eligibility as extending not later than September 30, 1982 or 3 years after separation from qualifying Peace Corps service.

The revised regulations reflect these changes in the law and make no other changes to the regulations issued effective June 27, 1980.

Pursuant to sections 553(b)(B) and 553(d)(3) of title 5, United States Code, the Director finds that good cause exists to waive the general notice of proposed rulemaking and to make this amendment effective in less than 30 days. The regulation is being made effective as of February 15, 1981, to correspond with the effective date of the statutory provisions which it implements.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulation, because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant 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.

Regulatory Flexibility Act

The Director, Office of Personnel Management, certifies that this regulation will not have a significant economic impact on a substantial number of small entities, including small business, small organizational units and small governmental jurisdictions.

Office of Personnel Management.

Beverly McCain Jones,

Issuance System Manager.

Accordingly, 5 CFR 315.607 is amended by revising (a)(1) and (b) (1) and (2) as follows:

§ 315.607 Noncompetitive appointment of present and former Peace Corps personnel.

(a) An agency in the executive branch may appoint noncompetitively, for other

than temporary appointment, an individual:

(1) Who has completed no less than 36 months of continuous service without a break in service of 3 days or more under section 7(a) of the Peace Corps Act (22 U.S.C. 2506) which pertains to the appointment of Peace Corps staff (not volunteers);

* * * * *

(b) *Time limitations.* (1) An individual's eligibility under this section extends through September 30, 1982, or until 3 years after separation from qualifying service with the Peace Corps, whichever is later.

(2) An agency may not extend this period.

* * * * *

(22 U.S.C. 2506, 94 Stat. 2158)

[FR Doc. 81-19934 Filed 7-6-81; 8:45 am]

BILLING CODE 6325-01-M

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5 CFR Part 733

Political Participation by United States Government Employees in Local Elections in the City of New Carrollton, Maryland

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: In response to a request from the City Administrator of the City of New Carrollton, OPM is designating that municipality as one where Government employees may participate in local elections subject to the limitations established by OPM, pursuant to the Hatch Act.

EFFECTIVE DATE: July 7, 1981.

FOR FURTHER INFORMATION CONTACT: Thomas F. Moyer or Gloria V. Clark, Office of the General Counsel, Office of Personnel Management, 1900 E Street, NW., Washington, D.C. 20415, (202) 632-7600 or 632-4600 respectively.

SUPPLEMENTARY INFORMATION: On October 3, 1980, OPM published (45 FR 65603) a proposed rule to grant Federal Government employees residing in the City of New Carrollton, partial exemption from the political activity restrictions of the Hatch Act, 5 U.S.C. 7324 *et seq.* The exemption permits Federal employees to participate in local elections as or on behalf of independent candidates. OPM has not received any comments on the proposed rule.

5 U.S.C. 553(d)(1) provides: "The required publication or service of a substantive rule shall be made not less than 30 days before its effective date, except a substantive rule which grants or recognizes an exemption or relieves a restriction." The Director of OPM has determined that the Hatch Act exemption does not require a notice period before its effective date and that no public interest is served by delaying the effective date. Therefore, the Hatch Act exemption for the City of New Carrollton will become effective immediately.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulation, because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant 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.

Regulatory Flexibility Act

The Director, Office of Personnel Management, certifies that this regulation will not have a significant economic impact on a substantial number of small entities, including small business, small organizational units and small governmental jurisdictions.

§ 733.124 [Amended]

Accordingly, OPM hereby revises 5 CFR 733.124(b) by adding the City of New Carrollton to the designated Maryland localities with Hatch Act exemptions, to be listed after Mount Rainier and before North Beach.

(5 U.S.C. 7327)

Office of Personnel Management.

Beverly McCain Jones,

Issuance System Manager.

[FR Doc. 81-19932 Filed 7-6-81; 8:45 am]

BILLING CODE 6325-01-M

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5 CFR Parts 831 and 890

Civil Service Retirement Program and Federal Employees Health Benefits Program

AGENCY: Office of Personnel Management.

ACTION: Final regulations.

SUMMARY: Effective January 2, 1980, Pub. L. 96-179 amended the Civil Service Retirement (CSR) law and the Federal Employees Health Benefits (FEHB) law to remove the "lived with" requirement for natural children and to substitute a dependency requirement for all children. These regulations provide standards for determining whether a child is a dependent.

EFFECTIVE DATE: July 7, 1981.

FOR FURTHER INFORMATION CONTACT: Mary Angel, (202) 632-4684.

SUPPLEMENTARY INFORMATION:

Background

From October 1, 1956 through January 1, 1980, the definition of a child eligible for survivor annuity benefits under the CSR law included a natural child "* * * who lived with the Member or employee in a regular parent-child relationship." Though, in practice, this requirement of law was modified by recent court decisions, the actual wording of the law remained unchanged through January 1, 1980.

Also, from the inception of the FEHB Program in July 1960 through January 1, 1980, the definition of a child eligible for coverage as a family member under the FEHB law included a natural child who lived "* * * with the employee or annuitant in a regular parent-child relationship."

Effective January 2, 1980, Pub. L. 96-179 amended the CSR law and the FEHB law to remove the "lived with" requirement for natural children and to substitute a dependency requirement for all children. On November 18, 1980, the Office of Personnel Management (OPM) published interim regulations (45 FR 76087) to give standards for determining whether a child was or is a dependent child.

Background for the interim regulations included a short summary of the court decisions which liberalized the definition of a child who is eligible for survivor annuity benefits. Since the publication of those interim regulations, however, the Government has terminated its appeal in *Jenkins v. C.S.C.* Therefore, the summary of court decisions is now amended to show that survivor annuity benefits are payable to a recognized natural child whose employee/annuitant parent died on or after February 24, 1972. (Those survivor annuity benefits commence on the day after the parent's death.)

Discussion of Comments

During the 60-day comment period, OPM received written comments from two agencies and from two plans that participate in the FEHB Program. Two of the respondents felt that the interim regulations were acceptable as printed and two of the respondents proposed amendments to the interim regulations. Those proposals are discussed in the following paragraphs.

One respondent stated that the regulations did not indicate whether grandchildren who live with and are raised by an enrollee are eligible for FEHB coverage. Therefore, OPM has amended § 890.102(a) to include a definition of a foster child who is eligible for coverage as a family member under the FEHB Program. A definition of a foster child who is eligible for health benefits coverage is also contained in Federal Personnel Manual Supplement 890–1, Subchapter S11(2)(e).

The same respondent also stated that proof of support should have been shown as a subpart of § 890.302(b)(v), so that it would be apparent that proof of support was necessary only under the conditions given in that section. (That section states that a natural child is considered to be dependent on an enrollee, if he or she is a recognized natural child to whose support the enrolled employee or annuitant made regular and substantial contributions.) As proof of support is a separate criteria which can be used to prove dependency, OPM feels that it can be shown, with equal validity, as a separate part, (c), of § 890.302. However, OPM is amending § 890.302(c) to make it clear that proof of support is required only in the case of a natural child who does not live with the enrollee in a regular parent-child relationship and for whom a judicial determination of support has not been obtained. OPM is making a similar amendment to § 831.1005(b).

The second respondent stated that the interim regulations should be amended to make it clear that OPM is responsible for making determinations of an individual's eligibility for coverage as a family member under the FEHB Program. Currently, however, agencies and health benefits carriers are responsible for making initial determinations of an individual's eligibility for FEHB coverage and OPM becomes involved in this type of determination *only if* there is a disagreement about whether or not an individual is a covered family member. If OPM were to amend its regulations to state that OPM is responsible for determining an individual's family member status, the agencies and carriers would be absolved of responsibility in this area and OPM would be unduly burdened with work for which the agencies and carriers now have primary responsibility. For these reasons, OPM does not believe that it would be appropriate to amend the regulations to specify that OPM is responsible for making such determinations.

The same respondent also asked that OPM contact health benefits officers to remind them that an otherwise-eligible family member may effectively be denied health benefits coverage, if the enrollee is in a comprehensive plan serving a limited geographic area and if the family member does not live in that area. OPM is now preparing a Federal Personnel Manual Letter to provide that and other information about comprehensive plans.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulation, because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant 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.

Regulatory Flexibility Act

The Director, Office of Personnel Management, certifies that this regulation will not have a significant economic impact on a substantial number of small entities, including small businesses, small organizational units, and small governmental jurisdictions.

Office of Personnel Management.

Beverly McCain Jones,

Issuance System Manager.

Accordingly, OPM amends Parts 831 and 890 of Title 5, Code of Federal Regulations, as follows:

(1) The table of sections for Subpart J, Part 831, is revised to read as follows:

PART 831—RETIREMENT

* * * * *

Subpart J—Death Benefits

Sec.

831.1001 Time for filing applications.
831.1002 Effective dates of survivor annuities.
831.1003 Designation of beneficiary.
831.1004 Designation of agent.
831.1005 Proof of dependency.
831.1006 Exceptions.

Authority: 5 U.S.C. 8341.

* * * * *

(2) Sections 831.1005 and 831.1006 are added to read as follows:

§ 831.1005 Proof of dependency.

(a) A child is considered to have been dependent on the deceased employee or Member if he or she is:

(1) A legitimate child;

(2) An adopted child;

(3) A child for whom a petition of adoption was filed by the employee or Member;

(4) A stepchild or recognized natural child who lived with the employee or Member in a regular parent-child relationship;

(5) A recognized natural child for whom a judicial determination of support was obtained; or

(6) A recognized natural child to whose support the employee or Member made regular and substantial contributions.

(b) To be eligible for survivor annuity benefits, a child must have been dependent on the employee or Member at the time of the employee's or Member's death.

(c) The following are examples of proof of regular and substantial support. More than one of the following proofs may be required to show support of a natural child who did not live with the employee or Member in a regular parent-child relationship and for whom a judicial determination of support was not obtained.

(1) Evidence of eligibility as a dependent child for benefits under other State or Federal programs;

(2) Proof of inclusion of the child as a dependent on the decedent's income tax returns for the years immediately before the employee's or Member's death;

(3) Cancelled checks, money orders, or receipts for periodic payments received from the employee or Member for or on behalf of the child;

(4) Evidence of goods or services which show regular contributions of considerable value;

(5) Proof of coverage of the child as a family member under the employee's or Member's health benefits enrollment;

(6) Any other proof which OPM shall find to be sufficient proof of support or of paternity or maternity.

§ 831.1006 Exceptions.

Survivor benefits may be denied to a child:

(a) If evidence shows that the deceased employee or Member did not recognize the child as his or her own despite a willingness to support the child, or

(b) If evidence calls the child's paternity or maternity into doubt, despite the deceased employee's or Member's recognition and support of the child.

(Pub. L. 96-179)

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

(3) Section 890.101(a) is amended by inserting the definition of a foster child as § 890.101(a)(6) and by renumbering the current subparagraphs (6) through (10) as (7) through (11).

§ 890.101 Definitions; time computations.

(a) * * *

(6) "Foster child" means a child who:

(i) Lives with the employee or annuitant in a regular parent-child relationship and

(ii) Is expected to be raised to adulthood by the employee or annuitant.

* * * * *

(4) Section 890.302 (b), (c), (d), and (e) are redesignated as paragraphs (d), (e), (f), and (g) respectively and paragraphs (b) and (c) are added to read as follows:

§ 890.302 Coverage of family members.

* * * * *

(b) *Proof of dependency.* (1) A child is considered to be dependent on an enrolled employee or annuitant if he or she is:

(i) A legitimate child;

(ii) An adopted child;

(iii) A stepchild, foster child, or recognized natural child who lives with the enrolled employee or annuitant in a regular parent-child relationship.

(iv) A recognized natural child for whom a judicial determination of support has been obtained; or

(v) A recognized natural child to whose support the enrolled employee or annuitant makes regular and substantial contributions.

(2) The following are examples of proof of regular and substantial support. More than one of the following proofs may be required to show support of a natural child who does not live with the employee or annuitant in a regular parent-child relationship and for whom a judicial determination of support has not been obtained.

(i) Evidence of eligibility as a dependent child for benefits under other State or Federal programs;

(ii) Proof of inclusion of the child as a dependent on the enrolled employee's or annuitant's income tax returns;

(iii) Cancelled checks, money orders, or receipts for periodic payments from the enrolled employee or annuitant for or on behalf of the child;

(iv) Evidence of goods or services which show regular and substantial contributions of considerable value;

(v) Any other evidence which OPM shall find to be sufficient proof of support or of paternity or maternity.

(c) *Exceptions.* Coverage as a family member may be denied:

(1) If evidence shows that the employee or annuitant did not recognize the child as his or her own, despite a willingness to support the child, or

(2) If evidence calls the child's paternity or maternity into doubt, despite the employee's or annuitant's recognition and support of the child.

(Pub. L. 96-179)

[FR Doc. 81-19935 Filed 7-2-81; 8:45 am]

BILLING CODE 6325-01-M

FARM CREDIT ADMINISTRATION

12 CFR Part 618

Disposition of Obsolete Records; General Provisions

AGENCY: Farm Credit Administration.

ACTION: Final rule.

SUMMARY: The Farm Credit Administration (FCA), by its Federal Farm Credit Board, publishes an amendment to its regulations concerning the disposition of obsolete records. The amendment provides for microfilming of records; disposition of records upon the expiration of the statute of limitation, except for capital stock transfer records; and retention of capital stock transfer records for 5 years or until the expiration of the statute of limitation, whichever is longer. The amendment was promulgated since the U.S. Government no longer has capital in the Farm Credit banks and associations. The banks had requested the amendment or deletion of the present regulation's requirement that capital stock records be maintained indefinitely.

EFFECTIVE DATE: July 2, 1981.

FOR FURTHER INFORMATION CONTACT: Larry H. Bacon, Deputy Governor, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza, Washington, DC 20578, (202-755-2181).

SUPPLEMENTARY INFORMATION: Proposed rulemaking was published on page 17022 of the **Federal Register** of March 17, 1981, and invited comments for 60 days ending May 18, 1981. Comments were received from two sources who concurred with the proposed changes.

PART 618—GENERAL PROVISIONS

12 CFR Part 618 is amended by revising § 618.8360 (a) to (c) to read as follows:

§ 618.8360 Authorization.

(a) Banks and associations are authorized to dispose of obsolete records not required for research, legal, or audit purposes in accordance with written procedures, except the following:

(1) Original corporate records, including articles of incorporation, bylaws, and minutes of meetings of stockholders, directors, and committees.

(2) Payroll records, including gross salary and deductions for retirement, social security, and income tax withholdings.

(3) Basic personnel records, including personnel folders, service records, cards, and earnings records for all active and former employees covered under the Civil Service Retirement Act.

(4) Records required by Federal or state laws.

(5) Federal records.

(6) Financial reports of the banks and associations as of June 30 and December 31 each year.

(7) Applications, notes, security instruments, financial statements, and any individual records pertaining to loans charged off where the borrower has a significant, enforceable, and residual liability.

(8) Listing of obsolete records destroyed.

(b) If management desires, records may be retained in a form other than the original provided that the records are acceptable for legal evidence of a transaction in the jurisdiction in which the institution is located.

(c) Capital stock transfer records may be disposed of after 5 years following the date on which the stock was retired and the proceeds paid to the owner, or as required by the statute of limitation, whichever is longer. Management will determine if a longer retention period is desirable.

* * * * *

(Secs. 5.9, 5.12, 5.18, Pub. L. 92-181, 85 Stat. 619, 620, 621, 12 U.S.C. 2243, 2246 and 2252)

C. T. Fredrickson,

Acting Governor.

[FR Doc. 81-19895 Filed 7-6-81; 8:45 am]

BILLING CODE 6705-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 274

[Order No. 163; Docket No. RM79-3]

Order Issuing Alternative Filing Requirements

Issued: July 2, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule. Order issuing alternative filing requirements.

SUMMARY: Pursuant to § 274.207 of the Commission's regulations, the Oklahoma Corporation Commission (Oklahoma) filed an application for approval of alternative filing requirements for well determination applications filed under section 103 of the Natural Gas Policy Act of 1978. The Commission hereby approves Oklahoma's proposed alternative filing requirements and amends § 274.208 to reflect this change.

DATE: This order is effective July 2, 1981.

FOR FURTHER INFORMATION CONTACT: William Bushey, (202) 357–8590, or Leslie Lawner, (202) 357–8307.

SUPPLEMENTARY INFORMATION:

Issued: July 2, 1981.

In the matter of Natural Gas Policy Act of 1978, Oklahoma Corporation Commission Application for Alternative Filing Requirements; order issuing alternative filing requirements, Docket No. RM79–3, Order No. 163.

I. Background

On February 25, 1981, the Oklahoma Corporation Commission (Oklahoma) filed an application with the Commission for approval of alternative filing requirements pursuant to § 274.207 of the Commission's regulations. Notice of the application was issued on April 2, 1981. One comment was received in response to the notice of the application from Home Petroleum Corporation, and the commenter supported the proposed alternative filing requirements.

II. Discussion

The alternative filing requirements proposed by Oklahoma would replace the requirements for wells drilled in Oklahoma that are currently found in § 274.204(f) of the Commission's regulations. Section 274.204(f) requires an applicant seeking a well eligibility determination under section 103 of the Natural Gas Policy Act of 1978 (NGPA) to submit geological evidence and engineering data regarding the subject well to demonstrate that the well, if it is an additional well in an existing proration unit, is necessary to effectively and efficiently drain a portion of the reservoir covered by the proration unit which cannot be effectively and efficiently drained by any existing well within the proration unit.

Oklahoma proposes to eliminate the need to submit geological evidence and engineering data for wells subject to an application to determine eligibility under NGPA section 103 if the well was drilled within a drilling unit established under Oklahoma statute, and Oklahoma has issued an increased density order for the unit, and the increased density order contains the finding that the additional well is necessary for effective and efficient drainage (the "finding of necessity").

In Oklahoma, where an increased density order containing a finding of necessity has been issued, it means that a hearing has already been held at which geological evidence and engineering data of the same nature as required in § 274.204(f) has been presented. Oklahoma asserts that in lieu of the technical evidence required in § 274.204(f), it would be sufficient for the applicant seeking the section 103 well eligibility determination to include a copy of the increased density order containing the finding of necessity. If the Commission or any interested party desires to review the record supporting the finding of necessity for any particular applicant, the tape of the testimony and the transcript, together with any demonstrative evidence that had been submitted, would be available from Oklahoma.

The alternative filing requirements proposed by Oklahoma would relieve operators of the burden of having to make repetitive detailed showings of geological and engineering data. It would also relieve Oklahoma of the task of having to request this information from each applicant and the applicant would not have to prepare additional papers for filing, which would effectively speed up the process by which an applicant would receive its well eligibility determination.

Finally, Oklahoma requests that the alternative filing requirements be made effective immediately for all section 103 well determinations which have not yet become final under Part 275 of the Commission's regulations as of the day before the issuance of the Commission's order approving the alternative filing requirements.

The Commission believes that the filing of the increased density order, where such order issued by Oklahoma contains a finding of necessity, is an appropriate alternative to the filing requirement contained in § 274.204(f). Section 271.305 of the Commission's regulations requires that the jurisdictional agency for purposes of NGPA section 103 must make an explicit finding with respect to any additional well in a proration unit, that such a well is necessary to effectively and efficiently drain a portion of the reservoir covered by the proration unit which cannot be so drained by any exisitng well in the proration unit. The finding must be based on appropriate geological and engineering data and § 271.305 provides that such data be included in the notice of determination submitted to the Commission. The Commission finds that Oklahoma's alternative filing requirements would satisfy the concern expressed by § 271.305 that additional wells drilled in existing proration units be found to be necessary wells prior to qualifying as new, onshore production wells under NGPA section 103. Additionally, the Commission finds that the alternative requirements eliminate unnecessary filings, thereby lessening the regulatory burden on the operators and Oklahoma.

III. Public Procedures and Effective Date

Notice of Oklahoma's proposal was issued on April 2, 1981. No party requested a hearing on the proposed alternative filing requirements and no hearing was held. In view of the comment filed which supported the proposal, and the preceding discussion, the Commission approves Oklahoma's alternative filing requirements, described above.

The Commission finds that since the alternative filing requirements remove significant administrative burdens from applicants seeking well determinations from Oklahoma under section 103 of the NGPA, good cause exists to waive § 274.207(d) of the Commission's regulations in order to make the alternative filing requirements effective immediately for all section 103 determinations which have not yet become final under § 275.202(d) of the Commission's regulations as of the day before the date of this issuance of this order.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3342; Administrative Procedure Act, 5 U.S.C. 553)

In consideration of the foregoing, Part 274 of Subchapter I, Title 18, Code of Federal Regulations, is amended as set forth below, effective July 2, 1981.

By the Commission.

Kenneth F. Plumb,

Secretary.

Part 274 is amended in § 274.208 by adding a new paragraph (e) to read as follows:

§ 274.208 Alternative filing and notice requirements accepted by the Commission.

* * * * *

(e) Applications for well determinations under section 103, Subpart C of Part 271, filed with the Oklahoma Corporation Commission.

(1) A person seeking a determination for purposes of Subpart C of Part 271 that an additional well on an existing statutorily-established proration unit in Oklahoma, for which an increased density order containing a finding of necessity has been issued, is a new, onshore production well, shall file with the Oklahoma jurisdictional agency an application which contains in lieu of the information specified in § 274.204, the following items:

(i) FERC Form No. 121;

(ii) The well completion report;

(iii) A location plat which locates and identifies the State law proration unit (as defined in § 271.305(a)(2)) and the well for which a determination is sought and all other wells within the State law proration unit in which the well for which a determination is sought is located;

(iv) A statement by the applicant, under oath;

(A) That the surface drilling of the well for which he seeks a determination was begun on or after February 19, 1977;

(B) that the well satisfies any applicable Federal or State well spacing requirements;

(C) that the applicant has concluded that to the best of his information, knowledge and belief, the natural gas for which he seeks a determination is produced from a new, onshore production well; and

(D) that the applicant has no knowledge of any other information not described in the application which is inconsistent with his conclusion;

(v) If the jurisdictional agency so requires, certified copies of records relied on by the applicant including copies of the agency's official files; and

(vi) A copy of the increased density order issued by the Oklahoma Corporation Commission which contains the finding of necessity for additional wells in the proration unit in which the well for which the determination is being sought is located.

(2) With respect to wells to which this paragraph applies, receipt by the Commission of a notice of determination pursuant to § 274.104 shall be deemed to satisfy:

(i) The requirement of notice to the Commission under § 271.305(c), and

(ii) The requirement of § 271.305(b)(1) that appropriate geological and engineering data be included in the notice of determination.

[FR Doc. 81-19788 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 103, 152, 175

[T.D. 81-168]

Customs Regulations Relating To Availability of Information; Correction

AGENCY: U.S. Customs Service, Treasury.

ACTION: Final rule; correction.

SUMMARY: This document corrects the text of a final rule on the Customs Regulations relating to the availability of information that was published as T.D. 81-168 in the **Federal Register** on June 24, 1981 (46 FR 32564).

FOR FURTHER INFORMATION CONTACT: Steven I. Pinter, Disclosure Law Branch (202-566-8681).

The following corrections are made in the final rule document:

1. On page 32566, center column, the address of public reading room in Region V-New Orleans, is corrected to read "Room 302, 423 Canal Street, New Orleans, Louisiana 70130."

§ 103.5 [Corrected]

2. On page 32567, right-hand column, § 103.5(b)(1), the name "Freedom of Information and Privacy Branch" is corrected to read "Disclosure Law Branch."

§ 103.8 [Corrected]

3. On page 32570, left-hand column, section 103.8(a)(3) is corrected to read "The need for consultation, * * *, or within offices of the United States Customs Service * * *"

Dated: June 30, 1981.

B. J. Fritz,

Director, Regulations Control and Disclosure Law Division.

[FR Doc. 81-19698 Filed 7-6-81; 8:45 am]

BILLING CODE 4810-22-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 50

[Docket No. 78N-0049]

Protection of Human Subjects; Prisoners Used as Subjects in Research; Change of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Final rule; change of effective date.

SUMMARY: The Food and Drug Administration (FDA) is changing the effective date for §§ 50.1 and 50.3(b) (21 CFR 50.1 and 50.3(b)) which was inadvertently deferred in a notice published in the **Federal Register** of March 27, 1981 (46 FR 18951).

DATE: Sections 50.1 and 50.3(b) will become effective July 27, 1981.

FOR FURTHER INFORMATION CONTACT: Halyna P. Breslawec, Office of Health Affairs (HFY-2), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1382.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 27, 1981 (46 FR 18951), FDA issued a notice to delay the scheduled effective date of the final rule establishing certain provisions of 21 CFR Part 50. (See 45 FR 36386; May 30, 1980.)

The March 27, 1981 **Federal Register** notice was inadvertently drafted too broadly. It was intended to defer only the effective date of the provisions of the May 30, 1980 final rule concerning research on prisoners. The May 30 rule, however, included two introductory sections to FDA's general regulations on protection of human subjects (21 CFR Part 50). The effective date of these two sections, § 50.1 (establishing the scope of Part 50) and § 50.3(b) (defining "application for research or marketing permit"), was unintentionally deferred in the March 27, 1981 notice. By this notice, FDA advises that §§ 50.1 and 50.3(b) will go into effect on July 27, 1981, with the remainder of FDA's general regulations on protection of human subjects (see 46 FR 8942; January 27, 1981).

Elsewhere in this issue of the **Federal Register**, FDA is staying until further notice, the effective date of the remaining provisions of the May 30, 1980 final rule.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 406, 409, 502, 503, 505, 507, 510, 513-516, 518-520, 701(a), 706, and 801, 52 Stat. 1049-1053, as amended, 1055, 1058 as amended, 59 Stat. 463 as amended, 72 Stat. 1785-1788 as amended, 74 Stat. 399-407 as amended, 76 Stat. 794-795 as amended, 90 Stat. 540-560, 562-574 (21 U.S.C. 346, 348, 352, 353, 355, 357, 360, 360c-360f, 360h-360j, 371(a), 376, and 381)) and the Public Health Service Act (secs. 215, 351, 354-360F, 58 Stat. 690, 702 as amended, 82 Stat. 1173-1186 as amended (42 U.S.C. 216, 262, 263b-263n)) and the Administrative Procedure Act (sec. 4, 60 Stat. 238 (5 U.S.C. 553)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), the effective date of §§ 50.1 and 50.3(b) published in the **Federal Register**

of May 30, 1980 (45 FR 36386) is changed to July 27, 1981.

Effective date. July 27, 1981.

Dated: June 29, 1981.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 81-19605 Filed 6-30-81; 11:56 am]

BILLING CODE 4110-03-M

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21 CFR Part 50

[Docket No. 78N-0049]

Protection of Human Subjects; Prisoners Used as Subjects in Research; Stay of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Final rule; stay of effective date.

SUMMARY: The Food and Drug Administration (FDA) is staying the effective date of its regulations establishing conditions under which biomedical research on prisoners will be accepted in satisfaction of FDA's regulatory requirements. All provisions of Subpart C of Part 50 of the final regulations are stayed pending reproposal of the subpart, including § 50.44 (21 CFR 50.44). The stay will remain in effect until final action taken on the reproposal is effective.

DATE: The stay will become effective on August 6, 1981.

FOR FURTHER INFORMATION CONTACT: Halyna P. Breslawec, Office of Health Affairs (HFY-2), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1382.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of May 30, 1980 (45 FR 36386), FDA adopted final regulations to provide protection for prisoners used as the subjects of biomedical research within the agency's jurisdiction. At that time, the agency announced that the regulations would become effective on June 1, 1981. On July 29, 1980, a lawsuit was filed in the United States District Court for the Eastern District of Michigan to have these regulations declared invalid. See *Fante and the Upjohn Co.* v. *Department of Health and Human Services, et al.*, Civil Action No. 80-72778. Because sponsors of research affected by the regulations might incur substantial compliance costs that would be wasted if the District Court declared the rule invalid, the agency published in the **Federal Register** of March 27, 1981 (46 FR 18951) a delay of the June 1, 1981 effective date and announced that the rule would become effective 5 months from the date of the District Court's final judgment on the merits of the lawsuit. The regulations are currently not enforceable and have no effect.

The agency has considered questions that have been raised concerning the need, utility, and costs of the current rule and has determined that it is appropriate to reconsider the regulations. FDA will in the near future repropose the regulations at which time it will provide for public comment on the reproposal. In the meantime, FDA is staying indefinitely the effective date of Subpart C of Part 50 to permit the agency to reach a final decision as to the content of the reproposed regulations. This action is taken under § 10.35(a) of FDA's administrative practices and procedures regulations (21 CFR 10.35(a)), which authorizes the agency to stay at any time the effective date of an action pending or following a decision on any matter.

The agency has determined that under the circumstances it would be impracticable, unnecessary, and contrary to the public interest to subject this action to public comment under the Administrative Procedure Act (5 U.S.C. 553(b)). The regulations affect the interests of a small number of persons because research on prisoners is now carried on at a very small number of prisons. Moreover, the stay itself will not prejudice the interests of any affected groups or individuals, because as a result of the March 27, 1981 notice, the regulations are not currently enforceable or in effect. The agency expects to publish a reproposal that will give the public an opportunity to comment before the earliest date on which the delayed rule could have become effective. Finally, if a stay pending reproposal is not imposed immediately, the government will be obliged to continue to defend the existing rule in the lawsuit that is now pending. In view of the decision to reconsider the regulations that are at issue in the lawsuit, continuing to defend the litigation would be a costly and needless use of public resources. Accordingly, the agency concludes that it has good cause to stay the effective date of Subpart C of 21 CFR Part 50 without providing for public comment.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 406, 409, 502, 503, 505, 507, 510, 513-516, 518-520, 701(a), 706, and 801, 52 Stat. 1049-1053 as amended, 1055, 1058 as amended, 59 Stat. 463 as amended, 72 Stat. 1785-1788 as amended, 74 Stat. 399-407 as amended, 76 Stat. 794-795 as amended, 90 Stat. 540-560, 562-574 (21 U.S.C. 346, 348, 352, 353, 355, 357, 360, 360c-360f, 360h-360j, 371(a), 376, and 381)) and the Public Health Service Act (secs. 215, 351, 354-360F, 58 Stat. 690, 702 as amended, 82 Stat. 1173-1186 as amended (42 U.S.C. 216, 262, 263b-263n)) and the Administrative Procedure Act (sec. 4, 60 Stat. 238 (5 U.S.C. 553)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), the effective date of Subpart C of 21 CFR Part 50 published in the **Federal Register** of May 30, 1980 (45 FR 36386) is stayed until further notice. This notice supersedes the notice of March 27, 1981.

Effective date. The stay will become become effective August 6, 1981.

Dated: June 29, 1981.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 81-19606 Filed 6-30-81; 11:56 am]

BILLING CODE 4110-03-M

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21 CFR Parts 74, 81, and 82

[Docket No. 76C-0044]

D&C Orange No. 10 and D&C Orange No. 11; Confirmation of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document confirms the effective date of April 28, 1981, of the regulations that permanently list D&C Orange No. 10 and D&C Orange No. 11 as color additives for use in externally applied drugs and cosmetics. (46 FR 18951, March 27, 1981)

DATE: Effective date confirmed: April 28, 1981.

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

SUPPLEMENTARY INFORMATION: A final rule published in the **Federal Register** of March 27, 1981 (46 FR 18951) added D&C Orange No. 10 and D&C Orange No. 11 for use in externally applied drugs and cosmetics under §§ 74.1260 and 74.1261 (21 CFR 74.1260 and 74.1261) to Subpart B—Drugs and under §§ 74.2260 and 74.2261 (21 CFR 74.2260 and 74.2261) to Subpart C—Cosmetics of Part 74 (21 CFR Part 74). The final rule also amended Part 81 in § 81.1(b) (21 CFR 81.1(b)) by deleting D&C Orange No. 10 and D&C Orange No. 11 from the provisional lists of color additives; amended § 81.10(m) by terminating the provisional listing of D&C Orange No. 10 and D&C Orange No. 11 for use in ingested drugs and cosmetics; and amended § 81.30(n)(1) by cancelling the certificates for the color additives, their lakes and all mixtures containing these color additives as pertains to use of the additives in ingested drugs and

cosmetics. The final rule published on March 27, 1981 also amended in Part 82 the identity nomenclature and specifications for the certification of lakes of D&C Orange No. 10 and D&C Orange No. 11 under §§ 82.1260 and 82.1261 (21 CFR 82.1260 and 82.1261) to reference §§ 74.1260(a)(1) and (b) and 74.1261(a)(1) and (b), respectively, and the lakes of the color additives were restricted to use in externally applied drugs and cosmetics.

No objection or requests for a hearing have been received in response to the rule published on March 27, 1981, which permanently listed D&C Orange No. 10 and D&C Orange No. 11 for use in externally applied drugs and cosmetics. Likewise, no objections were received concerning the amendments to Part 82 identity and specifications for the use of these color additives under their provisional listings for use in lakes.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 706(b), (c), and (d), 74 Stat. 399–403 (21 U.S.C. 376(b), (c), and (d))) and the Transitional Provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86–618, sec. 203, 74 Stat. 404–407 (21 U.S.C. 376, note)), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) (formerly 21 CFR 5.1, see 46 FR 26052; May 11, 1981), notice is given that no objections or requests for hearing were filed in response to the final rule of March 27, 1981. Accordingly, the amendments promulgated thereby became effective on April 28, 1981.

Dated: June 25, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-19450 Filed 7-6-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 155

[Docket No. 75P-0322]

Canned Peas; Standard of Identity; Stay of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Final rule; stay of effective date.

SUMMARY: The Food and Drug Administration (FDA) is staying the effective date of the June 27, 1980 amendment of the standard of identity for canned peas pertaining to the deletion of magnesium hydroxide, magnesium oxide, and magnesium carbonate as optional ingredients, (21 CFR 155.170(a)(2)). This stay is in response to a petition for reconsideration of the deletion.

EFFECTIVE DATE: The stay is effective June 30, 1981.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF–214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–1164.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of June 7, 1977 (42 FR 29014), FDA published a proposal to amend the U.S. standards of identity, quality, and fill of container for canned peas (21 CFR 155.170) and canned dry peas (21 CFR 155.172), to adopt, insofar as practicable, both the Recommended International Standards for Canned Green Peas (Codex standard) and a proposal by the Corn Refiners Association. Comments were to be received by August 8, 1977.

FDA proposed to delete the use of special process chemicals, including certain magnesium compounds used in a special process of peas known as the Blair process, to aid in retaining color. This action was based on available information to the agency that these chemicals were no longer used in the United States.

FDA subsequently issued a final regulation in the **Federal Register** of June 27, 1980 (45 FR 43394). The confirmation of the effective date for compliance with all provisions of the amended U.S. standards was published in the **Federal Register** of April 10, 1981 (46 FR 21359).

FDA received a petition dated June 12, 1981, from the law firm Weil, Gotshal & Manges, requesting that the agency reconsider its decision to delete certain magnesium compounds including magnesium hydroxide, magnesium oxide, and magnesium carbonate as optional ingredients, under 21 CFR 10.33; and to stay the effective date of the final regulation with regard to these compounds, under 21 CFR 10.35. A copy of the petition is on file in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

Therefore, for good cause, FDA is staying the effective date of the amendment of the standard of identity to delete these chemicals as optional ingredients.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), notice is given that the effective date of the June 27, 1980 amendment revising § 155.170(a)(2) pertaining to the deletion of magnesium hydroxide, magnesium oxide, and magnesium carbonate is stayed until further notice.

Effective date. This stay is effective June 30, 1981.

(Secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341(e)))

Dated: June 30, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-19924 Filed 7-2-81; 11:20 am]

BILLING CODE 4110-03-M

21 CFR Part 176

[Docket No. 80F-0267]

Indirect Food Additives: Paper and Paperboard Components; Sodium Zinc Potassium Polyphosphate

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the food additive regulations to provide for the safe use of sodium zinc potassium polyphosphate as a component of paper and paperboard. This action is based on a petition filed by the Calgon Corp.

DATES: Effective July 7, 1981; objections by August 6, 1981.

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

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

SUPPLEMENTARY INFORMATION: FDA announced in a notice published in the **Federal Register** of August 29, 1980 (45 FR 57775) that a food additive petition (FAP 9B3465) had been filed by Calgon Corp., P.O. Box 1346, Pittsburgh, PA 15230, proposing to amend § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) to provide for the safe use of sodium zinc potassium polyphosphate as a pigment dispersant in the manufacture of paper and paperboard intended for food-contact use.

FDA has evaluated data in the petition and other relevant material and concludes that the proposed food additive use is safe and that § 176.170 should be amended as set forth below.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact

on the human environment and that an environmental impact statement is not required. The agency's findings of no significant impact and the evidence supporting that document may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052: May 11, 1981)), Part 176 is amended in § 176.170(a)(5) by inserting alphabetically a new item in the list of substances to read as follows:

§ 176.170 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * *

(a) * * *

(5) * * *

List of substances	Limitations
* * *	* * *
Sodium zinc potassium polyphosphate (CAS Reg. No. 65997-17-3).	For use only as a pigment dispersant in coatings at a level not to exceed 1 percent by weight of pigment.
* * *	* * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before August 6, 1981 submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective July 7, 1981.

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

Dated: June 25, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-19451 Filed 7-6-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 79F-0392]

21 CFR Part 178

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers; Antioxidants and/or Stabilizers for Polymers; Tetrakis[Methylene(3,5-Di-Tert-Butyl-4-Hydroxyhydrocinnamate)]Methane

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the food additive regulations to provide for the safe use of tetrakis[methylene(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate)]methane as an antioxidant and/or stabilizer in poly-1-butene resins and butene/ethylene copolymers used in articles intended for food-contact use. This action responds to a food additive petition filed by Ciba-Geigy Corp.

DATES: Effective July 7, 1981; objections by August 6, 1981.

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

FOR FURTHER INFORMATION CONTACT: Marvin D. Mack, Bureau of Food (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5740.

SUPPLEMENTARY INFORMATION: A notice published in the **Federal Register** of November 30, 1979 (44 FR 69010), announced that a food additive petition (FAP 6B3226), had been filed by Ciba-Geigy Corp., Ardsley, NY 10502, proposing to amend § 178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) to provide for the safe use of tetrakis[methylene(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate)]methane as an antioxidant and thermal stabilizer in poly-1-butene resins and butene/ethylene copolymers used in articles intended for food-contact use.

FDA has evaluated data in the petition and other relevant material and concludes that tetrakis[methylene(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate)]methane is safe under the prescribed conditions of use, and that § 178.2010 should be amended as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 21 CFR 5.1; see 46 FR 26052; May 11, 1981)), Part 178 is amended in § 178.2010(b) by adding another use in the list of limitations, to read as follows:

§ 178.2010 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) * * *

Substances	Limitations
* * *	* * *
Tetrakis[methylene(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate)]-methane (CAS Reg. No. 6683-19-8).	For use only: * * * 6. At levels not to exceed 0.25 percent by weight of poly-1-butene resins and butene/ethylene copolymers complying with § 177.1570 of this chapter, except that when used in contact with foods described as types III, IV–A, V, VII–A, and IX in table 1 of § 176.170(c) of this chapter, the finished polymers may be used only under conditions of use C through H described in table 2 of § 176.170(c) of this chapter.
* * *	* * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before August 6, 1981, submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in

support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation becomes effective July 7, 1981.

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

Dated: June 25, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-19251 Filed 7-6-81; 8:45 am]

BILLING CODE 4110-03-M

LIBRARY OF CONGRESS

36 CFR Part 701

Acquisition of Library Materials by Non-Purchase Means and Disposition of Surplus Library Materials

AGENCY: Library of Congress.

ACTION: Final rule.

SUMMARY: The Library of Congress is amending its regulations by adding new text to Title 36, Part 701, *Procedures and Service.* This revision is necessary to inform members of the public and other interested parties concerning the Library's programs related to (1) the acquisition of materials for the collections of the Library by non-purchase means and (2) the disposition of surplus library material. The new text is intended to provide information of continuing interest to the public or other parties in dealing with the Library of Congress.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Howard Blancheri, Executive Officer, Office of the Associate Librarian for Management (287–5560).

SUPPLEMENTARY INFORMATION: The Exchange and Gift Division acquires materials for the collections of the Library through exchange arrangements, by gift, deposit, transfer, or under special provisions of law. It implements exchange arrangements under provisions of the Brussels Convention of 1886, Executive Agreements, and other bilateral and multilateral treaties and agreements for the exchange of official publications and government documents between the governments of the United States and other countries. It has responsibility for the custody and the disposal of all surplus library materials.

Accordingly, pursuant to 2 U.S.C. 136, Title 36, Part 701 is amended by adding § 701.31 to read as follows:

§ 701.31 Acquisition of library materials by non-purchase means and disposition of surplus library materials.

(a) *Acquisition of non-purchase materials.* The Exchange and Gift Division has responsibility for the Library's acquisition of materials by non-purchase means, including exchange, gift and transfer, and other government sources.

(1) *Exchanges.* Official exchanges, numbering about one hundred agreements, are maintained between the Library and official agencies or institutions designated in other countries to send and receive official documents. Agreements for official exchanges stem from multilateral treaties, Executive Agreements, and informal agreements. Sets of U.S. official publications are supplied under these agreements. In addition to official exchanges, general (or non-official) exchanges negotiated on an informal basis are conducted with government agencies at all levels, universities, colleges, museums, libraries, learned organizations and international organizations. (Currently about 15,000 non-official exchanges are in effect throughout the world). The Library sends to these exchange partners selections from its duplicates or current U.S. Government publications. By law (44 U.S.C. 1718 and 1719) the Library is authorized to requisition for use on international exchange up to 125 copies of each U.S. Government publication issued by the Government Printing Office.

(2) *Gift.* The Library solicits gifts from individuals, businesses, foundations, and other organizations throughout the world, including unions, political parties, chambers of commerce, religious groups, etc., that do not enter into exchanges or offer their publications for regular sale. The Library also actively solicits material for its special collections which it would not usually be in a position to purchase, including personal papers, music manuscripts, sound recordings, rare books, fine prints and photographs, etc.

(3) *Government Source.* In addition to the documents provided by the Superintendent of Documents for international exchange, the Library is entitled under 44 U.S.C. 1718 to requisition up to 25 copies of each publication issued by the Government Printing Office for use in its own collections. Other laws provide the Library with books for the blind and with publications deposited for copyright. Under a variety of arrangements the Exchange and Gift Division also acquires the official publications of the states, territories, and possessions of the United States for listing in its accessions list, the *Monthly Checklist of State Publications,* and for inclusion in its collections.

(4) *Transfer.* Libraries in other agencies of the Federal Government are encouraged to send to the Library for disposition library materials that are surplus to their needs. Such transferred materials are needed to fill gaps in the Library's holdings, to use for exchanges, to transfer to other Federal agencies, and to make available through the Surplus Books Program to qualified recipients.

(b) *Disposition of surplus books.* The exchange and Gift Division has available at all times surplus books not needed by the Library for its own uses. These materials are made available for selection on exchange by eligible institutions, organizations, book dealers, and collectors, and by donation to education institutions (tax-supported or non-profit schools, school systems, colleges, universities, museums, and public libraries) and public bodies (agencies of local, state, or national governments) in the United States. A public library is defined as "a library that serves free all residents of a community, district, state, or region, and receives its financial support in whole or in part from public funds."

(c) Inquiries concerning the programs relating to the acquisition of materials for the collections of the Library by non-purchase methods and the disposition of surplus materials should be addressed to: Chief, Exchange and Gift Division, Library of Congress, Washington, D.C. 20540.

Effective date: This amendment is effective July 1, 1981.

Issued in Washington, D.C., May 11, 1981.

Howard A. Blancheri,

Executive Officer, Office of The Associate Librarian for Management, Library of Congress.

[FR Doc. 81-19899 Filed 7-6-81; 8:45 am]

BILLING CODE 1410-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-7-FRL 1858-8]

Approval and Promulgation of State Implementation Plans; State of Kansas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rulemaking.

SUMMARY: Part D of the Clean Air Act (Sections 171–178) requires that states amend their State Implementation Plans (SIPs) to provide for attainment, by specified dates, of the National Ambient Air Quality Standards for various air pollutants in areas in which the standards are being violated. On April 3, 1981, EPA conditionally approved the Kansas revisions to its Part D State Implementation Plan (SIP) (46 FR 20164). Kansas has taken action to correct two of the conditions, and EPA is today approving the State's actions and removing the applicable conditions. Until all conditions are met, conditional approval of the SIP will continue.

DATE: This approval is effective July 7, 1980.

ADDRESSES: Copies of the State regulations are available for inspection during normal business hours at the following locations:

Environmental Protection Agency, Air, Noise and Radiation Branch, 324 East 11th Street, Kansas City, Missouri 64106

Public Information Reference Unit Library, 401 M Street, S.W., Room 2922, PM 213, Washington, D.C. 20460

Kansas Department of Health and Environment, Bureau of Air Quality and Occupational Health, Forbes Field, Topeka, Kansas 66620

A copy of the State regulations is also available at the Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Ken Greer at (816) 374–3791, FTS 758–3791.

SUPPLEMENTARY INFORMATION:

I. Background

On April 3, 1981, EPA conditionally approved the Kansas revisions to its Part D SIP (46 FR 20164). The parts of the SIP revision that were conditionally approved by EPA were expained in the April Rulemaking. The State has submitted additional information to correct two of the SIP deficiencies. One of the conditions concerns the adoption of permanent regulations for the control of major sources of volatile organic compounds (VOC). Temporary regulations were previously in effect in Kansas, but the permanent VOC regulations went into effect as of May 1, 1981. The other condition concerns the adoption of a permanent regulation providing for new source review permits. A temporary regulation was previously in effect, but a permanent new source review permit regulation went into effect on May 1, 1981 also. The temporary regulations became permanent by the operation of a state statute which provides that temporary regulations to which no objection is made by the legislature may become permanent if the proper procedural steps are followed.

II. EPA Actions

The adoption of the temporary regulations described above as permanent regulations meets the requirements of two of the existing conditions of EPA's approval of the Kansas Part D SIP. Additional conditions still remain in effect, and they will not be removed by EPA until the State takes the appropriate actions. Description of the additional conditions can be found in the April 3, 1981 rulemaking (46 FR 20164).

In today's action, EPA is removing two of the conditions from the Kansas Part D SIP since the state has taken the appropriate actions to meet the two conditions. Also in today's actions, EPA is incorporating into the SIP the appropriate permanent Kansas regulations, which contain the same provisions as the previous temporary regulations.

EPA finds that further notice and comment on this issue are unnecessary and EPA finds good cause for making this rulemaking immediately effective. The state regulations approved today are basically the same as those conditionally approved by EPA in the April 3, 1981 rulemaking. Affected persons were therefore put on notice in April of EPA's action concerning the state regulations.

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

Under Executive Order 12291, EPA must judge whether a rule is a "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This rule is not "major" because it only approves State actions and imposes no additional substantive requirements which are not currently applicable under State law. Hence, it is unlikely to have an annual effect on the economy of $100 million or more, or to have other significant adverse impacts on the national economy.

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

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

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

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

Dated: June 30, 1981.

John W. Hernandez,

Acting Administrator.

Title 40, Part 52, Subpart R—Kansas, of the Code of Federal Regulations is amended by revising as follows:

(1) Section 52.873 is amended by revising the last two sentences to read:

§ 52.873 Approval status.

* * * Continued satisfaction of the requirements of Part-D for the ozone and TSP portions of the Kansas SIP depends on the adoption of a regulation covering leaks from tank trucks serving bulk petroleum terminals and vapor recovery system, the adoption and submission of additional reasonably available control technology (RACT) requirements for any source covered by Control Technology Guidelines issued by EPA in the future, the revision of the new source review permit regulation to comply with Section 173(3) of the CAA, and the submission of the results from additional study of the state's determination that all major sources are controlled to a degree representing RACT and of a compliance schedule for recommended actions to bring these sources to RACT, as needed. No action was taken on the non-Part D requirements of the Act.

(2) Section 52.875(a)(1) is revised to read:

§ 52.875 General requirements.

(a) Conditional approval. * * * (1) To satisfy the requirements to Section 172(b)(10), Enforceability of the Regulations, the state must adopt and submit a permanent regulation covering leaks from tank trucks serving bulk petroleum terminals and vapor recovery system by May 1, 1982.

* * * * *

[FR Doc. 81-19842 Filed 7-6-81; 8:45 am]
BILLING CODE 6560-38-M

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40 CFR Part 122

[EN-FRL 1852-7]

Consolidated Permit Regulations; NPDES Application Requirements for Gum and Wood, Leather Tanning and Finishing, Paint and Ink Formulation, Petroleum Refining, Photographic Supplies, Pulp and Paperboard Mills, and Steam Electric Power Plants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Suspension of portion of final rule.

SUMMARY: This action suspends for the Gum and Wood, Leather Tanning and Finishing, Paint and Ink Formulation, Petroleum Refining, Photographic Supplies, Pulp and Paperboard Mills and Converted Paper Products, and Steam Electric Power Plant point source categories a portion of the requirement in EPA's consolidated permit regulations that certain effluent testing data for organic toxic pollutants be submitted as part of the application for a National Pollutant Discharge Elimination System (NPDES) permit. This action is in response to public comments and a preliminary evaluation of newly presented data. During the suspension, EPA will reconsider the appropriateness of this requirement for this group of industrial facilities, based upon the newly presented data.

EFFECTIVE DATE: July 7, 1981.

FOR FURTHER INFORMATION CONTACT: Gail Goldberg, Office of Water Enforcement and Permits (EN-336), Washington, D.C. 20460, (202) 426-7035.

SUPPLEMENTARY INFORMATION: On May 19, 1980, EPA issued final consolidated permit regulations and the consolidated permit application forms, including NPDES permit application forms under the Clean Water Act (45 FR 33290). Those regulations and NPDES permit application Form 2c require that applicants with processes in primary industries provide data obtained through sampling and analysis to characterize their process wastestreams for those toxic organic pollutants designated for that industry category in Appendix D to 40 CFR Part 122. Gum and Wood, Leather Tanning and Finishing, Paint and Ink Formulation, Petroleum Refining, Photographic Supplies, Pulp and Paperboard Mills, and Steam Electric Power Plants are listed as primary industries in the Consent Decree issued in *NRDC v. Train*, 8 ERC 2120 (D.D.C. 1976) modified March 9, 1979, 12 ERC 1833, 1841.

The consolidated permit regulations, at 40 CFR 122.53(d)(7)(ii)(A), contain the following testing requirement:

> (ii) Each applicant with processes in one or more primary industry category (see Appendix A to Part 122) contributing to a discharge must report quantitative data for the following pollutants in each outfall containing process wastewater:
>
> (A) The organic toxic pollutants in the fractions designated in Table I of Appendix D for the applicant's industrial category or categories unless the applicant qualifies as a small business under paragraph(d)(6) of this section * * *

Table I of Appendix D requires that applicants in the Gum and Wood, Leather Tanning and Finishing, Paint and Ink Formulation, Petroleum Refining, Photographic Supplies, and Pulp and Paperboard industrial categories test and report quantitative data on all four organic pollutant fractions, and that applicants in the Stream Electric Power industrial category test and report quantitative data for three of the four organic fractions. Table II of Appendix D lists the organic toxic pollutants in each fraction.

The Agency has received numerous comments on the appropriateness of the requirement to test for organic toxic pollutants under § 122.53(d)(7)(ii)(A). In response to these comments, EPA has reiterated its willingness, as stated at 45 FR 33528, to "continue to investigate existing data and add or delete requirements to ensure that wastestreams be analyzed only for pollutants which may be discharged." Therefore, the Agency is currently evaluating a recent collection of available data for several primary industrial categories.

EPA made a preliminary review of the data obtained for the specific industry categories listed above using the same criteria for requiring GC/MS (Gas Chromatography/Mass Spectrometry) fractions we used in the consolidated permit regulations (45 FR 33529). Although EPA is still basing the testing requirement upon a single detection above 10 parts per billion in each GC/MS fraction, in many cases we now have separate data on intake water as well as effluent. Moreover, data on a subcategory basis are now available for many of these industries, making it possible to determine whether or not toxic organic pollutants were found in specific subcategories and, in the case of Steam Electric Power Plants, on a wastestream basis. Therefore, EPA has determined that sufficient information exists on the occurrence of toxic organic pollutants to justify suspending the relevant portions of § 122.53(d)(7)(ii)(A) as detailed in the amended 40 CFR 122.53 below. EPA also is suspending the parallel requirement that applicants in these industries complete the corresponding portions of Item V-C of the NPDES application Form 2c, 45 FR 33567.

EPA is reevaluating organic testing requirements for other primary industries as additional data become available and expects to propose a revision of the organic testing requirements for industries examined, as appropriate. Meanwhile, we are today suspending portions of the testing requirements for Gum and Wood, Leather Tanning and Finishing, Paint and Ink Formulation, Petroleum Refining, Photographic Supplies, Pulp and Paperboard Mills and Steam Electric Power industries to relieve these industries from the cost of sampling and analysis that may prove unnecessary. When our analysis of the data is completed, we will change the requirement if appropriate, or reinstate it, if not. During the suspension, however, applicants in these categories will still be required under § 122.53(d)(7)(iii)(A) to sample and analyze their wastestreams for those organic toxic pollutants which they know or have reason to believe exist in their discharge. In addition, those plants sampled during EPA's survey of industrial dischargers must report existing organic testing data generated by EPA. As applicants in the primary industries (listed in the NRDC Consent Decree), plants must still report quantitative results for the 13 metals on the toxics pollutant list; cyanide; total phenols and any fractions not suspended. Items V-A, B and D must still be completed, according to the instructions in the NPDES application Form 2c and in accordance with § 122.53(d)(7) (i), (ii)(B), (iii), (iv), and (v).

Compliance with 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 regulation is not major because it suspends portions of a regulatory requirement and reduces the

economic burden on affected industries, rather than imposing additional costs. Neither does this action satisfy any of the other criteria for a major rule.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at the U.S. Environmental Protection Agency, Rm. 3219–C, 401 M Street, SW. Washington, D.C. 20460.

(This suspension is issued under authority of the Clean Water Act, 33 U.S.C. 1251 *et seq.*)

Dated: June 30, 1981.

John W. Hernandez,

Acting Administrator.

§ 122.53 [Amended]

40 CFR 122.53(d)(7)(ii)(A) and the corresponding portions of Item V–C of the NPDES application Form 2c are suspended until further notice as they apply to:

1. Testing and reporting for the pesticide fraction in the Tall Oil Rosin Subcategory (Subpart D) and Rosin-Based Derivatives Subcategory (Subpart F) of the Gum and Wood Chemicals industry (40 CFR Part 454), and testing and reporting for the pesticide and base/neutral fractions in all other subcategories of this industrial category.

2. Testing and reporting for the pesticide fraction in the Leather Tanning and Finishing, Paint and Ink Formulation, and Photographic Supplies industrial categories.

3. Testing and reporting for the acid, base/neutral and pesticide fractions in the Petroleum Refining industrial category.

4. Testing and reporting for the pesticide fraction in the Papergrade Sulfite subcategories (Subparts J and U) of the Pulp and Paper industry (40 CFR Part 430); testing and reporting for the base/neutral and pesticide fractions in the following subcategories: Deink (Subpart Q), Dissolving Kraft (Subpart F), and Paperboard from Waste Paper (Subpart E); testing and reporting for the volatile, base/neutral and pesticide fractions in the following subcategories: BCT Bleached Kraft (Subpart H), Semi-Chemical (Subparts B and C), and Nonintegrated-Fine Papers (Subpart R); and testing and reporting for the acid, base/neutral, and pesticide fractions in the following subcategories: Fine Bleached Kraft (Subpart I), Dissolving Sulfite Pulp (Subpart K), Groundwood-Fine Papers (Subpart O), Market Bleached Kraft (Subpart G), Tissue from Wastepaper (Subpart T), and Nonintegrated-Tissue Papers (Subpart S).

5. Testing and reporting for the base/neutral fraction in the Once-Through Cooling Water, Fly Ash and Bottom Ash Transport Water process wastestreams of the Steam Electric Power Plant industrial category.

[FR Doc. 81-19843 Filed 7-6-81; 8:45 am]

BILLING CODE 6560-33-M

FEDERAL MARITIME COMMISSION

46 CFR Parts 531 and 536

[General Order 38, Amdt. No. 3; General Order 13, Amdt. No. 9; Docket No. 80–37]

Publishing, Filing and Posting of Tariffs in Domestic Offshore Commerce; Publishing and Filing Tariffs by Common Carriers in the Foreign Commerce of the United States

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: Filing of tariff material covering the movement of used military household goods and personal effects by non-vessel operating common carriers in the domestic and foreign commerce of the United States is exempted from the requirements of the Commission's tariff filing regulations. Such filings no longer serve any regulatory purpose. The exemptions will lessen the regulatory burden on non-vessel operating common carriers.

EFFECTIVE DATE: July 7, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph C. Polking, Acting Secretary, Federal Maritime Commission, 1100 L Street, N.W., Room 11101, Washington, D.C. 20573 (202) 523–5725.

SUPPLEMENTAL INFORMATION: The Commission instituted a rulemaking proceeding in Docket No. 80–37, on June 17, 1980 (45 FR 41024) for the purpose of considering: (1) the exemption of movements of used household goods and personal effects by non-vessel operating common carriers (NVOCCs) in both the domestic offshore and foreign commerce of the United States from the Commission's tariff filing requirements; and (2) to require that rates for used household goods and personal effects established by vessel operating common carriers be stated on a weight or per container basis only and that the weight of such shipments be substantiated by a public weigher's certificate furnished by the shipper.

NVOCCs undertaking ocean transportation are subject to Federal Maritime Commission regulation in both foreign and domestic commerce.[1] Several NVOCCs also operate as motor carriers under the Interstate Commerce Act (ICA) and as inland freight forwarders exempt from regulation under other provisions of the ICA. These carriers frequently specialize in the carriage of used household goods and personal effects and maintain FMC tariffs providing for the port-to-port segments of through ocean/inland transportation services. These tariffs reflect only part of the total transportation costs incurred by the shipper.[2]

Since July 6, 1976, all NVOCCs providing ocean transportation for used *military* household goods and personal effects for which there was also an inland movement in the United States have been granted continuing special permission to file tariff supplements and/or revised pages for such transportation on less than the statutory 30-day notice requirement.[3] A waiver of the general tariff format requirements stipulated in 46 CFR Parts 531 and 536 has also been granted. This action was intended to facilitate the intermodal movement of used household goods and personal effects for the Department of Defense (DOD).

The Commission has now determined to exempt *all* filing requirements for such movements, as they relate to used military household goods and personal effects. In promulgating this exemption, the Commission considered, *inter alia*, the comments of DOD which had requested the modification of existing regulations to permit it to require NVOCCs to submit their through intermodal rate quotations to DOD's Military Traffic Management Command (MTMC) and to require that these quotations be approved by MTMC before they were to be filed with the Commission, but not later than their proposed effective date. The Household Goods Forwarders Association of America, Inc., objected to DOD's petition and stated that such a proposed modification in the Commission's regulations was unwarranted.

The Commission has examined the impact of existing tariff filing regulations applicable to NVOCCs naming through

[1] See *Common Carriers by Water—Status of Express Companies, Truck Lines and Other Non-Vessel Carriers*, 6 F.M.B. 245 (1961) and *Bernard Ulmann Co. v. Porto Rican Express Co.* 3 F.M.B. 771 (1952) construing the applicable provisions of the Shipping Act, 1916 (46 U.S.C. 801 et seq).

[2] This transportation originates or terminates at interior United States points and moves in intermodal services under through bills of lading.

[3] Report and Order in Docket No. 73–4, 19 F.M.C. 203 (1976). See 46 CFR 536.1(c)(2), previously 536.1(b)(2).

intermodal rates on used military household goods and personal effects and believes these procedures are no longer serving any regulatory purpose. Since the present rules took effect in 1976, only one NVOCC conference has filed tariffs under the waiver provisions granted in Docket No. 73–4. Although this tariff contains rates covering the entire through movement, this information does not provide the Commission with any greater ability to judge the lawfulness of the port-to-port segment than it would have if the information were obtained after the cargo had actually moved.

Section 35 of the Shipping Act, 1916 (46 U.S.C. 834) authorizes the Commission to exempt operations of water carriers or other persons or activities from statutory requirements, where it finds that such exemption would not substantially impair effective regulation, be unjustly discriminatory or be detrimental to commerce. The Commission is satisfied that the transportation of used military household goods and personal effects by NVOCCs fall within the category of operations which can be exempted from tariff filing requirements without detrimental effects on any affected interest, particularly because MTMC, the involved shipper, has its own competitive bidding regulations.

While the instant proceeding originally considered the proposed exemption of all used household goods and personal effects, opposition to the exemption of used *non-military* household goods and personal effects, has prompted the Commission to exempt only used *military* household goods and personal effects at the present time.

The issue of revising the tariff filing regulations on used *non-military* household goods and personal effects will be deferred for possible consideration in a future proceeding. In addition, the Commission has decided not to require at this time that rates for used household goods and personal effects established by vessel operating common carriers be stated on a weight or per container basis or that the weight of each shipment be substantiated by a public weigher's certificate furnished by the shipper.

Therefore, pursuant to 5 U.S.C. 533, section 2 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 844) and sections 18 (a) and (b), 35 and 43 of the Shipping Act, 1916 (46 U.S.C. 817(a), 817(b), 833(a) and 841(a)), it is ordered, that effective upon publication in the Federal Register, Title 46 Code of Federal Regulations §531.1 and 536.1 are amended as follows:

1. Add a new §531.1(f) which reads as follows:

§ 531.1 Exemptions.

The following services are exempt from the tariff filing requirements of the Act and the rules of this Part:

* * * * *

(f) Transportation of used military household goods and personal effects by non-vessel operating common carriers.

§ 536.1 [Amended]

2. Section 536.1(c)(2) is removed.

3. Add a new §536.1(b)(7) which reads as follows:

§ 536.1 Exemptions and exclusions.

The following services are exempt from the tariff filing requirements of the Act and the rules of this Part:

* * * * *

(b) * * *

(7) Transportation of used military household goods and personal effects by non-vessel operating common carriers.

By the Commission.

Joseph C. Polking,

Acting Secretary, Federal Maritime Commission.

[FR Doc. 81-19819 Filed 7-6-81; 8:45 am]

BILLING CODE 6730-01-M

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46 CFR Part 536

[General Order 13, Amdt. No. 10; Docket No. 80–56]

Publishing and Filing Tariffs by Common Carriers in the Foreign Commerce of the United States; Prohibition of Filing Temporary Amendments

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: The practice of filing temporary amendments to tariffs published by carriers and conferences of carriers in the foreign ocean commerce of the United States is hereby prohibited. The convenience of such filings is outweighed by the benefits accruing from their discontinuance which will eliminate an unreasonable paperwork burden for the Commission and simplify the use of foreign commerce tariffs by shippers, carriers, and other interested persons.

EFFECTIVE DATE: September 8, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph C. Polking, Acting Secretary, Federal Maritime Commission, 1100 L Street, NW., Room 11101, Washington, D.C. 20573 (202) 523–5725.

SUPPLEMENTARY INFORMATION: The Commission's present regulations provide that changes, additions and deletions to existing tariffs shall be known as "amendments" and shall be made in permanent form, 46 CFR 536.10(a)(1). However, the current regulations also allow carriers the privilege of facilitating rate changes in their tariffs through the use of temporary tariff filing methods such as telegrams, cables, or mail (in the form of letters and rate circulars) under certain conditions, 46 CFR 536.10(c).[1]

The current proceeding was initiated in response to petitions seeking modifications to the Commission's regulations which would have further broadened the circumstances under which temporary filings could be made. On September 5, 1980, the Commission denied these petitions and commenced a separate inquiry into whether the practice of amending foreign commerce tariffs by using a temporary filing method should be continued at all, and, if so, whether the present regulations governing this practice should be tightened.[2] Upon consideration of the comments submitted, and for the reasons set forth herein, the Commission has decided to eliminate the privilege of amending tariffs by any means other than a permanent filing.

Comments were sought on two specific proposals: (1) elimination of temporary tariff filings, or (2) restriction of the privilege of filing temporary amendments. The elimination of the temporary filing would prohibit this form of amendment except pursuant to special permission authority as provided in 46 CFR 536.15. The second option

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[1] These regulations were promulgated pursuant to a rulemaking proceeding in Docket No. 964, *General Order No. 13*, 30 FR 7138 (1965). Minor modifications to these rules were implemented on January 1, 1979 (see Report and Order in Docket No. 72–19, *General Order No. 13, Publishing and Filing Tariffs by Common Carriers in the Foreign Commerce of the United States*, 42 FR 59265).

[2] During the past several years, the Commission has observed that temporary tariff filings were being used to amend many publishing carriers' rules and regulations rather than their rates. A Foreign Tariff Advisory Notice was mailed to all carriers and conferences with tariffs on file which reminded them of the filing requirements of section 536.10(c), stating that the commission would strictly enforce this rule. The petitions for amendment of the temporary tariff filing rules were the result of these enforcement activities.

The rulemaking petitions generally maintained that the existing rules are harsh, burdensome, and not sufficiently streamlined to permit immediate implementation of certain tariff material. The use of the permanent method of amending tariffs was claimed to be unresponsive. The Petitioners, therefore, requested an expansion of the use of temporary tariff filings. The Commission did not accept this position because the rationale, purpose and justification for temporary tariff filings did not support the filing of temporary tariff amendments except to reduce the level of a specific commodity rate or the level of a class rate when filed under section 18(b) of the Shipping Act, 1916, (46 U.S.C. 817(b)).

would have forbidden temporary filings intended: (a) to amend tariffs of controlled carriers as defined in section 18(c) of the Shipping Act, 1916; (b) to increase the rates in any tariff; (c) to change tariff commodity descriptions or add new commodity descriptions; (d) to change the basis of assessing freight charges; or (e) to publish temporary amendments with an expiration date. Additionally, the second alternative clarified that portion of the existing rule which prohibits one temporary amendment from amending another temporary filing.

Comments were submitted by several ocean carriers and conferences, all of which opposed the proposed rule. The National Industrial Traffic League (League), an organization of shippers and trade associations, stated that only temporary reductions should be permitted to be filed.[3] The League did not support total discontinuance of temporary amendments.

Commentators on the proposed rule addressed the following issues.

Mail Service—Without the means of telegraphing amendments to the Commission, tariff filers would have to rely upon the U.S. Postal Service or commercial courier services. It was contended by several conferences [4] that the U.S. mail service is unreliable and that first class service is too slow. They claimed that the cost of express mail or courier service was disproportionately greater than the average cost of a Telex, stating that these added costs will ultimately be passed on to shippers in the form of increased freight rates whenever competitive conditions permit. They further contended that the delay and related problems associated with filing permanent tariff pages create inconvenience and economic harm.

Special Permission Requests—The proposed rulemaking mentions that special permission relief for waiver from the tariff filing rules is available to facilitate an amendment which is critical to the operations of either carriers or shippers.

Commenting conferences [5] asserted that the alternative of continually requesting special permission to file by Telex is cumbersome and uncertain. They claimed that there is no rational apparent basis for distinguishing between amendments in rate levels, which are permitted to be filed by Telex and amendments relating to charges, surcharges, and rules, which are not.

Emergency, Special and Project Rates—Commentators also asserted that the discontinuance of the temporary filing procedure, as it relates to special, emergency and project rates, would place added burdens on carriers as well as shippers. Carriers would lose the opportunity to receive and carry cargo on short notice, such as emergency supplies moving to developing countries. The carriers state [6] that special, emergency and project rates necessitate a Telex filing with an expiration date. They claimed that prohibiting the filing of expiration dates in connection with special rates, which are temporary responses to immediate market problems, would penalize shippers who have urgent needs for such rate reductions.

Financial Impact—Certain commentators [7] contended that the proposed changes would place substantial financial burdens upon them. These carriers alleged that the temporary filing restrictions would force them to hire and pay local tariff agencies on a continuing basis to prepare and file tariff amendments. They argued that, even with correct technology, the process of preparation, reproduction, dissemination and filing of permanent tariff pages still requires a minimum of fifteen to twenty days. The proposed rule would therefore reimpose delays and paperwork burdens which the Commission had successfully eliminated some fifteen years ago.

Increases and Surcharges—Commentators to the rulemaking [8] questioned the Commission's rationale in proposing to allow rate reductions to be filed by Telex but not increases or surcharges. They alleged that the fifteen to twenty days' delay required between the date of the decision to amend a tariff and the day the amendment is finally filed with the Commission unnecessarily delays the effective date of surcharges and rate increases. It is also contended that surcharges are subject to frequent and abrupt changes and are directly related to the cost of providing freight service. Unless carriers are able to react to these cost changes quickly, by appropriately adjusting a surcharge, either the carrier or its shippers will experience financial losses, they claimed.

Discussion and Conclusions

Prior to 1961, common carriers were only required to file their export rates with the Federal Maritime Board within a period of thirty days after they had become effective. The enactment of section 18(b) of the Shipping Act, 1916, required ocean common carriers [9] to file both import and export rates, adhere to the level of rates lawfully on file, give notice of changes to the filed rates and charge rates only in effect.

The temporary method of amending tariffs involves the double examination of each amendment. The filings are received as Telex's letters, rate advices and circulars. Upon receipt, the temporary amendment is date stamped, hole punched and sorted. Since a single temporary amendment may involve many pages or several tariffs, it commonly must be reproduced. The temporary amendment is next examined for conformity to the statute and is then compared to the superseded or amended material. If accepted, the temporary amendment is placed in a tariff binder until it is replaced by a permanent tariff filing (twenty or thirty days, depending upon whether the temporary amendment came from an overseas source). Upon receipt of the permanent filing to replace the temporary amendment, the examiner must typically sort through many seemingly identical messages to locate the referenced temporary filing. The content of the permanent page is then compared with the temporary amendment to ensure that the two comport (*i.e.*, same effective date, rate level, etc.). If the permanent page is accepted, the temporary amendment is removed and destroyed. In cases where the permanent page is deficient, the

[3] The League's position was that any means of amending a tariff which would result in a reduction should be encouraged, including temporaries amending temporaries and new commodity descriptions filed by temporary amendments.

[4] Trans-Pacific Freight Conference of Japan/Korea; Japan/Korea-Atlantic and Gulf Freight Conference; Associated Latin American Conference, et al.; Far East Conference; Atlantic and Gulf-Indonesia Conference, et al.; Pacific Coast European Conference; North Europe/U.S. Pacific Coast Freight Conference; Latin America/Pacific Coast Conference; and Pacific Coast/River Plate Brazil Conference.

[5] Trans-Pacific Freight Conference of Japan/Korea and Japan/Korea-Atlantic and Gulf Freight Conference.

[6] Waterman Steamship Corp.; Pacific Coast European Conference; North Europe/U.S. Pacific Freight Conference; Latin America/Pacific Coast Conference; Pacific Coast/River Plate Brazil Conference; and Pacific Westbound Conference.

[7] Trans-Pacific Freight Conference of Japan/Korea; Japan/Korea-Atlantic and Gulf Freight Conference; Associated Latin American Conference; Australia-Eastern U.S.A. Conference, et al.; Pacific Coast European Conference; North Europe/U.S. Pacific Freight Conference; Pacific Coast/River Plate Brazil Conference; and Pacific Westbound Conference.

[8] Far East Conference; Australia-Eastern U.S.A. Shipping Conference; Trans-Pacific Freight Conference of Japan/Korea; and Japan/Korea Atlantic and Gulf Freight Conference.

[9] Surface land carriers and air carriers had long before been required to publish and adhere to filed rates by the Interstate Commerce Act and Civil Aeronautics Act.

temporary filing remains in the binder until it is properly replaced.

The Commission did not have a Telex terminal for temporary tariff filing purposes until the late 1960's. The installation of a Telex terminal for tariff filings was, in part, premised on the arguments that: (1) temporary filings constituted a very small portion of all tariff filings; (2) temporary filings were almost always reductions and therefore, in the shipper's benefit; (3) temporary filings would not impose unmanageable burdens on the Commission's staff; and (4) the carrier industry was very desirous of the opportunity to fully utilize this method of amending tariffs.

The carrier industry initially utilized temporary filings via Telex in the same manner they had used the more expensive telegrams/cables, *i.e.*, for extraordinary conditions dictating immediate rate relief in the form of a reduction. Soon, however, the industry realized that the temporary Telex tariff amendment could also be used to provide thirty or ninety days' statutory notice for an increase in rates, as well as the immediate notice of a reduction.

When the Commission permitted temporary tariff filings in the initial tariff filing rules, the volume of tariff amendments was small compared to their current extensive magnitude. In a four-month period in 1965, for instance, there were but thirty-two hand-delivered messages. Today the Commission averages 115 messages per day, affecting 244 individual tariff pages. Well in excess of 100,000 temporary rate changes are now filed annually. Single Telex messages over ten feet in length are not rare. Moreover, whereas the staff examined a total of 83,776 tariff pages in 1965, 384,992 pages were filed with the Commission in 1979. A five to sixfold increase in workload has been experienced.

Tariff examination is a labor intensive operation. The burden imposed upon Commission staff by temporary methods of amending tariffs is magnified when these temporary filings are characterized by inferior quality. During the period September, 1980, through January, 1981, twenty-eight percent of all tariff rejections involved a temporary amendment while these filings represented less than ten percent of the total number of tariff amendments.

The elimination of temporary filings via Telex may prove inconvenient to some overseas domiciled carriers pending further development of electronic data processing technology which enables carriers to make their permanent filings expeditiously and cost-effectively. However, it is anticipated that the basic needs of these carriers can be satisfied by vendors of tariff filing services, data processing services, sufficient prior planning involving lead times in tariff production, courier services or express Mail Service. Such methods may be more costly than Telex, but it is more reasonable that carriers wishing to accomplish rapid tariff amendments bear this cost directly. Moreover, in cases where good cause can be shown, the Commission is empowered to waive its tariff rules, including the specific prohibition against temporary tariff filings adopted herein (see 46 CFR 536.15 and 46 U.S.C. 817(b)(3)).

Accordingly, Part 536 of the Rules will be amended to eliminate the acceptance of any type of temporary tariff filing. Thus, all amendments to tariffs filed by carriers and conferences of such carriers in the foreign commerce of the United States must, unless special permission is otherwise granted, be made in accordance with the remaining provisions of the Commission's General Order No. 13, 46 CFR Part 536.

§ 536.10 [Amended]

Therefore, it is ordered, that pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553) and sections 18(b), 22 and 43 of the Shipping Act, 1916 (46 U.S.C. 817(b), 821 and 841(a)), effective September 8, 1981, Title 46 Code of Federal Regulations § 536.10(c) is removed.

By the Commission.*

Joseph C. Polking,

Acting Secretary.

Commissioner Peter N. Teige Dissenting

The law requires ocean carriers to file their tariffs with the Commission before they can be effective. The Government, having placed this obligation on the ocean carriers, has a duty to make this procedure as speedy and efficient as possible. In today's fast-moving commerical world, rate changes or new commodity rates must be filed and put into effect quickly. The Commission has been accommodating this need for many years by permitting telex filings, followed by the receipt by mail or the actual tariff pages. This process has become burdensome for the Commission, particularly as available personnel shrinks due to budget cuts.

Nevertheless, I would keep this function in place until we have explored all other in-house alternatives to its abandonment, including efforts to improve productivity in the Bureau of Tariffs through re-allocation of personnel, firmer supervision and job reorganization of a time and motion nature.

I recognize that the whole tariff system is in need of simplification and technological improvement. But these changes will take time. With proper leadership the changes will come without punishing the industry by terminating the present telex filing system.

The Commission's action is a step backwards that will materially inconvenience carriers and the shipping public, particularly where foreign-based conferences are involved.

[FR Doc. 81-19796 Filed 7-6-81; 8:45 am]

BILLING CODE 6730-01-M

* Commissioner Peter N. Teige's Dissenting opinion follows.

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[Docket No. 21474; RM-1968; RM-2810; RM-2978; FCC 81-277]

Radio Broadcast Services; Amendment of Broadcast Equal Employment Opportunity Rules and FCC Form 395

AGENCY: Federal Communications Commission.

ACTION: Interim rule.

SUMMARY: On June 4, 1980, the FCC adopted a Second Further Notice of Proposed Rule Making in Docket No. 21474. That document set forth for comment a proposed major revision of the FCC's broadcast model equal employment opportunity ("EEO") program, as well as a number of changes in EEO filing requirements. In the interim action announced herein, the Commission is making a number of minor revisions to the EEO program which will be applicable to FCC Forms 301, 309, 314, 315, and 340. The FCC is also deleting the requirement that updated EEO programs be filed by major facilities change applicants, transferors and assignors. These changes will remain in effect until the FCC takes further action in Docket No. 21474. The changes are being made to eliminate filing requirements the Commission found unnecessary for the enforcement of its EEO rules.

DATES: The deletion of the requirement that updated EEO programs be filed by major change applicants, transferors, and assignors, and conforming changes in Section 73.2080(c) of the Commission's Rules, will be effective August 11, 1981. The changes in FCC forms adopted in this Report and Order will be effective after approval of the

forms change by the Office of Management and Budget.

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

FOR FURTHER INFORMATION CONTACT: Steven A. Bookshester, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Third Report and Order

Adopted: June 16, 1981.

Released: June 26, 1981.

In the matter of amendment of Broadcast Equal Employment Opportunity Rules and FCC Form 395.

By the Commission:

1. On June 4, 1980, the Commission adopted a *Second Further Notice of Proposed Rule Making* in this proceeding, FCC 80-328, 45 FR 42729, published June 25, 1980. In that document, the Commission proposed a major revision of its broadcast model equal employment opportunity ("EEO") program, as well a number of modifications in the EEO filing requirements of applicants for construction permits, major facilities changes, transfers and assignments.

2. Analysis of the voluminous comments and reply comments received in response to the *Second Further Notice* in this docket has not as yet been completed. We will not, therefore, take any action at present modifying the EEO sections of Form 301 as to any of the major proposals made or issues raised by or in response to the *Second Further Notice*. However, in a separate document adopted this date,[1] the Commission has made a number of revisions to FCC Form 301, the "Application for Authority to Construct a New Broadcast Station or Make Changes in an Existing Broadcast Station." The Commission does, therefore, find it appropriate at this time to adopt several EEO-related changes to Form 301 which will complement the other revisions being made in that form. We will also make similar changes in Form 340, the construction permit application for noncommercial stations, and in form 309, the international broadcast station construction permit application. Additionally, we will make related changes in Form 314, the application for assignment of a broadcast construction permit or license, and Form 315, the application for transfer of control of entities holding a permit or license. The limited changes being adopted will, we believe, expedite the Commission's processes and facilitate development of the required EEO program by construction permit applicants, transferees and assignees.

I. Elimination of EEO Filing Requirement for Applicants for Major Changes in Facilities, Assignors and Transferors

3. In the *Second Further Notice*, the Commission proposed that applicants for major facilities changes using Forms 301, 309 and 340 no longer be required to submit updated EEO programs with such applications. Under present practice, an updated EEO program must be filed as part of a major change application if the applicant has not otherwise filed an EEO program with the Commission during the preceding 12 months. In proposing elimination of this update requirement, the Commission noted that the EEO program of a station filing a major change application has already been reviewed by the staff in connection with the station's initial construction permit application or its most recent license renewal application. Stations whose EEO profiles are found questionable when considered at renewal are subject to appropriate remedial action at that time. Therefore, conducting an additional EEO review at the time of a major change application appears to be a superfluous requirement serving no particular public interest purpose.

4. The Commission also proposed in the *Second Further Notice* that the requirement that updated EEO programs be filed by broadcast station assignors and transferors using FCC Forms 314 and 315 be eliminated. We noted that EEO programs would continue to be filed by the assignees or transferees—that is, by the proposed new licensees of the stations. The present requirement is similar to that for major change applicants. The update must be filed if no EEO program has otherwise been submitted to the Commission by the assignor or transferor during the preceding 12 months. As with the major change applicant, the EEO program of the transferor or assignor will have gone through staff review at the time of submission of the station's initial construction permit application or at license renewal. We find that additional review of the assignor's or transferor's update serves no public interest purpose.

5. Comments supporting these changes were submitted by the National Association of Broadcasters ("NAB"), the National Association of Educational Broadcasters ("NAEB"), the law firm of Smith & Pepper, American Broadcasting Companies, Inc. ("ABC"), the ABC Television Affiliates Association, and several groups of licensees represented by the law firms of Kirkland & Ellis, Schwartz, Woods & Miller, and Dow, Lohnes & Albertson. No specific opposition to the changes appears to have been filed. Having fully considered this matter, the Commission is of the view that its proposal to delete the requirement that updated EEO programs be filed by major change applicants, assignors and transferors should be adopted. Conforming changes will be made in the Forms 301, 309, 314, 315 and 340 instructions.[2]

II. Deletion of Inapplicable Sections of the Model EEO Program

6. In Docket No. 20550, the Commission adopted the present ten-point model EEO program for use by broadcast applicants, licensees and permittees. *Nondiscrimination in the Employment Policies and Practices of Broadcast Licensees*, 60 FCC 2d 226 (1976). The ten-point program is used as part of virtually all of the Commission's major broadcast application forms, and, as such, includes a number of elements which are inapplicable to those seeking a permit to construct a new facility and to transferees and assignees. Therefore, the present guidelines and instructions for preparation of the EEO program by a construction permit applicant, transferee or assignee state that such applicant need only include in its EEO program information responsive to the first five elements of the model program: adoption of an EEO policy, locus of responsibility for policy implementation, plan of policy dissemination, employee recruitment practices, and employee training programs. See *Nondiscrimination in the Employment Policies and Practices of Broadcast Licensees—Revision of Section VI of FCC Forms 301, 309, 311, 314, 315, 340 and 342*, 62 FCC 2d 708 (1976).[3]

7. Elements VI through X of the model EEO program, covering labor availability, current station employment, job hires, promotions, and effectiveness of the station's affirmative action program, although inapplicable to those seeking construction permits, transferees and assignees, could not previously be deleted from the forms in question due to their dual use by major

[1] *Revision of Application for Construction Permit for Commercial Broadcast Station (FCC Form 301)*, FCC 81- , adopted June 17, 1981, released

[2] No change in the Commission's rules is necessary to effectuate this action as to Forms 301, 309 and 340 since Section 73.2080(c), which sets forth EEO filing requirements, does not specifically refer to major change applications. The present requirement is found in the instructions to Section VI of Forms 301, 309, and 340, adopted in Docket No. 20550, 62 FCC 2d 708 (1976). We shall revise Section 73.2080(c) as to transferors and assignors, as shown in Appendix B.

[3] Training programs are not mandatory.

change applicants or transferors and assignors, to which these sections applied. This dual use also necessitated utilizing phrasing in the model program which did not clearly recognize the prospective manner in which the program necessarily must be prepared by a construction permit applicant, transferee or assignee. As we are, in this *Third Report and Order*, eliminating the update filing requirement, there is no longer any reason to include inapplicable sections of the model EEO program in the various forms. Sections VI through X of the present model EEO program will, therefore, be deleted from the forms, with conforming changes made in the relevant EEO guidelines and instructions as well as the Section 73.2080(c) filing requirements. The changes are set forth in the Appendices to this document.[4]

8. The revised guidelines and instructions state that a program regarding the employment of minorities need not be submitted unless members of minority groups constitute, in the aggregate, five percent or more of the relevant area labor force. The use of a five percent base figure clarifies ambiguous language previously utilized, which said that programs for minority group members need not be filed if minorities are represented in the labor force "in such insignificant numbers that a program would not be meaningful." The change to the five percent figure merely makes present Commission practice explicit, and neither adds to nor deletes from the obligation of applicants. As is also the case regarding EEO programs for women, no program for minorities need be filed if the applicant proposes to employ less than five full-time employees.[5]

9. Accordingly, it is ordered, That the revisions to the model EEO program in Forms 301, 309, 314, 315 and 340, and the related changes described herein, are adopted.

10. It is further ordered, That the changes to the various forms, guidelines and instructions will be effective upon approval of the forms changes by the Office of Management and Budget. Public Notice of that date will be released by the Broadcast Bureau.

11. It is further ordered, That the deletion of the EEO program update requirement for major change applicants, transferors and assignors, and conforming changes in Section 73.2080(c) of the Commission's Rules, as adopted herein, are effective August 11, 1981.

12. This action is taken pursuant to authority found in Sections 4(i), 303(g), 303(r), 307(b), 309(a) and 310(d) of the Communications Act of 1934, as amended.

13. For further information regarding this proceeding, contact Steven A. Bookshester, Broadcast Bureau, (202) 632–7792.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Note.—Appendix A will not appear in the CFR.

Appendix A

The instructions, guidelines, and model EEO program for FCC Forms 301, 309, 314, 315 and 340 are hereby amended to read as follows:

I. Section VI of Form 301, and Question 1 of the Section VI Instructions of Forms 309, 314, 315, and 340:

Equal Employment Opportunity Program

1. Does the applicant propose to employ five or more full-time employees? —Yes —No. If the answer is "yes," the applicant should submit as Exhibit No. — a description of the EEO program it proposes to follow during the coming license term. (See the Model Program set out in Attachment "B" to the Instructions.)

II. Forms 301, 309, 314, 315 and 340

Section VI Instructions

Applicants seeking authority to construct a new commercial, noncommercial or international broadcast station, applicants seeking authority to obtain assignment of the construction permit or license of such a station, and applicants seeking authority to acquire control of an entity holding such construction permit or license are required to afford equal employment opportunity to all qualified persons and to refrain from discriminating in employment and related benefits on the basis of race, color, religion, national origin or sex. See Section 73.2080 of the Commission's Rules. Pursuant to these requirements, an applicant who proposes to employ five or more full-time station employees must establish a program designed to assure equal employment opportunity for women and minority groups (that is, Blacks not of Hispanic orgin, Asians or Pacific Islanders, American Indians or Alaskan Natives, and Hispanics). If minority group representation in the available labor force is less than five percent (in the aggregate), a program for minority group members need not be filed. In such case, a statement so indicating must be submitted with this application. However, a program must be filed for women since they comprise a significant percentage of virtually all area labor forces. If an applicant proposes to employ less than five full-time employees, no EEO program for women or minorities need be filed, but a statement of explanation must be submitted.

Guidelines for developing an Equal Employment Opportunity program are set forth as Attachment A. The model EEO program is set forth as Attachment B.

Note.—This five-point model EEO program is to be utilized only by applicants for new construction permits, assignees and transferees.

Attachment A

Guidelines to the Model EEO Program

The model EEO program adopted by the Commission for construction permit applicants, assignees and transferees contains five sections designed to assist the applicant in establishing an effective EEO program for its station. The specific elements which should be addressed are as follows:

I. *General Policy.* The first section of the program should contain a statement by the applicant that it will afford equal employment opportunity in all personnel actions without regard to race, color, religion, national orgin or sex, and that it has adopted an EEO program which is designed to fully utilize the skills of minorities and women in the relevant available labor force.

II. *Responsibility for Implementation.* This section calls for the name (if known) and title of the official who will be designated by the applicant to have responsibility for implementing the station's program.

III. *Policy Dissemination.* The purpose of this section is to disclose the manner in which the station's EEO policy will be communicated to employees and prospective employees. The applicant's program should indicate whether it: (a) intends to utilize an employment application form which contains a notice informing job applicants that discrimination is prohibited and that persons who believe that they have

[4] In taking the actions herein, the Commission does not in any manner reach the merits of any other proposals or comments regarding the *Second Further Notice*. Except as is otherwise explicitly stated herein, the action being taken in this *Third Report and Order* is an interim modification of the present EEO elements of the forms in question, pending further action in this docket.

[5] A conforming change in Section 73.2080(c) is being made. We are also taking this opportunity to revise the rule to eliminate ambiguity in the language regarding the filing obligation of renewal applicants.

been discriminated against may notify appropriate governmental agencies; (b) will post a notice which informs job applicants and employees that the applicant is an equal opportunity employer and that they may notify appropriate governmental authorities if they believe that they have been discriminated against; and (c) will seek the cooperation of labor unions, if represented at the station, in the implementation of its EEO program and in the inclusion of nondiscrimination provisions in union contracts. The applicant should also set forth any other methods it proposes to utilize in conveying its EEO policy (e.g., orientation materials, on-air announcements, station newsletter) to employees and prospective employees.

IV. *Recruitment.* The applicant should specify the recruitment sources and other techniques it proposes to use to attract minority and female job applicants. Not all of the categories of recruitment sources need be utilized. The purpose of the listing is to assist the applicant in developing specialized referral sources to establish a pool of minorities and women who can be contacted as job opportunities occur. Sources which subsequently prove to be nonproductive should not be relied on and new sources should be sought.

V. *Training.* Training programs are not mandatory. Each applicant is expected to decide, depending upon its own individual situation, whether a training program is feasible and would assist it in its effort to increase the pool of available minority and female applicants. Additionally, the applicant may set forth any other assistance it proposes to give to students, schools or colleges which is designed to be of benefit to minorities and women interested in entering the broadcasting field. The beneficiary of such assistance should be listed, as well as the form of assistance, such as contributions to scholarships, participation in work study programs, and the like.

Attachment B

Model Equal Employment Opportunity Program

I. *General Policy.* It will be our policy to provide equal employment opportunity to all qualified individuals without regard to their race, color, religion, national origin or sex in all personnel actions including recruitment, evaluation, selection, promotion, compensation, training and termination.

It will also be our policy to promote the realization of equal employment opportunity through a positive, continuing program of specific practices designed to ensure the full realization of equal employment opportunity without regard to race, color, religion, national origin or sex.

To make this policy effective, and to ensure conformance with the Rules and Regulations of the Federal Communications Commission, we have adopted an Equal Employment Opportunity Program which includes the following elements:

II. *Responsibility for Implementation.* (Name/Title) _____ will be responsible for the administration and implementation of our Equal Employment Opportunity Program. It will also be the responsibility of all persons making employment decisions with respect to recruitment, evaluation, selection, promotion, compensation, training and termination of employees to ensure that our policy and program is adhered to and that no person is discriminated against in employment because of race, color, religion, national origin or sex.

III. *Policy Dissemination.* To assure that all members of the staff are cognizant of our equal employment opportunity policy and their individual responsibilities in carrying out this policy, the following communication efforts will be made:

( ) The station's employment application form will contain a notice informing prospective employees that discrimination because of race, color, religion, national origin or sex is prohibited and that they may notify the appropriate local, State or Federal agency if they believe they have been the victims of discrimination.

( ) Appropriate notices will be posted informing applicants and employees that the station is an Equal Opportunity Employer and of their right to notify an appropriate local, State, or Federal agency if they believe they have been the victims of discrimination.

( ) We will seek the cooperation of unions, if represented at the station, to help implement our EEO program and all union contracts will contain a nondiscrimination clause.

( ) Other (specify)

_____

_____

_____

IV. *Recruitment.* To ensure nondiscrimination in relation to minorities and women, and to foster their full consideration in filling job vacancies, we propose to utilize the following recruitment procedures:

( ) We will attempt to maintain systematic communication, both orally and in writing, with a variety of minority and women's organizations to encourage the referral of qualified minority and female applicants. Examples of organizations we intend to contact are:

_____

_____

_____

( ) In addition to the organizations noted above, which specialize in minority and female candidates, we will deal only with employment services, including State employment agencies, which refer job candidates without regard to their race, color, religion, national origin or sex. Examples of these employment referral services are:

_____

_____

_____

( ) When we recruit prospective employees from educational institutions such recruitment efforts will include area schools and colleges with significant minority and female enrollments. Educational institutions to be contacted for recruitment purposes are:

_____

_____

_____

( ) When utilizing media for recruitment purposes, help-wanted advertisements will always include a notice that we are an Equal Opportunity Employer and will contain no indication, either explicit or implied, of a preference for one sex over another.

( ) When we place employment advertisements in printed media some of such advertisements will be placed in media which have significant circulation or are of particular interest to minorities and women. Examples of publications to be utilized are:

_____

_____

_____

( ) We will encourage employees, particularly minority and female employees, to refer minority and female candidates for existing and future job openings.

V. *Training.*

( ) Station resources and/or needs will be such that we will be unable or do not choose to institute specific programs for upgrading the skills of employees.

( ) We will provide on-the-job training to upgrade the skills of employees.

( ) We will provide assistance to students, schools or colleges in programs designed to enable minorities and woman to compete in the broadcast employment market on an equitable basis:

School or Other Beneficiary

_____

_____

_____

( ) Other (Specify)

Proposed Form of Assistance

Appendix B

In 47 CFR Part 73, § 73.2080, paragraph (c), is revised to read as follows:

§ 73.2080 Equal Employment Opportunities.

* * * * *

(c) Applicants for a construction permit for a new facility, for authority to obtain assignment of the construction permit or license of such a station, for authority to acquire control of an entity holding such construction permit or license (other than pro forma or involuntary assignments and transfers), and for renewal of license, shall file with the FCC programs designed to provide equal employment opportunities for American Indians and Alaskan Natives; Asians and Pacific Islanders; Blacks, not of Hispanic Origin; Hispanics; and women, or amendments to such programs. Guidelines for the preparation of such programs are set forth in the relevant Commission application forms. A program need not be filed by any applicant who employs or proposes to employ less than five full-time employees. Additionally, a program for minority group members need not be filed if minorities constitute less than five percent, in the aggregate, of the labor force in the applicant's labor recruitment area. Applicants exempt from the filing requirement should submit a statement of explanation with their applications.

* * * * *

[FR Doc. 81-19683 Filed 7-6-81; 8:45 am]
BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. 320 (Sub-No.2)]

Market Dominance Determinations and Consideration of Product Competition

AGENCY: Interstate Commerce Commission.

ACTION: Notice of decision.

SUMMARY: Before the Commission may examine the reasonableness of a railroad freight rate, it must make a determination that the carrier proposing the rate holds a position of market dominance in supplying the transportation to which the rates applies. This requirement originated in the Railroad Revitalization and Regulatory Reform Act of 1976 (4R Act) and was continued with some modification in the Staggers Rail Act of 1980. Regulations to implement the 4R Act provided that rebuttable presumptions of market dominance would arise in specified circumstances. After notice (45 FR 83342, December 18, 1980) and comment the Commission has determined to discontinue its market dominance presumptions and replace them with evidentiary guidelines. Evidence of geographic and product competition has been found relevant to the determination of market dominance. Elsewhere in the **Federal Register** today, we are removing the existing market dominance rules at 49 CFR 1109.1.

EFFECTIVE DATE: August 6, 1981.

FOR FURTHER INFORMATION CONTACT:
Richard Felder, (202) 275-7656
or
Frank Gianfrancesco, (202) 275-7383.

SUPPLEMENTARY INFORMATION:

Before the Commission may examine the reasonableness of a railroad freight rate, it must make a determination that the carrier proposing the rate holds a position of market dominance in supplying the transportation to which the rates applies. This requirement originated in the Railroad Revitalization and Regulatory Reform Act of 1976 (4R Act) [1] and was continued with some modification in the Staggers Rail Act of 1980.[2]

Regulations to implement the 4R Act provided that rebuttable presumptions of market dominance would arise in specified circumstances.[3] We have now undertaken a reexamination of this use of presumptions in the determination of market dominance. Our notice instituting the present proceeding (45 FR 83342) announced our intent to eliminate the rebuttable presumptions of market dominance based on cost, market share and substantial investment.[4] We also indicated our intention to eliminate a corollary of the substantial investment presumption which is based on the existence of long term supply contracts. Finally, we announced that we would retain the more limited rate bureau presumption and consider the issue under the new rules restricting rate bureau involvement in ratemaking. We proposed to replace these presumptions or tests with broader and more flexible guidelines. Such an approach would allow for more accurate market dominance determinations on a case-by-case basis.

The Staggers Act now precludes our jurisdiction over the maximum reasonable level of rates unless the rate exceeds a given price/cost ratio and the carrier has market dominance over the transportation. The proponent carrier has the burden of proving the rate below the jurisdictional threshold. If a rate is determined to be above that threshold, the qualitative [5] issues of market dominance must still be resolved and the burden is on the shipper to do so.

