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36068 **Airports** DOT/FAA proposes policy to guide management and operation of Washington National and Dulles International Airports (Washington, D.C. area) (Part IV of this issue).

36103 **Petroleum** DOE/ERA decides not to adopt proposed rules on Tertiary Incentive Program. (Part VII of this issue)

36092 DOE/ERA establishes mechanism for adjusting entitlements lists for periods prior to the decontrol of crude oil. (Part VI of this issue)

36080 DOE/ERA terminates the petroleum substitutes program. (Part V of this issue)

35990 **Grant Programs—Health** HHS/PHS announces availability of FY 1981 funds to support a national health promotion training network.

35942 **Emergency Housing** FEMA proposes to exempt certain temporary disaster housing from environmental considerations.

36053 **Air Transportation** DOT/FAA amends airplane and airport operator security rules. (Part II of this issue)

35936 CAB proposes to amend regulations on disclosure of airline responsibilities to passengers.

35940 **Credit** FTC withdraws previous staff proposal for an interpretation of Fair Credit Reporting Act.

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

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35943 **Procurement** OMB/FPPO seeks comments on draft regulation on cost principles, procedures and administration of contracts with educational institutions.

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36016 **Handicapped** NFAH/NEH notifies recipients of Federal financial assistance of non-discrimination guidelines.

36056 **Bird Hunting** Interior/FWS proposes standards for early season migratory bird hunting for 1981–82. (Part III of this issue)

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

Gypsy Moth Hazardous Recreational Vehicle Sites

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document revises the list of gypsy moth hazardous recreational vehicle sites under the Federal Gypsy Moth and Browntail Moth Quarantine and Regulations by adding 93 sites located in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Vermont and by deleting 11 sites located in New Jersey and Pennsylvania. These amendments are necessary as emergency measures in order to prevent the artificial spread of gypsy moth and to delete unnecessary restrictions on the movement of certain articles. The effect of this action is to impose restrictions on the interstate movement of recreational vehicles and associated equipment moving from those hazardous recreational vehicle sites added to the list, and by deleting restrictions on the interstate movement of such vehicles and equipment moving from those sites deleted from the list.

DATES: Effective date of this document is July 13, 1981. Written comments concerning this interim rule must be received on or before September 11, 1981.

ADDRESS: Written comments concerning this interim rule should be submitted to T. J. Lanier, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, MD 20782. Written comments received may be inspected at Room 633 of the Federal Building between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: T. J. Lanier, Chief Staff Officer, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Building Room 635, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8247.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Emergency Action

This interim rule is issued in conformance with Executive Order 12291, and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this rule will have an annual effect on the economy of approximately $48,000; that this rule will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and that this rule will not have a significant adverse effect 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. Also, the emergency nature of this action makes it impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this final rule.

Harvey L. Ford, Deputy Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this interim rule. Due to the possibility that the gypsy moth could be artificially spread interstate to noninfested areas of the United States, a situation exists requiring immediate action to better control the spread of this pest. Also, with respect to restrictions concerning the movement of regulated articles for which there is no longer a basis for the imposition thereof, a situation exists requiring immediate action to lessen or delete such unnecessary restrictions.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency action are impracticable and contrary to the public interest; and good cause is found for making this emergency action effective less than 30 days after publication of this document in the Federal Register. Comments have been solicited for 60 days after publication of this document, and this emergency action will be scheduled for review so that a final document discussing comments received and any amendments required can be published in the Federal Register as soon as possible.

Regulatory Flexibility Act

The emergency situation discussed above makes compliance with Section 603 and timely compliance with Section 604 of the Regulatory Flexibility Act impracticable. Since this action may have a significant economic impact on a substantial number of small entities, the Final Regulatory Flexibility Analysis, if required, will address the issues required in Section 604 of the Regulatory Flexibility Act.

Background

The gypsy moth, *Lymantria dispar* (Linnaeus), is a highly destructive pest of forest trees. The Gypsy Moth and Browntail Moth Quarantine and Regulations (7 CFR 301.45 *et seq.*) quarantines certain States because of the gypsy moth, including Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Vermont, and restricts the interstate movement from quarantined States of articles designated as regulated articles because of the gypsy moth. Such restrictions are necessary for the purpose of preventing the artificial spread of the gypsy moth.

In § 301.45–1(v) of the regulations (7 CFR 301.45–1(v)), recreational vehicles and associated equipment are listed as regulated articles because of the gypsy moth if moving from hazardous recreational vehicle sites listed in § 301.45–2c of the regulations (7 CFR 301.45–2c). It is provided in § 301.45–2(d) of the regulations (7 CFR 301.45–2(d)) that the Deputy Administrator shall list as hazardous in § 301.45–2c of the regulations any recreational vehicle site in a quarantined State in which gypsy moth has been found by an inspector, or

in which there is a risk of infestation of the gypsy moth because of the proximity of the site to infestation of the gypsy moth.

Based on findings of egg masses, larvae, and pupae of the gypsy moth by inspectors of the U.S. Department of Agriculture and State agencies of Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania and Vermont, it has been determined that the following recreational vehicle sites in these States harbor infestations of the gypsy moth:

Connecticut

Litchfield County. Goshen: Valley of the Pines. Kent: Housatonic Meadows State Park and Lake Waramaug State Park. Southbury: Kettletown State Park. Watertown: Blackrock State Park.

New London County. Lebanon: Water's Edge.

Maine

Cumberland County. Bridgton: Long Lake Campground. Freeport: Recompence Shore Campsites. Naples: Bay of Naples Campground, Brandy Pond Camps, and Sebago Lake State Park. Pownal: Bradbury Mountain State Park. Raymond: Indian Point Tent & Trailer Park. South Casco: Point Sebago.

Knox County. Camden Hills State Park.

Lincoln County. Damariscotta: Lake Pemaquid.

Oxford County. Denmark: Pleasant Mountain Campground. Fryeburg: Swan's Falls Campground. Porter: Ossippee River Campground.

York County. Eliot: Indian River Campground. Kennebunk: Yankeeland Campground. Sanford: Sanford-Wells. East Waterboro: Honnewell Campground.

Massachusetts

Berkshire County. North Adams: Historic Valley.

Bristol County. East Taunton: Massasoit State Park.

Franklin County. Bernardston: Purple Meadow. Erving: Laurel Lake in Erving State Forest. Orange: The Ranch and Wagon Wheel. Whately: White Birch.

Hampden County. Westfield: Sunnyside.

Middlesex County. Ashby: Damon Pond Campground in Willard Brook State Forest. North Reading: Harold Parker State Forest. West Townsend: Pearl Hill State Park.

Plymouth County. Hingham: Wompatuck State Park.

Worcester County. Sturbridge: Well State Park. Winchedon: Lake Dennison State Park and Otter River State Forest.

New Hampshire

Belknap County. Belmont: Winnisquam Beach Campground. Gilford: Belknap County Recreational Area Campground. Laconia: Hack-Ma-Tack Camping and Weirs Beach Tent & Trailer Park. New Hampton: Twin Tamarack Campground.

Carroll County. Albany: Blackberry Crossing, Covered Bridge, Pine Knoll Camping Area, and White Ledge in White Mountain National Forest. Barlett: Green Meadow Camping Area and Silver Spring Campground. Conway: Saco River Campground and Sit'N Bull Campground. Moultonboro: Arcadia Campground and Winnipesaukee KOA. Ossipee: Whittier Camping Area. Tamworth: White Lake State Park.

Cheshire County. Jaffrey: Monadnock State Park Campground.

Merrimack County. Allenstown: Bear Brook State Park. Franklin: Thousand Acre Campground. Henniker: Keyer Pond Campground. Loudon: Cascade Park Campground.

Rockingham County. Nottingham: Pawtuckaway State Park.

New Jersey

Morris County. Parsippany-Troy Hills: Brookwood Campground.

New York

Essex County. Port Henry: Bullwagga Bay Campsite and Port Henry Campground.

Greene County. Haines Falls: North Lake State Campground.

Orange County. Montgomery: Winding Hills.

Rockland County. Stoney Point: Beaver Pond Campground in Harriman State Park.

Suffolk County. Greenport: KOA Campground. Middle Island: Cathedral Pines.

Pennsylvania

Bedford County. East Providence: Crestview Campground.

Berks County. Greenwich: Old Dutch Mill and Blue Rocks.

Bucks County. East Rockhill: Tohicken Family Campground. Haycock: Lake Towhee and Little Red Barn.

Chester County. Schuylkill: Baker Park.

Columbia County. Orange: Diehl's Campground.

Cumberland County. Dickinson: Tag Run.

Lancaster County. East Drumore: Woodland Acres. Salisbury: Wayside Woodland. West Donegal: Shaw-N-Tee.

Luzerne County. Plymouth: Moon Lake.

Monroe County. Pocono: Four Seasons.

Northampton County. Moore: Evergreen Lakes.

Pike County. Greene: Promised Land State Park. Lehman: Ken's Woods.

Schuylkill County. Hedgins: Camp-A-While.

Vermont

Addison County. New Haven: Rivers Bend Campsites.

Grande Isle County. North Hero: North Hero State Park.

Rutland County. Huddardton: Big "D" Campground and Lake Bomoseen Campground. Poultney: St. Catherine State Park Campground.