We have decided to discontinue the use of rebuttable presumptions as a tool to develop this qualitative evidence and to replace them with general guidelines. These guidelines are set forth below. Before the guidelines are presented, we will clarify our reasons for eliminating the existing presumptions. Further, we have decided to continue to include geographic and product competition as evidentiary tools in market dominance determinations. A separate section is devoted to discussion of this issue.

Our decisions are framed in light of the comments received in response to the December 11, 1980 notice. All comments have been read and studied, even though not all of them are discussed here.

Procedural Issues

A number of the parties have filed motions.

The Allied Chemical Company filed a motion to terminate and rescind this proceeding. Other parties, such as the National Council of Farmers Co-operatives and Kimberly Clark Corporation have included similar motions in their statements. Basically, their arguments are that Section 205 of the Staggers Act precludes the use of product competition as a criterion for judging market dominance and that the removal of the presumptions will leave the parties without the guidelines they are entitled to by Section 202(b) of the 4R Act. Allied also argues that no information received in Ex Parte 320 (Sub-No. 1) may be used in the current proceeding and that the possibility of contract rates is insufficient reason for

[1] Pub. L. 94-210, 90 Stat. 31.

[2] Pub. L. 96-448, 94 Stat. 1895.

[3] 49 CFR 1109.1.

[4] In an earlier notice, Ex Parte No. 320 (Sub-No. 1), Rail Market Dominance and Related Considerations, 45 FR 83302, December 18, 1980, we had also proposed removal of the existing presumptions but for the cost test. Passage of the Staggers Rail Act of 1980 required modification of that proposal.

[5] By qualitative investigation we mean one based on a variety of qualitative and quantitative evidence separate from the price/cost jurisdictional threshold test, and not dependent on predetermined statistical measures.

discontinuing the substantial investment rebuttable presumption.

The parties' reasoning is unpersuasive. As we note in our decision, that Congress directed the Commission, when determining market dominance, not to consider Section 205 of the Staggers Rail Act, does not prevent the Commission from modifying its interpretation. Our decision replaces the rebuttable presumptions with evidentiary criteria; therefore, the parties are not left without guidelines. Further, we have not based this decision on information from 320 (Sub-No. 1). Our determinations have been based on the record in this proceeding. Finally, as we state in our decision, we believe shippers should be able to protect their long term investments and supply contracts with contracts for rail transportation.

Consumer Owned Power Interests assert that we must issue an energy impact statement before we can revise our rules for market dominance. They are incorrect. Nothing in our revised rules will inhibit the transportation of coal. A market dominance finding is only an initial step in determining whether a rate is reasonable. Given this country's need for competitive sources of energy, rules for taking that initial step will not affect the movement of coal. Moreover, the rules we are promulgating allow truly captive shippers every opportunity to demonstrate their status. Railroads will not be able to abuse a monopoly position. We see no need, therefore, for an energy impact statement.

Elimination of Rebuttable Presumptions

Time has shown that the use of rebuttable presumptions has not enhanced the accuracy of market dominance determinations. While they did serve a useful purpose while we gained experience, the factors determining the degree of competition faced by a rail carrier are too numerous and too varied to be gauged, with any reasonable degree of accuracy, by so few measure.

Further, the measures themselves are often only approximations of the underlying conditions they are intended to reflect. For these reasons, the use of rebuttable presumptions in market dominance determinations often placed too much emphasis on quantitative evidence which did not fully reflect the circumstances of any given movement. This quantitative evidence was frequently offered at the expense of other evidence which, though less subject to quantification, is more reflective of the degree of market power possessed by a rail carrier over certain traffic.

The comments of some of the participants, especially the railroads, in this proceeding indicate a basic agreement with these concerns. The Department of Transportation argued that the presumptions are "excessively restrictive" and that guidelines for submitting evidence would be more appropriate. Inland Steel agreed that the presumptions should be eliminated because they "are not universally suitable" and that cases should be treated individually. A much larger number of participants, however, opposed our proposal to discontinue the use of presumptions.

The Department of Energy and the Chemical Manufacturers Association, for example, argued that presumptions are necessary to expedite the review of cases and that this need is even more pronounced given the short time period (90 days) allotted for such purposes. We agree that it is of benefit to all parties, including the Commission, that rate cases be reviewed as quickly and economically as possible. With appropriate guidelines as to what may be considered relevant evidence of market dominance, more accurate determinations can be made within the 90 day time period. Other participants, such as the Chlorine Institute, argued that rebuttable presumptions are useful in that they allow shippers to determine easily whether it is worthwhile to file a complaint. While this may be true to the extent the presumptions are inaccurate indicators of the presence or absence of market dominance, they may encourage rate complaints that should not be brought before the Commission and may discourage others that should. Finally, flexibility is necessary because of substantial differences among cases that preclude simple universally applicable rules. The use of presumptions has not facilitated proof of market dominance, to any great extent. Rather presumptions have served, as a practical matter, to focus the issues. Once the rail carrier offered evidence tending to challenge the presumption, more case-specific shipper evidence was required to obtain a market dominance finding.

1. The Cost Test

A rebuttable presumption of market dominance will arise where the rate in issue exceeds the variable cost of providing the service by 60 percent or more.

As explained in the notice, the existing cost presumption is at odds with the rate threshold created by new section 10701a of the Staggers Act. The statutory threshold begins at 160 percent in 1980 and increases in increments at 180 percent after September 30, 1984. Rates below the threshold are now conclusively removed from our jurisdiction. For rates above the threshold, there is an open question as to market dominance. Under the cost presumption, there was an open question as to market dominance for rates below 160 percent of variable cost while rates above that level were presumed to reflect market dominance unless rebutted by more accurate cost evidence or other evidence to show effective competition. This old standard is, thus, clearly at odds with the Staggers Act.

The National Industrial Traffic League argued that, while the 160 percent cost test is inappropriate, it can be replaced with a higher revenue to variable cost ratio that is consonant with the jurisdictional thresholds established by the Staggers Act. While possible, it would be consistent with our other reasons for eliminating this presumption.

Rail Form A shares common problems with any standard methodology for estimating the variable costs of a rail movement. Such costs depend on numerous factors that vary considerably from one movement to another. Since the simplicity of the cost test requires that a standard costing methodology be used, there is no way of avoiding the distorting inaccuracies of such a test. Many rates falling above a designated revenue to variable cost ratio would, on the basis of more accurate cost estimates, in fact be below it. Since more accurate cost information can, and very likely will, be presented as evidence, we think a price/cost presumption based on imperfect, though standard, cost estimates offers very little help.

Price cost ratios do provide a convenience benchmark for deciding whether to look for market dominance—and this is the role they are assigned by the jurisdictional provisions of the Staggers Act. But we question whether, even if calculated on the basis of accurate cost information, they reliably indicate the presence or absence of market dominance. Ratios do not, for instance, tell us about the degree of market power possessed by the railroad, since they do not tell us whether a proposed rate will actually move traffic over an extended period of time. If the rate is high, shippers may find alternatives more attractive, forcing the rate back down again. Some may accept the high rate because of a preference for the carrier or because of a premium service associated with it. There are any number of reasons why a high price/

cost ratio may not be indicative of true market power on the part of the railroad.

Reliance on such ratios will, therefore, not only be misleading, but will preclude more relevant information from being introduced. The guidelines established here will encourage submission of more accurate costing information which may include price/cost ratios and lead to more appropriate market dominance determinations.

2. Market Share Test

A rebuttable presumption of market dominance will arise where the proponent carrier has handled 70 percent or more of the involved traffic or movement during the preceding year; the market share of the proponent will be deemed to include the share of any affiliates, and of any carriers with whom the proponent carrier has discussed, considered, or approved the rate in issue.

As we discussed in the notice, there are formidable difficulties associated with both the accurate calculation of a market share percentage and the interpretation of such a percentage in relation to market dominance. Such problems make impractical the use of market share information in the form of a rebuttable presumption. Many of the participants in this proceeding have protested the elimination of the market share presumption. However, most of these did so by relying on the unconvincing argument that it has been used in the past. Some participants, such as Du Pont and the Chemical Manufacturers Association, have contested our position that the calculation of the market share percentage is too complex.

To calculate accurately a market share percentage for the proponent carrier in a rate case, one must first determine the appropriate scope of the market. Since the purpose of a market dominance proceeding is to determine the degree of competition that the proponent carrier faces in regard to the movement in question, the appropriate scope of a market must be compatible with all movements of traffic that directly or indirectly exert competitive pressures on the challenged rate. The factors that determine the appropriate scope of a market vary widely from one case to another. This problem precludes any formula for market share determination which is both practicable and serviceable.

Another drawback of the market share presumption is that the competitive implications of any given market share percentage, even if accurately calculated, also vary widely from case to case. For example, the market share percentage does not measure the substitutability of one carrier or mode for another. Substitutability, which is what market share is primarily intended to measure, can be more accurately determined with a combination of evidence, both quantitative and qualitative. In short, observed market share percentages are more indicative of what transportation alternatives have been selected in the past as opposed to what alternatives are currently available.

We, therefore, conclude that use of market share information in the form of a rebuttable presumption detracts from the accuracy of market dominance determinations and, as a consequence, we have decided to eliminate the market share test. Evidence of current market shares and market trends may, of course, be submitted in addition to or in conjunction with evidence suggested in the guidelines.

3. Substantial Investment/Long Term Supply Contracts

a. The Substantial Investment Test

A rebuttable presumption of market dominance will arise where affected shippers or consignees have made a substantial investment in rail related equipment which prevents or makes impractical the use of another carrier or mode.

As indicated in the notice, this presumption was designed to protect shippers who make themselves captive to a particular carrier as a result of making substantial rail-related investment. We presented two reasons for our proposal to eliminate this presumption. First, it is very difficult to isolate pertinent elements of a shipper's investment in plant and equipment and to determine whether that investment makes the use of another carrier or mode impossible or impractical. Second, liberalizing the Commission's policy regarding contracts between shippers and carriers has reduced the importance of substantial investment in market dominance proceedings. This liberalization was achieved by the Commission on its own initiative through the issuance of three notices in Ex Parte No. 358, *Railroad Contract Rates*, in 1978, 1979, and 1980. More importantly, the policy enunciated in these proceedings was codified and clarified in section 208 of the Staggers Act (49 U.S.C. § 10713). For these reasons, we proposed to remove substantial investment as a presumption and to consider it as an evidentiary tool only for investments made prior to February 21, 1980, the date of the last Ex Parte No. 358 notice.

Few of the participants in this proceeding supported the elimination of the substantial investment presumption. One of these, the Department of Transportation, underscored the limited usefulness of this presumption by pointing out that it has not been used very much in the past (only 3 out of 117 cases in 1979).

The overwhelming majority of participants, however, opposed removal of this presumption. We believe, however, that the amount of rail-related investment is, by itself, a poor index of captivity. The type of investment and a variety of other factors can be of major or even overriding importance in many situations. For example, coal cars purchased by the shipper may represent new and substantial rail-related investment, yet not tie the shipper to a particular railroad. This problem precludes any method, that is both serviceable and practicable, for quantifying substantial investment and, as a consequence, makes impractical the use of such evidence in a rebuttable presumption. The main thrust of the objections concerned the soundness of the argument that contracts afford adequate protection to shippers with substantial rail-related investment. Some of the participants (e.g. the Chemical Manufacturers Association, Western Coal Traffic League, and the National Industrial Traffic League) argued that contracts do not afford protection to shippers who have already made substantial rail-related investments. In other words, such shippers would have little or no leverage in negotiating a favorable contract. This argument may be correct, but is inapposite to the reason for the substantial investment presumption in the first place. The presumption was designed to protect shippers that have transportation alternatives but lose these alternatives once a rail-related investment is made. Essentially, the presumption protected shippers from potential adverse consequences of their own business decisions, in an era when shippers could not negotiate contracts with the railroad simultaneously with their investment in rail-related facilities. Now that contracts are available for this purpose, the presumption is superfluous where sufficient transportation competition exists and the shipper can protect itself by negotiating with the various carriers and then obtaining a contract reflecting the agreed upon terms. It is our belief that when sufficient competition exists, carriers will have the incentive to offer to shippers contracts containing reasonable terms. We understand that contracts would afford little protection to shippers who would be captive

irrespective of substantial investment in rail-related facilities. For these shippers, however, the existence of such investment and, therefore, our argument regarding contracts would be irrelevant considerations in a market dominance determination. These shippers would be able to prove market dominance on the basis of other evidence regarding transportation alternatives.

The second argument advanced by participants questioning the protection afforded by contracts is that such contracts encompass too short a period of time to cover the life of most rail-related investments. For example, the Chemical Manufacturers Association indicated that, because of many uncertainties, railroads are generally reluctant to engage in long term contracts and that few of these contracts exceed 5 years. We do not deny that the protection afforded by a contract becomes less effective to the extent that the life of that contract is less than the life of the rail-related investment. However, we also emphasize that such problems are not beyond the control of the shipper. A long-term contract that protects the shipper for the life of the investment should be available from a railroad who is encouraging that investment to be made, given the business that it means for the railroad. Furthermore, the historical failure of shippers to negotiate long term contracts may, in part, have been due to the protection provided by the substantial investment presumption.

Many of the participants protested the February 21, 1980 cut-off date for investments that would continue to be given consideration in market dominance proceedings. In our notice, we said:

> With regard to investment made subsequent to our February 21, 1980 policy statement, we do not think that a shipper should be able to invoke our jurisdiction merely because it has made a bad business decision—that is, an investment decision by which it in effect binds itself to rail service without taking advantage of the contractual protection it could have secured.

While we retain these views, we now believe that the February 21, 1980 date is inappropriate, and that the appropriate cut-off date is the effective date of the Staggers Act. We recognize that, notwithstanding our several policy statements, considerable uncertainty remained in the minds of shippers and carriers about the validity of contracts entered into between them. Once the matter became the subject of Congressional debate, the uncertainty heightened. Only with enactment of the Staggers Act could contracts be entered into without any doubt as to their legality and method of enforcement. Therefore, we have decided to replace the February 21, 1980 date with October 1, 1980.

b. Long Term Supply Contracts

The notice also addressed long term supply contracts. Some utilities have argued that long term coal supply contracts legally or economically preclude them from using coal from alternative sources and, as a consequence, they are captive to a particular railroad. In the notice, we emphasized that we will not make findings that a shipper is captive solely because it has entered into a long term supply contract. While we indicated that we would consider the existence of such contracts in market dominance proceedings, we also noted that we would place considerably less weight on such evidence for coal supply contracts executed after October 1, 1980, for the same reasons discussed immediately above. While we recognize that they are not easy to negotiate, transportation contracts can now, in our view, protect shippers who wish to secure long-term supplies of coal. Coal supply contracts made after the above date should be made contingent upon a satisfactory transportation contract.

Some of the participants in the proceeding argued that coal supply and transportation contracts cannot be made simultaneously in many instances. They contend that when the construction of a new public utility is involved supply contracts are made years in advance of the actual shipment of coal. Railroads, they argue, are reluctant to engage in transportation contracts for traffic that will not begin to move until the future. While this argument may have some merit in some circumstances, we nevertheless do not find it credible that a shipper who is planning to ship many thousands of tons of coal over many years, and can get that coal from several sources, will not find railroads ready and willing to compete for their transportation contracts. Supplier-carrier combinations could be played off against one another until the most acceptable contractual terms were reached with both. Indeed, the shipper's negotiations with the railroad may well strengthen its hand in bargaining with the supplier. As with substantial rail-related investment, this argument does not apply to shippers who would be captive irrespective of long-term supply contracts. Such shippers should be able to prove market dominance on the basis of other evidence.

In sum, we do not find compelling reasons to alter our position regarding long-term supply contracts.

4. Rate Bureau Test

> In any proceeding involving a determination as to market dominance where the evidence adduced establishes that the rate at issue has been discussed, considered, or approved under a rate bureau agreement filed with the Commission, pursuant to section 5a or 5b of the Interstate Commerce Act, a rebuttable presumption will arise that a carrier participating in the rate or, in such discussion or consideration, does not provide effective competition to the proponent rail carrier for the involved traffic or movement.

As indicated in the notice, this test was never intended to be a presumption of market dominance but rather an evidentiary tool. We expressed our intention to continue considering such evidence in market dominance proceedings as long as rate bureau involvement in ratemaking continues. We also noted that section 219 of the Staggers Act gives the Commission authority (after April 1, 1982) to curtail rate bureau activity. Our intention would be to change even this limited rate bureau presumption to reflect any changes made in regulations governing rate bureau operations.

This proposal was not contested by the participants in this proceeding.

Geographic and Product Competition

The December 11, 1980 notice also responded to the question posed in section 205 of the Staggers Act, as to whether we should consider product competition in determining whether rates are unreasonably high. Section 205 of the Act defines product competition such that it encompasses geographic competition as well. We did the same in the notice, and in the notice voiced the tentative conclusions not to consider product and geographic competition in rate reasonableness proceedings, but to consider both of them, for purposes of gauging effective competition, in market dominance determinations.

On May 18, 1981, we issued a decision concluding that product and geographic competition would not be considered as a reasonableness issue. Thus, we must now decide whether to continue to include geographic and product competition as evidentiary tools in market dominance proceedings. We find that we should.

Geographic and product competition serve as effective constraints on the abuse of market power by a rail carrier. Therefore, they are relevant factors to be considered in determining whether a carrier is market dominant vis a vis certain traffic. Not to consider such factors may, in many instances, result in

inaccurate determinations of market dominance.

Most of the participants in this proceeding objected to the inclusion of geographic and product competition as evidence. Their comments were almost entirely based on the Commission's own reasons for not considering geographic and product competition in the original rules developed in Ex Parte No. 320, *Special Proc. for Findings of Market Dominance*, 353 I.C.C. 874 (1976). While the Commission indicated in 359 I.C.C. 736, fn. 7 (1979) its intention to include geographic and product competition as evidence in a market dominance determination, it never explained this in reference to its 1976 position. Because we would like to make this decision as complete as possible, we think it appropriate to examine the reasons for our earlier position on this issue.

In Ex Parte No. 320, the Commission dismissed geographic and product competition for use in calculating the market share presumption or its rebuttal. Geographic competition is a restraint on rail pricing stemming from a shipper's or receiver's ability to get the product to which the rate applies from another source, or ship it to another destination. Because the shippers and receivers can do this, the railroad must compete with the railroad serving the alternate source or destination. Product competition occurs when a receiver or shipper can use a substitute(s) for the product covered by the rail rate. In that case, the railroad must compete with the railroad or other mode who carries that other product, and again, must keep its rate competitive if it wants the traffic.

In its original market dominance proceeding, the Commission found first that the law itself excludes consideration of geographic or product competition. To support this view the Commission cited section 202(c)(i) of the 4–R Act:

> Market dominance refers to an absence of effective competition, from other carriers or modes of transportation, for the traffic or movement to which a rate applies.

The Commission's interpretation of this passage was that the only sources of competition to be considered in market dominance proceedings are other carriers transporting the same commodity between the origin and destination to which the challenged rate applies.

We believe that this interpretation was unnecessarily restrictive. There is no evidence in the 4–R Act that Congress, intended that we consider only "direct" competition from other carriers or modes. Since "the traffic to which rate applies" faces competition from other sources or destinations of the same product or from substitute products, the carriers transporting that traffic face "indirect" competition from other carriers. To demonstrate this point, consider the following example. Assume that a shipper at point A can buy a desired product from two alternative sources, B and C. These sources are served by different carriers. Carrier X transports the product from B to A and carrier Y transports the product from C to A. How much the shipper will buy from each source depends, in part, on the cost of transportation from each source. Now assume that carrier Y raises the rate it charges the shipper. Since source C is now relatively less attractive to the shipper than source B, carrier Y will lose traffic and carrier X will gain traffic as a consequence of Y's action. The fact that carrier X indirectly competes for carrier Y's traffic, and vice versa, serves as a constraint on the ability of either carrier to raise rates. "[E]ffective competition from other carriers or modes of transportation, for the traffic to which a rate applies" means that, if a carrier raises the rate for such traffic, then some or all of that traffic will be lost to other carriers or modes. We strongly believe that the example of geographic competition given above is appropriately encompassed by Congress' language.

Congress did not explicitly include or exclude geographic and product competition from its definition of market dominance. The definition, as contained in section 202(c)(i) of the 4–R Act, was left unchanged by the Staggers Act. This definition, however, has a range of possible interpretations which Congress left to the Commission to fix exactly. Although the Commission's earlier interpretation of the definition of market dominance was restrictive, we believe that Congress, in the Staggers Act, intended a much more flexible interpretation. We base this view, in part, on language in the Conference Committee Report on section 201:

> In maintaining the term market dominance, in addition to statutory changes designed to provide more rate freedom to rail carriers, the Conferees intend that whenever there is effective competition which will restrain rate increases by the railroads, such competition should continue to function as the regulator of the rate rather than the Commission.

Effective competition for a firm providing a good or service means that there must be pressures on that firm to perform up to standards and at reasonable prices, or lose desirable business. Depending on the nature of the good or service, sources of competitive pressure may be of several different forms. For example, effective competition for "the traffic or movement to which a rate applies" can arise from: (1) carriers or modes of transportation serving the same origin/destination pair as that for the disputed rate, (2) carriers or modes of transportation delivering the same product from the same origin to alternative destinations, (3) carriers or modes of transportation delivering the same product to the same destination from alternative origins, and (4) carriers or modes of transportation delivering substitute products to the same distination, irrespective of origin.

We do not contend that all these sources of competition are equally effective in every circumstance. The effectiveness of each depends on the specific circumstances involved and this cannot be determined until each case is investigated. We believe that to exclude from consideration *a priori* any potential source of competition would be contrary to the intent of Congress as expressed in the Staggers Act, and would be bound to lead to inaccurate findings of market dominance.

A related contention of many of the participants in this proceeding is that subsection 205 3(B) of the Staggers Act precludes the Commission from considering geographic and product competition in market dominance determinations. As indicated above, section 205 concerns the use of product (and geographic) competition to determine the reasonableness ot rail rates. Subsection 205 3(B) reads as follows:

> Nothing in this subsection shall be construed as altering the meaning, use, or interpretation by the Commission, the courts or any party of the term "market dominance," as defined in section 10709(a) of title 49, United States Code. The enactment of this subsection shall not be considered by the Commission in any proceeding or by any court on an appeal from that or any other proceeding, to determine the proper scope of the term "market dominance over the transportation to which any particular rate applies".

This statement precludes the Commission from construing any part of section 205 of the Staggers Act as a directive for altering its interpretation of the definition of market dominance. It in no way precludes the Commission, on its own initiative, from altering its interpretation. The legislative history on section 205 makes this quite clear.

A second argument offered in the original market dominance proceeding was that it is not possible to make accurate findings of the absence or presence of product or geographic competition in the time allotted. We no

longer believe that it is appropriate to assume, prior to any investigation, that this problem would exist in every case. With appropriate guidelines for submitting evidence, determining the presence of effective geographic or product competition should be manageable in most cases. The guidelines provided below indicate what types of evidence the Commission believes that it needs to ascertain, within the time limits, the presence or absence of effective geographic or product competition.

In general, geographic or product competition will be deemed to be present if it is established that alternative supplies of the same or a close substitute product exist and that carriers transporting these same or close substitute commodities from the various sources to the various destinations compete with one another for the traffic in question. Whether such competition is judged to be effective will depend on evidence concerning the substitutability of one supply source or destination for another or one product for another. If, in a particular case, the Commission finds that the evidence submitted is inconclusive, then such evidence will be given minimal weight in our determination of market dominance. We believe that this is an improvement over our 1976 position that evidence of geographic and product competition be always and automatically excluded from every proceeding.

The third reason put forward by the Commission for excluding evidence of product or geographic competition was that only immediate loss of traffic would constitute evidence of truly effective competition, and that geographic or product competition would not provide such immediate constraints. Geographic and product competition can and do limit rates to reasonable levels despite the inability of shippers to switch to alternative sources or products immediately. Though less effective than an immediate loss of traffic, a future loss of traffic is nonetheless harmful to a rail carrier. If the loss in future revenues exceeds the gains from exercising market power in the short term, then a rail carrier will be deterred from charging excessive rates.

In sum, we believe that geographic and product competition are encompassed by the definition of market dominance as presented in section 202 of the 4–R Act. Further, a more flexible interpretation of this definition is consistent with the intent of Congress as expressed in relevant sections of the Staggers Act. Finally, problems associated with evaluating evidence pertaining to geographic and product competition should be mitigated by the guidelines established for submitting such evidence.

Guidelines for Submitting Evidence

In this section, we establish guidelines to assist shippers and carriers in compiling evidence pertaining to the presence or absence of effective competition for the traffic to which a challenged rate applies. We emphasize that it need not be demonstrated that transportation alternatives, other than the one in question, have actually been used in the past. Since there is a tendency to use the best alternative for a particular time and place and under given circumstances, such information is of little use for purposes of gauging the presence or absence of competitive pressures. In general, evidence should reflect the number of available alternatives and the feasibility of using each. The guidelines address the four major forms of competition that affect rail transportation: (1) intramodal competition; (2) intermodal competition; (3) geographic competition; and (4) product competition. Other forms of competition may also be of importance depending on individual circumstances. Since we cannot anticipate every possible form of competition, we must forego general guidelines for evidence pertaining to forms of competition that are more case-specific. However, we are nonetheless open to such evidence and will give it due consideration.

Prior to setting out the substantive guidelines, it is appropriate to review the respective obligations of carriers and protestants/complainants in submitting the relevant evidence. The carrier has two new obligations. First, if it wishes to avoid jurisdiction based on the applicable revenue/variable cost ratio, it has the burden of proof and therefore, of coming forward with convincing evidence. The protestants/complainant may respond to this evidence and the carrier may reply. If the carrier fails to raise this issue, we will proceed to an analysis of the qualitative factors. Second, if the railroad seeks a finding of no market dominance based on product or geographic competition it must identify where it believes such competition exists. Once the railroad has made this identification, the shipper has the burden of proving that the product or geographic competition identified by the railroad is not effective. Obviously, if these allegations are made in the context of a proposed rate, the quality of the evidence will be less than in a complaint proceeding in which more time is available. However, motions to dismiss an I&S or investigation proceeding based on newly-developed evidence may be filed.

Aside from the new obligation to respond to (rebut) railroad claims in these two areas, protestants/complainants basically have the same burdens as before—that is, the burden of proving a lack of effective competition. Sections (1)–(4) below indicate the type of evidence we consider important. Protestants/complainants should also use these guidelines for preparation of rebuttal evidence.

1. Intramodal Competition

Intramodal competition refers to competition between two or more railroads transporting the same commodity between the same origin and destination. A shipper has rail alternatives when, for a given purpose, it can be served by more than one railroad or combination of different railroads. The degree to which these alternatives compete with one another depends on such factors as:

(1) the number of rail alternatives;

(2) the feasibility of each alternative as evidenced by:

(a) physical characteristics of the route associated with each alternative that are indicative of the feasibility of using that alternative for the traffic in question (e.g. circuity, track conditions, etc.); and

(b) the direct access of both the shipper and the receiver to each of the rail alternatives as evidenced by individual rail sidings, neutral terminal companies or reciprocal switching; or, if direct access is not available, then the feasibility of using local trucking to transport the commodity to or from terminals;

(3) the transportation costs associated with each alternative (to determine if actual use of alternatives is due to excessive rates charged by the rail carrier in question);

(4) collective ratemaking among the railroads in question as evidenced by rate bureau involvement; and

(5) evidence of substantial rail-related investment or long-term supply contracts (more weight will be given these contracts if made prior to October 1, 1980).

These factors should be considered in connection with the preparation and submission of evidence pertaining to the presence or absence of effective intramodal competition. This list is neither exhaustive nor mandatory but provides a general indication of the type of evidence that would be appropriate.

2. Intermodal Competition

Intermodal competition refers to competition between rail carriers and other modes for the transportation of a particular product between the same origin and destination. Motor and water carriage are the main sources of intermodal competition for railroads.

a. Water Carriage

Water carriage is restricted to certain geographic areas and is generally used for commodities moving in bulk. The evidence required to demonstrate effective competition between rail and water alternatives is in many respects similar to that required for intramodal competition among rail carriers. Parties in a rate case should provide evidence along the following lines:

(1) the number of alternatives involving different carriers;

(2) the feasibility of each alternative as evidenced by:

(a) pertinent physical characteristics, for the product in question, of the transportation or routing associated with each alternative;

(b) the access of both the shipper and receiver to each alternative; and

(4) the transportation costs of each alternative. Again, these factors are not exhaustive.

b. Motor Carriage

Unlike rail or water alternatives, the availability of many motor carrier alternatives for transportation services between two points can, in most instances, be taken for granted. Therefore, the feasibility of using motor carriage as an alternative to rail may be viewed as depending exclusively on the nature of the product and the needs of the shipper or receiver. Effective competition from motor carriage may be deduced from the following types of evidence:

(1) the amount of the product in question that is: transported by motor carrier where rail alternatives are available;

(2) the amount of the product that is transported by motor carrier under transportation circumstances (e.g. shipment size and distance) similar to rail;

(3) the amount of the product that is transported using motor carrier by shippers with similar needs (distributional, inventory, etc.) as the shipper protesting the rate;

(4) physical characteristics of the product in question that may preclude transportation by motor carrier; and

(5) the transportation costs of the rail and motor carrier alternatives.

Other types of evidence on the feasibility or nonfeasibility of motor carriage as an alternative to rail will also be considered.

3. Geographic Competition

Geographic competition was described and defined above. Geographic competition among rail carriers is nontrivial for commodities in which transportation costs account for a substantial portion of the delivered price. To establish the potential for geographic competition, evidence should be submitted concerning the following:

(1) the number of alternative geographical sources of supply or alternative destinations available to the shipper or receiver for the product in question;

(2) the number of these alternative sources or destinations served by different carriers; and

(3) that the product available from each source or required by each destination is the same.

Such evidence is sufficient only to indicate whether effective geographic competition is possible. To determine whether effective geographic competition actually exists, evidence showing the feasibility of each source or destination and the likelihood of competition should be presented. This evidence may be as follows:

(4) the distance associated with each alternative source or destination;

(5) relevant physical characteristics of the route associated with each alternative;

(6) the access of the shipper or receiver to each transportation alternative;

(7) the capacity of each source to supply the product in question or the capacity of each destination to absorb the product in question;

(8) the transportation costs associated with each alternative;

(9) collective ratemaking among the railroads in question as evidenced by rate bureaus; and

(10) evidence of substantial rail-related investment or long term supply contracts (more weight will be given these contracts if made prior to October 1, 1980).

We again emphasize that these guidelines are not intended to encompass all pertinent evidence.

4. Product Competition

Product competition was also described and defined earlier. Evidence as to its existence should reflect the availability to the shipper or receiver of feasible substitutes and show that these substitutes can be obtained through the use of other carriers or modes without substantially greater cost, transportation or otherwise. To demonstrate whether a feasible substitute exists, the following types of evidence, among others, may be submitted:

(1) use of a substitute product(s) by the receiver or shipper in question or by others with similar needs and under similar conditions;

(2) the prices of the substitute product(s) relative to the product in question;

(3) the efficiency of the substitute product(s) relative to the product in question; and

(4) the explicit and implicit transportation costs of the substitute product(s) and the product in question.

Again, these factors are not exhaustive.

These lists of factors concerning submission of evidence replace rebuttable presumptions in market dominance proceedings. We anticipate more accurate market dominance determinations because of the greater flexibility afforded by this approach. The substitution of these guidelines for presumptions should not significantly increase the burden of these proceedings on shippers, carriers or the Commission.

Conclusions

We have established guidelines for the submission of evidence in market dominance proceedings. Evidence of product and geographic competition will be considered in these deliberations. At the same time, by separate notice, we have eliminated the rebuttable presumptions and related procedures for making findings of market dominance as promulgated in Ex Parte No. 320, Special Procedures for Findings of Market Dominance, 353 I.C.C. 874 (1976) and 353 I.C.C. 12 (1976).

This decision will not significantly affect either the quality of the human environment, the conservation of energy resources, or small business.

Authority: 49 U.S.C. 10709, 10321. Section 205, P.L. No. 96-448, 5 U.S.C. 553.

Dated: June 24, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-19864 Filed 7-6-81; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1109

[Ex Parte No. 320]

Rail Market Dominance; Removal of Existing Rule

AGENCY: Interstate Commerce Commission.

ACTION: Removal of existing rules.

SUMMARY: The Commission removed its existing market dominance regulations at 49 CFR 1109.1 by notice published in the **Federal Register** on December 18, 1980 (45 FR 83237). By decision served January 21, 1981 (46 FR 10162, February 2, 1981) the Commission stayed the removal of these regulations except 49 CFR 1109.1(g)(2). By this notice the Commission is removing its regulations at 49 CFR 1109.1 and vacating its stay.

EFFECTIVE DATE: August 6, 1981.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall (202) 275–7656.

SUPPLEMENTARY INFORMATION: By separate notice published on this date in the **Federal Register**, the Commission, after appropriate notice (45 FR 83342) and comment, has issued evidentiary guidelines (including evidence of geographic and product competition) for the determination of market dominance. Ex Parte No. 320 (Sub-No. 2), *Market Dominance Determinations and Consideration of Product Competition.* These guidelines replace the regulations at 49 CFR 1109.1. Those regulations are, therefore, withdrawn. Copies of the decision are also available from the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Our stay, issued January 21, 1981 (46 FR 10162, February 2, 1981) was granted to forestall unnecessary litigation pending issuance of final rules in Ex Parte No. 320 (Sub-No. 2). Those rules have been issued. The stay is, therefore, vacated.

This decision will not significantly affect the quality of the human environment or conservation of energy resources nor will it have a significant adverse effect on a substantial number of small entities.

§ 1109.1 [Removed]

Accordingly, 49 CFR 1109.1 is removed.

Authority: 49 U.S.C. 10709, 10321, 5 U.S.C. 553.

Decided: June 24, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-19862 Filed 7-6-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 27

Cotton Classification Under Cotton Futures Legislation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rulemaking.

SUMMARY: The New Orleans Commodity Exchange has been designated by the Commodity Futures Trading Commission as a contract market for the trading of futures contracts in short staple cotton. As required by the U.S. Cotton Futures Act (90 Stat. 1841–46; 7 U.S.C. 15b), this rulemaking designates five spot cotton markets which may be used by the New Orleans Commodity Exchange to establish settlement differences for cotton delivered under futures contracts on the Exchange whenever the grade delivered differs from the base quality established in the contract.

DATES:

Effective date: July 7, 1981.

Comment date: USDA will accept public comments on this amendment until September 8, 1981.

FOR FURTHER INFORMATION CONTACT: Loyd R. Frazier, Chief, Marketing Services Branch, Cotton Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–2147.

SUPPLEMENTARY INFORMATION: The U.S. Cotton Futures Act (90 Stat. 1841–46; 7 U.S.C. 15b) requires the Secretary of Agriculture to designate spot cotton markets which may be used to establish settlement differences for cotton delivered under futures contracts whenever the grade delivered differs from the base grade set out in the contract. There are nine such bona fide spot cotton markets designated by the Secretary at the present time (7 CFR 27.93).

The Cotton Futures Act further requires that the settlement differences for each "basis grade" futures contract shall be determined by the actual commercial differences established by the sale of spot cotton in the spot markets of not less than five places designated by the Secretary (from among the forementioned list of bona fide spot markets (7 U.S.C. 15b(f)).

On June 30, 1981, the New Orleans Commodity Exchange (NOCE) was designated by the Commodity Futures Trading Commission (CFTC) as a contract market for the trading of futures contracts in short staple cotton. However, because the NOCE contract is a "basis grade" contract, trading in the contract cannot begin until the Secretary designates five spot cotton markets for settlement differences as required by the Cotton Futures Act.

There already exists a "basis grade" short staple cotton futures contract similar to the NOCE contract. That contract is the New York Cotton Exchange No. 1 contract.

As required by the Cotton Futures Act, the Secretary has already promulgated a regulation (7 CFR 2794(a)) designating five spot cotton markets for contract settlement purposes under the New York No. 1 cotton contract. The current regulation was originally published in 1968 (33 FR 9285) but was thoroughly reviewed and amended January 3, 1980 (45 FR 761).

The effect of this rulemaking is merely to amend the current regulation designating five spot cotton markets for the New York No. 1 contract to provide that the same designated spot cotton markets be used for contract settlement purposes under the NOCE cotton contract.

As noted in the amendment published in January 1980, the Department reviewed the facts concerning the five spot cotton markets used to establish settlement differences for the New York Cotton Exchange No. 1 contract. At that time the Department amended § 27.94(a) to remove Houston, Texas from the list of five spot markets and replace it with Greenville, South Carolina. USDA has determined that cotton marketing patterns within the United States have not changed since its 1980 determination.

Finally, the NOCE cotton contract has already been subjected to a thorough review and approval process by the CFTC, including a determination that the contract meets the Commission's "economic purpose test" and that

trading therein will not be contrary to the public interest.

This action has been reviewed under the Presidential Executive Order 12291 of February 17, 1981, and does not meet the criteria contained therein for major regulatory actions. William T. Manley, Deputy Administrator for Marketing Program Operations, has determined that this action will not have a significant impact on a substantial number of small business entities as (i) no alteration in the related services or the fee for such services to the public will result; (ii) requirements for the public to obtain services have not changed; and (iii) the Agency's costs for providing such services will not be increased by this action. This action is entirely consistent with the objectives of Executive Order 12291, promulgated to reduce the burden of federal regulations. The immediate effectiveness of this regulation is essential to eliminate a burden arising under the requirements of the Cotton Futures Act. Under that Act, NOCE will be prohibited from opening trading in cotton futures, and cotton growers and traders will be unable to utilize the NOCE cotton contract, unless and until this regulation becomes effective. This regulation is being published under emergency procedures prior to OMB review under Presidential Executive Order 12291. Failure to publish on this date would significantly disrupt the activities of the New Orleans Commodity Exchange.

Accordingly, William T. Manley, Deputy Administrator for Marketing Program Operations, AMS, has determined that a situation exists which warrants this amendment be made effective at the earliest possible date in order that trading in the NOCE cotton contract may commence.

For all of the foregoing reasons it is hereby found, pursuant to the administrative procedure provisions of 5 U.S.C. 553, that, for good cause, notice and public procedure on this amendment are impracticable, unnecessary and contrary to the public interest, and good cause exists for making the amendment effective on July 7, 1981. The Department will, however, accept public comments concerning this amendment until September 8, 1981, and will consider revising this amendment should such comments demonstrate a need therefor.

Accordingly, § 27.94(a) of the regulations (7 CFR 27.94) governing cotton classification under cotton futures legislation shall be revised to read as follows:

§ 27.94 Spot markets for contract settlement purposes.

* * * * *

(a) For cotton delivered in settlement of any No. 1 contract of the New York Cotton Exchange or any contract of the New Orleans Commodity Exchange:

Dallas, TX	Montgomery, AL
Lubbock, TX	Greenville, SC
	Memphis, TN

* * * * *

Dated: July 6, 1981.

Irving W. Thomas,

Acting Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-20050 Filed 7-6-81; 10:12 a.m.]

BILLING CODE 3410-02-M

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 535

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

AGENCY: Office of Foreign Assets Control.

ACTION: Final rule.

SUMMARY: The Office of Foreign Assets Control is amending the Iranian Assets Control Regulations. The purposes of the amendments are: (1) to direct banks and other persons holding Iranian financial assets to transfer them to the Federal Reserve Bank of New York by 11 a.m., E.D.T., July 10, 1981; (2) to revoke the policy of not seeking to impose civil or criminal sanctions on holders of certain Iranian nonfinancial property who do not comply with the transfer requirements of the Iranian Assets Control Regulations; and (3) to provide that, in calculating interest to be paid on certain Iranian financial assets, no penalty shall be imposed by banks for early withdrawal of deposits held as time deposits.

EFFECTIVE DATE: July 6, 1981.

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

SUPPLEMENTARY INFORMATION: The Supreme Court, in the case of *Dames & Moore* v. *Regan*, has upheld the President's authority to order assets of Iran transferred pursuant to the Iran-U.S. Agreements of January 19, 1981. The Supreme Court's decision clearly affirms the authority which the President exercised in nullifying attachments and other judicial orders with respect to these assets and permits them to be transferred without regard to the mullified judicial orders.

These amendments provide that Iranian financial assets shall be transferred to the Federal Reserve Bank of New York no later than 11 a.m., E.D.T., July 10, 1981, in order to facilitate the subsequent transfer as provided in the agreements. The transferred assets will be held by the Federal Reserve Bank of New York, as fiscal agent of the United States, for subsequent transfer as directed by the Secretary of the Treasury. (Nonfiancial assets of Iran are to be transferred at the direction of the Government of Iran as provided by 31 CFR 535.215.) The Department of the Treasury will seek prompt enforcement of these regulations through civil or criminal proceedings, as may be required.

Since the Regulations involve a foreign affairs function, the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, opportunity for public participation and delay in effective date, are inapplicable. Similarly, because the Regulations are issued with respect to a foreign affairs function of the United States, they are not subject to Executive Order 12291 of February 17, 1981, dealing with Federal regulations.

31 CFR Part 535 is amended as follows:

1. Section 535.213 is amended by the revocation and removal of paragraph (e) and the revision of paragraph (b) as follows:

§ 535.213 [Amended]

* * * * *

(b) Transfers of funds, securities or deposits under paragraph (a) of this section shall be in accordance with the provisions of section 535.221 of this part, and such funds, securities or deposits, plus interest at commercially reasonable rates from November 14, 1979, to the transfer date, shall be received by the Federal Reserve Bank of New York by 11 a.m., E.D.T., July 10, 1981. For periods for which rates are to be determined in the future, whether by agreement between Iran and the bank or otherwise (see § 535.440), interest for such periods shall be transferred to the Federal Reserve Bank of New York promptly upon such determination.

* * * * *

(e) [Removed].

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

and the revision of paragraph (b) as follows:

§ 535.214 [Amended]

* * * * *

(b) Transfers of funds and securities under paragraph (a) of this section shall be in accordance with the provisions of section 535.221 of this part, and such funds and securities shall be received by the Federal Reserve Bank of New York by 11 a.m., E.D.T., July 10, 1981.

* * * * *

(e) [Removed].

3. Section 535.215 is amended by the revocation and removal of paragraph (c).

§ 535.215 [Amended]

* * * * *

(c) [Removed].

4. Section 535.440 is amended by designating the existing text as paragraph (a) and by adding a new paragraph (b) as follows:

§ 535.440 [Amended]

* * * * *

(b) For deposits held as time deposits, no penalty shall be imposed for early withdrawal. (In this connection the Board of Governors of the Federal Reserve System has determined that application of the penalty for early withdrawal of time deposits transferred before maturity, pursuant to section 535.213, is not required.)

(Sec. 201–207, 91 Stat. 1626, 50 U.S.C. 1701–1706; E.O. No. 12170, 44 FR 65729; E.O. No. 12205, 45 FR 24099; E.O. No. 12211, 45 FR 26605; E.O. No. 12276, 46 FR 7913; E.O. No. 12279, 46 FR 7919; E.O. No. 12280, 46 FR 7921; E.O. No. 12281, 46 FR 7923; E.O. No. 12282, 46 FR 7925; and E.O. No. 12294, 46 FR 14111)

Dated: July 6, 1981.

Dennis M. O'Connell,

Director.

[FR Doc. 81-20051 Filed 7-6-81; 10:41 am]

BILLING CODE 4810-25-M

Proposed Rules

Federal Register
Vol. 46, No. 129
Tuesday, July 7, 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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 316

Temporary and Term Employment

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: This amendment would permit agencies to give temporary or term appointments without regard to the existence of registers to former employees of the legislative or judicial branch who are eligible for noncompetitive career appointments. This will equalize benefits for these individuals and for individuals eligible for noncompetitive appointment under other authorities.

DATE: Comment date: Written comments will be considered if received by September 8, 1981.

ADDRESS: Noncompetitive Staff and College Relations Branch, Staffing Services, Office of Personnel Management, Room 6A12, 1900 E Street NW., Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: William Bohling, 202–632–6000.

SUPPLEMENTARY INFORMATION: Section 3304(c) of title 5, United States Code, incorporates provisions of the Ramspeck Act which permit individuals who have 3 years of total service in positions paid by the Secretary of the Senate or Clerk of the House of Representatives, or 4 years of total service as a secretary or law clerk to a justice or judge of the United States, to receive noncompetitive appointments to career positions in the executive branch within 1 year after involuntary separation without personal cause from a qualifying position in the legislative or judicial branch. Because the law speaks of eligible employees' acquiring a competitive status, which is conferred only with permanent appointment, and because the intent of the law was to afford entry into the career service, the regulations have not extended eligibility for noncompetitive temporary and term appointments to persons eligible for career appointment under 5 U.S.C. 3304(c).

By limiting noncompetitive appointment eligibility to career appointments the regulations have sought to ensure that agencies will not use a temporary appointment as a probationary period, contrary to the intent of the law; that eligible employees will not have to bargain with agencies for permanent versus temporary employment, and that individuals will not use up their limited period of noncompetitive appointment eligibility with a temporary appointment.

However, while less beneficial to employees than permanent employment, temporary employment does provide gainful, qualifying experience which may improve an individual's chances for permanent appointment either noncompetitively or through the competitive examining process. In recent years, the regulations covering temporary and term employment have been amended to permit noncompetitive time-limited appointments of persons eligible under various special appointing authorities, all of which were created to provide permanent employment. These time-limited appointments are made under the regulations, rather than under the special appointing authorities, and do not confer competitive status or eligibility for conversion to competitive status. Neither do these appointments extend eligibility for permanent appointment under the special authority.

This proposed amendment of the regulations will provide similar treatment for Ramspeck eligibles who are available for time-limited appointments.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulation, because it will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant 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.

Regulatory Flexibility Act

The Director, Office of Personnel Management, certifies that this regulation will not have a significant economic impact on a substantial number of small entities, including small business, small organizational units and small governmental jurisdictions.

Office of Personnel Management.

Beverly McCain Jones,

Issuance System Manager.

Accordingly, OPM proposes to add 5 CFR 316.302(c)(6) and 5 CFR 316.402(b)(6), to read as follows:

§ 316.302 Selection of term employees.

* * * * *

(c) An agency may give a term appointment without regard to the existence of an appropriate register to:

* * * * *

(6) A person eligible for acquisition of competitive status for career appointment under section 3304(c) of title 5, United States Code. However a term employee does not acquire a competitive status on the basis of this term appointment.

* * * * *

§ 316.402 Authorities for temporary appointments.

* * * * *

(b) *Noncompetitive temporary limited appointments.* An agency may give a temporary limited appointment without regard to the existence of an appropriate register to:

* * * * *

(6) A person eligible for acquisition of competitive status for career appointment under section 3304(c) of title 5, United States Code. However, a temporary employee does not acquire a competitive status on the basis of this temporary appointment.

(5 U.S.C. 3301, 3302, 3304(c))

[FR Doc. 81-19933 Filed 7-6-81; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

7 CFR Part 1701

Remanufactured Distribution Transformers; Withdrawal of Proposed Rule

AGENCY: Rural Electrification Administration, USDA.

ACTION: Withdrawal of proposed rule.

SUMMARY: The Rural Electrification Administration is withdrawing its proposal of January 23, 1981, that would have provided specifications for remanufactured distribution transformers. The agency has determined that used, repaired and remanufactured transformers are not appropriate subjects for REA specifications.

FOR FURTHER INFORMATION CONTACT: Mr. Archie W. Cain, Director Engineering Standards Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone no. (202) 447-3813.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 23, 1981, (46 FR 7387), REA proposed a specification for remanufactured distribution transformers. This action was taken to update a previous specification. It has been determined that since REA has neither the intention nor ability to enforce the specification, and since REA does not intend to give general advance approval for the use of remanufactured transformers, the material should not be issued as an REA specification. The material will be issued as a "Guide Specification."

Dated: June 30, 1981.

Joe S. Zoller,

Assistant Administrator—Electric.

[FR Doc. 81-19794 Filed 7-6-81; 8:45 am]

BILLING CODE 3410-15-M

FEDERAL RESERVE SYSTEM

12 CFR Chapter II

Plan for Periodic Review of Regulations Under the Regulatory Flexibility Act

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Plan for Periodic Review of Regulations under the Regulatory Flexibility Act of 1980 (5 U.S.C. 610).

SUMMARY: The Regulatory Improvement Project has been given the responsibility of assuring that the goals of the Regulation Simplification Act and the Regulatory Flexibility Act are met. There are 26 Federal Reserve Regulations, all of which are being subjected to a comprehensive zero-base review to simplify and eliminate those not needed and to substantially reduce the regulatory burden wherever possible. A detailed description of the regulations currently under review was published in the semi-annual agenda of April 1, 1981 (46 FR 19824), and identifies those regulatory actions that are expected to have a significant economic impact on small entities. It is expected that the first review of all Federal Reserve regulations will be completed within the next 3 years. The plan for subsequent reviews of the Board's regulations will be affected by any legislative changes and will be enhanced by ongoing economic analysis, as well as public comment on the impact of the initial zero-based reviews.

FOR FURTHER INFORMATION CONTACT: This plan is prepared by the Regulatory Improvement Project in the Office of the Secretary. Questions about or suggestions for the plan should be directed to Barbara R. Lowrey, Assistant Secretary (202) 452-3742.

SUPPLEMENTARY INFORMATION: Since the Regulatory Improvement Project began in 1978, it has played a major role in reviewing over half of the Board's regulations. Initial reviews led to the rescission of Regulation E (Warrants), Regulation M (Foreign Activities of National Banks), and Regulation 5 (Bank Service Arrangements). Regulation S was replaced with a new regulations on reimbursement to financial institutions.

As a result of new consumer legislation, Regulation E was replaced with a new regulation on electronic fund transfers, and as a result of statutory simplification, Regulation Z (Truth in Lending), was completely redrafted for clarity and simplicity, and reorganized to incorporate relevant interpretations in the regulation. Model forms have been provided to ease compliance by small entities. For both Regulations E and Z, Official Commentaries have been published in the **Federal Register.**

Revised versions of Regulation O (Loans to Executive Officers, Directors, and Principal Shareholders of Member Banks) and Regulation V (Loan Guarantees for Defense Production) were issued and reviews were completed on Regulation C (Home Mortgage Disclosure), Regulation K (International Banking Operations), andd Regulation L (Management Official Interlocks).

Regulation J (Collection of Checks and Other Items and Transfers of Funds) underwent a complete reorganization and simplification of language to make it easier to understand, as did Regulations E, K, and L, among others.

In addition, two monetary policy regulations (Regulation A on extensions of credit by Reserve Banks, and Regulation D on reserve requirements) were substantively revised and redrafted in conjunction with the Depository Institutions Deregulation and Monetary Control Act of 1980. In an effort to minimize the reporting burden on small institutions, the Board approved quarterly rather than weekly reporting for institutions with less than $15 million in assets.

In the coming year, it is expected that the analysis and simplification of the following major regulations will be completed: Regulation Y (bank holding companies), Regulations G, T, U, and X (margin credit requirements for banks, brokers, dealers, and borrowers), and Regulation Q (Interest on Deposits).

In the review of Regulation Y, it is expected that certain procedures regarding bank holding company applications will be greatly simplified and that the regulation will be redrafted in simpler language and reorganized to incorporate a sizable number of Board and staff rulings. The proposed changes and reasons for them and the revised regulations will, of course, be published in the **Federal Register** and there will be ample provision made for public comment on all issues.

The review of the margin credit regulations, which encompasses a major and intensive analysis of the securities markets, similarly will entail a comprehensive revision and redrafting of all four regulations, with all proposed changes to be issued for public comment and governed by the Board's rulemaking procedures. The first phase of the simplication process was published for comment in the **Federal Register** on June 24, 1981 (46 FR 32592).

Board of Governors of the Federal Reserve System, July 1, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19801 Filed 7-6-81; 8:45 am]

BILLING CODE 6210-01-M

FARM CREDIT ADMINISTRATION

12 CFR Part 614

Loan Policies and Operations

AGENCY: Farm Credit Administration.

ACTION: Proposed rule.

SUMMARY: The Farm Credit Administration, by its Federal

Farm Credit Board, publishes for comment proposed new and amended regulations which would implement two of the major authorities conferred on institutions of the Farm Credit System by the Farm Credit Act Amendments of 1980 (Pub. L. 96–592), and a proposed amendment to its regulation concerning interest rates. The major authorities under the Farm Credit Act Amendments of 1980 proposed to be implemented by these regulations relate to: (1) the financing of international transactions by banks for cooperatives; and (2) the discounting of agricultural paper with Federal intermediate credit banks by other financial institutions, including commercial banks.

In addition, § 614.4080 is being amended to provide district Farm Credit boards with greater flexibility in setting interest rates and in approving individual interest rate changes by Farm Credit banks either on a case-by-case basis or pursuant to an interest rate plan within which bank management may establish rates. The recent volatility of debt interest rates has required that Farm Credit banks be more responsive in adjusting loan rates to maintain earnings and capital levels and to avoid shifts in loan volume, and the current practice of adjusting rates monthly does not provide the necessary responsiveness.

DATES: Written comments must be received on or before August 31, 1981.

ADDRESSES: Submit any comments in writing to Donald E. Wilkinson, Governor, Farm Credit Administration, Washington, DC 20578. Copies of all communications received will be available for examination by interested persons in the Office of Director, Public Affairs Division, Office of Administration, Farm Credit Administration.

FOR FURTHER INFORMATION CONTACT:

Larry H. Bacon, Deputy Governor, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza, S.W., Washington, DC 20578 (202–755–2181)

For the convenience of the reader, a redesignation table showing the old sections of Part 614 and the new is shown below.

Part 614—Loan Policies and Operations

Section		Previous section
	Subpart A—General	
614.4000	Basic responsibilities	Same.
614.4010	Supervision by the Farm Credit Administration.	Same.
614.4020	Delegation	Same.
614.4030	Intent of delegation	Same.

Part 614—Loan Policies and Operations—Continued

Section		Previous section
614.4031	Policies for delegation of authority.	Same.
614.4040	Bank guideline responsibilities.	Same.
614.4050	Bank supervision of associations.	Same.
614.4051	Federal land bank and Federal intermediate credit bank reviews.	Same.
614.4060	Association responsibilities	Same.
	Subpart B—Chartered Territories	
614.4070	Loans outside the established territory—Federal land bank associations, and production credit associations.	Same.
614.4080	Loans outside of bank's territory—banks for cooperatives.	Same.
	Subpart C—Lending Authorities	
614.4090	Federal land banks	Same.
614.4100	Federal intermediate credit banks.	Same.
614.4110	Production credit associations.	Same.
614.4120	Banks for cooperatives	Same.
614.4130	Approval	Same.
	Subpart D—General Loan Policies for Banks and Associations	
614.4140	Sound loan	Same.
614.4150	Credit factors	Same.
614.4160	Lending objective	Same.
614.4165	Special credit needs	Same.
614.4170	Borrower liability	Same.
	Subpart E—Loan Terms and Conditions	
614.4180	Federal land banks	Same.
614.4190	Federal intermediate credit banks.	Same.
614.4200	Production credit associations.	Same.
614.4210	Banks for cooperatives	Same.
	Subpart F—Security Requirements	
614.4220	General	Same.
614.4230	Federal land banks	Same.
614.4240	Federal intermediate credit banks.	Same.
614.4250	Production credit associations.	Same.
614.4260	Banks for cooperatives	Same.
614.4261	Security and appraisal standards—banks for cooperatives.	Same.
	Subpart G—Interest Rates and Charges	
614.4270	Policy	Same.
614.4280	Interest rates	Same.
614.4281	Discounts and related fees—banks for cooperatives.	New.
614.4290	Interest on past due loans	Same.
614.4300	Other charges and fees	Same.
614.4310	Interest rate limitations for Federal intermediate credit banks.	Same.
614.4320	Production credit associations.	Same.
614.4321	Interest rate program	Same.
	Subpart H—Loan Participations	
614.4330	General	Same.
614.4331	Federal land banks	Same.
614.4332	Federal intermediate credit banks.	Same.
614.4333	Production credit associations.	Same.
614.4334	Banks for cooperatives	Same.

Part 614—Loan Policies and Operations—Continued

Section		Previous section
	Subpart I—Loss-Sharing Agreements	
614.4340	General	Same.
614.4345	Guaranty agreements	Same.
	Subpart J—Lending Limits	
614.4350	General	Same.
614.4351	Federal land banks	Same.
614.4352	Federal intermediate credit banks.	Same.
614.4353	Production credit associations.	Same.
614.4354	Banks for cooperatives	Same.
614.4360	Computation of obligation for lending limit determination.	Same.
	Subpart L—Notice of Action and Appeals	
614.4440	Notice of action on loan application.	Same.
614.4441	Applicant's right to appeal	Same.
614.4442	Records	Same.
	Subpart M—Loan Approval Requirements	
614.4450	General requirements	Same.
614.4460	Loan approval responsibility.	Same.
614.4470	Loans subject to bank prior approval.	Same.
	Subpart N—Loan Servicing Requirements	
614.4510	General	Same.
614.4511	Federal land bank association compensation.	Same.
614.4512	Compromise of indebtedness.	Same.
	Subpart O—Special Lending Programs	
614.4520	General	Same.
614.4530	Special loans, production credit associations.	Same.
	Subpart P—Federal Intermediate Credit Bank Financing of Other Financial Institutions	
614.4540	General	614.4540 and 614.4550.
614.4550	Eligibility	614.4560 and 614.4570.
614.4555	Appeal rights	New.
614.4560	Requirements for establishing and maintaining the discount privilege.	614.4560
614.4565	Lending limit	New.
614.4570	General collateral	614.4600.
614.4580	Use of funds	New.
614.4590	General financing agreement.	614.4660.
614.4600	Methods of financing	614.4590, 614.4630, 614.4631, and 614.4632.
614.4610	Loans eligible for discount	New.
614.4620	Multiple applicants	New.
614.4630	Insolvency of other financing institutions.	614.4640.
614.4640	Rates and fees	New.
614.4650	Loss of discount privileges	614.4620.
	Subpart Q—Banks for Cooperatives Financing International Trade	
614.4700	Financing foreign trade receivables.	New.
614.4710	Bankers acceptance financing.	New.
614.4720	Letters of credit	New.
614.4800	Guarantees—banks for cooperatives.	New.
614.4810	Standby letters of credit	New.
614.4900	Foreign exchange—banks for cooperatives.	New.

Therefore, it is proposed to amend 12 CFR, Chapter VI, by revising and recodifying the table of contents as follows:

PART 614—LOAN POLICIES AND OPERATIONS

Subpart A—General

Sec.
614.4000 Basic responsibilities.
614.4010 Supervision by the Farm Credit Administration.
614.4020 Delegation.
614.4030 Intent of delegation.
614.4031 Policies for delegation of authority.
614.4040 Bank guideline responsibilities.
614.4050 Bank supervision of associations.
614.4051 Federal land bank and Federal intermediate credit bank credit reviews.
614.4060 Association responsibilities.

Subpart B—Chartered Territories

614.4070 Loans outside the established territory—Federal land bank associations, and production credit associations.
614.4080 Loans outside of bank's territory—banks for cooperatives.

Subpart C—Lending Authorities

614.4090 Federal land banks.
614.4100 Federal intermediate credit banks.
614.4110 Production credit associations.
614.4120 Banks for cooperatives.
614.4130 Approval.

Subpart D—General Loan Policies for Banks and Associations

614.4140 Sound loan.
614.4150 Credit factors.
614.4160 Lending objective.
614.4165 Special credit needs.
614.4170 Borrower liability.

Subpart E—Loan Terms and Conditions

614.4180 Federal land banks.
614.4190 Federal intermediate credit banks.
614.4200 Products credit associations.
614.4210 Banks for cooperatives.

Subpart F—Security Requirements

614.4220 General.
614.4230 Federal land banks.
614.4240 Federal intermediate credit banks.
614.4250 Production credit associations.
614.4260 Banks for cooperatives.
614.4261 Security and appraisal standards—banks for cooperatives.

Subpart G—Interest Rates and Changes

614.4270 Policy.
614.4280 Interest rates.
614.4281 Discounts and related fees—banks for cooperatives.
614.4290 Interest on past due loans.
614.4300 Other charges and fees.
614.4310 Interest rate limitations for Federal intermediate credit banks.
614.4320 Production credit associations.
614.4321 Interest rate program.

Subpart H—Loan Participations

614.4330 General.
614.4331 Federal land banks.
Sec.
614.4332 Federal intermediate credit banks.
614.4333 Production credit associations.
614.4334 Banks for cooperatives.

Subpart I—Loss-Sharing Agreements

614.4340 General.
614.4345 Guaranty agreements.

Subpart I—Loss-Sharing Agreements

614.4340 General.
614.4345 Guaranty agreements.

Subpart J—Lending Limits

614.4350 General.
614.4351 Federal land banks.
614.4352 Federal intermediate credit banks.
614.4353 Production credit associations.
614.4354 Banks for cooperatives.
614.4360 Computation of obligation for lending limit determination.

Subpart L—Notice of Action and Appeals

614.4440 Notice of action on loan application.
614.4441 Applicant's right to appeal.
614.4442 Records.

Subpart M—Loan Approval Requirements

614.4450 General requirements.
614.4460 Loan approval responsibility.
614.4470 Loans subject to bank prior approval.

Subpart N—Loan Servicing Requirements

614.4510 General.
614.4511 Federal land bank association compensation.
614.4512 Compromise of indebtedness.

Subpart O—Special Lending Programs

614.4520 General.
614.4530 Special loans, production credit associations.

Subpart P—Federal Intermediate Credit Bank Financing of Other Financial Institutions

614.4540 General.
614.4550 Eligibility.
614.4555 Appeal rights.
614.4560 Requirements for establishing and maintaining the discount privilege.
614.4565 Lending limit.
614.4570 General collateral.
614.4580 Use of funds.
614.4590 General financing agreement.
614.4600 Methods of financing.
614.4610 Loans eligible for discount.
614.4620 Multiple applicants.
614.4630 Insolvency of other financing institutions.
614.4640 Rates and fees.
614.4650 Loss of discount privileges.

Subpart Q—Banks for Cooperative Financing International Trade

614.4700 Financing foreign trade receivables.
614.4710 Bankers acceptance financing.
614.4720 Letters of credit.
614.4800 Guarantees—banks for cooperatives.
614.4810 Standby letters of credit.
614.4900 Foreign exchange—banks for cooperatives.

1. Section 614.4080 is amended by adding paragraph (d) to read as follows:

Subpart B—Chartered Territories

§ 614.4080 Loans outside of bank's territory—banks for cooperatives.

* * * * *

(d) A bank is authorized to provide a full range of credit services to eligible cooperatives enabling them to engage in international trade. This includes making technical and financial assistance available to a domestic or foreign party to facilitate the import or export of agricultural commodites, farm supplies, or aquatic products, and to make or participate in loans and commitments for the same, provided an eligible cooperative benefits substantially as a result of such transactions.

Subpart C—Lending Authorities

2. Section 614.4120 is revised to read as follows:

§ 614.4120 Banks for cooperatives.

The banks are authorized to make loans and commitments to eligible cooperatives and to extend to them other financial assistance, including, but not limited to, discounting notes and other obligations, guarantees, collateral custody, or participation with other banks for cooperatives and commercial banks or other financial institutions in loans to eligible cooperatives. The banks are authorized to make or participate in loans, commitments, and extend other technical and financial assistance to a domestic or foreign party with respect to its transactions with an eligible cooperative for the export or import of agricultural commodities, farm supplies, or aquatic products through purchases, sales, or exchanges. The domestic or foreign party must be one in which an eligible cooperative has at least a minimum ownership interest and the eligible cooperative must substantially benefit as a result of such a loan, commitment, or assistance for the purpose of facilitating the eligible cooperative's export or import operations. This type of activity shall be made under policies determined by the board of directors and approved by Farm Credit Administration.

Subpart G—Interest Rates and Changes

3. Section 614.4280 is revised to read as follows:

§ 614.4280 Interest rates.

(a) Loans made by each bank shall bear interest at a rate or rates as may be determined by the district board with the approval of the Farm Credit Administration. A district board shall

set interest rates or approve individual interest rate changes either on a case-by-case basis or pursuant to an interest rate plan within which management may establish rates. Any interest rate plan shall set loan-pricing policies and objectives, provide guidance regarding the circumstances under which management may adjust rates, and provide the upper and lower limits on management authority. A district board may not delegate its ultimate responsibilities for setting interest rates, and any interest rate plan adopted shall be reviewed on a continuing basis by the district board, as well as in conjunction with its review and approval of the bank's annual fiscal plan and long-range financial plan.

(b) Interest rate policies require the approval of the Farm Credit Administration.

4. Section 614.4281 is added to read as follows:

§ 614.4281 Discounts and related fees—banks for cooperatives.

Banks for cooperatives may discount notes, drafts, acceptances, and other negotiable paper at such rates as may be determined by bank management under policies of the bank board as approved by the Farm Credit Administration. Requests to the Farm Credit Administration for approval of such board policies shall include justification for the policy or change in the policy.

5. The entire Subpart P is revised to read as follows:

Subpart P—Federal Intermediate Credit Bank Financing of Other Financing Institutions

§ 614.4540 General.

The Federal intermediate credit banks have a responsibility to extend financial assistance to any national bank, State bank, trust company, agricultural credit corporation, incorporated livestock loan company, savings institution, credit union, or any association of agricultural producers engaged in the making of loans to farmers and ranchers, and any corporation engaged in the making of loans to producers or harvesters of aquatic products, provided the institution meets the criteria set forth in these regulations. The financial assistance may be provided through a direct loan to the institution or by purchasing or discounting individual loans made by the institution. An institution desiring to avail itself of the financial assistance will be expected to demonstrate:

(a) That it is duly organized and qualified to make loans under the laws of each jurisdiction in which it operates;

(b) That it has a significant involvement in agricultural or aquatic lending;

(c) That it has a continuing need for supplementary sources of funds for such purposes;

(d) That it has limited access to national or regional capital markets; and

(e) That it would continue to use the same proportion of its resources (other than that derived from the financial assistance provided by the Federal intermediate credit bank) for agricultural or aquatic lending. An institution meeting these criteria shall have its application evaluated on the basis of its ability to make and service a stable loan portfolio and its managerial and financial strength. The presence of other lending institutions serving the same territory or the failure of the institution to enter into loan participation with production credit associations shall not be considered in evaluating the application.

§ 614.4550 Eligibility.

A financing institution which requests access to a Federal intermediate credit bank as a source of funds shall meet all of the eligibility criteria set forth below:

(a) The financing institution must be significantly involved in lending for agricultural or aquatic purposes. The institution, and each affiliate organization, if any, shall have at least 15 percent of its loan volume at the seasonal peak in agricultural and/or aquatic loans. The Federal intermediate credit bank shall consider requests with a lesser percent if the institution demonstrates that it is making a special and sustained effort to serve agricultural or aquatic producers and the 15 percent will be attained in a reasonably short period. Only agricultural and aquatic loans eligible for the financing institution to discount shall be considered in determining that this requirement has been met.

(b) Where the financing institution is a commercial bank, or is affiliated with a commercial bank, the commercial bank must demonstrate a continuing need for supplementary sources of funds to meet the credit requirements of its agricultural or aquatic borrowers. The institution's gross loan-to-deposit ratio shall be not less than 60 percent at the seasonal peak for the last 3 consecutive years. Where failure to meet this criteria in one of the last 3 consecutive years is the result of a general decrease in borrowings caused by an economic decline, the Federal intermediate credit bank shall consider the application as an exception to the criteria when the applicant has otherwise maintained ratios equivalent to banks of comparable size. For purposes of this paragraph, gross loans shall include all direct credit extended by the institution in its trade area. Such items as loans purchased from or participated in with other financial institutions shall be excluded.

(c) The financing institution must have limited access directly, or indirectly through affiliates, to national or regional money markets as an alternate source of funds and must fully utilize locally generated funds to finance local needs. Institutions with access to the national money markets are those whose bankers acceptances, commercial paper, negotiable certificates of deposit, and other similar instruments are sold or traded nationally. Institutions with access to regional money markets are those whose instruments are sold on a regional basis. Evidence of access shall be determined by the extent to which the applicant institution, or institutions of similar size and circumstances, have the ability to utilize, on a regular basis, bankers acceptances, commercial paper, or negotiable certificates of deposit, or other similar instruments as a source of funds. Affiliates of an institution having access to national or regional money markets shall not be considered eligible for access to the Federal intermediate credit bank discount privilege unless they demonstrate that all resources available to the consolidated entity are being utilized to alleviate the shortage of funds for agriculture.

(d) When the financing institution is a credit corporation which is not affiliated with a commercial bank, approval shall be further conditioned on the following requirements. The institution shall be a corporate entity primarily engaged in the business of extending short- and intermediate-term credit, to farmers, ranchers, and/or producers or harvesters of aquatic products. An institution engaged in other business activities is not eligible to obtain credit from a Federal intermediate credit bank merely because it has the power to make loans to farmers and ranchers and/or producers or harvesters of aquatic products. The fact that a corporation has powers not related to such credit or receives income from other sources shall not of itself render it ineligible. A credit institution whose primary function is to finance the sale of products by the institution, or any affiliates, shall not be eligible for access to the discount privilege.

(e) In dealing with any financing institution which is affiliated with a

cooperative (through stock ownership, management, interlocking directorates, or otherwise) the Federal intermediate credit ban shall consider the possible effects of such relationship on the operations and credit policies of the applicant institution. An otherwise eligible affiliate may discount or borrow on the security of notes of farmers, ranchers, or producers or harvesters of aquatic products (as distinguished from notes of cooperatives), evidencing loans to finance the cost of supplies, equipment, or services, obtained from such affiliated cooperative, if the bank board finds that an additional source of credit is needed to facilitate financing of such transactions and the primary benefits of such credit will insure to the borrowing farmers, ranchers, or producers or harvesters of aquatic products.

(f) Any institution eligible under previous regulations which cannot meet the eligibility requirements of these regulations and is discounting with a Federal intermediate credit bank on the effective date of these revisions shall not become ineligible provided it does not make material changes in operations or ownership.

§ 614.4555 Appeal rights.

A Federal intermediate credit bank which rejects an application for discount privileges shall promptly notify the institution in writing of the reasons for the reject and the applicant's right to appeal. An institution receiving a rejection shall, upon request, be entitled to an informal hearing before the bank board of directors on the issue of eligibility. An adverse bank board of directors' determination may be appealed to the Farm Credit Administration.

§ 614.4560 Requirements for establishing and maintaining the discount privilege.

Any financial institution seeking financial assistance from a Federal intermediate credit bank shall demonstrated that it is able to establish and maintain a sound lending program.

(a) Each Federal intermediate credit bank shall develop standards to evaluate an applicant institution relative to:

(1) A capital structure adequate to support an economically feasible lending operation;

(2) The amount of collateral required to be deposited with or invested in the bank to support the extension of credit to the institution; and

(3) The ability of the institution to extend and administer the anticipated loan portfolio on a sound basis.

(b) These criteria shall be subject to the following limitations:

(1) The amount required to capitalize the OFI shall be determined by an analysis of the economic feasibility of the proposal presented in the request, the credit risk involved, and the servicing cost to the Federal intermediate credit bank. Any uniform minimum capital requirement based on the Federal intermediate credit bank's administrative costs shall be supported by documented costs which clearly demonstrate the need for the minimum requirement.

(2) The initial capital required to be invested in the Federal intermediate credit bank shall be no greater than the average investment required of production credit associations in the district. Institutions with established relationships may be assessed for additional capital if the contract is renegotiated to permit a larger volume of loans or when a general capital equalization or assessment is made. Capital invested in the bank by an other financing institution shall be retired in accordance with bank policy.

(3) No paper shall be purchased from or discounted for, and no loans shall be made or other similar financial assistance extended by a Federal intermediate credit bank to any entity if the amount of such paper added to the aggregate liabilities of such entity, whether direct or contingent (other than bona fide deposit liabilities), exceeds ten times the paid-in and unimpaired capital and surplus of such entity or the amount of such liabilities permitted under the laws of the jurisdiction creating such institution, whichever is the lesser. It shall be unlawful for any national bank which is indebted to any Federal intermediate credit bank, upon paper discounted or purchased, to incur any additional indebtedness, if by virtue of such additional indebtedness its aggregate liabilities, direct or contingent, will exceed the limitation herein contained. A debt-to-capital ratio less than that permitted by statute may be imposed to assure that the institution maintains its eligibility to borrow and provides adequate capital from a credit standpoint. Any lesser ratio imposed initially shall not be less than one ratio point below the district average for production credit associations. Once the institution has established and maintained a satisfactory discount relationship, the debt-to-capital standard shall be the same as that used in evaluating production credit associations.

(4) General collateral securing the entire discount line may be required in accordance with § 614.4570 of these regulations. The amount to be required shall be based on the credit risk presented by the institution and shall not be proportionally greater than is required of a production credit association under similar circumstances.

(5) Discount lines shall be established according to projections of loan volume provided by the institution and accepted by the Federal intermediate credit bank. A credit line shall be established for at least a 3-year term in support of the institution's continuing need for the discount privilege. Failure to maintain an annual average daily balance of loans discounted equal to at least 70 percent of the projected average daily balance shall subject the institution to payment of an annual loan commitment fee. The fee shall be equal to 1 percent of the difference between the projected and approved average daily balance and the actual average daily balance of loans outstanding or discounted. Exceptions can be made when failure to comply with this requirement is caused by the normal business cycle of the discounting institution. Repeated failure to utilize the line of credit at an acceptable level may result in loss of discount privileges. Institutions with inactive discount relationships on the effective date of these regulations shall be notified and given a reasonable opportunity to activate or cancel the relationship. No fee shall be assessed if the relationship is terminated by the Federal intermediate credit bank.

(c) Failure of an other financing institution to comply with State or Federal laws applicable to it will be cause for revocation of the borrowing and discounting rights if the violations relate to the soundness of the institution or the integrity of its management. Special attention shall be given to the institution's articles of incorporation and bylaws, capital stock, and other securities transactions. In the case of corporations doing business in more than one jurisdiction, evidence will be required that it has complied with the laws of each jurisdiction in which it operates.

§ 614.4565 Lending limit.

A financing institution discounting with a bank shall not accept liability on any loan or similar extension of credit, or obtain any endorsement or guarantee from a borrower where the aggregate of such liabilities or indebtedness to the discounting institution would exceed 50 percent of the institution's capital and surplus or such lesser amount as may be established by other State or Federal statute. Institutions which have loans in excess of this limitation shall have 2

years from the effective date of these regulations to reduce individual risk exposure to within this limitation.

§ 614.4570 General collateral.

As a condition precedent to borrowing from or discounting with a Federal intermediate credit bank, other financing institutions (except commercial banks) shall pledge as collateral for any and all obligations to the bank, cash, or readily marketable securities of high rating, in an amount to be determined by the Federal intermediate credit bank. At the discretion of the bank, commercial banking institutions may be required (unless prohibited by law or by supervisory authority) to deposit acceptable collateral. Securities and obligations pledged with the bank shall be deposited under a collateral pledge agreement pursuant to which all securities and obligations so pledged, including all substitutions and additions and the proceeds of any such collateral, including all income derived, shall be available to secure any and all obligations to the Federal intermediate credit bank, whether direct or contingent, present or future.

§ 614.4580 Use of funds.

Funds obtained by discounting with or borrowing from the Federal intermediate credit bank may not be used to expand the financial institution's lending activity to loans which would be ineligible for discount.

§ 614.4590 General financing agreement.

Any institution desiring to discount loans with or receive loans from the Federal intermediate credit bank will execute a general financing agreement. This agreement shall state the general terms and conditions under which loans will be discounted or made and shall provide for the institution to periodically furnish the bank acceptable financial reports and any data necessary to assure that the institution remains in compliance with these regulations. The scope of annual review as required by the bank's policy for credit review (§ 614.4051) shall be expanded to include any additional test, audit, or fiscal analysis necessary. The agreement shall further provide that the institution shall agree to examination by the Farm Credit Administration if requested by the Governor.

§ 614.4600 Methods of financing.

A Federal intermediate credit bank may provide funds to other financing institutions by discounting or purchasing individual loans or by direct loan to the institution, all subject to the following:

(a) Direct discount or purchase is normally made at full face value of the individual loan of acceptable quality. At the option of the Federal intermediate credit bank, a loan of less than acceptable quality may be discounted or purchased at less than the full amount of such loans. In such transactions the institution shall be required to apply all repayments toward repayment of the amount of the less than acceptable loan purchased or discounted by the bank.

(b) A Federal intermediate credit bank is authorized to make loans and advances to financing institutions, provided that such loan or advance shall be secured by notes or other such obligations of eligible borrowers defined in these regulations, unless such loan or advance is made to enable the financing institution to make or carry loans to such bona fide farmers and ranchers or to producers or harvesters of aquatic products.

(1) Classes of obligations approved as collateral. The following classes of obligations are approved as collateral for direct loans and advances to other financing institutions subject to approval of the bank to which such securities are to be pledged:

(i) Obligations of eligible borrowers defined in the regulations arising from direct credit extension by the financing institution.

(ii) Loan participations purchased will be eligible for discount. The Federal intermediate credit bank is authorized to take corrective measures if this authority is being used to circumvent the intent of these regulations.

(iii) Obligations set forth in § 615.5140(a) which have been approved by the Farm Credit Administration for investment by institutions of the System.

§ 614.4610 Loans eligible for discount.

Any loan which would be eligible for a production credit association in the district to make directly to a borrower shall be eligible for discount by a financing institution. These eligibility standards are set forth in Part 613 of these regulations. The Federal intermediate credit banks shall be responsible for providing financing institutions with any additional lending and eligibility guidelines which may be provided to production credit associations.

§ 614.4620 Multiple applicants.

Two or more entities may combine resources to form a subsidiary corporation to apply for discount privileges with the Federal intermediate credit bank. In this event, the individual entities, any affiliates, and the combined entity must each meet the criteria set forth in these regulations for establishing and maintaining the discount privilege.

§ 614.4630 Insolvency of other financing institutions.

(a) If a financing institution having a discount or financing agreement with the bank becomes insolvent or is in process of liquidation, or if it fails to service its loans properly and where supervision or orderly liquidation will be facilitated by direct handling of the obligations of the note makers, the Federal intermediate credit bank may, with the consent of the Farm Credit Administration, take over such paper for orderly liquidation. Notes or other obligations pledged with the bank by a financing institution, either as collateral for a direct loan or as additional security for any and all indebtedness of the institution to the bank, also may be taken over and handled directly with the makers after a title has been acquired in accordance with the provisions of applicable laws and the terms of the pledge agreements executed by the institution involved. The bank's authority to handle paper directly includes the authority to make additional advances, to grant renewals and extensions and to take such other actions as may be necessary to collect the loans. Direct liquidation of paper carried for a financing institution should be resorted to only in cases where other measures have failed, and it is apparent that direct liquidation is the only practicable means available to the bank for protection of its interest.

(b) Paper handled for an insolvent financing institution as provided in this section shall not be assigned as collateral for bonds without the approval of the Farm Credit Administration.

(c) On paper which a bank has taken over from a defaulting financing institution for liquidation, interest shall be collected according to the terms of the loans. Renewals of such notes, when directly payable to the bank, shall bear interest at a rate not to exceed the maximum rate that may be charged by financing institutions on paper eligible for discount by the banks at the time of renewal.

§ 614.4640 Rates and fees.

Interest on loans to financing institutions shall be charged and collected at the same rate and on the same basis as production credit associations. No paper offered for discount by a financing institution shall be accepted if the rate charged the borrower exceeds by more than 4

percent the FICB rate in effect on the date the loan was made or, with respect to variable rate loans, the FICB rate in effect from time to time throughout the loan.

§ 614.4650 Loss of discount privileges.

The Federal intermediate credit bank may revoke or suspend the discount or loan privileges for cause. The following will cause revocation.

(a) Failure to comply with these regulations or the terms of the contract between the Federal intermediate credit bank and the institutions.

(b) Repeated violations of State or Federal statutes or failure to correct violations brought to the attention of the institution where the nature of the violation brings into question the safety of the loan or discount relationship or the integrity of the institution's management.

(c) Failure to maintain management or credit practices satisfactory to the bank.

(d) Failure to use the established credit line to the extent contemplated in § 614.4555 of these regulations.

(e) Changes in the operation of the institution which render it ineligible under § 614.4550 of these regulations.

During any period of suspension no new paper shall be purchased from or discounted for the institution and no further advances shall be made to it pending correction, except to the extent necessary to cover commitments on paper held by the bank or to preserve the security and protect the interest of the bank in obligations held by it. Before making additional advances to any institution whose right to borrow or discount has been suspended because the ratio of its total liabilities to unimpaired capital and surplus equals or exceeds the maximum permitted under law, the bank shall satisfy itself that the corporation will not violate any applicable law by assuming liability for such additional advances.

6. Subpart Q is revised to read as follows:

Subpart Q—Banks for Cooperatives Financing International Trade

§ 614.4700 Financing foreign trade receivables—banks for cooperatives.

(a) The banks for cooperatives, under policies determined by their boards of directors and approved by the Farm Credit Administration, are authorized to finance foreign trade receivables on behalf of eligible cooperatives to include the following:

(1) Advances against collections
(2) Trade acceptances
(3) Factoring
(4) Open account

(b) To reduce credit, political, and other risks associated with foreign trade receivable financing, the banks for cooperatives shall avail themselves of such guarantee and insurance plans as are available in the United States and other countries. Exceptions may be made for borrowers with longstanding successful business relationships with the banks for cooperatives customers and who are well established with a high credit rating.

(c) When financing a draft drawn on a foreign importer, the banks should retain recourse to the exporter unless its credit evaluation of and experience with the importer indicate recourse is not necessary or unless appropriate guarantees or insurance plans are used.

(d) The financing of foreign trade receivables shall be limited by the policies of each bank's board of directors. The policies shall provide a method of determining the maximum amount in dollars, by country, to be financed and establishing a maximum percentage of the amount of a draft drawn on a foreign party against which the bank may advance funds. The banks shall take into consideration the following factors:

(1) The reputation and financial strength of the foreign importer.

(2) The reputation and payment record of the class of importers in the same country as the subject importer in regard to prompt payment of drafts drawn upon them.

(3) The quality of the supporting documents offered with the draft.

(4) The degree of ease with which necessary foreign exchange conversion can be made, or the extent to which foreign currency exposure may be hedged by forward or future contracts.

(5) Credit strength and reputation of the exporter.

(e) The banks may establish foreign trade receivable financing programs by which eligible parties pledge collections to the bank, and then may borrow from the bank up to a stated maximum percentage of the total amount of receivables pledged at any one time.

(f) When financing foreign trade receivables, the banks shall take such precautions and obtain such credit information as necessary to ascertain that all parties to the transaction(s) being financed are reputable and capable of performing their responsibilities under the contract of sale.

(g) When financing foreign trade receivables, the banks shall determine that all shipments are covered by maritime insurance while on the high seas.

(h) Countries where credit is to be extended will be analyzed periodically and systematically on a centralized basis. The resulting country studies will be disseminated to all banks for cooperatives to be used as inputs in credit-grading decisions.

§ 614.4710 Bankers acceptance financing.

The Fiscal Agency is authorized to accept drafts or bills of exchange drawn upon banks for cooperatives. With the exception of acceptances eligible for purchase by the Federal Open Market Committee and rediscounted, acceptances shall be subject to the provisions of §§ 614.4350, 614.4354, and 614.4360 of the Regulations for Banks and Associations of the Farm Credit System, and must be combined with any other loans to the account party by the banks for cooperatives for the purpose of applying the lending limits of § 614.4354.

(a) *District Banks for Cooperatives.* (1) The Fiscal Agency's authority to accept drafts or bills of exchange includes the authority to accept drafts or bills of exchange drawn upon a district bank for cooperatives having not more than 6 months sight to run, exclusive of days of grace, that are derived from transactions involving the importation or exportation of goods from the United States; or are derived from transactions involving the domestic shipment of goods that were produced from agriculture or that have an agriculturally related purpose; or are secured at the time of acceptance by title covering readily marketable staples.

(i) The dollar amount of such acceptances outstanding at any one time to any one borrower, exclusive of participations sold to others, shall be limited to 10 percent of the net worth of a district bank for cooperatives as of the preceding June 30 or December 31, whichever is more recent, or an interim date determined by the Farm Credit Administration as a result of material changes in a bank's net worth. However, if such acceptances are secured either by attached documents or by some other actual security growing out of the same transaction as the acceptance, the 10-percent limit shall not apply.

(ii) The sum of all acceptance liabilities outstanding described in paragraph (a)(1) of this section, exclusive of participations sold to others, issued to all borrowers shall not exceed 100 percent of the bank for cooperatives' net worth but the aggregate of acceptances growing out of domestic transactions shall not exceed 50 percent of net worth calculated on

the date indicated in paragraph (a)(1)(ii) of this section.

(2) The limit specified in paragraph (a)(1)(ii) of this section is separate from and in addition to the lending limits of § 614.4354 of the Regulations if the acceptances are rediscounted.

(3) During any period within which a bank for cooperatives holds its own acceptance, having given value therefor, the amount thereof shall be included against the § 614.4354 lending limits of the customer for whom the acceptance was made.

(4) The terms and requirements for the offering and purchase of participations in acceptance financing shall be the same as those for loans issued under § 614.4334 of the Regulations.

(5) Acceptance financing should be self-securing and self-liquidating, with greater latitude exercised only when the credit worthiness of the party is unquestioned and the transaction financed is in the ordinary course of its business.

(6) Except under exceptional circumstances with well-established customers, disbursements should not be made prior to the physical receipt of all pertinent documents.

(7) When acceptances denominated in foreign currencies are not funded in the same currency, the bank for cooperatives will take corresponding action to minimize foreign exchange risk.

(b) *Central Bank for Cooperatives.* (1) Drafts and bills of exchange discounted directly by the Central Bank for Cooperatives at any one time, exclusive of participations sold to others, shall not exceed the acceptance limit percentage prescribed in paragraph (a)(1)(i) of this section for district banks for cooperatives.

(c) *Total system.* Liabilities for drafts accepted at any one time from all the district banks for cooperatives and the Central Bank for Cooperatives shall not exceed 100 percent of the combined net worth of the banks for cooperatives. However, the aggregate of acceptances growing out of domestic transactions shall not exceed 50 percent of net worth. Discounted acceptances outstanding at any one time to any one borrower from one or more district banks for cooperatives and the Central Bank for Cooperatives, exclusive of participations sold to institutions other than banks for cooperatives, shall not exceed the percentage specified in paragraph (a)(1) of this section applied to the combined net worth of the banks for cooperatives. Acceptances created or discounted within previously established limits that have become excessive because of changes in accepting and/or discounting limits prescribed herein may be held and liquidated in accordance with terms individually specified by the Farm Credit Administration.

(d) *Purchase of participations in bankers acceptances.* (1) A district bank for cooperatives shall determine limits on purchasing participations in discounted acceptances of another bank for cooperatives on the same basis as prescribed in § 614.4354 of the Regulations for purchasing participations in loans of another bank for cooperatives.

(2) Participations in discounted acceptances shall be offered in accordance with § 614.4334 of the Regulations.

(e) *Fiscal Agency.* All acceptances created by the 13 banks for cooperatives shall be physically accepted by the Fiscal Agency when intended for rediscount.

§ 614.4720 Letters of credit.

The banks for cooperatives, under policies determined by the board of directors and approved by Farm Credit Administration, may issue, advise, or confirm import or export letters of credit in accordance with the Uniform Commercial Code, or the Uniform Customs and Practice for Documentary Credits, to or on behalf of its customers. Until such individual district bank board policies are approved by the Farm Credit Administration, the Central Bank for Cooperatives will issue, advise, or confirm import or export letters of credit on behalf of the district banks for cooperatives. In addition, as a matter of sound banking practice, letters of credit shall be issued in conformity with the following:

(a) Each letter of credit shall conspicuously state that it is a letter of credit, or be conspicuously entitled as such.

(b) The letter of credit shall contain a specified expiration date or be for a definite term.

(c) The letter of credit shall contain a sum certain.

(d) The bank's obligation to pay should arise only upon fulfilling the terms and conditions as specified in the letter of credit. The bank must not be called upon to determine questions of fact or law at issue between the account party and the beneficiary.

(e) The bank's customer should have an unqualified obligation to reimburse the bank for payments made under the letter of credit.

(f) All letters of credit shall be irrevocable.

(g) The bank shall charge a fee for either issuing or confirming a letter of credit.

§ 614.4800 Guarantees and sureties—banks for cooperatives.

A bank for cooperatives, under a policy approved by the bank's board of directors and the Farm Credit Administration, may lend its credit, be itself a surety to indemnify another, or otherwise become a guarantor if an eligible cooperative substantially benefits from the performance of the transaction involved. A bank for cooperatives may guarantee the debt of eligible cooperatives and foreign parties or otherwise agree to make payments on the occurrence of readily ascertainable events if the guarantee or agreement specifies a maximum monetary liability. Guarantees may be secured or unsecured, and can include, but are not limited to, such events as nonpayment of taxes, rentals, customs duties, costs of transport, and loss or nonconformance of shipping documents. The bank's customer shall have an unqualified obligation to reimburse the bank for payments made under a guarantee.

§ 614.4810 Standby letters of credit—banks for cooperatives.

(a) The banks for cooperatives are authorized to issue on behalf of parties eligible for financing under Regulations § 614.4120 standby letters of credit that represent an obligation to the beneficiary on the part of the issuer:

(1) To repay money borrowed by, advanced to, or for the account of the account party, or

(2) To make payment on account of any indebtedness undertaken by the account party, or

(3) To make payment on account of any default by the account party in the performance of an obligation.

(b) As a matter of sound banking practice, banks for cooperatives shall evaluate applications for standby letters of credit on the basis of credit factors listed in § 614.4150 of the Regulations.

§ 614.4900 Foreign exchange.

(a) Before a bank for cooperatives may engage in any financial transaction which transports monetary instruments:

(1) From any place within the United States to or through any place outside the United States, or

(2) To any place within the United States from or through any place outside the United States, the Farm Credit Administration must have already approved that bank's policies governing such transactions and determined that the bank has established procedures

necessary to safeguard the interests of the stockholders of the bank in regard to such transactions.

(b) Under policies approved by the Farm Credit Administration, a bank for cooperatives may engage in currency exchange activities necessary to service individual transactions that may be financed under the regulations authorizing export, import, and other internationally related credit and financial services. These currency exchange activities shall not include any loans or commitments intended to finance speculative futures transactions by eligible borrowers in foreign currencies. The bank may engage on behalf of its eligible borrowers or on its own behalf in bona fide hedging transactions and positions, where such transactions or positions normally reduce risks in the conduct and management of international financial activities. The bank's policies should include established guidelines for:

(1) Net overnight positions, by currency.

(2) Maturity distribution, by currency, of foreign currency assets, liabilities, and foreign exchange contracts.

(3) Outstanding contracts with individual customers and banks.

(4) Credit approval procedures safeguarding against delivery or settlement risk.

(5) Total value of outstanding contracts, spot, forward, and future.

(c) A bank for cooperatives is responsible for its compliance with the laws of the United States in regard to reporting requirements of the Department of the Treasury pertaining to currency exchange activities and international transfers of monetary instruments.

(d) A bank for cooperatives engaged in foreign exchange trading shall have written policies describing the scope of trading activity authorized, delegation of authority, types of services offered, trading limits, reporting requirements, and internal accounting controls.

(e) The bank's trading guideline policies should provide for reporting procedures adequate to properly inform management of trading activities and to facilitate detection of lack of compliance with policy directives.

(f) The bank's policies shall establish foreign exchange delivery limits for eligible customers with relationship to the customer's financial capability to bear the financial risks assumed. The bank will be expected to maintain documentary evidence that a customer's delivery exposure is reasonable, and that responsible bank officers routinely review outstanding delivery exposure of individual customers.

(g) The bank's personnel policies shall include written standards of conduct for those involved with foreign exchange activities, including the following which should be prohibited:

(1) Trading with entities affiliated with the bank or with members of the board of directors.

(2) Foreign exchange and deposit transactions with other bank employees.

(3) Personal business relationships with foreign exchange and money brokers with whom the bank deals.

(h) The bank's policies should provide detailed instructions regarding the need for bank officers to disclose the limits of responsibility and liability of the bank when it holds positions or executes contracts for the account of eligible parties. The bank's policies regarding the respective procedures should provide reasonable assurance that reports on trading activities are current and complete, and that the opportunity for concealment of unauthorized transactions is kept at the absolute minimum.

(i) The 13 banks for cooperatives shall use the Fiscal Agency for purposes of trading foreign exchange. All foreign exchange transactions shall be made by the Fiscal Agency on behalf of the banks consistent with instructions received from the respective bank.

(j) Paragraphs (b) through (i) of this section will not apply if a bank purchases or sells foreign exchange through a commercial bank.

(Secs. 5.9, 5.12, 5.18, Pub. L. 92-181, 85 Stat. 619, 620, 621, 12 U.S.C. 2243, 2246 and 2252)

C. T. Fredrickson,
Acting Governor.

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BILLING CODE 6705-01-M

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12 CFR Part 615

Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations

AGENCY: Farm Credit Administration.

ACTION: Proposed rule.

SUMMARY: The Farm Credit Administration, by its Federal Farm Credit Board, publishes for comment proposed amendments to its regulations concerning deposits of funds and distribution of earnings and adds a new section to its regulations concerning bankers acceptances. The present regulation for deposit of funds is being revised to allow the banks for cooperatives to utilize non-Federal Reserve member State banks insured by FDIC and any other financial organization, domestic or foreign, as authorized and approved. The distribution of earnings regulation is being revised to add authority for the banks for cooperatives to treat earnings that result from loans to eligible noncooperative borrowers, to whom the Farm Credit Act Amendments of 1980 allow loans to be made, differently than earnings from cooperative borrowers.

Bankers acceptances created, discounted, or rediscounted by the banks for cooperatives can be resold in financial markets subject to regulations prescribed by the Farm Credit Administration. Therefore, Section 615.5550 under a new Subpart Q, Bankers Acceptances, is added to govern the rediscounting (sale) of bankers acceptances in the financial markets.

DATES: Written comments must be received on or before August 31, 1981.

ADDRESSES: Submit any comments or suggestions in writing to Donald E. Wilkinson, Governor, Farm Credit Administration, Washington, D.C. 20578. Copies of all communications received will be available for examination by interested persons in the Office of Director, Public Affairs Division, Office of Administration, Farm Credit Administration.

FOR FURTHER INFORMATION CONTACT: Larry H. Bacon, Deputy Governor, Office of Administration, 490 L'Enfant Plaza SW., Washington, D.C. 20578 (202-755-2181).

SUPPLEMENTARY INFORMATION:

For the reasons set out in the summary, Part 615 of Chapter VI, Title 12, of the *Code of Federal Regulations* is amended as shown.

Subpart G—Deposit of Funds

1. Section 615.5190 is revised to read as follows:

§ 615.5190 General.

(a) Federal land banks and Federal land bank associations, Federal intermediate credit banks and production credit associations, and banks for cooperatives may deposit securities and current funds with and receive interest from any member bank of the Federal Reserve System or any insured State nonmember bank as defined in Section 2 of the Federal Deposit Insurance Act. Federal land bank associations and production credit associations also may deposit funds with their supervisory bank.

(b) The banks for cooperatives also may deposit securities and current funds with and receive interest from any foreign or domestic financial organization as may be authorized under policies adopted by the banks'

board of directors and approved by the Farm Credit Administration to the extent necessary to facilitate transactions described under § 614.4080(d) of these regulations, except that such deposits may not be made for purposes of making investments in foreign funds as specified in § 615.5140 of these regulations. The sum of deposits placed by a bank for cooperatives with financial organizations as authorized under the foregoing shall not exceed 10 percent of the aggregate bank for cooperatives total net worth for a period of more than 30 calendar days, and shall be made only by the Central Bank for Cooperatives on behalf of the district bank for cooperatives.

Subpart L—Distribution of Earnings

2. Section 615.5370 is amended by adding paragraph (d) to read as follows:

§ 615.5370 Banks for cooperatives earnings.