Windham County. Guilford: Fort Drummer State Park Campground.

Inspectors also found that these are sites where recreational vehicles and associated equipment are parked, or may be parked, and that the gypsy moth could hitchhike on and be spread by recreational vehicles and associated equipment moving from these sites. Therefore, in order to prevent the artificial spread of gypsy moth, it is necessary as an emergency measure to add these recreational vehicle sites to the list of hazardous recreational vehicle sites, and thereby impose restrictions on the interstate movement of recreational vehicles and associated equipment moving from such sites.

Prior to the effective date of this document the following recreational vehicle sites in New Jersey and Pennsylvania were included in the list of sites listed in § 301.45–2c of the regulations as hazardous recreational vehicle sites:

New Jersey

Burlington County. Shamong Township: Atsion Lake and Goshen Pond camping areas in Wharton State Forest.

Cape May County. Dennis Township: Belleplain State Forest.

Hunterdon County. Delaware Township: Bull's Island State Park.

Middlesex County. Old Bridge Township: Cheesequake State Park.

Monmouth County. Howell Township: Allaire State Park.

Sussex County. Hampton Township: Swartswood State Park.

Warren County. Pahaquary Township: Worthington State Forest.

Pennsylvania

Clinton County. Renovo: Evanco camping area.

Cumberland County. Colonel Denning State Park.

Pike County. Dingman's Ferry: Bernie's Campground. Based on treatment of the recreational vehicle

sites and negative surveys of such sites by the Plant Protection and Quarantine of the U.S. Department of Agriculture and by State agencies of New Jersey and Pennsylvania it has been determined that the gypsy moth no longer occurs in any of these recreational vehicle sites, and that infestations of gypsy moth do not occur in such proximity to any of these sites so as to cause a risk of infestation of the gypsy moth. Therefore, as an emergency measure, it is necessary to delete such recreational vehicle sites from the list of hazardous recreational vehicle sites in order to delete unnecessary restrictions on the movement of recreational vehicles and associated equipment from such sites.

Under the circumstances referred to above, § 301.45–2c of the Gypsy Moth and Browntail Moth Quarantine and Regulations (7 CFR 301.45–2c) is revised to read as follows:

§ 301.45–2c List of hazardous recreational vehicle sites.

The recreational vehicle sites listed below are designated as gypsy moth hazardous recreational vehicle sites within the meaning of the provisions of this subpart as indicated below.

Hazardous Recreational Vehicle Sites

Connecticut

Litchfield County. Goshen: Valley of the Pines. Kent: Housatonic Meadows State Park and Lake Waramaug State Park. Southbury: Kettletown State Park. Watertown: Blackrock State Park.

New London County. Lebanon: Water's Edge.

Maine

Cumberland County. Bridgton: Long Lake Campground. Freeport: Recompence Shore Campsites. Naples: Bay of Naples Campground, Brandy Pond Camps, and Sebago Lake State Park. Pownal: Bradbury Mountain State Park. Raymond: Indian Point Tent & Trailer Park. South Casco: Point Sebago.

Knox County. Camden: Camden Hills State Park.

Lincoln County. Damariscotta: Lake Pemaquid.

Oxford County. Denmark: Pleasant Mountain Campground. Fryeburg: Swan's Falls Campground. Porter: Ossippee River Campground.

York County. Eliot: Indian River Campground. Kennebunk: Yankeeland Campground. Sanford: Sanford—Wells. East Waterboro: Honnewell Campground.

Massachusetts

Barnstable County. Brewster: R. C. Nickerson State Park.

Berkshire County. North Adams: Historic Valley.

Bristol County. East Taunton: Massasoit State Park.

Franklin County. Bernardston: Purple Meadow. Erving: Laurel Lake, Erving State Forest. Orange: The Ranch and Wagon Wheel. Whately: White Birch.

Hampden County. Westfield: Sunnyside.

Middlesex County. Ashby: Damon Pond Campground, Willard Brook State Forest. North Reading: Harold Parker State Forest. West Townsend: Pearl Hill State Park.

Plymouth County. Hingham: Wompatuck State Park.

Worcester County. Sturbridge: Wells State Park. Winchedon: Lake Dennison State Park and Otter River State Forest.

New Hampshire

Belknap County. Belmont: Winnisquam Beach Campground. Gilford: Belknap County Recreational Area Campground. Laconia: Hack-Ma-Tack Camping and Weirs Beach Tent & Trailor Park. New Hampton: Twin Tamarack Campground.

Carroll County. Albany: Blackberry Crossing, Covered Bridge, Pine Knoll Camping Area, and White Ledge, in White Mountain National Forest. Bartlett: Green Meadow Camping Area and Silver Spring Campground. Conway: Saco River Campground and Sit'N Bull Campground. Moultonboro: Arcadia Campground and Winnipesaukee KOA. Ossipee: Whittier Camping Area. Tamworth: White Lake State Park.

Cheshire County. Jaffrey: Monadnock State Park Campground.

Merrimack County. Allenstown: Bear Brook State Park. Franklin: Thousand Acre Campground. Henniker: Keyer Pond Campground. Loudon: Cascade Park Campground.

Rockingham County. Nottingham: Pawtuckaway State Park.

New Jersey

Morris County. Parsippany-Troy Hills Township: Brookwood Campground.

New York

Essex County. Port Henry: Bullwagga Bay Campsite and Port Henry Campground.

Greene County. Haines Falls: North Lake State Campground.

Orange County. Montgomery: Winding Hills.

Rockland County. Stoney Point: Beaver Pond Campground in Harriman State Park.

Suffolk County. Greenport: KOA Campground. Middle Island: Cathedral Pines.

Pennsylvania

Bedford County. East Providence: Crestview Campground.

Berks County. Greenwich: Old Dutch Mill and Blue Rocks.

Bucks County. East Rockhill: Tohicken Family Campground. Haycock: Lake Towhee and Little Red Barn.

Chester County. Schuylkill: Baker Park.

Columbia County. Orange: Diehl's Campground.

Cumberland County. Dickinson: Tag Run.

Lancaster County. East Drumore: Woodland Acres. Salisbury: Wayside Woodland. West Donegal: Shaw-N-Tee.

Luzerne County. Plymouth: Moon Lake.

Monroe County. Pocono: Four Seasons.

Northampton County. Moore: Evergreen Lakes.

Pike County. Greene: Promised Land State Park. Lehman: Ken's Woods.

Schuylkill County. Hedgins: Camp-A-While.

Vermont

Addison County. New Haven: Rivers Bend Campsites.

Grande Isle County. North Hero: North Hero State Park.

Rutland County. Huddardton: Big "D" Campground and Lake Bomoseen Campground. Poultney: St. Catherine State Park Campground.

Windham County. Guilford: Fort Drummer State Park Campground.

(Secs. 8 and 9, 37 Stat. 318, as amended, secs. 105 and 106, 71 Stat. 32, 71 Stat. 33; 7 U.S.C. 161, 162, 150dd, 150ee; 37 FR 28464, 28477, as amended; 38 FR 19141)

Done at Washington, D.C., this 7th day of July 1981.

D. Scot Campbell,

Acting Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 81-20400 Filed 7-10-81; 8:45 am]

BILLING CODE 3410-34-M

Agricultural Marketing Service

7 CFR Part 905

[Orange, Grapefruit, Tangerine and Tangelo Regulation 4, Amdt. 14]

Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Amendment of Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This action increases the minimum grade requirement for domestic shipments of Florida early and midseason oranges and tangelos to U.S. No. 1. These changes recognize current and prospective demand for such oranges and tangelos and are consistent with the available crop in the interest of growers and consumers.

EFFECTIVE DATE: August 24, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch F&V, AMS USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers. The regulation with respect to Florida early and midseason oranges and tangelos is issued under the marketing agreement and Order No. 905 (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida.

The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendation and information submitted by the Citrus Administrative Committee and upon other information. The committee reports that such grade requirements are necessary to assure shipment of an adequate supply of acceptable quality fruit in the interest of producers and consumers consistent with the declared policy of the act. It is hereby found that this regulation will tend to effectuate the declared policy of the act.

It is impracticable and contrary to the public interest to give preliminary notice, and engage in public rulemaking, and good cause exists for making these regulatory provisions effective as specified in that (1) the regulations were recommended by the committee following discussion at a public meeting, (2) handlers have been apprised of these requirements for Florida oranges and tangelos and (3) the requirements are basically the same as those currently in effect other than for higher internal quality requirements.

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

Accordingly, it is found that the provisions of § 905.304 Orange, Grapefruit, Tangerine, and Tangelo Regulation 4 (45 FR 67047; 76651; 79002; 80269; 81199; 83192; 46 FR 5859; 1089; 11655; 11656; 14115; 16237; 23916; 27323), should be and are amended by revising Table I paragraph (a), applicable to domestic shipments, to read as follows:

§ 905.304 Orange, grapefruit, tangerine and tangelo regulation 4.