* * * * *

(d) Banks for cooperatives may allocate earnings from leveraged lease transactions and transactions involving letters of credit, bankers acceptance financing, and finance trade receivables with foreign borrowers in either of the two following ways: (1) As patronage dividends in cash and equity allocations resulting from transactions which have been initially capitalized by the borrowers by the purchase of equity or (2) allocation to unallocated surplus from those transactions which have not been initially capitalized and have been priced to reflect the use of the bank's capital. The allocation of earnings shall be the same for substantially identical transactions.

3. Section 615.5550 is added under a new subpart to read as follows:

Subpart Q—Bankers Acceptances

§ 615.5550 Bankers acceptances.

The banks for cooperatives may, at the discretion of bank management when delegated by the bank board under policies approved by Farm Credit Administration, rediscount with other purchasers the acceptances they have created.

(Secs. 5.9, 5.12, 5.18, Pub. L. 92-181, 85 Stat. 619, 620, 621, 12 U.S.C. 2243, 2246 and 2252)

C. T. Fredrickson,

Acting Governor.

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BILLING CODE 6705-01-M

FEDERAL TRADE COMMISSION

16 CFR Ch. I

Regulatory Flexibility Act; Plan for the Periodic Review of Rules

AGENCY: Federal Trade Commission.

ACTION: Publication of a Plan for the Periodic Review of Commission Rules.

SUMMARY: The Federal Trade Commission (FTC), in accordance with the Regulatory Flexibility Act, is publishing a plan for the periodic review of rules which have or will have a significant economic impact on a substantial number of small entities. Under the plan, a year of review will be scheduled for each rule affecting small entities. The first of the scheduled reviews will commence in FY 1982.

FOR FURTHER INFORMATION CONTACT: William S. Sanger, Assistant Director for Compliance Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, Phone: 202-254-6122.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act, Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. § 601 et seq., (RFA), requires each agency to consider the effect on small entities of the substantive rules it promulgates. In this regard, Section 610 of the RFA, 5 U.S.C. 610, provides in pertinent part:

> Within one hundred and eighty days after the effective date of the chapter, each agency shall publish in the Federal Register a plan for the periodic review of the rules issued by the agency which have or will have a significant economic impact upon a substantial number of small entities. Such plan may be amended by the agency at any time by publishing the revision in the Federal Register. The purpose of the review shall be to determine whether such rules should be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any significant economic impact of the rules upon a substantial number of such small entities. The plan shall provide for the review of all such agency rules existing on the effective date of this chapter within ten years of that date and for the review of such rules adopted after the effective date of this chapter within ten years of the publication of such rules as the final rule.

Accordingly, the FTC has prepared a plan for review of those of its rules which may have significant economic impact on small entities.

The Rules of the FTC are set forth in a number of Parts which constitute Chapter 1 of Title 16 of the Code of Federal Regulations. These Parts are set forth in separate Subchapters, each generally concerning a particular category of regulatory areas. For example, the rules set forth in Subchapters C, E, and G deal with requirements imposed under specific acts of Congress, e.g., Wool Products Labeling Act, Hobby Protection Act and the Magnuson-Moss Warranty Act. Those set forth in Subchapter D deal with specified business practices under Trade Regulations Rules (TRR) promulgated by the FTC, e.g., Mail Order Merchandise Rule, Negative Option Plans Rule and the Holder-in-Due-Course Rule (preservation of consumers' claims and defenses). Thus, it appears appropriate that the FTC conduct its review of substantive rules in accordance with their existing organization, and that generally all Parts primarily relating to one of the major categories be reviewed together. In devising its plan for review of the rules, the Commission has taken into consideration that several of the rules apply to the same general class of businesses and attempts have been made to avoid duplicative review procedures by conducting such reviews in the same year. Thus the Textile, Fur, and Wool Labeling acts regulations are all scheduled for FY 83 in an effort to provide businesses covered by all three of the rules with an opportunity to address similar problems at one time.

The RFA requires that the review of all rules existing on January 1, 1981, be completed by January 1, 1991, and further that:

> Each year, each agency shall publish a list of the rules which have a significant economic impact on a substantial number of small entities, which are to be reviewed pursuant to this section during the succeeding twelve months. The list shall include a brief description of each rule and the need for and legal basis of such rule and shall invite public comment upon the rule. 5 U.S.C. 610(c).

The FTC believes that it may effectively implement this requirement by completing its annual review for the preceding year, and commencing review of those rules scheduled for the next twelve months, at the time it publishes its regulatory flexibility agenda in October of each year. In this way, it will be able at the same time to publish in the agenda any contemplated rule revisions resulting from the previous year's review of existing rules. Therefore, the FTC proposes to commence its annual reviews by November 1 of each year, in accordance with the following schedule:

Subject	FTC rule	Review period (fiscal year)
TRR concerning cooling-off period for door-to-door sales	Part 429, Subchapter D	1982
TRR concerning mail order merchandise	Part 435, Subchapter D	1982
Rules, regulations, statements, interpretations under the Magnuson-Moss Warranty Act (presale availability).	Part 702, Subchapter G	1982
TRR concerning retail food store advertising and marketing practices	Part 424, Subchapter D	1982
Rules under the Wool Products Labeling Act of 1939	Part 300, Subchapter C	1983
Rules under Fur Products Labeling Act	Part 301, Subchapter C	1983
Rules under the Textile Fiber Products Identification Act	Part 303, Subchapter C	1983
TRR concerning disclosure requirements and prohibitions concerning franchising and business opportunity ventures.	Part 436, Subchapter D	1984
TRR concerning labeling and advertising of home insulation	Part 460, Subchapter D	1984
Rules for using energy costs and consumption information used in labeling and advertising for consumer appliances under the Energy Policy and Conservation Act.	Part 305, Subchapter C	1984
Rules, regulations, statements, interpretations under the Magnuson-Moss Warranty Act.	Part 700, Subchapter G	1985
TRR concerning preservation of consumers' claims and defenses	Part 433, Subchapter D	1985
Octane posting and certification rules	Part 306, Subchapter C	1985
TRR concerning care labeling of textile wearing apparel	Part 423, Subchapter D	1986
TRR concerning advertising of ophthalmic goods and services	Part 456, Subchapter D	1986
TRR concerning use of negative option plans by sellers in commerce	Part 425, Subchapter D	1986
Rules, regulations, statements interpretations under the Fair Packaging and Labeling Act.	Part 500, Subchapter E	1987
Rules under the Hobby Protection Act	Part 304, Subchapter C	1987
Discriminatory practices in men's and boy's tailored clothing industry TRR	Part 412, Subchapter D	1988
TRR concerning games of chance in the food retailing and gasoline industries	Part 419, Subchapter D	1988
TRR concerning power output claims for amplifiers utilized in home entertainment products.	Part 432, Subchapter D	1989
TRR concerning failure to disclose the lethal effects of inhaling quick-freeze aerosol spray products used for frosting cocktail glasses.	Part 417, Subchapter D	1989

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-20021 Filed 7-6-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76 (Pennsylvania—1)]

Pennsylvania, High Cost Gas Produced from Tight Formations

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR § 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the Pennsylvania Department of Environmental Resources, Bureau of Topographic and Geologic Survey that the Medina Group be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on July 29, 1981.

Public Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on July 15, 1981.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or John Roy Johnson, (202) 357-8731.

SUPPLEMENTARY INFORMATION:

Notice of Proposed Rulemaking by Director, OPPR

Issued June 29, 1981.

I. Background

On June 8, 1981, the Pennsylvania Department of Environmental Resources, Bureau of Topographic and Geologic Survey (Pennsylvania) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Medina Group located in northwestern Pennsylvania be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Pennsylvania's recommendation that the Medina Group be designated as a tight formation should be adopted. Pennsylvania's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

Pennsylvania recommends that the Medina Group encountered in Erie, Crawford, Mercer, Venango, and Warren Counties, Pennsylvania be designated as a tight formation. The recommendation includes only those portions of the Medina Group which Pennsylvania designated as meeting tight formation guidelines. The Grimsby Sandstone, Cabot Head Shale, Manitoulin Dolomite where present, and the Whirlpool Sandstone comprise the Medina Group, a sequence of interbedded sandstones, siltstones, and shales of the Lower Silurian System in northwestern Pennsylvania. Regionally, the Medina Group dips to the southeast approximately 50 feet per mile. Net sandstone thickness (50% Gamma-Ray cutoff) is a maximum of 80 to 100 feet. The Medina Group extends southeastward to where the Whirlpool Sandstone is truncated in Warren, Forest, Clarion, Armstrong, Butler and Beaver Counties by an apparent unconformity.

III. Discussion of Recommendation

Pennsylvania's recommendation contains information, submitted by the Pennsylvania Oil and Gas Association—Gas Advocacy Committee in its application for designation of the Medina Group as a tight formation, which indicates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Pennsylvania states that, "* * * while the Pennsylvania Clean Streams Law prohibits pollution of all Pennsylvania waters, inadequate enforcement capabilities and the absence of specific

oil and gas drilling and operation regulations prevent us from providing assurance that fresh water aquifers will not be adversely affected by development of tight formations."

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Pennsylvania that portions of the Medina Group, as described and delineated in Pennsylvania's recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting writting data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before July 29, 1981. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76 (Pennsylvania-1), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than July 15, 1981.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3342)

Accordingly, the Commission proposes to amend the regulations in Part 271, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Pennsylvania's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

Section 271.703(d) is amended by adding new subparagraph (57) to read as follows:

§ 271.703 Tight formations.

* * * * *

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

* * * * *

(45) through (56) [RESERVED]

(57) *Medina Group in Pennsylvania.* RM79-76 (Pennsylvania-1).

(i) *Delineation of formation.* The Medina Group is found in Erie, Crawford, Mercer, Venango and Warren Counties, Pennsylvania.

(ii) *Depth.* The Medina Group is defined as that formation occurring within the Lower Silurian System between the Reynales Dolomite and the Queenston shale found at an approximate depth of 3,000 feet in the updip area, dipping to the southeast at approximately 50 feet per mile.

[FR Doc. 81-19787 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Ch. I

[Docket No. 81N-0004]

Policy for Irradiated Foods; Advance Notice of Proposed Procedures for the Regulation of Irradiated Foods for Human Consumption; Extension of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Advance notice of proposed rulemaking; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is extending the period for submitting comments on a report prepared by the agency's Bureau of Foods' Irradiated Food Committee. Availability of this report was announced in the **Federal Register** of March 27, 1981 (46 FR 18992).

DATE: Comments, information, and data by July 27, 1981.

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

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

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 27, 1981 (46 FR 18992), FDA made available to the public for comment the report of an internal agency task force, the Bureau of Foods' Irradiated Food Committee. Interested persons were encouraged to submit pertinent data and to express their views to aid in FDA's decisions on the subject of irradiated foods by June 25, 1981.

FDA has received comments from an individual who also suggested extending the comment period for an additional 90 days because the commenter believed some other interested parties would require additional time for comment. FDA also received a request on behalf of the Ad Hoc Enzyme Technical Committee for an additional 30 days for comment to July 27, 1981.

The agency has evaluated the requests and concludes at this time that the comment period should be extended 30 days to July 27, 1981. This conclusion is based on the fact that additional requests for a longer comment period did not materialize.

Interested persons may, on or before July 27, 1981, submit to the Dockets Management Branch (address above), written comments regarding this advance notice of proposed rulemaking. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 26, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-19604 Filed 6-30-81; 11:58 am]

BILLING CODE 4110-03-M

21 CFR Part 610

[Docket No. 81N-0116]

Hepatitis Requirements; Amendment of Restrictions on Use as Injectable Biological Products

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to amend restrictions on the collection and use of blood, plasma, or serum that has been shown to be reactive for hepatitis B surface antigen. Current regulations state that any such reactive blood, plasma, or serum shall not be used in the manufacture of injectable biological products. Recent data submitted to the agency suggest that blood, plasma, or serum that is reactive for hepatitis B surface antigen can effectively be used to produce an inactivated vaccine against hepatitis B. Accordingly, the agency proposes to amend the regulations to permit the collection and use of blood, plasma, or serum reactive for hepatitis B surface antigen for further manufacture into licensed hepatitis B vaccine.

DATES: Comments by September 8, 1981. FDA proposes to make the final regulation effective immediately upon licensure of the first hepatitis B vaccine.

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

FOR FURTHER INFORMATION CONTACT: Joseph Wilczek, Bureau of Biologics (HFB-620), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301-443-1306.

SUPPLEMENTARY INFORMATION: Hepatitis B is one of three types of viral hepatitis (hepatitis A, hepatitis B, and hepatitis non-A, non-B) that causes illness with principal damage to the liver. Hepatitis B occurs mainly in adults and can be spread by blood transfusion, use of contaminated needles or syringes, exposure to aerosolized infected blood, or close physical contact with an infected individual. Patients on kidney dialysis, blood bank laboratory workers, and health care professionals are particularly at risk to hepatitis B infections.

Since 1975, clinical trials both in France and the United States have been conducted with vaccines that are designed to be protective against hepatitis B. Early results of these clinical trials suggest that vaccinated individuals respond to the vaccine by producing antibodies specific to the hepatitis B surface antigen. These and other studies have led to large-scale efficacy trials for hepatitis B vaccine that are currently ongoing and will ultimately involve thousands of people. If the results of the efficacy trials are satisfactory and the vaccine is licensed for marketing in interstate commerce, a reliable source for hepatitis B surface antigen will be needed.

An international workshop on hepatitis B vaccines, sponsored by FDA's Bureau of Biologics and the National Institute of Allergy and Infectious Diseases of the National Institutes of Health, was held in Bethesda, MD, on January 18 and 19, 1979. At this workshop it was affirmed that hepatitis B surface antigen (HBsAg) found in plasma of selected, chronically infected persons is, at present, the major source material for manufacture of hepatitis B vaccines because hepatitis B virus has not been grown successfully in culture media. Other more practical sources for large volumes of the antigen are potentially available from units of blood found to be reactive for HBsAg during routine screening of donors and by plasmapheresis of individuals with high titers of the antigen. But the existing biologics regulations prohibit use of these sources for injectable products.

Section 610.40(d) (21 CFR 610.40(d)) of the biologics regulations prohibits the use of any blood, plasma, or serum reactive for hepatitis B surface antigen for manufacturing injectable biological products. In addition, § 610.41 (21 CFR 610.41) requires that any person whose blood, plasma, or serum is reactive or known to have been reactive for hepatitis B surface antigen may not serve as a donor of human blood, plasma, or serum which is to be used in preparing any injectable biological product.

To provide a practical source of large volumes of HBsAg, the agency proposes to amend §§ 610.40 and 610.41 to permit the collection and use of blood, plasma, and serum reactive for hepatitis B surface antigen for further manufacture into hepatitis B vaccine. Because no licenses for marketing hepatitis B vaccine have been approved to date, any final regulation issued as a result of this proposal would not become effective until after FDA grants the first license for hepatitis B vaccine.

Incomplete data currently available to FDA suggest that hepatitis B vaccine may be a potential life-saving drug. There are no similar products currently available. To ensure that there are no undue delays in the availability of a potential life-saving vaccine, FDA proposes to make the final regulation effective immediately upon licensure of the first hepatitis B vaccine. Based on current estimates, complete data concerning the effectiveness of hepatitis B vaccine may be available in 6 months.

Although this proposal would permit a unit of blood, plasma, or serum found reactive for hepatitis B surface antigen to be used for further manufacture, the current regulations concerning donor suitability prescribed in §§ 640.3 (b)(5) and (c) and 640.63(c) (9), (11), (12), and (13) prohibit acceptance of a donor known to have had exposure to hepatitis. Accordingly, the agency proposes to amend § 610.41 to permit acceptance of a donor known to have had exposure to hepatitis for the purpose of collecting blood, plasma, or serum, provided that a license application amendment is approved under § 640.75.

The agency has carefully considered the potential environmental impact of this proposed action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The agency's finding of no significant impact and the evidence supporting this finding, contained in an environmental assessment (under 21 CFR 25.31, proposed December 11, 1979; 44 FR 71742) may be seen in the Dockets Management Branch, Food and Drug Administration.

Therefore, under the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), it is proposed that Part 610 be amended:

1. By revising § 610.40(d), to read as follows:

§ 610.40 Test for hepatitis B surface antigen.

* * * * *

(d) *Restrictions on use.* Blood, plasma, or serum that is reactive when tested for hepatitis B surface antigen shall not be used in manufacturing biological products except as provided in paragraph (d) (1) and (2) of this section.

(1) *Injectable biological products and licensed in vitro diagnostic biological products.* Blood, plasma, or serum that is reactive when tested for hepatitis B surface antigen may be used in manufacturing licensed hepatitis B vaccine and licensed in vitro diagnostic biological products if all of the following conditions are met:

(i) The final product cannot be prepared from blood, plasma, or serum that is nonreactive when tested for hepatitis B surface antigen, due either to the nature or to the scarcity of the final product.

(ii) The label of the source blood, plasma, or serum conspicuously states that it is reactive when tested for hepatitis B surface antigen and may transmit viral hepatitis.

(iii) The package label of the licensed in vitro diagnostic biological product prepared from such blood, plasma, or serum states conspicuously that the product was prepared from material that was reactive when tested for hepatitis B surface antigen and may transmit viral hepatitis.

(iv) The package label of the licensed injectable biological product prepared from such blood, plasma, or serum for the production of hepatitis B vaccine states that the product has been attenuated or inactivated.

(v) The Director, Bureau of Biologics, Food and Drug Administration, is notified in writing at the time of shipment, or in the case of repetitive shipments, on April 1 and October 1 of each year, of each shipment of source blood, plasma, or serum for production into in vitro diagnostic biological products or hepatitis B vaccine. Each notification shall identify the kind and amount of source material shipped, the name and address of the consignee, the date of shipment, and the manner in which the source material was labeled.

(2) *Unlicensed in vitro diagnostic biological products.* Blood, plasma, or serum that is reactive when tested for hepatitis B surface antigen may be used in manufacturing unlicensed in vitro diagnostic biological products including clinical chemistry control reagents if all of the following conditions are met:

(i) The final product cannot be prepared from blood, plasma, or serum that is nonreactive when tested for hepatitis B surface antigen, due either to the nature or to the scarcity of the final product.

(ii) The label of the source blood, plasma, or serum states conspicuously that it is reactive when tested for hepatitis B surface antigen and may transmit viral hepatitis.

(iii) The manufacturer of the source blood, plasma, or serum obtains written assurance from the manufacturer(s) of the final unlicensed product that package labels of all unlicensed products will conspicuously state that the product was prepared from blood, plasma, or serum that was reactive when tested for hepatitis B surface antigen and may transmit viral hepatitis, as required by § 809.10(a)(4) of this chapter.

(iv) At the time of shipment, the Director, Bureau of Biologics, Food and Drug Administration, is notified in writing of each shipment of source blood, plasma, or serum signifying the kind and the amount of source material shipped, the name and address of the consignee, the date of shipment, and the manner in which such source material was labeled.

* * * * *

2. By revising § 610.41, to read as follows:

§ 610.41 History of hepatitis B surface antigen.

A person testing positive or known to have previously tested positive for hepatitis B surface antigen may not serve as a donor of human blood, plasma, or serum, except that under § 640.75 of this chapter, such a donor may serve as a source of hepatitis B surface antigen for the production of licensed hepatitis B vaccine and the preparation of diagnostic products for laboratory tests, or a person known to have previously tested positive for hepatitis B surface antigen may serve as a source of antibody to hepatitis B surface antigen for the preparation of diagnostic products for laboratory tests.

Interested persons may, on or before September 8, 1981 submit to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

The economic impact of this proposed rule has been assessed in accordance with Executive Order 12291 (46 FR 13193; February 19, 1981). This proposal is not a major rule as defined by that order. It is expected that the proposed regulation will not result in any increase in the cost of biological products being regulated, and may serve to decrease the production cost of hepatitis B vaccine by increasing the availability of source material for its manufacture. The assessment for making that determination is on file with the Dockets Management Branch, Food and Drug Administration.

In accordance with the Regulatory Flexibility Act (Pub. L. 96-354), a regulatory flexibility analysis has been prepared for this document, and it has been determined that the proposed rulemaking does not have a significant economic impact on a substantial number of small business entities. A copy of the regulatory flexibility analysis supporting this determination is on file with the Dockets Management Branch, Food and Drug Administration.

Dated: June 11, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-19452 Filed 7-6-81 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 660

[Docket No. 81N-0119]

Amendment of Additional Standards for Blood Grouping Serum To Permit Use of Chemically Modified Antisera

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) proposes to amend the biologics regulations by revising potency requirements for Blood Grouping Sera to permit marketing of chemically modified Blood Grouping Sera. Current potency requirements are unsuitable for chemically modified Blood Grouping Sera. The proposed regulation would permit, where appropriate, the use of alternative manufacturing methods, procedures, or potency tests for such products as chemically modified Blood Grouping Sera.

DATE: Comments by September 8, 1981.

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

FOR FURTHER INFORMATION CONTACT: Joseph Wilczek, Bureau of Biologics (HFB-620), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301-443-1306.

SUPPLEMENTARY INFORMATION: Blood Grouping Serum consists of a sterile preparation of serum containing one or more blood grouping antibodies and is used to detect ABO, Rh, and other antigens of red blood cells. The additional standards for the processing and testing of Blood Grouping Serum, §§ 660.20-660.29 (21 CFR 660.20-660.29) were published in the **Federal Register** of October 7, 1977 (42 FR 54534). Since publication of the additional standards, manufacturers have developed a new class of products, chemically modified Blood Grouping Sera, which are

fundamentally different from previously manufactured Blood Grouping Sera. The chemically modified Blood Grouping Sera differ from traditional Blood Grouping Sera in that the chemically modified reagents do not contain increased amounts of protein or high molecular weight additives which can cause false-positive results. Through chemical modification, Immunoglobulin G (IgG) antibody molecules become capable of agglutinating red blood cells directly and therefore eliminate the need for enzyme treatment or an antiglobulin test phase. The advantages of the chemically modified Blood Grouping Sera include avoiding most false-positive test results when using immunoglobulin-coated red blood cells and facilitating faster blood group testing.

The current potency requirements for Blood Grouping Sera in § 660.25(a)(5) are unsuitable for testing the potency of chemically modified Blood Grouping Sera. This unsuitability results from the current requirement that agglutination assays be conducted at specified dilutions. Although all Blood Grouping Sera are used in an undiluted state for detecting the presence of antigens on the surface of red blood cells, potency tests on diluted Blood Grouping Sera are required to ensure that the Blood Grouping Sera have sufficient potency to provide a margin of safety throughout the shelf life of the product. To meet the potency requirements, the product must have specified potency titer values. The current potency test requirements are inappropriate for the chemically modified Blood Grouping Sera because these products do not react serologically like traditional Blood Grouping Sera. Serial dilutions of the chemically modified Blood Grouping Sera do not provide satisfactory titer values in direct agglutination assays as prescribed in § 660.25(a)(5). Manufacturers, however, have developed other test methods to ensure the effectiveness of chemically modified Blood Grouping Sera.

The agency proposes to amend § 660.25 to allow alternative manufacturing procedures or test methods to substitute for current manufacturing procedures or test methods for these chemically modified Blood Grouping Sera. This exception would apply whenever a manufacturer presents evidence demonstrating that the alternative manufacturing procedures or test methods will provide assurances of the specificity, potency, and effectiveness of the modified Blood Grouping Serum that equals or exceeds the assurances provided by the manufacturing procedures or test methods currently prescribed by the additional standards.

Currently there are no Reference Blood Grouping Sera available for chemically modified Blood Grouping Sera. Potency reference standards for these new products may be developed at some future date, but the present limited experience with chemically modified Blood Grouping Sera precludes standard development at this time.

The agency has determined pursuant to 21 CFR 25.24(d)(10) (proposed December 11, 1979; 44 FR 71742) that this proposed action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

FDA has examined the regulatory impact and regulatory flexibility implications of the proposed regulation in accordance with Executive Order 12291 and the Regulatory Flexibility Act. The agency believes that the proposed rule will produce no adverse effect on manufacturers or users of Blood Grouping Sera because it simply relieves a current restriction on the manufacturers of these products. The decision whether or when to substitute the chemically modified version for traditional Blood Grouping Sera remains with the manufacturers and users of the products, who presumably will select the chemically modified version only when its advantages outweigh any cost increments.

Therefore, the agency concludes that the proposed rule does not warrant designation as a major rule under any of the criteria specified under section 1(b) of Executive Order 12291. The agency similarly concludes that the proposed rule would not adversely impact on small entities, including small businesses, by reason of the free choice among product alternatives offered by the proposed regulation.

Therefore, under the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), it is proposed that Part 660 be amended in § 660.25 by adding new paragraph (d) to read as follows:

§ 660.25 Potency test without reference preparations.

* * * * *

(d) *Equivalent methods.* Modification of any particular manufacturing method or procedure, including modification of required potency test procedures, shall be permitted whenever a manufacturer presents evidence demonstrating that the alternative methods, procedures, or tests will provide assurances of the specificity, potency, and effectiveness of the modified Blood Grouping Serum that are equal to or greater than the assurances provided by the methods, procedures, or tests currently prescribed by such standards, and the Director, Bureau of Biologics, so finds and makes such finding a matter of official record.

Interested persons may, on or before September 8, 1981, submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 17, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-19786 Filed 7-6-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 209

Administrative Procedures; Shipping Safety Fairways and Anchorages, Gulf of Mexico

Correction

FR Doc. 81–19393 was published in the Rules and Regulations Section on page 34583 in the issue of Thursday, July 2, 1981. It should have appeared in the Proposed Rules Section.

BILLING CODE 1505-01-M

VETERANS ADMINISTRATION

38 CFR Part 36

Post-Liquidation Agreements for Indemnification of Mobile Home Loan Holders; Clarification of Regulations Governing Foreclosure or Repossession of Mobile Home Loans

AGENCY: Veterans Administration (VA).

ACTION: Proposed regulations.

SUMMARY: The VA (Veterans Administration) is proposing to amend

its regulations to specify the conditions under which the Administrator will agree to indemnify the holder of a mobile home loan who liquidates the security and finances a resale of the property. Adoption of this amendment should facilitate the resale of repossessed mobile home units.

The VA is also proposing to amend its mobile home loan regulations to assure uniform application of the rule that VA prior approval should be obtained before making repairs exceeding $400 to the mobile home unit or other security upon termination of a mobile home loan. This change is necessary because present regulations do not address the prior approval requirement in cases involving repossession, rather than some other method of termination. Certain other post-termination rules would also be given uniform application. The revised regulation will provide clear guidance on the procedure to follow and will assure advance authorization of major repairs.

It is also proposed to strike an erroneous reference and to make minor editorial changes to reflect agency policy of using precise terms in lieu of gender-specific pronouns.

DATES: Comments must be received on or before August 6, 1981. It is proposed to make these amendments effective on the date of final approval.

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

Comments will be available for inspection at the address shown above until August 17, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Raymond L. Brodie, Assistant Director for Loan Management (261), Department of Veterans Benefits, Loan Guaranty Service, Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420, 202–389–3668.

SUPPLEMENTARY INFORMATION: When a VA guaranteed mobile home loan goes into default and the holder of the loan repossesses the security, § 36.4283 requires the holder to resell the security at a minimum price established by VA as the reasonable value of the property. The amount of the sale price must be credited to the veteran's indebtedness. The holder may then file a claim under the guaranty for the balance of the eligible debt plus allowable costs. Holders are reluctant to assume the risks of reselling the repossessed mobile home on other than an all-cash basis. The proposed amendment to § 36.4283(f) would provide that, in return for the holder's continued risk in making a low downpayment loan to finance the resale of a repossessed mobile home, the VA would agree to indemnify the holder against additional monetary loss up to the difference between the amount of VA's maximum liability (calculated under present § 36.4284(a)), and the amount of any partial claim paid to the holder upon termination of the veteran's loan. This procedure would facilitate the resale of a repossessed unit on a retail basis by the holder, normally yield a higher selling price on the security than on an all-cash sale, and reduce the dollar amount of VA claims. Holders would be allowed to finance the resale with continued VA contingent liability within the loan maturity and interest rate limits of §§ 36.4204(c) and 36.4212. The VA's liability under the indemnification agreement would decrease or increase (subject to the maximum liability) pro rata with any decrease or increase in the amount of the unpaid portion of the new loan.

The present regulatory requirement that a lender notify VA at least 10 days in advance concerning the terms of any proposed resale of a repossessed mobile home would be deleted. Circumstances in the industry make it unreasonable to expect 10 days' advance notice. Further, VA's policy has been to give holders advice of minimum sales prices in advance based on the reasonable value of the property. The proposed regulatory amendment recognizes this need for simplification of the resale procedure.

The present regulatory provision regarding indemnification agreements would also be deleted. The establishment of the current reasonable value as the basis of the accounting between the holder and the Administrator makes this provision unnecessary. The proposed change would allow holders to request that VA review the established minimum sales price to assure that values are not established arbitrarily.

Concerning the amendment of § 36.4283(h), the holder of the loan must frequently incur expenses necessary to preserve the security upon termination of a mobile home loan following default by the borrower. These expenses will be reimbursed by the VA provided that they are reasonable in amount and necessary for the preservation or refurbishment of the property. Section 36.4283(h)(3) currently requires prior approval of the VA if the cost exceeds $400, but the section applies only to mobile home loans which are terminated via judicial or statutory sale, power of sale, deed in lieu of sale, or to loans secured by real property. Section 36.4283(h) does not address loans terminated by repossession. The proposed amendment would bring loans terminated by repossession within the coverage of the section.

The method by which a mobile home loan is terminated has no bearing on the reasonableness of expenses undertaken to preserve or refurbish the security. The proposed amendment would provide a uniform standard for prior approval of these expenses that would be applied to all mobile home loans, without regard to the method of termination. Prior approval would be required in all cases where the expenditure exceeds $400. This provides VA with an earlier opportunity to evaluate cases where major expenses are contemplated, and to determine whether the expenses are reasonable. VA advance approval of the expenditure should reduce the likelihood that a major claim will later be disallowed as unnecessary or unreasonable.

The proposed amendment to § 36.4283(h) would also provide for uniform application of certain other post-termination rules. First, the holder must report the occupancy status of the property and must obtain the prior approval of the Administrator before altering occupancy status. Second, the holder is responsible for certain losses from the date of acquisition until the date of liquidation. Third, income and insurance proceeds collected from the property must be included as credits in the accounting filed with the Administrator. These requirements are considered necessary and appropriate for the sound operation of the mobile home loan program and should be applied uniformly, without regard to the method by which the loan was terminated.

Section 36.4283(j) provides that "The provisions of this section shall not be in derogation of any rights which the Administrator may have under § 36.4284." This is an erroneous reference; the reference should have been to the Administrator's rights under § 36.4286.

Section 36.4284 is technical in nature, and provides only for the calculation and computation of the cutoff dates, credits and setoffs, amount of claim and amount of indebtedness. There are no discretionary functions contemplated under this section. Section 36.4286, on the other hand, authorizes the Administrator to disallow a claim in cases involving forgery or adjust a claim involving fraud, misrepresentation, failure to retain a lien of the required dignity, or violation of certain other requirements. Reference to § 36.4284 at

the time of original publication of § 36.4283(j) was an error, and this proposed amendment would make the necessary correction.

These amendments have been reviewed pursuant to Executive Order 12291, entitled Federal Regulation, and the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164). The proposed amendments have been found to be nonmajor with respect to the Executive Order and nonsignificant with respect to the Regulatory Flexibility Act.

Concerning Executive Order 12291, a major rule (regulation) is defined as having an annual effect on the economy of 100 million or more dollars; cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies; or significant adverse effects on competition, employment, investment productivity, innovation, or on the ability of United States-based enterprise to compete with foreign-based enterprises in domestic or export markets. These proposed regulations will not impact on the public or private sectors as a major rule as defined by the Executive Order. Concerning the Regulatory Flexibility Act, each agency must analyze the effects of regulatory requirements on small business, government jurisdictions and organizations, (collectively referred to as small entities). The proposed amendments should have no impact upon small government jurisdictions or organizations, and the regulations will impose little compliance costs and no reporting burdens upon small businesses participating in the Loan Guaranty program. We have concluded, therefore, that the proposed regulations have a nonsignificant economic impact upon small entities.

The amendments are proposed under authority granted to the Administrator by sections 210(c) and 1819(g) of title 38, United States Code.

Additional Comment Information

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420. All written comments received will be available for public inspection at the above address only between 8 a.m. and 4:30 p.m., Monday through Friday (except holidays) until August 17, 1981. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Approved: June 17, 1981.

D. Custis,

Acting Administrator.

§ 36.4282 [Amended]

1. Section 36.4282 is amended as follows:

(a) By removing the word "his" and inserting the words "the Administrator's" in paragraph (c), the last sentence of paragraph (d) and in paragraph (e);

(b) By removing the words "may at his option" and "his" and inserting the words "shall have the option to" and "the Administrator's" in the first sentence of paragraph (f) and deleting the word "him" (twice) and "he" and inserting "the Administrator" in the second sentence.

2. Section 36.4283 is amended as follows:

(a) By removing the word "he" and inserting the words "the Administrator" in the introductory portion of paragraph (a) preceding subparagraph (1).

(b) By removing "§ 36.4284" and inserting "§ 36.4286" in the first sentence of paragraph (j).

(c) By revising paragraph (f) and the introductory portion of paragraph (h) and (h)(1) as follows:

§ 36.4283 Foreclosure or repossession.

* * * * *

(f) When the security for a guaranteed loan is acquired by the holder through foreclosure or otherwise, the holder shall resell the property within a reasonable time and may thereafter submit its claim under the guaranty. The Administrator, upon receipt of a notice of acquisition, shall determine the current reasonable value of the property and advise the holder of the minimum selling price that will be acceptable in any accounting with the Administrator upon liquidation of the security.

(1) If the holder resells the property for an amount at least equal to the minimum selling price, it shall credit the indebtedness with the proceeds of the sale.

(2) If the holder is unable to resell the property for an amount at least equal to the minimum selling price after exposure to the market for a reasonable period of time, the holder may submit to the Administrator a written advice setting forth the price, terms, conditions and expenses of any offer received. The Administrator shall thereupon:

(i) Assent to the resale of the property upon the terms of such offer, in which event the holder will credit the indebtedness with the proceeds of the sale, or

(ii) Review the minimum selling price previously established and, if appropriate, provide the holder with a reduced minimum selling price at which the property shall be further exposed to the market.

(3) If the holder resells the property and finances the sale under the terms of a new security agreement and note, the Administrator may, pursuant to paragraph (f)(3)(iv) of this section, agree to indemnify the holder against loss on the new loan.

(i) The Administrator's maximum liability under the indemnity agreement shall be the percentage of the loan originally guaranteed applied to the indebtedness as of the date for claim computation as set forth in § 36.4284(a), or the amount originally guaranteed, or the amount of the Administrator's liability under a preexisting indemnity agreement, whichever is less.

(ii) In the event the proceeds of sale are less than the total indebtedness, the Administrator may pay a partial claim for the difference between the indebtedness and the proceeds of sale and thereafter agree to indemnify the holder for the amount of the maximum liability as of the date of claim computation, less the amount of claim paid.

(iii) Subject to the limitation that the total amount payable under an indemnity agreement shall in no event exceed the Administrator's maximum liability, the remaining liability will be continued as a percentage of the new loan amount increasing or decreasing pro rata with any increase or decrease in the balance of the loan obligation.

(iv) The Administrator shall execute an indemnity agreement evidencing the amount and terms of the indemnity liability, provided:

(A) The Administrator has determined that resale of the security under an indemnity agreement is in the best interest of the Government, and the holder has obtained the prior approval of the Administrator;

(B) The terms of repayment of the proposed loan bear a proper relationship to the borrower's present and anticipated income and expenses, and the borrower is a satisfactory credit risk;

(C) The borrower executes an agreement establishing liability to the Administrator for the amount of any claim paid under the indemnity agreement;

(D) The term of the proposed loan does not exceed the maximum term allowable under § 36.4204(c)(4);

(E) The interest rate charged the borrower does not exceed the maximum rate allowable under § 36.4212;

(F) The holder agrees to comply with VA mobile home regulations as if the original loan had not been terminated. (38 U.S.C. 1819(g))

* * * * *

(h) If the property securing the guaranteed loan is acquired by a holder pursuant to paragraph (a), (b) or (c) of this section, or § 36.4282(g), the following provisions shall apply:

(l) The holder's notice to the Administrator after acquisition shall state the amount of the successful bid at public sale, or in the event of a repossession or a voluntary conveyance, the date of acquisition.

* * * * *

(38 U.S.C. 210(c), 1819(g))

[FR Doc. 81-19893 Filed 7-6-81; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

[EN-FRL-1875-8]

Motor Vehicle Pollution Control; Waiver of Oxides of Nitrogen (NO_x) Emission Standards; Opportunity for Public Hearing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of opportunity for public hearing to consider applications for waivers.

SUMMARY: Under Section 202(b)(6)(B) of the Clean Air Act (Act), EPA may waive the 1981–1984 model year NO_x standard applicable to diesel-powered light-duty vehicles after notice and an opportunity for hearing. This notice announces receipt of waiver applications from Ford Motor Company (Ford), Automobiles Peugeot (Peugeot), and Volvo of America (Volvo), and provides an opportunity for a public hearing to consider these, and any other timely NO_x waiver applications.

DATES: This notice announces that EPA has tentatively scheduled a consolidated public hearing beginning at 9:00 a.m. on July 23, 1981, if any party notifies EPA by July 16, 1981, that it wishes to present oral testimony on Ford's, Volvo's and Peugeot's waiver applications, and on any other NO_x waiver application that EPA receives by July 13, 1981. Interested parties should submit any relevant written comments by July 30, 1981, to ensure that the Administrator can consider these comments in deciding on the waiver applications. If no party submits a timely notice to EPA that it wishes to testify, EPA will consider the waiver request based on written submissions to the record.

ADDRESSES: Manufacturers submitting NO_x waiver applications, and parties interested in submitting proposed testimony or relevant written comments should direct their submissions to the Director, Manufacturers Operations Division (EN–340), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. EPA has tentatively scheduled a public hearing at the EPA Conference Room 2126, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460. Information submitted by applicants and other relevant information will be available for public inspection during normal working hours (8:00 a.m. to 4:00 p.m.) at U.S. Environmental Protection Agency, Central Docket Section (A–120), Gallery I, Waterside Mall, 401 M Street, S.W., Washington D.C. (Docket Number EN–81–7).

FOR FURTHER INFORMATION CONTACT: Deborah Schloss, Attorney/Advisor, Manufacturers Operations Division (EN–340), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 472–9421.

SUPPLEMENTARY INFORMATION:

I. Background and Discussion

Section 202(b)(6)(B) of the Clean Air Act, as amended, 42 U.S.C. 7521(b)(6)(B)(1977), allows any manufacturer to petition the Administrator of EPA for waiver of the 1981–1984 model year NO_x standard of 1.0 grams per mile (g/mi). The Administrator, after notice and opportunity for public hearing, may waive the standard for any class or category of light-duty vehicles manufactured during the four model-year period beginning in model year 1981, up to a maximum level of 1.5 g/mi, if the manufacturer can show that the waiver is necessary to permit diesel engine technology to be used on the subject vehicles. The waiver may be granted if the Administrator determines:

(i) That the waiver will not endanger public health;

(ii) That the waiver will result in significant fuel savings at least equal to the fuel economy standard applicable in each year under the Energy Policy and Conservation Act, and

(iii) That the technology has a potential for long-term air quality benefit and has the potential to meet or exceed the average fuel economy standard applicable under the Energy Policy and Conservation Act at the expiration of the waiver.

EPA published guidelines for diesel NO_x waiver applications in the **Federal Register** at 43 FR 30341 (July 14, 1978), in order to apprise manufacturers of the information deemed necessary to demonstrate that a waiver should be granted. EPA also published a notice in the **Federal Register** at 46 FR 20705 (April 7, 1981), announcing procedures for submitting NO_x waiver applications covering model years 1981–1984.

EPA has already received waiver applications from Peugeot, Ford, and Volvo for waiver of the 1.0 g/mi NO_x standard in model years 1983 and 1984. This notice announces a tentatively scheduled public hearing to consider these applications, and any others that are submitted before July 13, 1981.

If no party notifies EPA by July 16, 1981, that it wishes to testify, EPA will consider the applications based on written submissions of the parties and information otherwise included in the record.

II. Hearing Procedures

If the tentatively scheduled hearing takes place, it will provide an opportunity for interested persons to state their views or arguments or to provide pertinent information concerning the waiver requests at issue. Any party desiring to make an oral statement at the hearing should file a notice of such intention with the Director of EPA's Manufacturers Operations Division at the address listed above no later than July 16, 1981. The procedures for the hearing will be the same as those which EPA has employed in previous NO_x waiver hearings. [1]

Presentations by the participants at the hearing, if any, and interested parties who make written submissions or file applications should address the considerations listed in previous NO_x waiver hearing notices [2] and in the **Federal Register** notice that announced consolidated proceedings to consider NO_x waiver applications for the 1981–1984 model years. [3]

Whether or not EPA holds a hearing, the record will remain open until July 30, 1981, for the submission of written information for consideration by the Administrator in formulating this waiver decision. If EPA does hold the hearing, the Agency will make a verbatim record of the proceeding. Interested parties may obtain a copy of the transcript at their own expense by so arranging with the reporter during the hearing. The

[1] *See*, 45 FR 27788, 27789 (April 24, 1980).
[2] *See*, 45 FR 73790, 73792 (November 6, 1980).
[3] 46 FR 20705, 20706 (April 7, 1981).

Administrator will base determinations with regard to the manufacturers' waiver requests on the record of the public hearing, if any, and on any other relevant written materials submitted to, or otherwise included in the record. This information will be available for public inspection at the EPA Central Docket Section in Docket Number EN–81–7. Interested parties may obtain copies of documents in the public docket as provided in 40 CFR Part 2.

Dated: June 30, 1981.

Richard D. Wilson,

Acting Assistant Administrator for Enforcement.

[FR Doc. 81-19841 Filed 7-6-81; 8:45 am]

BILLING CODE 6560-33-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6074]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the City of Boston, Suffolk County, Massachusetts, previously published at 46 FR 30121 on June 5, 1981.

EFFECTIVE DATE: July 7, 1981.

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 correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the City of Boston, Suffolk County, Massachusetts, previously published at 46 FR 30121 on June 5, 1981, 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).

Due to a clerical error, a location under the Source of Flooding of Neponset River was listed as "upstream MBTA Bridge (1st upstream crossing)"; it should be amended to read "upstream MBTA Bridge (2nd upstream crossing)". The corresponding elevation was correct as published.

(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: June 19, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-19812 Filed 7-6-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6005]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of Franklin, Norfolk County, Massachusetts, previously published at 46 FR 15290 on March 5, 1981, and in the *Milford Daily News* on March 11, 1981 and March 18, 1981.

EFFECTIVE DATE: July 7, 1981.

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 correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of Franklin, Norfolk County, Massachusetts, previously published at 46 FR 15290 on March 5, 1981, and in the *Milford Daily News* on March 11, 1981, and March 18, 1981, 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).

In order for the following location under the Source of Flooding of Mine Brook to be correctly identified with the Flood Insurance Study (profiles) and Rate Maps, the description listed as "Upstream of I–495 (1st crossing)", should be amended to read "Downstream of I–495 (1st crossing)."

Also, due to a clerical error, the address to which comments are to be sent and at which the maps are available for inspection, was published incorrectly. The correct address for comments is Franklin Municipal Building, 150 Emmons Street, Franklin, Massachusetts 02038. Maps may be reviewed at the Office of the Building Inspector, Franklin Municipal Building.

(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: June 19, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-19811 Filed 7-6-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-402; RM-3764]

FM Broadcast Stations in Yuma, Arizona; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule.

SUMMARY: This action proposes to assign FM Channel 265A to Yuma, Arizona, in response to a petition filed by People Broadcasting Company. The assignment would provide Yuma with a thrid FM service.

DATE: Comments must be filed on or before August 28, 1981, and reply comments on or before September 17, 1981.

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

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

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations (Yuma, Arizona), BC Docket No. 81–402, RM–3764.

Adopted: June 18, 1981.

Released: June 29, 1981.

By the Chief, Policy and Rules Division.

1. *Petitioner, Proposal, Comments:* (a) A petition for rule making [1] was filed by People Broadcasting Company ("petitioner"), proposing the assignment of FM Channel 265A to Yuma, Arizona, as that community's third assignment.

(b) The channel can be assigned to Yuma, with a site restriction in order to conform with the applicable minimum distance separation requirements of § 73.207 of the Commission's rules.

(c) Petitioner states it will apply for the channel, if assigned.

2. *Demographic data*—(a) *Location.* Yuma, the seat of Yuma County, is located approximately 248 kilometers (155 miles) southwest of Phoenix, Arizona.

(b) *Population:* Yuma (population 29,007);[2] Yuma County (population 60,827).

(c) *Local Aural Broadcast Service.* Yuma is served locally by two fulltime AM stations, one daytime-only AM, and two FM stations.

3. *Economic Considerations.* Petitioner states that its economic base is derived from the fact that Yuma is the main trade area for more than 270,000 persons in the United States, and 600,000 in nearby Mexico. It adds that Yuma is supported by, and is the center of, agriculture, manufacturing, retail trade and government activities, as well as tourism and recreation. Petitioner has submitted the required data with respect to Yuma to support its need for the requested assignment.

4. *Technical Data.*—(a) *Preclusion.* Petitioner did not submit a preclusion study to indicate what communities having populations over 1,000 persons and currently without any FM assignments, would be affected by this proposal. Since the request seeks a third assignment to a community of less than 50,000, preclusion data is important to justify an exception to our population criteria which places a limit of two channels to such communities. Petitioner should list alternate channels which could be assigned to any precluded communities. This data must be submitted by the date set forth herein for filing comments, before this proposal can be effectuated.

(b) *Intermixture.* The assignment of Channel 265A to Yuma would result in intermixing a Class A channel with Class C Channels 226 and 236. Petitioner has indicated that an effort was made to find a Class B or C channel for assignment to that community, but that Channel 265A was the best channel available. The Commission has a policy of permitting such intermixture where no other Class C channels are available for assignment and, where, as here, the petitioner is willing to apply for the Class A channel in spite of the unfavorable competitive situation. See, *Yakima, Washington,* 42 F.C.C. 2d 548, 550 (1973); *Key West, Florida,* 45 F.C.C. 2d 142, 145 (1974). Petitioner is requested to indicate whether it found any Class C channels assignable to Yuma.

(c) *Site Restriction.* The transmitter site must be located approximately 9.9 kilometers (6.2 miles) east-southeast of Yuma, to avoid short-spacing to Channel 265A in Calipatri, California. Petitioner indicates in its engineering statement that the transmitter location is proposed to be approximately 12.1 kilometers (7.5 miles) in that specified direction from Yuma, to conform with the mileage separation requirements.

5. Since Yuma is located within 320 kilometers (199 miles) of the U.S.-Mexico border, concurrence in this proposal by the Mexican Government must be obtained.

6. In view of the foregoing, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, as follows:

City	Channel No.	
	Present	Proposed
Yuma, Arizona	226, 236	226, 236, 265A.

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix below and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before August 28, 1981, and reply comments on or before September 17, 1981.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules,* 46 FR 11549, published February 9, 1981.

10. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81-402 RM-3764]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in

[1] Public Notice of the petition was given October 17, 1980, Report No. 1253.

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

connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-19880 Filed 7-6-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-373; RM-3790]

FM Broadcast Station in Eureka Springs, Arkansas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule.

SUMMARY: This action proposes to assign FM Channel 265A to Eureka Springs, Arkansas, in response to a petition filed by Beverly Ann and Tom S. Butler. The assignment would provide Eureka Springs with a first local commercial FM assignment.

DATES: Comments must be filed on or before August 7, 1981, and reply comments on or before August 27, 1981.

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

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

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations (Eureka Springs, Arkansas), BC Docket No. 81-373, RM-3790.

Adopted: June 2, 1981.

Released: June 10, 1981.

By the Chief, Policy and Rules Division.

1. Beverley Ann and Tom S. Butler ("petitioners") have filed a petition for rule making[1] seeking assignment of Channel 265A to Eureka Springs, Arkansas, as that community's first commercial FM assignment. The assignment could be made in compliance with the minimum distance separation requirements of § 73.207 of the Commission's rules, and petitioners state they will apply for the channel, if assigned.

2. Eureka Springs (population 1,670),[2] one of the seats of Carroll County (population 12,301), is located in the northwest corner of Arkansas, approximately 232 kilometers (145 miles) northwest of Little Rock. It presently has no local commercial service, but is served by noncommercial educational FM Station KESP (Channel 215A).

3. The proponent indicates that Eureka Springs has no local aural service and indicates that there is a need for an FM station. However, petitioner should supply demographic data to demonstrate that the community needs the assignment by the date set forth herein for filing supporting comments.

4. In order to give further consideration to the request, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, as follows:

City	Channel No.	
	Present	Proposed
Eureka Springs, Arkansas		265A

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. *NOTE:* A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

[1] *Public Notice* of the petition was given on November 10, 1980, Report No. 1256.

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

6. Interested parties may file comments on or before August 7, 1981 and reply comments on or before August 27, 1981.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend § 73.202(b), 73.504 and 73.606(b) of the Commission's rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in commission proceedings, such as this one, which involve channel assignments. An *ex parte* contract is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81-373 RM-3790]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Comunications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if

advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.40 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an orginal and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-19857 Filed 7-6-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-374; RM-3741]

FM Broadcast Station in Emporia, Kansas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 269A to Emporia, Kansas, in response to a petition filed by G and S Enterprises. The assignment would provide Emporia with a second FM assignment.

DATES: Comments must be filed on or before August 7, 1981, and reply comments on or before August 27, 1981.

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

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

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations (Emporia, Kansas), BC Docket No. 81-374, RM-3741.

Adopted: June 2, 1981.

Released: June 10, 1981.

By the Chief, Policy and Rules Division.

1. *Petitioner, Proposal, Comments.* (a) A petition for rule making[1] was filed by G and S Enterprises, proposing the assignment of Channel 269A to Emporia, Kansas, as that community's second FM allocation. No responses to the petition have been filed.

(b) The channel can be assigned to Emporia, with a site restriction to conform with the minimum distance separation requirements.

(c) Petitioner has failed to state in its proposal that it will apply for the channel, if assigned, and it is requested that it make a commitment to that effect in its comments.

2. *Community Data*—(a) *Location.* Emporia, the seat of Lyon County, is located approximately 80 kilometers (50 miles) southwest of Topeka, Kansas, the State capital.

(b) *Population.* Emporia—23,327; Lyon County—32,071.[2]

(c) *Local Aural Broadcast Service.* Emporia is served locally by commonly-owned full-time Stations KVOE (AM) and KLRF (FM).

3. *Economic Considerations.* Petitioner states that Emporia has its own local government unit, stores, and educational institutions. Among its various industries, the major employer is a beef processing plant, which it states is one of the nation's largest. Petitioner has submitted sufficient demographic and economic data to demonstrate the need for a second FM assignment.

4. *Preclusion Considerations.* The assignment of Channel 269A to Emporia will cause preclusion only on the co-channel 269A, within 65 miles. In the precluded area are two communities (Madison and Burlington, Kansas) with populations exceeding 1,000 and without local service, according to petitioner. We are further told that Madison could be served by Channel 252A, but that no channel is available at Burlington.

5. *Technical Data.* The transmitter site must be located 6.6 kilometers (4.1 miles) southeast of Emporia to avoid short-spacing to existing Station KMKF (Channel 269A), in Manhattan, Kansas.

6. In view of the apparent need for a second FM assignment, which could provide a first competitive FM outlet for Emporia and a third local aural service, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the rules, as follows:

City	Channel No.	
	Present	Proposed
Emporia, Kansas	285A	269A, 285A

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix below and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before August 7, 1981, and reply comments on or before August 27, 1981.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend § 73.202(b), 73.504 and 73.606(b) of the Commission's rules*, 46 FR 11549, published February 9, 1981.

10. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

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

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[1] *Public Notice* of the petition was given September 19, 1980, Report No. 1248

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81-374 RM-3741]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.40 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-19855 Filed 7-6-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-388; RM-3794]

FM Broadcast Station in North Muskegon, Michigan; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 252A to North Muskegon, Michigan, in response to a petition filed by LDM Broadcasting, Inc. The assignment would provide North Muskegon with a first local FM service..

DATE: Comments must be filed on or before August 18, 1981, and reply comments on or before September 8, 1981.

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

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

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations (North Muskegon, Michigan), BC Docket No. 81-388, RM-3794.

Adopted: June 9, 1981.

Released: June 19, 1981.

By the Chief, Policy and Rules Division.

1. *Petitioner, Proposal, Comments.* (a) A petition for rule making [1] was filed by LDM Broadcasting, Inc. ("petitioner"), proposing the assignment of Channel 252A to North Muskegon, Michigan, as that community's first FM assignment.

(b) Channel 252A can be assigned to North Muskegon in compliance with the minimum distance separation requirements.[2]

(c) Petitioner states that it will apply for the channel, if assigned.

2. *Demographic Data*—(a) *Location.* North Muskegon is located in Muskegon County, approximately 272 kilometers (170 miles) northwest of Detroit, Michigan.

(b) *Population.* North Muskegon—4,243; Muskegon County—157,426.[3]

(c) *Local Aural Broadcast Service.* None.

3. *Economic Considerations.* Petitioner has submitted a comprehensive community profile to demonstrate its need for the proposed assignment. Among other things, it states that it is an incorporated city with numerous appointed offices, and has municipal services, a church, schools, retail establishments, financial institutions, health services, and many recreational facilities.

4. Since North Muskegon is located within 402 kilometers (250 miles) of the U.S.-Canada border, the proposed assignment of Channel 252A to that community requires coordination with the Canadian Government.

5. In view of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, as follows:

City	Channel No.	
	Present	Proposed
North Muskegon, Michigan		252A

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix below and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before August 18, 1981, and reply comments on or before September 8, 1981.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules.* 46 FR 11549, published February 9, 1981.

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

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[1] Public Notice of the petition was given November 25, 1980, Report No. 1256.

[2] A site restriction of 2.4 miles northwest of the community is presently required to avoid short spacing to Station WGRD (Channel 250), Grand Rapids, Michigan. However, that station is proposing to move its transmitter, and once effectuated, the minimum distance mileage separation requirement would be met, thereby eliminating the imposition of a site restriction.

[3] Population figures are taken from the 1970 U.S. Census.

However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81-388 RM-3794]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.402(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filings of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-19856 Filed 7-6-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-407; RM-3813]

FM Broadcast Station, Lowville, N.Y.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule.

SUMMARY: This action proposes the assignment of FM Channel 257A to Lowville, New York, in response to a petition filed by DeHart Broadcasting Corporation. This assignment would provide Lowville with its first local aural service.

DATE: Comments must be filed on or before August 28, 1981, and reply comments on or before September 17, 1981.

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

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

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Lowville, New York), BC Docket No. 81-407, RM-3813.

Adopted: June 18, 1981.

Released: June 29, 1981.

By the Chief, Policy and Rules Division.

1. Before the Commission is a petition for rule making,[1] filed by DeHart Broadcasting Corporation ("petitioner"), proposing the assignment of FM Channel 257A to Lowville, New York, providing that community with its first local aural service. No comments opposing the assignment have been filed. The proposed channel can be assigned to Lowville, with a site restriction of approximately 3 kilometers (2 miles) south, in compliance with the minimum distance separation requirements.

2. Lowville (population 3,671)[2] is the seat of Lewis County (population 23,644). It is located approximately 184 kilometers (115 miles) northwest of Albany, New York. Lowville presently has no local aural service.

3. Lowville's principal industries are manufacturing and dairy farming. Other principal employers include the schools, local hospitals and county jobs associated with the county seat offices.

4. The petitioner claims that Lowville is a progressive town which is growing. The community has no local radio service and is deserving of an FM channel, according to petitioner.

5. Canadian concurrence in the proposed assignment must be obtained.

6. Accordingly, in view of the need for a first local station, we are proposing to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as to the following community:

City	Channel No.	
	Present	Proposed
Lowville, N.Y.		257A

7. The Commission's authority to institute rule making proceedings, showings, required, cut-off procedures, and filing requirements are contained in the attached Appendix below and are incorporated by reference herein.

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[1] Public Notice was given on December 31, 1980, Report No. 1264.

[2] Population data are taken from the 1970 U.S. Census.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Comments must be filed on or before August 28, 1981, and reply comments on or before September 17, 1981.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, *Certification that Section 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules*, 46 FR 11549, published February 9, 1981.

10. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81–407 RM–3813]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments: Service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81–19859 Filed 7–6–81; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[BC Docket No. 81–401; RM–3733]

FM Broadcast Station in Midland, Texas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 294 to Midland, Texas, in response to a petition filed by Stephen A. Wood and D. Lloyd Henderson. The assignment would provide Midland with a fourth FM allocation.

DATES: Comments must be filed on or before August 28, 1981, and reply comments on or before September 17, 1981.

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

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

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Midland, Texas), BC Docket No. 81–401, RM–3733.

Adopted: June 18, 1981.

Released: June 29, 1981.

By the Chief, Policy and Rules Division:

1. A petition for rule making [1] was filed by Stephen L. Wood and D. Lloyd Henderson ("petitioners"), proposing the assignment of Channel 297 to Midland, Texas, as that community's fourth FM assignment. The petitioners state that they will apply for the channel, if assigned.

2. Midland (population 59,463),[2] the seat of Midland County (population 65,433), is located approximately 496 kilometers (310 miles) west-southwest of Dallas, Texas. It is currently served by four AM stations (one fulltime and 3 daytime-only), and three FM stations. According to petitioners, Midland's population is experiencing a tremendous growth, which it expects will continue for the foreseeable future. It indicates that the community is the commercial and trade center for Midland County and the surrounding area. Additionally, it indicates that Midland is a regional exploration and administrative center of the petroleum industry. Further, it states that the community is also a transportation, educational, cultural, and recreational center for the area.

3. The assignment of Channel 297 to Midland will cause preclusion on Channels 294, within 65 miles, 295, within 65 miles, 296A, within 105 miles, 297, within 180 miles, 298, within 150 miles, and 299, within 65 miles. Petitioners state that alternate channels are available in the precluded areas.

4. Petitioners state that no new first or second service areas are anticipated by the proposal. The assignment of Channel 297 would require a transmitter site restriction of approximately 62.4 kilometers (39 miles) east of the community, due to Channel 296A in Jal, New Mexico. Before this assignment

[1] Public Notice of the petition was given September 2, 1980, Report No. 1246.

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

could be made, petitioners would have to provide data to show that a transmitter located at this distance could provide a 70 dBu signal over Midland.

5. Instead, we have undertaken an engineering study and have determined that three alternate channels could be assigned to Midland with site restrictions closer to the community than the proposed Channel 297. Of the three we have selected Channel 294,[3] which requires a site restriction of 11.2 kilometers (7 miles) southeast of the community, as being the most efficient and effective usage of the frequency spectrum. Since the proposed assignment is within 320 kilometers (199 miles) of the USA–Mexico border, Mexican concurrence must be obtained.

6. In view of the fact that the proposed FM channel assignment would provide Midland with a fourth FM and local nighttime aural service which could provide an additional diverse broadcast voice to the community, and since the population guidelines present no obstacle to this assignment, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the rules, as follows for the community listed below:

City	Channel No.	
	Present	Proposed
Midland, Tex	222, 227, 277	222, 227, 277, 294

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix below and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before August 28, 1981, and reply comments on or before September 17, 1981.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules*, 46 FR 11549, published February 9, 1981.

10. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81–401 RM–3733]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date of filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompained by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-19858 Filed 7-6-81; 8:45 am]

BILLING CODE 6712-01-M

[3] The other two channels which could be assigned are 282, with a site restriction of 24.8 kilometers (15.5 miles) south of the community, or 290, with a site restriction of 45.3 kilometers (28.3 miles) southeast of Midland.

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1005, 1008, and 1051

[Ex Parte No. 263 (Sub-No. 3); Ex Parte No. 406]

Electronic Transmission of Loss and Damage Claims and Freight Bills

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission is proposing to modify its rules to allow for the electronic transmission of (1) freight bills and (2) loss and damage claims. This proposal is intended to allow greater flexibility in processing this data.

DATE: Comments are due August 6, 1981.

ADDRESS: An original and 15 copies of comments should be sent to: Room 5356, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Richard Felder or Jane Mackall, (202) 275–7656.

SUPPLEMENTARY INFORMATION: In order to increase efficiency and improve the transportation industry's use of new technology, we propose to permit the

electronic transmission of loss and damage claims and freight bills. In our view, electronic processing of claims and billings to shippers having the necessary technology and agreeable to it would not constitute an unlawful concession or preference—a concern of the carriers—provided the option is available to all shippers who can and wish to exercise it. To the extent that some of our rules may presently be an obstacle to the electronic transmission of data, we propose to revise them. We will consider the contemplated changes to our rules governing (1) loss and damage claims and (2) freight billing individually, in conjunction with the specific petitions giving rise to them.

A. Loss and Damage Claims

In Ex Parte No. 263, 340 I.C.C. 515, the Commission modified the recordkeeping provisions of 49 CFR 1005.3, which govern "loss and damage" claims, to permit the use of computers and modern recordkeeping techniques. See 37 FR 23908 (1972).

General Motors Corp., Southern Railway Co., and Comlete Auto Transit Co., Inc. (a motor contract carrier) filed a petition seeking further relief from 49 CFR 1005 in order to process claims in writing or electronically *without supporting documentation*, as currently required, except upon request. We find considerable merit in their proposal and contemplate not only according them this relief but also amending our rules to make it generally available.

To do this a rulemaking is necessary because our rules governing loss and damage claims at 49 CFR 1005.2(b) presently require, *inter alia*, a communication *in writing* asserting liability for loss and damage, filed with the proper carrier. Moreover, § 1005.4(b) also provides: "[w]hen a necessary part of an investigation, each claim shall be supported "by (a) a bill of lading, (b) evidence of freight charges, or (c) certificate of value.

We propose amending these rules to permit electronic claims because of the resulting benefits to all concerned. Petitioners point out these benefits in the context of the automotive industry. They note that many carriers serving the industry electronically record on magnetic tape exceptions noted upon inspection of vehicles. This information is eventually transferred into a computer memory. These exception reports can be compared electronically with claims and repair rates to determine liability and, when deemed appropriate, used to pay the claims without paper documentation. While paper documents will still be available, petitioners do not believe them to be necessary in the majority of instances.

In our view, handling claims in this manner is consistent with § 1005.4(b), which requires supporting documents only "[w]hen a necessary part of an investigation." Under the circumstances, modification of 49 CFR 1005.2 and 1005.4(b) to authorize the handling of claims as proposed appears appropriate.

However, in keeping with the original purpose of 49 CFR 1005—namely: (1) to prevent duplicate or otherwise unlawful claims payments and (2) to ensure all pertinent records are available for examination and are in fact examined in processing the claim, we also propose to make our modification of the claims' processing requirements subject to two conditions. First, the shipper must accord the carrier ready access to supporting documents upon request. Second, the carrier paying a claim must retain the underlying documentation for possible Commission inspection.

In considering these changes we have also been mindful of any potential impact they might have on owner operators and are satisfied that they are not troublesome in this regard. The leasing regulations at § 1057.12(k)(3) do not presently require that the lessor be provided with a copy of the freight bill before deductions may be made for cargo or property damage. All that is required is a written explanation and itemization of the deductions to be delivered to the lessor before any deductions are made. However, we caution carriers to preserve their electronically transmitted loss and damage claims in such fashion as to render them accessible should they need to be consulted prior to assessing deductions against lessors. This would be for the carrier's own benefit as well as the protection of an owner-operator's revenues against unjustified deductions by the carrier.

B. Freight Bills

In a separate decision, simultaneously being published elsewhere in the **Federal Register** in docket No. 37488, *American Trucking Association—Petition for Declaratory Order—Electronic Transmission of Freight Bills By Motor Carriers*, we concluded that the substitution of electronic freight bill data for the standard paper document, when shipper and carrier agree, has much to offer in terms of reducing costs and improving efficiencies but, nonetheless, would conflict with present motor carrier freight bill requirements contained in 49 CFR 1008.4 (b) and (c) as well as 49 CFR 1051.1(b). Our reasons for instituting this proceeding explained in that notice are incorporated here.

In view of these considerations, we propose to modify 49 CFR 1008.4 (b) and (c) as well as 49 CFR 1051.1(b) to allow the substitution of electronic freight bill data for the standard paper document, provided the shipper agrees. Thus, when agreed to by shippers receiving electronically transmitted data, claims for overcharges and duplicate payments would not have to be accompanied by the original freight bill. Further, under such conditions the carrier would no longer be required to receipt the original freight bill on payment of the transportation charges. Of course, shippers and carriers could still take advantage of the indemnification exception in 49 CFR 1008.4(e).

Further, we believe electronic billing should be available to railroads and freight forwarders in addition to motor carriers because the reasons supporting according the relief to motor carriers—including cost savings and increased efficiency—apply equally to other transportation modes. We are presently unaware of any regulatory obstacles for railroads, since 49 CFR 1008 and 1051.1 apply only to motor carriers and freight forwarders. If the parties believe otherwise, they should apprise us of any problems.

In No. 37488, *supra*, a number of parties supporting electronic billing for motor carriers did so conditionally. However, we find their concerns and suggested conditions unjustified or unwarranted. The issues which they raise will be briefly addressed.

As in the case of loss and damage claims, the absence of a receipted original paper freight bill theoretically could present problems with overcharge or duplicate payment claims. However, as a practical matter, we deem this unlikely because shippers simply need not enter into arrangements with carriers lacking adequate claims procedures. We also believe that the actual details of the electronic transmittal should be left to the initiative of the involved carrier and the shipper. Thus, we are not proposing to require, for example, inclusion of the shipper's reference number, as urged by General Motors. Nor are we proposing to order the motor carrier industry and the shipping industry to develop standards for the data to be furnished by payor and payee—also suggested by General Motors. In view of the obvious benefits to all concerned in this suggestion, a Commission order would appear unnecessary.

In addition to the specific rule changes discussed above we will interpret other rules so that the terms "freight bill" and "presentation," when

not specifically designated as being as a paper document, are deemed to include electronically transmitted data. This broad interpretative approach makes extensive modification of other rules, such as those governing credit, unnecessary.

However, we stress that approval of electronic transmission of freight or expense bills shall not in any way obviate a carrier's responsibility of providing a written copy of the rated freight bill before or at the time of settlement to those lessors whose revenue is based on a percentage of the gross revenue, as set forth in the lease agreement and as required by 49 CFR 1057.12(h).

We seek comments on our specific proposed rule modifications, the proposed interpretative approach, and the inclusion of railroads and freight forwarders. Comments should also address possible alternatives to these amendments and identify any other rules which may hinder or prohibit achieving the benefits sought. Parties who already made their views known in Docket No. 37488, *supra*, insofar as motor carriers were involved or on the general benefits of our facilitating the use of electronic capabilities need not refile them.

This action does not significantly affect either the quality of the human environment or conservation of energy resources. Nor does it adversely affect small business within meaning of the Regulatory Flexibility Act, 94 Stat. 1164, September 19, 1980. However, we shall nonetheless transmit a copy of our proposal to the Chief Counsel for Advocacy of the Small Business Administration.

We propose to adopt the rules set forth below:

PART 1005—PRINCIPLES AND PRACTICES FOR THE INVESTIGATION AND VOLUNTARY DISPOSITION OF LOSS AND DAMAGE CLAIMS AND PROCESSING SALVAGE

(1) 49 CFR 1005.2(b) would be revised as follows:

§ 1005.2 Filing of claims.

* * * * *

(b) *Minimum filing requirements.* A written or electronic communication from a claimant, filed with a proper carrier within the time limits specified in the bill of lading or contract of carriage or transportation and: (1) Containing facts sufficient to identify the baggage or shipment (or shipments) of property involved, (2) asserting liability for alleged loss, damage, injury, or delay, and (3) making claim for the payment of a specified or determinable amount of money, shall be considered as sufficient compliance with the provisions for filing claims embraced in the bill of lading or other contract of carriage; provided, however, that where claims are electronically handled, procedures are established to ensure reasonable carrier access to supporting documents.

* * * * *

(2) 49 CFR 1005.4(b) would be revised as follows:

§ 1005.4 Investigation of claims.

* * * * *

(b) *Supporting documents.* When a necessary part of an investigation, each claim shall be supported by the original bill of lading, evidence of the freight charges, if any, and either the original invoice, a photographic copy of the original invoice, or an exact copy thereof or any extract made therefrom, certified by the claimant to be true and correct with respect to the property and value involved in the claim; or certification of prices or values, with trade or other discounts, allowance, or deductions, of any nature whatsoever and the terms thereof, or depreciation reflected thereon: Provided, however, That where the property involved in a claim has not been invoiced to the consignee shown on the bill of lading or where an invoice does not show price or value, or where the property has been transferred at bookkeeping values only, the carrier shall, before voluntarily paying a claim, require the claimant to establish the destination value in the quantity, shipped, transported, or involved and to certify the correctness thereof in writing: Provided, further, That when supporting documents are determined to be a necessary part of an investigation, the supporting documents are retained by the carriers for possible Commission inspection.

* * * * *

PART 1008—PROCEDURES GOVERNING THE PROCESSING, INVESTIGATION, AND DISPOSITION OF OVERCHARGE, DUPLICATE PAYMENT, OR OVERCOLLECTION CLAIMS

§ 1008.4 [Amended]

3. A phrase would be inserted at the beginning of the first sentence of the introductory text of 49 CFR 1008.4(b), *Documentation of claims.* As revised, the first sentence would read as follows:

"* * * Except when the original freight bill is not a paper document but is electronically transmitted, claims for over-charges shall be accompanied by the original freight bill."

4. A parenthetical phrase would be added to 49 CFR 1008.4(c), *Documentation of claims,* and as revised, (c) would read as follows:

* * * * *

(c) Claims for duplicate payment and overcollection shall be accompanied by the original freight bill(s) for which charges were paid (except when the original freight bill is not a paper document but is electronically transmitted) and by freight bill payment information.

* * * * *

PART 1051—INFORMATION REQUIRED ON RECEIPTS AND BILLS

5. 49 CFR 1051.1(b) would be revised to read as follows:

§ 1051.1 Information to be shown.

* * * * *

(b) Every common carrier by motor vehicle subject to the jurisdiction of this Commission shall, when collecting transportation charges, issue a freight or expense bill covering each shipment. Except when the original is not a paper document but is electronically transmitted, the original of such freight or expense bill shall be receipted on payment of the transportation charges. The original (or a copy if electronically transmitted) of the freight or expense bill shall be furnished to the shipper or receiver, whichever may pay the charges; and shall cause to be shown on the face thereof the names of the consignor and consignee (except that as to reconsigned shipments the freight or expense bill shall not show the name of the original consignor); the date of shipment; the points of origin and destination (except that as to reconsigned shipments the freight or expense bill shall not show the original shipping point unless the final consignee pays charges from such original point); the number of packages, description of articles, and weight, volume or measurement of the property transported (if the lawfully applicable rates or charges are published to apply per unit of weight, volume or measurement); the exact rate or rates assessed; the total charges to be collected including a statement of the nature and amount of any charges for special service and the points to which such service was rendered; the route of movement indicating each carrier participating in the transportation service, and the transfer point or points through which the shipment moved; either the address where remittance must be made or the address of the principal place of business of the issuer of the freight or expense bill, or both, at the issuer's option; and a record of this

information shall be kept by the preservation of a copy of such freight or expense bill.

This notice is issued under the authority of 49 U.S.C. 10101, 10321, 10324(b), 10521, and 5 U.S.C. 553 and 559.

Dated: June 16, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Acting Chairman Alexis was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-19086 Filed 7-6-81; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1127

[Ex Parte No. 293 (Sub-No. 8)]

Standards for Determining Commuter Rail Services Continuation Subsidies

AGENCY: Rail Services Planning Office, Interstate Commerce Commission.

ACTION: Notice of extension of time for filing comments.

SUMMARY: On May 29, 1981 the Rail Services Planning Office (RSPO) issued an Advanced Notice of Proposed Rulemaking, 46 FR 30156, June 5, 1981. RSPO requested that interested parties submit comments on ways to amend the Standards for Determining Commuter Rail Service Continuation Subsidies to comply with a recent Court of appeals ruling invalidating the irrebuttable presumption that the owner of a rail property is the dominant user. RSPO asked the parties to submit comments on or before July 3, 1981. On June 29, 1981 the Federal Railroad Administration of the Department of Transportation requested an extension of the due date for filing comments. RSPO believes that an extension is warranted and we are postponing the due date for filing comments to July 17, 1981.

DATE: Comments on the Advance Notice of Proposed Rulemaking are now due July 17, 1981.

FOR FURTHER INFORMATION CONTACT: Stephen M. Grimm, (202) 275-0838.

This Extension is published under the authority of 49 U.S.C. 10362. Issued: June 30, 1981 by Alexander Lyall Morton, Director, Rail Services Planning Office.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-19087 Filed 7-6-81; 8:45 am]

BILLING CODE 7035-01-M

Notices

Federal Register
Vol. 46, No. 129
Tuesday, July 7, 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

Small Business Timber Sale Set-Aside Program Review

A review of the Timber Sale Set-Aside Program for small business firms was initiated by the Secretary of Agriculture and the Administrator of the Small Business Administration. The review is planned to identify areas where the program may need strengthening and to develop procedural changes if necessary to make it more effective and responsive. The data base developed for the review includes timber sale information from 1973 through 1980 concerning the size of timber sale purchasers, timber sale characteristics, and other aspects of the Timber Sale Set-Aside Program.

The Timber Sale Set-Aside Program Review data base will be available for public inspection from July 15 to August 14, 1981. Each National Forest Supervisor's office will have their data available. Forest Service and the Small Business Administration will welcome any information which will improve the accuracy of this data base. Any such information must be received by the Forest Supervisor by the close of business on August 14, 1981.

Douglas R. Leisz,

Associate Chief.

July 1, 1981.

[FR Doc. 81-19694 Filed 7-6-81; 8:45 am]

BILLING CODE 3410-11-M

Rural Electrification Administration

Sugar Land Telephone Co., Sugar Land, Texas; Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 320-22, "Guarantee of Loans for Telephone Facilities," dated February 4, 1975, published in proposed form in the **Federal Register**, September 16, 1974, (Vol. 39 No. 180, pages 33228-33229) notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $19,369,000 to Sugar Land Telephone Company, Sugar Land, Texas. The loan funds will be used to finance the construction of facilities to extend telephone service to new subscribers, and improve telephone service for existing subscribers.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information and details of the proposed project from Mr. Robert C. Brown III, President, Sugar Land Telephone Company, P.O. Box 650, Sugar Land, Texas 77478.

To assure consideration, proposals must be submitted on or before August 6, 1981 to Mr. Robert C. Brown III. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Sugar Land Telephone Company and REA deem appropriate. Prosective lenders are advised that it is anticipated that financing for this project is available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration.

Copies of REA Bulletin 320-22 are available from the Director, Office of Information and Public Affairs, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

This program is listed in the Catalog of Federal Domestic Assistance as 10.851—Rural Telephone Loans and Loan Guarantees.

Dated at Washington, D.C. this 30th day of June 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-19793 Filed 7-6-81; 8:45 am]

BILLING CODE 3410-15-M

CIVIL AERONAUTICS BOARD

[Order 81-6-194]

Fitness Determination of Air New Orleans, Inc.; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-6-194, Order to Show Cause.

SUMMARY: The Board is proposing to find that Air New Orleans, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATE: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than July 17, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-6-194.

FOR FURTHER INFORMATION CONTACT: Mr. J. Kevin Kennedy, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428 (202) 673-5918.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-6-194 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue NW., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-6-194 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: June 30, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-19882 Filed 7-6-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 39731]

Mackey International, Inc., Fitness Investigation; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on July 29, 1981, at 10 a.m. (local time), in Room 1003, Hearing Room "B", Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C. 20428, before the undersigned administrative law judge.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and two copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; and (4) proposed procedural dates. The Bureau of Domestic Aviation will circulate its material on or before July 16, 1981, and the other parties on or before July 24, 1981. The submissions of the other parties shall be limited to points on which they differ with the Bureau, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C. on June 30, 1981.

John M. Vittone,

Administrative Law Judge.

[FR Doc. 81-19883 Filed 7-6-81; 8:45 am]

BILLING CODE 6320-01-M

CIVIL RIGHTS COMMISSION

South Dakota Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the South Dakota Advisory committee to the Commission will convene at 9:00 a.m. and will end at 1:00 p.m., on July 24, 1981, at the Imperial Motel, 125 Main Street, the Pioneer Room, Rapid City, South Dakota 57701. The purpose of this meeting is to plan future committee activities.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Ms. Mary E. McEldowney, 327 Kansas City Street, Rapid City, South Dakota 57701, (605) 787-5446; or the Rocky Mountain Regional Office, Brook Towers, Suite 2235, 1020 15th Street, Denver, Colorado 80202.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 1, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-19823 Filed 7-6-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Numerically Controlled Machine Tool Technical Advisory Committee; Partially Closed Meeting

AGENCY: International Trade Administration.

ACTION: Notice.

SUMMARY: The Numerically Controlled Machine Tool Technical Advisory Committee was initially established on January 3, 1973, and rechartered on August 29, 1980 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to numerically controlled machine tool or technology, and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls which the United States establishes or in which it participates including proposed revisions of any such controls.

TIME AND PLACE: August 19, 1981, at 10:00 a.m. The meeting will take place at the Main Commerce Building, Room 3708, 14th Street and Constitution Ave., N.W., Washington, D.C.

AGENDA:

General Session

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the public.

(3) Discussion of procedural or organizational matters relating to the Technical Advisory Committee.

(4) Discuss methods of gathering data at the Hannover Machine Tool Show (EURO-4).

(5) New Business.

Executive Session

(6) Discussion of matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

PUBLIC PARTICIPATION: The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 16, 1980, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12065. A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, Telephone: 202-377-4217.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT: Mrs. Margaret A. Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202-377-2583.

Dated: June 30, 1981.

Saul Padwo,

Director of Licensing, Office of Export Administration.

[FR Doc. 81-19837 Filed 7-6-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

National Marine Fisheries Service and Fish and Wildlife Service; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The National Marine Fisheries Service and the U.S. Fish and Wildlife Service will hold a joint meeting to discuss implementation of the Emergency Striped Bass Study as authorized by the amended Anadromous Fish Conservation Act, (Pub. L. 96-118).

DATES: The meeting will convene on Monday, July 27, 1981 at 10:00 a.m. and will adjourn at approximately 5:00 p.m.

The meeting is open to the public, however space is limited.

ADDRESS: National Marine Fisheries Service, Room 401, Page Building No. 2, 3300 Whitehaven Street, N.W., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Richard H. Schaefer, State/Federal Division, Office of Resource Conservation and Management, National Marine Fisheries Service, Washington, D.C. 20235. Telephone: (202) 634-7454.

Dated: June 24, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-19718 Filed 7-6-81; 8:45 am]

BILLING CODE 3510-22-M

Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:
   a. Name: Parque Zoologico (P269).
   b. Address: Parque de la Ciudadela S.A., Barcelona 3, Spain.
2. Type of Permit: Public Display.
3. Name and Number of Animals: Atlantic Bottlenose dolphins (*Tursiops truncatus*), 3
   California sea lions (*Zalophus californianus*), 4
4. Type of Take: Capture for public display.
5. Location of Activity: Rockport, Texas (dolphins), sea lions to be taken from rehabilitated beached/stranded stocks.
6. Period of Activity: 2 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, on or before August 6, 1981. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;

Regional Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702; and

Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

Dated: June 29, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-19717 Filed 7-6-81; 8:45 am]

BILLING CODE 3510-22-M

COMMODITY FUTURES TRADING COMMISSION

Proposed Application by the National Futures Association for Registration as a Registered Futures Association; Extension of the Comment Period

AGENCY: Commodity Futures Trading Commission.

ACTION: Extension of comment period.

SUMMARY: On April 23, 1981, the Commission published in the **Federal Register** the proposed application of the National Futures Association ("NFA"), which has applied for registration as a registered futures association under the Commodity Exchange Act. The comment period on the application expired on June 22, 1981. The Commission has received three requests for extension of the comment period concerning the NFA applica tion. Because it wishes to ensure that all interested persons have an adequate opportunity to submit informed comments, the Commission has determined to reopen the comment period on the NFA's proposal.

DATE: The comment period has been extended through July 2, 1981.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Reference should be made to the application of the National Futures Association.

FOR FURTHER INFORMATION CONTACT: Linda Kurjan, Esq., Assistant Director, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581; Telephone: (202) 254-8955.

Issued in Washington, D.C. on June 30, 1981, by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-19838 Filed 7-6-81; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Rickenbacker ANGB Joint Use; Notice of Intent

The United States Air Force will prepare an environmental impact statement on the proposed joint use of Rickenbacker ANGB, Ohio. The installation is currently used by the Ohio Air National Guard and the Air Force Reserves. The Air Force has declared certain facilities and real estate excess to its needs. The facilities and real estate are available for uses compatible with the remaining Air Force operations.

The environmental analysis will consider the environmental impacts of the no action alternative and potential uses of the real estate and facilities declared excess.

There has been extensive contact between the Air Force and various local, regional, state, and federal agencies concerning this proposal. The scope of issues to be discussed in the environmental impact statement will be reverified with these agencies, but a public scoping meeting will not be held.

Information on this proposal and the environmental impact statement may be obtained from Lt. Col. Russell R. Rudolph, Headquarters United States Air Force/LEEV, Washington, DC 20330.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 81-19820 Filed 7-6-81; 8:45 am]

BILLING CODE 3910-01-M

Department of the Navy

Naval Discharge Review Board; Hearing Locations

In November 1975, the Naval Discharge Review Board (NDRB) commenced to convene and conduct prescheduled discharge review hearings for a number of days each quarter in locations outside of the Washington, D.C., area. The cities in which these hearings are scheduled are determined in part by the concentration of applicants in a geographic area.

The following Naval Discharge Review Board itinerary for July through December 1981 has been approved, but remains subject to modification if required:

July 12 through July 24, 1981—San Diego, CA;
August 24 through September 4, 1981—Chicago, IL;
September 13 through September 25, 1981—San Francisco, CA and Portland, OR;
September 28 through October 9, 1981—New York City, NY;
October 19 through October 30, 1981—San Diego, CA;
October 26 through November 6, 1981—Chicago, IL and Minneapolis, MN;
November 30 through December 11, 1981—Dallas, TX and Albuquerque, NM.

Any former member of the Navy or Marine Corps who desires a discharge review, either in Washington, D.C., or in a city nearer to his or her residence, should file an application with the Naval Discharge Review Board, using DD Form 293. If a personal appearance is requested, the petitioner should enter on the application the hearing location which is preferred. Application forms (DD 293) may be obtained from, and the completed application should be mailed to, the following address: Naval Discharge Review Board, Suite 910, 801 North Randolph Street, Arlington, Virginia 22203.

Notice is hereby given that, since the foregoing itinerary is subject to modification and since, following receipt of a new application, the Naval Discharge Review Board must obtain the applicant's military records before a hearing may be scheduled, the submission of an application to the Naval Discharge Review Board is not tantamount to scheduling a hearing. Applicant and their representatives will be notified by mail of the date and place of hearing when personal appearance has been requested.

For further information concerning the Naval Discharge Review Board, contact: Captain James C. Price, U.S. Naval Reserve, Executive Secretary, Naval Discharge Review Board, Suite 910, 801 North Randolph Street, Arlington, Virginia 22203, telephone No. (202) 696-4881.

Dated: June 26, 1981.

P. B. Walker,

Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc. 81-19721 Filed 7-6-81; 8:45 am]

BILLING CODE 3810-71-M

DEPARTMENT OF ENERGY

Comstock Inc.; Intent To Grant Exclusive Patent License

Notice is hereby given of an intent to grant to Comstock Inc. of Oak Ridge, Tennessee, an exclusive license to manufacture, use, and sell in the United States, the invention described in U.S. Patent No. 3,803,481, entitled "Leak Detector." The patent is owned by the United States of America, as represented by the Department of Energy (DOE).

The proposed license will have a duration of the remaining term of the patent, which is less than ten years, and will contain other terms and conditions to be negotiated by the parties in accordance with 42 U.S.C. 5908(h) and 10 CFR Part 781. DOE intends to grant the license unless within 60 days of this Notice the Assistant General Counsel for Patents, Department of Energy, Washington, D.C. 20585, receives in writing any of the following, together with supporting documents:

(i) A statement from any person setting forth reasons why it would not be in the best interest of the United States to grant the proposed license, or

(ii) An application for a nonexclusive license to manufacture, use, and/or sell the invention in the United States in accordance with Title 10 CFR Part 781, in which applicant states that he has already brought the invention to practical application or is likely to bring the invention to practical application expeditiously.

The Assistant General Counsel for Patents will review all written responses to this Notice. The license will be granted if a determination can be made by DOE, following expiration of the 60-day notice period, (i) that no applicant for a nonexclusive license has brought or will bring the invention to the point of practical or commercial application within a reasonable period and (ii) that the granting of the license would be in the public interest after consideration of all the facts, evidence, and argument which third parties may present to the Assistant General Counsel for Patents.

Third parties who participate as outlined above are further advised of their right to appeal any decision of the Assistant General Counsel for Patents concerning the grant of the proposed exclusive license or the denial of its application for a nonexclusive license under the subject patent. Such appeal shall be in accordance with the appeal procedures of 10 CFR 781.65, including the right to request an oral hearing.

Signed at Washington, D.C., this 30th day of June 1981.

United States Department of Energy.

R. Tenney Johnson,

General Counsel.

[FR Doc. 81-19676 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-01-M

Industry Advisory Board to the International Energy Agency; Meeting

Notice is hereby provided of the following meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA), which will be held on July 9 and 10, 1981, at the offices of the IEA, 2 Rue Andre Pascal, Paris 16, France, beginning at 10:30 a.m. on July 9. The purpose of this meeting is to permit representatives of members of the IAB to consult with representatives of IEA Participating Country Governments and representatives of the IEA Secretariat concerning IEA preparedness for supply disruptions. Participation of IAB members at this meeting has been requested by the Chairman of the IEA Governing Board and the Executive Director of the IEA, and by the Departments of State and Energy.

The Agenda for the meeting is under the control of the IEA and IEA Participating Country Governments. It is expected that the following subjects will be discussed:

1. Monitoring for Periods of Market Tensions.
2. Information Systems.
3. Stand-by Measures for a Sub-Crisis.
4. Flexible Stock Policies.
5. Crude Oil Pricing under Tight Market Conditions or During Emergency Allocation.
6. Government/Industry Relations.

The brief notice period for this meeting is necessitated by the very recent request of the IEA Governing Board Chairman and Executive Director for participation of the IAB in these discussions, and the IAB's July 1 decision to convene the requested meeting. This meeting will not be open to the public.

Issued in Washington, D.C., July 2, 1981.

Craig S. Bamberger,

Assistant General Counsel, International Trade and Emergency Preparedness.

[FR Doc. 81-20029 Filed 7-6-81; 9:00 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[Docket No. ERA-FC-81-007; OFC Case No. 55001-9201-01-12]

Abitibi-Price Southern Corp.; Order Granting Exemption From the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Order granting exemption from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On March 24, 1981, Abitibi-Price Southern Corporation (APSC) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) seeking a permanent exemption for one new major fuel burning installation (MFBI) from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act), which prohibit the use of petroleum or natural gas as a primary energy source in certain new MFBIs. Criteria for petitioning for exemptions from the prohibitions of FUA are published at 10 CFR Parts 501 and 503 (45 FR 38276, June 6, 1980).

APSC requested a permanent fuels mixture exemption in order to burn petroleum or natual gas in a mixtue with wood waste in one 401 million Btu's per hour boiler to be installed at APSC's Augusta, Georgia, facility.

Pursuant to section 212(d) of the Act, and 10 CFR 503.38, and subject to specified terms and conditions stated therein, ERA hereby issues this order granting a permanent fuels mixture exemption to APSC to permit the use of petroleum (No. 6 oil) or natural gas in a mixture with bark and wood waste. As specified in the terms and conditions, the amount of petroleum used in the exempted unit shall not exceed 25 percent of the total annual Btu heat input of the primary energy source used in the unit.

FOR FURTHER INFORMATION CONTACT:

Ellen Russell, Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street NW., Room 3128, Washington, D.C. 20461, (202) 653-4477.

L. Dow Davis, Office of the General Counsel, Department of Energy, 1000 Independence Avenue SW., Forrestal Building, Room 6B-178, Washington, D.C. 20585, (202) 252-2967.

The public file containg a copy of all documents and supporting materials on this proceeding is available upon request at: ERA, Room B-110, 2000 M Street, NW., Washington, D.C., Monday through Friday, 8:00 a.m.—4:30 p.m.

SUPPLEMENTARY INFORMATION: APSC's petition for a permanent fuels mixture exemption for the 401 million Btu per hour field-erected boiler certified that the unit would not burn more than 25 percent petroleum in mixture with wood waste (alternate fuel).

In accordance with the procedural requirements of FUA and ERA's regulations, ERA accepted APSC's petition and published notice of its acceptance in the **Federal Register** on May 8, 1981 (46 FR 25681). The Notice of Acceptance provided a 45-day public comment period during which interested persons could submit comments on the petitions for exemption and could request that a public hearing be convened. This period expired on june 22, 1981.

ERA's staff reviewed the information contained in the record of this proceeding and based on that review completed a Tentative Staff Analysis the availability of which was noticed in the **Federal Register** concurrent with the Notice of Acceptance. This analysis recommended that an order be issued to grant a permanent fuels mixture exemption to APSC's boiler permitting the use of petroleum or natural gas and wood waste, with the proviso that the amount of petroleum or natural gas used in the unit will not exceed 25 percent of the total annual Btu heat heat input on the primary energy source in the unit. The period during which interested persons could submit written comments on the Tentative Staff Analysis or request a public hearing also expired June 22, 1981. No comments were received nor was a public hearing requested on either the notice of acceptance or the Tentative Staff Analysis.

As required by section 701 (f) and (g) of the Act, ERA provided a copy of APSC's petition to the Environmental Protection Agency and the Federal Trade Commission for their comment. No comments have been received from either of these agencies.

ERA has determined that APSC has satisfied the requirements of 10 CFR 503.38(c). Accordingly, pursuant to section 212(d) of FUA, and subject to the terms and conditions stated below, ERA hereby grants APSC one permanent fuels mixture exemption to permit, in a mixture with wood waste, the use of No. 6 fuel oil or natural gas in the new boiler in an amount not to exceed 25 percent of the total annual Btu heat input of the primary energy sources used in the boiler.

Terms and Conditions

Section 214(a) of the Act gives ERA the authority to attach terms and conditions to any order granting an exemption. ERA has determined that the conclusions reached in the Tentative Staff Analysis are consistent with the provisions of ERA's regulations and is granted subject to the following terms and conditions:

1. The amount of petroleum or natural gas to be used in a mixture with an alternate fuel(s) in boiler No. 1 will not exceed 25 percent of the total annual Btu heat input of the primary energy sources of that unit.

2. The quality of any petroleum to be burned in the boiler will be the lowest grade available, which is technically feasible, and capable of being burned consistent with applicable environmental requirements.

3. Prior to operating boiler No. 1, APSC will secure all applicable permits and approvals pursuant to, but not limited to the following: Clean Air Act, Clean Water Act, Rivers and Harbors Act, Coastal Zone Management Act and the Resources Conservation and Recovery Act.

Reporting Requirements

In addition to the above standard terms and conditions, APSC will, pursuant to 10 CFR 503.38(g), report to ERA the date boiler No. 1 is first operated under the provisions of this order, and will annually thereafter, at not later than 30 days after each anniversary of that date, file with ERA a certification that the amount of petroleum or natural gas used in the boiler during the preceding year did not exceed 25 percent of the total annual Btu heat input of the primary energy sources of that MFBI. Such certifications shall be executed by a duly authorized representative of APSC. Cite OFC Case No. 55001-9201-01-12 on each certification and send to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Attn: OFC Case No. 55001-9201-01-12, Box 4629, Room 3214, 2000 M Street NW., Washington, D.C. 20461.

The exemption granted by this order shall become effective September 5, 1981.

Pursuant to section 702(c) of the Act, any person aggrieved by this order may at any time within 60 days after

publication petition for judical review in accordance with the procedures outlined in 10 CFR 501.69.

Issued in Washington, D.C., on June 25, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-19677 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-80-13; OFC Case No. 55118-1648-20-12]

General Electric Co.; Availability of Tentative Staff Analysis

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of availability of tentative staff analysis.

SUMMARY: On April 16, 1980, the General Electric Company (GE) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) seeking a permanent exemption for a new major fuel burning installation (MFBI) from the provisions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.*, (FUA or the Act). The Act prohibits the use of petroleum or natural gas as a primary energy source in certain new MFBI's unless an exemption for such use has been granted by ERA. GE seeks a permanent exemption based on a lack of alternate fuel at a cost which does not substantially exceed the cost of using imported petroleum.

The MFBI for which the petition was filed is a new package boiler (identified as Unit No. 20) to be installed at GE's Central Powerhouse Building No. 31 located at Pittsfield, Massachusetts. The unit has a design heat imput rate of 183 million Btu's per hour and will be capable of burning either No. 6 fuel oil, natural gas, or vapor phase oil providing 150,000 pounds of steam per hour at 200 psig. ERA accepted GE's petition for filing on May 9, 1980 and notified GE accordingly. On August 19, 1980, ERA published in the **Federal Register** (45 FR 55258) a notice of acceptance, together with a statement of the reason set forth in the petition for requesting the exemption. Publication of the notice of acceptance commenced a 45-day public comment period pursuant to section 701 of FUA. During this period, interested persons were also afforded an opportunity to request a public hearing. The comment period expired on October 3, 1980. No comments were submitted, nor was a hearing requested.

Based upon the ERA Staff's review and analysis of the information presently contained in the record of this proceeding, a Tenative Staff Analysis has been completed recommending that ERA issue an order granting the requested exemption. Pursuant to 10 CFR 501.64, notice of the availability of the Tentative Staff Analysis is hereby issued. Interested persons are invited to submit written comments regarding this matter, and/or a written request that ERA convene a public hearing.

The public file containing a copy of the Tentative Staff Analysis and other documents and supporting materials relating to this proceeding is available for inspection upon request at: ERA, Room B-110, 2000 M Street, NW., Washington, D.C. Monday-Friday, 8:00 a.m.-4:30 p.m.

ERA will issue a final order granting or denying GE's petition for a permanent exemption within six months after the public comment period provided for in this notice has expired unless extended by ERA. Notice of, and a statement of reasons for, any extension will be published in the **Federal Register.**

DATES: Written comments and requests for a public hearing on the Tentative Staff Analysis are due on or before July 21, 1981.

ADDRESSES: Fifteen copies of written comments, and any request for a public hearing on the Tentative Staff Analysis shall be submitted to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street NW., Washington, D.C. 20416.

Docket Number ERA-FC-80-13 should be printed clearly on the outside of the envelope and on the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Anthony M. Vaitekunas, Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street NW., Room 3128-K, Washington, D.C. 20461, Phone (202) 653-4237.

Douglas Mitchell, Office of the General Counsel, Department of Energy, 1000 Independence Avenue SW., Room 6B-178, Washington, D.C. 20585, Phone (202) 252-2967.

SUPPLEMENTARY INFORMATION: The new MFBI for which the permanent cost exemption is requested is a package boiler with a design heat input rate of 183 million Btu's per hour and a steam generating capacity of 150,000 pounds per hour. It is capable of burning No. 6 fuel oil, natural gas, or vapor phase oil, which is a waste product from the transformer manufacturing process at the plant. GE stated that the new unit will replace three existing, less efficient, older, oil-fired units, and will be used to provide steam for normal plant needs.

Eligibility and evidentiary requirements governing the permanent exemption for lack of alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum authorized under section 212(a) of FUA, are set forth at 10 CFR 503.32.

Under the provisions of 10 CFR 503.32, a cost calculation methodology must be used in connection with determining whether the cost of using an alternate fuel as a primary energy source substantially exceeds the cost of using imported petroleum.

ERA published a final rule pertaining to the cost calculation methodology in the **Federal Register** on December 24, 1980 (45 FR 84967). Codified at 10 CFR 503.6 (new powerplants and installations) the final rule became effective on January 23, 1981.

To qualify for the requested exemption under 10 CFR 503.32, the petitioner must demonstrate to the satisfaction of ERA that:

(1) A good faith effort has been made to obtain an adequate and reliable supply of an alternate fuel for use as a primary energy source of the quality and quantity necessary to conform with the design and operational requirements of the proposed unit; and

(2) The cost of using such a supply would substantially exceed the cost of using imported petroleum as a primary energy source during the useful life of the proposed unit as defined in § 503.6 of the final rule (45 FR 42199).

In addition to these specific requirements the petitioner must also satisfy a general requirement pertaining to the use of a fuels mixture in accordance with 10 CFR 503.9. In particular, the petitioner must demonstrate that the use of a mixture is not technically or economically feasible, or that, if a mixture were required, the petitioner would be eligible for a general use exemption.

In addressing the eligibility requirements for this exemption, GE analyzed each of the alternate fuels suggested by ERA during discussions prior to submission of the petition. The fuel alternatives GE considered were stoker and pulverized coal, wood, electricity, low Btu gas generated through on-site gasification of coal, stoker fired coal with an oil or gas overfire mixture, stoker fired wood with an oil or gas overfire mixture, and a coal-oil slurry.

To evaluate the costs associated with the use of these alternate fuels, GE

obtained fuel and equipment cost quotations from three or more suppliers of each alternate fuel. Although GE considered wood used alone as one of the possible alternate fuels, ERA found that an adequate and reliable supply of wood was not available. Therefore, wood used alone as an alternate fuel was not considered further in ERA's cost analysis. ERA was thus able to verify that GE had identified an adequate and reliable supply of each alternate fuel, with the exception of wood, and is satisfied thereby that GE has demonstrated the required good faith effort to conduct an adequate and reasonable fuels search.

Using the cost calculation methodology contained in 10 CFR 503.6, the ERA staff concluded that the cost of using each of the alternate fuels considered by GE would substantially exceed the cost of using imported petroleum.

GE also examined three possible fuels mixtures in accordance wtih 10 CFR 503.9 and in each instance, demonstrated to the ERA staff's satisfaction that it was not economically feasible to use such mixtures.

Based upon its review and analysis of the information contained in the record of this proceeding to date, the ERA staff has made a Tentative Staff Analysis which recommends that an order be issued to GE granting the requested permanent exemption for Unit No. 20, subject to the terms and conditions recommended below.

Recommended Terms and Conditions

ERA's staff has tentatively determined and recommends that any order granting the requested exemption to GE should, pursuant to Section 214 of the Act, be subject to the following terms and conditions:

1. The quality of any petroleum to be burned in the unit will be the lowest grade available, which is technically feasible, and capable of being burned consistent with applicable environmental requirements.

2. GE must comply with any environmental requirements which may be imposed pursuant to 10 CFR 503.15(b).

The Tentative Staff Analysis does not constitute a decision by ERA to grant the requested exemption. Such a decision shall be made, in accordance with 10 CFR 503.68, on the basis of the entire record of this proceeding, including any comments received on the Tentative Staff Analysis.

Issued in Washington, D.C., on June 29, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-19878 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-01-M

R. W. Anderson; 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 25, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Adna Day, Program Manager for Product Reseller, Office of Enforcement, 2000 M Street NW., Room 5204, Washington, D.C. 20461, (202) 653-3511.

SUPPLEMENTARY INFORMATION: On June 13, 1979, the OE published notification in the **Federal Register** that it executed a Consent Order with R. W. Anderson (Anderson) of Delhi, Louisiana on May 31, 1979, 44 FR 33925 (1979). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believed they had a claim to all or a portion of the refund amount paid by Anderson pursuant to the Consent Order were requested to submit notice of their claims to the OE.

Although interested persons were invited to submit comments regarding the Consent Order to the DOE, no comments were received. Therefore, the Consent Order was not modified.

Pursuant to the Consent Order, Anderson refunded the sum of $160,000 by certified check made payable to the United States Department of Energy on May 30, 1979. This sum has been placed into a suitable account pending determination of its proper distribution.

The OE received no notices of claim to the refunds.

Action Taken

The OE is unable, readily, to identify the persons entitled to receive the $160,000 or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the OE petitioned the Office of Hearings and Appeals on June 25, 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 26th day of June 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-19875 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-01-M

Texas Oil & Gas Corp.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of proposed consent order and opportunity for comments.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order and provides an opportunity for public comment on the proposed Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATE: June 24, 1981.

COMMENTS BY: August 5, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235 (Phone) (214) 767-7745.

SUPPLEMENTARY INFORMATION: June 24, 1981, the Office of Enforcement of the ERA executed a proposed Consent Order with Texas Oil & Gas Corp., of Dallas, Texas. Under 10 CFR 205.199J(b), a proposed Consent Order which involves a sum of $500,000 or more in the aggregate, excluding penalties and interest, becomes effective only after the DOE has received comments with respect to the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

I. Consent Order

Texas Oil & Gas Corp. is a firm engaged in the processing of natural gas and sale of natural gas liquids and

natural gas liquid products, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of sales of natural gas liquids and natural gas liquid products, the Office of Enforcement, ERA, and Texas Oil & Gas Corp., entered into a Consent Order, the significant terms of which are as follows:

1. The period covered by the Consent Order was April 1, 1976 through January 27, 1981 and it included all sales of natural gas liquids and natural gas liquid products which were made during that period.

2. Texas Oil & Gas Corp. did not apply in a manner acceptable to the DOE the provisions of 10 CFR Part 212, Subpart K, when determining the prices to be charged for its natural gas liquid products; and, as a consequence, charged prices in excess of the maximum lawful sales prices resulting in overcharges to its customers.

3. In order to expedite resolution of the disputes involved, the DOE and Texas Oil & Gas Corp. have agreed to a settlement in the amount of $3,440,000. The negotiated settlement was determined to be in the public interest as well as the best interest of the DOE and Texas Oil & Gas Corp.

4. This Consent Order constitutes neither an admission by Texas Oil & Gas Corp. that ERA regulations have been violated nor a finding by the ERA that Texas Oil & Gas Corp. has violated ERA regulations.

5. When this Consent order becomes final and effective, Texas Oil & Gas Corp. further agrees to take whatever action is necessary to immediately dismiss with prejudice to refiling the litigation pending in the United States District Court for the District of Delaware, styled *Texas Oil & Gas Corp. and Tonkawa Gas Processing Company v. Department of Energy and Charles W. Duncan* cause number 80-322.

6. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Texas Oil & Gas Corp. agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I. 1. above, the sum of $3,440,000 on or before 30 days following the effective date of the Consent Order. Refunded overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have been passed through as higher prices to subsequent purchasers. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants.* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claims within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments.* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767-7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Texas Oil & Gas Corp. Consent Order." We will consider all comments we receive by 4:30 p.m. local time, on August 5, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 26th day of June 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-19874 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 2628-005]

Alabama Power Co.; Application for Approval of Land Use Plan

July 2, 1981.

Take notice that on April 20, 1981, Alabama Power Company (licensee) filed a proposed land use plan for the R. L. Harris Dam Project, FERC No. 2628, in compliance with the requirements of Article 19 of the license issued on December 27, 1973. The R. L. Harris Project is currently under construction on the Tallapoosa River in Randolph County, Alabama.

The basis of the Licensee's land use management is a classification scheme relying upon existing and projected uses of its land adjoining the project. Seven separate classifications have been developed: (1) public access corridor; (2) general public use area; (3) natural, undeveloped area; (4) quasi-public recreation area; (5) residential area; (6) prohibited shoreline development; and (7) shoreline development by permit. Three land use classification maps have been developed to show the properties of the project and to identify the seven separate classifications. Also, the classification maps reflect the previously submitted data contained in Exhibit R (Recreation Plan), Exhibit K (Project Area Maps), and the Clearing Plan.

Comments, Protest, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments

filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be received on or before August 14, 1981. The Commission's address is: 825 North Capitol Street NE., Washington, D.C. 20426. The Application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19775 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CP80-503-002 and CP80-503-003]

Arkansas Louisiana Gas Co.; Amendment To Petition To Amend

July 6, 1981.

Take notice that on June 5, 1981, Arkansas Louisiana Gas Company (Petitioner), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP80-503-002 and on June 16, 1981, it filed in Docket No. CP80-503-003 amendments to its pending petition to amend the order issued April 27, 1981, in the instant docket filed pursuant to Section 7(c) of the Natural Gas Act so as to include ten additional customers to the list of customers contained in the pending petition, all as more fully set forth in the amendments which are on file with the Commission and open to public inspection.

Petitioner states that the April 27, 1981, order authorized the construction and operation of 80 taps on Petitioner's system in order to serve 80 specified customers. It is further stated that on May 4, 1981, petitioner filed a petition to amend such order so as to request authorization to construct and operate 24 additional taps and related delivery facilities on its pipeline system to provide service to residential and small commercial customers.

Petitioner states that the additional customers to which it proposes to provide service are as follows:

Arkansas

J. A. Childress, Route 1, Rose Bud, Arkansas (White County).
Arnold Crossland, Route 4, Box 96A, Boonville, Arkansas (Logan County).
Alice Gillenwater, 387 Pearl Street, Marianna, Arkansas (Lee County).
Tillman Hunter, 540 West North Street, Magnolia, Arkansas (Columbia County).
Gary McAdams, Route 1, Box 13-A, Fouke, Arkansas 71937, (Miller County).
Lloyd Owensby, Route 10, Box 612-C, Texarkana, Arkansas (Miller County).
Donald Tate, Star Route, Amagon, Arkansas (Jackson County).

Oklahoma

Dorothy Beasley, RR No. 3, Chickasha, Oklahoma (Brady County).
John C. Davis, 210 North 8th Street, Fairview, Oklahoma, 73737 (Major County).
Mrs. Johnny Fazekas, Route 1, Box 76-E, Wilburton, Oklahoma, 74573 (Latimer County).

Petitioner asserts that all of the above-mentioned customers would receive residential or small commercial service of less than 300 Mcf per day. It is submitted that for a residential tap peak day sales are estimated at 1 Mcf and average day sales are estimated at 0.3 Mcf. For a commercial tap, it is submitted, peak day sales are estimated at 3 Mcf and average day sales at 1.1 Mcf. Petitioner further asserts that the above 10 customers would be classified in priorities 1.1 and 1.2 for curtailment purposes where no curtailment is forecast for at least the next three years.

Petitioner states that the gas supply for these customers would be provided from Petitioner's general system.

Petitioner estimates the cost of a typical tap to be approximately $720.00 which would be financed out of funds on hand.

Any person desiring to be heard or to make any protest with reference to said amendments should on or before July 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19724 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4719-000]

Dr. Arnold Polonsky; Application for Preliminary Permit

July 2, 1981.

Take notice that Dr. Arnold Polonsky (Applicant) filed on May 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4719 known as the Bethlehem Dam Project located on the Ammonoosuc River in Grafton County, New Hampshire. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Dr. Arnold Polonsky, P.O. Box 348, Littleton, New Hampshire 03561.

Project Description—The proposed project would consist of: (1) the existing Bethlehem Dam, having a height of 21 feet and a length of 140 feet. The dam is owned by the Applicant; (2) an existing 5.5-acre reservoir; (3) a proposed penstock having a length of between 200 and 2,200 feet; (4) a powerhouse having an installed capacity of between 550 and 740 kW. The Applicant is considering whether to rehabilitate the existing powerhouse at the site or to construct a new powerhouse downstream; and (5) appurtenant works.

The project would have an average annual generation of 3,300,000 kWh. Project energy would be sold to the Public Service Company of New Hampshire or would be used on site by the Applicant.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time Applicant would investigate the hydraulic, power generation, construction, economic, environmental, historic, and recreational aspects of the project. Depending upon the outcome of the studies, the Applicant would decide how to proceed with further environmental studies, project designs, and an application for an FERC license. Applicant estimates the cost of studies under the permit would be between $5,000 and $27,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 4, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than November 3, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file

comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 4, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19776 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4436-000]

Banyan Resource Recovery, Inc.; Application for Preliminary Permit

July 1, 1981.

Take notice that Banyan Resource Recovery, Inc. (Applicant) filed on March 30, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4436 known as the Poorman Creek Project located on Poorman Creek in Nevada County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert D. R. McCheseny, President, Banyan Resource Recovery, Inc., 6100 Rose Court, Roseville, California 95678.

Project Description—The proposed project would consist of two power plants described below. *Powerhouse A* a would consist of: (1) a diversion (No. 1) on Poorman Creek; (2) a 12,600-foot long, 42-inch diameter pipe; (3) a second diversion (No. 2) on south fork of Poorman Creek; (4) a 4,800-foot long, 30-inch diameter pipe; (5) a 700-foot long, 42-inch diameter penstock; (6) a powerhouse (No. A); and (7) a 0.625-mile long transmission line. *Powerhouse B* would be consist of: (1) a diversion (No. 3) from Poorman Creek; (2) a 10,500-foot long, 48-inch diameter pipe; (3) a 450-foot long, 42-inch diameter penstock; (4) a diversion (No. 4) on Devils Canyon; (5) a 6,800-foot long conduit; (6) a diversion (No. 5) on Deadman Creek; (7) a 650-foot long, 30-inch diameter penstock; (8) a powerhouse (No. B); and (9) a 0.875-mile long transmission line. The total installed capacity from powerhouses A & B together is 2 MW. The Applicant estimates that average annual energy output would be 20 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit if issued, does not authorize construction. The applicant seeks issuance of a preliminary permit for a period of 24 months during which time it would conduct engineering, hydrological, economic and environmental studies; conduct negotiations with the utility; and prepare FERC license application. No new roads are required to conduct the studies. The cost of studies to be completed for preliminary permit is estimated to be $25,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 3, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than November 2, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 3, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this Notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19760 Filed 7-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER81-219-000, and ER81-443-000]

Boston Edison Co.; Order Accepting for Filing and Suspending Proposed Rates, Waiving Notice Requirements, Granting Intervention, Consolidating Dockets, and Establishing Procedures

Issued June 30, 1981.

On January 14, 1981, in Docket No. ER81-219-000, Boston Edison Company (Boston Edison) filed a partial amendment to rate schedules concerning a contract for the exchange of capacity and related engergy between Boston Edison and the Hartford Electric Light Company (Hartford), Connecticut Light and Power Company (Connecticut) and Western Massachusetts Electric Company (Western). The latter three companies are subsidiaries of Northeast Utilities and are collectively referred to herein as "Northeast Utilities." On May 1, 1981, Boston Edison submitted a second filing to complete its modification to the underlying rate

schedule.[1] This filing was assigned Docket No. ER81–443–000.[2]

The January 14, 1981 filing proposed a two-step increase in the capacity charges for sales made pursuant to the exchange agreement by Boston Edison to Northeast Utilities.[3] Boston Edison requests waivers of the notice requirements to allow the proposed rates to go into effect as of May 31, 1980.

The May 1, 1981 filing proposes to further amend the exchange agreement to allow Northeast Utilities to exhange capacity from its Northfield Mountain Project (Northfield). The filing also proposes certain revisions in the rules governing exchanges and specifies a method for determining Boston Edison's Northfield entitlement and Northeast Utilities' entitlement in Pilgrim 1, a nuclear plant owned by Boston Edison. In addition, the filing revises the charge for the energy Northeast Utilities receives from Pilgrim 1. Finally, the filing restates the two-step capacity charge increase proposed in Docket No. ER81–219–000 and adds a new third step.[4]

Notice of the filing in Docket No. ER81–219–000 was issued on January 28, 1981, with responses due by February 10, 1981. On March 20, 1981, the Towns of Concord, Norwood, and Wellesley, Massachusetts (Towns) filed a late petition to intervene indicating that they had only recently become aware of Boston Edison's filing and requesting that the Commission initiate an investigation into the proposed rates and services. In support of their intervention, the Towns state that they are full requirements customers of Boston Edison and that the rate increase may adversely affect them. The Towns assert: (1) that granting the request for an effective date of May 30, 1980, will change the data on which Boston Edison based the general rate increase it has proposed in Docket No. ER80–508; [5] (2) that Boston Edison has improperly allocated its rate increase entirely to capacity charges, so that revenues received by Boston Edison will not flow through the fuel adjustment clause to the benefit of its customers; and of section 205(b) of the Federal Power Act.

On April 6, 1981, Northeast Utilities and Boston Edison filed separate answers to the Town's late petition to intervene. These responses argue that the Commission should deny the Towns' request to intervene as well as the relief sought. According to Northeast Utilities and Boston Edison, even assuming the validity fo the Towns' assertions, those claims would be addressed more appropriately in the pending rate proceeding in Docket No. ER80–508.

Notice of the filing in Docket No. ER81–443–000 was issued on May 12, 1981, with responses due on or before June 1, 1981. No responses were received in that docket.

Discussion

Initially, we find that the participation of the Towns is in the public interest and that good cause exists to permit them to intervene out of time. Consequently, we shall grant the late petition to intervene.

The Commission finds that the proposed amendments have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Our findings stem, in part, from the allegations raised by the Towns that the proposed terms and rates for the exchange arrangement, including their impact on fuel adjustment clause calculations, may adversely affect Boston Edison's wholesale customers. We note that both Northeast Utilities and Boston Edison are members of NEPOOL [6] and that their generation is dispatched by NEPEX [7] according to economic criteria. Because of the complexities of the NEPOOL agreement and the associated billing arrangements, the Commission is unable to determine whether the proposed changes in the exchange arrangement between Northeast Utilities and Boston Edison will, as alleged, adversely affect Boston Edison's wholesale customers. Accordingly, we shall accept the amendments for filing and suspend them as ordered below.

In a number of suspension orders,[8] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings generally should be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. The Commission notes that a variety of substantive contentions have been raised by the Towns concerning potential impacts of the exchange agreement on Boston Edison's rates. However, our preliminary analysis indicates that the proposed demand and energy charges proposed in the instant dockets may not yield excessive revenues. We therefore believe that a five month suspension is not warranted. However, in order to ensure refund protection for the affected customers pending further review, we shall exercise our discretion to suspend the amendment to the exchange arrangement for only one day.

As noted above, in order to implement their contractual agreement, Boston and Northeast Utilities have requested an effective date of May 31, 1980. The Towns, however, object to this request asserting that this earlier effective date will change the data on which Boston Edison based its general rate increase request in Docket No. ER80–508. Despite this objection, we find that good cause exists to waive the notice requirements as negotiated by the parties. To the extent that the instant filing necessitates revisions to the cost data underlying the rates filed in Docket No. ER80–508, the appropriate forum for addressing this issue is the forthcoming hearing in that docket. Because the hearing has yet to commence in the earlier proceeding, the Towns will not be foreclosed from pursuing their objections and their interests should be adequately protected without unduly delaying the hearing. Accordingly, we shall grant the request for waiver of notice and suspend the proposed amendments for one day from

[1] The rate schedules proposed to be amended are Rate Schedule FERC No. 189 (for Hartford), Rate Schedule FERC No. 191 (for Connecticut), Rate Schedule FERC No. 165 (for Western), and Rate Schedule FERC No. 123 (for Boston Edison). *See* Attachment A for the new rate schedule designations.

[2] In both Docket Nos. ER81–443–000 and ER81–219–000, certificates of concurrence were filed by Northeast Utilities.

[3] The current capacity charge is 13.5 mills/kWh for service to Northeast Utilities. The January 14, 1981 filing proposes to increase that charge to 17.5 mills/kWh during the period May 31, 1980, through September 18, 1980, and to 18.5 mill/kWh thereafter.

[4] The amendment provides for an increase in capacity charges proposed by Boston Edison to 17.5 mills/kWh for the period May 31, 1980 through September 18, 1980, 18.5 mills/kWh for the period September 19, 1980, through February 1, 1981, and 23.5 mills/kWh thereafter.

[5] A hearing in that earlier docket is currently scheduled to commence on July 22, 1981. The Towns are also intervenors in that proceeding.

[6] New England Power Pool.

[7] New England Power Exchange.

[8] *E.g., Boston Edison Co.*, Docket No. ER80–506 (August 29, 1980) (five month suspension); *Alabama Power Co.*, Docket Nos. ER80–506, *et al.* (August 29, 1980 (one day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80–486 (August 22, 1980) (one day suspension).

May 31, 1980, to become effective, subject to refund, as of June 1, 1980.

Because Docket Nos. ER81-219-000 and ER81-443-000 present common questions of law and fact, we shall consolidate these dockets for purposes of hearing and decision.

The Commission orders:

(A) Boston Edison's request for waiver of the notice requirements is hereby granted.

(B) The proposed amendments tendered for filing on January 14, 1981, and May 1, 1981, are hereby accepted for filing and suspended for one day from the requested May 31, 1980 effective date to become effective on June 1, 1980, subject to refund pending hearing and decision.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I (1980)], a public hearing shall be held concerning the justness and reasonableness of the proposed rates.

(D) The proceedings in Docket Nos. ER81-219-000 and ER81-443-000 are hereby consolidated for purposes of hearing and decision.

(E) The Towns' petition to intervene is hereby granted subject to the rules and regulations of the Commission; *Provided, however,* that participation by the intervenors shall be limited to matters set forth in their petition to intervene; and *Provided, further,* that the admission of the intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(F) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days from the issuance of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Such conference shall be held for purposes of expediting discovery, establishing a procedural schedule, including the submittal of testimony and exhibits by Boston Edison and Northeast Utilities, and resolving such other matters as may arise. The designated law judge is authorized to establish procedural dates, and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(G) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A

Attachment A.—Boston Edison Company, Rate Schedule Designations Docket Nos.: (1) ER81-219-000 and (2) ER81-443-000

Designation and Description

Boston Edison Company

(1) Supplement No. 2 to Rate Schedule FERC No. 123—Partial rate portion of Weekly Exchange Agreement (Sales to NU)
(2) Supplement No. 3 to Rate Schedule FERC No. 123—Revised Terms and Conditions including a final rate portion to the Exchange Agreement.
Concurrences:

Hartford electric Light Company

(1) Supplement No. 2 to Rate Schedule FERC No. 189
(2) Supplement No. 3 to Rate Schedule FERC No. 189

The Connecticut Light and Power Company

(1) Supplement No. 2 to Rate Schedule FERC No. 191
(2) Supplement No. 3 to Rate Schedule FERC No. 191

Western Massachusetts electric Company

(1) Supplement No. 2 to Rate Schedule FERC No. 165
(2) Supplement No. 3 to Rate Schedule FERC No. 165

[FR Doc. 81-19777 Filed 7-6-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-438-000]

Boston Edison Co.; Order Accepting for Filing Proposed Service Agreement, Initiating Proceeding Under Section 206, Granting Intervention, and Establishing Procedures

Issued June 30, 1981.

On May 1, 1981, Boston Edison Company (BE) tendered for filing an unexecuted agreement[1] which provides for non-firm transmission service to Cambridge Electric Company (Cambridge) under the terms of BE's FERC Electric Tariff No. III. BE requests that the service agreement become effective on July 1, 1981.

The filing has been submitted in order to provide for the transmission of Cambridge's 2.0% entitlement in the output of Yankee Atomic Electric Company's nuclear plant at Rowe, Massachusetts and to replace a prior 20-year agreement between the parties which expires on June 30, 1981. Under the present transmission arrangement, Cambridge has been required to pay BE expenses and fixed charges on only the investment in additional facilities needed to effectuate the transmission of this power on Cambridge's behalf.[2] BE has not, since the present arrangement became effective in June 1961, been required to construct additional facilities for such transmission; accordingly, BE has not received any revenues for the service. Under the instant filing, Cambridge would be charged $14.64/KW/year for non-firm transmission, less a credit of $3.19/KW/year in recognition of 50% of the charge imposed upon Cambridge by New England Power Company, which also transmits power produced at the Rowe plant on Cambridge's behalf.

Notice of the filing was issued on May 12, 1981, with responses due on or before June 1, 1981. A timely petition to intervene was filed by Cambridge. Cambridge objects to certain terms and conditions of BE's tariff, but states that it does not object at this time to the rate provisions of the tariff. Specifically, Cambridge challenges provisions in BE's tariff which limit service to 115 KV delivery and receipt, and which require six months notice before service commences as well as specification of the capacity to be transmitted during each of the 36 months following the commencement of service. Accordingly, Cambridge requests that the Commission suspend the effectiveness of these provisions for five months and institute a hearing concerning their justness and reasonableness.

On June 16, 1981, BE filed an answer to Cambridge's petition to intervene. While not opposing Cambridge's request to intervene in this docket, BE does oppose the request for suspension. In support of its position, BE contends that: the notice provision is reasonable; the concerns raised by Cambridge are premature and speculative; and the Commission may not legally suspend the provisions disputed by Cambridge under section 205 of the Federal Power Act.

Discussion

Initially, we find that Cambridge's participation is in the public interest and

[1] *See* Attachment A for rate schedule designation.

[2] The 1959 agreement between ten New England utilities who purchase entitlements in the facility at Rowe was designed so that the total cost of power would not be increased or decreased by reason of a purchaser's relative proximity to the plant. As a result, the purchasers agreed to share expenses and fixed charges related only to additional facilities needed for the transmission of these entitlements.

we shall therefore grant its petition to intervene.

By means of the instant submittal, BE seeks to place Cambridge under its generally applicable non-firm transmission tariff. That tariff, including the challenged terms and conditions, has previously been accepted for filing by the Commission as appropriate for the subject service,[3] although the service agreement applicable to Cambridge has been filed as a changed rate schedule for that customer. While it is clear that the Commission could suspend the operation of the service agreement based on the questions raised by Cambridge, we shall exercise our discreation not to do so. Of paramount significance in this determination is the fact that Cambridge does not oppose the rates for transmission service under the tariff, but rather objects to various terms of service already filed by BE and accepted for filing without suspension. Moreover, based upon our own analysis, we have no reason to question the reasonableness of the applicable transmission rate. Under these circumstances, the Commission is not confronted with a question of affording refund protection and, considering the further fact that BE is receiving no remuneration from Cambridge under the existing transmission agreement, it would be our inclination to suspend the currently proposed service agreement, if at all, for a nominal period.

Assuming a one day suspension, the proposed terms and conditions would become effective on July 2, 1981, subject to possible "modification" following a hearing. However, in view of the nature of the challenged tariff terms which involve such matters as delivery voltage and prior notice, it would be impracticable, if not impossible, to retreat in time following a hearing in order to retroactively amend the non-price-related terms upon which service has already been rendered. Thus, we believe that suspension of the service schedule would be a meaningless gesture, providing no ostensible protection to Cambridge and subsequently engendering unnecessary confusion. We shall therefore accept BE's submittal for filing to become effective on July 1, 1981, without suspension.

We do, however, recognize that Cambridge may have valid concerns regarding the proposed terms of service and we intend to imply no judgment as to the merits of those claims. Accordingly, we shall initiate a hearing pursuant to section 206 of the Federal Power Act to consider the justness and reasonableness of the terms and conditions with any relief to be applied prospectively following a final Commission order in this docket. Such proceedings shall be limited to the specific issues raised by Cambridge in its petition to intervene. Further, in order to assure that any relief which may be found appropriate is made available to Cambridge in a timely manner, we encourage the presiding administrative law judge to establish a procedural schedule which will allow for expeditious resolution of this case.

The Commission Orders

(A) BE's submittal is hereby accepted for filing to become effective on July 1, 1981, without suspension.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly section 206 thereof, and pursuant to the Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I (1980)], a public hearing shall be held concerning the justness and reasonableness of BE's terms and conditions for non-firm transmission service.

(C) Cambridge is hereby permitted to intervene in this proceeding, subject to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act: *Provided, however,* that participation by such intervenor shall be limited to the matters set forth in its petition to intervene; and, *provided, further,* that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders entered by the Commission in this proceeding.

(D) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference to be held in this proceeding within approximately fifteen (15) days of the issuance of this order in a hearing room of the Federal Energy Regulatory Commission, 825 N. Capitol Street, N.E., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss) as provided for in the Commission's Rules of Practice and Procedure.

(E) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A.—Boston Edison Company

Filed: May 1, 1981
Effective: July 1, 1981
Other Party: Cambridge Electric Light Company

Designation

(1) Service Agreement under FERC Electric Tariff, Original Volume No. III
(2) Supplement to (1) above (Exhibit A)

[FR Doc. 81-19778 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4721-000]

Carjen Co.; Application for Preliminary Permit

July 1, 1981.

Take notice that Carjen Company (Applicant) filed on May 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4721 known as the North Fork Bear Creek Water Power Project located on North Fork Bear Creek in Skagit County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John M. Tietjen, Carjen Company, P.O. Box 31414, Seattle, Washington 98103.

Project Description—The proposed project would consist of: (1) an existing 18-foot high by 140-foot long dam (to be rehabilitated); (2) a new 375-foot long, 3-foot diameter steel penstock; (3) an existing abandoned powerhouse, to be rehabilitated, and to contain one turbine-generating unit with a rated capacity of 240 kW; and (4) approximately two miles of transmission line.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a 24-month preliminary permit to study the feasibility of the proposed project.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 2, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] of a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than November 2, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit

[3] *Boston Edison Company*, Docket No. ER79-157, letter order issued March 27, 1979.

comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 2, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19751 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2488-001]

Central Vermont Public Service, Corp.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

July 2, 1981

Take notice that the Central Vermont Public Service Corporation (Applicant) filed with the Federal Energy Regulatory Commission on April 2, 1981, an application for exemption for its licensed Bradford Project No. 2488 from all or part of Part 1 of the Federal Power Act pursuant to 18 CFR Part 5 subpart K (1980) implementing in part section 408 of the Energy Security Act of 1980.[1] The proposed project would be located on the Waits River in Orange County, Vermont. Correspondence with the Applicant should be directed to: Mr. Richard W. Mallory, Executive Vice President, 77 Grove Street, Rutland, Vermont 05701.

Project Description—The proposed redevelopment of the run-of-river project would consist of: (1) an existing dam 50 feet high and approximately 200 feet long with a reinforced concrete face on its downstream side; (2) a reservoir covering nine acres and containing 53.52 acre-feet of gross storage; (3) new intake works in the southeast end of the dam; (4) a new 6-foot in diameter and 185-foot long steel penstock; (5) a renovated powerhouse measuring 67 by 27 feet and containing one new 930-kW turbine/generator unit capable of producing 5.8 million kWh annually; (6) a new, 12.47-kV transmission line 1,300 feet long; and (7) appurtenant facilities.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before August 17, 1981, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than December 15, 1981. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for exemption. (A copy of the application may be obtained directly from the Applicant). Comments should be confined to substantive issues relevant to the issuance of an exemption and consistent with the purpose of an exemption as described in this notice. No other formal requests for comments will be made. If an agency does not file comments within 60 days of the date of issuance of this notice, it will be presumed to have no comments.

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 particiapte 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 17, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 2488. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any 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. 81-19761 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

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[1] Pub. L. 96-294, 94 Stat. 611. Section 408 of the ESA amends *inter alia*, Sections 405 and 406 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2705 and 2706).

[Project No. 4372-000]

City of Auburn, New York; Application for Exemption From Licensing of a Small Hydroelectric Project of 5 Megawatts or Less

June 30, 1981.

Take notice that the City of Auburn, New York (Applicant) filed with the Federal Energy Regulatory Commission on March 19, 1981, an application for exemption for the Mill Street Dam Hydroelectric Project No. 4372 from all or Part I of the Federal Power Act pursuant to 18 CFR Part 4 SUBPART K (1980) implementing in part Section 408 of the Energy Security Act of 1980.[1] The proposed project would be located on the Owasco River in the City of Auburn, Cayuga County, New York. Correspondence with the Applicant should be directed to: Mr. Bruce L. Clifford, City Manager, Memorial City Hall, 24 South Street, Auburn, New York 13021.

Project Description—The proposed run-of-the-river project would consist of project works including: (1) an existing masonry and concrete gravity dam, 21 feet high and 280 feet long; (2) a small impoundment with a surface area of 5 acres and negligible storage capacity at an elevation of 698 m.s.l. (City); (3) an existing steel penstock 10 feet in diameter and 150 feet long; (4) an existing 18 by 26-foot powerhouse containing a new 590-hp vertical turbine connected to a new 410-kW horizontal generator; (5) a new 50-foot long, 4.16-kV transmission line; and (6) appurtenant facilities. Applicant estimates that the average annual energy output would be 2.2 million kWh.

Purpose of Project.—All project power would be sold to New York State Electric & Gas Corporation.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service and the New York Department of Fish and Wildlife are requested, for the purposes set forth in Section 408 of the Act, to submit appropriate terms and conditions to protect any fish and wildlife resources. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before August 10, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for exemption for Project No. 4372. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19735 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[1] Pub. L. 96-294, 94 Stat. 611. Section 408 of the ESA amends *inter alia*, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2705 and 2708).

[Project No. 4676-000]

City of Gunnison, Colorado; Application for Preliminary Permit

July 2, 1981.

Take notice that the City of Gunnison, Colorado (Applicant) filed on May 18, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(4)] for Project No. 4676 known as the Taylor Park Hydro Project located on the Taylor River in Gunnison County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Dale Howard, City Manager, City of Gunnison, P.O. Box 239, 201 West Virginia Avenue, Gunnison, Colorado 81230.

Project Description—The proposed project would utilize the existing Bureau of Reclamation's Taylor Park Dam and Reservoir and would consist of: (1) a new penstock utilizing the existing outlet works near the right dam abutment; (2) a new powerhouse containing generating units having a total rated capacity of 2,100 kW; (3) a tailrace; (4) a new 69-V transmission line; and (4) appurtenant facilities. The Applicant estimates that the average annual energy output would be 10,000,000 kWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $52,000.

Competing Applications—This application was filed as a competing application to Gregory Wilcox's application for Project No. 3634 filed November 3, 1980, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the

Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before July 31, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4676. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19762 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3233]

City of Mena, Arkansas; Surrender of Preliminary Permit

July 6, 1981.

Take notice that the City of Mena, Arkansas (Mena), Permittee for the proposed Iron Fork Creek Project No. 3233, has requested that its preliminary permit be terminated. The Preliminary Permit was issued on October 10, 1980, and would have expired on October 1, 1981. The project would have been located on Iron Fork Creek in Polk County, Arkansas. Mena cites that "the City has made a preliminary investigation of the site and believes that it would be very difficult for the City to secure satisfactory financing for studying the feasibility as well as constructing the project".

Mena filed its request on March 16, 1981, and the surrender of its permit for Project No. 3233 has been deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19725 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4454-001]

City of Paris, Kentucky; Application for Preliminary Permit

July 2, 1981.

Take notice that the City of Paris (Applicant) filed on May 14, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4454 known as the Kentucky River Lock and Dam No. 10 located on the Kentucky River in Madison and Clark Counties, Kentucky. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Kerby Burton, W. M. Lewis and Associates, 740 Fifth Street, P.O. Box 1383, Portsmouth, Ohio 45662.

Project Description—The proposed project would consist of: (1) a proposed powerhouse, located at the east or west end of the existing dam, containing two generating units rated at 9.6 MW each for a total installed capacity of 19.2 MW; (2) a proposed 69-kV or 138 kV-line; 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.

Applicant estimates that the average annual energy output for the project would be 43.7 GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months. During this time studies would be made to determine the engineering, economic, and environmental feasibility of the project, and prepare an application for FERC license. Also, Federal, State, and local government agencies would be consulted concerning the environmental effects of the project.

Applicant estimates the cost of the studies would be $75,000.

Competing Applications—This application was filed as a competing application to the Kentucky River Lock and Dam No. 10 Projects Nos. 3640, 3679, and 3959 filed on November 3, 1980, November 5, 1980, and January 12, 1981, respectively, by Continental Hydro Corporation, Dam Ten Development Ltd., and ENERGENICS SYSTEMS, INC., respectively, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before July 30, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any 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. 81-19779 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4670-000]

City of Winona, Minnesota; Application for Preliminary Permit

June 30, 1981.

Take notice that the City of Winona, Minnesota (Applicant) filed on May 15, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4670 known as the Mississippi River Lock and Dam No. 2 located on the Mississippi River in Dakota County, Minnesota. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. David R. Sollenberger, City Manager, City Hall, 4th and Lafayette Streets, Winona, Minnesota 55987.

Project Description—The proposed project would consist of: (1) a proposed powerhouse which would replace the riverward lock and Boule Dam. The powerhouse would contain seven generating units rated at 1.5 MW each for a total installed capacity of 10.5 MW; (2) proposed transmission lines; and (3) appurtenant facilities. Applicant estimates that the average annual energy output would be 40,600,000 kWh. 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.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months to study the hydraulic analysis and determine the cost estimates for equipment, construction cost, power market, and the environmental impact. Federal, State, and local government agencies would be consulted during the feasibility study to address their interest concerning the environmental impact of the project. Applicant estimates the cost of the studies would be $25,000.

Competing Applications—This application was filed as a competing application to the Mississippi River Lock & Dam No. 2 Project No. 3650 filed on November 3, 1980, by Mitchell Energy Company, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before July 24, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4670. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19737 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER78-194]

Cleveland Electric Illuminating Co.; Filing

June 30, 1981.

Take notice that on June 22, 1981, the Cleveland Electric Illuminating Company submitted for filing a revised cost of service study pursuant to Commission Opinion No. 84, in the above-captioned proceeding.

A copy of this filing has been served upon the parties to this proceeding.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 on or before July 17, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19763 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-374-000]

Colorado Interstate Gas Co.; Application

July 1, 1981.

Take notice that on June 12, 1981, Colorado Interstate Gas Company (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP81-374-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a change in the applicability of service under Rate Schedules EX-1 and PS-1 of Applicant's FERC Gas Tariff, Original Volume No. 1, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to amend its Rate Schedule EX-1 to expand the applicability of service under which Applicant may deliver gas from the current period of April 1 through September 30 of each year to year-round availability. Applicant also proposes to amend its Rate Schedule PS-1 to allow for Rate Schedule EX-1 deliverirs prior to deliveries under Rate Schedule EX-1 interruptible service is available only during the period, April 1 through September 30, of each year and that service under Rate Schedule PS-1 is available during the period , November 1 of any year through March 30 of the following year. It is stated that Rate Schedule PS-1 is available to any full requirement customer for the purpose of natural gas peaking service if the customer is purchasing gas from Applicant under Rate Schedule G-1 or P-1. It is further asserted that if deliveries under Rate Schedule EX-1 were available year-round deliveries under Rate Schedule EX-1 currently could not be taken prior to any deliveries under Rate Schedule PS-1. Applicant proposes herein to expand the applicability of service under Rate

Schedule EX–1 and concurrently Rate Schedule PS–1 is proposed to be altered to allow for Rate Schedule EX–1 deliveries prior to Rate Schedule PS–1 deliveries.

Applicant further asserts that it is seeking new long-term supplies of natural gas to meet the future requirements of present customers and that this gas supply acquisition effort often results in temporary excess supplies. Applicant submits that expanding the applicability of service under Rate Schedules EX–1 and PS–1 would make interruptible gas, if available, accessible to its existing customers during the winter months and would add a level of flexibility to gas supply management operations. Applicant further states that service under these rate schedules is available only to Applicant's applicable jurisdictional customers and not to off-system customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, of if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–19726 Filed 7–6–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP81–381–000]

Columbia Gas Transmission Corp.; Application

July 1, 1981.

Take notice that on June 17, 1981, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP81–381–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to Pennsylvania & Southern Gas Company (Penn-Southern) pursuant to a sale agreement dated June 1, 1981, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes an off-system sale of up to 1,200 dekatherms equivalent of natural gas per day on a best-efforts basis to Penn-Southern. Applicant requests authorization for a term ending either on May 31, 1982, or at such later date as either of the parties may give 30 days' written notice to terminate. Applicant asserts that its obligation to deliver and sell gas to Penn-Southern under the sales agreement is conditioned upon the availability of surplus gas supply and Applicant's obligations to existing customers as determined in Applicant's sole discretion. Furthermore, Applicant avers that its obligation to Penn-Southern is subservient to the precedent rights of its existing customers to purchase such available surplus gas and to precedent agreements under which Applicant has agreed to make off-system sales of surplus gas to other than Penn-Southern.

Applicant states that for all gas delivered by Applicant Penn-Southern would pay Applicant its Zone 6 SR rate or the maximum lawful price of Section 102 gas under the Natural Gas Policy Act of 1978 whichever is higher.

Applicant states that the natural gas covered by the proposed sale would become a part of Penn-Southern's pipeline supply to be used in meeting its market requirements. Furthermore, Applicant states that it would deliver the gas sold to Penn-Southern by a backoff of receipts at an existing point of delivery from Tennessee Gas Pipeline Company, a Division of Tenneco Inc. to Applicant located in Daugherty Township, Beaver County, Pennsylvania. Applicant also states that no additonal facilities would be constructed to deliver the gas covered by the proposed sale.

Applicant asserts that the volumes of gas which it proposes to sell to Penn-Southern are in excess of Applicant's current market requirements brought on by an increase in supply, the nationwide economic recession and conservation by existing customers. Applicant further asserts that any revenues in excess of its base commodity purchased gas costs would be credited to Account No. 191 of the Uniform System of Accounts Prescribed for Natural Gas Companies.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this applicaton if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–19736 Filed 7–6–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP81-385-000]

Consolidated Gas Supply Corp.; Application

July 6, 1981.

Take notice that on June 18, 1981, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP81-385-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued operation of its Line No. TL-283, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to continue the operation of its 16-inch Line No. TL-283 which extends from Applicant's Hastings Complex in Wetzel County, West Virginia, to Clarksburg, Harrison County, West Virginia. Applicant asserts that Line No. TL-283 is operated as a jurisdictional transmission facility but only a portion of the pipeline has ever been certificated; Applicant proposes to continue operation of the remaining segment of Line No. TL-283 for which abandonment authorization was not previously requested in Docket No. CP81-179-000. Applicant avers that the pipeline was originally constructed by Applicant's predecessor, Hope Natural Gas Company (Hope), as an intrastate facility used for the local distribution of gas in Clarksburg, West Virginia. Applicant submits that by Commission order dated January 9, 1951, at Docket No. G-1493 Hope obtained authority to establish interconnections between Line No. TL-283 and Applicant's Line No. H-42 and between Line No. TL-283 and facilities of The Manufacturers Light and Heat Company. It is asserted that at that time Line No. TL-283 was not considered a jurisdictional facility.

Applicant contends that since the Commission's January 9, 1951, order its operations have changed and the law has also changed. Applicant asserts that Line No. TL-283 now operates at pressures of 250-350 psig and is still used to serve Applicant's local markets in West Virginia. Applicant states that although much of the local market in the subject area is served with supplies produced and purchased locally by Applicant or withdrawn from Applicant's nearby Bridgeport Storage Pool Line No. TL-283 is still used to transport gas from Hastings to Clarksburg and connects the Hastings Complex with Bridgeport Storage Pool. Applicant therefore concludes that it operates and maintains the facility as part of its intergrated jurisdictional transmission system.

Applicant asserts that Line No. TL-283 enables it to meet the requirements of its existing customers and is an essential part of its transmission system. Applicant submits that any non-compliance with the rules regarding certification of jurisdictional facilities was completely inadvertent. Moreover, Applicant asserts that it has been diligent in investigating and rectifying the situation once it became known. Furthermore, Applicant states that since Line No. TL-283 was paid for by Carbide and Carbon Chemicals Corporation (a predecessor of Union Carbide Corporation) as a contribution in aid of construction Applicant's customers have the benefit of the investment without the need to bear return, taxes and depreciation costs.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19726 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4738-000]

Dennis V. McGrew and Associates; Application for Preliminary Permit

July 1, 1981.

Take notice that Dennis V. McGrew and Associates (Applicant) filed on May 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4738 known as the Glacier Creek Project located on Glacier Creek in Whatcom County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Dennis V. McGrew, P.E., 2623 Yew Street, Bellingham, Washington 98225.

Project Description—The proposed project would consist of: (1) a 5-foot high concrete diversion weir; (2) an 11,500-foot long reinforced concrete pipeline; (3) a surge tank; (4) a 1,400-foot long, 42-inch diameter steel penstock; (5) a powerhouse containing one generating unit rated at 4,600 kW; and (6) a one-mile long transmission line. The average annual energy generation is estimated to be 28.8 million kWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would conduct engineering, economic, feasibility and environmental studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $225,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 2, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than November 2, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be

obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 2, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19704 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST80-88-001]

Dow Pipeline Co., Houston Pipe Line Co.; Filing of Extension Report

July 1, 1981.

Take notice that on May 29, 1981, Dow Pipeline Company (Applicant), P.O. Box 4286, Houston, Texas 77210, filed in Docket No. ST80-88-001 an extension report pursuant to § 284.126 (c) of the Commission's Regulations giving notice of Applicant's intention to extend its transportation agreement with Houston Pipe Line Company (HPL) for an additional two year period, all as more fully set forth in the extension report which is on file with the Commission and open to public inspection.

Applicant states that it entered into a gas transportation agreement with HPL and now proposes to extend such agreement for a term of two years terminating April 15, 1983.

Applicant asserts that under the terms of its agreement with HPL Applicant would perform a portion of the transportation service which HPL has contracted to provide to Natural Gas Pipeline Company of America (Natural).

Applicant states that as an intrastate pipeline engaged in transportation service on behalf of another intrastate pipeline, Applicant believes that it has no obligation to file the reports prescribed by Part 284 of the regulations. Applicant, therefore, explains that the submission herein is conditional in nature and requests guidance from the Commission as to its true filing responsibilities.

Applicant asserts that it would provide transportation service from its existing interconnection with Tenngasco, Inc at Juliff, Brazoria County, Texas, and its interconnection with A-S pipeline Brazoria County, Texas, to its existing interconnection with Oasis Pipe Line Company in the Katy Field, Waller County, Texas.

Applicant states that the rate to be charged for the transportation would be $.006 per million Btu.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before July 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19739 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-569-000]

Duke Power Co.; Filing

June 30, 1981.

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on June 22, 1981 a supplement to the Company's Electric Power Contract with Laurens Electric Cooperative, Inc. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 144.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following increases in designated demand: Delivery Point No. 3 from 1,600 KW to 2,000 KW.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of August 19, 1981.

According to Duke Power copies of this filing were mailed to Laurens Electric Cooperative, Inc., and the South Carolina Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 20, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19752 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-570-000]

Duke Power Co.; Filing

June 30, 1981.

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on June 22, 1981 a supplement to the Company's Electric Power Contract with the City of Morganton. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 261.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following increases in contract demand: Delivery Point No. 1 from 20,000 kW to 26,000 kW and Delivery Point No. 3 from 6,000 kW to 13,000 kW.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of August 19, 1981.

According to Duke Power copies of this filing were mailed to the City of Morganton and the North Carolina Utilities Commission.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 20, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19753 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-571-000]

Duke Power Co.; Filing

June 30, 1981.

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on June 22, 1981 a supplement to the Company's Electric Power Contract with Blue Ridge Electric Cooperative, Inc. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 142.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following increases in designated demand: Delivery Point No. 7 from 11,600 KW to 16,000 KW and Delivery Point No. 10 from 3,700 KW to 4,000 KW.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of August 19, 1981.

According to Duke Power copies of this filing were mailed to Blue Ridge Electric Cooperative, Inc., and the South Carolina Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 20, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19754 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-370-000]

El Paso Natural Gas Co.; Application

July 6, 1981.

Take notice that on June 12, 1981, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP81-370-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the transportation and delivery of natural gas for direct sale to Salt River Project Agricultural Improvement and Power District (Salt River), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is submitted that Salt River's Santan Plant facility located in Maricopa County, Arizona, currently utilizes four 75 megawatt combined-cycle turbine units to generate electricity in the Maricopa County area. Applicant further submits that Salt River would soon begin retrofitting such combined-cycle turbine units so as to permit dual burn capability utilizing both natural gas and No. 2 distillate fuel oil. It is asserted that Salt River has requested Applicant to provide natural gas service to the Santan Plant turbines upon completion of such retrofitting.

Consequently Applicant states, it has entered into a gas sales agreement with Salt River dated May 28, 1981, pursuant to which agreement Applicant would provide all of the natural gas requested by Salt River for use in the Santan Plant supplying a maximum quantity of 75,000 Mcf of natural gas per day. It is further asserted that Salt River would purchase a minimum of 4,100,000 Mcf of natural gas during the first 5 years of the agreement. Applicant states it would deliver gas to Salt River at the outlet of a measuring station to be constructed and operated by Applicant on the premises of the Santan Plant. The term of the sales agreement, it is stated, extends from the date of initial deliveries through December 31, 1989, and from year to year thereafter. Applicant asserts that the direct sale to Salt River is consistent with the provisions of the Stipulation and Agreement approved in Docket No. RP72-6, *et al.*

In order to effectuate the subject direct sale and delivery of natural gas to Salt River, Applicant specifically proposes to construct and operate the following facilities:

(1) Approximately 9.9 miles of 12¾-inch O.D. pipeline with appurtenances commencing at a point of interconnection with Applicant's existing 16-inch O.D. Maricopa County Line to Ocotillo Power Plant pipeline in the SW/4 of Section 7, Range 5 East, and terminating at Salt River's Santan Plant, Maricopa County, Arizona, and

(2) Two 12¾-inch O.D. standard orifice meter runs, one 6⅝-inch O.D. turbine meter and telemeter equipment with appurtenances at Salt River's Santan Plant.

Applicant estimates the total cost of the above-described facilities to be $2,739,338 which would be financed through the use of internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will

not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19727 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EL81-3-000]

Florida Public Utilities Co.; Petition for Declaratory Order

July 6, 1981.

Take notice that a petition for a declaratory order was filed on November 18, 1980 by Florida Public Utilities Company (Petitioner). Correspondence with Petitioner should be addressed to: Mr. Gordon O. Jerauld, Senior Vice President, Florida Public Utilities Company, P.O. Drawer C, West Palm Beach, Florida 33402 and Peter C. Lesch, Esquire; Gallagher, Boland, Meiburger and Brosnan, 821 Fifteenth Street, N.W., Washington, D.C. 20005.

Petitioner seeks a declaratory order determining that Petitioner's Blue Springs hydroelectric project is not subject to the Commission's licensing jurisdiction under Part I of the Federal Power Act. The Blue Springs project is located on Spring Creek, a tributary of the Chipola River, in Jackson County, Florida. The Chipola River is a tributary of the Apalachicola Bay in the Gulf of Mexico.

The project consists of a reservoir sometimes referred to as Merritt's Mill Pond, a concrete dam creating a head of about 10 feet, and a powerhouse containing a single generating unit rated at about 150 kW. The power produced at the plant is utilized in Petitioner's electric utility system.

The site was developed for power production in 1934. The generating unit has deteriorated in the intervening years, and is currently restored to its original rated capacity.

Anyone desiring to be heard or to make any protest about this petition should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1977). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest 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 protest or petition to intervene must be filed before September 10, 1981. The Commission's address is: 825 N. Capitol Street, N.E., Washington, D.C. 20426.

This petition for declaratory order is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19728 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4714-000]

Forward Power & Energy Co., Inc.; Application From Exemption From Small Hydroelectric Power Project Under 5 MW Capacity

July 2, 1981.

Take notice that the Forward Power & Energy Company, Inc. (Applicant) filed with the Federal Energy Regulatory Commission on May 21, 1981, an applicant, for exemption for its Digger Creek Small Hydroelectric Project No. 4714-000 from all or part of Part 1 of the Federal Power Act pursuant to 18 C.F.R. Part 5 subpart K (1980) implementing in part section 408 of the Energy Security Act of 1980.[1] The proposed project would be located on the South Digger Creek in Tehema County, California. Correspondence with the Applicant should be directed to: Mr. Mark Henwood, Henwood Associates, Inc., P.O. Box 7, Smartville, California 95977.

Project Description—The proposed project would consist of: (1) an existing 20-foot long, 4-foot high diversion structure renovated by installation of a concrete and steel headgate increasing the height by one-foot without impounding water; (2) a fish ladder; (3) an 8,700-foot long ditch; (4) a 15-foot long, 7-foot wide penstock headbox; (5) a 2,050-foot long, 24-inch diameter steel penstock; (6) a powerhouse with total installed capacity of 750 kW; and (7) a 160-foot long; 7.2-kV transmission line to connect with PG&E transmission line.

The Applicant estimates that the average annual energy output would be 5.3 million kWh.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before August 14, 1981, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than December 14, 1981. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (d) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (b) (1980).

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for exemption. (A copy of the application may be obtained directly from the Applicant). Comments should be confined to substantive issues relevant to the issuance of an exemption and consistent with the purpose of an exemption as described in this notice. No other formal requests for comments will be made. If an agency does not file comments within 60 days of the date of issuance of this notice, it will be presumed to have no comments.

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

[1] Pub. L. 96-294, 94 Stat. 611. Section 408 of the ESA amends *inter alia*, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2705 and 2708).

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 14, 1981.

Filing and service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4714. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Reguatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19780 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-379-000]

Gas Gathering Corp.; Application

July 1, 1981.

Take notice that on June 17, 1981, Gas Gathering Corporation (Applicant), P.O. Box 519, Hammond, Louisiana 70404, filed in Docket No. CP81-379-000 an application pursuant to Section 7(c) of the Natural Gas Act and Section 284.221 of the Commission's Regulations for a certificate of public convenience and necessity for blanket authorization to transport natural gas for other interstate pipeline companies, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests blanket authorization to transport gas for other interstate pipeline companies for periods of up to two years. It is stated that it would comply with Section 284.221(d) of the Commission's Regulations under the NGPA.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19740 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CP81-375-000, CP71-222]

Great Lakes Gas Transmission Co.; Application

July 6, 1981.

Take notice that on June 11, 1981, Great Lakes Gas Transmission Company (Applicant), 2100 Buhl Building, Detroit, Michigan 48226, filed in Docket Nos. CP81-375-000 and CP71-222 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to two of its existing customers, Natural Gas Pipeline Company of America (Natural) and Michigan Wisconsin Pipe Line Company (Mich Wis), and the construction and operation of those facilities required for such sale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is submitted that by order issued June 1, 1971, in Docket No. CP71-223 Applicant was authorized to import for fuel and other company use up to 17,000,000 Mcf of natural gas annually pursuant to a gas purchase contract between Applicant and TransCanada PipeLines Limited (TransCanada) dated June 11, 1971. Applicant asserts that it has never required all of the gas available under such contract and as of October 31, 1980, has purchased and imported a total of 105,844,654 Mcf (deficiency volumes) less than was authorized under such contract.

It is stated that on April 30, 1981, Applicant and TransCanada amended their gas sales contract so as to allow Applicant to purchase a portion of the deficiency volumes for resale to Natural and Mich Wis at a rate of 12,500 Mcf per day each.

Applicant further submits that Natural and Mich Wis have by letter dated January 28, 1981, agreed to increase by 12,500 Mcf per day each the volumes of gas which each purchases from Applicant. Applicant asserts that such volumes would be sold pursuant to Applicant's then-effective Rate Schedules CQ-2 and AOS-2.

Applicant states that it would transport the gas to an existing interconnection of its facilities with those of Mich Wis near Fortune Lake Michigan, where Mich Wis would take delivery for its own and Natural's accounts.

In order to provide the proposed service, Applicant proposes to construct and operate 12.7 miles of 36-inch pipeline loop in Minnesota which would be added parallel to Applicant's existing pipeline system used to render natural gas service to its interstate and foreign customers. Applicant states that such pipeline would be constructed from mile post 213.7 to mile post 226.4 between applicant's existing compressor station Nos. 4 and 5 at Deer River and Cloquet, Minnesota, respectively.

Applicant estimates the total cost of the proposed loop to be $9,640,000 which would be financed from internally generated funds together with short-term borrowings from banks if required.

Any person desiring to be heard or to make protest with reference to said application should on or before July 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19728 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4705-000]

John J. Hockberger, Sr.; Application for Preliminary Permit

July 1, 1981.

Take notice that John J. Hockberger, Sr. (Applicant) filed on May 19, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4705 known as the Deer Flat Low Line Project located in Boise River in Canyon County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John J. Hockberger, Sr., Hockberger Orchards & Vinyard, Route No. 10, Box 2379, Caldwell, Idaho 83605.

Project Description—The proposed project would utilize the existing Deer Flat Lower Dam owned by the United States Bureau of Reclamation (USBR) and would consist of a powerhouse with a total installed capacity of 1,250 kW and appurtenant facilities.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 24-month permit to prepare a definitive project report including preliminary designs, results of environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the USBR and other Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $100,000.

Competing Applications—This application was filed as a competing application to Mitchell Energy Company, Inc.'s Project No. 3737 filed November 12, 1980, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before July 28, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4705. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19765 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-568-000]

Iowa Power & Light Co.; Filing

June 30, 1981.

The filing company submits the following:

Take notice that Iowa Power and Light Company (Iowa Power) on June 22, 1981, tendered for filing an Amendment to Transmission Service Agreement (Amendment), between Iowa Power and Iowa-Illinois Gas and Electric Company, (Iowa-Illinois) dated May 11, 1981.

The Amendment relates to transmission charges, increased output generating accreditation level of Council Bluffs Unit 3 and increased scheduling capacity for the Sycamore-Hills transmission line.

Iowa Power requests that the Commission waive its prior notice requirements and accept this Agreement for filing with an effective date of April 1, 1980.

Copies of this filing were served upon each affected party and the Iowa State Commerce Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 20, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to

the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19755 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-567-000]

Iowa Power & Light Co.; Filing

June 30, 1981.

The filing Company submits the following:

Take notice that Iowa Power and Light Company, (Iowa Power) on June 22, 1981, tendered for filing a Transmission Service Agreement with Iowa-Illinois Gas and Electric Company (Iowa-Illinois) dated January 30, 1981.

Relating to the proposed utilization by Iowa-Illinois of 120 mW of capacity in Iowa Power's existing 345 kV transmission system from the Montezuma Substation located in Poweshiek County, Iowa, to the Hills Substation near Hills, Johnson County, Iowa, the Agreement facilitates transmission of Iowa-Illinois' share of Ottumwa Generating Station Unit No. 1 capacity. The Agreement is to become effective on the first of the month next following synchronization of the Unit, which occurred on March 1, 1981. Therefore, the proposed retroactive effective date of this agreement is April 1, 1981.

Iowa Power states the purpose of the proposed rates and changes is to recover reflected costs of the facilities to be provided as the scheduling path, for associated operation and maintenance, and for transmission losses for which compensation in kind is provided.

Iowa Power requests that the Commission waive its prior notice requirements and accept the proposed rate filing with a retroactive effective date of April 1, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 20, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19756 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4669-000]

John L. Symons; Application for Preliminary Permit

July 2, 1981.

Take notice that John L. Symons (Applicant) filed on May 15, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4669 known as the Rancho Riata Water Power Project located on Bishop Creek in Inyo County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William Symons, Jr., 26 Thorndale Place, Moraga, California 94556.

Project Description—The proposed project would consist of: (1) and existing regulating dam; (2) an intake structure; (3) a 8,700-foot long, 42-inch diameter penstock; (4) a powerhouse with total installed capacity of 600 kW; and (5) an interconnection with an existing 12.5-kV SCE transmission line located within 0.125 mile of the powerhouse. The Applicant estimates that the average annual energy output would be 40 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which time it would conduct engineering, hydrological, economic and environmental studies; negotiate with the City of Los Angeles for additional rights-of-way; and prepare State water rights and an FERC license application. No new roads are required for these studies. The cost of these studies is estimated by the Applicant to be $35,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 8, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than November 9, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In detemining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 8, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19766 Filed 7-6-81 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4647-000]

Lincoln Hydroelectric, Inc.; Application for Preliminary Permit

July 2, 1981.

Take notice that the Lincoln Hydroelectric, Inc. (Applicant) filed on May 11, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4647 to be known as the Lincoln Hydro Project located on East Branch of the Pemigewasset River

in Grafton County, New Hampshire. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Richard A. Hallisey; P.O. Box 283; Southboro, Massachusetts 01772.

Project Description—The proposed unconstructed project would consist of: (1) a 34-foot high concrete gravity dam having a crest length of 340 feet; (2) a reservoir with a surface area of 6 acres at a mean surface elevation of 968.0 feet; (3) a Taintor gate, 80 feet long; (4) an intake structure; (5) 900 feet of new penstock; (6) a concrete powerhouse, 36 feet wide and 62 feet long, containing generators with a rated capacity of 750 kW; (7) a tailrace; (8) 200 feet of transmission line; and (9) appurtenant works. The Applicant estimates that the average annual energy output would be 3,225,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under permit would be $48,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 4, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than November 3, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 4, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19781 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-366-000]

Llano, Inc.; Application for Approval of Rates and Extension of Term

July 1, 1981.

Take notice that on June 10, 1981, Llano, Inc. (Applicant), P.O. Box 1320, Hobbs, New Mexico 88240, filed in Docket No. CP81-366-000 an application pursuant to Sections 284.123(b)(2) and 284.127 of the Commission's Regulations for approval of its rates for the transportation of natural gas on behalf of United Gas Pipe line Company (United) and for authorization for the transportation of natural gas for United for a term of up to 10 years, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant submits that it entered into a transportation agreement with United under which Applicant would transport gas which United purchases in Southeastern New Mexico. It is further submitted that such agreement provides for a term of two years but that United has the option, by separate agreement, to extend the term of the transportation agreement for up to four consecutive terms of two years each. Applicant anticipates that United would exercise its option and, therefore, proposes that such transportation agreement be extended for eight years beyond the initial two year term.

Applicant states that pursuant to such agreement United would deliver gas to Applicant at various points near such facilities and Applicant would construct and own such facilities as are necessary to receive the gas. Applicant asserts that it would also construct a short mainline extension to redeliver gas to United (the Rattlesnake line) which would be located in Lea County, New Mexico, at the interconnection of Applicant's and United's facilities. Applicant estimates the first-year cost of such additional facilities to be $5,800,000 which would be financed through additional debt acquired on the strength of the transportation agreement. Applicant asserts that up to 50 billion Btu of gas per day would be transported for United.

Applicant states that the rate charged United for such service would be computed monthly and would be the sum of the following:

A. A charge for use of Applicant's existing facilities. That charge would be 13.8 cents per million Btu or such higher charge as is paid to Applicant by Northern Natural Gas Company, Division of InterNorth, Inc. (Northern) under an agreement dated October 11, 1971. The 13.8 cents was computed using the same formula by which the rate to Northern is computed using the equity return currently utilized in Applicant's new contracts and rate calculations. That computation is strictly on a cost-of-service basis. The Northern rate is recomputed on an annual basis so the charge to United would not change more often than once a year. The charge per million Btu would be applied to the greater of (1) 70 percent of the maximum daily quantities for the month or (2) the actual number of million Btu tendered to Applicant.

B. An amount for the Rattlesnake line computed strictly on a cost-of-service basis.

C. An amount for any necessary compression and dehydration based on actual costs.

D. An amount for additional facilities required for Applicant to receive gas from United computed strictly on a cost-of-service bases and including only the portion thereof allocated for use on behalf of United.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 22, 1981, file with the Federal Regulatory Commission, Washington, D.C. 20426, a

petition to intervene or a protest in accordance with the requirements of the Commission's rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19781 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-566-000]

Long Island Lighting Co; Proposed Tariff Change

June 30, 1981.

The filing Company submits the following:

Take notice that Long Island Lighting Company (Long Island) on June 22, 1981, tendered for filing proposed changes in its Rate Schedule, pursuant to which Long Island transmits power and energy from the Power Authority of the State of New York to the three municipal electric utilities on Long Island: the Villages of Greenport, Rockville Centre and Freeport. The proposed changes would increase revenues from such service by $127,990 based on the 12-month period ending May 31, 1981.

Long Island proposes to increase the rates in order to recover the increase in the cost of service. Long Island proposes an effective date of June 1, 1981.

Copies of this filing were served upon the Power Authority of the State of New York, the Municipal Electric Utilities Association, the Villages of Greenport, Rockville Centre and Freeport and the New York State Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 20, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19797 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4639-000]

Long Lake Energy Corp.; Application for Preliminary Permit

July 2, 1981.

Take notice that the Long Lake Energy Corporation (Applicant) filed on May 11, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a) 825(r)] for Project No. 4639 known as the Christine Falls Project located on Sacandaga River in Hamilton County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Paul J. Elston; 330 Madison Avenue, 7th Floor; New York, New York 10017.

Project Description—The Applicant proposes two alternatives. Both alternatives would consist of: (1) an existing concrete gravity dam, 12 feet high and 140 feet long; (2) an existing reservoir with a surface area of 5 acres at a mean surface elevation of 1,700 feet (USGS datum); and (3) an existing intake structure with a new control gate.

Additionally, Alternative I would consist of: (1) 600 feet of new penstock; leading to (2) an existing powerhouse containing new generators with a rated capacity of 560 kW; (3) an existing tailrace; (4) new switchyard equipment; (5) a new transmission line; and (6) appurtenant works.

Additionally, Alternative II would consist of: (1) 3,000 feet of new penstock; leading to (2) a new powerhouse containing new generators with a rated capacity of 1,130 kW; (3) a new tailrace; (4) new switchyard equipment; (5) a new transmission line; and (6) appurtenant works.

The owner of all existing project facilities is the International Paper Company. The Applicant estimates that the average annual energy output for Alternative I would be 2,500,000 kWh and for Alternative II 5,000,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would prepare studies of the technical, economic, financial, and environmental aspects of the project. Depending upon the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $60,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 4, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than November 3, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 4, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19782 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST79-24-001]

Louisiana Intrastate Gas Corp.; Application for Approval of Rates

July 1, 1981.

Take notice that on May 15, 1981, Louisiana Intrastate Gas Corporation (Applicant), P.O. Box 1352, Alexandria, Louisiana 71301, filed in Docket No. ST79-24-001 an application pursuant to Part 284 of the Regulations for approval of rates charged for the transportation of natural gas for the account of United Gas Pipe Line Company (United), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it entered into a gas sales agreement with United which it has extended for an additional two-year term beginning May 19, 1981.

Applicant further states that the rate to be charged for the treating, processing, transporting and delivering of natural gas sold to United would be 20.0 cents per million Btu which rate was previously approved by the Commission in Docket No. ST79-24.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petiton to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19758 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4739-000]

Mac Hydro-Power Co., Inc; Application for Preliminary Permit

June 30, 1981.

Take notice that Mac Hydro-Power Company, Inc. (Applicant) filed on May 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4739 known as the East Fork of Stuart Fork Creek Power Project located on the East Fork of Stuart Fork Creek in Trinity County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Messrs. H. L. Childers and Gary A. McKnight, President and Vice president, Mac Hydro-Power Company, Inc., 2515 Grass Valley Highway, Auburn, California 95603.

Project Description—The proposed project would consist of: (1) a 5-foot high natural rock and concrete diversion dam across the East Fork of Stuart Creek, diverting water into; (2) an intake structure within the east bank of the Creek; (3) a 2,200-foot long low pressure conduit and/or open channel; (4) a 36-inch diameter, 2,200-foot long penstock; (5) a powerhouse containing generating units with a total rated capacity of 2,400 kW; and (6) appurtenant facilities.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Forest Service and other Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be between $40,000 and $60,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 31, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b)a and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than October 30, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 31, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19742 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. 81-573-000]

Mississippi Power & Light Co.; Filing

June 30, 1981.

The filing Company submits the following:

Take notice that on June 24, 1981, Mississippi Power & Light Company (MP&L) tendered for filing an executed Technical Modification No. 1 To Service Schedules Providing For Bulk Power Transmission Service (Technical Modification) between MP&L and Clarksdale, Greenwood and Yazoo City, Mississippi (Three Cities).

The proposed Technical Modification would supplement the current effective Service Schedule E to MP&L Rate Schedule No. 239 for service to Greenwood, No. 243 for service to Clarksdale and No. 254 for service to Yazoo City, and facilitates the rearrangement of previously scheduled quantities of power for transmmission by MP&L pursuant to the long-term firm

bulk power transmission provisions of each city's Service Schedule E. Specifically, the Technical Modification allows MP&L to receive a total payment from Three Cities for each billing month calculated as though they were to receive the service through a single point of interconnection with MP&L under one Service Schedule E. MP&L states that for this purpose, it waives the demand ratchet that would otherwise be applicable to the Three Cities on a consolidated basis.

MP&L requests that the Commission waive its notice requirements and permit the proposed Technical Modification to become effective on December 1, 1980.

Any person desiring to be heard or to protest said filing shold file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 21, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19787 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4700-000]

Montana Department of Natural Resources and Conservation; Application for Preliminary Permit

July 2, 1981.

Take notice that the Montana Department of Natural Resources and Conservation (Applicant) filed on May 19, 1981 an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4700 known as the Rock Creek Hydroelectric Project located on the Red Lodge Creek in Carbon County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Gary Fritz, Administrator, Water Resources Division, Montana Department of Natural Resources and Conservation, 32 South Ewing, Helena, Montana 59601

Project Description—The proposed project would consist of: (1) an existing 97-foot high and 2,260-foot long earth fill dam; (2) an existing reservoir with an 800 acre surface area, a 24,200 acre-foot storage capacity at a crest elevation of 4,260 m.s.l., and a 200 square mile drainage area; (3) a proposed powerhouse with an installed 1.2 MW capacity and an estimated 2.7 GWh average annual output of energy; (4) proposed transmission lines; and (5) appurtenant facilities. The proposed project is not located on Federal lands.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $100,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 8, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than November 9, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accorance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 8, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this atoice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19788 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4699-000]

Montana Department of Natural Resources and Conservation; Application for Preliminary Permit

July 1, 1981.

Take notice that the Montana Department of Natural Resources and Conservation (Applicant) filed on May 19, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4699 known as the Middle Creek Hydroelectric Project located on the Middle (Hyalite) Creek in Gallatin County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Gary Fritz, Administrator, Water Resources Division, Montana Department of Natural Resources and Conservation, 32 South Ewing, Helena, Montana 59601.

Project Description—The proposed project would consist of: (1) an existing 1,300-foot long and 106-foot high earth filled dam; (2) an existing reservoir with a 6,699 normal maximum surface elevation, a 200 acre surface, a 7,780 acre-foot storage capacity, and a 28 square mile drainage area; (3) an existing 60-inch diameter, steel-lined, concrete conduit extending approximately 600 feet through the dam; (4) a proposed powerhouse containing generating units having an installed 1.15 MW capacity and an average 2.7 GWh energy output; (5) a proposed 15-mile

transmission line to be interconnected to a 161 kV line owned by Montana Power Company; and (6) appurtenant facilities. The proposed project is not located on Federal lands.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, state, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $100,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 2, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than November 2, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 2, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19769 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-386-000]

Natural Gas Pipeline Co. of America; Application

July 6, 1981.

Take notice that on June 19, 1981, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP81-386-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the limited term sale of natural gas on an interruptible basis to El Paso Natural Gas Company (El Paso), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to 37,000,000 Mcf of gas on a best-efforts basis to El Paso pursuant to a gas sales agreement dated June 8, 1981. Applicant states that under the gas sales agreement it would sell gas to El Paso for a limited term of 363 days commencing on the date of first deliveries. Applicant asserts that it is concurrently filing the agreement as its initial Rate Schedule X-122 as a part of its FERC Gas Tariff, Second Revised Volume No. 2.

Applicant asserts that it would deliver gas to El Paso at existing delivery points in Pecos County, Texas, and Lea County, New Mexico, and at any other point agreed to in writing. Applicant also states that the maximum daily delivery volumes would not exceed 100 billion Btu.

It is asserted that Applicant would charge El Paso for each million Btu of gas sold a rate equal to the average of the rates effective under Applicant's Rate Schedules E-1 and G-1 minus the GRI surcharge. Applicant contends that this rate is a composite rate which is presently approximately $2.72 per million Btu.

Applicant asserts that the proposed sale would be limited to the volumes which are not required by its existing customers. It is asserted that the proposed sale is part of Applicant's ongoing effort to deal with its current excess deliverability situation. Applicant asserts that gas deliverable from its source of supply is in excess of its current requirements due to high take obligations, the price incentives of the Natural Gas Policy Act of 1978 which encouraged gas development along with reduction in demand caused by economic conditions, warmer heating seasons and continuing conservation by end-users. It is stated that Applicant's lack of a minimum commodity charge has also reduced purchases.

It is asserted that El Paso would use the gas from the proposed sale for general system supply.

Except for 1.0 cent per million Btu for the volume sold, Applicant proposes to credit the revenues from the proposed sale to its Account 191 of the Uniform System of Accounts Prescribed for Natural Gas Companies.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion

believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19730 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-552-001]

Northern Natural Gas Co. Division of InterNorth, Inc.; Petition To Amend

July 1, 1981.

Take notice that on June 11, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Petitioner), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP80-552-001 a petition to amend the order issued December 24, 1980, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to delete the authorization to construct and operate 2.28 miles of 4-inch loop branch pipeline, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that the order issued December 24, 1980, authorized it to construct and operate approximately 8 miles of 6-inch branch line and 4-inch loop line and an additional delivery point to its utility customer Peoples Natural Gas Company, Division of InterNorth, Inc. (Peoples), for ultimate delivery to the Hibbing Taconite Company in Hibbing, Minnesota. Petitioner proposes that the December 24, 1980, order be amended by deleting the authority to construct and operate 2.28 miles of 4-inch branch pipeline. Petitioner asserts that Peoples has informed Petitioner that the continued use of the existing 4-inch branch line would be sufficient to meet current operating requirements for Chisholm and the Hibbing Taconite Plant currently at 387.5 Mcf per hour. In addition, Petitioner asserts that peak requirements of 512.5 Mcf per hour are ot expected to be fully attained until after a period of three years. At such time, Petitioner states, it would determine if additional construction is necessary.

Any person desirig to be heard or to make any protest with reference to said petition to amend should on or before July 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petiton to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19743 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4722-000]

North State Hydro, Inc.; Application for Preliminary Permit

July 1, 1981.

Take notice that North State Hydro, Inc. (Applicant) filed on May 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4722 known as the Shackleford Creek Hydroelectric Project located on Shackleford Creek in Siskiyou County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Sam E. Nelson, 50 Wilshire Drive, Redding, California 96002.

Project Description—The proposed project would consist of:

(1) a four-foot high concrete diversion wall;
(2) a 20,000-foot long, 42-inch diameter low pressure pipe;
(3) a 6,800-foot long, 30-inch diameter penstock;
(4) a powerhouse with total installed capacity of 3,800 kW; and
(5) a 0.5-mile long 12.5-kV transmission line feeding power into an existing Pacific Power and Light Company transmission line.

The Applicant estimates that the average annual energy output would be 18.8 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which time it would conduct engineering, economic, and environmental studies; conduct property surveys; prepare State water rights permit application; negotiate with the utility; and prepare the FERC license application. No new roads are expected to be required to conduct the studies. The cost of studies to be conducted is estimated by the Applicant to the $60,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 2, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than November 2, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 2, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19770 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4724-000]

North Valley Hydro, Inc.; Application for Preliminary Permit

July 1, 1981.

Take notice that North Valley Hydro, Inc. (Applicant) filed on May 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a) 825(r)] for Project No. 4724 known as the McCarthy Point Hydroelectric Project located on Mill Creek in Tehama County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Sam E. Nelson, 50 Wilshire Drive, Redding, California 96002.

Project Description—The proposed project would consist of:

(1) a four-foot high concrete diversion wall;
(2) an 11,000-foot long, combination ditch and 42-inch diameter low pressure pipe;
(3) an 800-foot long, 60-inch diameter penstock;
(4) a powerhouse with total installed capacity of 3,600 kW; and
(5) a thirteen-mile long 12.5-kV transmission line feeding into an existing Pacific Power and Light Company transmission line.

The Applicant estimates that the average annual energy output would be 21.2 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which time it would conduct engineering, economic, and environmental studies; conduct property surveys; prepare State water rights permit application; negotiate with the utility; and prepare the FERC license application. No new roads are expected to be required to conduct the studies. The cost of studies to be conducted is estimated by the Applicant to be $60,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 2, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] of a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than November 2, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If any agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 2, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19771 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-382-000]

Northwest Pipeline Corp.; Application

July 1, 1981.

Take notice that on June 18, 1981, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP81-382-000 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the reallocation of natural gas service for Washington Natural Gas Company (Washington Natural) and for permission and approval to abandon two meter stations and associated service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to abandon the Grotto sales meter station including a positive displacement meter with appurtenances located near the upstream terminus of Applicant's 6⅝-inch O.D. Grotto lateral in Snohomish County, Washington. It is asserted that Washington Natural by letter dated April 18, 1980, informed Applicant that the Monroe meter station adjacent to the Grotto meter station has the capacity to measure the total volumes of natural gas flowing through the Grotto lateral. It is stated that Washington Natural and Applicant agreed that a more efficient flow condition would result from the abandonment of the Grotto meter station and the subsequent rerouting of natural gas through the Monroe meter station. It is asserted that Washington Natural believes that the improved flow condition on the Grotto lateral would increase the operating efficiency and improve the performance of the Monroe meter station.

Applicant also proposes to abandon its Clearview-Maltby meter station which includes a positive displacement meter with appurtenances located on Applicant's 16-inch O.D. North Seattle Lateral in Snohomish County, Washington. Applicant asserts that Washington Natural no longer desires the use of the Clearview-Maltby meter station as the volumes of natural gas currently being sold and delivered on the North Seattle lateral are measured at the existing North Seattle meter station bypassing the Clearview-Maltby meter station completely.

Applicant proposes to remove, salvage and place the abandoned facilities in stock to the extent possible.

Applicant also proposes to reallocate the maximum daily delivery obligation for Washington Natural, its existing customer, as follows:

ODL-1 SERVICE AGREEMENT

[therms]

Delivery points	Presently effective	Proposed
Grotto, Washington, and Environs	500	
Snohomish, Washington, and Environs	10,000	10,500
Clearview Maltby, Washington, and Environs	1,000	

ODL-1 SERVICE AGREEMENT—Continued

[therms]

Delivery points	Presently effective	Proposed
North Seattle, Everett, Washington, and Environs	1,090,000	1,061,000
Total	1,091,500	1,091,500

Applicant asserts that Washington Natural, by letter dated April 27, 1981, requested the reallocation of the natural gas service currently being sold under Applicant's Rate Schedule ODL-1. Applicant contends that the proposed transfer of maximum daily delivery obligations as indicated herein would maintain Washington Natural's presently authorized total maximum daily delivery obligation after the proposed abandonment of facilities at Clearview-Maltby and at Grotto.

Applicant proposes no increase in the daily contract quantity of natural gas which Applicant is authorized to sell and deliver to Washington Natural.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdication conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19744 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-05-M

[Project No. 4030-000]

Oroville—Wyandotte Irrigation District; Application for Preliminary Permit

June 30, 1981.

Take notice that Oroville—Wyandotte Irrigation District (Applicant) filed on January 19, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4030 known as the South Fork Additions Power Project located on Slate Creek and the South Fork Feather River in Plumas, Yuba, and Sierra Counties, California. The application is on file with the Commission and is available for public inspection. Correspondance with the Applicant should be directed to: Mr. Milton Emerson, General Manager—Chief Engineer, Oroville—Wyandotte Irrigation District, P.O. Box 229, Oroville, California 95965.

Project Description—The proposed project would consist of five developments as follows:

(1) Little Grass Valley Diversion and Power Plant—(a) a 21,400-foot long, 10-foot diameter tunnel diverting flows from the existing Little Grass Valley Reservoir; (b) a 2,500-foot long steel penstock; and (c) a 13,000-kW capacity powerhouse located on Slate Creek.

(2) Slate Creek Development—(a) a 300-foot high earthfill dam located on Slate Creek forming; (b) a reservoir with a capacity of 55,000 acre-feet and a surface area of 400 acres; (c) a 3,800-foot long, 15-foot diameter tunnel diverting flows from the reservoir; (d) a 400-foot long penstock; and (e) 20,000-kW capacity powerhouse.

(3) Ponderosa No. 1—a 7,700-kW capacity powerhouse located at the existing outlet works of the Ponderosa Dam.

(4) Ponderosa No. 2—a 450-kW capacity powerhouse located at the existing outlet of the Ponderosa Tunnel.

(5) Kelly Ridge II—a 2,000-kW capacity powerhouse located adjacent to the existing powerhouse at the Thermalito Diversion Pool on the Feather River.

Each development would include associated electrical and transmission equipment.

As an alternative to the first and second development, Applicant would study locating a 2,500-kW powerhouse at Little Grass Valley Dam using the existing outlet tunnel.

Applicant estimates that the proposed project would have a total average annual output of 126,400 MWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant proposes to conduct a detailed study to determine the technical, economical, financial, and environmental feasibility of the project. Applicant's project study plan states that test borings will be done at the site of the proposed Grass Valley Tunnel, Slate Creek Dam, and Slate Creek Tunnel and Penstock. No new access roads are needed for the investigation.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 17, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than October 16, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 17, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory

Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19743 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-372-000]

Panhandle Eastern Pipe Line Co.; Application

July 1, 1981.

Take notice that on June 12, 1981, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP81-372-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 10 miles of 6-inch pipeline, 16.3 miles of 10-inch pipeline and appurtenant facilities in Sweetwater County, Wyoming, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant explains that it has entered into a gas purchase and sales agreement with Davis Oil Company, a natural gas producer, covering certain acreage in Sweetwater County, Wyoming. Applicant submits that the proposed facilities would allow Applicant to connect five new nonassociated gas wells which would result in 26,900,000 Mcf of initial recoverable reserves. Applicant asserts the new gas supply would aid Applicant in providing adequate service to its market area.

Furthermore, Applicant alleges that it has previously entered into transportation agreements with Mountain Fuel Supply Company and Colorado Interstate Gas Company which would deliver gas from the subject wells to Applicant.

Applicant estimates the cost of the construction to be $3,946,000 which would be financed from funds available to Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 of 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19746 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2101-008]

Sacramento Municipal Utility District; Application for Amendment of License

July 2, 1981.

Take notice that Sacramento Municipal Utility District (Applicant) Licensee for the Upper American River Project, FERC No. 2101, filed on May 4, 1981, an application for amendment of its license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for the proposed Jones Fork Development, to be located at the existing Ice House Reservoir, created by the impoundment of South Fork Silver Creek in El Dorado County, California. Correspondence with the Applicant should be directed to: Mr. William C. Walbridge, General Manager, Sacramento Municipal Utility District, P.O. Box 15830, Sacramento, California 95813.

Project Description—The proposed project would consist of: (1) an intake structure at the Ice House Reservoir; (2) a 1,650-foot long, 9-foot diameter horseshoe tunnel; (3) an 8,400-foot long, 6-foot diameter steel penstock; (4) a powerhouse to be located on the shore of the existing Union Valley Reservoir, created by impoundment of Jones Fork Silver Creek, and to contain one Francis-type, turbine-generating unit with a rated capacity of 10 MW; (5) a 3.65-mile long 69-kV transmission line to connect to an existing Applicant transmission line; and (6) two access roads with a total length of 5,500 feet.

Purpose of Project—The power generated by the proposed addition to the existing Upper American River Project would be integrated into the transmission system owned and operated by the Applicant.

Due to the extensive recreational facilities existing in and around the project area, Applicant proposes no additional facilities.

Applicant estimates the total cost of the project to be about $28.3 million.

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 14, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for amendment of license for Project No. 2101. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C.

20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19783 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4296-000]

Seneca Hydroelectric Co., Inc.; Application for Exemption From Licensing of a Small Hydroelectric Project of 5 Megawatts or Less

June 30, 1981.

Take notice that the Seneca Hydroelectric Company, Inc., filed with the Federal Energy Regulatory Commission on March 5, 1981, an application for exemption for its Seneca Hydroelectric I Project No. 4296 from all or part of Part I of the Federal Power Act pursuant to 18 CFR Part 4 subpart K (1980) implementing in part Section 408 of the Energy Security Act of 1980.[1] The proposed project would be located on the Seneca River in Onondaga County, New York. Correspondence with the Applicant should be directed to: Seneca Hydroelectric Company, Inc., 8½ Syracuse Street, Baldwinsville, New York 13027.

Project Description—The proposed run-of-river project would utilize the existing New York State Dam at Baldwinsville, New York. The dam is a concrete masonry gravity structure about 360 feet long and 8 feet high, and the impoundment extends upstream for a distance of about 35 miles at surface elevation 374 feet m.s.l. The existing small hydroelectric project works would consist of: (1) a hydraulic canal about 10 feet deep with a surface area of 600 square yards; (2) an intake structure with trash racks; (3) a powerhouse, containing six turbines with a total combined hydraulic capacity of 1,380 cfs, in which will be installed two new generators, one rated at 560 kW and one 400 KW; (4) a 4.8 kV transmission line 295 feet long; (5) a short tailrace; and other appurtenances. The Applicant estimates that the average annual energy output would be 6,600,000 kWh.

[1] Pub. L. 96-294, 94 Stat. 611. Section 408 of the ESA amends *inter alia*, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. §§ 2705 and 2708).

Purpose of Project—Project energy would be sold to Niagara Mohawk Power Corporation.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for exemption. (A copy of the application may be obtained by agencies directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of an exemption and consistent with the purpose of an exemption as described in this notice. No other formal request for comments will be made. If an agency does not file comments within 60 days of the date of issuance of this notice, it will be presumed to have no comments.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before August 10, 1981, either a competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than December 8, 1981. Applications for a preliminary permit will not be accepted. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before August 10, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any notice of intent must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19747 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-572-000]

Tampa Electric Co.; Filing

June 30, 1981.

The filing Company submits the following:

Take notice that Tampa Electric Company (Tampa Electric), on June 24, 1981, tendered for filing Service Schedules A and B providing for interchange service between Tampa Electric and Fort Pierce Utilities Authority (Fort Pierce). Correspondence concerning this matter should be addressed to: Mr. G. Pierce Wood, Senior Vice President, Tampa Electric Company, P.O. Box 111, Tampa, Florida 33601; and Peter C. Lesch, Esq., Gallagher, Boland, Meiburger and Brosnan, 821 Fifteenth Street, N.W., Washington, D.C. 20005.

Schedules A and B provide for the emergency and scheduled short-term interchange of capacity and energy between Tampa Electric and Fort Pierce. Tampa Electric asks that the Schedules be made effective as of June 1, 1981, and therefore seeks waiver of the Commission's notice requirements pursuant to § 35.11 of the Commission's Regulations, 18 CFR 35.11.

A certificate of concurrence by Fort Pierce was filed with the Schedules. Copies of the filing have been served on

Fort Pierce and the Florida Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 and 1.10 (1980). All such petitions or protests should be filed on or before July 20, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19750 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-384-000]

Transcontinental Gas Pipe Line Corp.; Application

July 6, 1981.

Take notice that on June 18, 1981, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP81-384-000 an application pursuant to Section 3 of the Natural Gas Act for authorization to import for a limited term volumes of natural gas into the United States from Canada, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant specifically proposes to import for a limited term commencing November 1, 1982, and ending October 31, 1983, up to 75,000 Mcf of natural gas per day and up to 22,000,000 Mcf per year from Canada into the United States.

It is submitted that Applicant has entered into an agreement with Sulpetro Limited of Calgary, Alberta, Canada (Sulpetro), dated December 10, 1980, pursuant to which Applicant would purchase gas from Sulpetro for a one-year period subject to terms and conditions set forth in the gas sale contract between Applicant and Sulpetro dated January 10, 1979, with the exception that the point of delivery would be one mutually agreed upon by Applicant and Sulpetro.

Applicant asserts that pursuant to the December 10, 1980, agreement Sulpetro would deliver on a firm basis up to 53,000 Mcf of natural gas per day year round and up to a maximum of 75,000 Mcf per day on a best-efforts basis during the winter. It is further asserted that on an annual basis Applicant would be obligated to take or pay for 90 percent of quantities tendered up to 20,000,000 Mcf. Applicant submits that any amounts paid by Applicant for gas not taken during the term of the agreement would be refunded in full by Sulpetro.

It is stated that the gas to be imported pursuant to such agreement would be produced from fields in the Province of Alberta; a portion of such gas coming from Sulpetro's own working interests in these fields, with the remainder acquired by Sulpetro from other working interest owners.

Applicant further states that the gas would be transported by NOVA, an Alberta corporation, to TransCanada PipeLines, Ltd. for delivery for Applicant's account at an existing pipeline interconnection at the international boundary.

Applicant submits that the price of such gas would be the international border price as set by the National Energy Board of Canada which price is currently $4.94 (U.S.) per million Btu.

It is stated that because of regulatory delays, deliveries under the gas sale contract dated January 10, 1979, did not begin until August 1980 making delivery of the total volume of 66,000,000,000 Mcf within the stated term of the contract impossible. Applicant, therefore, seeks authorization herein to receive such additional quantities.

Applicant further states that the cost of the gas purchased from Sulpetro would continue to be reflected in its purchased gas adjustment filings.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19731 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP74-33-009]

Transcontinental Gas Line Corp.; Petition to Amend

July 6, 1981.

Take notice that on June 9, 1981, Transcontinental Gas Pipe Line Corporation (Petitioner), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP74-33-009 a petition to amend the order issued February 26, 1975,[1] as amended, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to reflect its intention to increase the level of Rate Schedule WSS storage service to three of its customers and to decrease the level of such storage service to one of its customers, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that by order issued February 26, 1975, in the instant docket Petitioner was authorized to acquire the Washington Field, St. Landry Parish, Louisiana, for use as a storage field, to construct and operate facilities, and to render storage service to subscribing customers. Petitioner further states that such order authorized the development of the field to an initial level of 30,000,000 dekatherms (dt) equivalent of top storage in three stages reaching the full 30,000,000 dt equivalent withdrawal capability by the 1978-1979 winter season.

It is submitted that the February 26, 1975, order has been amended from time to time so as to increase the top storage capacity of the Washington Storage Field.

Petitioner specifically proposes herein to increase its authorized storage service capacity for The Brooklyn Union Gas Company (Brooklyn Union), Consolidated Edison Company of New York, Inc. (Con Ed), and Piedmont Natural Gas Company, Inc. (Piedmont), by 10,421,681 dt equivalent and to reduce the authorized storage service capacity of North Carolina Gas Corporation (NCNG) by 500,000 dt equivalent.

Petitioner states that the proposed increases/decrease and revised storage capacities would be as follows:

Customer	Storage capacity (dt)	Increase (decrease)	Proposed storage capacity (dt)
Brooklyn Union	12,932,000	2,000,000	14,932,000
Con Ed	5,000,000	6,921,681	11,921,681

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

Customer	Storage capacity (dt)	Increase (decrease)	Proposed storage capacity (dt)
Piedmont	4,424,550	1,500,000	5,924,550
NCNG	3,141,720	(500,000)	2,641,720
Others	39,580,049		39,580,049
Total allocated	65,078,319	9,921,681	75,000,000
Total certificated top storage capacity	75,000,000		75,000,000

Petitioner asserts that the amended WSS service agreements for Brooklyn Union, Con Ed, Piedmont and NCNG would extend for a term ending March 31, 1998.

It is further asserted that the rates and fuel retention to be charged for such storage service would be the same as those charged under the currently effective WSS tariff provisions.

Petitioner asserts that because the existing quantity of injected base gas (29,122,500 dt equivalent) is sufficient to support the proposed 75,000,000 dt equivalent top gas capacity the current tariff provision for designed ratio of injected base gas requirements to top storage capacity of .4408 to 1 is being revised to be .3883 to 1.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19732 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST80-136-001]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Filing of Extension Report

July 1, 1981.

Take notice that on June 8, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. ST80-136-000 pursuant to Order No. 30 notice of its intention to extend its transportation service for Air Products and Chemicals, Inc. (Air Products) so as to end on the 90th day following the effective date in the final rule in Docket No. RM81-19, all as more fully set forth in the extension which is on file with the Commission and open to public inspection.

It is submitted that by letter filed March 7, 1980, Applicant gave notice of its intention to transport natural gas to Air Products. Applicant further submits that such service was extended, pursuant to Order No. 30, until May 31, 1981.

Applicant now proposes to extend further such service to Air Products so as to end on or before the 90th day following the effective date in the final rule in Docket No. RM81-19.

Applicant states that the gas to be transported would be purchased from Tenneco Oil Company (TOC) by Air Products in order to enable Air Products to displace fuel oil.

Applicant submits that it would also transport natural gas from the Aqua Dulce Field, Nueces County, Texas, receiving the gas from TOC at a point of receipt at TGP-400-E-102 on the Elmer McCoy, *et al.* 160 Ac. Tract in the North end of Share 3 of Share 2 of the Palo Alto Partition of the W.B. Chapman Lands, in the Matias Garcia Grant, Abstract 116, Nueces County, Texas, and transporting such gas to the delivery point set forth in the above-mentioned letter of March 7, 1980.

Applicant asserts that the rate charged for such service would be 24.63 cents based on a mileage charge of 4.826122 cents per Mcf per 100 miles plus a non-mileage charge of 0.87 cent per Mcf in Docket No. RP80-97 (Revised).

Applicant further asserts that the price paid by Air Products to TOC effective June 1, 1981, would be 91.932 cents per Mcf escalating each month thereafter pursuant to the terms of an amended gas purchase and sales agreement.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before July 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19748 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP1-378-000]

Texas Eastern Transmission Corp.; Application

July 1, 1981.

Take notice that on June 15, 1981, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP81-378-000 an application pursuant to Section 7(c) of the Nautral Gas Act for a certificate of publiic convenience and necessity authorizing the transportation of natural gas in interstate commerce for Public Service Electric and Gas Company (Public Service) for a period through May 31, 1982, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to transport for Public Service up to 20,000 dekatherms (dt) equivalent of natural gas per day less quantities retained for shrinkage and fuel use, pursuant to a gas transportation agreement entered into by Applicant, Public Service and National Gas and Oil Corporation (National) on May 31, 1981. Applicant further requests that this authorization be limited to a term terminating on and including May 31, 1982. Applicant asserts that Public Service has purchased a supply of natural gas from National which Applicant proposes to receive from National for Public Service at the existing point of interconnection between Applicant and National located at Applicant's meter station 062 in Perry County, Ohio, or at other mutually agreeable existing points of delivery in Applicant's Zone C and to transport and redeliver equal quantities, less quantities retained for fuel and shrinkage, to Public Service at the existing point of interconnection between Applicant and Public Service located at meter station 128 in Union County, New Jersey, or at other mutually agreeable existing points of delivery in Applicant's Zone D.

Applicant asserts that Public Service would pay Applicant under Applicant's basic Rate Schedule TS-1 a rate of 13.98 cents per dt equivalent. In addition, Applicant asserts that Public Service

would pay Applicant under Applicant's excess Rate Schedule TS–1 16.02 cents per dt equivalent delivered for quantities which when added up to quantities delivered by Applicant to Public Service undere its Rate Schedules TS–1 and SS–II and other transportation agreements exceed the combined total curtailment of natural gas sales to Public Service under Applicant's firm sales rate schedules. Applicant states that it would retain 3 percent of the quantities transported for its shrinkage and fuel for the period from April 16 through November 15 of each year and 6 percent for the period from November 16 through April 15 of each year.

Applicant states that the proposed service would not adversely affect or displace capacity for services or sales to high priority users.

Applicant proposes to retain all revenues resulting from the transportation of gas for Public Service.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All portests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in acordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commmission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given

Under the porcedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–19749 Filed 7–6–81; 8:45 am]

BILLING CODE 6450–85–M

[Project No. 4674–000]

Town of Silverthorne, Application for Preliminary Permit

July 2, 1981.

Take notice that the Town of Silverthorne (Applicant) filed on May 15, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4674 known as the Dillon Project located on the Blue River, Dillon Reservoir in Summit County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Gary Sears, Town Administrator, Silverthorne, Colorado 80498.

Project Description—The proposed project would utilize flows which are normally discharged into the Blue River from the existing Dillon Dam and Reservoir owned by the City and County of Denver. The project would consist of: (1) the existing 310-foot high, 5,900-foot long Dillon earth fill dam; (2) the 3,233 acre Dillon reservoir; (3) existing outlet works; (4) a 1 MW turbine generator located in the outlet works gate chamber; (5) a 1,500- to 3,000-foot long transmission line; and (6) appurtenant facilities. The proposed project would generate up to 4,800,000 kWh annually.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The work proposed under the preliminary permit would unclude economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $70,000.