(a) * * *

Table I

Variety (1)	Regulation period (2)	Minimum grade (3)	Minimum diameter (in) (4)
Oranges:			
Early and midseason.	Aug. 24, 1981, through Oct. 18, 1981.	U.S. No. 1.	2-8/16
Tangelos	Aug. 24, 1981, through Oct. 18, 1981.	U.S. No. 1.	2-8/16

* * * * *

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

Dated: July 8, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-20401 Filed 7-10-81; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Parts 911 and 944

[Lime Regulation 43; Lime Import Regulation 10]

Limes Grown in Florida and Limes Imported Into the United States

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: These regulations specify minimum grade and size requirements for shipments for fresh limes grown in Florida, and for limes imported into the United States. Such action is necessary to assure the shipment of adequate supplies of limes of acceptable grades and sizes in the interest of producers and consumers.

DATE: Effective on and after August 16, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone (202) 447–5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant" and not a major rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

An interim rule was published in the **Federal Register** on April 30, 1981 (46 FR 24143) which specified grade and size requirements applicable to shipments of Florida limes and imported limes through August 15, 1981. That rule provided an opportunity to file comments through June 1, 1981. No comments were received. This final rule contains the same requirements as specified in the interim rule.

The Florida lime regulation is issued under the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The lime import regulation is issued under Section 8e (7 U.S.C. 608e–1) of this act. It is found that this action will tend to effectuate the declared policy of the act.

The regulation applicable to limes grown in Florida is based upon recommendations and information submitted by the Florida Lime Administrative Committee, established under the marketing agreement and order, and upon other information. Under the terms of the regulation the grade and size requirements would be effective on and after August 16, 1981. Although the regulation would be effective for an indefinite period the committee would continue to meet prior to each season and consider recommendations for continuation, modification, suspension, or termination of the regulation. Prior to making any such recommendations the committee would submit to the Secretary a marketing policy for the season including an analysis of supply and demand factors having a bearing on the marketing of the crop. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department will annually evaluate committee recommendations and information submitted by the committee, and other available information, and determine whether continuation, modification, suspension, or termination of regulation of shipments of limes would tend to effectuate the declared policy of the act.

The committee has adopted a marketing policy for the 1981–82 season Florida lime crop, in which it estimates that this season 2,200,000 bushels of limes will be produced in Florida. Of this amount, it estimates 1,100,000 bushels will be shipped to the fresh market, and the remainder will be available for processing. While Florida is the major supplier of limes to the domestic fresh market, imports from Mexico are substantial and additional supplies are available from California. More than adequate supplies of limes should be available to meet fresh market demand during the 1981–82 season.

The lime import regulation is issued under Section 8e of the act, which requires that when specified commodities, including limes, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodity.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date of these regulations until 30 days after publication in the **Federal Register** (5 U.S.C. 553), and good cause exists for making these regulatory provisions effective as specified in that: (1) shipment of the current crop of limes grown in Florida is now underway; (2) an interim rule was published in the **Federal Register** (46 FR 24143) and no comments were submitted during the period provided, (3) the Florida lime regulation was recommended by the committee following discussion at a public meeting on April 8, 1981; (4) Florida lime handlers have been apprised of these requirements for Florida limes and the effective date; (5) the requirements for Florida limes and imported limes are the same as those currently in effect; (6) the lime import requirements are mandatory under Section 8e of the act, and they should become effective on the date specified; (7) the grade and size requirements for imported limes are the same as those for Florida limes; and (8) at least three days notice of this import regulation is provided, the minimum prescribed by Section 8e of the act.

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

PART 911—LIMES GROWN IN FLORIDA

1. A new § 911.344 is added under a new subpart heading *Grade and Size Requirements* to read as follows:

Subpart—Grade and Size Requirements

§ 911.344 Florida Lime Regulation 43.

(a) On or after August 16, 1981, no handler shall handle any variety of limes grown in the production area unless:

(1) Such limes of the group known as seeded or true limes (also known as Mexican, West Indian, and Key limes and by other synonyms) meet the requirements specified for U.S. No. 2 Grade limes in the U.S. Standards for Persian (Tahiti) Limes, except as to color: *Provided,* That such limes not meeting these requirements may be handled within the production area, if they meet the minimum juice content requirement of at least 42% by volume specified in the U.S. Standards for Persian (Tahiti) Limes, and if they are handled in containers other than those authorized in § 911.329.

(2) Such limes of the group known as seedless, large-fruited, or Persian limes (including Tahiti, Bearss, and similar varieties) grade at least U.S. Combination, Mixed Color; *Provided,* That stem length shall not be considered a factor of grade: *Provided further,* That such limes not meeting these requirements may be handled within the production area, if they meet the minimum juice content requirement of at least 42% by volume specified in the U.S. Standards for Persian (Tahiti) limes, if they meet the minimum size requirements specified in paragraph (a)(3) of this section, and if they are handled in containers other than those authorized in § 911.329.

(3) Such limes of the group known as seedless, large-fruited, or Persian limes (including Tahiti, Bearss, and similar varieties) are at least 1⅞ inches in diameter; *Provided,* That not more than 10 percent, by count, of the limes in any lot of containers may fail to meet this minimum size requirement; *Provided further,* That not more than 15 percent of the limes, by count, in any individual container containing more than four pounds of limes may fail to meet this minimum size requirement.

(b) Terms relating to grade and diameter shall mean the same as in the U.S. Standards for Persian (Tahiti) Limes (7 CFR 2851.1000–1016).

PART 944—LIMES IMPORTED INTO THE UNITED STATES

2. A new § 944.209 is added under Part 944 to read as follows:

§ 944.209 Lime Import Regulation 10.

(a) *Applicability to imports.* Pursuant to § 8e of the act and Part 944—Fruits; Import Regulations, the importation into the United States of any limes is prohibited on or after August 16, 1981, unless such limes meet the minimum grade and size requirements specified in § 911.344 Florida Lime Regulation 43.

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture is designated as the governmental inspection service for certifying the grade, size, quality and maturity of limes that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with evidence thereof in the form of an official inspection certificate, issued by the respective Service, applicable to the particular shipment of limes, is required on all imports. The inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 2851) and in accordance with the Procedure for Requesting Inspection and Certification (7 CFR Part 944.400).

(c) The term "importation" means release from custody of the United States Customs Service.

(d) Any lot or portion thereof which fails to meet the import requirements prior to or after reconditioning may be exported or disposed of under the supervision of the Federal or Federal-State Inspection Service with the costs of certifying the disposal of said lot borne by the importer.

(e) *Minimum quantity exemption:* Any person may import up to 250 pounds of limes exempt from the requirements specified in this section.

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

Dated: July 7, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable, Division, Agricultural Marketing Service.

[FR Doc. 81-20350 Filed 7-10-81; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 979

Melons Grown in South Texas; Termination of Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This terminates § 979.303 Handling Regulation pertaining to melons grown in South Texas. The 1981 season is nearly over and the quantity of melons remaining is insufficient to warrant regulation. Packing, inspection and committee overhead costs would likely exceed the benefits of continuing the regulation.

EFFECTIVE DATE: July 8, 1981.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250 (202) 447-2615.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant" and not a major rule.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated 41 handlers.

Marketing Agreement No. 156 and Order No. 979 regulate the handling of melons grown in 19 designated counties of South Texas. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Section 979.303 *Handling Regulation*, as amended (46 FR 22356, 29695) became effective May 1, 1981, and would have been terminated on July 31, 1981. However, the South Texas Melon Committee, in a telephone vote held on June 29-30 voted 9 to 1 to recommend terminating the regulation as soon as possible. The committee concluded that the season is nearly over and the quantity remaining is insufficient to warrant continuing the regulation.

It is hereby found that continuing § 979.303 *Handling Regulation* for the remainder of the season would no longer tend to effectuate the declared policy of the act and should be terminated. It is further found that it is impracticable and contrary to the public interest to provide 60 days for interested persons to file comments, engage in public rulemaking procedure, and that good cause exists for not postponing the effective date of this termination until 30 days after publication in the **Federal Register** (5 U.S.C. 553) since the regulation is being terminated and regulatory activities imposed on handlers will thereupon cease.

§ 979.303 [Removed]

Termination of regulation: The provisions of § 979.303 Handling Regulation, as amended (46 FR 22356, 29695), are hereby terminated.

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

Dated July 8, 1981 to become effective July 8, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-20351 Filed 7-10-81; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 91

Inspection and Handling of Livestock for Exportation; Deletion and Addition to Ports of Embarkation of Animals

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment deletes New York, New York, from the list of ports which have facilities available only for certain species of animals, and adds New York, New York, and Portland, Oregon, to the list of airports and ocean ports designated as ports of embarkation for all species of animals. This amendment also revises the method of listing said ports and provides a listing of the name, address, and telephone number of export inspection facilities located at the designated ports of embarkation. Finally, this amendment revises the citation of authority to include relevant delegations of authority and organizational information.

The intended effect of this action is to update the list of ports of embarkation through which animals may be exported, and to provide a clear, complete reference for the public of export inspection facilities.

DATE: Effective date: July 7, 1981. Comments must be received on or before September 11, 1981.

ADDRESS: Send comments to Deputy Administrator, USDA, APHIS, VS, Room 870, Federal Building, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Dr. H. A. Waters, USDA, APHIS, VS, Room 826, Federal Building, Hyattsville, MD 20782, 301-436-8383.