Competing Applications—This application was filed as a competing application to Hydroelectric Constructors, Inc., Project No. 3785 filed on November 24, 1980, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be recieved on or before July 31, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all captital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4674. Any comments, protests, or petitions to intervene must be filed by providing the orignal and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–19772 Filed 7–6–81; 8:45 am]

BILLING CODE 6450–85–M

[Project No. 4672–000]

United American Hydropower Group; Application for Preliminary Permit

July 1, 1981.

Take notice that United American Hydropower Group (Applicant) filed on May 15, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–

825(r)] for Project No. 4672 known as the Pymatuning Dam Project located on the Shenango River in Crawford and Mercer Counties, Pennsylvania and Ashtabula County, Ohio. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. David Goodman, United American Hydropower Group, 1775 Broadway, Suite 2404, New York, New York 10019.

Project Description—The proposed project would consist of: (1) the existing Pymatuning Reservoir Dam, a 50-foot high, 2,400-foot long earthfill dam; (2) a reservoir having a surface area of approximately 14,528 acres and a storage capacity of 188,000 acre-feet at normal pool elevation of 1,008 feet m.s.l.; (3) a proposed powerhouse with an installed capacity of between 600 and 2,000 kW; and (4) appurtenant works.

The Pymatuning Dam is located in Pymatuning State Park and is owned and operated by the Pennsylvania Department of Environmental Resources. The estimated average annual generation at the project would be between 3,000,000 and 4,000,000 kWh. Project energy would be sold to a local public utility.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 2, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than November 2, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petition to intervene must be received on or before September 2, 1981.

Filing and Service of Responsive Documents—Any filing must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19773 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-450-000]

Union Electric Co.; Order Accepting for Filing and Suspending Revised Rates, Granting Summary Disposition In Part, Granting Intervention, and Establishing Price Squeeze and Hearing Procedures

Issued July 2, 1981.

On May 8, 1981, Union Electric Company (Union) tendered for filing revised rates under its Electric Service Tariff Nos. W-3, 88, and 49 for service to 15 wholesale customers and to Missouri Power and Light Company (MP&L) and Missouri Utilities Company (MU).[1] The proposed rates would result in an increase to the wholesale customers of approximately $19.0 million (14.4%) based on the 12-month test period ending June 30, 1982. Union requests an effective date of July 7, 1981.

Notice of the filing was issued on May 14, 1981, with comments, protests, or interventions due on or before June 4, 1981. On June 2, 1981, MP&L, MU, and Missouri Edison Company filed petitions to intervene, requesting a five month suspension and a hearing. The Missouri Public Service Commission filed a notice of intervention on June 4, 1981.

On June 4, the W-3 Defense Group (WDG)[2] also filed a petition to intervene. WDG requests a five month suspension, alleges price squeeze, and requests summary disposition of the following issues: (1) Union's allocation of its Ashley plant and the related non-fuel expense between steam and electric operations; (2) the inclusion of prepayments and minimum cash bank balances in the working capital allowance; (3) Union's attempt to change depreciation rates on certain plant additions without filing the requisite studies, reports, or analyses; and (4) the failure to synchronize interest expense during the test year.[3]

Discussion

We find that participation in this proceeding by the petitioners is in the public interest. Accordingly, we shall grant the petitions to intervene. The timely notice for intervention is sufficient to initiate the Missouri Commission's participation in the proceeding.

Upon review of Union's submittal, the Commission finds that summary disposition is appropriate with respect to several issues. Because the magnitude of the associated adjustments is significant, we shall require Union to refile its costs of service and rates to reflect these determinations. The remaining matters raised by the intervenors may be addressed at the hearing ordered below.

Union has failed to properly synchronize interest expense during the test year for tax purposes, contrary to Opinion No. 94,[4] which involved Union's prior rates and which rejected the same method of computing the tax allowance as that utilized by Union in the instant submittal. Consistent with Opinion No. 94, we shall order Union to file revised rates which reflect the computation of the long-term debt cost component of

[1] *See* Attachment A for rate schedule designations and affected customers. MP&L and MU are subsidiaries of Union.

[2] WDG consists of the Cities of Kirkwood, Farmington, Fredericktown, Hannibal, Rolla and Saint James, Missouri; West Point, Iowa; and Citizens Electric Corporation of Missouri.

[3] Union filed a response to WDG's pleading on June 19, 1981.

[4] Opinion No. 94, Docket No. ER77-614, issued September 2, 1980.

the interest deducition tax purposes as the product of allocated rate base and the weighted cost of long-term debt.

In addition, we note that Union has claimed tax normalization for certain construction-related items (AFUDC and capitalized taxes and pensions) without making corresponding rate base reductions. Order No. 144, issued May 6, 1981, held that the rate base of an applicant using tax normalization must be reduced by the amount of accumulated deferred income taxes related to the items for which tax normalization is claimed. The provisions of Order No. 144 have not yet become finally effective. However, the rationale expressed in that order with regard to rate base reductions in the case of normalization restates existing Commission practice and applies to the case at hand. Moreover, we note that Union properly treated this cost of service item in the earlier filing underlying Opinion No. 94, and we can conceive of no circumstances which would support the company's current rate base inclusion of accumulated deferred income taxes. Thus, absent current Commission action, a motion for summary disposition to the Commission or the presiding judge would be appropriate at a later date. On the basis of Order No. 144 and prior precedent, and in order to avoid the unnecessary expenditure of resources that would be associated with a subsequent motion for summary disposition, we shall reject the company's treatment in this order. Union will be required to file revised rates reducing rate base by the amount of accumulated deferred income taxes associated with the claimed tax normalization of AFUDC and capitalized taxes and pensions.

Finally, Union has annualized a post-test period wage increase in its cost of service. Such escalation of test period costs to post-test year expense levels is in violation of the Period II test year requirement of section 35.13 of the Commission's regulations.[5] Accordingly, we shall summarily reject the company's post-test year wage increase adjustment.

Our analysis indicates that Union's rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Therefore, we shall accept the proposed rates for filing, as modified by summary disposition, and suspend them as directed below.

[5] *See Southern California Edison Company*, Docket No. ER81-177-000, order issued February 13, 1981, which rejected analogous post-test year adjustments.

In a number of suspension orders,[6] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. Although the intervenors have raised a number of substantive issues, including price squeeze, our review indicates that Union's rates, as modified to reflect our summary dispositions, may not produce substantially excessive revenues. Under these circumstances, a maximum suspension is not warranted. A nominal suspension and a refund obligation should adequately protect the affected customers pending the outcome of a hearing. Accordingly, we shall exercise our discretion to suspend the rates for one day from sixty days after filing permitting the rates to take effect, subject to refund thereafter, on July 9, 1981.

In accordance with the Commission's policy established in *Arkansas Power and Light Company*, Docket No. ER79-339, order issued August 6, 1979, we shall phase the price squeeze issue raised by intervenors. As noted in previous orders, this procedure will allow a decision first to be reached on the cost of service, capitalization, and rate of return issues. If, in the view of staff or the intervenors, a price squeeze persists, a second phase of the proceeding may follow.

The Commission Orders

(A) Summary disposition is hereby granted in part and denied in part as set forth in the body of this order. Within thirty (30) days of the issuance of this order, Union shall refile its cost of service and rates to reflect summary disposition of the following issues: (1) interest synchronization for tax purposes; (2) rate base reduction of accumulated deferred income taxes associated with normalization of AFUDC and capitalized taxes and pensions; and (3) exclusion of post-test year wage increases from the Period II cost of service.

(B) Union's revised rates, as modified by summary disposition, are hereby accepted for filing and suspended for one day from 60 days after filing to become effective, subject to refund, on July 9, 1981.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 C.F.R. Chapter I, (1980)], a public hearing shall be held concerning the justness and reasonableness of Union's rates and charges.

(D) The petitions to intervene are hereby granted subject to the rules and regulations of the Commission; *Provided, however,* that participation by the intervenors shall be limited to matters set forth in their petitions to intervene; and *provided, further,* that the admission of the intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(E) The Commission staff shall serve top sheets in this proceeding on or before thirty (30) days after Union completes its compliance filing relative to the summary dispositions.

(F) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The designated law judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(G) The Commission hereby orders initiation of price squeeze procedures and further orders that this proceeding by phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for consideration of price squeeze, would be just and reasonable. The price squeeze portion of this case shall be governed by the procedures set forth in section 2.17 of the Commission's regulations as they

[6] *E.g., Boston Edison Co.*, Docket No. ER80-508 (August 29, 1980) (five-month suspension); *Alabama Power Co.*, Docket Nos. ER80-508, *et al.* (August 29, 1980) (one-day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80-488 (August 22, 1980) (one-day suspension).

may be modified prior to the initiation of the price squeeze phase of this proceeding.

(H) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A—Union Electric Company, Rate Schedule Designations (Docket No. ER81-450-000)

Filed: May 8, 1981.

Designation and Other Party

(1) Second Revised Sheet Nos. 4, 5, and 6 under FPC Electric Tariff Volume No. 2 (Supersede first Revised Sheet Nos. 4, 5, and 6)—W-3 Customers
(2) Supplement No. 9 to Supplement No. 20 to Rate Schedule FPC No. 49 (Supersedes Supplement No. 8 to Supplement No. 20)—Missouri Power and Light Company
(3) Supplement No. 7 to Rate Schedule FPC No. 88 (Supersedes Supplement No. 6)—Missouri Utilities Company

[FR Doc. 81-19733 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-368-000]

United Gas Pipe Line Co.: Application

July 1, 1981.

Take notice that on June 11, 1981, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP81-368-000 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the relocation of its Aransas Pass Meter Station and for permission and approval to abandon by sale to Entex, Inc. (Entex) 2.97 miles of the White Point-Aransas Pass 4-inch line lying between the present and proposed sites of the Aransas Meter Station, the existing meter house and the fence surrounding the Aransas Pass Meter Station's present site, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant specifically proposes to relocate its Aransas Pass Meter Station from its present site at Station No. 1082 + 50 on Applicant's existing 4-inch White Point-Aransas Pass Line to a new site approximately 2.97 miles downstream from its present site at Station No. 925 + 70 on the same 4-inch line, San Patricio County, Texas. It is asserted that by letter dated April 21, 1981, Applicant and Entex have agreed that the Aransas Pass Meter Station is currently located in a heavily congested area which exposes the meter station to a greater degree of risk and minimizes accessibility to the station. It is also asserted that Applicant and Entex entered into a service agreement on December 13, 1979, which authorized Applicant to make available to Entex for resale a maximum daily quantity of up to 5,384 Mcf of natural gas for the Aransas Pass billing area. Applicant contends that the proposed relocation would not require any increases in Entex's maximum daily quantity.

Applicant estimates the cost of the relocation to be $41,605 which would be financed from funds on hand.

Pursuant to the aforesaid April 21, 1981, letter agreement between Applicant and Entex, Applicant also proposes to abandon by sale to Entex the 2.97 miles of the White Point-Aransas Pass 4-inch line between the present and the proposed sites of the Aransas Pass Meter Station, the fee property of a 40' x 60' lot on which the Aransas Pass Meter Station is presently located, the 10' x 20' meter house, the 200 foot fence surrounding the present site of the meter station and the rights-of-way and/or easements attached to the above property all of which are located in San Patricio County, Texas.

Applicant asserts that its proposals would be implemented without detriment to its existing customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19750 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-380-000]

United Gas Pipe Line Co.; Application

July 6, 1981.

Take notice that on June 17, 1981, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP81-380-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing service to the Utilities Board of the City of Bay Minette (Bay Minette), Alabama, pursuant to Rate Schedule G-N in lieu of Rate Schedule DG-N, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant asserts that under a service agreement with Bay Minette dated July 26, 1979, it provides gas service to Bay Minette, in Baldwin County, Alabama, under Rate Schedule DG-N. Applicant proposes to serve Bay Minette under its Rate Schedule G-N pursuant to a superseding service agreement entered into by the two parties on March 20, 1981.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19734 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER77-347]

Wisconsin Power and Light Co.; Order Granting Motion To Amend Originally Filed Rates

Issued July 2, 1981.

On April 22, 1981, Wisconsin Power and Light Company (Wisconsin) filed in this docket a motion requesting leave to amend its W-3 rate schedule in effect from December 1, 1977, through September 30, 1980.[1] Because this amendment provides for lower rates, its effectuation would require Wisconsin to refund immediately to these customers revenues already collected which exceed those authorized under the amended schedule.

Wisconsin states that it desires to effect this refund of revenues in order to give customers the benefit of the resulting lower rate, to reduce both its potential refund obligation and cost of short-term borrowing, and to give greater rate stability in light of the settlement agreement currently before the Commission in Docket No. ER80-297. Implementation of this amended rate would be without prejudice to the pending settlement, to the final decision now pending before the Commission in the above-captioned docket,[2] or to any additional refunds that might be required pursuant to that decision. Customers will retain all refunds arising from the amended rate even if the Commission subsequently finds Wisconsin deserving of higher rates in its final decision. It requests expeditious action on this motion and waiver of the notice requirement as provided under section 35.11 of the Commission's regulations.

As determined by Wisconsin, the amended rates would yeild some $4.75 million in refunds. With interest of $1.6 million as of June 1, 1981, the total sum due customers would amount to an estimated $6.35 million. These refunds are based on a number of issues no longer in dispute, and on the originally sought rate of return on equity of 14 percent.

The Municipal Wholesale Power Group (MWPG), consisting of 26 intervenors in this proceeding, filed a response generally in support of Wisconsin's motion.[3] The Commission staff also filed comments in support of the motion.

We find that good cause exists to expedite consideration of this motion, to waive the notice requirement of section 35.3 of the Commission's regulations, and to grant Wisconsin's motion to amend its original rate schedule. This order shall be without prejudice to any determination on the merits of the pending final decision. This order does not relieve Wisconsin from any obligation to make further refunds as may be necessary should this Commission approve rates lower than those provided in the amended schedule.

The Commission Orders

(A) Pursuant to section 35.1(e) of the Commission's regulations, the motion of Wisconsin Power and Light Company to amend its original W-3 rate schedule is hereby granted.

(B) Waiver of section 35.3 is hereby granted.

(C) The granting of this motion shall be without prejudice to any determination of the final decision in this proceeding or to any further refund obligation which may result from such decision.

(D) Within 30 days of the issuance date of this order, Wisconsin shall refund to customers, with interest pursuant to section 39.19a of the Commission's regulations, the difference in revenues already collected under the originally filed rates and the amounts authorized under the amended rates, and shall file a refund report with the Commission 30 days thereafter. A copy of the refund report shall also be sent to the affected state commissions.

(E) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19774 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

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[1] The original schedule providing for increased rates to its municipal and investor-owned wholesale customers was filed on May 2, 1977, but was suspended by the Commission and allowed to become effective December 1, 1977. These rates were later superseded by a subsequent rate filing in Docket No. ER80-297, which was permitted to become effective October 1, 1980. The period embraced by the original and amended rate schedules is therefore "locked in."

[2] The initial decision in this proceeding, issued September 30, 1980, is pending before the Commission on exceptions.

[3] MWPG indicated that its members decided by a margin of 11 votes to 10 to accept Wisconsin's offer of a partial refund at this time. It expressed criticism, however, of Wisconsin's opposition to MWPG's previous motion filed October 1979 which had sought partial refunds based on undisputed issues. MWPG contends that Wisconsin's instant motion is prompted chiefly by a desire to avoid payment of additional interest charges which have since escalated to 19.98 percent per annum from an earlier 9 percent by reason of being keyed to the prime rate. See Order No. 47, *Rate of Interest on Amounts Held Subject to Refund*, Docket No. RM77-22, issued September 10, 1979; Order No. 47-A, issued November 8, 1979; Order No. 47-B, issued December 26, 1979; 18 CFR § 35.19a(a)(2)(iii).

Office of Assistant Secretary for International Affairs

Civil Uses of Atomic Energy; Proposed Subsequent Arrangements Between United States and Governments of Spain and Sweden

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Agreements for Cooperation Between the Government of the United States of America and the Governments of Spain and Sweden Concerning Civil Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the International Atomic Energy Agency (IAEA) Concerning Civil Peaceful Uses of Atomic Energy, as amended, and as authorized by the Taiwan Relations Act of 1979 (Pub. L. 96-8).

The subsequent arrangements to be carried out under the above mentioned agreements and authority involve contractual arrangements under which DOE will consent, if requested, to the assignment of various uranium enrichment services contracts held by various U.S. and foreign utilities to the Taiwanese reactors listed below:

Reactor	Separative work units	Fiscal year
Second Northern Nuclear—1	110,000	1987
Second Northern Nuclear—2	110,000	1987
Taipower—5	110,000	1987
Taipower—6	110,000	1987

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that entering into these subsequent arrangements will not be inimical to the common defense and security. It has furthermore been determined that the assignment of these enrichment services complies with the provisions of Pub. L. 96-280 permitting the supply of additional low enriched uranium under international agreements for cooperation in the civil uses of atomic energy.

These subsequent arrangements will take effect no sooner than July 22, 1981.

Dated: July 1, 1981.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-19879 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[EN-FRL-1875-3]

Fuels and Fuel Additives; Waiver Application; Ethyl Corp.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice

SUMMARY: On May 26, 1981, Ethyl Corporation (Ethyl) submitted an application for a waiver of the section 211(f) prohibition on certain fuels and fuel additives set forth in the Clean Air Act (Act). This application is for the additive methylcyclopentadienyl manganese tricarbonyl (MMT) at a concentration of up to 1/64 of a gram per gallon of unleaded gasoline. The Administrator of EPA has until November 23, 1981 (since 180 days from the date of receipt of the application is a Sunday) to grant or deny a waiver.

ADDRESS: Copies of the information relative to this application are available for inspection in public docket EN-81-15 at the Central Docket Section (A-130) of the EPA, Gallery I West Tower, 401 M Street, S.W., Washington, D.C. 20460, (202) 755-0245, between the hours of 8:00 a.m. and 4:00 p.m. Any comments from interested parties should be addressed to this docket with a copy forwarded to Richard G. Kozlowski, Director, Field Operations and Support Division (EN-397), U.S. Environmental Portection Agency, 401 M Street, S.W., Washington, D.C. 20460. Comments should be submitted by August 6, 1981. As provided in 40 CFR Part 2, a reasonable fee may be assessed for copying services.

FOR FURTHER INFORMATION CONTACT: Robert Gelman, Environmental Scientist, Field Operations and Support Division (EN-397), U.S. Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460, (202) 472-9367.

SUPPLEMENTARY INFORMATION: Section 211(f)(1) of the Act makes it unlawful, effective March 31, 1977, for any manufacturer of a fuel or fuel additive to first introduce into commerce or to increase the concentration in use of any fuel or fuel additive for use in light duty motor venicles manufactured after model year 1974 which is not substantially similar to any fuel or fuel additive utilized in the certification of any model year 1975 or subsequent model year vehicle or engine under section 206 of the Act. Section 211(f)(3) of the Act provides that any manufacturer of any fuel or fuel additive which prior to March 31, 1977, and after January 1, 1974, first introduced or increased the concentration in use of a fuel or fuel additive that would otherwise have been prohibited under section 211(f)(1) if introduced on or after March 31, 1977, shall, not later than September 15, 1978, cease to distribute such fuel or fuel additive in commerce. Section 211(f)(4) of the Act provides that the Administrator of the EPA may waive the prohibitions of section 211(f) upon application af any fuel or fuel additive manufacturer if the Administrator determines that the applicant has established that such fuel of fuel additive will not cause or contribute to a failure of any emission control device or system (over the useful life of any vehicle in which such device or system is used) to achieve compliance by the vehicle with the emission standards with respect to which it has been certified under section 206 of the Act. If the Administrator fails to act to grant or deny a waiver within 180 days of receipt of the application, the waiver shall be treated as granted.

The curent submission by Ethyl Corporation (Ethyl) is an application, under section 211(f)(4) of the Act, for a waiver for the fuel additive methylcyclopentadienyl manganese tricarbonyl (MMT) for concentrations of up to 1/64 of a gram per gallon in unleaded gasoline. This is Ethyl's second application for a waiver for MMT. Ethyl's first application was submitted on March 17, 1978 for concentrations of 1/16 and 1/32 of a gram per gallon of unleaded gasoline. The Administrator denied the request for a waiver. The decision and justification thereof may be found in the September 18, 1978 Federal Register, 43 FR 41424.

Dated: June 26, 1981.

Richard D. Wilson,

Acting Assistant Administrator for Enforcement.

[FR Doc. 81-19826 Filed 7-6-81; 8:45 am]

BILLING CODE 6560-33-M

[OPTS-59051A; TSH-FRL-1876-1]

Organohalo-Modified Silica; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On May 13, 1981, EPA received an application for a test marketing exemption (TM-81-12) from the premanufacture notification requirements of section 5 of the Toxic Substances Control Act (TSCA). Notice of receipt of the application was published in the Federal Register of June 2, 1981 (46 FR 29530). The manufacturer claimed all information except production volumes and test data as confidential business information.

EPA has determined that the manufacturer's test marketing of the substance identified generically as organohalo-modified silica will not present any unreasonable risk of injury to health or the environment under the conditions specified in the application. Therefore, the Agency has granted this manaufacturer an exemption from the TSCA premanufacture reporting rquirements for test marketing of the substance in the manner described in the application and subject to the restrictions specified in this notice.

EFFECTIVE DATE: This exemption is effective June 30, 1981.

FOR FURTHER INFORMATION CONTACT: Michael Brown, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-335, 401 M St. SW., Washington, DC 20460, (202-755-1150).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemcial substance that is not on the Inventory of existing

substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirement of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements for certain new chemical substances.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirements of section 5(a) or section 5(b), and to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk or injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of this disposition in the **Federal Register**. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On May 13, 1981, EPA received an application for an exemption from the requirements of sections 5(a) and 5(b) of TSCA to manufacture a new chemical substance for test marketing purposes. A **Federal Register** notice published on June 2, 1981 (46 FR 29530) announced receipt of this application (TM-81-12) and requested comment on the appropriateness of granting the exemption. The Agency did not receive any comments concerning the application. The manufacturer claimed all information except production volumes and test data as confidential business information, pursuant to section 14 of TSCA.

The substance is described generically as an organohalo-modified silica with a generic use as an elastomer additive for industrial use. In the application, the submitter stated its intention to test market for a six-month period no more than 470 kilograms of this substance. The application also states that the substance produced under the exemption application would be used only by the submitter to manufacture the elastomer in which the additive will be thoroughly encapsulated. The submitter expects that its own manufacturing process and appropriate handling of the material will minimize any opportunity for worker exposure; average exposures due to inhalation or skin contact would be about 1.1 mg/m^3 with peak concentrations of 1.65 mg/m^3. Exhaust fans, safety showers, and eye washes are used in the production area and all personnel involved use protective gear. Storage containers will be identified by an appropriate label. The Agency has determined that potential human exposure during the production and use of this substance for test marketing will be minimal when the procedures described in the application are used.

Toxicological data submitted by the manufacturer with the application suggests that the substance has a low degree of acute toxicity. Based on an analogous substance the PMN substance has an LD_{50} greater than 5 gm/kg. The Agency does not anticipate any ecological hazards since no significant environmental release is likely.

Because of the low level of concern regarding the toxicity of the substance, along with minimal, if any, human exposure and environmental release during test marketing, EPA has determined that the substance will not present any unreasonable risk of injury to health or the environment as a result of the test marketing activities described by the manufacturer. Accordingly, EPA grants the manufacturer an exemption from the premanufacture reporting requirements for purposes of test marketing the organohalo-modified silica in the manner described in the exemption application.

This test marketing exemption is granted based on the facts and information obtained and reviewed, but is subject to all conditions set out in the exemption application, and, in particular, those enumerated below:

1. This exemption is granted solely to this manufacturer.

2. The applicant must maintain records of the date(s) of production and quantities produced in each batch and must make these records available to EPA upon request.

3. The production volume of the new substance may not exceed the quantity of 470 kilograms described to EPA in the test marketing exemption application.

4. The test marketing activity approved in this notice is limited to a period of six months commencing on the date of signature of this notice by the Administrator.

5. The number of workers exposed to the new chemical should not exceed that specified in the application and the exposure levels and duration of exposure should not exceed that specified. Worker protection measures specified in the application (uniforms, safety glasses, respirators, ventilation equipment, etc.) must be observed.

The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusion that the test marketing of this substance under the conditions specified in the application will not present an unreasonable risk of injury to human health or the environment.

Dated: June 30, 1981.

John W. Hernandez,

Acting Administrator.

[FR Doc. 81-19627 Filed 7-6-81; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 81-391 etc.; File Nos. BRED-790711UA etc.; FCC 81-2733]

Cleveland Board of Education et al.; Memorandum Opinion and Order

Adopted: June 16, 1981.

Released: June 23, 1981.

By the Commission:

In re applications of Cleveland Board of Education, Has: 90.3 MHz, Channel 212, 50 KW, 500 feet, BC Docket No. 81-391, file No. BRED-790711UA for Renewal of License of Station WBOE-FM, Cleveland, Ohio; Cleveland Board of Education (Assignor) and Cleveland Public Library (Assignee), BC Docket No. 81-392, file NO. BALED-790801FT, for assignment of license of Station WBOE-FM, Cleveland Public Radio, Cleveland, Ohio, Req: 90.3 MHz, Channel 212, 50 KW, 500 feet, BC Docket No. 81-393, file No. BPED-791017AD, for a construction permit for a new noncommercial FM station.

1. The Commission has before it for consideration: the late-filed license renewal application of the Cleveland Board of Education (Board) accepted by the Commission on July 19, 1979, for noncommercial Station WBOE-FM, Cleveland, Ohio;[1] an assignment application accepted August 17, 1979, in which the Board seeks to assign its license for Station WBOE-FM to the Cleveland Public Library (Library); a construction permit application to build a new noncommercial FM station on

[1] On July 18, 1977, the licensee was granted subcarrier authority on a frequency of 67 kHz until October 1, 1979, to present a radio reading service for the visually handicapped. Although the Board ceased broadcast operations on its main channel in October of 1978 due to financial problems, it has continued to provide the subcarrier service pursuant to Commission grants of 90-day special temporary authority (STA). While we have continued to grant the licensee's requests for STAs, we note it has failed to file a renewal application for its regular subcarrier authorization. If the Board desires this authorization to be renewed with the station's license, such an application is required.

WBOE–FM's frequency, timely filed by Cleveland Public Radio (Public Radio) on October 17, 1979; a "Petition for Extraordinary Relief" filed on December 26, 1979, by the Library; an Opposition to this petition filed February 7, 1980, by Public Radio; and various related pleadings.[2]

2. *Procedural Matters.* Before considering the substance of these applications, a number of procedural matters must be resolved. Normally, when the Commission receives an application for a new broadcast facility whose proposal would interfere with the operation of an existing station for which a renewal application is on file, an evidentiary hearing must be held. Section 309(d)(1) of the Communications Act of 1934, as amended [47 U.S.C. § 309(d)(1)]; *Ashbacker Radio Co.* v. *FCC*, 326 U.S. 327 (1945). At this hearing, the applicants must be compared in order to determine which one would better serve the public interest as a broadcast licensee. *Policy Statement on Comparative Broadcast Hearings*, 1 FCC 2d 393 (1965). Thus, since Public Radio seeks to construct a new station in the same community and on the same frequency as Station WBOE–FM, a hearing would ordinarily be held comparing it with the station's current licensee, the Cleveland Board of Education.

3. However, we also have before us an application by the Board to assign its license for Station WBOE–FM to the Cleveland Public Library. Thus, the question arises as to which proposals are to be compared in this proceeding. The Commission has been presented with analogous tripartite situations before. See *1400 Corp.*, 4 FCC 2d 715 (1966) and *Northwest Broadcasters, Inc.*, 3 FCC 2d 571 (1966). In those cases we determined that "the public interest would better be served by comparing the qualifications of the two parties intending to operate the station; namely, the prospective assignee and the construction permit applicant. . . ." *1400 Corp.*, 4 FCC 2d at 716. In the present case, those parties are the Library and Public Radio respectively. In *Northwest, supra*, the station had been silent for almost a year because of financial difficulties and the licensee had no intention of resuming regular operations. Thus, we explicitly found in that case that "an assignment application properly filed under one section of the [Communications] Act is not automatically nullified, because a construction permit application for the same facilities is subsequently filed under another section of the Act." 3 FCC 2d at 573.

4. We believe the rationale of these decisions applies to the present case. Station WBOE–FM has been silent for some time, due to the financial problems of the licensee. It is unrealistic to compare Public Radio's construction permit proposal with the Board's application for renewal, since the Board has no intention of resuming regularly scheduled broadcast service. Moreover, the Board and Library submitted the assignment application prior to Public Radio's construction permit application. Consequently, we find that the most appropriate comparison under the current circumstances would be between the Library, as the proposed assignee of the license, and the applicant for a construction permit, Public Radio. If Public Radio prevails in the hearing, it will be awarded a construction permit and the renewal application will be denied. If the Library prevails, the renewal and assignment applications will be granted.

5. As mentioned earlier, Station WBOE–FM has been off the air since October 1978, when the current licensee found itself unable to provide financial support for the station's continued operation. In May 1979, the licensee held a public auction in which the personal property of the station was sold to the highest bidder. This bidder was also to receive the right to seek the assignment of the station's license. Both the Library and Public Radio submitted bids, with the former selected to receive both the property and the assignment rights. Thereafter, the parties filed their respective applications. Additionally, the Library filed a "Petition for Extraordinary Relief" to which Public Radio responded with an opposition. The Library argues that Public Radio's application suffers from "numerous fatal deficiencies" and fails to meet threshold qualifications for acceptance. Specifically, it asserts that Public Radio provides no engineering data of its own but relies on the prior submissions of the current licensee. Further, the Library argues that Public Radio's financial proposals contain serious flaws and inaccuracies. In this regard, it points out that Public Radio proposes to buy the equipment of the current licensee, despite the fact this equipment has already been purchased by the Library at public auction. Furthermore, it contends that Public Radio's estimate of $11,000 in attorneys fees is inadequate, in view of the costs of a comparative hearing. Also, the Library questions whether the applicant has sufficient money to engage in such a hearing, since Public Radio's one documented source of funding, the George Gund Foundation, has placed a condition on the finances it will provide, limiting their use to "capital and operating purposes." Moreover, the Library points out that Public Radio has failed to provide a balance sheet indicating that this foundation has sufficient assets to meet its pledge. Further, since the Gund Foundation is an educational institution, the Library questions whether it will actually provide the funding to Public Radio, since some of the applicant's proposed programming is classified as "entertainment." Further , the Library disputes the adequacy of Public Radio's ascertainment of local problems and needs, particularly with regard to Cleveland's suburban communities. Consequently, the Library requests us: "to order [Public Radio] to amend its application . . ., to determine if [Public Radio] is a serious applicant, or a strike applicant; and to determine if [Public Radio] can make a showing of even minimal basic licensee qualifications to warrant the time and cost in Commission attorneys, ALJ's and staff necessary for a full-dress hearing."

6. In opposition, Public Radio filed an application amendment which adds $20,000 to its estimate of hearing costs. It also argues that, since it is proposing the same engineering specifications used by the existing station, including its antenna site, its application can adopt by reference the engineering data submitted by the current licensee. Further, Public Radio submitted as an amendment the balance sheet of the Gund Foundation and contends that it reflects sufficient assets to provide the proposed funding. Moreover, it asserts that the foundation approved its proposed programming, even those segments classified as entertainment, before the funding support was granted. Public Radio also argues that its ascertainment of local problems and needs meets all guidelines and standards of the Commission for noncommercial radio stations. Furthermore, Public Radio charges that the licensee improperly violated its own auction procedures, when selling the station's assets, in order to find the Library the highest bidder. Finally, Public Radio contends that the licensee and the Library have engaged in conduct which violates the Communications Act and Commission Rules. It argues that by

[2] These pleadings include motions by Public Radio filed January 10 and 24, 1980, requesting extensions of time in which to respond to the Library's petition. Also, on March 6, 1981, the Library filed a Second Petition for Extraordinary Relief requesting designation of the applications of the Library and Public Radio on or before April 6, 1981. In light of our action taken herein, this petition will be dismissed as moot.

publicly auctioning the assets of the station and agreeing to a price far exceeding the value of property actually purchased, the parties have in fact exchanged money for a sale of the WBOE–FM license itself. Consequently, Public Radio argues that the conduct constitutes illegal "trafficking" of a broadcast license.

7. First, in light of the fact that Public Radio has specified the facilities of the current license, we find that applicant's reliance on the licensee's engineering data is permissible. We note that the station's current antenna site will be available if Public Radio prevails at the comparative hearing with the Library. In *United Broadcasting Co.*, 58 FCC 2d 1346, 1356–57 (Rev. Bd. 1976), the Review Board faced an analogous situation and allowed the use of the licensee's technical data. There an applicant for a construction permit attempted to adopt by reference the engineering filings of a licensee with a mutually exclusive renewal application. The Board recognized that the Commission's Broadcast Bureau had a policy allowing such incorporation, when the proposed antenna site is the same as the existing station's and where the technical data is on file as a matter of public record. As a practical matter, requiring Public Radio to submit separate engineering data would only result in the filing of material already on file with the Commission from the licensee and which is a matter of public record available to anyone to anlayze and copy. For these reasons, we find that Public Radio's reliance on the engineering submission already provided by the Board as the licensee of Station WBOE–FM does not reflect on the substantial completeness of its application or warrant specification of a hearing issue.

8. We come to a similar conclusion concerning the Library's allegations about Public Radio's ascertainment of local problems and needs. In this regard, we require applicants for noncommercial radio stations to ascertain using any methods reasonably designed to provide them with an understanding of the problems, needs and interests of their service area. *Ascertainment of Community Problems by Noncommercial Educational Broadcast Applicants*, 58 FCC 2d 528, 537 (1976). Public Radio's ascertainment methods have met this standard. The applicant conducted a random public opinion survey of almost 700 people in the Cleveland metropolitan area, including several suburban communities. Moreover, it interviewed over 100 community leaders representing a wide range of Cleveland organizations, concerning what they consider the most significant local problems and needs. In light of these facts, we cannot conclude that Public Radio has failed to utilize reasonable ascertainment methods as required. Consequently, this allegation fails either to raise a question of the sufficiency of Public Radio's application or to require a hearing issue.

9. Regarding Public Radio's financial proposal, our review of the application reveals deficiencies requiring the designation of a financial issue, as set forth *infra*. However, we have often stated that what is required is not total completeness, but substantial completeness, *Miami STV, Inc.*, FCC 80–204, May 2, 1980 (47 RR 2d 856); and that a substantially complete application may be acceptable for filing purposes but yet not demonstrate the requisite qualifications for grant. *Peoria Community Broadcasters, Inc.*, 79 FCC 2d 311 (1980). Accordingly, the Library's allegations on these matters fail to raise a question of the substantial completeness of the application. Specifically, we find that the Library's allegation regarding legal costs is speculative and that Public Radio's estimate of $11,000 for legal fees, even without the amendment specifying an additional $20,000, is not unreasonable. Moreover, any question as to the financial ability of the Gund Foundation has been removed by the submission of its balance sheet as an amendment. Further, even if the Library's assertion is true that Public Radio cannot purchase the licensee's old equipment as proposed, similar equipment can be acquired elsewhere. Also, since Public Radio states that the Gund Foundation reviewed its programming schedule before pledging financial support, there is no basis to conclude that the presentation of material classified as "entertainment" will jeopardize the grant. Thus, while a financial issue is specified *infra*, Public Radio's financial proposal is not so deficient to render the application substantially incomplete.

10. Additionally, the Library asks us to determine whether Public Radio is serious in its proposals to construct a new station or whether its filings can be considered a strike application. In this regard, we point out that neither the discrepancies alleged by the Library nor our own review of Public Radio's submissions raise a question of the substantial completeness of the construction permit application. Consequently, we have no basis to question Public Radio's good faith in pursuing its application. Moreover, there is no evidence to indicate that Public Radio's filing was motivated principally or incidentally by an intent to obstruct the other applications. Thus, we have no reason to conclude that its proposal amounts to the submission of a strike application. *Grenco, Inc.*, 28 FCC 2d 166, 197 (Rev. Bd. 1971).

11. One final matter which we must consider is Public Radio's assertion that the Board's proposed assignment of Station WBOE–FM's license to the Library constitutes a violation of the Communications Act, *i.e.*, by agreeing to an amount allegedly exceeding the value of the station's personal property, the parties actually exchanged money for the license itself. Regarding this allegation, we cannot find that the actions of the Board and the Library constitute trafficking as Public Radio alleges. We have said in the past that a sale to the highest bidder of the right to seek the assignment of a broadcast license does not constitute trafficking where, as here, there is no evidence that the assignor acquired the station for the purpose of reselling it at a profit, rather than for the purpose of rendering a public service. *NTA Television Broadcasting Corp.*, 44 FCC 2563, 2577 (1961). Moreover, we believe that any question relating to the procedures by which the auction was accomplished is a private matter subject to local law, inappropriate for Commission review. *E.g., Carnegie Broadcasting Co.*, 5 FCC 2d 882 (1966).

12. *Public Radio.* Public Radio estimates that $218,055 will be required to construct its proposed station and to operate it for three months, itemized as follows:

Equipment	$85,252
Other	31,000
Operating costs (3 mo)	101,803
Total	218,055

Public Radio has not provided documentation that equipment can be purchased at the above-specified cost. Accordingly, an appropriate financial issue will be specified.

13. Public Radio estimates it has $427,747 to meet costs. However it has provided documentation for only $200,535 of this amount: a $200,000 grant from the George Gund Foundation and $535 in cash. In addition, it has not responded to the Library's contention that whatever funds are available from the Gund Foundation are to be used only for "capital and operating purposes." The remainder Public Radio proposes to raise from other foundations, civic groups, corporations, individual donations and Corporation for Public Broadcasting preoperational

grants. However, Pubic Radio fails to provide any documentation from these funding sources. Thus, an appropriate issue will be designated for hearing.

14. Applicants for new broadcast stations are required by Section 73.3580(f) of the Rules to give local notice of the filing of their applications. They must then file with the Commission the statement described in Section 73.3580(h) of the Rules. Public Radio's certification of local notice does not contain (1) the names of its corporate officers and trustees, (2) the class of station proposed, and (3) antenna height. To remedy these deficiencies, Public Radio will be required to republish local notice of its application and to file a statement of publication with the presiding Administrative Law Judge.

15. By letter dated November 28, 1979, Public Radio suggested to the Library that a compromise between the parties might be possible regarding the use of the WBOE–FM facilities. By letter dated December 4, 1979, the Library rejected this offer. In any event, an issue will be specified to determine whether a share-time arrangement between the applicants would be the most effective use of the frequency and thus better serve the public interest, and, if so, the nature of such an arrangement. It should be noted that our action specifying a "share-time issue" is not intended to preclude the applicants, either before the commencement of the hearing or at any time during the course of the hearing, from participating in negotiations with a view toward establishing a share-time agreement between themselves.

16. Except as indicated by the issues specified below the applicants are legally, financially and technically qualified. However, since the applications are mutually exclusive, they must be designated for a hearing in a consolidated proceeding on the issues set out below.

17. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge, at a time and place to be specified in a subsequent Order, upon the following issues:

A. To determine with respect to Public Radio:

(1) applicant's equipment costs;

(2) the source and availability of additional funds over and above the $200,535 indicated; and

(3) whether, in light of the evidence adduced pursuant to issues (1) and (2) above, the applicant is financially qualified to construct and operate as proposed.

B. To determine whether a share-time arrangement between the applicants would result in the most effective use of the channel and thus better serve the public interest, convenience and necessity; and, if so, the terms and conditions thereof.

C. To determine:

(1) the extent to which the proposed operation of the Library and the proposed operation of Public Radio will be integrated into the overall cultural and educational objectives of the respective applicants;

(2) the manner in which the proposed operation of the Library and the proposed operation of Public Radio meet the needs of the community to be served;

(3) whether other factors in the record demonstrate that one applicant will provide a superior noncommercial radio broadcast service.

D. To determine in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

18. It is further ordered, That the Petition for Extraordinary Relief is Denied and the Second Petition for Extraordinary Relief is dismissed.

19. It is further ordered, That Public Radio shall republish local notice of the filing or its application as required by Section 73.3580 of the Commission's Rules and shall file a statement of publication with the presiding Administrative Law Judge within 40 days after this Order is published in the **Federal Register.**

20. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

21. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by Section 73.3594(g) of the Rules.

22. It is further ordered, That the Secretary of the Commission shall send, by Certified Mail—Return Receipt Requested—a copy of the Memorandum Opinion and Order to each of the parties to this proceeding.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-19891 Filed 7-6-81; 8:45 am]

BILLING CODE 6712-01-M

Radio Technical Commission for Marine Services; Meetings

In accordance with Pub. L. 92–463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

Special Committee No. 75, "MPS—Automatic Coordinate Conversion Systems", Notice of 12th Meeting, Tuesday, July 28, 1981—9 a.m., Conference Room 8236, Nassif (DOT) Building, 400 Seventh Street SW. at D Street, Washington, D.C.

Agenda

1. Call to Order; Chairman's Report.
2. Administrative Matters.
3. Approval of Final Report.

Mortimer Rogoff, Chairman, SC–75, 4201 Cathedral Avenue NW., Apartment 914W, Washington, D.C. 20016, Phone: (202) 362–5462.

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. All RTCM meetings are open to the public. Written statements are preferred, but by previous arrangement, oral presentations will be permitted within time and space limitations.

Those desiring additional information concerning the above meeting(s) may contact either the designated chairman or the RTCM Secretariat (phone: (202) 632–6490).

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-19892 Filed 7-6-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

[Docket No. 81–42]

Ramon Arguelles and Ramon E. Arguelles d.b.a. Miami Cargo Services—FMC Independent Ocean Freight Forwarder License No. 1464; Order of Investigation and Hearing

Ramon Arguelles and Ramon E. Arguelles d/b/a Miami Cargo Services (hereafter referred to as MCS) operate as an independent ocean freight forwarder pursuant to FMC License No.

1464, originally issued on March 26, 1973.

The Commission has information indicating that MCS may have violated section 44(a) of the Shipping Act, 1916 and section 510.3 of Commission General Order 4, during the period from December 2, 1978, through April 11, 1979, by carrying on the business of forwarding, in connection with 584 ocean shipments, without an independent ocean freight forwarder license.[1]

In addition, MCS may have engaged in certain billing practices which may be violative of Commission General Order 4, 46 CFR Part 510 *et seq.* An investigation by the Commission's Bureau of Investigation and Enforcement determined that during the months of October and November 1978, and April 1979, MCS may have done the following:

a. Invoiced its shipper clients for insurance charges in an amount totalling $3,912.77 more than the actual cost of the insurance on at least 55 ocean shipments;

b. Invoiced its shipper clients for cartage and insurance totalling at least $3,397.50 on at least 108 ocean shipments, although such services were not performed. MCS may have used these revenues to cover commissions it paid to persons who referred the shipper to MCS; and

c. Invoviced its shipper clients for insurance and placement charges in an amount totalling $23,840.21 on at least 159 shipments, although MCS may not have actually obtained insurance coverage for such shipments.

MCS may have violated 46 CFR 510.23 (d), (e), and (j). Section 510.23(d) provides, in part, that a licensee shall not knowingly impart to a principal false information relative to any forwarding transaction. Section 510.23(e) provides that a licensee shall not withold information relative to a forwarding transaction from its principal. Section 510.23(j) requires a licensee to use invoices which state separately the ocean freight charges, the insured value, insurance rate and premium cost of insurance, the charge for each accessorial service including terminal charges, and the charge or fee for arranging for insurance and/or accessorial services.

Finally, there are indications that MCS may have violated 46 CFR 510.23(f) by failing to account to its principals for overpayments, reductions in rates, insurance refunds and other sums due its principals on several occasions during April and May 1979. In four instances, MCS may have participated in arrangements resulting in refunds of freight corrections, totalling $6,659.60, to persons other than the principals entitled to them. In another instance, MCS may not have disclosed to a shipper principal that it received a $2,128.60 insurance discount from an ocean carrier.

If the above cited activities took place, MCS may not be fit to carry on the business of forwarding. Accordingly, this investigation shall determine whether these activities took place, whether they violated section 44 of the Shipping Act, 1916 or General Order 4, or both; whether MCS continued such practices after the Bureau concluded its investigations, whether such conduct renders MCS unfit to be licensed as a freight forwarder, and whether civil penalties should be assessed against MCS for such conduct.

Now, therefore it is ordered, That pursuant to sections 22, 32, and 44 (46 U.S.C. 821, 831 and 841(b)) of the Shipping Act, 1916, a proceeding is hereby instituted to determine:

1. Whether Ramon Arguelles and Ramon E. Arguelles, d/b/a Miami Cargo Services, violated section 44(a) of the Shipping Act, 1916, and section 510.3 of the Commission's General Order 4 (46 CFR 510.3), by carrying on the business of forwarding without a license;

2. Whether Ramon Arguelles and Ramon E. Arguelles, d/b/a Miami Cargo Services, violated §§ 510.23(d), 510.23(e) and 510.23(j) of General Order 4 by incorrectly invoicing shippers for the cost of cargo insurance and accessorial services during the months of October and November, 1978 and April, 1979;

3. Whether Ramon Arguelles and Ramon E. Arguelles d.b.a. Miami Cargo Services violated section 510.23(f) of General Order 4 by failing to account to its principals for overpayments, reductions in rates, insurance refunds and other sums in April and May, 1979;

4. Whether civil penalties should be assessed against Ramon Arguelles and Ramon E. Arguelles d.b.a. Miami Cargo Services, pursuant to section 32(e) of the Shipping Act, 1916, for violations of section 44 of the Shipping Act, 1916, or sections 510.23(d), 510.23(e), 510.23(f), and 510.23(j) of the Commission's General Order 4 and, if so, the amount of such penalty; and

5. Whether the independent ocean freight forwarded license of Ramon Arguelles and Ramon E. Arguelles d.b.a. Miami Cargo Services should be suspended or revoked, pursuant to section 44(d) of the Shipping Act, 1916, for:

a. willful violations of section 44 of the Shipping Act, 1916, or willful violations of the Commission's General Order 4 as listed in subparagraph 4 above; or

b. such conduct as the Commission shall find renders Ramon Arguelles and Ramon E. Arguelles d.b.a. Miami Cargo Services unfit to carry on the business for forwarding in accordance with section 510.9(e) of General Order 4.

It is further ordered, That Ramon Arguelles and Ramon E. Arguelles be made Respondents in this proceeding.

It is further ordered, That a public hearing be held in this proceeding and that the matter be assigned for hearing and decision by an Administrative Law Judge of the Commission's Office of Administrative Law Judges at a date and place to be hereafter determined by the Presiding Administrative Law Judge, but no later than 180 days after service of this order. The hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

It is further ordered, That, in accordance with Rule 42 of the Commission's Rules of Practice and Procedure (46 CFR 502.42), the Bureau of Investigation and Enforcement shall be a party to this proceeding;

It is further ordered, That notice of this Order be published in the Federal Register and a copy be served upon all parties of record.

It is further ordered, That any person, other than parties of record, having an interest and desiring to participate in this proceeding shall file a petition for leave to invervene in accordance with Rule 72 of the Commission's Rules of Practice and Procedure (46 CFR 502.72);

It is further ordered, That all future notices, orders, and/or decisions issued by or on behalf of the Commission in this proceeding, including notice of the time and place of hearing or prehearing conference, shall be mailed directly to all parties of record;

It is further ordered, That all documents submitted by any party of record in this proceeding shall be filed in accordance with Rule 118 of the Commission's Rules of Practice and Procedure (46 CFR 502.118), as well as being mailed directly to all parties of record.

[1] MCS's license was revoked, effective December 1, 1978, for failure to file the required surety bond. The Commission reissued License No. 1464 to MCS on April 12, 1979.

By the Commission.
Joseph C. Polking,
Acting Secretary.
[FR Doc. 81-19722 Filed 7-6-81; 8:45 am]
BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commended *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice inlieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evience that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than July 29, 1981.

Federal Reserve Bank of New York (A. Marshall Puckett, Vice President), 33 Liberty Street, New York, New York 10045: First National State Bancorporation, Newark, New Jersey (financing and leasing activities; New Jersey); to engage, through its subsidiary, FNSB Capital Corporation, in consumer and commercial financing activities, including the extension of direct loans, lines of credit, letters of credit and other like indebtedness; and to engage in lease financing transactions, personal and real property leasing transactions, and to own, acquire, and sell or otherwise dispose of leases and lease finance documents and the underlying leased property in accordance with the Board's Regulation Y. These activities would be conducted forom an office at 550 Broad Street, Newark, New Jersey, serving the State or New Jersey.

Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President), 701 East Byrd Street, Richmond, Virginia 23261: Southern Bancorporation, Inc., Greenville, South Carolina (consumer financing activities; Oklahoma): to engage, through its subsidiary, World Acceptance Corporation, in making extensions of credit as a licensed consumer finance lender. These activities would be conducted from an office in Sallisaw, Oklahoma, serving the city of Sallisaw, Oklahoma and certain other portions of Sequoyah County, Oklahoma.

Other Federal Reserve Banks: None.

Board of Governors of the Federal Reserve System, June 30, 1981.
D. Michael Manies,
Assistant Secretary of the Board.
[FR Doc. 81-19846 Filed 7-6-81; 8:45 am]
BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly of indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased completion, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Bank indicated for that application. Comments and rquests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than July 28, 1981.

Federal Reserve Bank of Boston (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106: Citicorp, New York, New York (consumer lending-related activities, Maryland): to provide through a *de novo* office of its subsidiary, Citicorp Financial, Inc., consumer lending-related services, including application acceptance functions, the execution of loan documents and disbursal of funds, the acceptance of payments, and account adjustments in connection with Citicorp Financial, Inc., credit card and direct lending activities. The services would be provided from an office at White Marsh Mall, located at 8200 Perry Hall Boulevard, Baltimore, Maryland, serving the State of Maryland.

Federal Beserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303: Barnett Banks of Florida, Inc., Jacksonville, Florida (check verification activities; South Carolina): to engage, through a subsidiary known as Verifications, Inc., in the personal check verification business. Verifications will authorize subscribing merchants to accept certain personal checks tendered by customers in payment of goods and services. If a properly authorized check is subsequently dishonored, Verifications will be obligated to purchase the check from the merchant at face value. In return for this service, subscribing merchants will pay a monthly fee to Verifications.

Such activities will be conducted from an office in Columbia, South Carolina, and will serve the entire state. Comments on this application must be received not later than July 20, 1981.

Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198: Western Bancshares, Inc., Stockton, Kansas (financing activities; Kansas): to engage in consumer and commercial finance activities, including direct loans to consumers, agricultural credit and other types of lending. These activities would be conducted from an office in Stockton, Kansas, serving an area within a 15-mile radius of Stockton.

Other Federal Reserve Banks: None

Boarad of Governors of the Federal Reserve System, June 29, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19645 Filed 7-6-81; 8:45 am]

BILLING CODE 6210-01-M

Bement Bancshares, Inc.; Formation of Bank Holding Co.

Bement Bancshares, Inc., Bement, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of State Bank of Bement, Bement, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 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, June 29, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19650 Filed 7-6-81; 8:45 am]

BILLING CODE 6210-01-M

Chugwater Corp.; Formation of Bank Holding Co.

The Chugwater Corporation, Chugwater, Wyoming, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent of the voting shares of First National Bank of Chugwater, Chugwater, Wyoming. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 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, June 29, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19653 Filed 7-6-81; 8:45 am]

BILLING CODE 6210-01-M

Dacotah Bank Holding Co.; Acquisition of Bank

Dacotah Bank Holding Co., Aberdeen, South Dakota, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of Bank of Cresbrad, Cresbard, South Dakota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than July 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, June 29, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19647 Filed 7-6-81; 8:45 am]

BILLING CODE 6210-01-M

Mountain Valley Bankshares, Inc.; Formation of Bank Holding Co.

Mountain Valley Bankshares, Inc., Conifer, Colorado, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of Mountain Valley Bank, Conifer, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 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, June 29, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19652 Filed 7-6-81; 8:45 am]

BILLING CODE 6210-01-M

Pershing National Bancshares, Inc.; Formation of Bank Holding Co.

Pershing National Bancshares, Inc., Kansas City, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 97.69 per cent or more of the voting shares of Civic Plaza National Bank, Kansas City, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 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, June 29, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19651 Filed 7-6-81; 8:45 am]

BILLING CODE 6210-01-M

Southwest Bancshares, Inc.; Acquisition of Bank

Southwest Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of Fort Worth Bancshares,

Inc., Fort Worth, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 29, 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, June 30, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19848 Filed 7-6-81; 8:45 am]

BILLING CODE 6210-01-M

Suburban Bancorporation, Inc.; Formation of Bank Holding Co.

Suburban Bancorporation, Inc., Eden Prairie, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80.1 per cent of the voting shares of Suburban National Bank, Eden Prairie, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 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, June 29, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19849 Filed 7-6-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

[F-81-10]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent, in conjunction with the Administrator of General Services, the consumer interests of the executive agencies of the Federal Government in proceedings before the New Jersey Department of Energy, Board of Public Utilities involving intrastate telecommunications service rates.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly Sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the New Jersey Department of Energy, Board of Public Utilities involving the application of the New Jersey Bell Telephone Company for an increase in rates for telecommunications services. The authority delegated to the Secretary of Defense shall be exercised concurrently with the Administrator of General Services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: June 29, 1981.

Ray Kline,

Deputy Administrator of General Services.

[FR Doc. 81-19839 Filed 7-6-81; 8:45 am]

BILLING CODE 6820-25-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 76N-0493; DESI 5960]

Bio-Flav Capsules; Withdrawal of Approval of New Drug Application

Correction

In FR Doc. 81-17405, published on page 31065, on Friday, June 12, 1981, in the first column, in the heading "DESI 5969" should be corrected to read as set forth above.

BILLING CODE 1505-01-M

[Docket No. 81F-0189]

Ciba-Geigy Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that the Ciba-Geigy Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of octadecyl 3,5-di-*tert*-butyl-4-hydroxy-hydrocinnamate as an antioxidant and/or stabilizer for ethylene vinyl acetate copolymers intended for food-contact use.

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

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (U.S.C. 348(b)(5))), notice is given that a petition (FAP OB3493) has been filed by Ciba-Geigy Corp., Ardsley, NY 10502, proposing that the food additive regulations be amended to provide for the safe use of octadecyl 3,5-di-*tert*-butyl-4-hydroxy-hydrocinnamate as an antioxidant and/or stabilizer for ethylene vinyl acetate copolymers as defined in section 177.1350 (21 CFR 177.1350).

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting this finding, contained in an environmental impact analysis report (pursuant to 21 CFR 25.1(j)) may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 24, 1981

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-19094 Filed 7-6-81; 8:45 am]

BILLING CODE 4110-03-M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by Henry P. Roberts, District Director, Minneapolis District Office, Minneapolis, MN.

DATE: The meeting will be held from 9:30 a.m. to 11 a.m., Wednesday, July 22, 1981.

ADDRESS: The meeting will be held at the Merriam Park Community Center, 2000 St. Anthony Ave., St. Paul, MN 55104.

FOR FURTHER INFORMATION CONTACT: Blanche L. Erkel, Consumer Affairs Officer, Food and Drug Administration, 240 Hennepin Ave., Minneapolis, MN 55401, 612-725-2121.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance understanding and exchange information between local consumers and FDA's Minneapolis District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: June 25, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-19242 Filed 7-6-81; 8:45 am]

BILLING CODE 4110-03-M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by George R. White, District Director, Atlanta District Office, Atlanta, GA.

DATE: The meeting will be held at 10 a.m., Tuesday, August 4, 1981.

ADDRESS: The meeting will be held at the Food and Drug Administration, 2d Floor Conference Rm., 1182 W. Peachtree St. NW., Atlanta, GA 30309.

FOR FURTHER INFORMATION CONTACT: Ana M. Rivera, Consumer Affairs Officer, Food and Drug Administration, 1182 W. Peachtree St. NW., Atlanta, GA 30309, 404-881-7355.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance understanding and exchange information between local consumers and FDA's Atlanta District Office, and contribute to the agency's policymaking decisions on vital issues.

Dated: June 26, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-19583 Filed 7-6-81; 8:45 am]

BILLING CODE 4110-01-M

[Docket No. 78N-0279]

Oxytocin Citrate Buccal Tablets; Rescission of Proposal To Withdraw Approval of New Drug Application; Requirement for Labeling Directed to the Physician

Correction

In FR Doc 81-17403, published on page 31072, on Friday, June 12, 1981, in the first column, in the heading "Octocin" should be corrected to read "Oxytocin".

BILLING CODE 1505-01-M

[Docket No. 75N-0187; DESI 10837]

Pro-Banthine With Dartal Tablets; Withdrawal of Approval of New Drug Application

Correction

In FR Doc. 81-17406, published on page 31072, on Friday, June 12, 1981, in the third column, in the fourth line from the bottom "301-433-" should be corrected to read "301-443-".

BILLING CODE 1505-01-M

[Docket No. 80P-0510]

Sandare Chemical Co., Inc.; Urinary Homocystine (Nonquantitative) Test System; Panel Recommendation on Petition for Reclassification

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment the recommendation of the Clinical Chemistry Device Section of the Clinical Chemistry and Hematology Devices Panel that the urinary homocystine (nonquantitative) test system be reclassified from class III (premarket approval) into class II (performance standards). This recommendation was made after review by the Section of a reclassification petition filed by Sandare Chemical Co., Inc., Dallas, TX 75208. After reviewing the Section recommendation and any public comments received, the agency will approve or deny the reclassification petition by order in the form of a letter to the petitioner. The agency's decision on this reclassification petition will be announced in the **Federal Register**.

DATE: Comments by August 6, 1981.

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

FOR FURTHER INFORMATION CONTACT: Eugene W. Rice, Bureau of Medical Devices (HFK-440), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7550.

SUPPLEMENTARY INFORMATION: On October 9, 1980, Sandare Chemical Co., Inc., Dallas, TX 75208, submitted to FDA under section 513(f)(2) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c(f)(2)) a reclassification petition for a device the manufacturer calls "Sandare Silver-Nitroprusside Test Procedure." The manufacturer did not submit a premarket notification under section 510(k) of the act (21 U.S.C. 360(k)), on the ground that it was unware of the existence of any substantially equivalent commerical product. Because there is no such commerial product, the device is automatically classified into class III under section 513(f)(1) of the act (21 U.S.C. 360c(f)(1)).

Under section 515(a)(2) of the act (21 U.S.C. 360e(a)(2)), before a device that is in class III under section 513(f)(1) can be marketed, it must either be reclassified under section 513(f)(2) or have an approval of an application for premarket approval under section 515 of the act (21 U.S.C. 360e), unless there is in effect for the device an investigational device exemption under section 520(g) of the act (21 U.S.C. 360j(g)).

Section 513(f)(2) of the act requires FDA to refer a reclassification petition to the appropriate advisory panel and to receive a recommendation on whether to approve or deny a petition. On January 16, 1981, the Clinical Chemistry Devices Section of the Clinical Chemistry and Hematology Device Panel (the Section) reviewed the petition and recommended that the device be reclassified into class II.

To determine the proper classification of the device, the Section considered the criteria specified in section 513(a)(1) of the act. For the purpose of classification, the Section assigned to this generic type of device the name urinary homocystine (nonquanitative) test system and identified this type of device as a qualitative screening procedure used to distinguish those patients with

homocystinuria (homocystine in urine) from those with cystinuria (cystine in urine) by a method such as silver-nitroprusside. The urinary homocystine (nonquantitative) test system is intended to supplement the cystine test system, which measure the combined cystine and homocystine in urine. Homocystinuria is a heritable metabolic disorder characterized by excertion of homocystine in urine, mental retardation, and other conditions such as convulsive tendency, failure to thrive, and fatty changes of the liver.

Summary of the Reasons for the Recommendation

The Section gave the following reasons in support of its recommendation on reclassification:

1. The device is not an implant, is neither life sustaining nor life supporting, and does not present a potential unreasonable risk of illness or injury.

2. Although general controls are insufficient to provide reasonable assurance of the safety and effectiveness of the device, sufficient scientific and medical data exist to establish a performance standard to provide such assurance by prescribing for the device acceptable ranges of accuracy, precision, sensitivity, and specificity.

Summary of Data on Which the Recommendation is Based

The Section based its recommendation on the performance characteristics of the device.

The effectiveness and reliability of the "Sandare Silver-Nitroprusside Test Procedure", a modification of the method described by Spaeth and Barber (Ref. 1), was demonstrated in recovery and comparison studies carried out by Sandare Chemical Co., Inc., as well as in evaluations of the device by independent investigators. Random urine samples from 100 children were initially determined to be normal for certain urinary components. These samples were subsequently tested by the "Sandare Silver-Nitroprusside Test Procedure". No false-positive results were obtained. Urine samples from 10 patients confirmed as having homocystinuria by methods including the Spaeth method and amino acid analysis were tested using the device. No false-negative results were obtained. Of urine specimens from 118 patients with possible metabolic disturbances, 3 patients' specimens were found to be positive for homocystine by the "Sandare Silver-Nitroprusside Test Procedure". These positive findings were subsequently confirmed by the Spaeth method and amino acid analysis.

The specificity of the device was investigated in studies conducted to determine the effect on the assay of potentially interfering factors. A study was conducted on urine samples from 20 diabetic patients. The samples were confirmed to contain glucose and ketones. The presence of glucose (up to 2,000 milligrams per deciliter (mg/dL)) and ketones (up to and greater than 50 mg/dL) did not lead to any false-positive results in these specimens, and did not cause any false-negative results when the specimens were spiked with homocystine.

Tests conducted on pooled normal urine showed that the assay was not affected by interference from creatinine (up to 5 grams per liter (g/L)) or uric acid (up to 2 g/L). The sensitivity of the assay was inhibited by ascorbic acid (vitamin C) in urine samples from individuals taking more than 60 mg of vitamin C daily.

Studies were conducted on interferences from common drug products by spiking urine samples with known concentrations of drugs, as well as by testing urine samples from individuals who were given high concentrations of these drugs. Acetylsalicylic acid, acetaminophen, and phenobarbital were tested in each way and showed no effect on the test results obtained using the "Sandare Silver-Nitroprusside Test Procedure".

The stability of reagent components under expected storage conditions was extrapolated using accelerated aging data from heat stress studies and estimated to be 18 months at 25° C.

Risk to Health

The Section noted that the risk of inaccurate results from failure of the device to perform satisfactorily may lead to error in the diagnosis of homocystinuria. Inappropriate therapy based on inaccurate diagnostic data may place the patient at risk. Inaccurate results may occur because of the device's lack of specificity.

Additional Findings

The Section recommended that the development of a performance standard for the device be a low priority. The Section also recommended that labeling for the device emphasizes that potentially interfering substances may cause false-negative and false-positive test results, and that further testing be done to confirm a diagnosis of homocystinuria.

Reference

The petition, the transcript of the Section meeting, and the following material are on public file in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, where they may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

Spaeth, G. L. and G. W. Barber, "Prevalence of Homocystinuria among the Mentally Retarded: Evaluation of a Specific Screening Test," *Pediatrics*, 40:586-589, 1967

Interested persons may, on or before August 6, 1981, submit to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written comments on the recommendation. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be submitted with the name of the device and the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

The Food and Drug Administration has carefully analyzed the economic effects of this notice and has determined that, if promulgated, the regulation reclassifying the device will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act. In accordance with section 3(g)(1) of Executive Order 12291, the impact of this notice has been carefully analyzed, and it has been determined that this notice does not constitute a major rule as defined in section 1(b) of the Executive Order. Because of statutory deadlines (section 513(f)(2) of the act) and requirements in the regulations (§ 860.134(b)(5)) (21 CFR 860.134(b)(5)) FDA is required to publish this notice in the **Federal Register** as soon as practicable. As authorized by section 8(a)(2) of Executive Order 12291, FDA is publishing in the **Federal Register** this notice without clearance of the Director, Office of Management and Budget. As soon as practicable, FDA will notify that office of the publication of this notice.

Dated: June 18, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-19241 Filed 7-6-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 80P-0511]

Sandare Chemical Co., Inc.; Urinary Methylmalonic Acid (Nonquantitative) Test System; Panel Recommendation on Petition for Reclassification

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment the recommendation of the Clinical Chemistry Device Section of the Clinical Chemistry and Hematology Devices Panel that the urinary methylmalonic acid (nonquantitative) test system be reclassified from class III (premarket approval) into class II (performance standards). This recommendation was made after review by the Section of a reclassification petition filed by Sandare Chemical Co., Inc., Dallas, TX 75208. After reviewing the Section recommendation and any public comments received, the agency will approve or deny the reclassification petition by order in the form of a letter to the petitioner. The agency's decision on this reclassification petition will be announced in the **Federal Register.**

DATE: Comments by August 6, 1981.

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

FOR FURTHER INFORMATION CONTACT: Eugene W. Rice, Bureau of Medical Devices (HKF-440), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7550.

SUPPLEMENTARY INFORMATION: On October 9, 1980, Sandare Chemical Co., Inc., Dallas, TX 75208, submitted to FDA under section 513(f)(2) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c(f)(2)) a reclassification petition for a device the manufacturer calls "Sandare Methylmalonic Aciduria Test Procedure." The manufacturer did not submit a premarket notification under section 510(k) of the act (21 U.S.C. 360(k)), on the ground that it was unaware of the existence of any substantially equivalent commercial product. Because there is no such commercial product, the device is automatically classified into class III under section 513(f)(1) of the act (21 U.S.C. 360c(f)(1)).

Under section 515(a)(2) of the act (21 U.S.C. 360e(a)(2)), before a device that is in class III under section 513(f)(1) can be marketed, it must either be reclassified under section 513(f)(2) or have an approval of an application for premarket approval under section 515 of the act (21 U.S.C. 360e), unless there is in effect for the device an investigational device exemption under section 520(g) of the act (21 U.S.C. 360j(g)).

Section 513(f)(2) of the act requires FDA to refer a reclassification petition to the appropriate advisory panel and to receive a recommendation on whether to approve or deny a petition. On January 16, 1981, the Clinical Chemistry Device Section of the Clinical Chemistry and Hematology Devices Panel (the Section) reviewed the petition and recommended that the device be reclassified into class II.

To determine the proper classification of the device, the Section considered the criteria specified in section 513(a)(1) of the act. For the purpose of classification, the Section assigned to this generic type of device the name urinary methylmalonic acid (nonquantitative) test system and identified this type of device as a qualitative screening procedure used to detect methylmalonic aciduria (methylmalonic acid in urine) by a method such as *para*-nitronaniline. Methylmalonic aciduria is a heritable metabolic disorder characterized by excretion of methylmalonic acid in urine, mental retardation, and failure to thrive. Some individuals with this disorder respond well to dietary restriction or vitamin B_{12} administration.

Summary of the Reasons for the Recommendation

The Section gave the following reasons in support of its recommendation on reclassification:

1. The device is not an implant, is neither life sustaining nor life supporting, and does not present a potential unreasonable risk of illness or injury.

2. Although general controls are insufficient to provide reasonable assurance of the safety and effectiveness of the device, sufficient scientific and medical data exist to establish a performance standard to provide such assurance by prescribing for the device acceptable ranges of accuracy, precision, sensitivity, and specificity.

Summary of Data on Which the Recommendation is Based

The Section based its recommendation on the performance characteristics of the device.

The effectiveness and reliability of the "Sandare Methylmalonic Aciduria Test Procedure," a modification of the method described by Giorgio (Ref. 1), was demonstrated in recovery and comparison studies carried out by Sandare Chemical Co., Inc., as well as in evaluations of the device by independent investigators. Random urine samples from 100 children were initially determined to be normal for certain urinary components. These samples were subsequently tested by the "Sandare Methylmalonic Aciduria Test Procedure". No false-positive results were obtained. Urine samples from 11 patients confirmed as having methylmalonic aciduria by methods including the Giorgio method, amino acid analysis, paper chromatography, and gas chromatography were tested using the device. No false-negative results were obtained. In another group of 15 urine samples, 4 of which were confirmed to contain methylmalonic acid by chromatographic separation, the test system properly identified the 4 positive samples.

The specificity of the device was investigated in studies conducted to determine the effect on the assay of potentially interfering factors. A study was conducted on urine samples from 20 diabetic patients. The samples were confirmed to contain glucose and ketones. The presence of glucose (up to 2,000 milligrams per deciliter (mg/dL)) did not lead to any false-positive results in these specimens, and did not cause any false-negative results when the specimens were spiked with methylmalonic acid. However, the presence of ketones (acetone and acetoacetate) greater than trace amounts (approximately 10 mg/dL) caused some false-negatives owing to decreased sensitivity.

High levels of creatinine (above 5 grams per liter (g/L)) or uric acid (above 1.5 g/L) also decreased the sensitivity of the "Sandare Methylmalonic Aciduria Test Procedure". Ascorbic acid (vitamin C) also reduced the sensitivity of the test, but only when administered in quantities greater than one gram per day.

Studies were conducted on interferences from common drug products by spiking urine samples with known concentrations of drugs, as well as by testing urine samples from individuals who were given high concentrations of these drugs. Acetylsalicylic acid, acetaminophen, and phenobarbital were tested in each way and showed no effect on the test results obtained using the "Sandare Methylmalonic Aciduria Test Procedure".

The stability of reagent components under expected storage conditions was extrapolated using accelerated aging data from heat stress studies and estimated to be 18 months at 25° C.

Risk to Health

The Section noted that the risk of inaccurate results from failure of the device to perform satisfactorily may lead to error in the diagnosis of methylmalonic aciduria. Inappropriate therapy based on inaccurate diagnostic data may place the patient at risk. Inaccurate results may occur because of the device's lack of specificity.

Additional Findings

The Section recommended that the development of a performance standard for the device be a low priority. The Section also recommended that labeling for the device emphasize that potentially interfering substances may cause false-negative and false-positive test results, and that further testing be done to confirm a diagnosis of methylmalonic aciduria.

Reference

The petition, the transcript of the Section meeting, and the following material are on public file in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, where they may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

Giorgio, A. J. and A. L. Luhby, "A Rapid Screening Test for the Detection of Congenital Methylmalonic Aciduria in Infancy," *The American Journal of Clinical Pathology*, 52:374–379, 1969

Interested persons may, on or before August 6, 1981, submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments on the recommendation. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be submitted with the name of the device and the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

The Food and Drug Administration has carefully analyzed the economic effects of this notice and has determined that, if promulgated, the regulation reclassifying the device will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act. In accordance with section 3(g)(1) of Executive Order 12291, the impact of this notice has been carefully analyzed, and it has been determined that this notice does not constitute a major rule as defined in section 1(b) of the Executive Order. Because of statutory deadlines (section 513(f)(2) of the act) and requirements in the regulations (§ 860.134(b)(5) (21 CFR 860.134(b)(5)) FDA is required to publish this notice in the **Federal Register** as soon as practicable. As authorized by section 8(a)(2) of Executive Order 12291, FDA is publishing in the **Federal Register** this notice without clearance of the Director, Office of Management and Budget. As soon as practicable, FDA will notify that office of the publication of this notice.

Dated: June 25, 1981

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–19240 Filed 7–6–81; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 81F–0188]

Toyobo Co., Ltd.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that Toyobo Co., Ltd., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of polyester elastomers produced by the condensation of dimethyl terephthalate, 1,4-butanediol, and α-Hydro-*omega*-hydroxypoly (oxytetramethylene), for repeated use articles in contact with food containing less than 8 percent alcohol.

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

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 8B 3417) has been filed by SL Testing Institute, Enfield, CT 06082, on behalf of Toyobo Co., Ltd., Japan, proposing that the food additive regulations be amended to provide for the safe use of polyester elastomers produced by the condensation of dimethyl terephthalate, 1,4-butanediol, and α-Hydro-*omega*-hydroxypoly (oxytetramethylene), for repeated use articles in contact with food containing less than 8 percent alcohol.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: June 24, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81–19396 Filed 7–6–81; 8:45 am]

BILLING CODE 4110–03–M

Health Resources Administration

Advisory Committee; Meeting

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 body scheduled to meet during the month of August 1981:

Name: National Advisory Council on Health Professions Education

Date and time: August 3–5, 1981, 8:30 a.m.–5:30 p.m.

Place: Conference Room 10, 6th Floor, Building 31, C Wing, National Institutes of Health, Bethesda, Maryland 20205

Closed August 3, 1981

Open August 4 and 5, 1981

Purpose: The Council advises the Secretary with respect to the administration of programs of financial assistance for the health professions and makes recommendations based on its review of applications requesting such assistance. This also involves advice in the preparation of regulations with respect to policy matters.

Agenda: The open portion of the meeting will cover: report of the Acting Administrator; welcome and opening remarks; budget update; legislative update; report on Health Promotion and Disease Prevention; and a discussion of the following reports: The Secnd Report to Congress on Public Health: Personnel for Disease Prevention and Health Promotion; A Report to the President and Congress on the Status of Health Professions Personnel in the United States; and Supply and Distribution of and Requirements for Nurses. Also to be discussed are criteria for selection of ad hoc reviewers, use of national board scores, and future agenda items. The meeting will be closed to the public on August 3, 1981, from 8:30 a.m. to 5:30 p.m., for the review of grant applications for the Financial Distress Program. The closing is in accordance with the provision set forth in section 552b(c)(6), Title 5 U.S. Code, and the Determination by the Acting Administrator, Health Resources Administration, pursuant to Pub. L. 92–463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should write to or contact MR. CLYDE COUCHMAN, Bureau of Health Professions, Health Resources Administration, Room 4–27, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone (301) 436–6564.

Agenda items are subject to change as priorities dictate.

Dated: July 1, 1981.

Irene D. Skinner,

Advisory Committee Management Officer, HRA.

[FR Doc. 81-19825 Filed 7-6-81; 8:45 am]

BILLING CODE 4110-83-M

National Institutes of Health

Renewal of NIH Public Advisory Committees

Correction

In FR Doc. 81-19038 appearing on page 33371 in the issue of Monday, June 29, 1981, first column, second line of the last paragraph, "* * * May 31, 1981" should read "* * * May 31, 1983 * * *".

BILLING CODE 1505-01-M

Social Security Administration

Agreement on Social Security between the United States and Switzerland; Availability of Text of Agreement

The Commissioner of Social Security gives notice that the text of an agreement coordinating the social security systems of the United States and the Swiss Confederation is available to interested parties. This agreement, authorized under section 233 of the Social Security Act, became effective on November 1, 1980. It provides that where a person has completed at least six quarters of U.S. coverage, but does not have sufficient coverage to be entitled to a U.S. benefit, the periods of coverage earned in both the U.S. and Switzerland may be combined (totalized) for the purpose of determining entitlement to and the amount of a U.S. benefit. The U.S. benefit will be proportional to the amount of coverage completed under U.S. law. With respect to benefits payable under Swiss Laws, the agreement provides, among other things, that U.S. nationals may qualify for ordinary old-age, survivors and disability pensions with only one year of Swiss coverage.

The agreement also eliminates dual coverage and dual taxation of the same work. For example, a U.S. citizen, who is sent to work temporarily in Switzerland for a U.S. employer, will be covered by and pay contributions to the U.S. system and will be excluded from coverage and taxation under the Swiss system.

The agreement has been published in booklet form as part of the *Treaties and Other International Acts Series* (TIAS No. 9630). This publication contains (1) the principal agreement signed on July 18, 1979; (2) the Final Protocol to the 1979 agreement, also signed on July 18, 1979; and (3) the Administrative Agreement for the Implementation of the 1979 Agreement, signed on December 20, 1979. Copies may be purchased for $3.50 from the "Superintendent of Documents", U.S. Government Printing Office, Washington, D.C. 20402. Persons who have questions about the agreement or want more information about its provisions may write to the Social Security Administration, Office of International Policy, IPPS, 6401 Security Boulevard, Baltimore, Maryland 21235.

Dated: June 26, 1981.

John A. Svahn,

Commissioner of Social Security.

[FR Doc. 81-19854 Filed 7-6-81; 8:45 am]

BILLING CODE 4110-07-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES 27250, Survey Group 115]

Minnesota; Filing of Plat of Survey

1. On February 9, 1981, the plat representing the survey of four islands in Vermilion Lake, T. 62 N., R. 17 W., Fourth Principal Meridian, Minnesota, which were omitted from the original survey, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m. on (45 days from date of publication).

Fourth Principal Meridian, Minnesota

T. 62 N., R. 17 W.,
Tract Nos. 37, 38, 39, and 40.

2. The character of Tract Nos. 37, 38, 39, and 40 is similar in all respects to that of the adjacent surveyed lands.

Elevations on the island Tract No. 37 range up to approximately 6 feet above the ordinary high water mark of Vermilion Lake. Timber consists of pine, cedar, fir and birch. Borings of pine trees showed several to be up to 112 years old. Undergrowth consists of hazel, willow, brush and native grasses. The soil composition is of a thin layer or organic matter on a base of glacial till.

Elevations on the island Tract No. 38 range up to approximately 8 feet above the ordinary high water mark. Timber consists of pine, cedar, and birch. Borings of pine trees showed several to be up to 85 years old. Undergrowth consists of hazel, willow, brush and native grasses. The soil composition is of a thin layer of organic matter on a base of glacial till.

Elevations on the island Tract No. 39 range up to approximately 5 feet above the ordinary high water mark. Timber consists of pine, cedar, and fir. Undergrowth consists of hazel, willow, brush and native grasses. The soil composition is of a thin layer of organic matter on a base of glacial till.

Elevations on the island Tract No. 40 range up to approximately 2 feet above the ordinary high water mark. Timber consists of cedar, aspen, and birch. Undergrowth consists of hazel, willow, brush and native grasses. The soil composition is of a thin layer of organic matter on a base of glacial till.

Tract Nos. 37, 38, 39, and 40 were found to be over 50 percent upland in character within purview of the Swamplands Act of September 28, 1850 (9 Stat. 519). They are, therefore, held to be public land.

All inquiries relating to these lands should be sent to the Chief, Division of Lands and Minerals, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304, on or before August 21, 1981.

Jeff O. Holdren,

Chief, Division of Lands and Minerals.

[FR Doc. 81-19855 Filed 7-6-81; 8:45 am]

BILLING CODE 4310-84-M

Availability of Draft Environmental Impact Statement on Rocky Mountain Pipeline Project and Establishment of Public Review Period and Hearings

AGENCY: Bureau of Land Management, Interior.

ACTION: Publication of Draft Environmental Impact Statement on Rocky Mountain Pipeline Project Proposal; Establishment of a 45-day Public Review and Comment Period and Location Sites and Dates for Public Hearings on the Document.

SUMMARY: A draft environmental impact statement (DEIS) prepared jointly by the Department of the Interior's Bureau of Land Management and the Federal Energy Regulatory Commission covering a proposal by the Rocky Mountain Pipeline Company to construct and operate a 610-mile long, 36-inch diameter, natural gas pipeline from Lincoln County, Wyoming into San Bernardino County, California. The proposed system would cross approximately 343 miles of Federal land.

In addition to the proposed action, six alternative routes and five route variations have been assessed and analyzed in the document.

A 45-day public review and comment period has been established. Four public hearings will be conducted at the following locations, time and dates, by the Bureau of Land Management, to

receive oral and written public input and comment on the DEIS.

DATES: Public hearings will be held at the following locations, dates and times: Showboat Hotel, Las Vegas, Nevada, Monday, August 3, 1981, 7:00 p.m.; Old Administration Building, University of Southern Utah, Cedar City, Utah, Tuesday, August 4, 1981, 7:00 p.m.; 51 South University Street, Provo, Utah, Wednesday, August 5, 1981, 2:00 p.m.; North Summit Middle School Auditorium, Coalville, Utah, Thursday, August 6, 1981, 7:00 p.m. Comments will be accepted until August 24, 1981.

Written comments on the DEIS should be received no later than August 24, 1981, by the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Limited copies of DEIS's are available upon request from: Rocky Mountain Pipeline Project Leader, Bureau of Land Management, Special Projects Staff, Third Floor East, 555 Zang Street, Denver, Colorado 82008 and the Federal Energy Regulatory Commission, Division of Public Information, at the above listed address. Copies of the DEIS are available for review at public libraries and at the following BLM locations.

Office of Public Affairs, Main Interior Building, 18th and C Streets NW., Washington, D.C. 20240
Federal Building, Room 398, 550 West Fort Street, Box 042, Boise, Idaho 83724
Federal Office Building, Room E-2841, 2800 Cottage Way, Sacramento, California 95825
Federal Building, Room 3008, 300 Booth Street, P.O. Box 12000, Reno, Nevada 89520
University Club Building, 136 East South Temple, Salt Lake City, Utah 84119
2515 Warren Avenue, P.O. Box 1828, Cheyenne, Wyoming 82001.

Ed Hastey,

Director.

[FR Doc. 81-19672 Filed 7-6-81; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before June 26, 1981. Pursuant to section 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by July 22, 1981.

Carol Shull,

Chief, Registration Branch.

CALIFORNIA

San Bernardino County

Red Mountain vicinity, *Squaw Spring Archeological District*

COLORADO

Larimer County

Berthoud, *Bimson Blacksmith Shop*, 224 Mountain St.

Mesa County

Whitewater vicinity, *Bloomfield Site (5ME396)*

Prowers County

Lamar, *Prowers County Building*, 301 S. Main St.

Weld County

Erie, *Lincoln School*, 645 Holbrook St.
Greeley, *Greeley High School and Grade School*, 1015 8th St.

DELAWARE

New Castle County

Willington, *Bradywine Park Kentmere Parkway*, Roughly bounded by Kentmere Pkwy., Augustine Cutoff, Lovering Ave., 18th and Market Sts. (boundary increase)

INDIANA

Marshall County

Plymouth, *East LaPorte Street Footbridge*, Spans Yellow River

Morgan County

Martinsville, *Martinsville High School Gymnasium*, 759 S. Main St.

MARYLAND

Allegany County

North Branch and vicinity, *Western Maryland Railway Right-of-Way, Milepost 126 to Milepost 160* (also in Washington, County, MD and Morgan County, WV.

NEW YORK

New York County

New York, *New York Public Library, Hamilton Grange Branch*, 503 and 505 W. 145th St.

WASHINGTON

King County

Seattle, *Yesler Terrace Low-Income Housing Project*, E. Yesler Way

Thurston County

Olympia, *Thruston County Courthouse*, Capitol Way

Walla Walla County

Dixie, *Dixie High School*, Off U.S. 410

WISCONSIN

Sheboygan County

Sheboygan vicinity *Kletzien Mound Group (47-Sb-61) (Black River Group No. 2)* S. 9th St.

[FR Doc. 81-19611 Filed 7-6-81; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the Special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. 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, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper

divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certrain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: June 30, 1981

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

MC-F-14639, filed May 29, 1981. Applicant: GROSS & HECHT TRUCKING, INC. (G & H) 35 Brunswick Avenue, Edison, NJ 08817—Purchase—NEWPORT TRUCKING CORP. (Newport) (4600 Fifth St., Long Island City, NY 11101). Applicant: Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, New Jersey 07006. G & H seeks to purchase the contract carrier operating rights and property of Newport, involving permits issued in No. MC-111309 and (Sub-Nos. 9, 11, 12, 14, 15 and 16). Transco Group, Inc. and Arthur M. Goldberg seek authority to maintain control of said rights and property through the transaction. The authority sought to be purchased generally authorizes syrup, sugar, beverages, containers, and related commodities, from and to named points throughout the United States under contract with Pepsi-Cola Metropolitan Bottling Company, Inc. and Pepsi Cola Company. (Hearing site: New York, NY.)

MC-F-14646, filed June 3, 1981 (as supplemented). LEICHT INDUSTRIES, INC. (Leicht) (P.O. Box 2385, 1401 State Street, Green Bay, WI 54306)—Control—Leicht Transfer & Storage Co. (Transfer) (P.O. Box 2385, 1401-55 State Street, Green Bay, WI 54306) and GEORGE CLARK TRANSIT CO. (Clark) (P.O. Box 2385, 1401-55 State Street, Green Bay, WI 54306) and—Continuance in Control—TRI-L TRANSPORT, INC. (Tri-L) (P.O. Box 558, Richmond, VA 23204). Representative: John R. Sims, Jr., Esq., 910 Pennsylvania Building, 425 13th Street NW., Washington, DC 20004. Leicht, a noncarrier, seeks authority to acquire control of Transfer, a motor common carrier. In turn, Clark (Transfer's wholly owned subsidiary), a motor common carrier, and seeks to continue in control of Tri-L (Leicht's wholly owned subsidiary), a noncarrier, upon approval of its current application for certificated authority and institution of operations thereunder. E.W. Leicht, Theordore M. Leicht, Raymond M. Leicht, and Russell G. Leicht (officers and directors of Leicht) currently control Leicht. Leicht has not issued any stock but has subscriptions for stock from E. W. Leicht Trust, Raymond M. Leicht, Leicht Family Voting Trust (which controls stock held by Theodore M. Leicht, Thomas R. Leicht, Eugene W. Leicht and Russell G. Leicht), Ann Maloney, and Susan Leicht Moore (Shareholders). Shareholders would control Leicht (after receiving Leicht stock) prior to the proposed transaction. In addition, these shareholders currently control Transfer. Concurrently with the stock exchange between Leicht and Transfer, the shareholders will continue in the same relationship with respect to Transfer and Clark as exists now. Also they would have an identical relationship with respect to Tri-L upon its receipt of authority in No. MC-155938 and institution of operations. Transfer operates pursuant to Certificate No. MC-56270 and subnumbers thereunder generally transporting general and specified commodities throughout the United States. Clark operates pursuant to Permit No. MC-143317 and subnumbers thereunder generally transporting sand, in bulk, in Wisconsin, Minnesota, Michigan, Illinois, Indiana, Ohio, Iowa, North Dakota, and South Dakota. Tri-L has an application pending for a certificate in No. MC-155938 to transport U.S. Government traffic between points in the United States. The operating authorities indicated above have not been described in their entirety. A more complete description is on file with the application at the Commission's office in Washington, DC and its Regional Office in Chicago, IL. *Condition:* The evidence indicates that while Leicht technically is not a regulated carrier, its investments and functions are related primarily to interstate transportation. Upon consummation of this transaction, therefore, Leicht will be considered a motor carrier within the meaning of 49 U.S.C. 11348 and will be subject to applicable provisions of 49 U.S.C. Subtitle IV, subchapter III of Chapter III which relates to reporting and accounting, and of 4a U.S.C. 11302 which relates to the issuance of securities. *Impediment:* Approval and authorization of this transaction is conditioned upon applicants (a) setting forth all pending duplications between the authority of Transfer and Clark and the authority currently sought by Tri-L (if granted), and (b) submitting a plan for elimination of such duplications. See 49 CFR 1134.51.

Note.—If the application of Tri-L, Inc. in No. MC-155938 is granted, it may not commence operations until the Commission approves common control.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-19815 Filed 7-6-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide, among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special

rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. 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, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: June 30, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

MC–F–14644, filed June 1, 1981. KYSOR INDUSTRIAL CORPORATION (Kysor) (One Madison Avenue, Cadillac, MI 49601)—CONTROL—ARLEDGE TRANSFER, INC. (Arledge) (P.O. Box 157, Burlington, IA 52601). Representatives: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603, and H. Edward Dean, One Madison Avenue, Cadillac, MI 49601. Kysor, a non-carrier, seeks authority to acquire control of Arledge through the exchange of certain Kysor stock for all of the outstanding shares of Arledge stock and the merger of Kysor Transportation, Inc., (Transportation), a wholly owned non-carrier subsidiary of Kysor, into Arledge. The operating rights to be controlled by Kysor are those issued to Arledge in Certificate No. MC–101186 and subnumbers thereunder which authorize the transportation of general commodities, with the usual exceptions, over a network of regular routes in IA, MO, WI, IL, and TN, and specified commodities over irregular routes in IA, IL, IN, MN, MO, NE, ND, SD, and WI. Kysor presently controls Blue Arrow, Inc., of Grand Rapids, MI, a motor common carrier authorized to conduct operations pursuant to Certificate No. MC–2990 and subnumbers thereunder which authorize the transportation of general commodities, with the usual exceptions, primarily over regular routes in MI, IL, and IN.

MC–F–14647, filed June 4, 1981. Pacific Motor Trucking Company (PMT) (1766 El Camino Real, Burlingame, CA)—MERGER—Southern Pacific Transport Company of Texas and Louisiana (SPTT&L) (1766 El Camino Real, Burlingame, CA) and Southwestern Transportation Company (SWT) (1766 El Camino Real, Burlingame, CA). Applicants seek authority under 49 U.S.C. 11343 to merge the properties and operating rights of PMT, SPTT&L and SWT. PMT will be the surviving corporation. All three corporations are presently under common control of Southern Pacific Transportation Company, a rail common carrier. Common control of the three motor carriers by Southern Pacific was approved by the Commission in *Southern Pacific Company—Control St. Louis Southwestern Railway,* 180 I.C.C. 175 (1932). PMT is a motor common carrier in interstate and foreign commerce, pursuant to Certificate No. MC–78786 and subnumbers and Permit No. 78787 and subnumbers. PMT transports general commodities over regular routes which generally parallel the lines of the Southern Pacific in the States of Oregon, Nevada, California, Arizona, and New Mexico. In another proceeding, PMT has applied for authority to control Louis Heller, Incorporated, which has a contract carrier application pending before the Commission in Docket No. MC–152491. SPTT&L is a motor common carrier in interstate and foreign commerce, pursuant to Certificate No. MC–30319 and subnumbers. SPTT&L transports general commodities over regular routes which generally parallel the rail line of Southern Pacific in between El Paso, New Orleans, Dallas-Fort Worth, and various other Texas and Louisiana points. SWT is authorized to transport general commodities in interstate and foreign commerce pursuant to Certificate No. MC–59488 and subnumbers. SWT routes generally parallel the routes of St. Louis Southwestern Railway Company, a rail common carrier subsidiary of Southern Pacific. SWT's present operations extend from Chicago, IL; Kansas City, KS; St. Louis, MO; Indianapolis, IN; Cleveland, OH; and Pittsburgh, PA on the north, to Memphis, TN; Louisville, KY; and Shreveport, LA on the east, and Dallas-Fort Worth and Waco, TX on the west.

Note.—No application for temporary authority has been filed.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–19817 Filed 7–6–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register.** One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–133

The following applications were filed in region I. Send Protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 156468 (Sub-1–1TA), filed June 19, 1981. Applicant: P.E.T.S. LEASING, INC., 266 Front Street, Winchendon, MA 01475. Representative: Ernest J. Coderre (same as applicant). *New furniture and furniture parts,* from Winchendon, MA to the following states: AL, DE, FL, GA, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, NE, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA, WV, and WI. Supporting Shipper: Sprague Carlton, Box 896, Devon Street, Keene, NH 03431.

MC 156510 (Sub-1–2TA), filed June 17, 1981. Applicant: J. LINE, INC., Gibson Hill Road, Green, RI 02827. Representative: Howard L. Feldman, 506 Industrial Bank Bldg., Providence, RI 02903. *Contract carrier:* irregular routes: *Machines, machine parts and related equipment,* from Pawtucket, RI to points in the US (except AK and HI) under continuing contract(s) with Cumberland Engineering of Pawtucket, RI. Supporting shipper: Cumberland Engineering, P.O. Box 6065, Providence, RI 02940.

MC 153167 (Sub-1–2TA), filed June 18, 1981. Applicant: ANGELICA ENTERPRISES, INC., Park Circle, Angelica, NY 14709. Representative: Robert D. Gunderman, Can-Am Building, 101 Niagara Street, Buffalo, NY 14202. *Contract carrier:* irregular routes: *Dairy products, and machinery, equipment, materials, and supplies used in the processing, production, packaging, and distribution of dairy products,* between points in Allegany County, NY, on the one hand, and, on the other, points in IL, MI, MN, OH, and WI, under continuing contract(s) with Friendship Dairies, Inc. of Friendship, NY. Supporting Shipper: Friendship Dairies, Inc., County Route 20, Friendship, NY 14739.

MC 156574 (Sub-1–1TA), filed June 17, 1981. Applicant: LAOBAN LINES, INC., 571 West Lake Avenue, Bay Head, NJ 08743. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Boats, boat parts, supplies, equipment and materials used in the manufacturing, transportation or distribution of boats and boat parts, except in bulk* between points in the U.S. except HI. Supporting shipper(s): Marine Trading International, Foot of West Lake Ave., Bay Head, NJ 08742 and Miller Yacht Sales, Inc., P.O. Box 1232, Pt. Pleasant Beach, NJ 08752.

MC 144906 (Sub-1–2TA), filed June 17, 1981. Applicant: NORTH OPERATING COMPANY, 39 Little Brook Road, Springfield, NJ 07081. Representative: Roy A. Jacobs, Esq., 550 Mamaroneck Avenue, Harrison, NY 10528. *Contract carrier:* irregular routes: *Paper (other than newsprint),* between Cohoes, NY, on the one hand, and on the other, points in NJ and NY under a continuing contract(s) with Mohawk Paper Mills, Inc., of Cohoes, NY. Supporting shipper: Mohawk Paper Mills, Inc., Route 32, Cohoes, NY.

MC 151583 (Sub-1–2TA), filed June 19, 1981. Applicant: UTF CARRIERS, INC., Benson Road, Middlebury, CT 06749. Representative: William O. Keenan, 7 Corporate Park Drive, White Plains, NY 10604. *Contract carrier:* irregular routes: *Tires* between points in the U.S. under continuing contract(s) with Delta Tire Corp., Houston, TX. Supporting shipper: Delta Tire Corp., 2222 Polymer Drive, Chattanooga, TN 37421.

MC 156384 (Sub-1–1TA), filed June 8, 1981. Applicant: TRANSPO, INC., 49 Miry Brook Rd., Danbury CT 06810. Representative: Sidney J. Leshin, 575 Madison Ave., New York, NY 10022. *Passengers in special operations,* beginning and ending in Danbury, CT and extending to office and plant facilities in White Plains and the Towns of Rye & Harrison, NY. Supporting shipper(s): There are 15 statements in support attached to this application which may be examined at the ICC Regional Office in Boston, MA.

MC 145302 (Sub-1–1TA), filed June 22, 1981. Applicant: GULF STATES CORPORATION, P.O. Box 7598, Trenton, NJ 08628. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. *Soda ash* from Solvay (Syracuse area), NY to Millville, NJ. Supporting shipper: Kerr Glass Manufacturing Corporation, P.O. Box 97, Sandy Springs, OK 74063.

MC 147915 (Sub-1–2TA), filed June 23, 1981. Applicant: RUSSO MOTOR EXPRESS, INC., Keim Boulevard and Bridge Plaza, Commerce Square, Burlington, NJ 08016. Representative: Robert R. Harris, 1730 M Street N.W., Suite 501, Washington, DC 20036. *Household cleaning products, cleaning agents, and materials, equipment and supplies used in the manufacture and distribution of these commodities, except commodities in bulk,* between Paterson, Hackensack, and South Kearny, NJ, on the one hand, and, on the other, points in AL, AR, CA, CT, FL, GA, MA, IL, IA, NY, RI, TX, IN, KS, KY, LA, ME, MD, MN, MS, NH, NE, NC, OH, OK, PA, SC, TN, VT, VA, WV and WI. Supporting shipper: Purex Corporation, 1414 Radcliff Street, Bristol, PA 19007.

MC 148408 (Sub-1–2TA), filed June 22, 1981. Applicant: SPEED MOTOR EXPRESS OF WESTERN NEW YORK, INC., 11 Botsford Place, Buffalo, NY 14216. Representative: William J. Hirsch P. C., 1125 Convention Tower, 43 Court Street, Buffalo, NY 14202. *Newsprint* from ports of entry on the International Boundary line between the US and CD, located on the Niagara River, to Olean, NY. Supporting shipper: Olean Times Herald, 639 Norton Drive, Olean, NY 14760.

MC 145460 (Sub-1–1TA), filed June 22, 1981. Applicant: WALSH TRUCKING CO., INC., 2820 16th Street, North Bergen, NJ 07047. Representative: Richard Rueda, Esq., 135 North 4th Street, Philadelphia, PA 19106. *Such commodities as are dealt in or used by retail department stores* between stores and facilities of Abraham & Straus in NY and NJ, on the one hand, and, on the other, points in the State of PA, under continuing contract(s) with Abraham & Straus, New York, NY. Supporting shipper: Abraham & Straus, Fulton Street at Hoyt, Brooklyn, NY 11201.

MC 146463 (Sub-1–1TA), filed June 19, 1981. Applicant: SLACK TRANSPORT LIMITED, Box 579, Caledonia, Ontario, CD NOA 1AO. Representative: William J. Hirsch P.C., 1125 Convention Tower, 43 Court Street, Buffalo, NY 14202. *Lumber and wood products;* between all points in IA, IL, KY, MO, NC, SC, and WV. Supporting shipper(s): Marks Lumber Limited, P.O. Box 1341, Brantford, Ontario, CD N3T 5T6: Kawartha Wood Products Ltd., 4630 Dufferin Street, Suite 311, Downsview, Ontario, CD.

Republication

MC 156014 (Sub-1–1TA), filed May 18, 1981. Applicant: HOPE EXPRESS CO., INC., 20 Spring Hill Drive, Johnston, RI 02919. Representative: Joseph F. Penza, Jr., 1000 Smith Street, Providence, RI 02908. *Merchandise dealt in by department stores* between RI, on the one hand, and, on the other, points in

CT, MA, MD, NJ, NY, and PA. Supporting shipper: Ann & Hope, One Mill Street, Cumberland, RI 02864.

MC 147738 (Sub-1-2-TA), filed June 19 1981. Applicant: FALCON EXPRESS FORWARDERS, INC., 8 Lawrence Street, Belleville, NJ 07109. Representative: Thomas F. X. Foley, Esq., P.O. Box F, Colts Neck NJ 07722. *Contract carrier:* irregular routes; *Copper, brass, bronze and aluminum articles and materials and supplies used in the manufacture thereof,* between Port Huron, MI, Fulton, MS and Little Falls, NJ, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, IL, IN, KY, LA, MA, MD, ME, MI, MS, NC, NH, NJ, NY, OH, PA, TN, VA, VT, WI, and WV under continuing contract(s) with Mueller Brass Co. of Port Huron, MI. Supporting shipper: Mueller Brass Company, 1925 LaPeer Avenue, Port Huron, MI 48060.

MC 143044 (Sub-1-2-TA), filed June 22, 1981. Applicant: EQUIPMENT EXPRESS LIMITED, 8105 Woodbine Avenue, Markham, Ontario, CD L3R 2P1. Representative: H. M. McNamara (same as applicant). *Architectural Prescast Concrete panels* from the CD/US boundaries at Lewiston, Niagara Falls and Buffalo, NY to Springfield, MA. Supporting shipper: Artex Precast Limited, 523 Bowes Road, Concord, Ontario, CD.

MC 30690 (Sub-1-2TA), filed June 23, 1981. Applicant: BORNSTEIN & FISHER, INC., d.b.a. BORNSTEIN & FISHER, 1 East Street, East, Cambridge, MA 02141. Representative: Hughan R. H. Smith, 26 Kenwood Place, Lawrence, MA 01841. *New furniture* between points in MA, NH and CT. Supporting shipper: Bornstein & Fisher, Inc., East Street, Cambridge, MA 02141.

The following applications were filed in region 2: Send protests to: ICC, Federal Reserve Bank Building, 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 138297 (Sub-II-2TA), filed June 17, 1981. Applicant: CENTRAL FLORIDA COACH LINES, INC., P.O. Box 127, Mountaintop, PA 18707. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. *Passengers and their baggage in the same vehicles with passengers,* between Lima, OH, Lexington, KY, Hazleton, PA and Fredericksburg, VA, on the one hand, and, on the other, Sanford and Cocoa Beach, FL, for 180 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): There is no supporting shipper's statement attached to this application. Applicant submitted a verified statement.

MC 156689 (Sub-II-1TA), filed June 22, 1981. Applicant: EH, INC., 1064 Kauffman Ave., Fairborn, OH 45324. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. *Liquid PCB's, contaminated materials and articles and PCB contaminated waste,* between Emelle and Theodore, AL; El Dorado, AR; Williamsburg, OH; and Deer Park, TX, on the one hand, and, on the other, points in the U.S. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Power Testing, Inc., 1064 Kauffman Ave., Fairborn, OH 45324.

MC 140889 (Sub-II-17TA), filed June 17, 1981. Applicant: FIVE STAR TRUCKING, INC., 4720 Beidler Rd., Willoughby, OH 44094. Representative: Ignatius B. Trombetta, 1220 Williamson Bldg., Cleveland, OH 44114. Types of service: *Contract, irregular: chemical and related products and rubber and plastic products* between the facilities of B. F. Goodrich Co. located in Lorain and Summit Counties, OH; Jefferson County, KY; Jefferson County, TX; Los Angeles County, CA; and St. James and Iberville Parishes, LA, on the one hand, and, on the other, to points in CA, OR, AZ and TX under a continuing contract(s) with B. F. Goodrich Co. of Cleveland, OH. An underlying ETA seeks 120 days authority. Shipper: B. F. Goodrich Co., 6100 Oaktree Blvd., Cleveland, OH 44131.

MC 64281 (Sub-II-16TA), filed June 16, 1981. Applicant: KLOSE BROTHERS, INC., 5240 Comly Street, Philadelphia, PA 19135. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. *Contract;* irregular; *Furniture and furnishings, and equipment, materials and supplies used in the production and distribution thereof* between Pennsauken, NJ on the one hand, and, on the other, points in CT, DE, DC, MD, NJ, NY, PA and VA, under continuing contract(s) with Honorbilt Products, Inc. of Pennsauken, NJ for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Honorbilt Products, Inc., 400 Griffith-Morgan Lane, Pennsauken, NJ 08110.

MC 115703 (Sub-II-12TA), filed June 17, 1981. Applicant: KREITZ MOTOR EXPRESS, INC., P.O. Box 6331, Wyomissing, PA 19610. Representative: Bernard L. Quaglia (same as applicant). *Machinery, Material Handling Equipment, Office Equipment and Beryllium-Copper Products* between the facilities of Cabot Corporation at or near Elkhart County, IN, on the one hand, and, on the other, points in IL, IN, MI and PA for 270 days. An underlying ETA seeks 180 days authority. Supporting shipper(s): Cabot Berylco, Div. of Cabot Corp., P.O. Box 1296, Reading, PA 19603.

MC 133015 (Sub-II-1TA), filed June 19, 1981. Applicant: LYNCH BUS LEASING SERVICE, INC., d.b.a. LYNCH BUS SERVICE, R. D. 1, Box 82A, Carbondale, PA 18407. Representative: Paul J. Kenworthy, P.O. Box 25, Clarks Summit, PA 18411. *Passengers and their baggage, in the same vehicle with passengers, in charter and special operations,* beginning and ending at points in Lackawanna and Susquehanna Counties, PA, and extending to points in the U.S. (including AK and excluding HI). An underlying ETA seeks 120 days authority. Supporting shipper(s): There are ten supporting shippers' statements attached to this application which may be examined at the Phila. Regional office.

MC 156690 (Sub-II-1TA), filed June 22, 1981. Applicant: PIEDMONT, INC., 2706 Bartol Ave., Baltimore, MD 21209. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Baby furniture, materials, supplies, and equipment used in the manufacture thereof,* between Hallam, PA, on the one hand, and, on the other, points in and East of WI, IL, KY, TN, and MS, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Port-A-Crib, Inc., 5 Broad St., Hallam, PA 17406.

MC 150339 (Sub-2-40TA), filed June 22, 1981. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Stephen J. Hammer (same as applicant). *Contract; irregular: Plastic articles,* from Reading, PA, and Indianapolis, IN, to points in AL, AR, CT, FL, GA, IL, IN, KY, MA, MD, MI, MS, MO, NJ, NY, NC, OH, PA, RI, SC, TN, VA, WV, and WI, under continuing contract(s) with W. R. Grace & Company, Reading, PA for 270 days. Supporting shipper(s): W. R. Grace & Company, P.O. Box 295, Reading, PA 19603.

MC 150339 (Sub-2-41TA), filed June 22, 1981. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Stephen J. Hammer (same as applicant). *Contract; irregular: Food and related products,* from Allegheny County, PA, to points in the U.S. under continuing contract(s) with Mallet & Co., Inc., Carnegie, PA for 270 days. An underlyiing ETA seeks 120 days authority. Supporting shipper(s) Mallet & Co., Inc., Box 474, Carnegie, PA 15106.

MC 141898 (Sub-II-2TA), filed June 22, 1981. Applicant: ROBERTS EXPRESS, INC., P.O. Box 7162, Akron, OH 44306. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212.

General commodities, (except class A and B explosives), moving in express service, between points in OH, and MI, on the one hand, and, on the other, points in CT, DE, GA, IL, IN, KY, MD, MA, MI, NJ, NY, NC, OH, OK, PA, SC, TN, VA, WV and WI for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): There are 16 supporting shippers. Their statements may be examined at the ICC Regional Office, Philadelphia, PA.

MC127100 (Sub-II-3TA) filed June 25, 1981. Applicant: B & B MOTOR LINES, INC., 911 Summit St., Toledo, OH 43604. Representative: Charles K. Boxell, First Federal Plaza, 711 Adams St., Toledo, OH 43624. Contract, irregular: *Malt (beer and ale) beverages in containers,* from Memphis, TN to Defiance, OH, under a continuing contract with Defiance Beverage Co., Toledo, OH, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Defiance Beverage Co., 911 Summit St., Toledo, OH 43604.

MC 146148 (Sub-II-4TA), filed June 23, 1981. Applicant: B-RIGHT TRUCKING CO., 7087 West Blvd., Suite 8, Youngstown, OH 44512. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. *Metal products,* between the facilities used by Pacesetter Steel Service, Inc. at Fairfield, AL; Marietta, GA; E. Chicago, IN; Ashland, KY and Martins Ferry and Middletown, OH, on the one hand, and, on the other, points in the U.S., under continuing contracts with Pacesetter Steel Service, Inc. of Marietta, GA, for 270 days. Supporting shipper: Pacesetter Steel Service, Inc., Post Office Box 6865, Marietta, GA 30065.

MC 138438 (Sub-II-34TA), filed June 23, 1981. Applicant: D. M. BOWMAN, INC., Rt. 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Metal products* between Chambersburg, PA and Trenton, TN and their respective commercial zones, on the one hand, and, on the other, points in the United States, for 270 days. Supporting shipper: T. B. Woods Sons Company, 440 N. 5th Ave., Chambersburg, PA 17201.

MC 149230 (Sub-II-7TA), filed June 25, 1981. Applicant: BRAMCO TRANSPORT, INC., 5800 Lewis Rd., Sandston, VA 23150. Representative: Paul D. Collins, 7761 Lakeforest Dr., Richmond, VA 23235. Contract, irregular: *(1) Meat, meat products, meat by-products, and articles distributed by meat packing houses, and groceries; (2) paper and paper articles, bakery goods, building materials and supplies and foodstuffs,* between Richmond, VA, and pts. in Henrico & Chesterfield Counties, VA, on the one hand, and, on the other, pts. in CO, CT, DE, FL, IL, IN, IA, KY, KS, MA, MD, MI, MO, MS, ME, NE, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX & DC, for 270 days. Under continuing contracts with Richfoods, Inc., Mechanicsville, VA and Old Dominion Warehouse & Distribution, Inc., Richmond, VA. Restricted to traffic originating at or destined to the fac. of shippers. An underlying ETA seeks 120 days authority. Supporting shippers: Richfoods, Inc., Mechanicsville, VA; Old Dominion Warehouse & Dist. Inc., Richmond, VA.

MC 151439 (Sub-II-2TA), filed June 25, 1981. Applicant: DONALD E. BUSSERT, Route No. 2, Amanda, OH 43102. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212. (1) *Malt beverages,* from Memphis, TN and Winston-Salem, NC to Athens and Ross Counties, OH. (2) *Glass and metal containers, pallets and packaging materials,* on return for 270 days. An underlying ETA seeks — days authority. Supporting shipper(s): Kerr Wholesale Co., Kerr Beverage Co., Kerr Distributing Co., Inc., Athens, OH 45701.

MC 150183 (Sub-II-4TA), filed June 23, 1981. Applicant: CASSCO REFRIGERATED TRANSPORT, Div. of Cassco Corp., P.O. Box 548, Harrisonburg, VA 22801. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. *Foodstuffs, and materials and supplies used in the manufacture and distribution of foodstuffs (except in bulk),* from the facilities of Golden West Foods, Inc. at or near Bedford, VA to pts. in AR, FL, GA, IL, IN, KY, KS, MI, MN, NC, OH, TX and WI, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Golden West Foods, Inc., McCormick & Co., P.O. Box 334, Bedford, VA 24523.

MC 61445 (Sub-II-4TA), filed June 23, 1981. Applicant: CONTRACTORS TRANSPORT CORP., 5800 Farrington Ave., Alexandria, VA 22304. Representative: Daniel B. Johnson, 4304 East-West Highway, Washington, DC 20014. *Contractors' equipment, materials, and supplies and iron and steel articles* between pts in the U.S. in an east of TX, OK, MO, IA, and MN for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Interstate Steel Supply Co., 1800 Byberry Rd., Phila., PA 19116.

MC 155637 (Sub-II-2TA), filed June 22, 1981. Applicant: DAVID STEIN, d.b.a. DISTRIBUTION SERVICES, INC., Armstrong Terminal, 1st St. and 7th Ave., Huntington, WV 25704. Representative: David Stein, 2002 Weberwood Rd., Charleston, WV 25314. Contract, irregular: *Cleaning compounds, prepared foods, food supplements, sales aides, literature and personal care products,* between Pittsburgh, PA and pts. in WV, on the one hand, and, on the other, pts. in OH and KY, for 270 days. An underlying ETA seeks 120 days authority. Applicant intends to interline at Huntington, WV. Under continuing contract with Shaklee Corp., Oakland, CA. Supporting shipper: Shaklee Corp., 456 22nd St., Oakland, CA 94612.

MC 154513 (Sub-II-2TA), filed June 23, 1981. Applicant: EAGLE LINES, INC., 1523 Maryland Ave., Bluefield, WV 24701. Representative: Robert B. Walker, 915 Pennsylvania Bldg., 425 13th Street, N.W., Washington, DC 20004. *Malt beverages* from Fostoria, OH, Winston-Salem, NC and Newport, KY, to Beckley, Bluefield, and Welch, WV, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Mercer Wholesale Co., Inc., P.O. Box 2371, Bluefield, WV 24701.

MC 151807 (Sub-II-4TA), filed June 23, 1981. Applicant: FWC, INCORPORATED, Route 2, Box 123, Rustburg, VA 24588. Representative: J. Johnson Eller, Jr., 513 Main Street, Altavista, VA 24517. *Furniture and fixtures* between Pulaski County, VA on the one hand, and, on the other, points in NC, SC, GA, AL, TN and MS for 270 days. Supporting shipper: Coleman Furniture Corp., P.O. Box 908 Pulaski, VA 24301.

MC 140159 (Sub-II-8TA), filed June 25, 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 Derry, PA to Martinsburg, WV. Supporting shipper: D & F Coal Co., 8 North Plaza, Indiana, PA 15701.

MC 113666 (Sub-II-17TA), filed June 25, 1981. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Rd., P.O. Drawer A, Freeport, PA 16229. Representative: R. Scott Mahood (same as applicant). *Ammonium nitrate, in bulk,* from pts. in PA to pts. in PA, OH, MD, WV, VA, KY and TN for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Hercules Inc., 814 Commerce Dr., Oak Brook, IL 60521.

MC 150939 (Sub-II-21TA), filed June 23, 1981. Applicant: GEMINI TRUCKING, INC., 1533 Broad St., Greensburg, PA 15601. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219. *Contract: irregular:*

Corrugated storage boxes and corrugated furniture and equipment, materials and supplies used in the manufacture and distribution thereof between facilities of Corrugated Concepts Ltd., Inc. at or near Trenton, NJ, on the one hand, and, on the other, points in the US. under continuing contract(s) with Corrugated Concepts Ltd., Inc., Trenton, NJ for 270 days. An underlying ETA seeks authority for 120 days. Supporting shipper: Corrugated Concepts Ltd., Inc., 657 Clinton Ave., Trenton, NJ 08611.

MC 140649 (Sub-II–1TA), filed June 23, 1981. Applicant: GREENLAWN TRANSIT LINES, INC., 1400 E. Fifth Ave., Columbus, OH 43219. Representative: Gerald P. Wadkowski, 85 E. Gay St., Columbus, OH 43215. *Passengers and their baggage, in the same vehicle, in special and charter operations,* beginning and ending at pts. in OH and extending to pts. in IN, MI, TN and OK, for 180 days. Supporting shipper: There are 6 supporting shippers. Their statements may be examined at the ICC Reg. Ofc., Phila., PA.

MC 143210 (Sub-II–4TA), filed June 23, 1981. Applicant: W. C. HALL GENERAL HAULING, INC., P.O. Box 102, Callao, VA 22435. Representative: Paul D. Collins, 7761 Lakeforest Dr., Richmond, VA 23235. *Building materials and supplies, lumber, treated lumber, pallets, skids, boxes, crating, chips, shavings, saw dust, furniture and chair parts and related forest products,* between pts. in Va on the one hand, and, on the other, pts. in CT, DE, GA, ME, MD, MA, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VA, WV and DC, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Potomac Supply Corp., Kinsale, VA; Wood Preservers, Inc., Warsaw, VA; Forest Products Sales, Inc., Ashland, VA; F & K Lumber Corp., Callao, VA.

MC 143210 (Sub-II–5TA), filed June 25, 1981. Applicant: W. C. HALL GENERAL HAULING, INC., P.O. Box 102, Callao, VA 22435. Representative: Paul D. Collins, 7761 Lakeforest Dr., Richmond, VA 23235. *Canned goods, canned and frozen vegetable and fruit juices, canned and processed seafood and seafood products, and materials, supplies and equipment used in the manufacture, sale and distribution of the products named herein,* between pts. in Glouchester, Lancaster, Middlesex, Northumberland, Richmond and Westmoreland Counties, VA, on the one hand, and, on the other, pts. in AL, CT, DE, FL, GA, ME, MD, MA, NH, NJ, NY, NC, OH, PA, SC, TN, VT, WV, and DC, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): H.H. Perry Canning Co., Inc., Montross, VA 22520; Lake Packing Co., Inc., Lottsburg, VA 22511.

MC 73533 (Sub-II–8TA), filed June 23, 1981. Applicant: KEY WAY TRANSPORT, INC., 820 S. Oldham St., Baltimore, MD 21224. Representative: William F. Lamperelli (same as applicant). Contract, irregular: *Alcoholic beverages (except commodities in bulk),* from pts. in Louisville, KY to the facility of Frederick P. Winter, Ltd., Baltimore (Woodlawn), MD, under continuing contract with Frederick P. Winner, Ltd., Baltimore, MD, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Frederick P. Winner, Ltd., 1807 Whitehead Rd., Balt., MD 21207.

MC 147906 (Sub-II–8TA), filed June 23, 1981. Applicant: KOHN TRANSPORT, INC., 4840 Southway, SW., Canton, OH 44706. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *Alcoholic beverages and alcoholic beverage containers (except commodities in bulk)* between Memphis, TN, including pts in its Commercial Zone, on the one hand, and, on the other, pts in OH for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Taylor Beverage Co., 2510 Allen SE., Canton, OH 44707; Superior Beverage Co., 785 W. Rayen Ave., Youngstown, OH 44501; The Bissman Co., 175 N. Main St., Mansfield, OH 44901; The Bellas Co., 2670 Commercial Ave., Mingo Junction, OH.

MC 156748 (Sub-II–1TA), filed June 23, 1981. Applicant: L & D LEASING, 1500 Edison St. NE., Hartville, OH 44632. Representative: Darlene F. Young (same as applicant). *Contract; irregular: Flour and grain products* from Kent, OH to Edison and Franklin Lakes, NJ; Pittsburgh, Allison Park, Rimersburg, Cheswick, and Conneauville, PA; Silver Creek, and Buffalo, NY; Indianapolis, IN; Chicago, IL; Richmond, and Norfolk, VA; for 270 days under continuing contract(s) with The Williams Bros. Co. Supporting shipper(s): The Williams Bros. Co., 162 N Water St., Kent, OH 44240.

MC 136343 (Sub-II–22TA), filed June 23, 1981. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, PA 17108. *Chemicals and related products* from Williamsport, PA, to pts. in the US in and east of MN, IL, MO, AR, and LA for 270 days. Supporting shipper: Glyco, Inc., Box 700, Greenwich, CT 06830.

MC 150339 (Sub-II–42TA), filed June 23, 1981. Applicant: POINEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Stephen J. Hammer (same as applicant). *Contract; irregular: General commodities, except household goods as defined by the Commission and Classes A & B explosives,* between Northbrook, IL, Woburn, MA, Atlanta, GA, and Columbia, SC, on the one hand, and on the other, points in the United States, under continuing contract(s) with Superior Plastics, Inc., 1660 Old Deerfield Road, Highland Park, IL 60035 for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Superior Plastics, Inc., 1660 Old Deerfield Road, Highland Park, IL 60035.

MC 156646 (Sub-II–1TA), filed June 23, 1981. Applicant: ED ROACH TRUCKING COMPANY, INC., Star Route, Ironton, OH 45638. Representative: Owen B. Katzman, 1828 L Street, N.W., Suite 1111, Washington, DC 20036. Contract-irregular: *Gasoline,* (1) from Ironton and Sciotoville, OH to points in KY and WV, and (2) from Catlettsburg, KY, to points in OH and WV, under a continuing contract with Rich Terminal Co., for 270 days. Supporting shipper: Rich Terminal Company, P.O. Box 105, 620 So. Front Street, Ironton, OH 45638.

MC 147549 (Sub-II–1TA), filed June 23, 1981. Applicant: ROADAIR LEASING, INC., 3999 Erie Ave., Cincinnati, OH 45208. Representative: David Earl Tinker, 1000 Connecticut Ave., N.W., Suite 1112, Washington, DC 20036. *Contract; irregular: (1) products used in the production of aluminum and steel, and (2) related materials, equipment, and supplies,* between points in the U.S. under continuing contract(s) with Consolidated Ceramic Products, Inc., and its subsidiaries, of Blanchester, OH, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Consolidated Ceramic Products, Inc., 838 Cherry St., Blanchester, OH 45107.

MC 2202 (Sub-II–27TA), filed June 25, 1981. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Contract, irregular: *General commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment).* Between Lake Charles, LA, Bayport and Houston, TX and points in their commercial zones, on the one hand, and, on the other, Pennsauken, NJ and points in its commercial zone, under contract

or contracts with Hercules Inc., Wilmington, DE, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Hercules, Inc., 910 Market St., Wilmington, DE 19899.

MC 2202 (Sub-II–28TA), filed June 25, 1981. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Contract, irregular: *General commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)*: Between Deer Park and Houston, TX and points in their commercial zones on the one hand, and, on the other, Pennsauken, NJ and points in its commercial zone, under contract or contracts with Lextar, Wilmington, DE, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Lextar, 910 Market Street, Wilmington, DE 19899.

MC 15666 (Sub-II–1TA), filed June 23, 1981. Applicant: DANNY SMITH TRUCKING, INC., Rt. 1, Box 87, Ironton, OH 45638. Representative: Owen B. Katzman, 1828 L Street, N.W., Suite 1111, Washington, DC 20036. Contract-irregular: *Gasoline*, (1) from Ironton and Sciotoville, OH to points in KY and WV, and (2) from Catlettsburg, KY, to points in OH and WV, under a continuing contract with Rich Terminal Co., for 270 days. Supporting shipper: Rich Terminal Company, P.O. Box 105, 620 So. Front Street, Ironton, OH 45638.

MC 156771 (Sub-II–1TA), filed June 25, 1981. Applicant: TRI-STATE MOTOR TRANSPORT, INC., 830 Oakcreek Dr., Dayton, OH 45429. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. *General commodities, except classes A & B explosives*, between pts. in Hamilton, Champaign, Darke, Montgomery, Clermont, Warren, Clinton, Bulter & Greene Counties, OH; Largo, FL; and Chicago, IL, on the one hand, and, on the other, pts. in the U.S., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: There are 7 supporting shippers. Their statements may be examined at the ICC Reg. Ofc., Phila., PA.

MC 136511 (Sub-II–9TA), filed June 25, 1981. Applicant: VIRGINIA APPALACHIAN LUMBER CORPORATION, 9640 Timberlake Road, Lynchburg, VA 24502. Representative: J. Johnson Eller, Jr., 513 Main St., Altavista, VA 24517. *General Commodities (except Classes A and B explosives)* between points in the U.S. restricted to the transportation of traffic originating at or destined to the facilities of Brunswick Corp., Skokie, IL, for 270 days. Supporting shipper: Brunswick Corp., One Brunswick Plaza, Skokie, Ill. 60077.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 155916 (Sub-3–3TA), filed June 22, 1981. Applicant: ARDMORE FARMS, INC., Post Office Box 183, De Land, FL 32720. Representative: William P. Jackson, Jr., Post Office Box 1240, Arlington, VA 22210. *Food and related products (except in bulk)*, between points in the U.S. Restricted to the transportation of traffic originating at or destined to the facilities of Beaver Street Fisheries, Inc., or its suppliers. Supporting shipper: Beaver Street Fisheries, Inc., Post office Box 41430, Jacksonville, FL 32203.

MC 156496 (Sub-3–1TA), filed June 22, 1981. Applicant: GERALD ESSARY, d.b.a. ESSARY TRANSPORTS, Route 7, Box 138, Corinth, MS 38834. Representative: John Davidson, Box 1456, 111 Highway 72 West, Corinth, MS 38834. *Contract* Irregular: *Gasoline, Diesel Fuel and Petroleum Products* between MS, TN, AR, and MO restricted to the account of Area Petroleum Company, Inc. Supporting shipper: Area Petroleum Company, Inc., Highway 45 South, Box 327, Corinth, MS 38834.

MC 155337 (Sub-3–4TA), filed June 22, 1981. Applicant: KENNESAW TRANSPORTATION, INC., 115 Dixie Drive, Woodstock, GA 30188. Representative: C. W. Patrick (same address as applicant). *Aquariums, Aquarium Accessories, Juvenile Furniture and Play Ground Equipment* between the facilities of O'Dell Manufacturing Inc. Cherokee County, GA and points in the U.S. (except AK and HI). Supporting shipper: O'Dell Manufacturing Inc., P.O. Box 1169, Univeter Rd., Canton, GA 30114.

MC 143061 (Sub-3–7TA), filed June 22, 1981. Applicant: ELECTRIC TRANSPORT, INC., P.O. Box 528, Eden, NC 27288. Representative: Archie W. Andrews (same as applicant). *Contract carrier;* irregular routes: *General Commodities (except classes A and B explosives)* between points in the U.S. (except AK and HI). Supporting shipper: Acme Fast Freight, Inc., 2110 Alhambra Avenue, Los Angeles, CA 90031.

MC 106902 (Sub-3–1TA), filed June 24, 1981. Applicant: LYNN MOVING & STORAGE, INC., 497 Dillehay Street, Danville, KY 40422. Representative: Mark C. Ellison, Suite 329, 300 Interstate N. Parkway, Atlanta, GA 30339. *Household Goods* between points in AL, DC, FL, GA, IL, IN, KY, LA, MD, MI, MO, MS, NC, NY, OH, PA, SC, TN, VA, WV, WI. Supporting shippers: EADS Brokerage, 350 West Fifth Street, San Pedro, CA 90731 and National Carloading Corp. 300 Interstate North Pkwy., Atlanta, GA 30339.

MC 155337 (Sub-3–6TA), filed June 24, 1981. Applicant: KENNESAW TRANSPORTATION, INC., 115 Dixie Drive, Woodstock, GA 30188. Representative: C. W. Patrick (same address as applicant). *Food and Kindred Products including Bread and Bakery Products* between the facilities of Brocks Country Home Bakerys, Atlanta, GA on the one hand, and, on the other, all points in the Continental U.S. (except AK and HI). Supporting shipper: Brocks Country Home Bakers, 720 Stewart Ave., Atlanta, GA 30316.

MC 2900 (Sub-3–31TA), filed June 24, 1981. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same address as applicant). *Contract Carrier:* Irregular: *General Commodities* between IL and IN on the one hand, and, on the other, Denver, CO, and points east of CO, MT, NM, and WY, under continuing contract(s) with Lever Brothers Company. Supporting shipper: Lever Brothers Company, 390 Park Avenue, New York, NY 10022.

MC 141143 (Sub-3–1TA), filed June 26, 1981. Applicant: WATKINS TRANSFER, INC., 116 Druid Street, P.O. Box 6219, Jacksonville, FL 32205. Representative: George W. Watkins, Jr. (same address as applicant). *Paper products and materials, equipment and supplies used in manufacturing and sale of paper products.* Between Jacksonville, FL and points in GA. Supporting shipper: Sonoco Products Company, P.O. Box 160, Hartsville, SC 29550.

MC 145956 (Sub-3–3TA), filed June 26, 1981. Applicant: TRANSMEDIC CARRIERS, INC., 1340 Indian Rocks Road, Belleair, FL 33516. Representative: Paul Meilleur, 1340 Indian Rocks Road, Belleair, FL 33516. *Blood, Derivatives of Blood, Plasma, Medical and Dental Products, and materials, equipment and supplies used in connection therewith*, between points in the United States (except AK and HI) restricted to shipments originating at or destined to the facilities of Automated Medical Laboratories, Inc. Supporting shipper: Automated Medical Laboratories, Inc., 8405 NW 53rd St., Miami, FL 33166.

MC 146601 (Sub-3–1TA), filed June 24, 1981. Applicant: POTEAT MOTOR

LINES, INC., P.O. Box 2030, Hickory, NC 28601. Representative: Robert D. Hoagland, Esq., 1204 Cameron Brown Building, 301 S. McDowell Street, Charlotte, NC 28204. *Textiles and textile products and equipment, materials, and supplies used in the manufacture and distribution of textiles* between points in the states of AL, CT, DE, FL, GA, LA, MA, MD, MS, NJ, NY, NC, PA, RI SC, TN, VA, WV, and the town of Manchester, NH. There are ten (10) supporting shippers' statements attached to this Application, which may be examined at the ICC Regional Office in Atlanta, Georgia.

MC 151880 (Sub-3–1TA), filed June 24, 1981. Applicant: K&K TRUCKING, INC., 806 Cullum St., Carthage, TN 37030. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004. *Common:* Regular: *General Commodities (except classes A&B Explosives)* between Carthage, TN and Gainesboro, TN, (a) from Carthage over TN Hwy 85 to Gainesboro and return, (b) from Carthage over U.S. Hwy 70N to Junction TN Hwy 53 at Chestnut Mound, thence over TN Hwy 53 to Gainesboro, between Carthage and Dixon Springs, from Carthage over TN Hwy 25 to Dixon Springs and return. Serving all intermediate points. Supporting shipper(s): C. C. Williams & Son of difficult, TN, Route 1, Difficult, TN 37030 and Jones Variety of Gainesboro, TN, Public Square, P.O. Box 237, Gainesboro, TN 38562.

Note.—Applicant intends to tack with its present regular route authority in MC 151880. Restricted to traffic having a prior or subsequent movement in interstate or foreign commerce.

MC 151453 (Sub-3–2TA), filed June 24, 1981. Applicant: Herman O. Albritton, Route 2, Box 219, Butler, Georgia 31006. Representative: Herman O. Albritton (same address as applicant). *Contract Carrier:* Irregular Routes: *Flourescent or H.I.D. lighting fixtures and/or parts,* from Americus, Georgia, and Eufaula, AL to AL, AZ, AR, CA, CO, CT, DE, FL, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WI, WV, and WY. Supporting shipper: Gibson-Metalux Corporation, P.O. Box 1207, Americus, GA 31709.

MC 155337 (Sub-3–5TA), filed June 24, 1981. Applicant: KENNESAW TRANSPORTATION, INC., 115 Dixie Drive, Woodstock, GA 30188. Representative: C. W. Patrick (same address as applicant). *Alcoholic beverages* between the facilities of National Distributing Company, Atlanta, GA and points in the U.S. (except AK and HI). Supporting shipper: National Distributing Company, 1 National Drive, NW, Atlanta, GA 30336.

MC 148423 (Sub-3–10TA), filed June 24, 1981. Applicant: AVANT TRUCKING COMPANY, INC., P.O. Box 216, Gray, GA 31032. Representative: Archie B. Culbreth, John P. Tucker, Jr., Suite 202, 2200 Century Parkway, Atlanta, GA 30345. (1) *Water and sewer pipe, electrical conduit, hydrants and valves,* (2) *parts and accessories used in the construction, operation, repair, servicing, maintenance and dismantling of water and sewer pipe and electrical conduit,* and (3) *materials, equipment and supplies except commodities in bulk, used in the manufacture of commodities in (1) and (2) above,* between points in Bibb County, GA, on the one hand, and, on the other, points in the U.S. in and east of WI, IL, MO, AR and TX. Supporting shipper: DYKA–U.S.A., Inc., P.O. Box 10246, Macon, GA 31297.

MC 134105 (Sub-3–23TA), filed June 24, 1981. Applicant: CELERYVALE TRANSPORT, INC., 3420 New Cummings Road, Chattanooga, TN 37419. Representative: James E. Elgin (same address as applicant). *General Commodities (except Class A and B explosives, commodities in bulk, in tank vehicles),* between the facilities of W. R. Grace & Co., Dewey and Almy Division, on the one hand, and on the other, points in the U.S. (except AK and HI). Supporting shipper, W. R. Grace & Co., 5225 Phillip Lee Drive, Atlanta, GA 30336.

MC 156780 (Sub-3–1TA), filed June 26, 1981. Applicant: FLORIDA WELL SERVICE, INC., Highway 29 North, Felda, FL 33930. Representative: Frank J. Hathaway, 7615 Biscayne Boulevard, Miami, FL 33138. *Machinery, materials, supplies and equipment incidental to, or used in, the construction, development, operation and maintenance of facilities for the discovery, development and production of natural gas and petroleum,* between points in FL, LA, MS and TX. Supporting shipper: Sun Production Company, P.O. Box 368, Ft. Myers, FL 33902.

MC 134105 (Sub-3–24TA), filed June 25, 1981. Applicant: CELERYVALE TRANSPORT, INC., 3420 New Cummings Road, Chattanooga, TN 37419. Representative: James E. Elgin (same address as applicant). *Articles dealt in and sold by food distribution centers, grocery store chains, fast food outlets and discount stores* between the commercial zone of Kansas City, MO on the one hand, and on the other, points in the U.S. (except AK and HI). Supporting shipper: Commercial Distribution Center Inc., P.O. Box 477, Independence, MO 64051.

The following applications were filed in region 4. Send protests to: INTERSTATE COMMERCE COMMISSION, Compliant and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 29886 (Sub-4–11TA), filed June 19, 1981. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4314—39th Ave., Kenosha, WI 53142. Representative: Carl G. Van Dyke (same address as applicant). *Machinery and materials, equipment and supplies used in the manufacture of machinery* between Chicago, IL, on the one hand, and on the other points in TX, OK and LA. Supporting shipper: American SMT-Pullmax, Inc., 1550 Carmen Drive, Elk Grove, IL 60007.

MC 128235 (Sub-4–2TA), filed June 23, 1981. Applicant: AL JOHNSON TRUCKING, INC., 1516 Marshall NE, Minneapolis, Minnesota 55413. Representative: Earl Hacking, 1700 New Brighton Blvd., Minneapolis, Minnesota 55413. *Malt Beverages* from Schlitz Brewing Co. brewery in Memphis, TN to Minneapolis and St. Cloud, MN. Support shipper: Mark VII Sales, Inc., Minnepolis, Minn.; Rubald Beverages Co., St. Cloud MN. 56301.

MC 147879 (Sub-4–1TA), filed June 23, 1981. Applicant: MURRAY & SONS TRANSPORTATION, INC., 212 North Jefferson St., Cuba City, WI 53807. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. *Contract* irregular *Water softener salt* from Chicago, IL to Monore, WI, under continuing contract(s) with Rain Barrel Water Conditioning, Inc., Monroe, WI. Underlying ETA seeks 120 days authority. Supporting shipper: Rain Barrel Water Conditioning, Inc., 906 17th Avenue, Monroe, WI 53566.

MC 147879 (Sub-4–1TA), filed June 23, 1981. Applicant: MURRAY & SONS TRANSPORTATION, INC., 212 North Jefferson St., Cuba City, WI 53807. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. *Contract irregular Feed ingredients, agricultural chemicals and related products and fertilizer* from points in IA and IL to Monroe, WI, under continuing contract(s) with Ken's Agri-Service, Inc., Monroe, WI, for 270 days. Underlying ETA seeks 120 days authority. Supporting shipper: Ken's Agri-Service, Inc., 1311 13th Avenue, Monroe, WI 53566.

MC 150281 (Sub-4–7TA), filed June 18, 1981. Applicant: BANGOR PUNTA TRANSPORTATION, INC., West

Michigan St., Topeka, IN 46571. Representative: Chandler L. van Orman, Wheeler & Wheeler, 1729 H Street, NW., Washington, D.C. 20006. *Contract;* irregular: *Seating, seating components and parts thereof, equipment and material used in the manufacture, transportation, or distribution of seating, and seating components and parts thereof,* between points in the U.S. (excluding HI) under a continuing contract(s), with Goshen Cushion, Inc. ETA seeking 120 day authority has been filed. Supporting shipper Goshen Cushion, Inc., 1010 Eisenhower Dr., Goshen, IN 46526.

MC 153829 (Sub-4–25TA), filed June 23, 1981. Applicant: UNITED SHIPPING COMPANY, P.O. Box 21186, St. Paul, MN 55121. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102. *Flour,* from the facilities of Conagra, Inc. located at or near Oakland, CA, Great Falls, MT, Fergus Falls and Minneapolis, MN, Fremont and Omaha, NE, Chester, IL, Decatur, AL, Macon, GA, Tampa, FL, Sherman, TX, Martins Creek, Treichlers, Red Lion and York, PA and San Juan, PR, to points in the U.S. Supporting shipper: Conagra, Inc., 200 Kiewit Plaza, Omaha, NE 68131.

MC 156088 (Sub-4–2TA), filed June 18, 1981. Applicant: R & S TRUCK LEASING INC., 1651 Walker Rd., Muskegon, MI 49442. Representative: D. Richard Black, Jr., 7610 Cottonwood Dr., P.O. Box 294, Jenison, MI 49428. *Contract,* irregular: *General commodities (except household goods as defined by the Commission, hazardous or secret materials and sensitive weapons and munitions)* for the U.S. Government between points in the U.S. under continuing contract for Cadillac Products. Supporting shipper: Cadillac Products, 4000 U.S. 23 South, Rogers City, MI 49779.

MC 156088 (Sub-4–3TA), filed June 18, 1981. Applicant: R & S TRUCK LEASING INC., 1651 Walker Rd., Muskegon, MI 49442. Representative: D. Richard Black, Jr., 7610 Cottonwood Dr., P.O. Box 294, Jenison, MI 49428. *Contract,* irregular: *Petroleum, Natural Gas and Their Products* between points in U.S., under continuing contract with American Grease Stick. Supporting shipper: American Grease Stick, 2651 Hoyt, Muskegon, MI 49443.

MC 156502 (Sub-4–1TA), filed June 22, 1981. Applicant: McGREGOR CARTAGE CO., INC., 6845 Dix, Detroit, MI 48209. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167. *General commodities (except Classes A and B explosives)* between Wayne County, MI, on the one hand, and, on the other, points in MI East and South of Hillsdale, Calhoun, Eaton, Clinton, Gratiot, Isabella, Gladwin, and Arenac Counties, MI. Supporting shippers: Tootsie Roll Industries, Inc., 7401 S. Cicero Ave., Chicago, IL 60629; Standard Brands, Inc., 7001 S. Harlem Ave., Chicago, IL 60638; Wm. Wrigley Jr. Co., 410 N. Michigan Ave., Chicago, IL 60611.

MC 156678 (Sub-4–1TA), filed June 22, 1981. Applicant: NORTH CENTRAL TRUCKING CORP., Baronett, WI 54813. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Edina, MN 55424. *Metal products,* between points in Barron County, WI, on the one hand, and, on the other, points in MT, ND, SD, MN, IA, IL, and IN. Supporting shipper: Baker Welding, Box 625, Cumberland, WI 54829.

MC 156685 (Sub-4–1TA), filed June 22, 1981. Applicant: BRUNK CORP., d.b.a G & R TRANSPORT, 803 Logan St., Goshen, IN 46526. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204. *Petroleum products,* from Niles, MI to points in IN on and North of U.S. Hwy 52. An underlying ETA seeks 120 days authority. Supporting shipper: M.D.K. Corporation, d.b.a. Abshire Oil Co., 415 New Street, Goshen, IN 46526.

MC 156707 (Sub-4–1TA), filed June 22, 1981. Applicant: MWK TRANSPORT CO., INC., 5401 West Donges Bay Rd., Mequon, WI 53092. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. *Contract;* irregular: *Such commodities as are distributed by, dealt in, or used by wholesale or retail sporting goods and toy, craft, and hobby stores, and materials, equipment and supplies used or useful in the sale or distribution of such commodities,* between points in the U.S. (except AK and HI), under a continuing contract(s) with M. W. Kasch Company, Milwaukee, WI for 270 days. Underlying ETA seeks 120 days authority. Supporting shipper: M. W. Kasch Company, P.O. Box 2040, Milwaukee, WI 53201.

MC 156728 (Sub-4–1TA), filed June 23, 1981. Applicant: JOHN J. HERBST, d.b.a. J & R TRANSPORT, Box 195, 125 North 3rd St., Dickeyville, WI 53808. Representative: Carl E. Munson, 469 Fischer Bldg., P.O. Box 796, Dubuque, IA 52001. *Fertilizer,* from points in Jo Daviess County, IL, Cedar, Clinton and Dubuque Counties, IA, to points in WI. Supporting shipper: Hinderman Bros., Inc., Box 327, Dickeyville, WI 53808.

MC 15975 (Sub-4–23TA), filed June 24, 1981. Applicant: BUSKE LINES, INC., 123 W. Tyler Ave. Litchfield, IL 62056. Representative: Howard H. Buske (Same address as applicant). *Alcoholic Beverages,* between Bardstown, KY, on the one hand, and, on the other, points in the U.S. Supporting shipper: Heaven Hill Distilleries, Inc., P.O. Box 280, Bardstown KY 40004.

MC 65781 (Sub-4–2TA), filed June 25, 1981. Applicant: BARRETT MOVING & STORAGE, INC., 7100 Washington Ave. South, Eden Prairie, MN 55344. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 South 8th St., Minneapolis, MN 55402. *Plastic containers and pumps and caps for plastic containers,* from Los Angeles, CA to Chaska, MN. An underlying ETA seeks 120 days authority. Supporting shipper: Minnetonka, Inc., Johnathon Industrial Park, Chaska, MN 55318.

MC 69901 (Sub-4TA), filed June 24, 1981. Applicant: COURIER-NEWSOM EXPRESS, INC., P.O. Box 270, Columbus, IN 47201. Representative: Edward G. Bazelon, 39 South La Salle St., Chicago, IL 60603. *General commodities* (except classes A and B explosives), serving all points in IN, as intermediate or off-route points in connection with applicant's existing regular-route authority. The application is supported by 21 shippers.

MC 76993 (Sub-4–4TA), filed June 25, 1981. Applicant: EXPRESS FREIGHT LINES, INC., 4924 South 13th Street Milwaukee WI 53221. Representative: Thomas H. Kritner (same address as applicant.) *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 all points in the states of IL, IN, MI, MN, OH and WI. An underlying ETA was filed on May 29, 1981 with the Commission. Supporting Shippers: (1) Wheelhorse Products, Inc., 515 West Ireland Rd, South Bend, IN 46614. (2) Missouri Pacific Railroad Company, 210 North 13th St., St. Louis, MO 63103

MC 87966 (Sub-4–6TA), filed June 24, 1981. Applicant: ELEVELD CHICAGO FURNITURE SERVICE, INC., 9630 South 76th Court, Hickory Hills, IL 60457. Representative: Richard V. Merrill, P.O. Box 4403 Chicago, IL 60680. *Restaruant furniture, fixtures and equipment* from Columbus, OH to points in and East of OH, KY, TN and MS. Supporting shipper: N. Wasserstrom & Sons, Inc., 2300 Lockbourne Rd., Columbus, OH 43207.

MC 123751 (Sub-4–9TA), filed June 26, 1981. Applicant: HAROLD F. DUSHEK, INC., 10th and Columbia St., Waupaca, WI 54981. Representative: James A. Speigel, Attorney, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719. *Common;* irregular; *fertilizer and*

fertilizer ingredients, in bulk, in tank vehicles, from Winona, MN, to points in in Portage, Wood, Waushara, and Waupaca Counties, WI. Supporting shipper: Pavelski Enterprises, Inc., Box 56, Amherst Junction, WI 54407.

MC 116805 (Sub-4-1), filed June 18, 1981. Applicant: REFINERS TRANSPORT, INC., 7921 Castleway Dr., P.O. Box 50854, Indianapolis, IN 46250. Representative: Warren C. Moberly, Harrison & Moberly, 777 Chamber of Commerce Building, 320 North Meridian St., Indianapolis, IN 46204. *Gasoline and liquid fuel oils*, between Lawrenceville, IL, on the one hand, and on the other, to points in IN. Supporting shipper: Standard Oil Company, division of Amoco Oil Company, 200 East Randolph Drive—Mail Code 1404, Chicago, IL 60601.

MC 118838 (Sub-4-11TA), filed June 24, 1981. Applicant: GABOR TRUCKING, INC., Rural Route #4, Detroit Lakes, MN 56501. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 South 8th St., Minneapolis, MN 55402. (1) *Salt and salt products*, (2) *dehydrated molasses*, (3) *Wallstonite* and (4) *materials, equipment and supplies used in the manufacturing and the distribution of the commodities in (1), (2) and (3) above;* between points in the U.S. under a continuing contract(s) with Processed Minerals, Inc., of Hutchinson, KS. Supporting shipper: Processed Minerals, Inc., First National Center, Hutchinson, KS 67501.

MC 126276 (Sub-4-13TA), filed June 23, 1981. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Rd., Brookfield, IL 60513. Representative: Albert A. Andrin, 180 North La Salle St., Chicago, IL 60601. *Contract*, irregular: *General commodities*, (except Classes A and B explosives), between points in IN, on the one hand, and points in IL, IN, KY, AL, MS, TX and LA, on the other, for the account of Belden Corporation. Supporting shipper: Belden Corporation, 2000 South Batavia Ave., Geneva, IL 60134.

MC 126853 (Sub-4-1TA), filed June 25, 1981. Applicant: PRINCL TRANSFER LINES, INC., Mishicot, WI 54228. Representative: Frank M. Coyne, 25 West Main St., Madison, WI 53703. *Refined Motor Oil*, in bulk, from Whiting, IN to Rhinelander, WI. Supporting shipper: Kriesel Oil Company, Inc., Rhinelander, WI 54501.

MC 135185 (Sub-4-8TA), filed June 24, 1981. Applicant: COLUMBINE CARRIERS, INC., P.O.B. 66, South Bend, IN 46624. Representative: Charles J. Kimball, 1600 Sherman St. #665, Denver, CO 80203. *Contract*, Irregular: *Malt beverages and materials, equipment and supplies used in the manufacture and distribution thereof*, between the facilities of Pabst Brewing Company, Premier Malt Products and Industrial Products Division, Inc., at or near Milwaukee, WI; Pabst, GA; Newark, NJ; and Peoria, IL, on the one hand, and, on the other, points in and east of TX, OK, KS, NE, IA and MN, under continuing contracts with Pabst Brewing Company, Premier Malt Products and Industrial Products Division, Inc., for 270 days. An underlying ETA was granted for 120 days. Supporting shipper: Pabst Brewing Company, Premier Malt Products and Industrial Products Division, Inc., 917 West Juneau Avenue, Milwaukee, WI 53201.

MC 135530 (Sub-4-1TA), filed June 24, 1981. Applicant: LAKE CENTER INDUSTRIES TRANSPORTATION, INC., 5676 Industrial Park Rd., Winona, MN 55987. Representative: John G. Grote (same address as applicant). *Contract*—irregular *Metal products* between Brookfield, WI on the one hand, and on the other, points in the U.S. Restricted to traffic moving under continuing contract with Pegg Metals, Inc. Supporting shipper: Pegg Metals, Inc., 20625 Enterprise Ave., Brookfield, WI 53005.

MC 139994 (Sub-4-2TA), filed June 22, 1981. Applicant: JIM & BOB STENCEL d.b.a. STENCEL TRUCKING, Box 321, Minnesota Lake, MN 56068. Representative: William J. Gambucci, Hovland & Gambucci, 525 Lumber Exchange Bldg., Ten South Fifth St., Minneapolis, MN 55402. *Such commodities as are dealt in by printers and binders of printed matter*, between the facilities of World Color Press, on the one hand, and, on the other, points in the U.S. Supporting shipper: World Color Press, Box 1248, Effingham, IL 62401.

MC 141459 (Sub-4-5TA), filed June 25, 1981. Applicant: A G S ENTERPRISES, INC., 809 Columbia Blvd., Litchfield, IL 62056 Representative: Michael R. Solomon (same address as applicant). *General commodities (except Classes A & B explosives and commodities in bulk)* between points in the U.S. under contract(s) with United Freight, Inc. of Morrow, Georgia. Supporting shipper: United Freight, Inc., 1260 Southern Road, Morrow, GA 30260.

MC 142888 (Sub-4-6TA), filed June 25, 1981. Applicant: COX TRANSFER, INC., P.O. Box 168, Eureka, IL 61530. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. *Contract*, irregular: *Soft drinks*, (1) from Warrenton, MO to Bloomington, IL and (2) from Decatur, IL to points in IA. Restricted to traffic moving under continuing contract with (1) Irvin Bros. Inc. and (2) Decatur Bottling Company. Supporting shippers: (1) Irvin Bros. Inc., P.O. Box 1030, 1036 Greenwood Ave., Bloomington, IL 61701 and (2) Decatur Bottling Company, P.O. Box 910, 2112 N. Brush College Rd., Decatur, IL 62525.

MC 143126 (Sub-4-1TA), filed June 24, 1981. Applicant: J. J. ZAYTI TRUCKING, INC., 47500 W. Eight Mile Road, Northville, MI 48167. Representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. *Contract:* irregular; *Scrap materials and molten metal* between the facilities of Fritz Enterprises, Inc. in MI, on the one hand, and points in OH, IN and IL on the other. Supporting shipper: Fritz Enterprises, Inc., 23580 Pennsylvania, Taylor, MI 48180.

MC 145601 (Sub-4-1TA), filed June 23, 1981. Applicant: MORGAN COUNTY TRUCKING, INC., 1059 S. Grant St., Martinsville, IN 46151. Representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, IN 46204. *Contract:* Irregular; General Commodities (except Class A & B Explosives), between points in the U.S., under continuing contracts with Zayre Corp., Worth, IL. Supporting shipper: Zayre Corp., 11535 S. Central Ave., Worth, IL 60482.

MC 146636 (Sub-4-3TA), filed June 24, 1981. Applicant: J. K. SMITH, P. SMITH AND M. R. SMITH, d.b.a. SMITH TRUCKING, Route 1, Box 43, Round Lake, MN 56167. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. *Food and related products and pulp, paper or allied products*, between points in WI on the one hand, and, on the other, points in the U.S. Supporting shipper: Tobiason Central, 680 East Fond du Lac, P.O. Box 67, Ripon, WI 54971.

MC 146681 (Sub-4-2TA), filed June 25, 1981. Applicant: DUTCH MILL TRUCKING, INC., Route 1, Sparta, WI 54656. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. *Common:* irregular; (1) *Fabricated structural steel* from LaCrosse, WI to points in IL, IA, MI, MN, MT, NE, ND, SD, and WY; and (2) *iron and steel and iron and steel articles* from IL, OH and PA to LaCrosse, WI, for 270 days. Supporting shipper: Ted Mannstedt & Son, Inc., 1722 Miller St., LaCrosse, WI 54601.

MC 147879 (Sub-4-3TA), filed June 24, 1981. Applicant: MURRAY & SONS TRANSPORTATION, INC., 212 North Jefferson St., Cuba City, WI 53807. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. *Contract:* irregular; Rough iron and steel

castings from Browntown, WI to points in AR, CO, KS, NC and TX under continuing contract(s) with Iroquois Foundry Company, Browntown, WI, for 270 days. Underlying ETA seeks 120 days authority. Supporting shipper: Iroquois Foundry Company, P.O. Box 98, Browntown, WI 53522.

MC 150746 (Sub-4–18TA), filed June 23, 1981. Applicant: DFC TRANSPORTATION COMPANY, 12007 Smith Drive, P.O. Box 929, Huntley, IL 60142. Representative: Edward G. Bazelon, 39 South LaSalle St., Chicago, IL 60603. *Cat Litter and Oil Absorbents* between Mounds, IL, on the one hand, and, on the other, all points in the U.S. Supporting shipper: Absorbent Clay Products, Inc., 200 North Main, Anna, IL 62906.

MC 151482 (Sub-4–7TA), filed June 24, 1981. Applicant: ROCK VALLEY CONTRACT CARRIERS, INC., 3571 Merchandise Dr., Rockford, IL 61109. Representative: DAVID M. O'BOYLE, 2310 Grant Bldg., Pittsburgh, PA 15219. *Contract, irregular:* (1) *Water purifying equipment and related accessories, and equipment, materials and supplies used in the manufacture and distribution thereof,* between Freeport, IL, on the one hand, and, on the other, points in U.S. (except AL and HI), under continuing contract(s) with Mechanical International, Inc. of Freeport, IL; (2) *Welding materials and equipment and supplies used in the sale and distribution of welds,* between points in GA, IL, NJ, OH, and PA on the one hand, and, on the other, points in the U.S. (except AL and HI), under continuing contract(s) with Orgotherm, Inc. of Chicago, IL for 270 days. Supporting shipper: Mechanical International, Inc., Rt. 20 East, Freeport, IL; Orogtherm, Inc., c/o Chemetron-Railway Products, Inc., 111 E. Wacker Dr., Chicago, IL.

MC 152141 (Sub-4–3TA), filed June 24, 1981. Applicant: YOUNG TRANSPORTATION, INC., 2526 North Western Ave., Plymouth, IN. 46563. Representative: Frederick W. Smart, Suite 202, 1301 W. 22nd St., Oak Brook, IL 60521. *Contract:* irregular: *Malt or non-intoxicating Cereal Beverages, Empty Beverage Containers (returned) and related advertising mailer* from Twin Cities, MN, Milwaukee, WI, Peoria, IL, Newport, KY, Columbus, OH, and Detroit, MI, to points and places in the State of IN under continuing contract(s) with Tri County Beverage, Plymouth, IN. Supporting shipper: Tri-County Beverage, 720 W. Jefferson St., Plymouth IN 46563.

MC 152441 (Sub-4–6TA), filed June 26, 1981. Applicant: WILSON LEASING, INC., P.O. Box 6946, 2014 14th St. Northwest, Rochester, MN 55901. Representative: Grant J. Merritt, Esq., 4444 IDS Center, Minneapolis, MN 55402. *Concrete products* from, to or between Dakota County, MN, on the one hand, and, on the other, portage County, WI, for 270 days. Supporting shipper: North Star Group, 6055 150th St. West, County Road 42, Apple Valley, MN 55124.

MC 153756 (Sub-4–3TA), filed June 23, 1981. Applicant: JAMES R. MURPHY, d.b.a. JAMCO, Highway 34 and Reed St., Sheffield, IL 61361. Representative: Carl E. Munson, 469 Fischer Building, P.O. Box 796, Dubuque, IA 52001. *Hazardous waste, in containers,* from points in IN and MI to points in Cook County, IL. Supporting shipper: Western Electric, 3800 Golf Road, Rolling Meadows, IL 60008.

MC 155448 (Sub-4–2TA), filed June 25, 1981. Applicant: R. M. TRANSPORT, INC., 619 East Sumner St., Hartford, WI 53027. Representative: William P. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203. *Contract;* irregular; *Liquid asphalt, in bulk,* from Dubuque, IA, and Whiting, IN, to points in WI. Supporting shipper: B. R. Amon & Sons, Inc., Route 3, P.O. Box 37, Elkhorn, WI 53121.

MC 156069 (Sub-4–3TA), filed June 24, 1981. Applicant: TRANSITALL SERVICES, INC., Two North Riverside Plaza, Suite 1402, Chicago, IL 60606. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603. Contract: *General commodities (except Classes A & B explosives),* between points in the U.S. under continuing contracts with American Container Express, Inc. of Chicago, IL. Supporting shipper: American Container Express, Inc., Two North Riverside Plaza, Suite 1402, Chicago, IL 60606.

MC 156133 (Sub-4–3), filed June 26, 1981. Applicant: TRI STATE TIRE & RUBBER, INC., d.b.a. TANDEM TRANSPORT, 322 U.S. Highway 20 W, Michigan City, IN 46360. Representative: Law Office, James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. *Lumber, particleboard and plywood,* from Gaylord, MI to points in IL, IN, KY, NJ, NY, OH, PA and WI. Supporting shipper: Champion International Corporation, Hamilton, OH 45020.

MC 156645 (Sub-4–1TA), filed June 19, 1981. Applicant: FLEET CARRIERS, INC., 880 Lee Street, Des Plaines, IL 60016. Representative: William D. Brejcha, Ten South LaSalle St. No. 1600, Chicago, IL 60603. *contract;* Irregular; *General commodities* (except Classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and commodities which because of size and weight require special equipment or handling) between points in the U.S. under continuing contracts with Teletype Corporation of Skokie, IL and Pallet Devices, Inc. of Des Plaines, IL. Supporting shippers: Teletype Corporation, 5555 W. Touhy Ave., Skokie, IL 60077 & Pallet Devices, Inc., 1192 Oakwood, Des Plaines, IL 60018.

MC 156705 (Sub-4–1TA), filed June 22, 1981. Applicant: ROYALE AMERICAN MOTOR LINE, INC., 5580 W. 96th St., Indianapolis, IN 46268. Representative: Betty J. Lawson, Pres. (same address as above). *Contract,* irregular: *Paper Bags, NOI and all materials and supplies used in the manufacture of paper bags* between all points in the U.S. (except AK and HI). Supporting shipper: Samson-Midamerica, Inc., 8111 Zionsville Rd., Indianapolis, IN 46268.

MC 156706 (Sub-4–1TA), filed June 22, 1981. Applicant: BRUCE A. BEETER, Rural Route 1, Box 20A, Norwich, ND 58768. Representative: Kent L. Johnson, Box 638, 212 South Broadway, Minot, ND 58701. *Contract* irregular: *Concrete, concrete products and steel products* from Duluth and Minneapolis, MN to points in ND. Supporting shipper: North Dakota Concrete Products, Inc., Box 815, Bismark, ND 58502.

MC 156763 (Sub-4–1TA), filed June 23, 1981. Applicant: FOX RIVER TRUCKING, INC., 4942 Elm Island Circle, Waterford, WI 53185. Representative: Richard A. Kerwin, 180 North La Salle St., Chicago, IL 60601. *Contract* irregular: *Paper, paper products, and printed matter* Between Fredonia and Milwaukee, WI, on the one hand, and, on the other, points in the states of IL, IN, MN, MI, IA and OH. An underlying ETA seeks 120 days authority. Supporting shipper: Moebius Printing Co., Inc., 300 North Jefferson St., Milwaukee, WI 53202.

MC 156769 (Sub-4–1), filed June 22, 1981. Applicant: HARE CARTAGE, INC., 7400 E. McNichols, Detroit, MI 48234. Representative: Alex J. Miller, 555 S. Woodward, Suite 512, Birmingham, MI 48011. *Automobile parts, and zinc articles* from Saline, MI to Detroit, MI. Supporting shipper: Norris Industries, Inc. Automotive Trim Division, Ypsilanti, MI 48107.

MC 156777 (Sub-4–1TA), filed June 26, 1981. Applicant: DAVID A. MACHAU, d.b.a. MINNESOTA VALLEY TRANSPORT, P.O. Box 148, Courtland, MN 56021. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Ten South Fifth St., Minneapolis, MN 55402. *Contract;* irregular: *general*

commodities between points in the U.S. for the account of Minnesota Valley Forest Products, Courtland, MN. Supporting shipper: Minnesota Valley Forest Products, Inc., Box 35, Courtland, MN 56021.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 22509 (Sub-5-10TA), filed June 23, 1981. Applicant: MISSOURI-NEBRASKA EXPRESS, INC., 5310 St. Joseph Ave., St. Joseph, MO 64505. Representative: Harry Ross, 58 South Main Street, Winchester, Ky. 40391. *Such commodities as are dealt in or used by manufacturers of plastic bathroom fixtures and accessories* from points in Madison and Morgan Counties, AL to points in CO, KS, NE and WY. Supporting shipper: Owens-Corning Fiberglas Corporation, Fiberglas Tower, Toledo, Ohio 43659.

MC 61440 (Sub-5-13TA), filed June 23, 1981. Applicant: LEE WAY MOTOR FREIGHT, INC., 3401 N.W. 63rd Street, Oklahoma City, OK 73116. Representative: Richard H. Champlin, P.O. Box 12750, Oklahoma City, OK 73157. *General Commodities (except Classes A & B explosives)* between all points in the US (except AK and HI) under continuing contract(s) with Texaco U.S.A., a Division of Texaco, Inc., Houston, TX.

MC 96992 (Sub-5-7TA), filed June 23, 1981. Applicant: HIGHWAY PIPELINE TRUCKING CO., P.O. Box 1517, Edinburg, TX 78539. Representative: Kenneth R. Hoffman, P.O. Box 2165, Austin, TX 78768. *Liquefied petroleum gas* from points in Mont Belvieu, TX to Ardmore, OK and from Delhi, LA to El Dorado, AR. Supporting shipper: United LP Gas Marketers, Dallas, TX.

MC 107064 (Sub-5-6TA), filed June 23, 1981. Applicant: STEERE TANK LINES, INC., P.O. Box 220998, Dallas, TX 75222. Representative: Hugh T. Matthews, 555 Griffin Square, Ste. 850, Dallas, TX 75202. *Petroleum products*, in bulk, from La Junta, CO to points in NM. Supporting shipper: Kolb Oil Co., P.O. Box 1071, Raton, NM 87740.

MC 112822 (Sub-5-7TA), filed June 24, 1981. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, OK 74023. Representative: Brian Fitzgerald (same address as applicant). *Metal Products*, between Enid, OK and points in the U.S. Supporting shipper: Chesterfield Cylinder Company, U.S. 64 & Raleigh St., Enid, OK 73701.

MC 114274 (Sub-5-15TA), filed June 23, 1981. Applicant: VITALIS TRUCK LINES, INC., P.O. Box 1703, Des Moines, IA 50306. Representative: William H. Towle, 180 North LaSalle St. Suite 3520, Chicago, Illinois 60601. *Dairy products* from Fremont, WI to Augusta, ME. Supporting shipper: Swift Independent Packing Co., 115 West Jackson Boulevard, Chicago, IL 60604.

MC 129808 (Sub-5-2TA), filed June 23, 1981. Applicant: GRAND ISLAND CONTRACT CARRIER, INC., P.O. Box 2078, Grand Island, NE 68801. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. Contract, irregular: *Lumber and wood products*, between the facilities utilized by AIFP Trading Group, on the one hand, and, on the other, pts in the U.S. Supporting shipper: AIFP Trading Group, 10490 S.W. Eastridge Street, Portland, OR 97225.

MC 133805 (Sub-5-41TA), filed June 23, 1981. Applicant: LONE STAR CARRIERS, INC., Route 1, Box 48, Tolar, Texas 76476. Representative: Gerald Ragle, 12301 West Freeway, Fort Worth, Texas 76116. *(1) Building materials (2) chemicals and related products* between points in the United States (except AK and HI). Supporting shipper's: Tri-Angle Chemicals, Inc., P.O. Box 668, Bridge City, Texas 77611; Big Train Carpets, 2005 Ave. I, Bay City, Texas 77414; Roux/Deluxol, 6831 Stuart Ave., Jacksonville, Florida 32205.

MC 135691 (Sub-5-23TA), filed June 24, 1981. Applicant: DALLAS CARRIERS CORP., P.O. Box 38528, Dallas, TX 75238. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103. *Sweetener, dry and liquid, except in bulk*, from facilities of Finn-Cal Sweetner Co. at or near Savanna, IL, to points in the US. Supporting shipper: Finn-Cal Sweetener Co., P.O. Box 488, Thompson, IL 62185.

MC 136246 (Sub-5-1TA), filed June 23, 1981. Applicant: GEORGE BROS., INC., P.O. Box 492, Sutton, NE 68979. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. *Farm buildings and related products* from Alma, NE to pts in MO, IA, IL, IN, SD, KS, CO, OK, TX, MN and WI. Supporting shipper: Nebkan, Inc., P.O. Box "R", Alma, NE 68920.

MC 146078 (Sub-5-26TA), filed June 23, 1981. Applicant: CAL-ARK, INC., P.O. Box 610, Malvern, AR 72104. Representative: John C. Everett, 140 E. Bachanan, P.O. Box A, Prairie Grove, AR 72753 *Electric equipment and materials, equipment, and supplies utilized in the manufacture of electronic equipment* between all points and places in AL, AR, CA, CO, GA, IL, IN, KS, KY, LA, MS, ME, MO, OK, TN, TX, WA, WI, MI, and PA. Supporting shipper: Zenith Radio Corporation, 1900 N. Austin Avenue, Chicago, IL 60639.

MC 150088 (Sub-5-14TA), filed June 23, 1981. Applicant: STERLING TRANSPORT DIVISION, INC., 2005 South Great Southwest Parkway, Grand Prairie, Texas 75051. Representative: Robert K. Frisch, Brown & Walker, 2711 Valley View Lane, Suite 101, Dallas, Texas 75234. *Malt beverages, and empty cartons and containers* between points in Tarrant County, TX on the one hand and points in AR on the other hand. Supporting shipper: Eastern Distributing Co., Inc., P.O. Box 26, Newport, Arkansas 72112.

MC 151819 (Sub-5-14TA), filed June 23, 1981. Applicant: CARGO MASTER, INC., 917 S. Harwood St., Dallas, TX 75201. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. *Charcoal briquets and materials and supplies used in the production and manufacturer of charcoal briquets;* between Cotter and Calico Rock, AR on the one hand, and, on the other, points in the U.S. Supporting shipper(s): Cotter Charcoal Corporation, P.O. Box 100, Cotter, AR 72626.

MC 152807 (Sub-5-2TA), filed June 23, 1981. Applicant: L. R. CONNELL, INC., Route 4, Box 152, Arkadelphia, AR 71923. Representative: Sarah Lea Connell (same as above). Contract Irregular, *General Commodities* between Pulaski and Clark County, AR, on the one hand, and, on the other, points in AR, TX, LA, OK, MO, TN, MS, KS, and IA under continuing contract with Member Supplies, Inc., Little Rock, AR and SiPlast, Inc., Arkadelphia, AR.

MC 155833 (Sub-5-1TA), filed June 24, 1981. Applicant: RICHARD E. GRISWOLD, d.b.a. B & G Trucking, P.O. Box 123 Avoca, IA 51521. Representative: Richarad D. Howe, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Meat and meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates 61 M.C.C. 209 and 766, from Oakland, IA, and Sioux Falls, SD, to Potsdam, NY. Supporting shipper: Pahler Packing Corporation, Canton Potsdam Road, Box 126, Potsdam, NY 13676.

MC 156469 (Sub-5-1TA), filed June 23, 1981. Applicant: J & N TRUCKING, Route 1, Box 12X1, Diboll, TX 79541. Representative: Robert J. Birnbaum, Hightower, Alexander, Cook &

Birnbaum, P.C., 3636 Executive Center Drive, Suite 151, Austin, Texas 78731. *Glues, adhesives and chemicals in bulk in tank vehicles* between Angelina County, TX on the one hand, and, on the other, points in OK, LA, AR, NM, MS, and AL. Supporting shipper: Borden Chemical Division, Borden Chemical, Inc., Dibou, TX; Temple-Eastex, Inc., Temple Division, Diboll, TX.

MC 156628 (Sub-5–1TA), filed June 24, 1981. Applicant: MATERIAL DISTRIBUTION, INC., 14th Floor, Bassett Tower, El Paso, TX 79901. Representative: Henry G. Kreiner (same address as applicant). Contract; Irregular. *Building Materials and Accessories*, Between points in the U.S.-Mexican Boundary Line and point in the U.S., except AK and HI, under a continuing contract with Mexican International Trading Corp., Inc., 303 Texas Ave., El Paso, TX 79901.

MC 156718 (Sub-5–1TA), filed June 23, 1981. Applicant: JOHN SNYDER TRUCKING, INC., R.R. No. 2, Walker, IA 52352. Representative: John G. Snyder, (same address as above). *Full beer bottles, cans and kegs* from Milwaukee, WI and Peoria, IL to Ft. Dodge, IA and (2) *empty beer bottles, cans, and kegs* from Ft. Dodge, IA to Peoria, IL and Milwaukee, WI. Supporting shipper: Blue Ribbon Distributing Co., 605 S. 22nd St., Ft. Dodge, IA.

MC 156720 (Sub-5–1TA), filed June 24, 1981. Applicant: McNEILL TRUCKING CO., INC., P.O. Box 456, Calico Rock, AR 72519. Representative: David E. McNeill (same address as applicant) *Lumber and wood products, and steel banding*, between Baxter, Cleburne, Independence, Izard, and Stone Counties, AR, and Boone, Douglas, and Howell Counties, MO, on the one hand, and, on the other, points in AL, AR, CO, IL, IN, IA, KS, KY, LA, MO, MS, MI, NE, NM, OH, TN, TX, and WI. Supporting shipper: Sentinel Wood Treating, Inc., P.O. Box 376, Calico Rock, AR 72519.

MC 31879 (Sub-5–4TA), filed June 26, 1981. Applicant: EXHIBITORS FILM & DELIVERY SERVICE, INC., 101 West 10th Ave., North Kansas City, MO 64116. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. *Handbags, hosiery, paperbags, footwear and related accessories and materials, equipment and supplies used in the sale and distribution thereof*, between Danville, KY and points in IA, MO, KS, NE, Points in Boone and Carroll Counties, AR; Weld, Adams, Denver, Jefferson, Douglas, El Paso, Fremont, Pueblo, Huerfano, Las Animas, Logan, Sedgwick, Phillips, Morgan, Washington, Yuma, Arapahoe, Elbert, Lincoln, Kit Carson, Cheyenne, Crowley, Kiowa, Otero, Benton, Prowers and Baca Counties, CO; Laramie and Goshen Counties, WY; points in IL within the St. Louis, MO-East St. Louis, IL commercial zone as defined by the Commission and those in Cook, Kane, DuPage, Rock Island and Will Counties, IL, those points in that part of IL bounded on the west by the Mississippi River, and, on the east, north and south by a line beginning at Chester, IL and extending along IL Hwy 150 to junction IL Hwy 154, then along IL Hwy 154 to junction US Hwy 51, then along US Hwy 51 to junction IL Hwy 15, then west along IL Hwy 15 to the junction IL Hwy 127, then north along IL Hwy 127 to junction US Hwy 50, then east along US Hwy 50 to junction US Hwy 51, then north along US Hwy 51 to Decatur, IL, then west along US Hwy 36 to Springfield, IL then along combined US Hwys 36 and 54 to junction US Hwy 36, and then along US Hwy 36 to the Mississippi River, including points on the indicated portions of the highways specified, and those points in that part of NM on and north of a line commencing at the intersection of US Hwy 60 and the NM-TX state line near Texico, NM then west over US Hwy 60 to its intersection with Interstate Hwy 25, thence north over Interstate Hwy 25 to its intersection with NM State Hwy 6, thence northeasterly over NM State Hwy 6 to its intersection with Interstate Hwy 40 and US Hwy 66, thence over Interstate Hwy 40 and US Hwy 66 to the NM-AZ state line. Applicant intends to interline this freight at Danville, KY. Support shipper: Thom McAn Shoe Co., A Division of Melville Corp., 67 Millbrook St., Worcester, MA 01606.

MC 614440 (Sub-5–14TA), filed June 26, 1981. Applicant: LEE WAY MOTOR FREIGHT, INC., 3401 NW. 63rd Street, Oklahoma City, OK 73116. Representative: Richard H. Champlin, P.O. Box 12750, Oklahoma City, OK 731157. *Contract Irregular. General Commodities (except Classes A & B explosives)* between all points in the U.S. (except AK and HI) under continuing contract(s) with Balador Electric Company, Ft. Smith, AR.

MC 62601 (Sub-5–1TA), filed June 26, 1981. Applicant: ALBERT L. RING, ANDREW C. RING, BERNARD J. RING, RONALD J. RING d.b.a. FRANK RICHARD RING, P.O. Box 96, Neola, IA 51559. Representative: James F. Crosby & Assoicates; 7383 Pacific Street, Suite 210B, Omaha, NE 68114. *Food and related products*, between Omaha, NE, on the one hand, and, on the other, points in MN, IA, WI, IL, MI, and IN. Supporting shipper: Cornhusker Packing Co., 4436 Dahlman Ave., Omaha, NE 68107; John Roth & Son, Inc., 5502 So. 43rd, Omaha, NE 68516; and Booth Fisheries Corp., 12960 Renfro Cir., Omaha, NE 68137.

MC 88368 (Sub-5–13TA), filed June 25, 1981. Applicant: CARTWRIGHT VAN LINES, INC., 11901 Cartwright Avenue, Grandview, MO 64030. Representative: C. Max Stewart, 11901 Cartwright Avenue, Grandview, MO 64030. *Industrial Paper Toweling*, from Green Bay, WI to Jamestown, NY and Kansas City, MO. Supporting shipper: American Textile Mills, Inc., 1821 Guinotte, Kansas City, MO 64120.

MC 121517 (Sub-5–10TA) filed June 26, 1981. Applicant: ELLSWORTH MOTOR FREIGHT LINES, INC., 2121 North 161st St. East Ave., Tulsa, OK 74112. Representative: Jerry C. Slaughter (same as above). *Sand* from Tulsa, OK to Dallas County, TX. Supporting shipper: Industrial Sands Co., Sand Springs OK.

MC 121517 (Sub-5–11TA), filed June 26, 1981. Applicant: ELLSWORTH MOTOR FREIGHT LINES, INC., 2120 North 161st East Ave., Tulsa, OK 74112. Representative: Jerry C. Slaughter (same as above). *Sand* from Johnson, Garfield, Woodward, Pittsburg, Canadian and Garvin Counties, OK and Ochiltree County, TX to points in KS, OK, and TX. Supporting shipper: The Western Company, P.O. Box 186, Ft. Worth, TX.

MC 121625 (Sub-5–1TA), filed June 26, 1981. Applicant: ARK CITY EXPRESS, INC., Box 837, Arkansas City, KS 67005. Representative: Charles J. Kimball, 1600 Sherman, #665, Denver, CO 80203. Common, Regular; *General commodities, except Classes A and B explosives and hazardous waste:* (1) Between Wichita, KS and Ashland, KS, serving all intermediate points and off-route points within two miles of the following described routes: from Wichita, KS over U.S. Hwy 81 to Wellington, KS, then over U.S. Hwy 160 to Ashland, KS, and return over the same route; (2) Between Anthony, KS, and the intersection of Kansas Hwys 2 and 14 and U.S. Hwy 160 south of Harper, KS, and return over the same route; (3) Between Arkansas City, KS and Anthony, KS, serving all intermediate points: from Arkansas City, KS over U.S. Hwy 166 to its junction with Kansas Hwy 49, then over Kansas Hwy 49 to its junction with Kansas Hwy 44, then over Kansas Hwy 44 to Anthony, KS and return over the same route. Applicant intends to tack and interline. Supporting shippers: Boyter Tires, Inc., Medecine Lodge, KS; Carr Radio & Electric, Harper KS; Bonham

International, Anthony, KS; Winters Truck Line, Wichita, KS.

MC 135762 (Sub-5-9TA), filed June 26, 1981. Applicant: JOHN H. NEAL, INC., P.O. Box 3877, Fort Smith, AR 72913. Representative: Don A. Smith, P.O. Box 43, Fort Smith, AR 72902. *Contract;* Irregular: *General commodities (except Classes A and B explosives, and household goods as defined by the Commission),* between points in the U.S. (except AK and HI). Under the continuing contract(s) with S. K. Products Corporation, 5355 Bucknell Drive, SW., Atlanta, GA 30378.

MC 138469 (Sub-5-43TA). Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73147. Representative: Mr. Daniel O. Hands, 205 W. Touhy Ave., Suite 200, Park Ridge, IL 60068. *Automotive parts, associated components, equipment, materials and supplies, used in the distribution or manufacturing of automotive parts,* between points in MI on the one hand, and points in TN on the other. Restricted to shipments originating at or destined to the facilities of Chrysler Corporation. Supporting shipper: Chrysler Corporation, 26311 Lawrence Ave., Centerline, MI 48015.

MC 140665 (Sub-5-70TA), filed June 25, 1981. Applicant: PRIME, INC., P.O. Box 4208, Springfield, MO 65804. Representative: Ann Holcombe, P.O. Box 786, Ravenna, OH 44266. *General commodities, (except Classes A and B explosives and hazardous materials),* between the facilities of Gateway Shippers Association, Inc., and/or its members in Ft. Bend, Brazoria, Colorado, Fayette, Calhoun, Austin, Lavaca, Caldwell, Gonzales, Guadalupe, Wilson, Medina, Kendall, Hayes, Bexar, Bastrop and Comal Counties, TX, on the one hand, and, on the other, points in the U.S. Supporting shipper: Gateway Shippers Association Inc., Suite 109, 8546 Broadway, San Antonio, TX 78217.

MC 141021 (Sub-5-1TA), filed June 26, 1981. Applicant: PETROLEUM TRANSPORT CO., INC., P.O. Drawer 1559, Kenner, LA 70063. Representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, LA 70130. *Cement in bags and in bulk, oil field drilling mud in bags and in bulk* from points in LA to points in MS. Supporting shippers: Lone Star Industries, Inc., 14900 Intracostal Drive, New Orleans, LA, B. J. Hughes, P.O. Box 767, Port Allen, LA, A. W. Arnold & Associates, 2161 N. Highway 1, Port Allen, LA.

MC 142956 (Sub-5-1TA), filed June 26, 1981. Applicant: M & S TRUCKING CO., INC., Rural Route I, Meadville, MO 64659. Representative: Donald J. Quinn, Attorney at Law, Commerce Bank Building, Suite 232, 8901 State Line, Kansas City, MO 64114. Contract, irregular *beef carcasses* between points in the United States under continuing contracts with Dubuque Packing Company of Makato, KS.

MC 147362 (Sub-5-2TA), filed June 26, 1981. Applicant: BISHOP MOTOR FREIGHT, INC., Rural Route No. 1, Laclede, MO 64651. Representative: Doyle Bishop, Rural Route No. 1, Laclede, MO 64651. Contract, irregular; *glass-fish acquariums, and materials used in the manufacturing thereof,* between Gardner, KS, on the one hand, and, on the other, points in the U.S. Supporting shipper: Chris Clear, Inc., Gardner, KS.

MC 147969 (Sub-5-6TA), filed June 26, 1981. Applicant: JOE S. BOWEN, INC., P.O. Box 262, Springdale, AR 72764. Representative: John C. Everett, P.O. Box A, Prairie Grove, AR 72753. *Meat and meat by-products* (1) from points in TX to points in MT, UT, MO, NE, MD, PA, CO, MS, and LA, and (2) from points in CO to points in MS and TX. Supporting shipper: Sam Kane Beef Processors, Inc., 9001 Leopard St., Corpus Christi, TX 78409.

MC 148186 (Sub-5-1TA), filed June 26, 1981. Applicant: K. K. & T., INC., 2464 South Scenic, Springfield, MO 65807. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. *Automative filters (except in bulk),* between the facilities of Champion Laboratories, at or near Santa Ana, CA; Albion and West Salem, IL; and York, SC, on the one hand, and, on the other, points in the U.S. Supporting shipper: Champion Laboratories, P.O. Box 307, West Salem, IL 62476.

MC 149172 (Sub-5-2TA), filed June 26, 1981. Applicant: GARY HOFFMAN, an individual, d.b.a. HOFFMAN, TRUCKING, 2807 Desirae Street, Chickasha, OK 73018. Representative: David A. Cherry, P.O. Box 1540, Edmond, OK 73034. Contract: Irregular. *Iron, steel, iron and steel articles, and oilfield pumping units,* between Oklahoma City, OK, on the one hand, and, on the other, points in TX, LA, and NM, under continuing contract(s) with CMI Corporation of Oklahoma City, OK.

MC 152921 (Sub-5-2TA), filed June 26, 1981. Applicant: HOU-TEX TRANSPORTATION, INC., P.O. Box 38591, Houston, TX 77088. Representative: Clayte Binion, 623 South Henderson, 2nd Floor, Fort Worth, TX 76104. *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,* between points in TX, on the one hand, and, on the other points in LA, OK and NM. There are 22 supporting shippers.

MC 154883 (Sub-5-2TA), filed June 25, 1981. Applicant: LOGGINS TRUCKING COMPANY, P.O. Box 6676, Tyler, TX 75711. Representative: Larry Loggins (same address as applicant). *Contract,* Irregular; *Frozen meat products* between Tyler, TX on the one hand, and, on the other, points on the West Coast served by Loggins Meat Company, including San Diego, Los Angeles, Almeda, CA and Seattle, WA. Supporting shipper: Loggins Meat Company, 1908 East Erwin, Tyler, TX 75710.

Note.—Applicant intends to tack existing authority.

MC 156606 (Sub-5-1TA), filed June 26, 1981. Applicant: ROBERT L. LAVER and WILMA J. LAVER, d.b.a. LAVER TRUCKING, Route 1, LaHarpe, KS 66751. Representative: Eugene W. Hiatt, Hiatt, Hiatt & Carpenter, Chartered, 207 Casson Building, 603 Topeka Boulevard, Topeka, KS 66603, Phone (913) 232-7263. *Steel, steel products, pipe and plastic pipe and supplies needed in the manufacture and distribution thereof,* between KS, MO, OK, TX, CO, NE, AR and WY. Supporting shipper: Trident Steel Corporation, 10097 Manchester Road, St. Louis, MO 63122; and L.J.J. Fabricators, Inc., P.O. Box 186, Humboldt, KS 66748.

MC 156619 (Sub-5-1TA), filed June 26, 1981. Applicant: JOE MONSON, d.b.a. QUALITY LUMBER CO., P.O. Box 190, Ulysses, KS 67880. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Contract,* Irregular; *drilling mud and chemicals,* between Missoula, MT; Upton, WY and Belle Fourche, SD on the one hand and Ft. Smith, AR; Red Oak, Clinton, Woodward and Oklahoma City, OK; Great Bend, Hays, Liberal and Medicine Lodge, KS on the other hand. Supporting shipper: Davis Mud & Chemical, Inc., Great Bend, KS 67530.

MC 156770 (Sub-5-1TA), filed June 25, 1981. Applicant: L & M TRUCK & TRAILER COMPANY, INC., 3198 Moss Street, Lafayette, LA 70507. Representative: Paul J. Guilliot, P.O. Box 3029, Lafayette, LA 70502. *Contract,* irregular; *cooking oil,* between Opelousas, LA and points throughout the U.S. Supporting shipper: Louana Foods, 731 N. Railroad, P.O. Box 591, Opelousas, LA 70570.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6, Motor

Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 155753 (Sub-6–1TA), filed June 19, 1981. Applicant: FRANCISCO CASTRUITA and JESUS CORTEZ, a partnership, d.b.a. C & C FREIGHT FORWARDING, 635 Oxford St., Suite D, Chula Vista, CA 92011. Representative: Lawrence Morrow, 3678 Fourth Ave., San Diego, CA 92103. *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 New York City, NY, Philadelphia, PA, Camden, NJ, Chicago, IL, Detroit, MI and their commercial zones; Charlotte, NC; Los Angeles, CA, and San Diego, CA, to Ports of Entry at or near San Ysidro, CA, for IMEX de Baja California and Dorian's, for 270 days. Supporting shippers: (1) IMEX de Baja California, c/o Angel Garcia, Avenida Constitucion, 746, Tijuana, B.C., Mexico; (2) Dorian's, c/o Elvira soliz, Mutualismo, 130, Tijuana, B.C., Mexico.

MC 156300 (Sub-6–1TA), filed June 18, 1981. Applicant: CASPER HOT SHOT SERVICE, INCORPORATED, P.O.B. 9695, 30 Foster Road, Warehouse #2, Unit #3, Casper, WY 82609. Representative: Ronald R. Ullrich (same address as applicant). (1) *Machinery, material, equipment and supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and byproducts; (2) *machinery, materials, equipment, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, restricted against the transportation of complete oil drilling rigs; (3) *Mine and mill machinery, equipment and supplies*, between points in WY, CO, UT, MT, ND, and SD for 270 days. Supporting shippers: Brown Oil Tool, P.O. Box 354, 136 Nichols, Casper, WY 82602; Trans-Equipment and Supply, 8901 West Yellowstone, P.O. Box 3480, Casper, WY 82602.

MC 156648 (Sub-6–1TA), filed June 19, 1981. Applicant: RICHARD COOK, d.b.a. COOK'S BUS SERVICE, Box 648, El Verano, CA 95433. Representative: Richard Cook (same as applicant). *Passengers and their baggage in the same vehicle*, in special operations, in vehicles equipped as campers; between San Francisco, CA on the one hand and New York City, NY and Boston, MA on the other for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: There are 36 supporting shippers. Their statements may be examined at the office listed.

MC 156310 (Sub-6–1TA), filed June 18, 1981. Applicant: CECIL R. HAWKINS, d.b.a. HAWKINS TRUCKING, P.O.B. 542, Pagosa Springs, CO 81147. Representative: Lee E. Lucero, 450 Capitol Life Center, Denver, CO 80203. *Coal in bulk, in dump trucks*, from Hesperus, CO, to Crescent Junction, UT, for 270 days. An underlying ETA seeks 120 days' authority. Supporting shipper: National King Coal Mine, 1015½ Main St., Durango, CO 81301.

MC 156649 (Sub-6–1TA), filed June 19, 1981. Applicant: RALPH McGOWAN, 13720 Las Vecinas Dr., La Puente, CA 91746. Representative: Donald R. Hedrick, P.O.B. 88, Norwalk, CA 90650. *Contract Carrier*, Irregular routes: (1) *New camper vans*, Secondary movement, in truckaway service, from Los Angeles, CA and its commercial zone, to points in OR, WA, UT, ID, MT, NV, AZ, NM and TX, for the account of Contempo Campers; and, (2) *Lumber and wood products*, from points in OR, WA, MT and ID to points in AZ, NV and CA, for the account of Roy Forest Products, for 270 days. Supporting shippers: Contempo Campers, Inc., 11611 Cantara St., North Hollywood, CA 91605; Roy Forest Products, 575 Birch Court, Colton, CA 92324.

MC 150026 (Sub-6–2TA), filed June 18, 1981. Applicant: McKINLEY TRUCKING, INC., 1162 Hillview Dr., Salt Lake City, UT 84117. Representative: Patricia S. Woolley (same address as applicant). *Wood fiber products, rough and surfaced, except furniture* between points in AZ, CA, CO, ID, MT, NV, OR, UT, WA, and WY, for 270 days. Supporting shipper: Forest Products Sales, 249 W. Second Ave., Salt Lake City, UT 84107.

MC 127587 (Sub-6–1TA), filed June 18, 1981. Applicant: MEXICANA REEFER SERVICES, LTD., 2830 Grandview Hwy., Suite 204, Vancouver, B.C., Canada V5M 2C9. Representative: Michael D. Duppenthaler, 211 S. Washington St., Seattle, WA 98104. *Contract Carrier*, Irregular routes: *General Commodities (except classes A and B explosives)*, between ports of entry located on the International Boundary Line between the U.S. and Canada located in WA and ID, on the one hand, and, on the other, points in WA, ID and OR, for the account of Overseas Container Forwarding, Inc., for 270 days. Supporting shipper: Overseas Container Forwarding, Inc., Ste. 211–1600 W. Sixth Ave., Vancouver, B.C., Canada V6J 1R3.

MC 146557 (Sub-6–2TA), filed June 18, 1981. Applicant: ROBERT GRAVERT, d.b.a. S & R RENTALS, 6801 McComber St., Sacramento, CA 95828. Representative: Ronald C. Chauvel, 100 Pine St., Ste. #2550, San Francisco, CA 94111. *Contract Carrier*, Irregular routes: *Metal products, machinery and equipment*, between CA, OR, WA, ID, NV, UT, CO, AZ, NM and TX, under continuing contract(s) with Pittsburgh Des Moines Corporation, for 270 days. Supporting shipper: Pittsburgh Des Moines Corporation, P.O.B. 15467, Sacramento, CA 95813.

MC 138875 (Sub-6–55TA), filed June 19, 1981. Applicant: SHOEMAKER TRUCKING COMPANY; 11900 Franklin Rd., Boise, ID 83709. Representative: Patricia A. Russell (same as applicant). *General commodities* (except hazardous wastes, and except classes A and B explosives) between points in the U.S. under continuing contract with Delaware Valley Shippers Association, Inc., and their member facilities and affiliates, for 270 days. Supporting shipper: Delaware Valley Shippers Association, Inc., 2209 E. Farragut Ave., Bristol, PA 19007.

MC 145862 (Sub-6–1TA), filed June 18, 1981. Applicant: DON LEE SMITH and GILBERT ERNEST SOMERA, d.b.a. SOMERA-SMITH TRANSPORTATION, 1250 S. Wilson Way, Stockton, GA 95205. Representative: Sidney J. Cohen, 1939 Harrison St., Suite 555, Oakland, CA 94612. *General Commodities* (except household goods and classes A and B explosives) between points in AZ, CA, CO, ID, MT, NM, NV, OK, OR, TX, UT, and WA, for 270 days. Supporting shippers: Kaiser Aluminum & Chemical Corp., 300 Lakeside Dr., Oakland, CA 94643; Crown Zellerbach Corp., 1500 S.W. First Ave., Portland, OR 97201.

MC 113271 (Sub-6–7TA), filed June 19, 1981. Applicant: TRANSYSTEMS INC., P.O.B. 399, Black Eagle, MT 59414. Representative: Ray F. Koby, P.O.B. 2567, Great Falls, MT 59403. *Salt*, from points in UT to points in Missoula County, MT for 270 days. An underlying ETA seeks authority for 120 days. Supporting shipper: Borden Chemical, 3670 Grant Creek Road, Missoula, MT 59801.

MC 113271 (Sub-6–8TA), filed June 19, 1981. Applicant: TRANSYSTEMS INC., P.O.B. 399, Black Eagle, MT 59414. Representative: Ray F. Koby, P.O.B. 2567, Great Falls, MT 59403. *Lumber and lumber products and commodities used in the manufacture of lumber and lumber products* from points in ID to points in CO, MT, UT and ports of entry on the international boundary between the U.S. and CN in WA, ID, MT, ND and MN for 270 days. Supporting shipper:

Potlatch Corporation, P.O.B. 5414, Spokane, WA 99205.

MC 156700 (Sub-6–1TA), filed June 22, 1981. Applicant: CHEM SECURITY, LTD., Suite 803, 1550 Alberni St., Vancouver, B.C., Canada V6G 185. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. *Contract Carrier:* irregular routes: *Hazardous waste material consisting of calcium arsenate* from ports of entry on the U.S.-Canada international boundary line in WA and ID, to Arlington, OR, under continuing contracts with Chem Security Ltd., for 270 days. Supporting shipper: Chem Security Ltd., Suite 803, 1550 Alberni St., Vancouver, B.C., Canada V6G 185.

MC 156697 (Sub-6–1TA), filed June 18, 1981. Applicant: DESERT ROUSTABOUT AND CONSTRUCTION, INC., d.b.a. DRC HOTSHOT SERVICE, P.O.B. 24, Wamsutter, WY 82336. Representative: Danny Cooper, Sr. (same as applicant). *Mercer Commodities, except complete drilling rigs,* between points in WY, MT, ND, SD, ID, CO, TX, NM, OK, LA, NV, UT, CA, AZ, OR and WA, for 270 days. Supporting shippers: There are ten shippers. Their statements may be examined at the Regional Office listed.

MC 156698 (Sub-6–1TA), filed June 19, 1981. Applicant: HAROLD & VIOLA MYERS, d.b.a. HAROLD MYERS TRUCKING, 28011 228th Ave. S.E., Maple Valley, WA 98038. Representative: Harold Myers (same as applicant). *Contract Carrier,* Irregular Route, *Hollow Concrete Poles or Standards,* from the facilities of Centrecon, Inc., in Snohomish County, WA, to points in the U.S., except AK and HI, for 270 days. Supporting shipper: Centrecon, Inc., 1130 Norton Ave., Everett, WA 98201.

MC 156696 (Sub-6–1TA), filed June 22, 1981. Applicant: NUFREIGHT SYSTEMS, 15605 Heron Ave., La Mirada, CA 90638. Representative: Kenneth E. Coor (same address as applicant). *Contract Carrier,* Irregular routes: *Coal, anthracite silt refuse,* from: Carborn, Columbia, Dauphin, Lackawanna, Lebanon, Luzerne, Northumberland, Schuylkill, Susquehanna, and Wayne Counties, PA to points in NJ and PA, for export for the account of Palmco Corporation, for 270 days. Supporting shipper: Palmco Corporation, 131 Greenvale Road, Cherry Hill, NJ 08034.

MC 156699 (Sub-6–1TA), filed June 19, 1981. Applicant: GENE OWENS, d.b.a. O&B TRANSPORTATION CO., 12311 Chapman St., Suite 106, Garden Grove, CA 92640. Representative: Donald R. Hedrick, P.O. Box 88, Norwalk, CA 90650. (1) *Lumber and wood products,* from points in OR, WA and ID to points in CA; (2) *Food and related products,* from Orange County, CA to points in AZ, NV, WA and OR; and, (3) *New furniture,* in cartons, from Orange County, CA to points in AZ, NV, WA and OR, for 270 days. Supporting shippers: There are five shippers. Their statements may be examined at the Regional office listed.

MC 156683 (Sub-6–1TA), filed June 19, 1981. Applicant: ONE-WAY TRANSPORTATION, INC., Route 1, Box 140, Concrete, WA 98237. Representative: Teresa Chambers (same as applicant). *Contract Carrier,* Irregular Route, *Hollow Concrete Poles or Standards and Related Fixtures,* from the facilities of Centrecon, Inc., in Snohomish County, Washington, to points in the U.S., except AK and HI for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Centrecon, Inc., 1130 Norton Ave., Everett, WA 98201.

MC 156487 (Sub-6–1TA), filed June 19, 1981. Applicant: RAYMOND G. RODRIGUES, d.b.a. RAY'S TRUCKING, 4578 Mayfield Court, Fremont, CA 94536. Representative: Lawrence Marquette, P.O. Box 629, Carmel Valley, CA 93924. *Electrical panel boards, electrical switch boards, electrical circuit breakers, motor control centers, and electrical machinery, components, and parts* from CA to WA, OR, NV, UT, and AZ; *forest products, lumber, and wood products* from WA and OR to CA for 270 days. Supporting shippers: Industrial Electrical Manufacturing, Inc., 682 WA. Blvd., Fremont, CA. 94538. American Forest Products Co., 2801 West Lane, Stockton, CA 95208.