SUPPLEMENTARY INFORMATION: This final action has been reviewed in conformance with Executive Order 12291 and has been classified as not a "major rule". The emergency nature of this action makes it impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule. The Department has reviewed this action and determined that it is not a major rule because it will not have a significant annual economic effect on the economy; it will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and it will not have 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.

Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. The addition of Portland, Oregon, to the list of approved export inspection facilities and the changing of the status of the New York, New York, export facility to handle all classes of livestock will only increase the number of such export facilities by one, from the current total of twenty-two to twenty-three. According to Foreign Agricultural Service records, there are approximately 700 exporters who could use these export facilities nation-wide but only 12 exporters routinely use the New York, New York, export facility. Their ability to continue using this facility will not change. Only one exporter has been using the export facility at Portland, Oregon, on the basis of a case-by-case approval. Aproval of these facilities will not change this exporter's ability to ship animals. Since this action neither adds nor reduces costs to the exporters currently using these ports, nor to the Federal government, it is anticipated that there will be no significant economic impact as a result of this action. Based on the Department's past experience with this kind of facility, it is anticipated that very few small entities will use these facilities.

Dr. M. J. Tillery, Director, National Program Planning Staffs, VS, APHIS, USDA, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this final action since the export inspection facilities at the ports being added to the list of designated ports of embarkation have met the standards for export inspection facilities set forth in § 91.14(c) of the regulations, and the addition of these ports to the list must be made promptly in order to inform exporters of the current situation so that they can make appropriate plans to export their animals and avoid

unnecessary restrictions on the exportation of animals.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 533, it is found upon good cause that notice and other public procedure with respect to this emergency final action are impracticable and contrary to the public interest and good cause is found for making this emergency final action effective less than 30 days after publication of this document in the **Federal Register.**

The contents of §§ 91.14(a)(1), (2), and (3), are reorganized and renumbered in new §§ 91.14(a)(1) through (12). All designated ports of embarkation are listed alphabetically by location, with one State, territory, or United States Possession per subsection. The separate listings for airports, ocean ports, and border ports are eliminated. Each new individual listing indicates whether the port is an airport, ocean port, or border port, and if it has facilities to handle only certain species of animals. The name, address and telephone number of each facility is also included.

The listing for New York, New York, is changed to reflect the fact that that port now has facilities to handle all species of animals. The port of Portland, Oregon, is added to the list of designated ports. Both of these ports have already met the criteria for designation as approved ports of embarkation for all species of animals.

The citation of authority for this Part is also revised to include citations in the **Federal Register** referring to the organization and functions of the Animal and Plant Health Inspection Service (APHIS), and delegations of authority as follows: (1) from the Secretary, USDA, to the Assistant Secretary for Marketing and Consumer Services, USDA; (2) from the Assistant Secretary to the Administrator, APHIS; and (3) from the Administrator, APHIS, to other officials of APHIS.

Accordingly, Part 91, Title 9, Code of Federal Regulations, is amended as follows:

1. The authority citation for Part 91 is revised to read as follows:

Authority: 21 U.S.C. 105, 112, 113, 114a, 120, 121, 134b, 134f, 612, 613, 614, 618; 46 U.S.C. 466a, 466b; 37 FR 28464, 28477; 38 FR 19141.

2. Section 91.14(a) is revised to read:

§ 91.14 Ports of embarkation and export inspection facilities.

(a) * * *

(1) *California.*

(i) Los Angeles—airport only.

(A) Jet Pets, Inc., 9014 Pershing Drive, Plaza del Rey, CA 90291, (213) 823–8901.

(B) Steifel Bros. Livestock, 14380 South Euclid Avenue, Chino, CA 91710, (714) 597–1756.

(ii) San Francisco—airport and ocean port.

(A) Cow Palace, P.O. Box 34206, San Francisco, CA 94134, (415) 469–6000.

(iii) Stockton—airport only.

(A) Hemet Flying Service, Stockton Municipal Airport, Stockton, CA 95204, (209) 982–1676.

(2) *Florida.*

(i) Miami—airport and ocean port.

(A) USDA Import-Export Center, 6300 N.W. 36th Street, P.O. Box 523054, Miami, FL 33152, (305) 526–2828.

(ii) Tampa—ocean port.

(A) Tampa Port Authority, 2703 E. 7th Avenue, Tampa, FL 33605, (813) 248–1924.

(3) *Illinois.*

(i) Chicago—airport only.

(A) C&R Midwest Quarantine Facilities, Ltd., Box 470, Route 31, Dundee, IL 60118, (312) 426–5009.

(4) *Kentucky.*

(i) Greater Cincinnati Airport.

(A) Newton Paddocks (horses only), Barn No. 8, Newton Pike, Lexington, KY 40511, (606) 253–3456.

(5) *Louisiana.*

(i) New Iberia—airport only.

(A) Acadiana Regional Airport, Star R–3, Box 390–H (ARA), New Iberia, LA 70560, (318) 365–7204.

(6) *New York.*

(i) Newburgh—airport only.

(A) Stewart Airport, Newburgh, NY 12550, (914) 564–7200.

(ii) New York—airport and ocean port.

(A) ASPCA, Bldg. 189, J. F. Kennedy International Airport (Cargo Area), Jamaica, NY 11430, (212) 656–6042.

(7) *Pennsylvania.*

(i) Harrisburg—airport only.

(A) Penn. Holstein Farm Export Inspection Facility, R.D. #1, Middletown, PA 17057, (717) 944–1374.

(8) *Oregon.*

(i) Portland—airport and ocean port.

(A) Northwest Quarantine Station, P.O. Box 17095, Portland, OR 97217, (503) 289–8876.

(9) *Puerto Rico.*

(i) San Juan—airport.

(A) El Commandante Race Track (Horses Only), P.O. Box 1304, Rio Piedras, PR 00929, (809) 724–6060.

(10) *Texas.*

(i) Brownsville—airport, ocean port, and border port.

(A) Texas Department of Agriculture, Livestock Inspection Facility, International Airport, Brownsville, TX 78520, (512) 546–5135.

(ii) Del Rio—border port.

(A) Texas Department of Agriculture, Livestock Export Facility, Box 1046, Del Rio, TX 78840, (512) 775–1518.

(iii) Eagle Pass—border port.

(A) Texas Department of Agriculture, Livestock Export Facility, Box 1164, Eagle Pass, TX 78852, (512) 773–2359.

(iv) El Paso—border port.

(A) Texas Department of Agriculture, Livestock Export Facility, 10800 Socorro Drive, El Paso, TX 79927, (915) 543–7419.

(v) Houston—airport and ocean port.

(A) Texas Department of Agriculture, Livestock Export Facility, Box 60107, AMF, Houston, TX 77205, (713) 443–2447.

(vi) Laredo—border port.

(A) Texas Department of Agriculture, Livestock Export Facility, Route 1, Box 67–P, Laredo, TX 78040, (512) 722–6308.

(11) *Virginia.*

(i) Richmond—airport and ocean port.

(A) American Marketing Services, Inc., 1301 Hermitage Road, Richmond, VA 23220, (804) 359–4433.

(12) *Washington.*

(i) Moses Lake—airport only.

(A) Port of Moses Lake, Grant County Airport, Terminal Bldg., Moses Lake, WA 98837, (509) 762–5363.

(ii) Seattle—airport and ocean port.

(A) S&W Export Ltd., P.O. Box 68892, Seattle, WA 98188, (206) 248–2360.

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 870, Hyattsville, Md., during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (9 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the **Federal Register.**

Done at Washington, D.C., this 7th day of July 1981.

K. R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 81–20265 Filed 7–10–81; 8:45 am]

BILLING CODE 3410–34–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 78–WE–24–AD; Amdt. 39–4160]

Airworthiness Directives; Brackett Aircraft Company, Inc. (Brackett Aircraft Specialties, Inc.)

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes a current airworthiness directive (AD) which requires inspection and eventual

removal from service of engine inlet air filter retainers made with aluminum mesh screen, installed in accordance with Brackett Aircraft Company, Inc. Supplemental Type Certificate (STC) SA71GL. This amendment broadens the applicability to include additional aircraft and another STC, and shortens the compliance time.

DATE: Effective July 20, 1981.

Compliance schedule—As prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: Brackett Aircraft Company, Inc., 5015 Roadrunner Drive, Falcon Field, Mesa, Arizona 85205.

Also, a copy of the service information may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue, S.W., Washington, D.C. 20591, or

Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261

FOR FURTHER INFORMATION CONTACT: Robert T. Razzeto, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536-6351.

SUPPLEMENTARY INFORMATION: This amendment supersedes AD 78-25-05, Amendment 39-3365 which requires inspection and eventual replacement of inlet air filter retainers made with aluminum mesh screen, installed in accordance with STC SA71GL on various models of Cessna, Grumman American, Mooney, Piper and Varga (Shinn) aircraft. Brackett Aircraft Company, Inc. reported failures of the aluminum air filter retainers which has allowed filter element particles to enter the carburetor throat resulting in partial or complete loss of engine power. Also, cracks have been found in the weld areas where the retainer is welded to the frame. The retainer keeps the filter element from entering the engine air induction system. After issuing AD 78-25-05, the FAA has determined, through further study of maintenance and difficulty records, that the applicability must be broadened to include various models of Beech, and Consolidated Aeronautics (Lake) aircraft, and more models of aircraft identified in AD 78-25-05, for which installation of the Brackett air filter assembly is authorized by STC SA693CE. The replacement compliance time must be shortened since records reveal that several filter retainers have failed in less than 525 hours in service and one failed at only 185 hours. It is also necessary to require that gasket retainers be incorporated. These actions are necessary to preclude the ingestion of particles of the filter element, the retainer and the gasket into the carburetor. There are numerous different engine inlet air filter modifications eligible for installation by STC SA71GL and STC SA693CE on various models of Beech, Cessna, Consolidated Aeronautics (Lake), Grumman American, Mooney, Piper and Varga (Shinn) aircraft. Brackett Service Bulletins No. 3 and No. 6 identify aircraft model designations affected by this AD. Brackett Aircraft Company has developed and marketed replacement filter assembly kits for each of the affected Brackett filter assemblies. Brackett Service Bulletin No. 5 recommends installation of gasket retainer strips on certain Brackett filter assemblies to prevent gaskets from entering the engine induction system.

Therefore, AD 78-25-05, Amendment 39-3365 is being superseded by a new AD, which requires inspection and eventual replacement of the air filter retainers made using aluminum screen with air filter retainers made using steel screen and installation of gasket retainer strips for aircraft listed in Brackett Service Bulletins.

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

Adoption of the Amendment

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

Brackett Aircraft Company, Inc. (Brackett Aircraft Specialties, Inc.): Applies to Brackett Aircraft Company, Inc., engine inlet air filters installed in accordance with Supplemental Type Certificate (STC) SA693CE and STC SA71GL on the following aircraft:

Beech A65, 70, 65-B80, 65-88, C-23, A-24R, and B-24R; Bonanza 33, 35, and 36, all models; *Cessna* Model 120, 140, 140A, 150, 150A, 150B, 150C, 150D, 150E, 150F, 150G, 150H, 150J, 150K, 150L, 150M, A150L, and A150M, 170, 170A, 170B, 172, 172A, 172B, 172C, 172D, 172E, 172F, 172G, 172H, 172I, 172K, 172L, and 172M, 177, 177A, 177B, 177RG, and F177RG, 180C, 180D, 180E, 180F, 180G, 180H, 180J, 180K, 182B, 182C, 182D, 182E, 182F, 182G, 182H, 182J, 182K, 182L, 182M, 182N, 182P, 182Q, 185, 185A, 185B, 185C, 185D, 185E, and A185F, 210A, B, C, D, E, and 310A, B, C, D, F, G, H, I, J, K, L; *Consolidated Aeronautics (Lake)* LA4-200; *Grumman American* Model AA-1, AA-1A, AA-1B, and AA-5; *Mooney* M18C, M20, M20A, M20B, M20C, M20D, and M20G; *Piper* Model PA-20, PA-20 115, and PA-20 135, PA-23-150, 160, PA-24-180 to S/N 1477, PA31, 31-30, 31-350; and *Varga (Shinn)* Model 2150A, certified in all categories.

Compliance required as indicated, unless already accomplished.

To prevent possible failure of the aluminum air filter retainer screen or gaskets with potential ingestion of the screen, filter element and/or gasket particles into the carburetor throat, which could result in partial or complete loss of engine power, accomplish the following:

(a) Within 25 hours of time in service after the effective date of this AD, inspect aircraft as identified in Brackett Service Bulletin No. 3, Revision 1, dated March 1, 1979, or No. 6, Revision 1, dated June 29, 1981, as applicable, equipped with the Brackett Aircraft Company, Inc. engine inlet air filters, to determine

(1) Whether the air filter retainer screen is aluminum or steel, and (2) whether or not certain air filter frames incorporate a gasket retainer. Brackett filter assemblies Part Number BA 100, BA 2310, BA5710, BA 7110, BA 7210, BA 7310, BA 7410 and BA 7510 are required to have a gasket retainer incorporated. The gasket retainer may be a gasket retainer strip kit installed in accordance with Brackett Service Bulletin No. 5, dated July 28, 1980, or an extruded lip which is 1/32 inch high and an integral part of the filter frame furnished by Brackett Aircraft Company, Inc.

Note.—The aluminum air filter retainer screen can be identified by any one of the following: The screen has diamond shaped mesh with openings 1¾ inch x ¾ inch; aluminum screen is not magnetic; the date of manufacture was ink stamped on each retainer and may still be legible. Only retainers dated August 1978 and earlier have aluminum mesh screen.

Note.—The steel retainer screen can be identified by any one of the following:

The screen is ⅛ inch diamond mesh; the screen is magnetic; date of manufacture is ink stamped on each retainer and may still be legible. Retainers dated September 1978 and later have steel mesh screen.

(b) A determination that the air filter retainer screen is steel and that a gasket retainer is incorporated in the filter frame constitutes terminating action for this AD.

(c) Upon determination that the retainer screen is aluminum, visually inspect the aluminum retainer assembly for cracks or failed areas.

(1) If cracks or failed areas are found, prior to further flight, replace the aluminum retainer screen assembly with a steel screen assembly kit in accordance with Brackett Service Bulletin No. 3, Revision 1 dated March 1, 1979 or No. 6, Revision 1 dated June 29, 1981, as applicable. Each model air filter requires that a different Brackett kit be installed to comply with this AD.

(2) If cracks or failed areas are not found, the air filter assembly may be temporarily returned to service. Remove retainers with aluminum screen from service prior to the accumulation of 100 hours additional time in service.

(d) After the inspection required in Paragraph (a) and upon determination that a gasket retainer is not incorporated in the filter retainer, prior to the accumulation of 25 additional hours of service, install gasket retainer strips in accordance with Brackett Service Bulletin No. 5 dated July 28, 1980.

Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate aircraft to a base for the accomplishment of inspections or modifications required by this AD.

Alternative inspections, modifications or other actions which provide an equivalent level of safety may be used when approved by the Chief, Engineering and Manufacturing Branch, FAA Western Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C 533(a)(1). All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to: Brackett Aircraft Company, Inc., 5015 Roadrunner Drive, Falcon Field, Mesa, Arizona 85205.

These documents may also be examined at:

FAA Western Region Office, 15000 Aviation Boulevard, Hawthorne, California 90261, and at:

FAA Headquarters, 800 Independence Avenue, S.W., Washington, D.C. 20591.

A historical file on this AD, which includes the incorporated material in full, is maintained by the FAA at its Headquarters in Washington, D.C. and at FAA Western Region Office.

This amendment become effective July 20, 1981.

This supersedes AD 78-25-05, Amendment 39-3365, [43 FR 57865]

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

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

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

Issued in Los Angeles, California on July 1, 1981.

H. C. McClure,

Acting Director, FAA Western Region.

[FR Doc. 81-20318 Filed 7-10-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-NW-34-AD; Amdt. 39-4162]

Airworthiness Directives; Groupement d'Interet Economique Airbus (Airbus Industrie) A300 Series Airplanes

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This document amends an existing Airworthiness Directive (AD) applicable to Airbus Industrie A300 airplanes, which was issued to require inspection of the auxiliary power unit (APU) generator feeder cable splices and replacement if they show indications of overheating, incorrect crimping, or incorrect type protective insulating sleeves. The original AD was issued following discovery of cable damage on an in-service Model A300 airplane. Subsequent to issuance of the AD, it was found that incorrectly crimped splices may exist at two additional locations; this amendment requires inspections at these new locations. It is necessary to prevent a possible fire hazard.

DATE: Effective date July 22, 1981.

ADDRESSES: The service bulletins specified in this AD may be obtained upon request to Groupement d'Interet Economique, Airbus Industrie, Avenue Lucien, Servanty B.P. No. 33, 31700, Blagnar, France. These documents may also be examined at the FAA Northwest Region, 9010 E. Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Mr. Harold N. Wantiez, Foreign Aircraft Certification Branch, ANW-150S, Federal Aviation Administration, Seattle Area Certification Office, 9010 E. Marginal Way South, Seattle, Washington 98108, Telephone (206) 767-2530.

SUPPLEMENTARY INFORMATION: AD 80-26-07 (45 FR 84013, December 22, 1980) was issued to require inspections and replacement, as necessary, of the A300 series airplane's APU generator feeder cable splices for overheating resulting from incorrect crimping, and/or use of improper sleeves. This was necessary to prevent a possible fire hazard. Subsequent to issuance of the AD, an extensive check by the manufacturer revealed that APU generator feeder cable splices at two additional locations may also have been incorrectly crimped. The manufacturer has issued a service bulletin requiring inspection and replacement of these additional splices. This amendment revises the inspection and replacement requirements of AD 80-26-07 to include these additional splices. Since the group of affected aircraft for this latest problem is different than the previous one, the AD is revised accordingly. Since this condition is likely to develop or exist on other airplanes of the same type design, an airworthiness directive is being issued which requires inspection and replacement as necessary. Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending AD 80-26-07 as follows:

1. Amend the applicability statement to read as follows:

Airbus Industrie: Applies to Model A300 series airplanes certified in all categories. Compliance required as indicated unless already accomplished. To detect improper installation of the APU generator feeder cable splices and to prevent a possible fire hazard, accomplish the following:

2. Remove paragraph A and insert the following:

A. Within one week after the effective date of this AD render the APU generator electrically inoperative and place and "APU GENERATOR INOP" placard in view of the flight crew in airplanes manufacturer serial numbers (MSN) 002 through 116 except 082, 089, 090, and 095, that have been modified in accordance with Airbus Industrie Modification No. 2676, until Paragraph E below is accomplished.