MC 112989 (Sub-6–18TA), filed June 22, 1981. Applicant: WEST COAST TRUCK LINES, INC., 85647 Hwy. 99 So. Eugene, OR 97405. Representative: John T. Morgans (same address as applicant). *Major appliances, television sets, video tape recorders, stereo equipment,* from Salt Lake City, UT, to points in ID, NV and WY, for 270 days. Supporting shipper: Western Supply Co., 1901 So. 300 W., Salt Lake City, UT 84125.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-19819 Filed 7-6-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OPY-3-108]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: June 29, 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, Sutbitle 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.

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams. Member Williams not participating.

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 2304 (Sub-51), filed June 22, 1981. Applicant: THE KAPLAN TRUCKING COMPANY, a corporation, 6600 Bessemer Ave., Cleveland, OH 44127. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *general commodities* (except classes A and B explosives), between points in Cuyahoga County, OH, on the one hand, and, on the other, points in the U.S.

MC 69024 (Sub-7), filed June 22, 1981. Applicant: H. B. RUSSELL TRUCK SERVICE, INC., 104 Orange St., Red Bud, IL 62278. Representative: Floyd Stellhorn (same address as applicant), (618) 282–3206. Transporting *malt beverages,* between points in GA, IN, MI, MO, NJ, OH, OR, PA, TN, and WI, on the one hand, and, on the other, points in Jackson, Macoupin, Madison, Monroe, Randolph, St. Clair and Whiteside Counties, IL.

MC 79065 (Sub-4), filed June 23, 1981. Applicant: FAIRBANKS EXPRESS, INC., North Hoosick Rd., Hoosick Falls, NY 12090. Representative: David M. Marshall, 101 State St., Suite 304, Springfield, MA 01103, (413) 732–1136. Transporting *general commodities* (except classes A and B explosives), between points in CT, MA, NY, and VT.

MC 99074 (Sub-7), filed June 19, 1981. Applicant: GREENWOOD MOTOR LINES, INC., P.O. Box 336, Greenwood, SC 29646. Representative: Donald E. Cross, 918—16th St., N.W., Washington, DC 20006, (202) 785–3700. Transporting *textile mill products,* between the facilities of Greenwood Mills, Inc., at points in SC, on the one hand, and, on the other, points in the U.S.

MC 114045 (Sub-583), filed June 22, 1981. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, Dallas, TX 75261. Representative: Arnold L. Burke, 180 N. LaSalle St., Chicago, IL 60601, (312) 332–5106. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with NL Industries, Inc., of New York, NY.

MC 125535 (Sub-30), filed June 18, 1981. Applicant: NATIONAL SERVICE LINES, INC. OF NEW JERSEY, 2275 Schuetz Rd., St. Louis, MO 63141. Representative: Donald S. Helm (same address as applicant), (314) 569–1161. Transporting *aluminum and aluminum products,* between points in the U.S., under continuing contract(s) with Flour City Architectural Metals, Inc., of Glen Cove, NY.

MC 126045 (Sub-39), filed June 22, 1981. Applicant: ALTER TRUCKING AND TERMINAL CORPORATION, 1010 South Farragut Street, Box 3122, Davenport, IA 53808. Representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603, (312) 236–9375. Transporting *metal products,* between St. John the Baptist Parish, LA, on the one hand, and, on the other, points in the U.S.

MC 126894 (Sub-4), filed June 22, 1981. Applicant: BILLINGS MOVING & STORAGE CO., INC., 2010 Polymer Drive, West, Chattanooga, TN 37421. Representative: K. Edward Wolcott, Suite 1200 Gas Light Tower, 235 Peachtree St., N.W., Atlanta, GA 30303, (404) 522–2322. Transporting *household goods,* as defined by the Commission, between those points in the U.S. in and east of WI, IA, MO, OK, and TX.

MC 128095 (Sub-47), filed June 19, 1981. Applicant: IBCO TRUCK LINE, INC., P.O. Box 1402, Tupelo, MS 38801. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205, (601) 948–8820. Transporting *furniture and fixtures,* between points in Benton County, AR, Monroe County, MI, Newton County, MS, Newton County, MO, Florence County, SC, and, Rhea County, TN, 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 128694 (Sub-1), filed June 18, 1981. Applicant: LEO C. TAYLOR AND LEO J. TAYLOR, d.b.a. L HANGIN' T ENTERPRISES, P.O. Box 665, Darby, MT 59829. Representative: Leo J. Taylor, Star Route, Darby, MT 59829, (406) 821–3353. Transporting *lumber and wood products,* between points in the U.S., under continuing contract(s) with Deer Mountain Wood Products, of Darby, MT.

MC 135924 (Sub-28), filed June 19, 1981. Applicant: SIMONS TRUCKING CO., INC., 3851 River Rd., Grand Rapids, MN 55744. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542–1121. Transporting *clay, concrete, glass or stone products,* between points in Rowan County, NC, on the one hand, and, on the other, those points in the U.S. in and east of WI, IL, KY, TN, and MS.

MC 138104 (Sub-108), filed June 22, 1981. Applicant: MOORE TRANSPORTATION CO., INC., 3509 N. Grove St., Fort Worth, TX 76106. Representative: Bernard H. English, 6270 Firth Rd., Fort Worth, TX 76116, (817) 731–8431. Transporting (1) *metal products;* and (2) *machinery,* between points in the U.S.

MC 138215 (Sub-2), filed June 22, 1981. Applicant: SERVICE AIR CARGO, 6003 Telegraph Rd., Commerce, CA 90040. Representative: Mark A. Berman (same address as applicant), (213) 722–7215. Transporting *general commodities* (except classes A and B explosives), between points in CA.

MC 139994 (Sub-4), filed June 22, 1981. Applicant: JIM AND BOB STENCEL d.b.a. STENCEL TRUCKING, P.O. Box 321, Minnesota Lake, MN 56068. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Ten South Fifth St., Minneapolis, MN 55402, (612) 340–0808. Transporting *such commodities* as are dealt in by printers and binders of printed matter, between the facilities of World Color Press, located at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 144345 (Sub-24), filed June 19, 1981. Applicant: DON'S FROZEN EXPRESS, INC., 3820 Airport Ave., Caldwell, ID 83605. Representative: Irene Warr, 311 S. State St. Ste 280, Salt Lake City, UT 84111, (801) 531–1300. Transporting *food and related products,* between points in Canyon County, ID, Grant and Adams Counties, WA and Davis County, UT, on the one hand, and, on the other, points in CA, OR, NV, CO, AZ, MT, UT and ID.

MC 145475 (Sub-3), filed June 22, 1981. Applicant: FRONTIER LEASING, INC., Route 7, Box 173, Joplin, MO 64801. Representative: Bruce McCurry, 910 Plaza Towers, Springfield, MO 65804, (417) 883–7311. Transporting (1) *metal products,* and (2) *machinery,* between points in the U.S., under continuing contract(s) with Norris Industries, Incorporated, of Fayetteville, AR.

MC 146814 (Sub-13), filed June 22, 1981. Applicant: VAN WYK, INC., "C" St., Sheldon, IA 51201. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114, (402) 397–7033. Transporting (1) *food and related products;* and (2) *chemicals and related products,* between points in Cherokee, Souix, Buena Vista and Woodbury Counties, IA, on the one hand, and, on the other, points in the U.S.

MC 147494 (Sub-4), filed June 22, 1981. Applicant: BOBBY KITCHENS, INC., P.O. Drawer 5690, Jackson, MS 39208. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205, (601) 355-3543. Transporting *chemicals and related products*, between points in AL, IL, LA, MS, NC, PA and TN, on the one hand, and, on the other, points in AZ, CA, NM, OR and WA.

MC 149244 (Sub-5), filed June 19, 1981. Applicant: PEAKE, INC., 2022 Ave. "A", Kearney, NE 68847. Representative: E. Check, P.O. Box 655, Des Moines, IA 50304, (515) 245-2730. Transporting (1) *alcohol;* and (2) *petroleum, natural gas and their products*, between points in IA, KS, MO, NE and SD.

MC 149535 (Sub-1), filed June 22, 1981. Applicant: ALL FREIGHT, INC., 238 Sheldon Rd., Berea, OH 44017. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017, (614) 889-2531. Transporting *such commodities* as are dealt in or used by manufacturers of explosives, between the facilities used by Austin Powder Company and its divisions and subsidiaries at points in the U.S., on the one hand, and, on the other, points in the U.S. Condition: The authority granted here is limited in point of time to a period of five (5) years from the date of issuance.

MC 150644 (Sub-3), filed June 16, 1981. Applicant: GARY L. SODERBERG AND LEROY E. SODERBERG, d.b.a. SODERBERG FARMS, Route 1, Townline Road, Beloit, WI 53511. Representative: Rolfe E. Hanson, 121 West Doty Street, Madison, WI 53703, (608) 256-0606. Transporting *fertilizer and fertilizer ingredients*, and *agricultural chemicals*, between those points in MN and IA, and those points in IL on and north of U.S. Hwy 24, on the one hand, and, on the other, points in WI.

MC 151094 (Sub-1), filed June 16, 1981. Applicant: I-GO VAN & STORAGE, INC., 3747 Gilmore Ave., Bakersfield, CA 93308. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306, (805) 872-1106. Transporting *general commodities* (except classes A and B explosives), between points in Fresno, Kern, Kings and Tulare Counties, CA, on the one hand, and, on the other, points in CA.

MC 151505, filed June 22, 1981. Applicant: RAM TRUCK LINE, INC., P.O. Box 1287, Mesquite, TX 75419. Representative: Bob Bunch (same address as applicant) (214) 475-1407. Transporting *general commodities* (except classes A and B explosives), between the facilities of Acme Fast Freight, Inc., at points in the U.S. on the one hand, and, on the other, points in the U.S.

MC 152144 (Sub-1), filed June 22, 1981. Applicant: COMBINED TRANSPORT, INC., P.O. Box 3667, Central Point, OR 97502. Representative: David C. White, 2400 SW Fourth Ave., Portland, OR 97201 (503) 226-6491. Transporting (1) *lumber and wood products*, and (2) *building and construction materials*, between points in AZ, CA, CO, ID, MT, NM, NV, OK, OR, TX, UT, WA, and WY.

MC 152444 (Sub-4), filed June 16, 1981. Applicant: SHARP'S TRUCK & TRACTOR, INC., Business Hwy No. 36 and 69 West, Cameron, MO 64429. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105 (816) 221-1464. Transporting *fertilizer*, between points in Douglas County, KS, on the one hand, and, on the other, points in AR, IA, MO and NE.

MC 153714 (Sub-1), filed June 19, 1981. Applicant: FREDDY'S TRUCKING, 2200 S.E. 45th No. 49, Hillsboro, OR 97123. Representative: William A. Murray (same address as applicant) (503) 640-8303. Transporting (1) *malt beverages and wine*, between points in Los Angeles, Napa, Madera, San Francisco, Stanilaus, Santa Clara, Sanoma, Sacramento, and Solano Counties, CA, on the one hand, and, on the other, points in Marion, Clatsop, Yamhill, and Multnomah Counties, OR, and (2) *aluminum siding and roofing materials*, between points in Los Angeles County, CA, on the one hand, and, on the other, points in Multnomah County, OR, and Skagit County, WA.

MC 154214, filed June 18, 1981. Applicant: VO CONCRETE PIPE AND PRODUCTS, INC., d.b.a. VO-CON, 2018 Stefko Boulevard, Bethlehem, PA 18017. Representative: Gary M. Miller, 1414 Millard Street, Bethlehem, PA 18018. Transporting *hazardous materials*, between those points in the U.S. in and east of MN, IA, MO, AR and LA.

Note.—The authority granted herein is limited in point of time to a period expiring 5 years from its date of issuance.

MC 154635, filed June 22, 1981. Applicant: D. A. YOUNG, d.b.a. TRICITY TRUCKING, 5904 Walden Drive, Knoxville, TN 37919. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309 (515) 244-2329. Transporting *metal products*, between points in Blount County, TN, on the one hand, and, on the other, points in Spencer County, IN.

MC 154745, filed June 22, 1981. Applicant: HAROLD E. JOHNSON and RITA M. JOHNSON, d.b.a. TRANSPORT SERVICE, 5423 So. 93rd St., Omaha, NE 68127. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114 (402) 397-7033. Transporting *transportation equipment*, between points in NE and those in Pottawatamie Counties, IA, on the one hand, and, on the other, points in MT, WY, CO, NM, ND, SD, NE, KS, OK, TX, MN, WI, IA, IL, MO, AR, LA, MS, AL, GA, KY, TN, IN, MI, and OH.

MC 154965, filed June 19, 1981. Applicant: P&H TRANSPORTATION, INC., 4802 Clinton Drive, Houston, TX 77020. Representative: Paul S. Broussard, 501 Crawford St., Suite 401, Houston, TX 77002 (713) 227-9735. Transporting *general commodities* (except classes A and B explosives), between points in Harris and Galveston Counties, TX, on the one hand, and, on the other, points in Brazoria, Hardin, Jefferson and Orange Counties, TX and Calcasieu Parish, LA.

MC 155065, filed June 22, 1981. Applicant: B & H INDUSTRIES, INC., Rt. 1, West Unity, OH 43570. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017 (614) 889-2531. Transporting *general commodities* (except classes A and B explosives), between points in William County, OH, on the one hand, and, on the other, points in the U.S.

MC 156254 (Sub.-3), filed June 19, 1981. Applicant: CONTRACT TRUCKERS, INC., 530 Haunted Lane, Cornwells Heights, PA 19020. Representative: Russell S. Callahan, P.O. Box 1806, Brockton, MA 02403 (617) 697-7748. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contracts with Scott Paper Company, of Philadelphia, PA, and Armstrong World Industries, Inc., of Lancaster, PA.

MC 156254 (Sub-4), filed June 19, 1981. Applicant: CONTRACT TRUCKERS, INC., 530 Haunted Lane, Cornwells Heights, PA 19020. Representative: Russell S. Callahan, P.O. Box 1806, Brockton, MA 02403 (617) 697-7748. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contracts with Air Products and Chemicals, Inc., of Allentown, PA, and E. F. Houghton & Company, of Valley Forge, PA.

MC 156254 (Sub-5), filed June 22, 1981. Applicant: CONTRACT TRUCKERS, INC., 530 Haunted Lane, Cornwells Heights, PA 19020. Representative: Russell S. Callahan, P.O. Box 1806, Brockton, MA 02403 (617) 697-7748. Transporting *general commodities* (except classes A and B explosives),

between points in the U.S. under continuing contract(s) with Ivaco Ltd., of Marieville, Quebec, Canada, and its affiliated companies.

MC 156254 (Sub-6), filed June 22, 1981. Applicant: CONTRACT TRUCKERS, INC., 530 Haunted Lane, Cornwells Heights, PA 19020. Representative: Russell S. Callahan, P.O. Box 1806, Brockton, MA 02403 (617) 697–7748. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contracts with E. I. du Pont de Nemours & Company, Incorporated, of Wilmington, DE, and Sunmark Industries, Division of Sun Oil Company of Pennsylvania, of Philadelphia, PA.

MC 156355, filed June 5, 1981. Applicant: BLUE & WHITE QUIK DELIVERY, INC., 1813 Stringtown Rd., P.O. Box 5106, Evansville, IN 47715. Representative: Timothy J. Hubert, 220 N.W. Fourth St., P.O. Box 3261, Evansville, IN 47731 (812) 423–4433. Transporting *general commodities* (except classes A and B explosives), between points in IN and KY, on the one hand, and, on the other, points in the U.S.

MC 156474, filed June 12, 1981. Applicant: JOSEPH T. UVA, d.b.a. J & J DELIVERY SERVICE, North Raymond Rd., P.O. Box 23, Gray, ME 04039. Representative: Guy H. Postell, Suite 713, 3384 Peachtree Rd., N.E. Atlanta, GA 30326, (404) 237–6472. Transporting *such commodities as are dealt or used by manufacturers and distributors of cosmetics*, between points in the U.S. under continuing contract(s) with Avon Products, Inc., of New York, NY.

MC 156554, filed June 16, 1981. Applicant: MIDWEST MOTOR FREIGHT, INC., 1221 McReynolds, N.W., Grand Rapids, MI 49504. Representative: Louis John Educato (same address as applicant) (616)–459–9267. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with (1) Colorado Meat Company, of Grand Rapids, MI; (2) Dubuque Packing Company, of Dubuque, IA; (3) Kent Provision Company, of Grand Rapids, MI; and (4) Utica Packing Company, of Utica, MI.

MC 156675, filed June 19, 1981. Applicant: THE BI-MART COMPANY, 145 N. Cleveland St., Eugene, OR 97401. Representative: R. W. Moore (same address as applicant) (503) 689–0681. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Washington Oregon Shippers Cooperative Association, of Seattle, WA, and Troutman Investment Co., d.b.a. Emporium, Inc., of Eugene, OR.

MC 156685, filed June 22, 1981. Applicant: BRUNK CORP., d.b.a. G & R TRANSPORT, 803 Logan St., Goshen, IN 46526. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204 (317) 638–1301. Transporting *petroleum products*, (1) between points in Berrien County, MI, on the one hand, and, on the other, points in IN on and North of U.S. Hwy 52, and (2) between points in IN on and North of U.S. Hwy 52 on the one hand, and, on the other, points in Cass and St. Joseph Counties, MI.

MC 156715, filed June 18, 1981. Applicant: BESTER BROS. TRANSFER & STORAGE CO., INC., 818 North Concord St., South St. Paul, MN 55075. Representative: Douglas B. Bester (same address as applicant) (612) 451–1018. Transporting *general commodities* (except classes A and B explosives), between points in WA, OR, CA, ID, MT, WY, UT, CO, NE, SD, ND, MN, IA, KS, WI, MO, IN, KY and IL.

MC 156724, filed June 17, 1981. Applicant: H. TABENKEN & CO., INC., 33 School St., Veazie, ME 04401. Representative: David Earl Tinker, 1000 Connecticut Ave., NW, Suite 1112, Washington, DC 20036 (202) 887–5868. Transporting *alcoholic beverages*, between points in ME, on the one hand, and, on the other, points in DE, CT, MD, MA, NJ, NH, NY, PA, and VA.

MC 156725, filed June 23, 1981. Applicant: AMBASSADOR TRAVEL, INC., 114 N.W. Seventh St., Evansville, IN 47708. Representative: Barbara Babcock (same address as applicant) (812) 423–4292. As a *broker*, at Evansville, IN, in arranging for the transportation of *passengers and their baggage*, in special and charter operations, between points in IN, IL, and KY, on the one hand, and, on the other, points in the U.S.

MC 156734, filed June 22, 1981. Applicant: IGNAZIO BOGGIATTO, d.b.a. JOE's HAVERHILL EXPRESS, 21 South Mill St., Bradford, MA 01830. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181 (617) 235–5571. Transporting *footwear*, between points in Essex, Middlesex, Norfolk, and Suffolk Counties, MA, on the one hand, and, on the other, points in Cheshire, Hillsborough, Merrimack, Rockingham, and Strafford Counties, NH.

[FR Doc. 81-19816 Filed 7-6-81; 8:45 am]

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[Volume No. OP1-190]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: June 29, 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 duel 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. 1, Members, Parker, Chandler and Fortier.

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 8771 (Sub-77), filed June 16, 1981. Applicant: SM TRANSPORT, INC., P.O. Box 41, Camp Hill, PA 17011. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004 (202) 737–1030. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of automobiles.

MC 52460 (Sub-333), filed June 16, 1981. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, 1420 W. 35th St., Tulsa, OK 74107. Representative: Don E. Kruizinga (same address as applicant), (918) 446–4434. Transporting *food and related products*, between points in Riverside County, CA, on the one hand, and, on the other, points in AL, AZ, AR, CO, FL, GA, IA, IL, IN, KS, MO, MS, NC, NE, OK, SC, TN, and TX.

MC 56270 (Sub-57), filed June 19, 1981. Applicant: LEICHT TRANSFER & STORAGE CO., a corporation, P.O. Box 2385, Green Bay, WI 54306. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street NW., Washington, D.C. 20004, (202) 737–1030. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 65491 (Sub-19), filed June 22, 1981. Applicant: GEORGE W. BROWN, INC., 1475 East 222nd St., Bronx, NY 10469. Representative: William Biederman, 371 Seventh Ave., New York, NY 10001, (212) 279–3050. Transporting *food and related products*, between Detroit, MI, on the one hand, and, on the other, points in Lycoming County, PA.

MC 87451 (Sub-8), filed June 8, 1981. Applicant: CARGO TRANSPORT, INC., 91 Mountain Rd., Burlington, MA 01803. Representative: Samuel A. Bithoney, Jr. (same address as applicant) (617) 628–1600. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with A. J. Cunningham Packing Corp., of Quincy, MA.

MC 124070 (Sub-36), filed June 18, 1981. Applicant: CHEMICAL HAULERS, INC., 5723 Kennedy Ave., Hammond, IN 46323. Representative: Allan C. Zuckerman, 39 South LaSalle St., Chicago, IL 60603, (312) 236–9375. Transporting *commodities in bulk*, between points in the U.S., under continuing contract(s) with Union Carbide Corporation of New York, NY, and Dow Chemical U.S.A. of Strongsville, OH.

MC 135381 (Sub-10), filed June 19, 1981. Applicant: DRUM TRANSPORTATION COMPANY, a corporation, R.D. #1, Montgomery, PA 17752. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101, (703) 893–3050. Transporting *metal products* and *machinery*, between points in Boyd County, KY, Mahoning County, OH, and those points in PA on and west of U.S. Hwy 219 on the one hand, and, on the other, points in the U.S.

MC 136511 (Sub-109), filed June 16, 1981. Applicant: VIRGINIA APPALACHIAN LUMBER CORP., 9640 Timberlake Rd., Lynchburg, VA 24502. Representative: J. Johnson Eller, Jr., 513 Main St., Altavista, VA 24517, (804) 369–566. Transporting (1) *chemicals and related products*, (2) *petroleum, natural gas and their products*, and (3) *rubber and plastic products*, between Little Rock, AR, Buffalo, NY and points in Orange County, CA, Montgomery County, TX, on the one hand, and, on the other, points in the U.S. Condition: The certificate to be used here shall be limited in point of time to a period expiring 5 years from the date of issuance.

MC 138861 (Sub-34), filed June 16, 1981. Applicant: C-LINE, INC., 303 Jefferson Blvd., Warwick, RI 02888. Representative: Ronald N. Cobert, 1730 M St., NW., Suite 501, Washington, D.C. 20036, (201) 296–2900. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Globe Manufacturing Company, of Fall River, MA.

MC 140460 (Sub-15), filed June 12, 1981. Applicant: COAST REFRIGERATED TRUCKING CO., INC., P.O. Box 188, Holly Ridge, NC 28445. Representative: Herbert Alan Dubin, 818 Connecticut Ave., NW., Washington, D.C. 20006, (202) 331–1174. Transporting *clay, concrete, glass or stone products and machinery*, between points in Marion County, SC, on the one hand, and, on the other, points in the U.S.

MC 142120 (Sub-4), filed June 16, 1981. Applicant: LENZNER COACH LINES, INC. d.b.a. NORTH BOROUGHS CAB, Mt. Nebo Rd., R.D. #2, Sewickley, PA 15143. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219 (412) 471–1800. Transporting **Federal Register** *passengers and their baggage*, in the same vehicle with passengers, between points in the U.S., under continuing contract(s) with Ice Capades, Inc., of Hollywood, CA.

MC 148231 (Sub-7), filed June 11, 1981. Applicant: SILORA & WILSON, INC., d.b.a. EAST-WEST EXPRESS, 7900 N. Frontage Rd., Hinsdale, IL 60521. Representative: Robert J. Gill, First Commercial Bank Bldg., 410 Cortez Rd. W., Bradenton, FL 33507, (813) 758–4153. Transporting (1) *rubber and plastic products*, and (2) *chemicals and related products*, between points in IL, on the one hand, and, on the other, points in the U.S.

MC 148620 (Sub-13), filed June 18, 1981. Applicant: K.G.L. CONTRACTING SERVICES, INC., P.O. Box 8202, Pembroke Pines, FL 33024. Representative: Robert W. Gerson, 1400 Candler Bldg., 127 Peachtree St., NW., Atlanta, GA 30303, (404) 658–8045. Transporting *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with Roosevelt Paper Company of Philadelphia, PA.

MC 149061 (Sub-3), filed June 12, 1981. Applicant: STEMPEL MANUFACTURING CO., Airport Rd., Coleman, TX 76834. Representative: Robert K. Frisch, 2711 Valley View Lane, Suite 101, Dallas, TX 75234, (214) 247–0994. Transporting *lumber and wood products*, between points in the U.S., under continuing contract(s) with Lasting Products, Inc., of Dallas, TX.

MC 152380, filed June 22, 1981. Applicant: CECIL T. MCLAIN d.b.a. C.T.M. REFRIGERATED SERVICE, Route 10, Box 381, Shelton, WA 98584. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Superior Packing Company of Ellensburg, WA, and Reser's Fine Foods, Inc., of Beaverton, OR.

MC 153601 (Sub-2), filed June 22, 1981. Applicant: ITO LTD., 121 West Doty St., Madison, WI 53703. Representative: W. A. Myllenbeck, 1947 West County Rd. C, St. Paul, MN 55113, (612) 633–2661. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under

continuing contract(s) with Contech, Inc., of Edina, MN.

MC 154700, filed June 11, 1981. Applicant: ALVIN L. COURTNEY d.b.a. COURTNEY TRUCKING, 4325 S. E. 3rd, Renton, WA 98056. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055, (206) 235–1111. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Richardson & Holland, Division of Mallinckrodt Corp., of Seattle, WA, and Presto Food Products, of Seattle, WA.

MC 154780 (Sub-5), filed June 17, 1981. Applicant: ATLANTIC TRANSPORT SERVICE, INC., 1300 South French Ave., Box 257, Sanford, FL 32771. Representative: Kim D. Mann, 7101 Wisconsin Ave., Suite 1010, Washington, DC 20014, (301) 986–1410. Transporting *general commodities* (except classes A and B explosives), between points in MS, on the one hand, and, on the other, points in the U.S.

MC 154981, filed June 16, 1981. Applicant: SNAPS ENTERPRISES, LTD., 105 Amfesco Dr., Plainview, NY 11803. Representative: Edward L. Nehez, 167 Fairfield Rd., P.O. Box 1409, Fairfield, NJ 07006, (201) 575–7700. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (1) Shore Plastics, Inc., of Freeport, NY, (2) Plexchem International, Inc., of Dix Hills, NY, (3) Plainview Tire Wholesalers, Inc., of Plainview, NY, and (4) Cosmetique, Inc., of Chicago, IL.

MC 156561, filed June 16, 1981. Applicant: PACE INDUSTRIES, INC., P.O. Box 1198, Harrison, AR 72601. Representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137, (901) 767–5600. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with ITT Outdoor Lighting, Fixtures Division, of Southaven, MS.

[FR Doc. 81–19865 Filed 7–6–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: June 29, 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 100.252. 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) appropirate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams. Williams not participating.

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". Any status inquiries should be directed to (202–275–7326).

Volume No. OPY–4–224

MC 138386 (Sub-3), filed June 17, 1981. Applicant: KEPHART TRUCKING COMPANY, a corporation, P.O. Box 386, Bigler, PA 16825. Representative: Dwight L. Koerber, Jr., 110 N. 2nd St., P.O. Box 1320, Clearfield, PA 16830, (814) 765–9611. Transporting (1) *coal and coal products*, between points in PA, on the one hand, and, on the other, points in OH, WV, PA, MD, DE, NJ, NY, CT, RI, MA, VT, NH, and ME, and (2) *general commodities* (except classes A and B explosives), between points in Frederick County, MD on the one hand, and, on the other, points in PA.

MC 144946 (Sub-7), filed June 23, 1981. Applicant: TRANS-MUTUAL TRUCK LINES, LTD., 4427A–72nd Ave., Southeast, Calgary, Alberta, Canada T2C. 2C1. Representative Grant J. Merritt, 4444 IDS Center Minneapolis, MN 55402, (612) 339–4546 In foreign commerce only, transporting *chemicals and related products*, between points on the international boundary line between the U.S. and Canada located in MN, ND, MT, ID, and WA, on the one hand, and on the other, points in the U.S.

MC 147196 (Sub-16), filed June 12, 1981. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 50262, New Orleans, LA 70150. Representative Fletcher W. Cochran, P.O. Box 741, Slidell, LA 70459, (504) 641–7630. Transporting (1) *paper and related products*, and (2) *plastic products*, between points in the U.S., under continuing contract(s) with Stone Container Corporation, of Chicago, IL.

MC 156726, filed June 22, 1981. Applicant: SANDHILLS STEAMSHIP & NAVIGATION CO., d.b.a. WESTERN STAGE LINES, P.O. Box 808, North Platte, NE 69101. Representative: Richard A Peterson, P.O. Box 81849, Lincoln, NE 68501, (404) 476–1144. Transporting *passengers and their baggage*, in special or charter operations, between points in Lincoln, Frontier and Red Willow Counties, NE, on the one hand, and, on the other, points in the U.S.

Volume No. OPY–4–225

MC 1936 (Sub-51), filed June 17, 1981. Applicant: B & P MOTOR EXPRESS COMPANY, 825 W. Federal St, Youngstown, OH 44501.Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *general commodities* (except classes A and B explosives), between points in Erie County, NY, and PA, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MS, MO, NE, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, and DC.

MC 30136 (Sub-1), filed June 19, 1981. Applicant: PITT-OHIO EXPRESS, INC., 315 East 2d St., East Liverpool, OH 43920. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219, (412) 281–9494. Transporting *general commodities* (except classes A and B explosives), between points in PA, KY, NJ, MA, CT, RI, DE, MD, VA, KY, NC, WV, OH, IN, IL, MO, MI, WI, and DC.

MC 60066 (Sub-31), filed June 19, 1981. Applicant: BEE LINE MOTOR FREIGHT, INC., 1804 Paul St., Omaha, NE 68102. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106, (402) 392–1220. Transporting *food and related products*, between the facilities of Confectionery Division of Borden Foods, Inc., at Chicago, IL, on the one hand, and, on the other, Minneapolis, MN.

MC 99396 (Sub-3), filed June 19, 1981. Applicant: L. J. CERKUEIRA, d.b.a. C–WAY EXPRESS, P.O. Box 6114, Oakland, CA 94614. Representative: Eldon M. Johnson, 650 California St., San Francisco, CA 94108, (415) 986–8696. Transporting *general commodities* (except classes A and B explosives), between points in Alameda, Contra Costa, Fresno, Kings, Madera, Marin, Merced, Monterey, Napa, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Tulare, and Yolo Counties, CA.

Volume No. OPY–4–226

MC 103926 (Sub-107), filed June 16, 1981. Applicant: W. T. MAYFIELD SONS TRUCKING CO., INC., P.O. Box 947, Mableton, GA 30059. Representative: Kim G. Meyer, Suite 1200, Gas Light Tower, 235 Peachtree St., N.E., Atlanta, GA 30303, (404) 522–2322. Transporting *metal products*, between Charleston, SC, on the one hand, and, on the other, points in the U.S.

MC 119186 (Sub-1), filed June 18, 1981. Applicant: ASBURY-NEPTUNE TRUCKING CO., INC., P.O. Box 35, Long Branch, NJ 07740. Representative: Ken Wilson, 167 Sylvan Rd., Bloomfield, NJ 07003, (201) 338–5753. Transporting *general commodities* (except classes A and B explosives), between points in NJ, on the one hand, and, on the other, points in PA, DE, NY, CT, MA, RI, OH, MD, and NJ.

MC 126706 (Sub-10), filed June 12, 1981. Applicant: KLEYSEN TRANSPORT, LTD., 1495 Pembina Hwy., Winnipeg, Manitoba, Canada R3T 2C6. Representative: Grant J. Merritt, 4444 IDS Center, Minneapolis, MN 55402, (612) 339–4546. In foreign commerce only, transporting *machinery*, between points on the international boundary line between the U.S. and Canada, in MI, MN, ND, MT, ID, and WA, on the one hand, and, on the other, points in the U.S.

MC 127756 (Sub-3), filed June 16, 1981. Applicant: SERVICE TRANSPORT LINES, INC., 618 Galveston, P.O. Box 1232, West Sacramento, CA 95691. Representative: Don Chase (same address as applicant), (916) 371–5030. Transporting (1) *metal products*, and (2) *food and related products*, between points in CA, AZ, NV, OR, and WA.

MC 128966 (Sub-9), filed June 17, 1981. Applicant: METROPOLITAN CARTAGE AND LEASING, INC., 1703 West 9th St., Kansas City, MO 64101. Representative: Patricia F. Scott, 20 East Franklin, P.O. Box 258, Liberty, MO 64068, (816) 781–6000. Transporting *food and related products*, between points in KS and MO, on the one hand, and, on the other, points in AL, FL, GA, KS, KY, LA, MO, NC, SC, TX, VA, and DC.

MC 136176 (Sub-5), filed June 16, 1981. Applicant: INDEPENDENT TRANSPORTATION, INC., P.O. Box 36, Kanopolis, KS 67454. Representative: John E. Jandera, P.O. Box 1979, Topeka, KS 66601, (913) 234–0565. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Independent Salt Company, of Kanoplis, KS, Morton Salt Division of Morton Norwich Products, Inc., of Chicago, IL, and Cargill Salt, a Division of Cargill, Inc., of Hutchinson, KS.

[FR Doc. 81–19866 Filed 7–6–81; 8:45 am]
BILLING CODE 7035–01–M

[Volume No. 113]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: June 29, 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 1485 (Sub-15)X, filed June 22, 1981. Applicant: SCHROLL TRANSPORTATION, INC., 360 Governor Street, East Hartford, CT 06108. Representative: Hugh M. Joseloff, 410 Asylum Street, Hartford, CT 06103. Applicant seeks to remove restrictions in its lead and Sub-Nos. 4, 5, 7, 9, 10, 11, 13, and 14F certificates to (1) broaden the commodity descriptions from (a) meats, packinghouse products, and commodities used by packinghouses, fish, frozen foods, sea foods, smoked meats, groceries, fruits and vegetables, frozen fruits, frozen berries, frozen vegetables, dairy products, to "food and related products" in the lead and Sub-Nos. 4, 5, 7, 9, 10, 13, and 14; (b) general commodities (with exceptions) to "general commodities" (except classes A and B explosives) in Sub-No. 11; (c) empty food containers, and empty drums and carboys to "containers, carriers, and devices" in the lead; (d) automobile parts and accessories to "transportation equipment, parts and accessories" in the lead; (e) babbit and tin to "metal products" in the lead; (f) acids to "chemicals and related products" in the lead; (2) delete commodity restrictions such as "in bulk,

in tank vehicles, vehicles equipped with mechanical refrigeration" in the lead and Sub-Nos. 5, 7, and 9; (3) broaden cities to counties: (a) in the lead, Hartford, East Hartford, West Hartford, Elmwood, Windsor, Manchester, Newington, Wethersfield, Glastonbury, New Britain, Canton, Bristol, Addison, Broad Brook, and Warehouse Point, CT, to Hartford County, CT; Meriden and Waterbury, CT, to New Haven County, CT; Middletown and Portland, CT, to Middlesex County, CT; Rockville and Stafford Springs, CT, to Tolland County, CT; Torrington, CT, to Litchfield County, CT; Springfield, Chicopee, and Holyoke, MA, to Hampden County, MA; Pittsfield, MA, to Berkshire County, MA; Northampton, MA, to Hampshire County, MA; Greenfield, MA, to Franklin County, MA; Worcester, MA, to Worcester County, MA; and Fall River, MA, to Bristol County, MA; Providence RI, to Provicence County, RI; and Westerly, RI to Washington County, RI; (b) in Sub-No. 4, North Abington, MA, to Plymouth County, MA; Hartford, CT, to Hartford County, CT; (c) in Sub-No. 5, New Haven, Meriden, and Waterbury, CT, to New Haven County, CT; New Britain, CT, to Hartford County, CT; Springfield, MA, to Hampden County, MA; Worcester, MA, to Worcester County, MA; (d) in Sub-Nos. 7 and 10, Southboro, MA, to Worcester County, MA; (e) in Sub-No. 11, Hartford, East Hartford, and West Hartford, CT, to Hartford County, CT; (f) in Sub-No. 13, Manchester and Bedford, NH, to Hillsborough County, NJ; and in Sub-No. 14, Hartford and Newington, CT, to Hartford County, CT; New Haven, CT, to New Haven County, CT; Stamford, CT, to Fairfield County, CT; and Waterford and Albany, NY, to Albany County, NY; (4) authorize radial service in lieu of existing one-way authority between the counties named above and points in several New England States in the lead and Sub-Nos. 5, 7, 9, 10, 13, and 14; and (5) delete plantsite restriction in Sub-No. 13.

MC 16903 (Sub-89)X, filed June 5, 1981. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, IN 47401. Representative: Donald W. Smith P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions in its certificates to broaden the commodity description from elevators and escalators, parts, materials, equipment and supplies to "machinery and materials, equipment, and supplies used in the manufacture and distribution of machinery" in connection with its radial operations between points in Monroe County, IN, Cuyahoga and Madison Counties, OH, Wayne County, MI, Cook County, IL and Allegheny County, PA, and, points in the U.S.

MC 124979 (Sub-9)X, filed June 18, 1981. Applicant: CONRAD BERG d.b.a. C. BERG COMPANY, Route 1, Box 185A, Saginaw, MN 55759. Representative: Val M. Higgins, 1600 TCF Tower 121 South 18th St., Minneapolis, MN 55402. Appliant seeks to remove restrictions in its Sub-Nos. 3, 5, 6F, and 8F certificates to (1) broaden its commodity descriptions: in Sub-Nos. 3 and 5, from salt and salt in bulk, to "chemicals and related products, food and related products, and ores and minerals"; in Sub-No. 6F, from fertilizer and fertilizer ingredients, dry , in bulk, to "chemicals and related products ores and minerals, and petroleum, natural gas and their products"; and in Sub-No. 8F, from scrap metal, to "metal products"; (2) replace cities with county-wide authority: in Sub-No. 3, Pine Bend, MN, with Dakota County, MN; in Sub-Nos. 5 and 6F, Duluth, MN, with St. Louis and Carlton Counties, MN, and Douglas County, WI; and in Sub-No. 6F, Grand Forks, ND, with Grand Forks County, ND, and Polk County, MN; and (3) change one-way radial authority between points in the above-named counties, and points in several specified mid-eastern States.

MC 126045 (Sub-36)X, filed May 26, 1981. Applicant: ALTER TRUCKING AND TERMINAL CORPORATION, 1010 S. Farragut St., Box 3122, Davenport, IA 52808. Representative: Edward G. Bazelon, 39 S. LaSalle St., Chicago, IL 60603. Applicant seeks to remove restrictions in its lead and Sub-Nos. 4, 5, 7, 8, 12, 15, 16, 18, 19, 20, 22F, 24F, 25F, 26F, 28F and 30F certificates (1) in the lead (a) to broaden the commodity description from animal and poultry feed ingredients except liquid animal fats and liquid vegetable oils, to "food and related products and chemicals and related products"; and (b) to replace facilities near Montpelier, IA with county wide (Muscatine County) authority; (2) in Sub-No. 4 same commodity change as in lead; (b) replace facilities at or near Montpelier, IA with county wide (Muscatine County) authority; (3) in Sub-No. 5 to (a) change the commodity description from salt, in bulk, to "ores, minerals and food and related products"; (4) in Sub-No. 7 (a) to broaden the commodity description from dry fertilizer and fertilizer materials, in bulk or in package, to "chemicals and related products" and (b) to replace facilities near Muscatine, IA with county wide (Muscatine County) authority; (5) in Sub-No. 8 (a) to broaden the commodity description from diammonium phosphate, in bulk; to "chemicals and related products" (b) to remove the restriction limiting transportation to traffic originating at and destined to named facilities; and (c) to replace city wide (Depue, Colfax and Riverdale, IL) with county wide (Bureau, McLean and Cook Counties) authority; (6) in Sub-No. 12 to broaden the commodity description from pig iron to "metal products"; (7) in Sub-No. 15 (a) to broaden the commodity descriptions, silica sand and
molding sand, bonded, in bulk, in tank vehicles and in bags, to "ores and minerals"; and from salt to "chemicals and related products and food and related products" (b) to replace city wide (Clayton, IA) with county wide (Clayton, County) authority; (c) to replace facilities in Scott County, IA with county wide (Scott County) authority; (8) in Sub-No. 16, (a) to broaden the commodity description from anhydrous amonia and fertilizer materials, in bulk, in tank vehicles, (except such liquid fertilizer and fertilizer materials as may be derived from petroleum to "chemicals and related products"; (b) to replace facilities at or near Fort Madison, IA with county wide (Lee County) authority; and (c) to remove the restriction limiting transportation to traffic originating at or destined to named facilities; (9) in Sub-No. 18 (a) to broaden the commodity description from dry superphosphate and dry potash, in bulk, to "chemicals and related products"; (b) to replace facilities at Des Moines, IA with city wide (Des Moines) authority; (c) to remove the restriction limiting transportation to traffic originating at and destined to named points; (10) in Sub-No. 19 (a) to broaden the commodity description from iron and steel articles and materials, equipment and supplies used in the manufacture and distribution of iron and steel articles to "metal products"; (b) to replace facilities at or near Wilton, IA with county wide (Muscatine County) authority and (c) to remove the restrictions: limiting transportation to traffic originating at and destined to the named points; against the transportation of scrap metal, commodities in bulk, in tank vehicles and against the transportation of refractories from points in Audrain, Calloway and Montgomery Counties, MO; (11) in Sub-No. 20 (a) to broaden the commodity description from coal to "ores and minerals"; and (b) replace facilities at or near Buffalo, Davenport, Burlington and Council Bluffs, IA, St. Paul, MN, and LaCrosse, WI with city and county wide (Scott County, Davenport, Des Moines County and Council Bluffs, IA; St Paul, MN and LaCrosse County, WI)

authority; (12) in Sub-No. 22F (a) to broaden the commodity descriptions from tractors (except truck tractors), agricultural machinery and implements, grain bins and commodities parts, attachments and accessories for the named commodities and materials, equipment and supplies used in the manufacture, sale and distribution of the commodities named to "machinery"; (b) to replace facilities at or near Davenport, IA with city wide (Davenport) authority; and (c) to remove the restriction limiting transportation to traffic originating at and destined to named facilities; (13) in Sub-No. 24F (a) to broaden the commodity description from iron and steel articles to "metal products"; (b) replace facilities at or near Des Moines, IA with city wide (Des Moines) authority; and (c) to replace city wide (Sterling, IL) with county wide (Whiteside County) authority; (14) in Sub-No. 25F (a) to broaden the commodity descripiton from iron and steel articles to "metal products"; (b) to replace facilities at or near St. Paul, MN with city wide (St. Paul) authority; (c) to remove the AK and HI exception; (15) in Sub-No. 26F (a) to broaden the commodity description in part (1) from iron and steel articles, (except commodities in bulk, in tank vehicles) to "metal products"; (b) replace facilities at Sterling, IL with county wide (Whiteside County) authority; (16) in Sub-No. 28F (a) to broaden the commodity description from tractors (except truck tractors), agricultural machinery and implements, and attachments, parts and accessories for the above commodities to "machinery"; (b) to remove the restriction limiting transportation to traffic originating at named facilities and (c) to replace facilities at or near Davenport, IA with city wide (Davenport) authority; (17) in Sub-No. 30F (a) to broaden the commodity descripition from rims, wheels and spindles, and iron and steel articles to "machinery, metal products and transportation equipment"; (b) to replace the facilities at or near Davenport and Walcott, IA with city wide and county wide (Davenport and Scott County) authority; and (18) in all the authorities except Sub-No. 26F, replace one way radial authority.

MC 127351 (Sub-5)X, filed June 18, 1981. Applicant: CHANCE FREIGHT LINES, INC., 202 West Main, Gardner, IL 60424. Representative: Douglas G. Brown, 913 South Sixth Street, Springfield, IL 62703. Applicant seeks to remove restrictions in its Sub-Nos. 1 and 3 certificates to (1) broaden the commodity descriptions to "farm supplies" from anhydrous ammonia and liquid nitrogen fertilizer solutions and ammonium nitrate fertilizer, in Sub-No. 1 and from anhydrous ammonia, in Sub-No. 3, (2) remove the in bulk and equipment limitations, (3) replace one-way authority with radial authority (4) broaden the territorial description by substituting county-wide authority for facilities: LaSalle County, IL (for facilities at Marseilles, IL and Seneca, IL) and (5) remove the originating at and destined to restriction in Sub-No. 1.

MC 136605 (Sub-167)X, filed June 19, 1981. Applicant: DAVIS TRANSPORT, INC., P.O. Box 8129, Missoula, MT 59807. Representative: F. Kimball Joyner, Jr., 1600 Lincoln Center, Denver, CO 80264. Applicant seeks to remove restrictions and broaden its authority in Sub-Nos. 6, 7, 9, 10, 11, 13, 14, 17, 19, 20, 22, 24, 26, 27, 30, 31, 35, 36, 38, 39, 41, 44F , 47F, 49F, 53F, 59F, 61F, 63F, 66F, 70F, 72F, 88F, 91F, 93F, 98F, 99F, 117F, 118F, 119F, 122F, 125F, 126F, 132F, 133F, 137F, 143F, 144F, 146F, 147F, 148F, 149F, 150F, 151F, 152F,153F, 154F, 155F, 156F, 157F, 159F and 161 certificates to (1) broaden its commodity descriptions to (a) "ores and minerals" in Sub-Nos. 13, 53F, 125F, 151F, and 156F from bentonite, bentonite clay and mud treating compounds, salt and salt products, (b) "food and related products" in Sub-Nos. 7, 31, 38, 126F, 151F, and 156F from animal and poultry feeds and supplements, flour glue extender, soy bean meal, salt and salt products, (c) "lumber or wood products" in Sub-Nos. 6, 7, 9, 14, 17, 19, 24, 26, 39, 41, 44, 47, 66F, 88F, 93F, 99F, 117F, 119F, 132F, 133F, 137F, 144F, and 150F from lumber and particle board, lumber products, wood products, precut log buildings, knocked-down prefabricated homes, lumber mill products, windows, doors, shingles, millwork, overhead garage doors, garage door hardward, garage service doors, treated poles and piling, roofing materials, asphalt composition roofing, shingles, rolled roofing, asphalt impregnated sheating board, charcoal and charcoal briquettes, railway materials and supplies and railroad ties, (d) "pulp, paper or allied products" in Sub-Nos. 49F, 61F, (part 4), 119F and 133F from gypsum board, insulation board, roofing materials and material, equipment and supplies used in the manufacture and distribution of railways, (e) "chemicals and related products" in Sub-Nos. 13, 22, 27, 30, 31, 36, 38, 53F, 125F, 133F, 151F and 156F from bentonite, bentonite clay and mud treating compounds, chemicals, janitorial supplies, dry cleaning supplies, soil conditioner, trace mineral fertilizer, aluminum sulfate, flour glue extender, soda ash, railway materials, equipment and supplies, salt and salt products, (f) "petroleum or coal products" in Sub-Nos. 39, 66F, 119F, 132F and 133F from materials and supplies used in the construction, installation and packaging of precut log homes, asphalt composition roofing, shingles, rolled roofing, asphalt impregnated sheating board, roofing materials, charcoal, charcoal briquettes, material, equipment, supplies used in the manufacture and distribution of railways, (g) "rubber and plastic products" in Sub-Nos. 59F, 61F (parts 1 and 2), 63F, 70f, 118F, 119F, 133F and 159F from plastic pipe, plastic pipe fittings and accessories, insulation board, drainage systems, roofing materials, material, equipment and supplies used in the manufacture of railways and polyurethane insulation board, (h) "clay, concrete, glass or stone products" in Sub-Nos. 11, 20, 35, 39, 61F, 63F, 70F, 91F, 118F, 122F, 133F and 149F from stone, refractories, brick, tile, masonry supplies, clay products, windows, cement pipe, drainage systems, precast concrete products, cement, and materials, equipment and supplies used in the manufacture of railways, (i) "metal products," in Sub-Nos. 10, 24, 39, 44F, 63F, 88F, 98F, 119F, 133F, 146F, 147F, 152F, 154F, 155F, 157F and 161F from truck boxes, dump bodies, truck platforms, prefabricated homes, materials and supplies used in the construction, installation and packaging of precut log building, windows, doors, agricultural and industrial equipment, irrigation equipment, stump cutters, log splitters, log chippers, tree spades, garage door hardware, aluminum ingots, roofing materials, material, equipment and supplies used in the manufacture of railways, iron and steel articles, steel buildings, wrought steel pipe, aluminum and aluminum products, steel pipe and seamless oil well casing, (j) "machinery", in Sub-Nos. 10, 39, 72 and 133F, from hydraulic truck hoists, materials and supplies used in the construction, installation and packaging of precut log buildings, exterior heating and cooling units, materials, equipment and supplies used in the manufacture of railways, (k) "transportation equipment" in Sub-Nos. 10, 63F, and 133F, and from truck boxes, dump bodies, truck platforms, agricultural and industrial equipment, and materials, equipment and supplies used in the manufacture of railways, (l) "building materials" in Sub-Nos. 6, 7, 9, 11, 14, 17, 19, 26, 39, 41, 47F, 49F, 59F, 61F, 66F, 70F, 88F, 93F, 99F, 117F, 118F, 119F, 122F, 137F, 144F, 149F, 150F and 159F, from lumber, particle board, lumber products, wood products, stone, refractories, brick, tile, lime,

concrete building products, stone, sand, materials and supplies used in construction of precut log buildings, lumber mill products, windows, doors, millwork, gypsum board, plastic pipe and fittings, cement pipe, insulation board, asphalt composition, roofing, rolled roofing asphalt impregnated sheating board, garage doors, service doors and hardware, treated poles and pilings, roofing materials, cement and cement products, brick and masonry supplies, polyurethane insulation board and railroad ties, (m) "Mercer commodities" in Sub-No. 157F from seamless oil well casing, and (2) remove one-way authority and replace with radial authority between the counties below and points throughout the U.S., in all Subs except Nos. 6, 132F, 133F, 143F, 151F and 161F, (3) remove plantsite or facility restriction in Sub-Nos. 13, 14, 20, 26, 27, 38, 39, 41, 53, 59, 61, 63, 70, 72, 88, 99, 118, 119, 125, 122, 144, 147, 148, 151, 152, 154, 155, 159; (4) remove restriction designating specific ports of entry points to authorize service at ports of entry located in MT, WA, or WY, in Sub-Nos. 9, 19, 30, 35, and 150F, (5) remove restriction requiring movement in foreign commerce in Sub-Nos. 6 and 9, (6) remove "originating at" or "destined to" restriction in Sub-Nos. 6, 7, 9, 10, 19, 22, 26, 30, 35, 36, 39, 53F, 61F, 63F, 66F, and 144F; (7) remove named point authority and replace with county-wide authority: in Sub-Nos. 7, 14, 22 and 39 from Missoula, MT to Missoula County, MT; Sub-Nos. 7 and 98 from Columbia Falls, MT to Flathead County, MT; Sub-Nos. 7 and 22 from Helena, MT to Lewis and Clark County, MT; Sub-No. 7 from Darby, Kalispell, Bonner, Pablo, Trout Creek, Seeley Lake, Fortine, Phillipsburg, and Silver City, MT to Ravalli, Flathead, Missoula, Lake, Sanders, Lincoln and Granite Counties, MT; Sub-Nos. 10 and 20 from Billings, MT to Yellowstone County, MT; Sub-Nos. 10, 22 and 31 from Great Falls, MT to Cascade County, MT; Sub-No. 10 from West Quincy, MO, to Marion County, MO, Sioux City, IA to Woodbury County, IA and Galion, OH to Crawford County, OH, Lake Crystal, MN, to Blue Earth County, MN; Sub-Nos. 13 and 53 from Lovell and Greybull, WY to Big Horn County, WY; Sub-No. 22 from Ludington, Midland, Westacres and Wyandotte, MI to Mason, Midland, Oakland and Wayne Counties, MI; Barberton and Painesville, OH to Summit and Lake Counties, OH; Rapid City and Sioux Falls, SD to Pennington and Minnehaha Counties, SD, Peoria and Ringwood, IL to Peoria and McHenry Counties, IL; Janesville, Monticello and Madison, WI to Rock, Green and Dane Counties, WI and Warm Springs, MT to Deer Lodge County, MT; Sub-Nos. 24 and 44F from Chehalis, WA to Lewis County, WA; Sub-No. 26 from Laurel, MT to Yellowstone County, MT; Sub-No. 27 from Wellsville, CO, to Fremont County, CO; Sub-No. 38 from Ogden, UT to Weber County, UT; Sub-No. 39 from Reno, NV to Washoe County, NV, and Mena, AR to Polk County, AR; Sub-No. 41 from Couer d'Alene, Jaype, Kamiah, Lewiston, Post Falls, Potlatch, Santa, St. Maries and Spaulding, ID to Kootenai, Clearwater, Lewis, Nez Perce, Latah and Benewah Counties, ID; Sub-No. 49F from Albuquerque, NM to Bernalillo County, NM; Sub-No. 53F from Malta, MT to Phillips County, MT; Sub-Nos. 61F and 118F from Wilton, IA to Muscatine County, IA and Rockdale, IL to Will County, IL; Sub-No. 63F from Pella, IA to Marion County, IA; Sub-No. 70F from McNary, OR to Umatilla County, OR and Stockton, CA to San Joaquin County, CA; Sub-No. 88F from Shawano, WI to Shawano County, WI; Sub-No. 91F from Oshkosh, WI to Winnebago County, WI, in Sub-No. 98, Terre Haute, IN to Vigo County, IN, Sub-No. 99F from Albany, Bend and Millersburg, OR to Linn, Deschutes and Benton Counties, OR, Sub-No. 118, Waukegan, IL, to Waukegan County, IL, Sub-No. 119, from Pittsburg, CA to Contra Costa County, CA; Sub-No. 137F from New Castle, WY to Weston County, WY, Sub-No. 148 from Turlock, CA to Stanislaus County, CA, Sub-No. 150F from Townsend, MT to Broadwater County, MT, Sub-No. 151F from Saltair, UT to Utah County, UT and in Sub-No. 159F from Salt Lake City, UT to Salt Lake County, UT, (8) remove restriction against transportation of commodities in bulk, and/or in tank vehicles in Sub-Nos. 11, 19, 22, 26, 27, 30, 31, 36, 38, 59F, 122, 133F, 151 (9) remove commodity exceptions in Sub-Nos. 7, 11, 59F and (10) delete the exceptions of service to AK and HI in Sub-Nos. 39, 63, 72, 91, 132, 133, 144, and 153 and the origin state in Sub-No. 39 and 63.

MC 136814 (Sub-5)X, filed June 19, 1981. Applicant: MATLOCK TRANSPORTATION, INC., 565 E. Redlands Blvd., San Bernardino, CA 92408. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633. Applicant seeks to remove restrictions in its Sub-Nos. 2 and 4 permits to (1) broaden the commodity description from (a) magazines, magazine paper, scrap or waste paper for recycling, materials and supplies used in the operating and production of printing and publishing plants (except in bulk), and magazines, publications and printed matter to "pulp, paper and related products, printed matter, materials and supplies used in the operating and production of printing and publishing plants, and scrap or waste paper for recycling," in Sub-No. 2 and (b) commodities manufactured, used and dealt in by the printing industry (except in bulk) to "commodities manufactured, used and dealt in by the printing industry, printed matter, and pulp, paper and related products", in Sub-No. 4; and (2) broaden the territorial description to between points in the U.S., under continuing contract(s) with named shippers, in both permits.

MC 143389 (Sub-15)X, filed June 12, 1981. Applicant: MERCHANTS DUTCH EXPRESS, INC., P.O. Box 2525, Monroe, LA 71207. Representative: James K. Adams (same address). Applicant seeks to remove restrictions in its permits Sub-Nos. 3F, 6F, 7F, 9F, 10F, 12F, and 13F, to (1) broaden territorial authority to between points in the United States under contract with named shippers, and (2) eliminate "except commodities in bulk" restriction, in Sub-Nos. 7, 9, and 10.

MC 147186 (Sub-3)X, filed June 18, 1981. Applicant: TEUFEL BROTHERS, INC., Inman Avenue, Avenel, NJ 07001. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Applicant seeks to remove restrictions in its Permit MC–147186 Sub-No. 1 to (1) broaden the commodity description from asphalt emulsion, to "petroleum or coal products"; (2) broaden the territorial description to all points in the United States under contract(s) with a named shipper and (3) eliminate the restriction "in bulk, in tank vehicles."

MC 148705 (Sub-5)X, filed June 22, 1981. Applicant: TWIN CONTINENTAL TRANSPORT CORPORATION, 5738 Olson Highway, Minneapolis, MN 55422. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. Applicant seeks to broaden the commodity description in its Sub-No. 3 certificate from alcoholic beverages to "food and related products".

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[Volume No. 114]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: June 30, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part

1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 42261 (Sub-155)X, filed June 23, 1981. Applicant: LANGER TRANSPORT CORP., Box 305, Jersey City, NJ 07303. Representative: W. C. Mitchell, 370 Lexington Avenue, New York, NY 10017. Applicant seeks to remove the "except in bulk" and "except AK and HI" restrictions in its Sub-No. 144F certificate.

MC 43963(Sub-33)X, filed June 12, 1981. Applicant: CHIEF TRUCK LINES, INC., 1479 Ripley St., Lake Station, IN 46405. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Applicant seeks to remove restrictions in its lead certificate by (1) removing the restrictions from general commodities, classes A and B explosives; (2) allowing service to all intermediate points between Sorento, IL and St. Louis, MO; (3) changing heavy machinery to "machinery"; (4) changing specific iron and steel items to "metal products", (5) change one-way authority to two-way authority between specified IL and IN points; and (6) change Joliet, IL and Burns Harbor, IN to Will County, IL and Porter County, IN.

MC 53965 (Sub-196)X, filed June 16, 1981. Applicant: GRAVES TRUCK LINE, INC., P.O. Box 1387, Salina, KS 67401. Representative: Bruce A. Bullock, One Woodward Ave.—26th Floor, Detroit, MI 48226. Applicant seeks to remove restrictions in its Sub-Nos. 22, 27, 30, 62, 147F, 172F, and 188 certificates to (1) broaden the commodity description from (a) general commodities, with exceptions to "general commodities (except classes A and B explosives)" in each certificate, and (b) lubricating oil and grease in containers to "petroleum, natural gas, and their products" in Sub-No. 30 (page 5); (2) authorize service to all intermediate points on regular route authority in each certificate; (3) expand city to county-wide authority on the irregular route authority from: Salina to Saline County, KS, in Sub-No. 22; 50 miles of Ness City, KS, to Sheridan, Gove, Scott, Finney, Gray, Ford, Edwards, Lane, Rooks, Pawnee, Barton, Ellis, Russell, Trego, Ness, Hodgeman, and Rush Counties, KS, in Sub-No. 27; and Beatrice, Omaha, and Lincoln to Gage, Douglas and Lancaster Counties, NE, in Sub-No. 30; (4) eliminate the missile site, supply point, and construction site limitations in Sub-No. 22; and (5) remove the restriction against traffic moving solely between Norfolk and Columbus, NE, in Sub-No. 30; and against joinder only in Sub-Nos. 30 and 147F.

MC65626 (Sub-43)X, filed June 24, 1981. Applicant: FREDONIA EXPRESS, INC., P.O. Box 222, Fredonia, NY 14063. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666—11th Street, N.W., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-Nos. 34, 35F, and 39F, certificates to (1) delete plantsite restrictions in Sub-Nos. 34 and 35; (2) remove originating at or destined to restriction in Sub-No. 34; (3) broaden Dunkirk, NY, to Chautauqua County, NY, in Sub-Nos. 34 and 35; and (4) remove an in bulk restriction in Sub-No. 39.

MC 78947 (Sub-25)X, filed June 8, 1981. Applicant: ELLIOT BROS. TRUCK LINE, INC., Dysart, IA 52224. Representative: Kenneth Jr. Dudley, P.O. Box 279, Ottumwa, IA 52501. Applicant seeks to remove restrictions in its lead and Sub-Nos. 6, 7, 9, 11, 16, 17, 19, and 20 certificates to (1) broaden the commodity description from iron and steel articles in Sub-Nos. 6 and 16F, iron and steel articles and materials, equipment and supplies used in the manufacture and processing thereof in Sub-No. 7, and steel and steel products in Sub-No. 9, to "metal products"; from prepared roofing and insulating materials to "building materials"; from catalogues to "printed matter" from prepared animal feed to "food and related products", from barium, barium carbonate and fertilizer to "chemicals and related products", from binder twine to "textile mill products" in Sub-No. 9; from wooden pallets, skids, boxes, repair board, crating and blocking and lumber in Sub-No. 11 to "lumber and wood products"; from metal boxes, medical cabinets, benches and shelves in part (1) of Sub-No. 19F, to "metal products and furniture and fixtures"; from (a) agricultural implements and equipment (except tractors), (b) parts and accessories for the commodities in (a), and tractors, in parts (a) and (b) of Sub-No. 20F, to lumber and wood products, metal products, and machinery"; from metal boxes, medical cabinets, benches and shelves in Sub-No. 19F, to "metal products and furniture and fixtures"; from agricultural implements and harness to "machinery and leather and leather products"; from chicken brooders to "machinery" and from feed to "food and related products" in its lead; (2) serve all intermediate points in the regular route portion of its lead; (3) remove facilities limitations at and/or replace (a) portions of Bremer, Butler, Tama, and Grundy Counties, IA, with all of those counties, in its lead, (b) Burns Harbor, IN, with Porter County, IN, and Waterloo and Waverly, IA, with Blackhawk and Bremer Counties, IA, in Sub-No. 7, (c) Joliet, Waukegan, Chicago Heights, Wilmington, and Marseilles, IL, with Cook, Lake, Will and LaSalle Counties, IL, Hampton, IA, with Franklin County, IA, and points in IA within 40 miles of Hampton, IA with Blackhawk, Bremer, Butler, Cerro Gordo, Chickasaw, Floyd, Grundy, Hamilton, Hancock, Hardin, Humboldt, Marshall, Mitchell, Story, Tama, Webster, Winnebago, Worth, and Wright Counties, IA in Sub-No. 9, (d) Jessup, IA, with Blackhawk County, IA, in Sub-No. 11, (e) Hudson, IA, with Blackhawk County, IA, in Sub-No. 17, (f) Waterloo, IA, with Blackhawk County, IA, Sedalia, MO, with Pettis County, MO, Jonesboro and Pocahontas, AR, with Craighead and Randolph Counties, AR in Sub-No. 19F, and (g) Cedar Falls, IA, with Blackhawk County, IA, Morton, IL, with Tazewell County, IL, and Binghamton, NY, with Broome County, NY, in Sub-No. 20F, (4) remove originating at or destined to restrictions in Sub-Nos. 7, 17, and 19F; (5) remove a restriction against commodities in bulk in Sub-Nos. 7, 17 and 19 and (6) remove the AK and HI exception in Sub-No. 20F.

Previously noticed in Federal Register issue of June 16, 1981, and republished as corrected this issue.

MC 80443 (Sub-49)X, filed May 27, 1981. Applicant: OVERNITE EXPRESS,

INC., 2550 Long Lake Rd., Roseville, MN 55113. Representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, ND 58126. Applicant seeks to remove restriction in its lead certificate and authority acquired in No. MC–F–13602 to (1) broaden the commodity descriptions (a) from bakery products, yeast, baker's malt, dry malt, cakes and pies to "food products"; from empty containers to "containers"; and from newspapers to "printed matter" in its lead; and (b) remove exceptions to general commodities (except classes A and B explosives) in its lead and MC–F–13602 authority; (2) remove facilities limitations and replace Abbotsford, Prentice, Neillsville, and Eau Claire, WI, with Clark, Marathon, Pierce, and Eau Claire Counties, WI, and Chemolite, Northfield, Kenyon, and Hutchinson, MN, with Dakota, Rice, Goodhue, and Mc Leod Counties, MN, in the irregular route portion of its lead, Wahpeton, ND, with Richland and Wilkin County, MN in MC–F–13602, and Chemolite, MN, with Dakota, County, MN, in the regular route portion of its lead and MC–F–13602; (3) replace one-way with two-way authority (regular route) or radial authority (irregular route) in its lead.

Note.—This republication adds Marathon County, WI, to the substituted counties.

MC 112263 (Sub-11)X, filed June 25, 1981. Applicant: IMPERIAL VAN LINES, INC., WEST, 3565 Torrance Blvd., Torrance, CA 90503. Representative: Alan F. Wohlstetter, 1700 K Street, N.W., Suite 301, Washington, DC 20006. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity descriptions from (a) household goods, as defined by the Commission, to "household goods, and furniture and fixtures"; (b) general commodities (with exceptions) to "general commodities (except classes A and B explosives)"; and (2) broaden cities to counties: Portland, OR, and points within 3 miles thereof to Multnomah County, OR.

MC 112893 (Sub-65)X, filed June 11, 1981. Applicant: BULK TRANSPORT COMPANY, 100 Waukegan Road, P.O. Box 1000, Lake Bluff, IL 60044. Representative: Michael V. Kaney (same address as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 1, 8, 20, 22, 24, 25, 27, 29, 34, 36, 41, 43, 45, 49, 52F 53F, 54F, 55F, 59F, 60, 61F, 63 and 64 certificates to (A) broaden the commodity description in each to "commodities in bulk" from varied products in bulk, in tank vehicles, such as petroleum, petroleum products, asphalt products, liquid gas, lubricating and industrial oils, residual fuel oil, crude extract, fertilizers, ammonia, waxes, jet fuel, and greases; and remove commodity restrictions excluding petrochemicals and paint in Sub-No. 34, asphalt in Sub-No. 45, and petroleum in Sub-No. 59; (B) remove the restriction limiting service to traffic originating at and destined to the named plantsite and points in Sub-No. 41; (C) replace one-way authority with radial authority; (D) remove exceptions to service at Lemont, Lockport, and South Beloit, IL in Sub-Nos. 34 and 43; and (E) substitute city-wide and county-wide authority in place of the plantsites and named points, as follows: Sub-No. 1, Lake County, IN and Cook County, IL (East Chicago, IN and points within 2 miles thereof), and Cook, Du Page, Kane, Kendall, Lake, McHenry and Will Counties, IL and Lake and Porter Counties, IN (Chicago, IL); Sub-No. 8, Kankakee County, IL (Bradley, IL); Sub-No. 20, Winnebago County, IL (pipeline terminal near Rockford IL); Sub-No. 22, Whiteside and Lee Counties, IL (Rock Falls, IL); Sub-No. 24, Portage County, WI (terminal pipeline near Junction City, WI); Sub-No. 25, Dubuque County, IA (Dubuque, IA); Sub-No. 27, Milwaukee, WI (plantsite at Milwaukee, WI), and Marquette County, MI (Palmer, MI); Sub-No. 29, Christian County, IL (Pana, IL); Sub-No. 36, Lafayette and Columbia Counties, WI (Calamine and Fall River, WI); Sub-No. 41, Will County, IL (plantsite near Joliet, IL); Sub-No. 43, Sheboygan County, WI (Sheboygan, WI); Sub-No. 45, Dubuque County, IA (facilities at Dubuque, IA); Sub-No. 49, Brown and Manitowoc Counties, WI (Green Bay and Two Rivers, WI), and Scott County, IA (Walcott, IA); Sub-No. 52, Waukesha County, WI (Pewaukee, WI); Sub-No. 53, Scott County, IA (Linwood, IA, near Davenport, IA); Sub-No. 54, Lake County, IN (Whiting, IN); Sub-No. 59, Cook County, IL (facilities near Cicero, IL); Sub-No. 60, Brown County, WI (Green Bay, WI); Sub-No. 61, Rock County, WI (Janesville, WI); Sub-No. 64, Waukesha County, WI (facilities at Waukesha, WI), Hudson, Essex, Union and Middlesex Counties, NJ (Sewaren and Bayonne, NJ), and Cook, Du Page, Kane, Kendall, Lake, McHenry and Will Counties, IL and Lake and Porter Counties, IN (Chicago, IL), Madison County, IL (Wood River, IL), and Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery and Waller Counties, TX (Houston and Baytown, TX), and Contra Costa and Solano Counties, CA (Martinez, CA).

MC 113974 (Sub-80)X, filed June 24, 1981. Applicant: PITTSBURG & NEW ENGLAND TRUCKING CO., 211 Washington Avenue, Dravosburg, PA 15034. Representative: James D. Porterfield (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 72 certificate to (1) broaden the commodity description from non-ferrous scrap to "metal products", in part (2) of Sub-No. 72 and (2) remove the AK and HI exceptions.

MC 117991 (Sub-5)X, filed June 19, 1981. Applicant: ZAVITZ BROTHERS, LTD., R.R. #1, Wainfleet, Ontario, CD LOS IVO. Representative: William J. Hirsch P.C., 1125 Convention Tower, 43 Court Street, Buffalo, NY 14202. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2 and 4 certificates to: (1) broaden commodity descriptions to "food and related products" from (a) bananas, frozen vegatables, frozen fruits and frozen berries; in the lead, (b) bananas, in Sub-No. 2, and (c) bananas and agriculture commodities, the transportation of which would otherwise be exempt from regulation pursuant to the provisions of section 203(b)(6) of the Interstate Commerce Act, in mixed loads with bananas; (2) remove the foreign commerce restriction., in the lead and Sub-No. 4; (3) expand specific ports of entry on the International Boundary line between the U.S. and Canada to authorize service to all ports of entry on the U.S.-Canada boundary line located in (a) NY and MI, in the lead, and, (b) NY, in Sub-No. 4; (4) broaden the territorial description by authorizing countywide authority for city-wide authority: (a) Essex and Hudson Counties, NJ, for Newark and Weehauken, NJ; Niagara and Erie Counties, NY, for Buffalo, NY, in the lead; (b) New Castle County, DE, for Wilmington, DE; in Sub-No. 2, and (c) Albany County, NY, for Albany, NY; in Sub-No. 4; and (5) authorize radial authority to replace existing city-wide service between points in 7 northeastern States.

MC 121082 (Sub-24)X, filed June 19, 1981. Applicant: ALLIED DELIVERY SYSTEM, INC., 2201 Fenkell, Detroit, MI 48238. Representative: Robert E. McFarland, 2855 Coolidge, Ste. 201A, Troy, MI 48084. Applicant seeks to remove restrictions in its Subs-No. 3, 12, 15, 17, and 19 certificates, to (1) remove all restrictions in its general commodities authority except classes A and B explosives in its Sub-Nos. 3, 12, 15, and 19; (2) broaden the commodity description from restaurant and store fixtures to "furniture and fixtures," from printing supplies to "pulp, paper, and related products and printed matter" in the Sub-No. 17; (3) authorize radial authority for one-way authority between Detriot, MI, and, portions of the lower peninsula of MI, in Sub-No. 3; (4) remove

limitations on service of certain named commodities to Lansing, MI in Sub-No. 3; (5) eliminate the freight forwarder bills of lading restriction from the Sub-No. 19 certificate; (6) eliminate the specified freight forwarder plantsite or facilities requirements from the Sub-Nos. 12 and 15 certificates; and (7) eliminate the per package and per shipment weight limitations in Sub-No. 3, 12, 15 and 19.

MC 123371 (Sub-6)X, filed June 22, 1981. Applicant: EDLIN BROS., INC., Route 2, New Haven, KY 40051. Representative: Herbert D. Liebman, P.O. Box 478, Frankfort, KY 40602. Applicant seeks to remove restrictions in its Sub-No. 4F permit to (1) broaden the commodity description from alcoholic beverages and materials used in the distribution of alcoholic beverage products to "food and related products"; (2) remove the except commodities in bulk in tank vehicles restriction; and (3) broaden the territorial description to between points in the U.S., under continuing contract(s) with a named shipper.

MC 124170 (Sub-174)X, filed June 23, 1981. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. Applicant seeks to remove restrictions in its Sub-Nos. 59F, 60F and 73F certificates to (1) broaden the commodity descriptions to "chemicals and related products" from laboratory reagents and culture media; and to "food and related products" from poultry and poultry products, in Sub-Nos. 59F and 60F, (2) remove mechanically refrigerated vehicle restrictions, in Sub-No. 60F, (3) eliminate tacking restrictions, in all Sub-Nos., (4) replace one-way authorities with radial authorities and (5) broaden the territorial description by substituting county-wide authority for city-wide authority as follows: Baltimore County, MD (for Cockeysville, MD) and Northumberland County, PA (for Paxinos, PA) and Lancaster County, PA (for Bird in Hand, PA).

Note.—Applicant's ability to tack authorities will be governed by 49 CFR 1042.10(b).

MC 127577 (Sub-8)X, filed June 22, 1981. Applicant: D. DONNELLY, INC., 855 Montee de Liesse, St. Laurent, Quebec H4 T lp 5, Canada. Representative: W. Norman Charles, P.O. Box 724, Glens Falls, NY 12801. Applicant seeks to remove restrictions in its Sub-Nos. 2 and 8 certificates to (1) remove the "in dump vehicles" restriction wherever it appears in Sub-Nos. 2 and 8; (2) broaden the commodity descriptions from (a) pig iron in Sub-No. 8 (part 2) to "meal products"; and (b) rock salt in Sub-No. 2, ferroalloys in Sub-No. 8 (part 3), wallastonite in Sub-No. 8 (part 4), magnetite and ilmenite ore in Sub-No. 8 (part 5a), chrome ore and magnesite in Sub-No. 8 (part 5b), soda ash and calcium in Sub-No. 8 (part 6), roofing slag in Sub-No. 8 (part 7), bauxite ore in Sub-No. 8 (parts 8 and 10), ilmenite ore in Sub-No. 8 (part 9), and dolomite in Sub-No. 8 (part 11) (all in bulk) to "commodities in bulk"; (4) remove the restrictions against service from ports of entry on the United States-Canada boundary line located on the Niagara River in Sub-No. 8 (parts 1 and 2); (5) remove the restriction limiting service to the transportation of traffic having an immediate prior movement by water in Sub-No. 8 (part 5b); (6) replace cities with county-wide authority as follows: East Liverpool, OH, with Columbiana County, OH, and Midland, PA, with Beaver County, PA, in Sub-No. 8 (part 3); Willsboro, NY, with Essex County, NY, in Sub-No. 8 (part 4); Tahawus, NY, with Essex County, NY, in Sub-No. 8 (part 5a); Solvay and Syracuse, NY, with Onondaga County, NY, in Sub-No. 8 (part 6); Bow, NH, with Merrimack County, NH, in Sub-No. 8 (part 7); Cleveland, OH, with Cuyahoga County, OH, in Sub-No. 8 (part 8); Windham, OH, with Portage County, OH, in Sub-No. 8 (part 11); (7) expand specified ports of entry (at Alexandria Bay, Champlain and Trout River, NY, and Highgate Springs, VT) on the United States-Canada boundary line to authorize service at all ports of entry in NY and VT in Sub-No. 8 (parts 3, 4, 5a, 5b, 6, 7, 8, 10, and 11); (8) expand one-way to radial authority between ports of entry on the United States-Canada boundary line in ME, NH, NY, and VT, and points in CT, ME, MD, MA, NH, NJ, NY, OH, PA, RI, and VT. Applicant also seeks to broaden the commodity description from refractory products in its MC -135106 Sub-No. 2 permit to "refractories and refractory products", and to expand the territorial description to between points in the United States, under continuing contract(s) with a named shipper.

MC 128302 (Sub-23)X, filed, June 16, 1981. Applicant: THE MANFREDI MOTOR TRANSIT CO., 14841 Sperry Rd., Newbury, OH 44065. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions from its MC 112184 Sub-Nos. 2, 4, 5, 8, 11, 12, 15, 18, 19, 20, 27, 28, 29, 31, 32, 35, 38, 39; 40, 44, 46, 47, 48, 50, 51, 52, 56, 57, 58, 59F, 61F, 65F, 67F, 68F, 69F, 71F, 73, and 74 permits to (1) broaden the commodity descriptions from (a) varnish, lacquer, paint reducing and thinning compounds used in their manufacture; compressed gases; boron trifloride gas; paint oils and mineral spirits; hydrofluoric acid; alkyd resins, paint oils; paints, stains, and varnishes; oil and gasoline additives; paints and resins; paint products; automotive rust-proofing paint automotive rust-proofing paint products; paint ingredients; and chemical products and materials and supplies used in their manufacture, to "chemicals and related products and materials, equipment and supplies used in their manufacture" in Sub-Nos. 2, 4, 5, 8, 11, 12, 15, 18, 19, 20, 27, 28, 29, 31, 32, 35, 38, 39, 44, 46, 51, 52, 56, 57, 58, 65F, and 67F; (b) shippers' tank vehicles and empty shipper-owned tank vehicles, to "transportation equipment" in Sub-Nos. 5 and 8; (c) oil additives, gasoline additives, petroleum products and materials and supplies used in their manufacture to "petroleum, natural gas and their product and materials, equipment, and supplies used in their manufacture" in Sub-Nos. 19, 51, 58, and 65F; (d) batteries, battery chargers, electric cord sets, lamps, lamp ballasts, lamp fixtures, lamp outfits, lighting fixtures to "machinery, clay, concrete, glass or stone products, metal products, pulp, paper and related products and rubber and plastic products" in part (1) of Sub-No. 61F; and (e) vegetable oils; corn products, except corn oil in bulk; corn products and blends containing corn products (except corn oil feed products and blends containing corn oil or feed products); corn products and blends containing products derived from corn; soy bean oil; tomato paste, in bulk; flour, corn starch; liquid sugars and blends of liquid sugars; and corn products to "food and related products" in Sub-Nos. 15, 38, 40, 47, 48, 50, 59F, 68F, 69F, 71F, 73, and 74; (2) broaden the territorial descriptions to between points in the United States, under continuing contract(s) with named shippers in each of the above sub-numbers; (3) remove the "in bulk, in tank vehicle and in shipper-owned tank vehicles or trailers" restrictions wherever they appear in the above sub numbers and to eliminate the "except in bulk" restrictionin Sub-No. 71F; and (4) remove a "prior movement by water" restriction in Sub-No. 58.

MC 136275 (Sub-31)X, filed, June 22, 1981. Applicant: WHITFIELD ASSOCIATED TRANSPORT, INC., 777 Executive Blvd., El Paso, TX 79922. Representative: Dann L. Drewery (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 24 certificate in order to delete a plantsite restriction

and authorize county-wide authority in El Paso County, TX.

MC 138304 (Sub-28)X, filed June 24, 1981. Applicant: NATIONAL PACKERS EXPRESS, INC., 90 Fish Street, Jersey City, NJ 07305. Representative: Craig B. Sherman, Barnett Bank Building, 1108 Kane Concourse, Bay Harbor Islands, FL 33154. Applicant seeks to remove restrictions in its Sub-Nos. 1, 2, 6, 8, 9, 13, 14F, 15F, 16F, 18F, 19F, 20F, 24F, 25F, 26F and 27F certificates to (1) broaden commodity descriptions to (a) "food and related products and machinery" from imported malt beverages (except in bulk) and malt beverage dispensing equipment in Sub-No. 1, malt beverages and malt and malt beverage dispensing equipment (except commodities in bulk) in Sub-Nos. 9 and 26F, (b) "food and related products" from malt beverages (except commodities in bulk) in Sub-No. 2, wine (except in bulk) in Sub-No. 6, breadcrumbs and syrups (except in bulk) in Sub-No. 13, non-edible grain flour, edible grain flour, dry beverage preparations, breadcrumbs, non-medicated syrup and bread cubes, and materials used in the manufacture of these commodities in Sub-No. 15F, malt beverages, wine and carbonated water in Sub-No. 24F, foodstuffs in Sub-No. 25F and grain flour, dry beverage preparations, breadcrumbs, non-medicated syrup and bread cubes and materials used in the manufacture of these commodities in Sub-No. 27F; (c) "metal products" from steel nuts, bolts, screws and metal fasteners in Sub-Nos. 8 and 18F; (d) "chemicals and related products, ores and minerals, and food and related products" from salt and salt products (except commodities in bulk) in Sub-No. 14F; (e) "chemicals and related products, ores and minerals, food and related products and metal products from salt and salt products, soy flour, corn gluten meal and corn starch, soda ash and foil wrapper, and dry bouillon" in Sub-No. 16F; (f) "lumber and wood products, pulp, paper and related products, chemicals and related products, rubber and plastic products and metal products" from packaging supplies and products used in the manufacture thereof, and packaging supplies and products used in the manufacture thereof, tapes, reinforced paper, polyethylene bags, tubings, sheets, adhesives, reinforced mailers and ink in Sub-No. 19F; (g) "clay, concrete, glass or stone products, and lumber and wood products" from glass, glass articles, flat glass and glazing units and wood products in Sub-No. 20F; and (h) "machinery" from phonograph records and cassette recording tapes in Sub-No. 22F; (2) broaden the territorial scope to county-wide from city authority as follows: St. Clair County, MI, (from St. Clair, MI) and Summit County, OH, (from Akron, OH) in Sub-No. 14F; Summit County, OH, (from Akron, OH), St. Clair County, MI, (from St. Clair, MI), Macon County, IL, (from Decatur, IL), and Cook County, IL, (from La Grange, IL) in Sub-No. 16F; New Haven and Fairfield Counties, CT, (from New Haven and Bridgeport, CT) in Sub-No. 18F; Westmoreland County, PA, (from Jeanette, PA) in Sub-No. 20F; Vigo and Wayne Counties, IN, (from Terre Haute and Richmond, IN) in Sub-No. 22F; and Douglas County, WI, (from Superior, WI) in Sub-No. 24F; (3) to eliminate the restriction "except AK and HI" in Sub-Nos. 19F, 25F and 27F; (4) remove the traffic originating at and destined to and the facilities restrictions in Sub-Nos. 6, 15F, 18F, 19F, 24F, 25F and 27F; (5) remove the restriction "against the transportation of shipments originating at Newark, NJ and destined to Ft. Wayne, IN" in Sub-No. 1; (6) eliminate the restriction "against transportation of commodities in bulk" in Sub-Nos. 15F and 27F; (7) eliminate the restriction "except AK and HI", in Sub-Nos. 19F, 25F and 27F; and (8) change one-way authorities to radial authorities in Sub-Nos. 1, 2, 6, 8, 9, 13, 14F, 15F, 16F, 18F, 19F, 20F, 22F, 24F (part 1), 25F, 26F and 27F.

MC 140997 (Sub-1)X, filed June 25, 1981. Applicant: BAKER TRUCKING COMPANY, P.O. Box 982, Sioux Falls, SD 57101. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions in its Sub-No. 1 permit to (1) broaden the commodity description from pulpboard, fiberboard, and pulpboard and fiberboard products, and materials, equipment, and supplies used in the manufacture and processing thereof, to "pulp, paper, and related products and material, equipment, and supplies used in the manufacture and processing thereof"; and (2) broaden the territorial description to authorize service between points in the U.S., under continuing contract(s) with a named shipper.

MC 142730 (Sub-7)X, filed June 18, 1981. Applicant: T. McGINNIS TRUCKING CO., INC., Rte. 3, Box 329, Catlettsburg, KY 41129. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. Applicant seeks to remove restrictions in its Sub-Nos. 2, 4, and 6F permits to (1) broaden the commodity description in Sub-No. 2, from face brick, clay and shale, concrete blocks, concrete lintels, and concrete parking curbs to "clay, concrete, glass and stone products"; from limestone, sand, and gravel, in bulk, to "commodities in bulk"; in Sub-No. 4 from metallurgical stone and limestone, in bulk to "commodities in bulk"; in Sub-No. 6 calcitic fluxing stone, in bulk to "commodities in bulk"; and (2) broaden the territorial description to between points in the U.S. under continuing contract(s) with named shippers.

MC 143512 (Sub-6)X, filed May 18, 1981, previously noticed in the Federal Register of May 29, 1981, republished as corrected this issue. Applicant: ALL CORPS, 838 Hutchison St., Vista, CA 92083. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. Applicant seeks to remove restrictions in it Sub-Nos. 3F and 5F to (1) broaden its commodity descriptions: in Sub-Nos. 3F and 5F part (1), from bakery goods and frozen bread, to "food and related products"; and (2) broaden the territorial description to between points in the United States, under continuing contract(s) with a named shipper, in both permits. The purpose of this republication is to change Sub-No. 4F to Sub-No. 5F.

MC 144121 (Sub-12)X, filed June 22, 1981. Applicant: LARRY'S EXPRESS, INC., 720 Lake Street, Tomah, WI 54660. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. Applicant seeks to remove restrictions in its MC-128860 Sub-No. 13 permit to (1) broaden the commodity description from malt beverages, and related advertising materials, premiums, and malt beverage dispensing equipment, in mixed loads with malt beverages, to "food and related products and materials, equipment and supplies used in the manufacture, sale and distribution of such commodities"; and (2) broaden the territorial descriptions to between points in the United States, under continuing contract(s) with a named skipper.

MC 145435 (Sub-13)X, filed June 22, 1981. Applicant: WESTERN AG INDUSTRIES, INC., 2750 North Parkway, Fresno, CA 93771. Representative: David B. Rosenman, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212. Applicant seeks to remove the restriction in its Sub-Nos. 6F, 7F, and 8F permits to (1) broaden its territorial descriptions to between points in the U.S., under continuing contract(s) with a named shipper; (2) broaden its commodities description in Sub-No. 6F from foodstuffs to "food and related products"; in Sub-No. 7F from steel and aluminum wheels, without tires, automotive accessories and parts to "metal products, automotive parts, accessories and related products"; and

in Sub-No. 8F from floor coverings to "floor coverings and related products"; and (3) remove the except in bulk restriction in Sub-No. 6F.

MC 145513 (Sub-17)X, filed June 22, 1981. Applicant: SERVICE TRANSPORTATION, INC., P.O. Box 732, Payette, ID 83661. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701. Applicant seeks to remove restrictions in its Sub-Nos. 3F, 5F, 7F, 11F, 14F, 15F, and 16F permits to (1) broaden the commodity descriptions from (a) dairy products, materials, equipment, and supplies, apple juice, apple cider, vinegar, apple vinegar, malt beverages and wine and advertising materials, to "such commodities as are dealt in by grocery and food business houses, and beverages, materials, equipment and supplies used in the manufacture and distribution thereof" in Sub-Nos. 3, 5, 7, and 14; (b) anhydrous ethenol to "chemicals and related products and petroleum, natural gas, and their products" in Sub-No. 11; and (c) from molasses byproducts to "chemicals and related products" in Sub-No. 15; (2) authorize service between points in the U.S., under continuing contract(s) with named shippers, in all of the above permits; and (3) delete an "in bulk" and "in containers" commodity restrictions in Sub-Nos. 15 and 16.

MC 146071 (Sub-35)X, filed June 23, 1981. Applicant: DEETZ TRUCKING, INC., P.O. Box 2, 316 Oak St., Strum, WI 54770. Representative: Jack B. Wolfe, 1600 Sherman St. No. 665, Denver, CO 80203. Applicant seeks to remove restrictions in its certificates No. MC 83217 (Sub-Nos. 36, 52, and 63) and No. MC-135874 (Sub-Nos. 65, 100F, 104, 121F, 122F, 135F, 136F, and 138F), acquired in MC-F-14232F, to (1) broaden the commodity descriptions to "food and related products" from (a) meats, meat products, meat by-products and articles distributed by meat packinghouses, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in Sub-Nos. 36 and 52, (b) confectionery, chocolate, and chocolate products in Sub-No. 63, (c) foodstuffs in Sub-Nos. 100F, 104, 121F, 135F, and 136F, and (d) frozen foods in Sub-No. 138F, (2) broaden the territorial descriptions from (a) Huron, SD, to Beadle County, SD, and facilities at Austin, MN, to Mower County, MN, in Sub-No. 36, (b) facilities at Fargo, ND, to Cass County, ND, in Sub-No. 52, (c) facilities in Dauphin County, PA, to Dauphin County, PA, in Sub-No. 63, (d) Brookings, SD, to Brookings County, SD, in Sub-No. 65, (e) facilities at New Ulm, MN, to Brown County, MN, in sub-no. 100F, (f) facilities at La Porte, IN, to La Porte County, IN, in Sub-No. 104, (g) facilities at Milton, PA, to Northumberland County, PA, and La Porte, IN, to La Porte County, IN, in Sub-No. 121F, (h) St. Paul, MN, to Anoka, Hennepin, Dakota, Ramsey, Washington, Scott, and Carver Counties, MN, in Sub-No. 122F, (i) Garden City Park, NY, to Nassau County, NY, in Sub-No. 135F, (j) facilities at Plover, WI, to Portage County, WI, in Sub-No. 136F, and (k) facilities at Deerfield, IL and New Hampton, IA, to Lake County, IL, and Chicasaw County, IA, in Sub-No. 138F, (3) expand its one-way authority to radial authority in all Sub-Nos., (4) eliminate various commodity exclusions, namely (a) commodities in bulk and hides in Sub-Nos. 36 and 52, (b) commodities in bulk, foodstuffs, and flat glass in Sub-No. 65, and (c) commodities in bulk in Sub-Nos. 100F, 104, 121F, 122F, 135F, 136F, and 138F, (5) eliminate the originating at and destined to restrictions in all Sub-Nos., and (6) eliminate vehicle restrictions in Sub-Nos. 100F, 122F, 135F, and 136F.

MC 146803 (Sub-3)X, filed June 22, 1981. Applicant: WILLIAMS PAPER COMPANY, INC., 934 North First Street, St. Louis, MO 63102. Representative: Richard N. Williams (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 2F permit to (1) broaden the commodity description from candy to "food and related products"; (2) authorize service between points in the U.S., under continuing contract(s) with a named shipper; (3) delete an in bulk restriction; and (4) remove the restriction requiring that vehicles be equipped with mechanical refrigeration.

MC 147409 (Sub-5)X, filed June 23, 1981. Applicant: THE SPRINGFIELD TRANSPORTATION COMPANY, 3200 Columbiana Rd., New Springfield, OH 44443. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its Sub-Nos. 1F, 2F, and 3F to: (1) broaden the commodity descriptions from (a) such commodities as are dealt in or used by manufacturers of steel pipe, and such commodities as are dealt in or used by manufacturers of finished steel products to "such commodities as are dealt in or used by manufacturers of metal products" in Sub-No. 1F, (b)(i) such commodities as are dealt in or used by manufacturers of tractor cabs to "such commodities as are dealt in or used by manufacturers of transportation equipment," and (ii) such commodities as are dealt in or used by manufacturers of hand tools to "such commodities as are dealt in or used by manufacturers of metal articles and plastic articles" in Sub-No. 2F, and (c) such commodities as are dealt in or used by manufacturers of hot rolled iron and steel products to "such commodities as are dealt in or used by manufacturers of metal products" in Sub-No. 3F, (2) broaden the territorial descriptions from (a)(i) facilities at Youngstown, OH, to Youngstown, OH, and (ii) facilities at Niles, OH, to Trumbull County, OH, in Sub-No. 1F, (b)(i) the port of entry on the international boundary line between the United States and Canada at or near Rooseveltown, NY, to Lawrence County, NY, (ii) facilities at Rutland, MA, to Worcester County, MA, (iii) facilities at Payne, OH, to Paulding County, OH, (iv) facilities at Rock Falls, IL, to Whiteside County, IL, (v) Columbiana, OH, to Columbiana County, OH, (vi) Warren, OH, to Trumbull County, OH, and (vii) Fayetteville, AR, to Washington County, AR, in Sub-No. 2F, and (c) facilities at Franklin, PA, to Venango County, PA, in Sub-No. 3F, (3) broaden the territorial descriptions in Sub-Nos. 2F and 3F by removing the AK and HI exceptions, (4) eliminate the bulk exceptions in all Subs, and (5) eliminate the originating at and destined to restrictions in Sub-Nos. 1F and 2F.

MC 147694 (Sub-5)X, filed June 12, 1981. Applicant: HEK, INCORPORATED, d.b.a. ELLIOTT BAY SERVICE TRANSFER, P.O. Box 88994, Seattle, WA 98188. Representative: Jack R. Davis, 1100 IBM Building, Seattle, WA 98101. Applicant seeks to remove restrictions in its Sub-No. 4 certificate which authorize transportation of General commodities (except classes A & B explosives), between points in Oregon and Washington, by removing the restriction which limits service to traffic having a prior or subsequent movement by water.

MC 147397 (Sub-3)X, filed June 22, 1981. Applicant: 5 STAR TRUCKING, INC., 7829 S. Lawndale Avenue, Chicago, IL 60652. Representative: Stephen H. Loeb, Suite 2027, 33 N. LaSalle Street, Chicago, IL 60602. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) broaden its commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)" and (2) remove restriction limiting traffic to that having a prior or subsequent movement by rail or water.

MC 148721 (Sub-3)X, filed June 22, 1981. Applicant: H & D TRANSPORTATION, INC., 9850 Adella Ave., South Gate, CA 90280.

Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) broaden its commodity description from general commodities (with exceptions), to "general commodities (except classes A and B explosives)"; (2) change one-way to radial authority in part (b), between Los Angeles, CA, on the one hand, and, on the other, points in AZ, GA, ID, MT, NV, OR, and WA; and (3) eliminate the restriction limiting service to the transportation of traffic moving on bills of lading of freight forwarders.

MC 148831 (Sub-6)X, filed June 22, 1981. Applicant: STUMPS REFRIGERATED EXPRESS, INC., R.D. No. 1, Tiro, OH 44887. Representative: David A. Turano, 100 East Broad Street, Columbus, OH 43215. Applicant seeks to remove restrictions in its Sub-No. 1 certificate to (1) broaden the commodity description from meats, meat products, meat by products, and articles distributed by meat packinghouses as described in Sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 208 and 766 (except hides and commodities in bulk) to "food and related products", (2) replace one-way authority with radial authority, (3) broaden the territorial description by substituting county-wide authority for city-wide authority and facilities as follows: Rock Island County, IL (for facilities at Joslin, IL), and (4) remove originating at and/or destined to restrictions.

MC 149581 (Sub-2)X, filed June 18, 1981. Applicant: LUJO TRUCKING CO., INC., 121 Braley Road, East Freetown, MA 02717. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Applicant seeks to remove restrictions in its Sub-No. 1 certificate and its No. MC-147141 and Sub-No. 2 permits to: (1) broaden the commodity descriptions from electrical wiring devices and loose-leaf binder mechanisms to "metal products and machinery;" (2) broaden the commodity descriptions in its lead permit from wearing apparel and materials, equipment, and supplies used in the manufacture and distribution of wearing apparel to "textile mill products and materials, equipment and supplies used in the manufacture and distribution of textile mill products"; (3) broaden the commodity descriptions in its (Sub-No. 2F) permit from plastic articles, cushioned envelopes, packaging machinery, and equipment, materials and supplies used in the manufacture and distribution of plastic articles, cushioned envelopes, and packaging machinery, to "rubber and plastic products, pulp, paper and related products, and machinery and materials, equipment and supplies used in their manufacture and distribution"; (4) remove the "in bulk" restriction in its Sub-No. 2F permit; and (5) broaden the territorial authority in both its lead permit and Sub-No. 2, to between points in the U.S. under continuing contracts with named shippers.

MC 150398 (Sub-6)X, filed June 12, 1981. Applicant: BLUE EXPRESS, INC., P.O. Box 292, Canton, SD 57013. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Avenue, NW., Washington, D.C. 20036. Applicant seeks to remove restrictions in its lead, and Sub-No. 1F certificates to (1) remove commodity restrictions excluding the transportation of machinery and size and weight commodities from "such commodities as are used in the farming and agricultural industries" in the lead certificate; (2) replace one-way authority with radial authority; (3) remove exceptions to service being performed in AK and HI; and (4) substitute county-wide authority in place of the named origin facilities, in the lead certificate, Sioux County, IA (facilities near Hull, IA), and Lincoln and Minnehaha Counties, SD (Lennox and Sioux Falls, SD).

MC 150460 (Sub-2)X, filed June 9, 1981. Applicant: GRAVES TRUCKING, 6121 Old Seward Highway, Anchorage, AK 99502. Representative: Richard C. Graves, P.O. Box 8–C, Anchorage, AK 99508. Applicant seeks to remove restrictions in its Sub-No. 1 certificate to replace Anchorage, and Cordova, AK with the Third Judical District State of Alaska.