3. Remove paragraph B and add the following:

B. Within the next 100 flights after the effective date of this AD, inspect the APU generator feeder cable splices at station 809VS of manufacturer serial numbers [MSN] 002 through 116 except 082, 089, 090, and 095, which have not been modified by Airbus

Industrie Modification No. 2676, in accordance with paragraphs DD.2 and .3 of Airbus Industrie ALL OPERATORS TELEX (AOT) 24/80/102 dated October 30, 1980, or paragraph 2.B(1)(A) of Airbus Industrie Service Bulletin Number A300–24–048 dated January 6, 1981, or later FAA approved revisions.

1. If any indication of splice overheat is found or any crimped splices are not correct, replace all affected feeder cable splices in accordance with Paragraph E, below, prior to the next flight or render the APU generator electrically inoperative and place an "APU GENERATOR INOP" placard in view of the flight crew until Paragraph E, below, is accomplished.

2. If incorrect insulating heat shrink sleeves are discovered, but no indications of splice overheat or incorrectly crimped splices are found, flight operations may be continued with inspections every 100 flights, until the replacement required by paragraph C, below, is accomplished.

4. Remove paragraph E and add the following:

E. Replace the splices and sleeves in accordance with Airbus Industrie AOT 24/80/102 dated October, 30, 1980, or A300 Service Bulletin 24–048 dated January 6, 1981, or later FAA approved revisions.

5. Add the following new paragraphs:

F. Within the next 250 flights from the effective date of this amendment, unless already accomplished, inspect the APU generator feeder cable splices at stations 808VS and 160VS of manufacturer serial numbers (MSN) 002 through 119, except 029, 090, 112, and 117, in accordance with paragraph 2.b of Airbus Industrie Service Bulletin A300–24–050, dated March 31, 1981, or later FAA approved revisions.

1. If any indication of splice overheat is found, replace the defective splice(s) plus the corresponding splices of the same phase in accordance with paragraph G, prior to the next flight, or render the APU generator electrically inoperative and place an "APU GENERATOR INOP" placard in view of the flight crew until paragraph G below is accomplished.

2. If incorrectly crimped splices are found, replace the defective splices before December 31, 1981, in accordance with paragraph G below.

3. If no indications of overheating or incorrect crimping are found, no further action is required.

G. Replace the defective splices at stations 808VS and 160VS in accordance with Airbus Industrie Service Bulletin A300–24–049, dated March 31, 1981, or later FAA approved revisions.

H. Alternative methods of compliance with this A.D. which provide an equivalent level of safety may be utilized when they are approved by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Region.

The Manufacturer's specifications and procedures indentified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the addresses listed above. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

This amendment becomes effective July 22, 1981.

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

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Executive Order 12291. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

This regulation is a final order of the Administrator as defined by Section 1005 of the Federal Aviation Act of 1958, as amended. As such it is subject to review only by the courts of appeals of the United States or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Washington, on July 2, 1981.

Jonathan Howe,

Acting Director, Northwest Region.

[FR Doc. 81-20316 Filed 7-10-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Airworthiness Docket No. 81-ASW-30; Amdt. 39-4154]

Airworthiness Directives; Societe Nationale Industrielle Aerospatiale (SNIAS) Models AS350B, AS350C, AS350D, and AS350D-1 Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires an inspection and replacement as necessary of certain emergency float mounting brackets installed on SNIAS Models AS350B, AS350C, AS350D and AS350D-1 helicopters, equipped with Air Cruisers' emergency flotation gear in accordance with Supplemental Type Certificate (STC) SH2825SW (AS350C, AS350D, AS350D-1) or STC SH4032SW (AS350B). The AD is needed to prevent failure of the emergency float mounting brackets which could result in loss of the helicopter in the event of an emergency situation requiring the ditching of the helicopter.

DATE: Effective August 7, 1981.

Compliance required within the next 10 hours' time in service after the effective date of this AD, unless already accomplished.

ADDRESSES: Aerospatiale Service Information may be obtained from Technical Support Department, Aerospatiale Helicopter Corp., 2701 Forum Drive, Grand Prairie, Texas 75051.

These documents may also be examined at the office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas, or Rules Docket in Room 916, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC.

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

SUPPLEMENTARY INFORMATION: There have been two reports of emergency float mounting bracket failures resulting in loss of the helicopter after the floats were successfully deployed, and three reports of cracked brackets found during inspections. Since this condition is likely to exist or develop on other helicopters of the same type design, an airworthiness directive is being issued which requires inspection and replacement as necessary of certain emergency float mounting brackets, P/N D16532-2, D16625-3, and D16625-4, installed on SNIAS Models AS350B, AS350C, AS350D, and AS350D-1 helicopters equipped with Air Cruisers' emergency flotation gear in accordance with STC SH2825SW or SH4032SW.

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

Adoption of the Amendment

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

Societe Nationale Industrielle Aerospatiale (SNIAS): Applies to Models AS350B,

AS350C, AS350D, and AS350D-1 helicopters equipped with Air Cruisers' emergency flotation gear Model D24724 in accordance with STC SH2825SW (AS350C, AS350D, AS350D-1) or SH4032SW (AS350B), certificated in all categories (Airworthiness Docket No. 81-ASW-30).

Compliance required as indicated.

To prevent possible failure of the emergency float gear mounting brackets, P/N D16532-2, D16625-3, and D16625-4, due to fatigue cracks, accomplish the following within the next 10 hours' time in service after the effective date of this AD, unless already accomplished.

a. Conduct a dimensional inspection of the four float mounting brackets, in accordance with Figure 1 of Aerospatiale Helicopter Corp. Service Bulletin No. SB350-13, dated May 22, 1981, to determine which part number brackets are installed.

b. If machined brackets, P/N D16532-1, D16625-1, and D16625-2 are installed, no further action is necessary.

c. If cast brackets, P/N D16532-2, D16625-3, and D16625-4, are installed, remove and replace with machined brackets, P/N D16532-1, D16625-1, and D16625-2.

d. The helicopter may be flown in accordance with FAR 21.197 to a base where the inspection can be performed.

This amendment becomes effective August 7, 1981.

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

Note.—The FAA has determined that this document involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979) and will not have a significant economic effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since it involves a relatively low cost per aircraft. A final regulatory evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

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

Issued in Fort Worth, Texas, on June 23, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-20315 Filed 7-10-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-AEA-5]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Airway V-268

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action alters a low altitude airway in the vicinity of Hagerstown, Md., and Indian Head, Pa. The change eliminates a small segment of V-268 and redefines the airway to permit flight from northwest of and via Indian Head, then direct to Hagerstown. The route is presently used as an arrival and departure radar vector route for traffic to and from Pittsburgh and Hagerstown. This action will reduce coordination communication time and the existing airway mileage.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Charles R. Horne, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

History

On April 23, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter V-268 in the vicinity of Hagerstown, Md., and Indian Head, Pa. (46 FR 23069). Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is that proposed in the notice. Section 71.123 was republished on January 2, 1981 (46 FR 409).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations alters Federal Airway V-268. The segment of V-268 between Hagerstown, Md., and Flint intersection will be deleted. V-268 is redefined starting at Nesto intersection, then direct to Indian Head, and thence to Hagerstown. The route is presently used as an arrival and departure radar vector route for traffic to and from Hagerstown and Pittsburgh. This action will designate an airway for this present vector route, thereby reducing coordination communication time and existing airway mileage.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409), is amended effective 0901 GMT, October 1, 1981, by deleting under V-268 the words "From INT Grantsville, Md., 086° and Martinsburg, W. Va., 297° radials;" and substituting for them the words "INT Morgantown, W. Va., 010° and Johnstown, Pa., 260° radials; Indian Head, Pa.;"

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

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

Issued in Washington, D.C., on July 6, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-20321 Filed 7-10-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF STATE

Office of the Secretary

[Departmental Regulation 108.809]

22 CFR Part 181

Coordination and Reporting of International Agreements

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The Department of State is adding new regulations to implement the Case-Zablocki Act on the coordination with the Secretary of State and the reporting to Congress of international agreements of the United States. The Act, which authorizes the promulgation of implementing regulations, requires the Secretary of State to transmit the text of all international agreements, other than treaties, to the Congress no later than 60 days after their entry into force. The Act

also provides that no international agreement may be signed or otherwise concluded on behalf of the United States without prior consultation with the Secretary of State.

The regulations are applicable to all agencies of the U.S. Government that negotiate and conclude international agreements. The regulations outline the criteria applied by the Department of State in deciding what constitutes an international agreement, and provide that determinations of such questions are made by the Legal Adviser of the Department of State, usually acting through the Assistant Legal Adviser for Treaty Affairs. The regulations spell out procedures to be followed in consulting with the Secretary of State or his designee before signing or otherwise concluding an international agreement, and detail the procedures to be followed by the Department of State in transmitting concluded agreements to the Congress.

EFFECTIVE DATE: July 13, 1981.

FOR FURTHER INFORMATION CONTACT: Arthur W. Rovine, Assistant Legal Adviser for Treaty Affairs, Department of State, Washington, D.C. 20520, (202) 632-1074.

SUPPLEMENTARY INFORMATION: On November 17, 1980, a notice of proposed rulemaking on the coordination and reporting of international agreements was published in the **Federal Register** (45 FR 75687). No comments were received from the public. There were several comments from interested government agencies, and after consultations, certain amendments to the proposed rules were made. The most important change is the addition of language at § 181.4(d) providing that if unusual circumstances prevent an agency from consulting with the Department of State on a proposed agreement at least 50 days prior to the anticipated date for concluding such agreement, the agency is to use its best efforts to consult as early as possible prior to the conclusion of the agreement.

In response to expressed concerns about the meaning of "implementing agreements" at § 181.2(c), a new provision was added stipulating that project annexes and other documents which provide technical content for umbrella agreements are not normally treated as separate international agreements.

In consideration of the foregoing, 22 CFR, Chapter I is hereby amended by adding a new Subchapter S, "International Agreements," Part 181 on the Coordination and Reporting of International Agreements to read as follows:

SUBCHAPTER S—INTERNATIONAL AGREEMENTS

PART 181—COORDINATION AND REPORTING OF INTERNATIONAL AGREEMENTS

Sec.

181.1 Purpose and application.
181.2 Criteria.
181.3 Determinations.
181.4 Consultations with the Secretary of State.
181.5 Twenty-day rule for concluded agreements.
181.6 Documentation and certification.
181.7 Transmittal to the Congress.

Authority: 1 U.S.C. 112b; 22 U.S.C. 2658; 22 U.S.C. 3312.

§ 181.1 Purpose and application.

(a) The purpose of this part is to implement the provisions of 1 U.S.C. 112b, popularly known as the Case-Zablocki Act (hereinafter referred to as the "Act"), on the reporting to Congress and coordination with the Secretary of State of international agreements of the United States. This part applies to all agencies of the U.S. Government whose responsibilities include the negotiation and conclusion of international agreements. This part does not, however, constitute a delegation by the Secretary of State of the authority to engage in such activities. Further, it does not affect any additional requirements of law governing the relationship between particular agencies and the Secretary of State in connection with international negotiations and agreements, or any other requirements of law concerning the relationship between particular agencies and the Congress. The term "agency" as used in this part means each authority of the United States Government, whether or not it is within or subject to review by another agency.

(b) Pursuant to the key legal requirements of the Act—full and timely disclosure to the Congress of all concluded agreements and consultation by agencies with the Secretary of State with respect to proposed agreements—every agency of the Government is required to comply with each of the provisions set out in this part in implementation of the Act. Nevertheless, this part is intended as a framework of measures and procedures which, it is recognized, cannot anticipate all circumstances or situations that may arise. Deviation or derogation from the provisions of this part will not affect the legal validity, under United States law or under international law, of agreements concluded, will not give rise to a cause of action, and will not affect any public or private rights established by such agreements.

§ 181.2 Criteria.

(a) *General.* The following criteria are to be applied in deciding whether any undertaking, oral agreement, document, or set of documents, including an exchange of notes or of correspondence, constitutes an international agreement within the meaning of the Act, as well as within the meaning of 1 U.S.C. 112a, requiring the publication of international agreements. Each of the criteria except those in paragraph (a)(5) of this section must be met in order for any given undertaking of the United States to constitute an international agreement.

(1) *Identity and intention of the parties.* A party to an international agreement must be a state, a state agency, or an intergovernmental organization. The parties must intend their undertaking to be legally binding, and not merely of political or personal effect. Documents intended to have political or moral weight, but not intended to be legally binding, are not international agreements. An example of the latter is the Final Act of the Helsinki Conference on Cooperation and Security in Europe. In addition, the parties must intend their undertaking to be governed by international law, although this intent need not be manifested by a third-party dispute settlement mechanism or any express reference to international law. In the absence of any provision in the arrangement with respect to governing law, it will be presumed to be governed by international law. This presumption may be overcome by clear evidence, in the negotiating history of the agreement or otherwise, that the parties intended the arrangement to be governed by another legal system. Arrangements governed solely by the law of the United States, or one of the states or jurisdictions thereof, or by the law of any foreign state, are not international agreements for these purposes. For example, a foreign military sales loan agreement governed in its entirety by U.S. law is not an international agreement.

(2) *Significance of the arrangement.* Minor or trivial undertakings, even if couched in legal language and form, are not considered international agreements within the meaning of the Act or of 1 U.S.C. 112a. In deciding what level of significance must be reached before a particular arrangement becomes an international agreement, the entire context of the transaction and the expectations and intent of the parties must be taken into account. It is often a matter of degree. For example, a

promise to sell one map to a foreign nation is not an international agreement; a promise to exchange all maps of a particular region to be produced over a period of years may be an international agreement. It remains a matter of judgment based on all of the circumstances of the transaction. Determinations are made pursuant to § 181.3. Examples of arrangements that may constitute international agreements are agreements that: (a) are of political significance; (b) involve substantial grants of funds or loans by the United States or credits payable to the United States; (c) constitute a substantial commitment of funds that extends beyond a fiscal year or would be a basis for requesting new appropriations; (d) involve continuing and/or substantial cooperation in the conduct of a particular program or activity, such as scientific, technical, or other cooperation, including the exchange or receipt of information and its treatment, or the pooling of data. However, individual research grants and contracts do not ordinarily constitute international agreements.

(3) *Specificity, including objective criteria for determining enforceability.* International agreements require precision and specificity in the language setting forth the undertakings of the parties. Undertakings couched in vague or very general terms containing no objective criteria for determining enforceability or performance are not normally international agreements. Most frequently such terms reflect an intent not to be bound. For example, a promise to "help develop a more viable world economic system" lacks the specificity essential to constitute a legally binding international agreement. However, the intent of the parties is the key factor. Undertakings as general as those of, for example, Articles 55 and 56 of the United Nations Charter have been held to create internationally binding obligations intended as such by the parties.

(4) *Necessity for two or more parties.* While unilateral commitments on occasion may be legally binding, they do not constitute international agreements. For example, a statement by the President promising to send money to Country Y to assist earthquake victims would not be an international agreement. It might be an important undertaking, but not all undertakings in international relations are in the form of international agreements. Care should be taken to examine whether a particular undertaking is truly unilateral in nature, or is part of a larger bilateral or multilateral set of undertakings. Moreover, "consideration," as that term is used in domestic contract law, is not required for international agreements.

(5) *Form.* Form as such is not normally an important factor, but it does deserve consideration. Documents which do not follow the customary form for international agreements, as to matters such as style, final clauses, signatures, or entry into force dates, may or may not be international agreements. Failure to use the customary form may constitute evidence of a lack of intent to be legally bound by the arrangement. If, however, the general content and context reveal an intention to enter into a legally binding relationship, a departure from customary form will not preclude the arrangement from being an international agreement. Moreover, the title of the agreement will not be determinative. Decisions will be made on the basis of the substance of the arrangement, rather than on its denomination as an international agreement, a memorandum of understanding, exchange of notes, exchange of letters, technical arrangement, protocol, note verbale, aide-memoire, agreed minute, or any other name.

(b) *Agency-Level agreements.* Agency-level agreements are international agreements within the meaning of the Act and of 1 U.S.C. 112a if they satisfy the criteria discussed in paragraph (a) of this section. The fact that an agreement is concluded by and on behalf of a particular agency of the United States Government, rather than the United States Government, does not mean that the agreement is not an international agreement. Determinations are made on the basis of the substance of the agency-level agreement in question.

(c) *Implementing agreements.* An implementing agreement, if it satisfies the criteria discussed in paragraph (a) of this section, may be an international agreement, depending upon how precisely it is anticipated and identified in the underlying agreement it is designed to implement. If the terms of the implementing agreement are closely anticipated and identified in the underlying agreement, only the underlying agreement is considered and international agreement. For example, the underlying agreement might call for the sale by the United States of 1000 tractors, and a subsequent implementing agreement might require a first installment on this obligation by the sale of 100 tractors of the brand X variety. In that case, the implementing agreement is sufficiently identified in the underlying agreement, and would not itself be considered an international agreement within the meaning of the Act or of 1 U.S.C. 112a. Project annexes and other documents which provide technical content for an umbrella agreement are not normally treated as international agreements. However, if the underlying agreement is general in nature, and the implementing agreement meets the specified criteria of paragraph (a) of this section, the implementing agreement might well be an international agreement. For example, if the underlying agreement calls for the conclusion of "agreements for agricultural assistance," but without further specificity, then a particular agricultural assistance agreement subsequently concluded in "implementation" of that obligation, provided it meets the criteria discussed in paragraph (a) of this section, would constitute an international agreement independent of the underlying agreement.

(d) *Extensions and modifications of agreements.* If an undertaking constitutes an international agreement within the meaning of the Act and of 1 U.S.C. 112a, then a subsequent extension or modification of such an agreement would itself constitute an international agreement within the meaning of the Act and of 1 U.S.C. 112a.