MC 150578 (Sub-20)X, filed June 22, 1981. Applicant: STEVENS TRANSPORT, A DIVISION OF STEVENS FOODS, INC., 2944 Motley Drive, Suite 302, Mesquite, TX 75150. Representative: Michael Richey (same as above). Applicant seeks to remove restrictions in its Sub-Nos. 1F, 2F, and 3F: certificates to (1) broaden the commodity description to "food and related products from alcoholic beverages and wines in packages, in Sub-No. 1F; frozen bakery goods, in Sub-No. 2F, and lard, shortening, vegetable oil, cooking or salad oil, margarine and edible tallow in, Sub-No. 3F; (2) change cities to counties as follows: Fairless Hills, PA to Bucks County, PA, Allen Park, MI to Wayne County, MI, Lawrenceburg, IN to Dearborn County, IN, Lynchburg, TN to Moore County, TN, Tullahoma, TN to Coffee County, TN, Weston, MO to Platte County, MO, Lansdowne, MD to Baltimore County, MD, Little Rock, AR to Pulsaki County, AR, Lafayette, LA to Lafayette Parish, LA, and Tucson, AZ to Pima County, AZ, in Sub-No. 1F; and Des Moines, IA to Polk County, IA, Greenville, SC to Greenville County, SC, Millard, NE to Douglas County, NE, Springfield, IL to Sangamon County, IL, Hickory, NC to Catawba County NC, and San Antonio, TX to Bexar County, TX, in Sub-No. 2F; and (3) change its one way to two-way radial authority between points in various states.

MC 151193 (Sub-9)X, filed June 12, 1981. Applicant: PAULS TRUCKING CORPORATION, 3 Commerce Drive, Cranford, NJ 07016. Representative: Michael A. Beam (same address as applicant). Applicant seeks to remove restrictions in its Sub-No. 1 certificate, to remove the restriction limiting service to traffic having a prior or subsequent movement by rail.

MC 151877 (Sub-1)X, filed June 24, 1981. Applicant: SUPREME HAULERS, INC., 10736 Beaconsfield, Detroit, MI 48224. Representative: Robert E. McFarland, 2855 Coolidge, Suite 201A, Troy, MI 48084. Applicant seeks to remove restrictions in its lead certificate to broaden the commodity description from iron and steel articles and materials, equipment and supplies used in the manufacture and distribution of iron and steel articles to "metal products and materials, equipment and supplies used in the manufacture and distribution of metal products" between points in the lower peninsula of MI and points in the U.S. in and east of MN, IA, MO, AR and TX.

[FR Doc. 81-19068 Filed 7-6-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting

evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1–191

Decided: June 29, 1981.

By the Commission, Review Board No. 1 Members Parker, Chandler, and Fortier.

MC 121741 (Sub-3), filed June 16, 1981. Applicant: WESTERN TEX-PACK, INC., 3200 W. Bolt St., Ft.Worth, TX 76110. Representative: Austin L. Hatchell, P.O. Box 2165, Austin, TX 78768 (512) 476–6083. Transporting *shipment weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds between points in the U.S.

MC 156701 filed June 18, 1981. Applicant: L & L TRUCKING, a Corporation, 215 Velma, South Roxana, IL 62087. Representative: H. J. Galligos (same address as applicant) (618) 254–1849. (1) Transporting *Shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, beteen points in the U.S., (2) As a *broker of general commodities* (except household goods), between points in the U.S., and (3) Transporting, for or on behalf of the United States Government, *General commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OPY–3–104

Decided: June 29, 1981.

By the Commission, Review Board No. 2. Members Carleton, Fisher, and Williams. (Member Williams not participating.)

MC 134925 Sub 6, filed June 12, 1981. Applicant: CUMMINGS TRUCKING COMPANY, INC., P.O. Box 10492, Birmingham, AL 35202. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203 (205) 251–2881. Transporting, for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 156524, filed June 11, 1981. Applicant: UPTON TRANSPORTATION CO., INC., 580 Flatbush Ave., Brooklyn, NY 11225. Representative: Jack L. Schiller, 502 Flatbush Ave., Brooklyn, NY 11225 (212) 941–9291. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY–3–109

Decided: June 30, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Williams not participating.)

MC 156624, filed June 18, 1981. Applicant: BORDER TRUCK BROKERAGE, INC., P.O. Box 631, Champlain, NY 12919. Representative: W. Norman Charles, P.O. Box 724, Glen Falls, NY 12801 (518) 792–0957. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 156625, filed June 18, 1981. Applicant: WACO TRUCKING COMPANY, Route 8, Richmond, KY 40475. Representative: Raymond Overbay (same address as applicant) (606) 624–0051. 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 156674, filed June 19, 1981. Applicant: PAUL W. HEGARTY, d.b.a. HEGARTY TRANSPORTATION BROKERAGE, 11820 N. 60 St., Scottsdale, AZ 85254. Representative: Andrew V. Baylor, 337 E. Elm St., Phoenix, AZ 85012 (602) 274–5146. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 156735, filed June 18, 1981. Applicant: EDWARD E. WIEDERHOLD, d.b.a. NATIONWIDE BROKER, 5224 Whalen St., P.O. Box 33, Elkton, MI 48731. Representative: (same as applicant) (517) 375–9706. (1) As a *broker* of *general commodities* (except household goods), and (2) transporting (a) for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), (b) *shipments weighing 100 pounds* or less if transported in a motor vehicle in which no one package exceeds 100 pounds, and (c) *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. 81-19814 Filed 7-6-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

Prison Industries Enhancement Certification Program: Extension of Application Submission Deadline

AGENCY: Law Enforcement Assistance Administration (LEAA).

ACTION: Notice of extension of deadline for receipt of program applications to September 30, 1981.

SUPPLEMENTARY INFORMATION: Final Guidelines were issued for the Prison Industries Enhancement Certification Program, and published in the **Federal Register** on May 1, 1981. The original application deadline contained therein was July 1, 1981. Unanticipated actions taken since the issuance of the Guidelines by a number of state legislatures, correctional administrators, and private industries have expanded the number of potential program applicants. To assure these states the opportunity to participate in this program, The final date for receipt of applications is hereby extended to September 30, 1981.

For further information, please contact: Henry T. Tubbs, Corrections Program Manager, Law Enforcement Assistance Administration—633 Indiana Ave. N.W., Washington, D.C. 20531. 202/724–7681.

Sincerely,

George H. Bohlinger, III,

Acting Administrator, Law Enforcement Assistance Administration.

[FR Doc. 81-19824 Filed 7-6-81; 8:45 am]

BILLING CODE 4410-18-M

DEPARTMENT OF LABOR

Employment and Training Administration

Federal-State Unemployment Compensation Program; Extended Benefits; Ending of Extended Benefit Period in the State of Tennessee

This notice announces the ending of the Extended Benefit Period in the State of Tennessee, effective on July 4, 1981.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, or in the nation as a whole, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Extended Benefits are payable in a State during an Extended Benefit Period, which is triggered "on" when the rate of insured unemployment in the State or in all States collectively reaches the State or National trigger rates set in the Act and the State law. 20 CFR 615.12. During an Extneded Benefit Period individuals are eligible for a maximum of up to 13 weeks of benefits, but the total of Extended Benefits and regular benefits together may not exceed 39 weeks.

The Act and the State unemployment compensation laws also provide that an Extended Benefit Period in a State will trigger "off" when the rate of insured unemployment in the State is no longer at the trigger rates set in the law. A benefit period actually terminates at the end of the third week after the week for which there is an off indicator, but not less than 13 weeks after the benefit period began.

An Extended Benefit Period commenced in the State of Tennessee on June 29, 1980, and has now triggered off.

Determination of "off" Indicator

The head of the employment security agency of the State of Tennessee has determined, in accordance with the State law and 20 CFR 615.12(e), that the rate of insured unemployment in the State for the period consisting of the week ending on June 13, 1981, and the immediately preceding twelve weeks, fell below the State trigger rate, so that for that week there was an "off" indicator in that State.

Therefore, the Extended Benefit Period in that State terminated with the week ending on July 4, 1981.

Information for Claimants

The State employment security agency will furnish a written notice to each individual who is filing claims for Extended Benefits of the end of the Extended Benefit Period and its effect on the individual's right to Extended Beneftis. 20 CFR 615.13(d)(3).

Persons who wish information about their rights to Extended Benefits in the State of Tennessee should contact the nearest local office of the Tennessee Department of Employment Security in their locality.

Signed at Washington, D.C., on June 29, 1981.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 81-19808 Filed 7-6-81; 8:45 am]

BILLING CODE 4510-30-M

Occupational Safety and Health Administration

Minnesota State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator), under delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4), will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On June 8, 1973, notice was published in the **Federal Register** (38 FR 15076) of the approval of the Minnesota plan and the adoption of Subpart N of Part 1952 containing the decision.

The Minnesota plan provides for the adoption of Federal standards as State standards by reference after an opportunity for public comment and/or requests for public hearings. Such notice is published in the Minnesota State Register pursuant to section 182.655 of the Minnesota statutes.

By a notice published May 28, 1979 (3 S.R. 2090), and incorporated as part of the Plan, Minnesota adopted a standard for occupational exposure to acrylonitrile as published in the **Federal Register,** Volume 43, No. 192, pages 45762 to 45819, Tuesday, October 3, 1978, and cited as § 1910.1045. This standard became effective on May 28, 1979.

By a notice published May 19, 1980 (4 S.R. 1530), and incorporated as part of the Plan, Minnesota adopted a standard for Servicing Multi-Piece Rim Wheels as published in the **Federal Register,** Volume 45, No. 20, pages 6706 to 6716, Tuesday, January 29, 1980, and cited as 29 CFR 1910.177. The standard became effective on May 19, 1980.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are identical to the Federal standards and accordingly should be approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, 230 South Dearborn Street, Chicago, Illinois 60604; State of Minnesota, Department of Labor and Industry, 444 Lafayette Road, St. Paul, Minnesota 55101; and the Office of State Programs, U.S. Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., N.W., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Minnesota State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards.

2. The standards were adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective July 7, 1981.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Chicago, Illinois this 6th day of April 1981.

James W. Lake,

Acting Regional Administrator.

[FR Doc. 81-19889 Filed 7-6-81; 8:45 am]

BILLING CODE 4510-26-M

[V-81-5]

Republic Steel Corp.; Work Practice Controls; Variance From Coke Emissions Standards

AGENCY: Occupational Safety and Health Administration, Labor.

ACTIONS: (1) Notice of application for variance.

SUMMARY: This notice announces the application of Republic Steel Corporation for a variance from the standard prescribed in 29 CFR 1910.1029(f)(3)(iii) (*a*) concerning the implementation of work practice controls of the coke oven emissions standard.

DATES: The last date for interested persons to submit comments is August 6, 1981. The last date for affected employers and employees to request a hearing on the application is August 6, 1981.

ADDRESSES: Send comments or requests for a hearing to: Office of Variance Determination, Occupational Safety and Health Administration, U.S. Department of Labor, Third Street and Constitution Avenue, N.W., Room N-3662, Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT:

Mr. James J. Concannon, Director, Office of Variance Determination at the above address, telephone: (202) 523-7144;

or the following Regional and Area Offices:

U.S. Department of Labor, Occupational Safety and Health Administration, 32nd Floor, Room 3263, 230 South Dearborn Street, Chicago, Illinois 60604;

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Office Building, Room 847, 1240 East Ninth Street, Cleveland, Ohio 44199.

Notice of Application

Notice is hereby given that Republic Steel Corporation, P.O. Box 6778, Cleveland, Ohio 44101, has made application pursuant to section 6(d) of the Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance from the standards prescribed in 29 CFR 1910.1029(f)(3)(iii)(*a*) which states that coke and coal spillage be quenched as soon as practicable and not shoveled into a heated oven.

The address of the place of employment that will be affected by the application is as follows: Republic Steel Corporation, Plant No. 1 (Batteries 1-4), 3100 East 45th Street, Cleveland, Ohio 44129.

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by § 1910.1029(f)(3)(iii)(*a*) which requires that coke and coal spillage from pushing operations be quenched as soon as practicable and not shoveled into a heated oven.

In lieu of complying with the standard, the applicant disposes of the coke dragback and spillage by returning them to the heated coke oven.

The applicant contends that quenching the hot material may expose employees to flash steam, resulting in obstruction of visibility and steam burns, and will be a source of ice in the colder months, constituting an additional safety hazard.

According to the applicant, the only practical way of complying with the standard is to dispose of coke and coal spillage into hoppers attached to door machines. However, this work practice was implemented by another company and was strongly objected to by the employees because it imposed physical strain on them. Moreover, modification of the existing equipment to install the hoppers is limited and may be impossible. Further, the quantity of coke spillage on the coke side is to great that the abrasive effect of the coke would constitute substantial interference with the operation of rail equipment.

Another approach would be to hang the hoppers over the bench quardrail, but there would be insufficient clearance, and the heat from the hot coke would make this operation unbearable.

The applicant also considered disposing of the spillage by shoveling it off the coke side bench onto a pusher pad or quench car track. But this procedure would require additional cleanup and would substantially interfere with the pusher machine and quench car operation.

Thus, for the above reasons, the applicant contends that its present work practice of returning the spillage to the heated oven is more appropriate than quenching of the hot material as required by the standard.

The applicant further contends that continuous use of its present work-practice, including furnishing all affected employees with appropriate respiratory protection, provides a workplace as safe and healthful as that provided by the standard from which the variance is sought.

In addition, the applicant conducted a study to determine if returning dragback or spillage to the heated oven gave higher, lower, or the same exposure to coke oven emissions as compared to that of quenching and throwing the material from the coke battery bench.

The applicant contends that it was unable to obtain samples large enough for analysis using OSHA'a sampling method for coke oven emission (a personal sampling pump operating at 2 liters per minute (lpm) during short duration monitoring). Instead, the applicant used a portable, high volume, battery-operated pump, which maintained approximately 15 lpm

According to the applicant, by using a higher flow rate, enough weighable samples were obtained and more particulate matter was collected.

The applicant states that both benches, pusher, side and coke side, as well as the topside were sampled to determine the extent of employee exposure during the handling of spillage. For comparison purposes, half of all pushers studied had the dragback or spillage returned to the oven while the balance of the study undertaken complied with the standard. Procedure for acquiring sample data was established, and monotoring was conducted at 4 ovens per day, 2 days per week for 10 weeks (January 31 to May 2, 1980). The average spillage handling time on the coke side for quenching was 3 minutes 8 seconds and for returning to the heated oven 1 minute 37 seconds. For the pusher side the average spillage handling time for quenching was 2 minutes 47 seconds and for returning 2 minutes 2 seconds. Eighty-four (84) samples were taken per position. All sample analyses were performed in accordance with standard benzene soluble fraction of total particulate matter procedures. The applicant contends that, by using this sampling procedure an adequate amount of data was accumulated during a period when both extremes of climate conditions existed.

With regard to the actual employee exposure, the applicant alleges that coke door dside cleaners had a median of 41 μg using the quenching method of disposal and 89 μg for the returning of spillage to the oven. On the other hand, the pusher side demonstrated a median of 20 μg while returning spillage to the oven resulted in a mean of 13 μg.

For the artificial topside position, there was a difference between the quenching and the returning of spillage. Quenching resulted in a median exposure of 51 μg while returning spillage resulted in an exposure of 46 μg.

Therefore, based on the median value calculation and the regression analysis of various data, the applicant has concluded that the method of handling spillage (quenching or returning) does not contribute to changing employee exposure levels either on the bench or top side levels. According to the applicant the study showed that the quenching procedure for spillage or dragback does not demonstrate a "clear cut" advantage over the previous method; therefore, returning material to a heated oven is no different than the quenching method.

A copy of the application for variance will be made available for inspection and copying upon request at the locations listed above. All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for variance are invited to submit written data, views, and arguments relating to the application no later than August 6, 1981. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later then August 6, 1981, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Variance Determination at the above address.

Signed at Washington, D.C. this 30th day of June 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81-19888 Filed 7-6-81; 8:45 am]

BILLING CODE 4510-26-M

Washington State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On January 26, 1973, notice was published in the **Federal Register** (38 FR 2421) of the approval of the Washington plan and the adoption of Subpart F to Part 1952 containing the decision.

The Washington plan provides for the adoption of Federal standards as State standards after public hearing. Sections 1952.120–124 of Subpart F sets forth the State's schedule for the adoption of Federal standards. By letter dated November 19, 1980 from James P. Sullivan, Assistant Director, to James W. Lake, Regional Administrator, and incorporated as part of the plan, the State submitted State standards comparable to 29 CFR 1910.177, Servicing Multi-Piece Rim Wheels.

The Federal standard was published in the **Federal Register** (45 FR 6713) on January 29, 1980. The Washington Multi-Piece Rim Wheel standard, which is contained in Chapter 296–24–217 WAC, was promulgated pursuant to 34.04 RCW and of the Open Public Meetings Act of 1971, Chapter 42.30 on November 13, 1980.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standard, it has been determined that the State standard is identical to the comparable Federal standard and accordingly should be approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6003, Federal Office Building, 909 First Avenue, Seattle, Washington 98174; Department of Labor and Industries, General Administration Building, Olympia, Washington 98501; and the Technical Data Center, Room N2349R, 200 Constitution Avenue N.W, Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c) the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Washington State Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards which were promulgated in accordance with Federal law including meeting requirements for public participation.

2. The standards were adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective July 7, 1981.

(Sec. 18, Pub. L. 91–496, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Seattle, Washington, this first day of May 1981.

Richard L. Beeston,

Acting Regional Administrator.

[FR Doc. 81-19890 Filed 7-6-81; 8:45 am]

BILLING CODE 4510-26-M

Office of the Secretary

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents

summaries of determinations regarding eligibility to apply for worker adjustment assistance issued during the period June 22–26, 1981.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number of proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9687; Wyckoff Steel Div., Ampco-Pittsburgh Corp., Plymouth, MI
TA–W–9578; Perfect Manufacturing Inc., Troy, MI
TA–W–9326; Bundy Corp., Bundy Tubing Div., Mt. Clemens, MI
TA–W–9985; Thompson Steel, Inc., Roseville, MI
TA–W–9274; Bronco Sportswear, New York, NY
TA–W–9018, 9018 A, B and C; Miss Capri Sportswear, Inc., New York, NY, Hemlock Plant, Minersville, PA, Gem PLant, Tower City, PA, and Pridia Plant, Tower City, PA
TA–W–11,162; Wheeling-Pittsburgh Steel Corp., Beechbottom, WV
TA–W–11,019; A.D. Lugin, Inc., New York, NY
TA–W–10,960; MRM Industries, Meriden, CT
TA–W–10,724; Bright Star Industries, Clifton, NJ
TA–W–10,619; Ohio Carbon Company, Cleveland, OH
TA–W–10,614; Dresser Industries, Inc., Harbison-Walker Refractories Div., Ludington, MI
TA–W–10,581; T.R. Moen Corporation, Fenton, MI
TA–W–10,543; Proper Mold and Engineering, Inc., Roseville, MI
TA–W–10,452; Bliss & Laughlin, Seattle, WA
TA–W–11,483; Menstogs, Inc., Hialeah, FL
TA–W–11,014; J.H. Woods, Inc., Lebam, WA
TA–W–11,233; Cumberland Blouse Co., Inc., Cumberland, MD
TA–W–10,479; Glass Laboratories, Inc., Brooklyn, NY
TA–W–10,430; Morenci Rubber Products, Inc., Morenci, MI
TA–W–10,341; White Farm Equipment Co., Charles City, IA
TA–W–10,333; Acco Industries, Inc., Helicoid Division, Wilson Instrument Division/Measurements Systems Division, Bridgeport, CT
TA–W–12,223; Maria Fashions, Inc., Hoboken, NJ
TA–W–12,229 and 12,229A; Gloria Gay Coats, Inc., New York, NY and Brooklyn, NY
TA–W–10,692; Firestone Steel Products Company, Spartanburg, SC
TA–W–10,585; Carmet Co., Materials Div., Madison Heights, MI
TA–W–10,447; Richard Brothers Punch Co., Philadelphia, PA
TA–W–10,445; Gates Rubber Co., Denver, CO
TA–W–10,423; Champioin Bait Co., St. Clair, MI
TA–W–10,384 and 10,385; Norris Industries, Winamac Div., Kewanna and Winamac, IN
TA–W–9221; Gates-Mills, Inc., Johnstown, NY
TA–W–9636; Male Sportswear, Inc., Division of Genesco, Inc., Atlanta, GA
TA–W–9739; Pratt and Letchworth, Div. of Dayton Malleable, Inc., Buffalo, NY
TA–W–10,359; The Timken Company, Gaffney, SC
TA–W–10,340; Wellington Manufacturers, Inc., Richmond, MI

TA–W–10,596; Lexington Sportswear Company, Lexington, SC

Investigation revealed that criterion (3) has not been met. The production of men's outer coats at Lexington Sportswear remained constant from 1979 to 1980.

TA–W–10,943, 10,968, and 10,977; Marquette Iron Mining Partnership, Republic, MI, Tilden Mining Co., National, MI, and Empire Mining Co., Palmer, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. Furthermore, none of the workers engaged in the production of basic steel at any domestic plants of the parent steel companies are currently certified as eligible to apply for adjustment assistance benefits.

TA–W–11,961; M.G. Knitting Mills, Hialeah, FL

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of finished fabric did not increase.

TA–W–12,176; Providence Watch Case Div., Bulova Watch Co., Inc., Providence, RI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of watchcases did not increase as required for certification.

TA–W–9350; Fram Corporation, Greenville, OH

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of oil filters are negligible.

TA–W–10,540; Fablock Mills, Inc., Best Dyeing & Finishing, Inc., Murray Hill, NJ

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of wide elastic fabric are negligible and that aggregate U.S. imprints of industrial fabric did not increase.

TA–W–10,549; Jones and Vining Corporation of Salem, Salem, MA

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of shoe lasts are negligible.

TA–W–9978 and 10,182; Elgin, Joliet and Eastern Railway Co., Joliet, IL

Investigation revealed that subject firm does not produce an article within the meaning of Section 223 of the Act.

TA–W–10,278; K.J. Quinn & Co., Inc., Malden, MA

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of finishing agents for leather are negligible.

TA–W–11,596; U.S. Steel Corporation, Taylor Steel Service Center, Taylor, MI

Investigation revealed that criterion (3) has not been met. Recent Department of Labor investigations have determined that the preponderance of steel products manufactured at U.S. Steel facilities which supply the Taylor Steel Service Center have not been adversely affected by imports.

TA–W–12,095; Faigle Tool and Die Corporation, Dearborn, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of jigs and fixtures are negligible.

TA-W-10,704; Triad Engineering, Inc., Berkley, MI

Investigation revealed that criterion (3) has not been met. With respect to the drilling of automotive printed circuit boards, the workers' firm does not produce an article as required for certification under Section 223 of the Trade Act of 1974. With respect to automotive prototypes, U.S. imports are negligible.

TA-W-11,424; Life Savers, Inc., Canajoharie, NY

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of chewing gum are negligible.

TA-W-12,030; Cutler Metal Products Co., Camden, NJ

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of fuel tanks are negligible.

TA-W-9738; Millington Screw Products, Inc., Millington, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of automotive seat belt parts are negligible.

TA-W-10,514; Dart Industries, Inc., Aztec Chemical Div., Elyria, OH

Investigation revealed that criterion (3) has not been met. A survey of customers for heterogeneous catalyst indicated that increased imports did not contribute importantly to worker separations at the firm. Furthermore, U.S. imports of organic peroxides are negligible.

TA-W-11,257; Extractors, Inc., #1 Deep Mine, Itmann, WV

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of coke did not increase as required for certification and that imports of bituminous coal are negligible.

TA-W-11,893; Pittsburgh and Conneaut Dock Co., Conneaut, OH

Investigation revealed that criterion (3) has not been met. The workers do not produce an article within the same meaning of Section 223 of the Act.

TA-W-11,979; Cornerstone Knitting Corporation, New York, NY

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of apparel trimming are negligible.

TA-W-12,066; U.S. Steel Corporation, Michigan Limestone Operations, Calcite Plant, Rodgers City, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of limestone are negligible. U.S. imports of lime did not increase as required for certification. Further, none of the workers at affiliated U.S. Steel plants have been currently certified eligible to apply for adjustment assistance.

TA-W-12,551; White Motor Corporation, Autocar Trucks Div., Exton, PA

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of heavy-duty class 8 trucks did not increase as required for certification.

TA-W-12,696; Barter and Marr Logging, Inc., Bellingham, WA

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of softwood logs are negligible.

Affirmative Determinations

TA-W-10,964; Copa Coats Co., Inc., Lindenhurst, NY

A certification was issued covering all workers of the firm separated on or after September 29, 1980.

TA-W-9273; Timex Corporation, Middleburg, CT

A certification was issued covering all workers engaged in the production of the M160 watch separated on or after April 6, 1980 and before July 31, 1980.

With respect to workers engaged in the production of watch parts, investigation revealed that criterion (3) has not been met. Declines in part production at Middleburg are attributable in part to an increase in company production of watch models which are fewer parts per movement such as digital and electronic watches. Timex does not import watch parts, and has not moved its part production to any offshore facility.

With respect to workers at the Corporate headquarters the investigation revealed that criterion (3) has not been met. Managerial employees provide the same support functions to Timex foreign facilities that they provide to domestic plants; thus any increase in Timex's reliance on its overseas operations would not adversely affect employment at the Middleburg headquarters.

TA-W-12,106; Wispese, Inc., Perkasie, PA

A certification was issued covering all workers engaged in the production of brassieres, girdles, and panty girdles separated on or after June 1, 1980 and before March 1, 1981.

With respect to workers engaged in cutting, brassiere cup molding, and design departments, the investigation revealed that criterion (1) has not been met.

TA-W-8648; Morton Industries, Inc., Bloomfield, NJ

A certification was issued covering all workers of the firm separated on or after February 28, 1979.

I hereby certify that the aforementioned determinations were issued during the period June 22-26, 1981. Copies of these determinations are available for inspection in Room S-5314, U.S. Department of Labor, 200 Constitution Ave., NW., Washington, D.C. 20210 during normal working hours or will be mailed to persons who write to the above address.

Dated: June 30, 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-19886 Filed 7-6-81; 8:45 am]

BILLING CODE 4510-28-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Subcommittee on Susquehanna Steam Electric Station, Units 1 and 2; Meeting

The ACRS Subcommittee on Susquehanna Steam Electric Station, Units 1 and 2 will hold a meeting on July 23, 1981, Room 1046, 1717 H Street, NW., Washington, DC to discuss the Pennsylvania Power and Light Company's request for an Operating License. Notice of this meeting was published June 17.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the cognizant Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Thursday, July 23, 1981

8:30 a.m. Until the Conclusion of Business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the Pennsylvania Power and Light Company, NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Staff Engineer, Mr. Garry Young (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m., EDT. The Designated Federal Employee for this meeting is Mr. John C. McKinley.

Dated: July 1, 1981.

John C. Hoyle,

Advisory Committee, Management Officer.

[FR Doc. 81-19869 Filed 7-6-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-10, 50-237, 50-249, 50-254 and 50-265]

Commonwealth Edison Co. and Iowa-Illinois Gas and Electric Co.; Issuance of Amendments to Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 34 to Facility Operating License No. DPR-2, Amendment No. 62 to Provisional Operating License No. DPR-19, and Amendment No. 53 to Facility Operating License No. DPR-25, issued to Commonwealth Edison Company, which revised the Technical Specifications for operation of the Dresden Nuclear Power Station, Unit Nos. 1, 2 and 3, located in Grundy County, Illinois. The Commission has also issued Amendment No. 72 to Facility Operating License No. DPR-29, and Amendment No. 65 to Facility Operating License No. DPR-30, issued to Commonwealth Edison Company and Iowa-Illinois Gas and Electric Company, which revised the Technical Specifications for operation of the Quad-Cities Nuclear Power Station, Unit Nos. 1 and 2, located in Rock Island County, Illinois. The amendments are effective as of the date of issuance.

The amendments provide further clarification of the term operable, employed in the Technical Specifications, as it applies to the single failure criterion for safety systems.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendments dated May 30, 1980, (2) Amendment No. 34 to License No. DPR-2, Amendment No. 62 to License No. DPR-19, Amendment No. 53 to License No. DPR-25, Amendment No. 72 to License No. DPR-29, and Amendment No. 65 to License No. DPR-30, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Morris Public Library, 604 Liberty Street, Morris, Illinois, for Dresden 1, 2, and 3 and at the Moline Public Library, 504-17th Street, Moline, Illinois, for Quad Cities 1 and 2. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 25th day of June 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-19870 Filed 7-6-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-389-A]

Florida Power & Light Co. (St. Lucie Plant, Unit No. 2); Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721, the Atomic Safety and Licensing Board for *Florida Power & Light Company* (St. Lucie Plant, Unit No. 2), Docket No. 50-389-A, is hereby reconstituted by appointing the following Administrative Judge to the Board: Mr. Peter B. Bloch. Mr. Ivan W. Smith, who was Chairman of this Board will continue to serve on this Board as an alternate member.

As reconstituted, the Board is comprised of the following Administrative Judges:

Peter B. Bloch, Chairman
Robert M. Lazo
Michael A. Duggan
Ivan W. Smith, Alternate Member

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 Peter B. Bloch, U.S. Nuclear Regulatory Commission, Atomic Safety and Licensing Board Panel, Washington, D.C. 20555.

Dated at Bethesda, Maryland, this 30th day of June 1981.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 81-19871 Filed 7-6-81; 8:45 am]

BILLING CODE 7590-01-M

International Atomic Energy Agency Draft Safety Guide; Availability of Draft for Public Comment

The Inerenational Atomic Energy Agency (IAEA) is completing development of a number of internationally acceptable codes and guides are in the following five areas: Government Organization, Design, Siting, Operation, and Quality Assurance. All of the codes and most of the proposed safety guides have been completed.The purpose of these codes and guides is to provide guidance to countries beginning nuclear power programs.

The IAEA codes of practice and safety guides are developed in the following way. The IAEA receives and collates relevant existing information used by member counties in a specified safety area. Using this collation as a starting point, an IAEA working group of a few experts develops a preliminary draft of a code or safety guide which is then reviewed and modified by an IAEA Technical Review Committee corresponding to the specified area. The draft code of practice of safety guide is then sent to the IAEA Senior Advisory Group which reviews and modifies as necessary the draft of all codes and guides prior to their being forwarded to the IAEA Secretariat and thence to the IAEA Member States for comments. Taking into account the comments received from the Member States, the Senior Advisory Group then modifies the draft as necessary to reach

agreement before forwarding it to the IAEA Director General with a recommendation that it be accepted.

As part of this program, Safety Guide SG–010, "Core Management and Fuel Handling for Nuclear Power Plants," has been developed. An IAEA working group, consisting of Mr. F. L. Langford from the U.S.A. (Westinghouse Electric Corp.); Mr. A. Recalde from Argentina; and Mr. D. B. Upendra from India, developed this guide from an IAEA collation. The working group draft was modified by the IAEA Technical Review Committee, and we are now soliciting public comment on this draft (Rev. 3, 4/3/81). Comments received by September 1, 1981, will be particularly useful to the U.S. representatives to the Technical Review Committee and the Senior Advisory Group in developing their positions of its adequacy prior to their next IAEA meetings.

Single copies of this draft Safety Guide may be obtained by a written request to the Director, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

(5 U.S.C. 522(a))

Dated at Washington, D.C. this 26th day of June 1981.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director Office of Nuclear Regulatory Research.

[FR Doc. 81-19873 Filed 7-6-81; 8:45 am]

BILLING CODE 7590-01-M

Privacy Act of 1974; Systems of Records; Proposed Minor Amendments

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed amendments of systems of records.

SUMMARY: The Nuclear Regulatory Commission is proposing minor amendments to the NRC Systems of Records, NRC-15, 21, 24, 25, and 28. The proposed minor amendments would clarify and update the information contained in the NRC System of Records, NRC–21, 24, 25, and 28. In NRC-15, the amendments are necessitated by the merging of the Office of Standards Development into the Office of Nuclear Regulatory Research.

COMMENT DATE: Comments are due on or before August 6, 1981. Comments received after August 6, 1981 will be considered if it is practical to do so; but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESS: All interested persons who desire to submit written comments for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docket and Service Branch by August 6, 1981.

Copies of comments on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street, N.W., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Sarah N. Wigginton, FOI/PA Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Phone: (301) 492–8133.

SUPPLEMENTARY INFORMATION: In accordance with the Privacy Act of 1974, the Nuclear Regulatory Commission has published notices of those systems of records maintained by the NRC which contain personal information about individuals and from which such information can be retrieved by an individual identifier. The notices were published as a document subject to publication in the annual compilation of the Privacy Act documents.

Pursuant to the Atomic Energy Act of 1954 as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 522a of Title 5 of the United States Code, as amended, notice is hereby given that adoption of the following amendments to the NRC Systems of Records is contemplated.

1. The paragraphs of NRC–15 entitled "System location" and "System manager(s) and address" are revised to read as follows:

NRC–15

* * * * *

SYSTEM LOCATION:

Primary system—Office of Nuclear Regulatory Research, NRC, 7915 Eastern Avenue, Silver Spring, Maryland.

Duplicate systems—duplicate systems exist in whole or in part, at the National Institutes of Health Computer Facility, c/o the Office of Management and Program Analysis located in the Maryland National Bank Building, 7735 Old Georgetown Road, Bethesda, Maryland.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

* * * * *

2. The paragraphs of NRC–21 entitled "System location" and "Routine uses of records maintained in the system, including categories of users and purposes of such uses" are revised to read as follows:

NRC–21

* * * * *

SYSTEM LOCATION:

Primary system—Office of the Controller, NRC, Lugenbeel Building, 4922 Fairmont Avenue, Bethesda, Maryland.

Duplicate system—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Parts 1 and 2.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES: INFORMATION IN THESE RECORDS MAY BE USED:

a. For transmittal of data to U.S. Treasury to effect issuance of paychecks to employees and distribution of pay according to employee directions for savings bonds, allotments, financial institutions, and other authorized purposes;

b. For reporting tax withholding to Internal Revenue Services and appropriate State and local taxing authorities;

c. For FICA deductions to the Social Security Administration;

d. For dues deductions to labor unions;

e. For withholdings for health insurance to the insurance carriers and the Office of Personnel Management;

f. For charity contribution deductions to agents of charitable institutions;

g. For annual W–2 statements to taxing authorities and the individual;

h. For transmittal to the Office of Management and Budget for review of budget requests;

i. For withholding and reporting of retirement, reemployed annuitants and life insurance information to the Office of Personnel Management;

j. For transmittal of information to State agencies for unemployment purposes; and

k. For any of the routine uses specified in the Prefatory Statement.

* * * * *

3. The paragraph of NRC–24 entitled "Notification procedure" is revised to read as follows:

NRC–24

* * * * *

NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

* * * * *

4. The paragraph of NRC–25 entitled "Notification procedure" is to be inserted after the paragraph entitled "System manager(s) and address" to read as follows:

NRC–25

* * * * *

NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

* * * * *

5. Paragraph of NRC–28 entitled "Categories of records in the system" is revised to read as follows:

NRC–28

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain general application information relating to the education, training, employment history, earnings, past performance, criminal convictions, if any, written achievement tests, honors, awards or fellowships, military service, veteran preference status, birthplace, birth date, social security account number, and home address of persons who have applied for Federal employment with the NRC (SF–171, resumes, and similar documents).

* * * * *

Dated at Bethesda, Maryland this 26th day of June 1981.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 81-19684 Filed 7-6-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Policy Staff Committee; Additional Articles Being Considered for Possible Duty Modification

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: This Publication Gives Notice of Additional Articles Which May Be Considered in International Trade Negotiations.

I. Articles Which May Be Considered in Trade Negotiations

In conformity with section 131(a) of the Trade Act of 1974 (the Trade Act) (19 U.S.C. 2151(a)), notice is hereby given of additional articles which may, during the course of international trade negotiations, be considered for reduction under the authority contained in section 124 of the Trade Act (19 U.S.C. 2134 and 2119). This notice supplements the notices which appeared in the **Federal Register** of August 8 and October 15, 1980.

A. List of Articles Which May Be Considered in Trade Negotiations

The articles included in the following items of the Tariff Schedules for the United States (TSUS) will be considered for reduction to the extent permitted by section 124 of the Trade Act:

TSUS item	Brief description
147.64	Fresh grapes (except hothouse) entered July 1 to February 14, inclusive.
642.30	Fourdrinier wires for papermaking machines.
653.01 (pt.)	Only tents and similar structures having an aluminum frame and a vinyl laminated polyester fabric shell or cover.
685.7010	Indicator panels incorporating semiconducting luminescent devices (LED's).
685.80 (pt.)	Only fixed or variable electrical vacuum capacitors.
687.3010	Light emitting diodes.

The TSUS Annotated (1981) is for sale by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402 and is also available for inspection at any field office of the U.S. Customs Service or the Department of Commerce.

Articles included in this notice may be reserved from negotiations or may be subject to smaller tariff reductions than those authorized by section 124 of the Trade Act.

II. Supplemental Notices

From time to time as may be appropriate, other notices may be published for the purpose of informing the public of proposed actions under the Trade Act not announced in this notice.

III. Public Hearings

Section 133 of the Trade Act (19 U.S.C. 2153) requires that the President afford an opportunity for any interested person to present his or her views concerning any article included in this notice, any article which should be so listed, any concession which should be sought by the United States, or any other matter relevant to proposed trade agreements. The time and place of these hearings to be held by the Office of the United States Trade Representative through the Trade Policy Staff Committee, in accordance with section 133 of the Trade Act, will be announced in the near future.

IV. Advice of the International Trade Commission

On behalf of the President and in accordance with section 131(a) of the Trade Act the International Trade Commission is being furnished with the list of articles published in this notice for the purpose of securing from the Commission its advice on the probable economic effect on United States industries producing like or directly competitive articles and on consumers, with respect to the articles listed in paragraph I:A above, of the reduction of United States duties by the maximum amount permissible under section 124 of the Trade Act.

Fredrick L. Montgomery,

Acting Chairman, Trade Policy Staff Committee.

[FR Doc. 81-19723 Filed 7-6-81; 8:45 am]

BILLING CODE 3190-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 22115; 70-6612]

Middle South Energy, Inc.; Proposal To Lease Nuclear Fuel From a Non-Affiliate Which Will Finance Acquisition Through Bank Loans and the Sale of Commercial Paper

June 30, 1981.

Middle South Energy, Inc. ("MSE"), 225 Baronne Street, New Orleans, Louisiana 70112, a subsidiary of Middle South Utilities, Inc., a registered holding company, has filed an application with this Commission pursuant to Sections 9(a) and 10 of the public Utility Holding Company Act of 1935 ("Act").

On October 17, 1979, MSE entered into a lease ("Lease") with Port Gibson Energy, Inc. ("Port Gibson"), a subsidiary of Lehman Leasing, Inc. an affiliate of Lehman Brothers Kuhn Loeb, Inc., an investment banking firm, pursuant to which MSE leases from Port Gibson the nuclear fuel, including facilities incident to its use, to be used to satisfy the fuel requirements of Unit No. 1 at MSE's Grand Gulf Nuclear Generating Station ("Grand Gulf 1").

Under the terms of the Lease, Port Gibson makes payments to suppliers, processors and manufacturers, necessary to carry out the terms of MSE's contracts for nuclear fuel for Grand Gulf 1 or MSE makes such payments and is reimbursed by Port Gibson. Port Gibson may also make payments to future suppliers of nuclear fuel for Grand Gulf 1 or MSE will make such payments, subject to reimbursement by Grand Gulf. The

current maximum obligation of Port Gibson to make payments for Nuclear Fuel is $79,000,000 at any one time outstanding. Port Gibson has financed these obligations under a Credit Agreement, dated as of October 17, 1979 ("Credit Agreement"), between Port Gibson and a group of five banks ("Original Banks") with United Bank of Switzerland ("UBS") acting as Agency for such banks.

MSE has determined that the maximum commitment of Port Gibson under the Lease is insufficient to provide for the total cost of nuclear fuel for Grand Gulf 1. Port Gibson is willing to enter into a First Amendment to Credit Agreement, Assignment Agreement and Security Agreement ("First Amendment") with parties to the Credit Agreement and three additional banks ("New Banks"). The First Amendment will provide, among other things, for an increase of the Banks' commitment under the Credit Agreement from $80,000,000 to $110,000,000 and thereby increase Port Gibson's maximum obligation to make payments for Nuclear Fuel to $109,000,000 at any one time outstanding. As required by the Lease, MSE would consent to the amendment to the Credit Agreement.

Under the Lease, MSE is responsible for operating, maintaining, repairing, replacing, and insuring the Nuclear Fuel and for paying all taxes and costs arising out of the ownership, possession or use thereof. Currently, the term of the Lease is through October 15, 2029; however, if either party gives written notice of termination by October 15, 1981, or any subsequent October 15, the Lease will terminate on October 15 of the second following year.

Lease payments, which are payable quarterly, include (A) a quarterly lease charge, which represents an administrative charge of ⅛ of 1% per annum of the stipulated loss value, as defined in the Lease, payable by Port Gibson to Lehman Leasing and other allocated operational costs of Port Gibson and (B) a burn-up charge equal to the cost of the nuclear fuel consumed while the nuclear fuel is in the reactor and reducing heat. When the nuclear fuel is in the reactor and producing heat, MSE may elect to capitalize quarterly lease charges or daily portions thereof so long as the amount of credit still available to Port Gibson under the Credit Agreement exceeds the sum of the stipulated loss value of the nuclear fuel, the amount of such charges and $1,000,000. MSE may consequently, subject to the foregoing limitation, defer rental payments until those times during commercial operation when the nuclear fuel is in the reactor and producing heat in the production of electric energy. MSE may terminate the Lease at any time. Port Gibson may terminate the Lease under certain circumstances. MSE will charge the rent under the Lease to fuel expense and will continue to account for the transaction as a lease rather than as a purchase.

Under the terms of the Lease the amount of the quarterly lease payments by MSE are measured by, among other things, the amount of costs incurred by Port Gibson, in connection with its acquisition, ownership and processing of the Nuclear Fuel, under the Credit Agreement, as proposed to be amended by the First Amendment.

Under the Credit Agreement, Port Gibson issues and sells its commercial paper, supported by an irrevocable letter of credit ("Letter of Credit") issued by UBS. Port Gibson proposes to continue to use Lehman Commercial Paper Incorporated as dealer in connection with the sale of the commercial paper, which sale will be at a rate expected to be equal to the best rate available (which rate will include a ⅛ of 1% per annum dealer discount) consistent with prudent marketing considerations. Manufacturers Hanover Trust Company ("Depositary"), under a Depositary Agreement, dated as of October 17, 1979, acts as issuing agent for Port Gibson's commercial paper. Under the Credit Agreement, Port Gibson can also obtain revolving credit loans from the Banks ("Revolving Credit Loans") to be evidenced by Port Gibson's promissory notes. The term of the Credit Agreement will be through October 15, 2029; however, if any party gives written notice of termination by October 15, 1981, or any subsequent October 15, the Credit Agreement shall terminate on October 15 of the second following year.

Other than the imposition of an annual administration fee of $5,000 to be paid to the Agent by Port Gibson, the fees and interest rates under the Credit Agreement are unchanged by the First Amendment. In consideration for the issuance of the Letter of Credit, Port Gibson pays to the Agent on a quarterly basis a fee of ½ of 1% per annum on the average aggregate face amount of commercial paper outstanding during each calendar quarter. In addition, Port Gibson pays to the Agent, on a quarterly basis, for the account of the Banks, for each day that the Bank's Commitment shall be in effect, a commitment fee of ⅛ of 1% per annum of the daily excess of the Banks' commitment over the sum of (X) the aggregate principal amount of Revolving Credit Loans outstanding plus (Y) the aggregate face amount of commercial paper outstanding plus (Z) the aggregate amount of all payments made under the Letter of Credit for which UBS has not been reimbursed by Port Gibson. Port Gibson also pays to the Agent on a quarterly basis a fee for acting as agent under the Credit Agreement of ⅛ of 1% per annum on the sum of (i) the average aggregate face amount of commercial paper outstanding during each calendar quarter (determined on a daily basis) plus (ii) the average aggregate principal amount of all payments made under the Letter of Credit for which UBS has not been reimbursed by Port Gibson and all Revolving Credit Loans outstanding during each calendar quarter (determined on a daily basis).

MSE has been advised that, based upon a commercial paper rate for the highest rated commercial paper of 17.75% per annum, the effective interest cost to Port Gibson of its proposed borrowings would be 18.68% per annum, assuming all borrowings were made through the issuance of commercial paper and total borrowings were $93.2 million (the average outstanding borrowings expected from July 31, 1981 through December 31, 1982).

It there is a drawing under the Letter of Credit, Port Gibson shall reimburse UBS therefore on or before the third business day following such drawing and shall pay interest on the amount of such drawing at a rate per annum until the third business day equal to 110% of the Base Rate and thereafter at 125% of the Base Rate. (Base Rate is defined to mean the higher of (a) the prime commercial loan rate of the Agent as announced from time to time for short-term loans in New York to large businesses or (b) the sum of (i) .20% plus (ii) the average interest rate payable on newly issued 90-day negotiable certificates of deposit of $100,000 or more issued by major New York banks as published by the Federal Reserve Bank of New York on the Friday of the immediately preceding week.

Each Revolving Credit Loan will, at the option of Port Gibson, either: (i) bear interest on the outstanding principal amount thereof until due and payable (whether by acceleration or otherwise) at a rate per annum equal to ⅝ of 1% in excess of the London Inter-Bank Offering Rate ("LIBOR"), rounded upward to the nearest ⅛ of 1%, as of two business days prior to the borrowing date for such Revolving Credit Loan in an amount approximating the average principal amount of all Revolving Credit Loans made at the LIBOR-based rate, outstanding on such

borrowing date and having a term equal to the term of such Revolving Credit Loan; or (ii) bear interest on the outstanding principal amount thereof until due and payable (whether by acceleration or otherwise) at a rate per annum equal to 110% of the Base Rate, such rate to change as and when the Base Rate changes.

MSE has been advised that (1) if all borrowings were made by means of Revolving Credit Loans the interest on which were based on the London interbank market, such interest rate were 18.75% per annum and total borrowings were $93.2 million, the net effective interest cost to Port Gibson would be 19.55% per annum and (2) if all borrowings were made by means of Revolving Credit Loans the interest on which was based on the Base Rate, such rate were 20.5% per annum and total borrowings were $93.2 million, the net effective interest cost to Port Gibson would be 22.73% per annum.

Port Gibson will make all borrowings under the Credit Agreement in a manner that will minimize the effective cost of borrowing over the term of the Credit Agreement. The aggregate amount of Port Gibson's Revolving Credit Loans, plus commercial paper at any time outstanding plus the amount of payments made under UBS's Letter of Credit for which UBS has not been reimbursed may not exceed the commitment.

All assignments of rights and security interests granted the Original Banks will be extended to the New Banks.

Port Gibson has advised MSE that it proposes to enter into a Commercial Paper Security Agreement with a representative of the holders of commercial paper, which shall be a commercial bank, UBS, as Agent, and the Banks, whereby it will grant to the representative of the holders of the commercial paper, a security interest in the Nuclear Fuel and in any and all funds and bank accounts of Port Gibson with respect to which the Banks may exercise any right of set-off. The representative of the holders of the commercial paper will also receive an assignment of the rights assigned to the Agent and to the Banks for their own benefit in the Assignment Agreement. The representative will exercise (1) the security interest in the Nuclear Fuel and its interest in Port Gibson's rights under the Lease, granted to the representative for the benefit of the holders of the commercial paper and (2) such interests granted to UBS, as Agent and to the Banks, for their own benefit, for the equal and ratable benefit of UBS, as Agent, and the Banks and of the commercial paper holders. MSE will acknowledge notice, and agree to the terms of the assignments.

The application and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by July 23, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application, as filed or as it may be amended, may be granted.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-19828 Filed 7-6-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11838; 811-830]

Municipal Tax Free Income Fund; Filing of Application

June 30, 1981.

Notice is hereby given that Municipal Tax Free Income Fund, Inc. ("Applicant"), c/o Arthur J. Kania, Esq., Two Bala Cynwyd Plaza, 333 City Line Avenue, Bala Cynwyd, PA 19004, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on June 22, 1981, for an order of the Commission, pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company as defined by the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

On August 14, 1958, Applicant filed a Notification of Registration pursuant to Section 8(a) of the Act. No registration statement was subsequently filed by Applicant. The application states that Applicant never issued any stock certificates and offered no shares to the public. The application further states that the Applicant's corporate existence was terminated because of its inactive status and it failure to file going business returns with the state of incorporation. Finally, it is asserted that Applicant never engaged in any kind of business activity.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 27, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-19833 Filed 7-6-81; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-7936]

National Convenience Stores Inc.; Application To Withdraw From Listing and Registration

June 30, 1981.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 (the "Act") and Rule 12d2-

2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. The common stock of National Convenience Stores Incorporated (the "Company") is listed and registered on the Amex. Pursuant to a Registration Statement on Form 8–A which become effective on April 14, 1981, the Company is also listed and registered on the New York Stock Exchange ("NYSE"). The Company has determined that the direct and indirect costs and expenses do not justify maintaining the dual listing of the common stock on the Amex and the NYSE.

2. This application relates solely to withdrawal of the common stock from listing and registration on the Amex and shall have no effect upon the continued listing of such stock on the NYSE. The Amex has posed no objection to this matter.

Any interested person may, on or before July 22, 1981, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81–19629 Filed 7–6–81; 8:45 am]

BILLING CODE 8010–01–M

Pacific Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

June 30, 1981.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following stocks:

U.S. Air, Incorporated, Common Stock, $1 Par Value (File No. 7–5959)

Commodore International, Limited, Capital Shares, $1 Par Value (File No. 7–5960)

Advanced Micro Devices, Inc., Common Stock, $.01 Par Value (File No. 7–5961)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before July 22, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81–19630 Filed 7–6–81; 8:45 am]

BILLING CODE 8010–01–M

Philadelphia Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

June 30, 1981.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following stocks:

Waste Management, Inc., Common Stock, $1 Par Value (File No. 7–5954)

Hardwick Companies, Inc., Common Stock, $1 Par Value (File No. 7–5958)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before July 22, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81–19632 Filed 7–6–81; 8:45 am]

BILLING CODE 8010–01–M

[File No. 1–1845]

Quincy Mining Co.; Application To Withdraw From Listing and Registration

June 30, 1981.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 (the "Act") and Rule 12d2–2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the Boston Stock Exchange, Inc. ("BSE").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. The capital stock of Quincy Mining Company (the "Company") is listed and registered on the BSE. Transactions in the Company's stock on the BSE are small and infrequent and as of March 16, 1981, there were approximately 76 record holders of the Company's stock. Therefore, the Company has determined that the costs and expenses do not justify maintaining the listing of the capital stock on the BSE. The BSE has posed no objection to this matter.

Any interested person may, on or before July 22, 1981, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determined to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-19631 Filed 7-6-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11839; 812-4762]

University Patents Inc.; Application

June 30, 1981.

Notice is hereby given that University Patents, Inc. ("Applicant"), 537 Newtown Avenue, Norwalk, Connecticut 06852, a Delaware corporation, filed an application on November 4, 1980, and an amendment thereto on April 7, 1981, pursuant to Section 6(c) of the Inivestment Company Act of 1940 ("Act"), for an order temporarily exempting Applicant from all provisions of the Act other than Sections 9, 17 (a)–(e) subject to certain specific exceptions, 36(a) and 37. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Applicant states that it is a publicly held corporation with its shares traded over-the-counter. Applicant states that, since its inception in 1964, it has been engaged in the business of licensing and administering patents and patent applications for new technology. According to the application, its patent service activities include locating and identifying specific technology concepts, evaluating their economic and technical feasibility, prosecuting patent applications and licensing and administering patents. Applicant states that under its patent servicing agreements it shares in the revenues derived from the licensing of technologies or inventions. In addition, Applicant states that prior to March 28, 1980, it also engaged in the business of manufacturing and selling rugs through a wholly-owned subsidiary, Regal Rugs, Inc. Applicant represents that on that date it sold Regal Rugs, Inc., in part because that business was unrelated to its principal business. According to the application, Applicant had $9,710,819 of marketable United States Government securities and total assets of $10,848,913 as of July 31, 1980. Applicant represents that most of the securities it owns were purchased with the proceeds obtained in selling Regal Rugs, Inc. Applicant states that these securities are used to fund the costs of its patent service business, future expansion or entry into related businesses and as a reserve against future financial exigencies.

According to the application, Applicant intends to adopt deferred compensation plans ("plans") for the benefit of its key executives which would involve Applicant's ownership of significant amounts of preferred stock issued by public utilities. The application indicates that the plans would provide each key executive with a life insurance policy which would be owned solely by the executive, who would have all rights incident thereto. Applicant states that it filed the application because it deems it important to provide such a program for its key employees without inadvertently subjecting itself to the Act and the regulations thereunder.

According to the application, Applicant will borrow preferred stock of utility companies ("Stock") on a non-recourse basis from an insurance company for the period remaining before the employee's retirement. Applicant states that the Stock will be held by the insurance company as collateral for payment of the loan and that Applicant will have no liability for such loan, other than payment of current interest, in excess of the value of the Stock. Applicant states that it will take the dividends received on the Stock, deduct the corporate income taxes attributable thereto, and invest the remainder in additional preferred stock of one or more utility companies, which will be retained as collateral in a non-purpose margin account at a national brokerage firm. Annually, Applicant will borrow from the brokerage firm the amount of the annual premium on a life insurance policy purchased for the key employee, and the borrowing will be collateralized by the additional stock. Applicant states that the interest payable on the amount borrowed will be variable based on the current broker's call money rate and will be added to the principal of the loan. Applicant represents that the income earned by the securities funding the plans will not be utilized for distribution to Applicant's shareholders. Applicant maintains that the plans could be set up to utilize the 85% federal income tax deduction for dividends received from domestic corporations, thereby reducing the cost of the plans, and that this feature combined with other tax benefits anticipated under the plan will provide greater benefits to the participating employees with no after-tax cost to Applicant.

Section 3(a)(3) of the Act defines investment company to mean "any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis". Applicant states that there is uncertainty as to whether it would be considered an investment company as defined under the Act.

Applicant represents that it holds itself out and is known as a company servicing and licensing patents and other commercial property. Applicant believes that its stock has been and is continually valued by the market on the basis of the potential of its operating business and not on the basis of its asset composition or any income expectation therefrom. Applicant maintains that its assets composition is not an indication of the nature of its business because it is a service business which requires minimum tangible capital. Applicant contends that its Government securities are held for the uses of its operating business and the securities to be held under the deferred compensation plan are solely for the benefit of its executives who are a crucial factor in its business. Applicant states that although the capitalized value of its present and potential income from licensing and servicing patents and other intangible properties is not treated as an asset in an accounting sense, those potential values are currently valued by the market in appraising Applicant's stock in excess of the value of the securities Applicant owns. The application states that no officer, director or employee spends any significant time on investment matters and that Applicant does not employ an investment adviser or manager.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provision under the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 6(e) of the Act provides, in pertinent part, that if, in connection with any order under Section 6 exempting any investment company from Section 7, the Commission deems it necessary or appropriate in the public interest or for the protection of investors that certain specified provisions of the Act

pertaining to registered investment companies shall be applicable in respect of such company, the provisions so specified shall apply to such company, and to other persons in their transactions and relations with such company, as though such company were a registered investment company.

Applicant states that it initially filed the application in order to establish a deferred compensation program for its executive employees and to eliminate any uncertainty regarding its status under the Act. Applicant therefore requests that an order be issued pursuant to Section 6(c) of the Act exempting Applicant for a period of two years from all provisions of the Act except Sections 9, 17 (a) through (e), 36(a), 37, all sections necessary to implement and enforce the provisions to which Applicant remains subject and all administrative, procedural and jurisdictional sections of the Act, with the following additional exceptions:

1. The recordkeeping provision of the Act (Section 31) and rules thereunder will apply only in respect to transactions which remain subject to Section 17 (a) through (e) after the exclusions set forth under (2) below.

2. Sections 17 (a) through (e), which prohibit certain affiliated person transactions, will not apply to prohibit:

(a) transactions in securities issued by any of Applicant's majority-owned subsidiaries or by partnerships or joint ventures of which Applicant or any of its majority-owned subsidiaries is a general partner or co-venturer;

(b) transactions in property other than securities;

(c) transactions in which the participation in or receipt of benefits related thereto, by any director, officer or employee of Applicant or of any of its majority-owned subsidiaries is incidental to the administration or execution of any retirement, welfare, stock option, stock purchase or bonus, or deferred compensation plan or agreement for the benefit of any such individual;

(d) loans to entities whose securites are owned by Applicant or to partnerships or joint ventures of which Applicant or any of its majority-owned subsidiaries is a general partner or co-venturer, except such entities that, to the knowledge of Applicant also directly or indirectly own, control or hold with power to vote 5 percent or more of Applicant's outstanding voting securities;

(e) loans by Applicant or any of its majority-owned subsidiaries to employees, officers or directors thereof to facilitate the receipt by such employees, officers or directors of benefits pursuant to any stock option, stock purchase or stock bonus plan of Applicant or of any of its majority-owned subsidiaries, which loans are created by the payment of withholding taxes on behalf of such employees, officers or directors required in connection with their receipt of such benefits under any such plan;

(f) payment for legal services rendered in respect to litigation in which Applicant or any of its majority-owned subsidiaries is a plantiff on the basis of a share of the recovery obtained by settlement or judgment; and

(g) participation in a partnership or joint venture of which Applicant or any of its majority-owned subsidiaries is a partner or co-venturer formed for the purpose of engaging in the business of licensing or obtaining commerical applications of ideas, inventions, patents or other intangible business properties so long as such partnership or joint venture is primarily and substantially engaged in such business.

Applicant states that the exceptions to the provisions of Sections 17 (a) through (e) which have been requested are required by the nature of Applicant's business because an important element of its business is the ability to transfer intangible properties, including licensing and royalty rights, and to utilize numerous types of joint ventures. Applicant submits that it is important that transactions involving the securities in and other properties of these entities not be prohibited and that the entities' securities, properties and cash be available for transfer and retransfer to accomplish Applicant's business purposes. As part of these types of arrangements, Applicant states that it must be free to provide capital in the form of loans and equity so that the financial structures of such ventures are not frozen into a particular form. Applicant submits that if it were unable to extend downstream loans, its ability to facilitate such ventures would be reduced.

Applicant states that its deferred compensation program was proposed to enhance Applicant's ability to engage and retain skilled executive personnel who are vital to the operation of Applicant's business. The exclusion of such plans is therefore alleged to be of significant value to Applicant's business. With respect to stock plans, Applicant believes it may be necessary to advance withholding taxes on behalf of plan participants to enable them to exercise rights under the plans and to obtain income tax deductions by the employer corporation.

Applicant maintains that because of the unique abilities of its personnel, it would be adverse to the operation of its business to prohibit Applicant from using the creative ideas and inventive properties of Applicant's directors or stockholders. In this connection, Applicant states that it presently has a joint venture with one of its directors for the commercialization of certain entertainment properties of potentially significant value. According to the application, the rights to the property were contributed by the director and Applicant has contributed capital and will use its expertise in developing the properties' commercial value. Applicant submits that prohibiting joint ventures of this type would be adverse to its business.

Finally, the exclusion relating to payment for legal services involving litigation in which Applicant or any of its majority-owned subsidiaries is a plaintiff is asserted to be a question of business judgement. The Applicant indicates that such an exclusion would allow it to continue to employ in patent litigation legal counsel with which a director may be associated and to pay a share of the recovery for such services. The Applicant claims that the other members of its board of directors have determined that this method of payment in certain types of litigation is advantageous to the Applicant.

Applicant expressly consents to the imposition of the following conditions in any order granting the relief it requests:

(1) Records required to be maintained by Applicant will be subject to such reasonable examination by the Commission or its representatives as the Commission may prescribe.

(2) Applicant will not knowingly enter or knowingly cause any of its majority-owned subsidiaries to enter any of the transactions excepted from the provisions of Sections 17 (a) through (e) unless such transaction is approved by a majority of the directors of Applicant then in office who have no financial interest in such transaction other than through ownership of securities issued by Applicant or any of its majority-owned subsidiaries, or if there be no such directors, then by the stockholders of Applicant, on the basis that:

(a) the terms thereof, including the consideration to be paid or received, are reasonable and fair to Applicant or its majority-owned subsidiary, as the case may be, and do not involve overreaching of Applicant or its subsidiary on the part of any persons concerned;

(b) the proposed transaction is consistent with the interests of the stockholders and the business purpose of Applicant; and

(c) in the case of a transaction excepted by paragraph 2(a) or 2(g) of the exclusions listed above, any officer or director of Applicant who is a participant shall have furnished or agreed to furnish cash, services or property, tangible or intangible, justifying such participation.

Applicant further agrees that the minutes of the meetings of the board of directors or stockholders will record a description of each such transaction so approved, the findings of the board of directors or stockholders related thereto and the information and materials on which such findings are based.

(3) Applicant's directors will adopt, and periodically review and update as appropriate, procedures reasonably designed to ensure that reasonable inquiry is made, prior to the consummation of any transaction in which Applicant or any of its majority-owned subsidiaries proposes to participate, with respect to the possible involvement in the transaction of any affiliated person, as defined in Section 2(a)(3) of the Act.

On the basis of the foregoing, Applicant contends that the granting of a temporary exemptive order to the extent requested pursuant to Section 6(c) of the Act would be appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than July 24, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing theron. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponement thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-19034 Filed 7-6-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1996]

Oklahoma; Declaration of Disaster Loan Area

Custer County and adjacent counties within the State of Oklahoma constitute a disaster area as a result of damage caused by tornadoes which occurred on May 22, 1981. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on August 27, 1981 and for economic injury until close of business on March 26, 1982 at Small Business Administration, District Office, 200 NW. 5th Street, Suite 670, Federal Building, Oklahoma City, Oklahoma 73102, or other locally announced locations.

For recent changes in disaster loan eligibility, see 46 FR 18526 (March 25, 1981).

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 26, 1981

Donald R. Templeman,

Administrator.

[FR Doc. 81-19020 Filed 7-6-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice No. 761]

International Pipeline Permit: Application for Steam Pipeline Between Edmunston, N.B., and Madawaska, Maine: Project Modifications

Corrections

In FR Doc. 81-18640 appearing on page 32722 in the issue of Wednesday, June 24, 1981, third column, the Public Notice Number in the heading was inadvertently omitted and should have appeared as set forth above.

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 81-86]

Fish—Tariff-Rate Quota for the Calendar Year 1981; Correction

AGENCY: U.S. Customs Service, Department of the Treasury.

SUMMARY: This document corrects a notice as T.D. 81-86 published in the **FEDERAL REGISTER** on April 15, 1981 (46 FR 22096).

FOR FURTHER INFORMATION CONTACT: Daniel D. Sullivan, Acting Head, Quota Section, U.S. Customs Service, Washington, D.C. 20229 (202-566-8592).

On page 22097, the first full paragraph of the center column, in the last line, "1980" should read "1981".

Dated: June 30, 1981.

William D. Slyne,

Chief, Special Operations Branch.

[FR Doc. 81-19022 Filed 7-6-81; 8:45 am]

BILLING CODE 4810-22-M

Office of the Secretary

Debt Management Advisory Committee; Meeting

Notice is hereby given, pursuant to Section 10 of Pub. L. 92-463, that a meeting will be held at the U.S. Treasury Department in Washington, D.C. on July 28 and 29, 1981, of the following debt management advisory committee: Public Securities Association, U.S. Government and Federal Agencies Securities Committee.

The agenda for the Public Securities Association U.S. Government and Federal Agencies Securities Committee meeting provides for a working session on July 28 and the preparation of a written report to the Secretary of the Treasury on July 29, 1981.

Pursuant to the authority placed in Heads of Departments by section 10(d) of Pub. L. 92-463, and vested in me by Treasury Department Order 101-5 (January 7, 1981), I hereby determine that this meeting is concerned with information exempt from disclosure under section 552b(c)(4) and (9)(A) of Title 5 of the United States Code, and that the public interest requires that such meetings be closed to the public.

My reasons for this determination are as follows. The Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decision on major financing operations. Historically, this advice has been offered by debt management advisory

committees established by the several major segments of the financial community, which committees have been utilized by this Department at meetings called by representatives of the Secretary. When so utilized, such a committee is recognized to be an advisory committee under Pub. L. 92–463. The advice provided consists of commercial and financial information given and received in confidence. As such debt management advisory committee activities concern matters which fall within the exemption covered by section 552b(c)(4) of Title 5 of the United States Code for matters which are "trade secrets and commercial or financial information obtained from a person and privileged or confidential."

Although the Treasury's final announcement of financing plans may or may not reflect the recommendations provided in reports of an advisory committee, premature disclosure of these reports would lead to significant financial speculation in the securities market. Thus, these meetings also fall within the exemption covered by 552b(c)(9)(A) of Title 5 of the United States Code.

The Assistant Secretary (Domestic Finance) shall be responsible for maintaining records of debt management advisory committee meetings and for providing annual reports setting forth a summary of committee activities and such other matters as may be informative to the public consistent with the policy of 5 U.S.C. 552b.

Dated: June 30, 1981.

Roger W. Mehle,

Assistant Secretary (Domestic Finance).

[FR Doc. 81-19785 Filed 7-6-81; 8:45 am]

BILLING CODE 4810-25-M

List of Countries Requiring Cooperation With an International Boycott

In order to comply with the mandate of section 999(a)(3) of the Internal Revenue Code of 1954, the Department of the Treasury is publishing a current list of countries which may require participation in, or cooperation with, an international boycott [within the meaning of section 999(b)(3) of the Internal Revenue Code of 1954]. The list is the same as the prior quarterly list published in the **Federal Register.**

On the basis of the best information currently available to the Department of the Treasury, the following countries may require participation in, or cooperation with, an international boycott [within the meaning of section 999(b)(3) of the Internal Revenue Code of 1954].

Bahrain
Iraq
Jordan
Kuwait
Lebanon
Libya
Oman
Qatar
Saudi Arabia
Syria
United Arab Emirates
Yemen, Arab Republic
Yemen, Peoples Democratic Republic of

John E. Chapoton,

Assistant Secretary for Tax Policy.

June 30, 1981.

[FR Doc. 81-19784 Filed 7-6-81; 8:45 am]

BILLING CODE 4820-25-M

VETERANS ADMINISTRATION

Advisory Committee on Health-Related Effects of Herbicides; Meeting

The Veterans Administration gives notice under the provisions of Pub. L. 92–463 that a meeting of the Advisory Committee on Health-Related Effects of Herbicides will be held in Room 119 of the Veterans Administration Central Office, 810 Vermont Avenue, NW, Washington, DC, on August 19, 1981, at 8:30 a.m. The purpose of the meeting will be to assemble and analyze information concerning toxicological issues which the Veterans Administration needs to formulate appropriate medical policy and procedures in the interest of veterans who may have encountered herbicidal chemicals used during the Vietnam Conflict.

The meeting will be open to the public up to the seating capacity of the room. Members of the public may direct questions, in writing only, to the Chairman, Barclay M. Shepard, M.D., and submit prepared statements for review by the Committee. Such members of the public may be asked to clarify submitted material prior to consideration by the Committee.

Transcripts of the proceedings and rosters of the Committee members may be obtained from Mr. Donald Rosenblum, Office of the Special Assistant to the Chief Medical Director for Environmental Medicine (102), Room 848, Department of Medicine and Surgery, Veterans Administration Central Office, Washington, DC 20420 (Telephone: (202) 389–5411).

Dated: June 26, 1981.

Donald L. Custis,

Acting Administrator.

[FR Doc. 81-19821 Filed 7-6-81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 129
Tuesday, July 7, 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

CIVIL AERONAUTICS BOARD.

Notice of addition of item to the July 6, 1981, Board meeting [M-321, Amdt. 1: 7/1/81].

TIME AND DATE: 2:00 p.m., July 6, 1981.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT: 12a. Commuter Carrier Fitness Determination of Scheduled Skyways, Inc. (BDA).

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-1048-81 Filed 7-2-81; 3:44 pm]

BILLING CODE 6320-01-M

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11:00 a.m., Friday, July 17, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., 8th floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance briefing.

TIME AND DATE: 4:15 p.m., Monday, July 6, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., 8th floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-1047-81 Filed 7-2-81; 3:40 pm]

BILLING CODE 6351-01-M

3

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: S-1022-81.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 2:00 p.m. (Eastern Time), Tuesday, June 30, 1981.

CHANGE IN TIME OF MEETING: 3:00 p.m.

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Executive Officer, Executive Secretariat, at (202) 634-6748.

This notice issued June 30, 1981.

[S-1040-81 Filed 7-2-81; 11:07 am]

BILLING CODE 6570-06-M

4

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

DATE AND TIME: 9:30 a.m. (Eastern Time), Tuesday, July 7, 1981.

PLACE: Commission Conference Room No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

Open

1. Freedom of Information Act Appeal No. 81-4-FOIA-107, concerning a request for Sections III and IV of the Systemic Training Manual.
2. Freedom of Information Act Appeal No. 81-4-FOIA-125, concerning a request for copies of case summaries and ultimate dispositions in certain federal EEO complaints.
3. Freedom of Information Act Appeal Nos. 81-05-FOIA-028-MK and 81-05-FOIA-029-MK, concerning requests for access to certain enumerated documents under the fifth exemption to the FOIA.
4. Proposed Contract for Expert Services Needed in Connection With a Court Case.
5. Annual Report on Age Discrimination in Employment Report.
6. Proposed Revision of Policy Regarding Federal Agency Equal Employment Case Files Sent to EEOC.
7. A Report on Commission Operations by the Executive Director.

Closed to the Public

1. Litigation Authorization; General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Executive Officer, Executive Secretariat, at (202) 634-6748.

This notice issued June 30, 1981.

[S-1041-81 Filed 7-2-81; 11:09 am]

BILLING CODE 6570-06-M

5

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (46 FR 34756, July 2, 1981).

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: July 7 and 8, 1981, 9:00 a.m. to 12 noon.

CHANGE IN THE MEETING: The above meeting has been cancelled.

Kenneth F. Plumb,
Secretary.

[S-1045-81 Filed 7-1-81; 2:31 pm]

BILLING CODE 6450-85-M

6

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Issue No. 124, Vol. No. 46, Page No. 33417, date published Monday, June 29, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10:00 a.m., Thursday, July 2, 1981.

PLACE: 1700 G St. N.W., Board Room, 6th Floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The following item has been added to the open portion of the bank board meeting scheduled for Thursday, July 2, 1981: Merchandise Mart, Cleveland, Ohio.

No. 511, July 2, 1981.

[S-1039-81 Filed 7-2-81; 10:34 am]

BILLING CODE 6720-01-M

7

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 10: a.m., Thursday, July 9, 1981.

PLACE: 1700 G. St., N.W., Board Room, 6th Floor, Washington, D.C.

STATUS: Closed meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

MATTERS TO BE CONSIDERED: The following items will be on the closed portion of the bank board meeting scheduled for Thursday, July 9, 1981: Request for Authority to Exercise, and Removal/Prohibition Order.

No. 512, July 2, 1981.

[S-1048-81 Filed 7-1-81; 3:06 pm]

BILLING CODE 6720-01-M

8

[USITC SE-81-19]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10:00 a.m., Tuesday, July 14, 1981.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary.
5. Investigation 751-TA-4 (Synthetic L-Methionine from Japan)—briefing and vote.
6. Investigation 337-TA-88 (Certain Spring Assemblies)—briefing and vote.
7. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-1044-81 Filed 7-1-81; 2:10 pm]

BILLING CODE 7020-02-M

9

NATIONAL CREDIT UNION ADMINISTRATION.

TIME AND DATE: 9:30 a.m., Thursday, July 9, 1981.

PLACE: 1776 G Street N.W., Washington, D.C., 7th Floor Board Room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Review of Central Liquidity Facility Lending Rate.
2. Central Liquidity Facility FY 1981 Third Quarter Dividend.
3. Proposed amendment to Part 720 of the NCUA Rules and Regulations regarding description of offices, disclosure of official records, availability of information, promulgation of regulations.
4. Reports of actions taken under delegations of authority.
5. Applications for charters, amendments to charters, bylaw amendments, mergers as may be pending at that time.

RECESS: 10:15 a.m.

TIME AND DATE: 10:30 a.m., Thursday, July 9, 1981.

PLACE: 1776 G Street N.W., Washington, D.C., 7th Floor Board Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Administrative action under Sections 120 and 207 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
2. Requests from Federally insured credit unions for special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
3. Requests for mergers with special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
4. Administration of Central Liquidity Facility discount note program. Closed pursuant to exemption (2).
5. Personnel actions. Closed pursuant to exemptions (2) and (6).

FOR MORE INFORMATION CONTACT: Joan O'Neill, Program Assistant, telephone (202) 357-1100.

[S-1042-81 Filed 7-2-81; 12:19 pm]

BILLING CODE 7535-01-M

10

NATIONAL CREDIT UNION ADMINISTRATION.

Notice of previously held emergency meeting.

TIME AND DATE: 11:30 a.m., Monday June 29, 1981.

PLACE: 1776 G Street N.W., Washington, D.C., 7th Floor Board Room.

STATUS: Closed.

MATTERS CONSIDERED:

1. Requests from Federally insured credit unions for special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
2. Request for purchase and assumption with special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).

The Board unanimously voted that agency business required a meeting be held with less than seven days advance notice.

FOR MORE INFORMATION CONTACT: Beatrix D. Fields, Acting Secretary of the Board, telephone (202) 357-1100.

[S-1043-81 Filed 7-2-81; 8:45 am]

BILLING CODE 7535-01-M

federal register

Tuesday
July 7, 1981

Part II

Environmental Protection Agency

Hazardous Waste Management System: General Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities and EPA Administered Permit Programs

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 260, 261, 264, 265 and 122

[SWH-FRL 1874-8]

Hazardous Waste Management System: General Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities and EPA Administered Permit Programs

AGENCY: Environmental Protection Agency.

ACTION: Revision to interim final and final rules.

SUMMARY: The Environmental Protection Agency (EPA) is today making several technical amendments to its hazardous waste management regulations. First, EPA is revising those provisions which incorporate certain materials by reference to comply with the **Federal Register's** rules on incorporation by reference. Second, EPA is removing the advisory "comments" which appear in those provisions. The comments now either appear in a numbered paragraph as part of the regulations or have been deleted entirely. This action is also necessary to conform with **Federal Register** format. Third, EPA is updating the number of one of the ASTM test methods used to determine whether a waste is ignitable. This action is necessary because the method number now cited in EPA's regulations is no longer available from ASTM. Fourth, EPA is updating the publication date of "Flammable and Combustible Liquids Code" because a more recent edition is available.

Finally, EPA is revising the language of the Toxicity Test Procedure and Chemical Analysis Test Methods to make it clear that the procedures are mandatory. This change is necessary in order to incorporate the cited EPA manual by reference. All changes made today to the regulations only affect the format and do not change any substantive requirements.

EFFECTIVE DATE: This amendment is effective on July 7, 1981.

FOR FURTHER INFORMATION CONTACT: Alfred W. Lindsey, Office of Solid Waste (WH-565), U.S. Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460, (202) 755-9185.

SUPPLEMENTARY INFORMATION: Parts 261, 264, 265 and 122 of EPA's hazardous waste management regulations incorporate certain publications—including testing and analytical methods—by reference. The Office of the Federal Register has advised EPA that the regulations containing these references (May 19, 1980 (45 FR 33063–33588), October 30, 1980 (45 FR 72024–72041), January 12, 1981 (46 FR 2802–2897) and January 23, 1981 (46 FR 7666–7690)), must be amended to fully comply with the Office's detailed rules for incorporating published materials in regulations by reference (1 CFR Part 51). Among other things, those rules require that each statement of incorporation by reference contain certain information and meet specific drafting standards (1 CFR 51.6–51.8). One purpose of this notice is to revise those provisions of Parts 261, 264, 265 and 122 that incorporate materials by reference to assure that they meet all applicable Part 51 requirements. These revisions do not make any substantive changes in the regulations.

Part 51 does not dictate precisely where in a regulation the information required to be provided in a statement of incorporation by reference must appear. In most cases, it will accompany the individual section or paragraph in which the reference appears. Because this format would make paragraphs containing multiple citations rather lengthy, EPA has chosen to list all references with the required information in two new sections—§§ 260.11 and 122.20—rather than repeating the required information in each paragraph of the regulations where a citation occurs. The regulatory text of each of the affected sections has been amended to include a reference to § 260.11 or § 122.20 after each citation.

Several sections which are amended to conform with the requirements of the Office of the Federal Register for incorporation by reference have also been amended for other reasons by today's notice. First, the Agency has removed all advisory comments from the regulatory sections amended today. This is not a substantive change, but is an action which EPA plans to eventually take on all comments in its hazardous waste regulations in order to conform with **Federal Register** format. Some comments have been incorporated into the appropriate paragraph of the affected section; others have been deleted from the regulatory sections, and are printed below for the convenience of the reader. Because in the future advisory comments will appear only in the preambles to the regulations, and because preambles are not published in the *Code of Federal Regulations*, readers should save **Federal Register** issues in which the regulations are originally published to assure that they have a permanent record of these comments.

For the sections affected by today's actions where comments have been deleted, the original information contained in the comment remains advisory and is reprinted below for the reader's information.

Federal Register date	Section	Deleted comment
Jan. 12, 1981	264.191	Design standards for certain types of tanks are published by the American Petroleum Institute, Underwriter's Laboratories, the American Concrete Institute, and several other organizations.
Jan. 12, 1981	264.198	As required by § 264.13, the waste analysis plan must include analyses needed to comply with § 264.198. Section 264.17(a) contains additional requirements for ignitable and reactive wastes. Also, § 264.17(c) requires waste analysis, trial tests, or other documentation to ensure compliance with § 264.17(b). As required by § 264.73, the owner or operator must place results of each waste analysis and trial test, and any documented information, in the operating record of the facility.
May 19, 1980	265.198	See § 265.17(a) for additional requirements.

A second change which EPA has made in one of today's amended sections is to change the citation of "ASTM Standard Method of Test for Flash Point by Pensky-Martens Closed Tester" in 40 CFR 261.21(a)(1) from D–93–79 to *either* D–93–79 or D–93–80. EPA is taking this action because D–93–79 is no longer available from ASTM and because the changes made to the D–93–79 edition which are incorporated in the D–93–80 edition are non-substantive in nature. Either version of the standard may be used to comply with the regulations.

A third change which EPA has made in §§ 264.198 and 265.198 is to change the publication date of the National Fire Protection Association's "Flammable and Combustible Liquids Code" from 1977 to *either* 1977 or 1981, since a new edition is now available. The changes made to the 1977 edition do not affect Tables 2–1 through 2–6 which are the referenced portions of the Code in §§ 264.198 and 265.198. Either edition of the book may be used to comply with the regulations.

The last change which EPA has made to one of today's amended sections is to change the word "should" to the word

"shall" every place the word "should" appears in Part 261, Appendix II, and in the first paragraph of Appendix III. The use of the stronger word "shall" is necessary to make it clear that Appendices II and III are mandatory.

not merely advisory (Appendix I is advisory).

The specific sections of Parts 261, 264, 265 and 122 which are being amended today to include the changes described above are:

Federal Register date	Page	Part or section and paragraph
May 19, 1980	33121-22	§ 261.21(a)(1).
	33122	§ 261.22(a)(1) and (a)(2).
	33127-28	Part 261, Appendix II.
	33130	Part 261, Appendix III.
	33245	§ 265.198(b).
Oct. 30, 1980	72041	Part 261, Appendix II.
Jan. 12, 1981	2867	§ 264.191.
	2868	§ 264.198(b).
Jan. 23, 1981	7681	§ 122.25(b)(5)(ii)(A)(3) and (b)(5)(ii)(A)(4).
	7682	§ 122.27(b)(1)(i)(C) and (b)(1)(i)(D).

Regulatory Analysis

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. Because this amendment is non-substantive in nature and only changes the format of the previously approved final rule, EPA has determined that this amendment does not require a Regulatory Impact Analysis.

The Office of Management and Budget has advised EPA that this notice does not have to be submitted to them for review under Executive Order 12291.

Dated: June 30, 1981.

John W. Hernandez,

Acting Administrator.

For the reasons set out in the preamble, Title 40 of the *Code of Federal Regulations* is amended as follows:

PART 260—HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

1. The authority citation for Part 260 reads as follows:

Authority: Secs. 1006, 2002(a), 3001–3007 and 3010 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), 6921–6927 and 6930).

2. A new § 260.11 is added to read as follows:

§ 260.11 References.

(a) When used in Parts 260 through 265 of this chapter, the following publications are incorporated by reference:

"ASTM Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester," ASTM Standard D–3278–78, available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa. 19103.

"ASTM Standard Test Methods for Flash Point by Pensky-Martens Closed Tester," ASTM Standard D–93–79 or D–93–80. D–93–80 is available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa. 19103.

"Flammable and Combustible Liquids Code" (1977 or 1981), available from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210.

"Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" (1980), EPA publication number SW–846, available from the U.S. Environmental Protection Agency, Solid Waste Information, 26 W. St. Clair Street, Cincinnati, Ohio 45268.

(b) The references listed in paragraph (a) of this section are also available for inspection at the Office of the Federal Register, 1100 L Street, NW, Washington, D.C. 20408. These incorporations by reference were approved by the Director of the Federal Register. These materials are incorporated as they exist on the date of approval and a notice of any change in these materials will be published in the Federal Register.

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

3. The authority citation for Part 261 reads as follows:

Authority: Secs. 1006, 2002(a), 3001 and 3002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), 6921 and 6922).

4. Section 261.21 is amended by removing footnote (1) and by revising paragraph (a)(1) to read as follows:

§261.21 Characteristic of ignitability.

(a) * * *

(1) It is a liquid, other than an aqueous solution containing less than 24 percent alcohol by volume and has flash point less than 60°C (140°F), as determined by a Pensky-Martens Closed Cup Tester, using the test method specified in ASTM Standard D–93–79 or D–93–80 (incorporated by reference, see § 260.11), or a Setaflash Closed Cup Tester, using the test method specified in ASTM Standard D–3278–78 (incorporated by reference, see § 260.11), or as determined by an equivalent test method approved by the Administrator under procedures set forth in §§ 260.20 and 260.21.

* * * * *

5. Section § 261.22 is amended by removing footnotes (2) and (3) and by revising paragraphs (a)(1) and (a)(2) to read as follows:

§ 261.22 Characteristic of corrosivity.

(a) * * *

(1) It is aqueous and has a pH less than or equal to 2 or greater than or equal to 12.5, as determined by a pH meter using either an EPA test method or an equivalent test method approved by the Administrator under the procedures set forth in §§ 260.20 and 260.21. The EPA test method for pH is specified as Method 5.2 in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" (incorporated by reference, see § 260.11). (2) It is a liquid and corrodes steel (SAE 1020) at a rate greater than 6.35 mm (0.250 inch) per year at a test temperature of 55°C (130°F) as determined by the test method specified in NACE (National Association of Corrosion Engineers) Standard TM–01–69 as standardized in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" (incorporated by reference, see § 260.11) or an equivalent test method approved by the Administrator under the procedures set forth in §§ 260.20 and 260.21.

* * * * *

6. Appendix II of Part 261 is revised to read as follows:

Appendix II—EP Toxicity Test Procedure

A. Extraction Procedure (EP)

1. A representative sample of the waste to be tested (minimum size 100 grams) shall be obtained using the methods specified in Appendix I or any other method capable of yielding a representative sample within the meaning of Part 260. [For detailed guidance on conducting the various aspects of the EP see "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" (incorporated by reference, see § 260.11).]

2. The sample shall be separated into its component liquid and solid phases using the method described in "Separation Procedure" below. If the solid residue [1] obtained using this method totals less than 0.5% of the

[1] 1. The percent solids is determined by drying the filter pad at 80°C until it reaches constant weight and then calculating the percent solids using the following equation:

$$100 - \%\ \text{solids} = \frac{(\text{weight of pad} + \text{solid}) - (\text{tare weight of pad}) \times 100}{\text{initial weight of sample}}$$

original weight of the waste, the residue can be discarded and the operator shall treat the liquid phase as the extract and proceed immediately to Step 8.

3. The solid material obtained from the Separation Procedure shall be evaluated for its particle size. If the solid material has a surface area per gram of material equal to, or greater than, 3.1 cm^2 or passes through a 9.5 mm (0.375 inch) standard sieve, the operator shall proceed to Step 4. If the surface area is smaller or the particle size larger than specified above, the solid material shall be prepared for extraction by crushing, cutting or grinding the material so that it passes through a 9.5 mm (0.375 inch) sieve or, if the material is in a single piece, by subjecting the material to the "Structural Integrity Procedure" described below.

4. The solid material obtained in Step 3 shall be weighed and placed in an extractor with 16 times its weight of deionized water. Do not allow the material to dry prior to weighing. For purposes of this test, an acceptable extractor is one which will impart sufficient agitation to the mixture to not only prevent stratification of the sample and extraction fluid but also insure that all sample surfaces are continuously brought into contact with well mixed extraction fluid.

5. After the solid material and deionized water are placed in the extractor, the operator shall begin agitation and measure the pH of the solution in the extractor. If the pH is greater than 5.0, the pH of the solution shall be decreased to 5.0 ± 0.2 by adding 0.5 N acetic acid. If the pH is equal to or less than 5.0, no acetic acid should be added. The pH of the solution shall be monitored, as described below, during the course of the extraction and if the pH rises above 5.2, 0.5N acetic acid shall be added to bring the pH down to 5.0 ± 0.2. However, in no event shall the aggregate amount of acid added to the solution exceed 4 ml of acid per gram of solid. The mixture shall be agitated for 24 hours and maintained at 20°–40°C (68°–104°F) during this time. It is recommended that the operator monitor and adjust the pH during the course of the extraction with a device such as the Type 45-A pH Controller manufactured by Chemtrix, Inc., Hillsboro, Oregon 97123 or its equivalent, in conjunction with a metering pump and reservoir of 0.5N acetic acid. If such a system is not available, the following manual procedure shall be employed:

(a) A pH meter shall be calibrated in accordance with the manufacturer's specifications.

(b) The pH of the solution shall be checked and, if necessary, 0.5N acetic acid shall be manually added to the extractor until the pH reaches 5.0 ± 0.2. The pH of the solution shall be adjusted at 15, 30 and 60 minute intervals, moving to the next longer interval if the pH does not have to be adjusted more than 0.5N pH units.

(c) The adjustment procedure shall be continued for at least 6 hours.

(d) If at the end of the 24-hour extraction period, the pH of the solution is not below 5.2 and the maximum amount of acid (4 ml per gram of solids) has not been added, the pH shall be adjusted to 5.0 ± 0.2 and the extraction continued for an additional four hours, during which the pH shall be adjusted at one hour intervals.

6. At the end of the 24 hour extraction period, deionized water shall be added to the extractor in an amount determined by the following equation:

V = (20)(W) − 16(W) − A

V = ml deionized water to be added

W = weight in grams of solid charged to extractor

A = ml of 0.5N acetic acid added during extraction

7. The material in the extractor shall be separated into its component liquid and solid phases as described under "Separation Procedure."

8. The liquids resulting from Steps 2 and 7 shall be combined. This combined liquid (or the waste itself if it has less than ½ percent solids, as noted in step 2) is the extract and shall be analyzed for the presence of any of the contaminants specified in Table I of § 261.24 using the Analytical Procedures designated below.

Separation Procedure

Equipment: A filter holder, designed for filtration media having a nominal pore size of 0.45 micrometers and capable of applying a 5.3 kg/cm^2 (75 psi) hydrostatic pressure to the solution being filtered, shall be used. For mixtures containing nonabsorptive solids, where separation can be effected without imposing a 5.3 kg/cm^2 pressure differential, vacuum filters employing a 0.45 micrometers filter media can be used. (For further guidance on filtration equipment or procedures see "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" incorporated by reference, see § 260.11). Procedure:[2]

(i) Following manufacturer's directions, the filter unit shall be assembled with a filter bed consisting of a 0.45 micrometer filter membrane. For difficult or slow to filter mixtures a prefilter bed consisting of the following prefilters in increasing pore size (0.65 micrometer membrane, fine glass fiber prefilter, and coarse glass fiber prefilter) can be used.

(ii) The waste shall be poured into the filtration unit.

(iii) The reservoir shall be slowly pressurized until liquid begins to flow from the filtrate outlet at which point the pressure in the filter shall be immediately lowered to 10–15 psig. Filtration shall be continued until liquid flow ceases.

(iv) The pressure shall be increased stepwise in 10 psi increments to 75 psig and filtration continued until flow ceases or the pressurizing gas begins to exit from the filtrate outlet.

(v) The filter unit shall be depressurized, the solid material removed and weighed and then transferred to the extraction apparatus, or, in the case of final filtration prior to analysis, discarded. Do not allow the material retained on the filter pad to dry prior to weighing.

(vi) The liquid phase shall be stored at 4°C for subsequent use in Step 8.

B. Structural Integrity Procedure

Equipment: A Structural Integrity Tester having a 3.18 cm (1.25 in.) diameter hammer weighing 0.33 kg (0.73 lbs.) and having a free fall of 15.24 cm (6 in.) shall be used. This device is available from Associated Design and Manufacturing Company, Alexandria, VA 22314, as Part No. 125, or it may be fabricated to meet the specifications shown in Figure 1.

Procedure

1. The sample holder shall be filled with the material to be tested. If the sample of waste is a large monolithic block, a portion shall be cut from the block having the dimensions of a 3.3 cm (1.3 in.) diameter x 7.1 cm (2.8 in.) cylinder. For a fixated waste, samples may be cast in the form of a 3.3 cm (1.3 in.) diameter x 7.1 cm (2.8 in.) cylinder for purposes of conducting this test. In such cases, the waste may be allowed to cure for 30 days prior to further testing.

2. The sample holder shall be placed into the Structural Integrity Tester, then the hammer shall be raised to its maximum height and dropped. This shall be repeated fifteen times.

3. The material shall be removed from the sample holder, weighed, and transferred to the extraction apparatus for extraction.

Analytical Procedures for Analyzing Extract Contaminants

The test methods for analyzing the extract are as follows:

1. For arsenic, barium, cadmium, chromium, lead, mercury, selenium, silver, endrin, lindane, methoxychlor, toxaphene, 2,4-D[2,4-dichlorophenoxyacetic acid] or 2,4,5-TP [2,4,5-trichlorophenoxypropionic acid]: "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" (incorporated by reference, see § 260.11).

2. [Reserved]

For all analyses, the methods of standard addition shall be used for quantification of species concentration.

7. Appendix III of Part 261 is amended by revising the first sentence of the first paragraph to read as follows:

Appendix III—Chemical Analysis Test Methods

Tables 1, 2, and 3 specify the appropriate analytical procedures described in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (incorporated

[2] This procedure is intended to result in separation of the "free" liquid portion of the waste from any solid matter having a particle size >0.45 μm. If the sample will not filter, various other separation techniques can be used to aid in the filtration. As described above, pressure filtration is employed to speed up the filtration process. This does not alter the nature of the separation. If liquid does not separate during filtration, the waste can be centrifuged. If separation occurs during centrifugation, the liquid portion (centrifugate) is filtered through the 0.45 μm filter prior to becoming mixed with the liquid portion of the waste obtained from the initial filtration. Any material that will not pass through the filter after centrifugation is considered a solid and is extracted.

by reference, see § 260.11), which shall be used in determining whether the waste in question contains a given toxic constituent.
* * *

PART 264—STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE, TREATMENT, STORAGE AND DISPOSAL FACILITIES

8. The authority citation for Part 264 reads as follows:

Authority: Secs. 1006, 2002(a), 3001 through 3007, and 3010 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a) and 6921 through 6927 and 6930).

§ 264.191 [Amended]

9. Section 264.191 is amended by removing the bracketed comment.

10. Section 264.198 is amended by removing the bracketed comment and revising paragraph (b) to read as follows:

§ 264.198 Special requirements for ignitable or reactive waste.
* * * * *

(b) The owner or operator of a facility which treats or stores ignitable or reactive waste in covered tanks must comply with the buffer zone requirements for tanks contained in Tables 2–1 through 2–6 of the National Fire Protection Association's "Flammable and Combustible Liquids Code" (1977 or 1981), (incorporated by reference, see § 260.11).

PART 265—INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

11. The authority citation for Part 265 reads as follows:

Authority: Secs. 1006, 2002(a), and 3004 of the Solid Waste Disposal Act, as amended by the Resources Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a) and 6924).

12. Section 265.198 is amended by removing the bracketed comment and revising paragraph (b) to read as follows:

§ 265.198 Special requirements for ignitable or reactive waste.
* * * * *

(b) The owner or operator of a facility which treats or stores ignitable or reactive waste in covered tanks must comply with the buffer zone requirements for tanks contained in Tables 2–1 through 2–6 of the National Fire Protection Association's "Flammable and Combustible Liquids Code" (1977 or 1981), (incorporated by reference, see § 260.11).

PART 122—EPA ADMINISTERED PERMIT PROGRAMS: THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM; THE HAZARDOUS WASTE PERMIT PROGRAM AND THE UNDERGROUND INJECTION CONTROL PROGRAM

13. The authority citation for Part 122 reads as follows:

Authority: Resource Conservation and recovery Act, 42 U.S.C. 6901 *et seq.*; Safe Dringking Water Act, 42 U.S.C. 300(f) *et seq.*; and Clean Water Act, 33 U.S.C. 1251 *et seq.*

14. A new § 122.20 is added to read as follows:

§ 122.20 References.

(a) When used in Part 122 of this chapter, the following publications are incorporated by reference:

"Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" (1980), EPA publication number SW–846, available from the U.S. Environmental Protection Agency, 26 W. St. Clair Street, Cincinnati, Ohio 45268.

(b) The references listed in paragraph (a) of this section are also available for inspection at the Office of the Federal Register, 1100 L Street, NW., Washington, D.C. 20408. These incorporations by reference were approved by the Director of the Federal Register. These materials are incorporated as they exist on the date of approval and a notice of any change in these materials will be published in the **Federal Register.**

15. Section 122.25 is amended by revising paragraphs (b)(5)(iii)(A) (*3*) and (*4*) as follows:

§ 122.25 Contents of Part B.
* * * * *

(b) * * *
(5) * * *
(iii) * * *
(A) * * *

(*3*) An identification of any hazardous organic constituents listed in Part 261, Appendix VIII of this Chapter, which are present in the waste to be burned, except that the applicant need not analyze for constituents listed in Part 261, Appendix VIII, of this Chapter which would reasonably not be expected to be found in the waste. The constituents excluded from analysis must be identified and the basis for their exclusion stated. The waste analysis must rely on analytical techniques specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" (incorporated by reference, see § 122.20 and referenced in 40 CFR Part 261, Appendix III), or their equivalent.

(*4*) An approximate quantification of the hazardous constituents identified in the waste, within the precision produced by the analytical methods specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" (incorporated by reference, see § 122.20).
* * * * *

16. Section 122.27 is amended by revising paragraphs (b)(1)(i) (C) and (D) as follows:

§ 122.27 Short term permits.
* * * * *

(b) * * *
(1) * * *
(i) * * *

(C) An identification of any hazardous organic constituents listed in Part 261, Appendix VIII of this Chapter, which are present in the waste to be burned, except that the applicant need not analyze for constituents listed in Part 261, Appendix VIII, of this Chapter which would reasonably not be expected to be found in the waste. The constituents excluded from analysis must be identified and the basis for their exclusion stated. The waste analysis must rely on analytical techniques specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" (incorporated by reference, see § 122.20 and referenced in 40 CFR Part 261, Appendix III), or their equivalent.

(D) An approximate quantification of the hazardous constituents identified in the waste, within the precision produced by the analytical methods specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" (incorporated by reference, see § 122.20).
* * * * *

[FR Doc. 81–18223 Filed 7–6–81; 8:45 am]
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Tuesday, July 7, 1981

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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.)

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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing July 2, 1981

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