(e) *Oral agreements.* Any oral arrangement that meets the criteria discussed in paragraphs (a)(1)–(4) of this section is an international agreement and, pursuant to section (a) of the Act, must be reduced to writing by the agency that concluded the oral arrangement. In such written form, the arrangement is subject to all the requirements of the Act and of this part. Whenever a question arises whether an oral arrangement constitutes an international agreement, the arrangement shall be reduced to writing and the decision made in accordance with § 181.3.

§ 181.3 Determinations.

(a) Whether any undertaking, document, or set of documents constitutes or would constitute an international agreement within the meaning of the Act or of 1 U.S.C. 112a shall be determined by the Legal Adviser of the Department of State, a Deputy Legal Adviser, or in most cases the Assistant Legal Adviser for Treaty Affairs. Such determinations shall be made either on a case-by-case basis, or on periodic consultation, as appropriate.

(b) Agencies whose responsibilities include the negotiation and conclusion of international agreements are responsible for transmitting to the

Assistant Legal Adviser for Treaty Affairs, for decision pursuant to paragraph (a) of this section, the texts of any document or set of documents that might constitute an international agreement. The transmittal shall be made prior to or simultaneously with the request for consultations with the Secretary of State required by subsection (c) of the Act and § 181.4 of this part.

(c) Agencies whose responsibilities include the negotiation and conclusion of large numbers of agency-level and implementing arrangements at overseas posts, only a small number of which might constitute international agreements within the meaning of the Act and of 1 U.S.C. 112a, are required to transmit prior to their entry into force only the texts of the more important of such arrangements for decision pursuant to paragraph (a) of this section. The texts of all arrangements that might constitute international agreements shall, however, be transmitted to the Office of the Assistant Legal Adviser for Treaty Affairs as soon as possible, and in no event to arrive at that office later than 20 days after their signing, for decision pursuant to paragraph (a) of this section.

(d) Agencies to which paragraphs (b) and (c) of this section apply shall consult periodically with the Assistant Legal Adviser for Treaty Affairs in order to determine which categories of arrangements for which they are responsible are likely to be international agreements within the meaning of the Act and of 1 U.S.C. 112a.

§ 181.4 Consultations with the Secretary of State.

(a) The Secretary of State is responsible, on behalf of the President, for ensuring that all proposed international agreements of the United States are fully consistent with United States foreign policy objectives. Except as provided in § 181.3(c) of this part, no agency of the U.S. Government may conclude an international agreement, whether entered into in the name of the U.S. Government or in the name of the agency, without prior consultation with the Secretary of State or his designee.

(b) The Secretary of State (or his designee) gives his approval for any proposed agreement negotiated pursuant to his authorization, and his opinion on any proposed agreement negotiated by an agency which has separate authority to negotiate such agreement. The approval or opinion of the Secretary of State or his designee with respect to any proposed international agreement will be given pursuant to Department of State procedures set out in Volume 11, *Foreign Affairs Manual*, Chapter 700 (Circular 175 procedure). Officers of the Department of State shall be responsible for the preparation of all documents required by the Circular 175 procedure.

(c) Pursuant to the Circular 175 procedure, the approval of, or an opinion on a proposed international agreement to be concluded in the name of the U.S. Government will be given either by the Secretary of State or his designee. The approval of, or opinion on a proposed international agreement to be concluded in the name of a particular agency of the U.S. Government will be given by the interested assistant secretary or secretaries of State, or their designees, unless such official(s) judge that consultation with the Secretary, Deputy Secretary, or an Under Secretary is necessary. The approval of, or opinion on a proposed international agreement will normally be given within 20 days of receipt of the request for consultation and of the information as required by § 181.4(d)–(g).

(d) Any agency wishing to conclude an international agreement shall transmit to the interested bureau or office in the Department of State, or to the Office of the Legal Adviser, for consultation pursuant to this section, a draft text or summary of the proposed agreement, a precise citation of the Constitutional, statutory, or treaty authority for such agreement, and other background information as requested by the Department of State. The transmittal of the draft text or summary and citation of legal authority shall be made before negotiations are undertaken, or if that is not feasible, as early as possible in the negotiating process. In any event such transmittals must be made no later than 50 days prior to the anticipated date for concluding the proposed agreement. If unusual circumstances prevent this 50-day requirement from being met, the concerned agency shall use its best efforts to effect such transmittal as early as possible prior to the anticipated date for concluding the proposed agreement.

(e) If a proposed agreement embodies a commitment to furnish funds, goods, or services that are beyond or in addition to those authorized in an approved budget, the agency proposing the agreement shall state what arrangements have been planned or carried out concerning consultation with the Office of Management and Budget for such commitment. The Department of State should receive confirmation that the relevant budget approved by the President provides or requests funds adequate to fulfill the proposed commitment, or that the President has made a determination to seek the required funds.

(f) Consultation may encompass a specific class of agreements rather than a particular agreement where a series of agreements of the same general type is contemplated; that is, where a number of agreements are to be negotiated according to a more or less standard formula, such as, for example, Public Law 480 Agricultural Commodities Agreements. Any agency wishing to conclude a particular agreement within a specific class of agreements about which consultations have previously been held pursuant to this section shall transmit a draft text of the proposed agreement to the Office of the Legal Adviser as early as possible but in no event later than 20 days prior to the anticipated date for concluding the agreement.

(g) The consultation requirement shall be deemed to be satisfied with respect to proposed international agreements of the United States about which the Secretary of State (or his designee) has been consulted in his capacity as a member of an interagency committee or council established for the purpose of approving such proposed agreements. Designees of the Secretary of State serving on any such interagency committee or council are to provide as soon as possible to the interested offices or bureaus of the Department of State and to the Office of the Legal Adviser copies of draft texts or summaries of such proposed agreements and other background information as requested.

(h) Before an agreement containing a foreign language text may be signed or otherwise concluded, a signed memorandum must be obtained from a responsible language officer of the Department of State or of the U.S. Government agency concerned certifying that the foreign language text and the English language test are in conformity with each other and that both texts have the same meaning in all substantive respects. The signed memorandum is to be made available to the Department of State upon request.

§ 181.5 Twenty-day rule for concluded agreements.

(a) Any agency, including the Department of State, that concludes an international agreement within the meaning of the Act and of 1 U.S.C. 112a, whether entered into in the name of the U.S. Government or in the name of the agency, must transmit the text of the concluded agreement to the office of the Assistant Legal Adviser for Treaty Affairs as soon as possible and in no event to arrive at that office later than

20 days after the agreement has been signed. The 20-day limit, which is required by the Act, is essential for purposes of permitting the Department of State to meet its obligation under the Act to transmit concluded agreements to the Congress no later than 60 days after their entry into force.

(b) In any case of transmittal after the 20-day limit, the agency or Department of State office concerned may be asked to provide to the Assistant Legal Adviser for Treaty Affairs a statement describing the reasons for the late transmittal. Any such statements will be used, as necessary, in the preparation of the annual report on late transmittals, to be signed by the President and transmitted to the Congress, as required by subsection (b) of the Act.

§ 181.6 Documentation and certification.

(a) Transmittals of concluded agreements to the Assistant Legal Adviser for Treaty Affairs pursuant to § 181.5 must include the signed or initialed original texts, together with all accompanying papers, such as agreed minutes, exchanges of notes, or side letters. The texts transmitted must be accurate, legible, and complete, and must include the texts of all languages in which the agreement was signed or initiated. Names and identities of the individuals signing or initialing the agreements, for the foreign government as well as for the United States, must, unless clearly evident in the texts transmitted, be separately provided.

(b) Agreements from overseas posts should be transmitted to the Department of State by priority airgram, marked for the attention of the Assistant Legal Adviser for Treaty Affairs, with the following notation below the enclosure line: FAIM: Please send attached original agreement to L/T on arrival.

(c) Where the original texts of concluded agreements are not available, certified copies must be transmitted in the same manner as original texts. A certified copy must be an exact copy of the signed original.

(d) When an exchange of diplomatic notes between the United States and a foreign government constitutes an agreement or has the effect of extending, modifying, or terminating an agreement to which the United States is a party, a properly certified copy of the note from the United States to the foreign government, and the signed original of the note from the foreign government, must be transmitted. If, in conjunction with the agreement signed, other notes related thereto are exchanged (either at the same time, beforehand, or subsequently), properly certified copies of the notes from the United States to the foreign government must be transmitted with the signed originals of the notes from the foreign government.

(e) Copies may be certified either by a certification on the document itself, or by a separate certification attached to the document. A certification on the document itself is placed at the end of the document. It indicates, either typed or stamped, that the document is a true copy of the original signed or initialed by (insert full name of signing officer), and it is signed by the certifying officer. If a certification is typed on a separate sheet of paper, it briefly describes the document certified and states that it is a true copy of the original signed by (full name) and it is signed by the certifying officer.

§ 181.7 Transmittal to the Congress.

(a) International agreements other than treaties shall be transmitted by the Assistant Legal Adviser for Treaty Affairs to the President of the Senate and the Speaker of the House of Representatives as soon as practicable after the entry into force of such agreements, but in no event later than 60 days thereafter.

(b) Classified agreements shall be transmitted by the Assistant Secretary of State for Congressional Relations to the Senate Committee on Foreign Relations and to the House Committee on Foreign Affairs.

(c) The Assistant Legal Adviser for Treaty Affairs shall also transmit to the President of the Senate and to the Speaker of the House of Representatives background information to accompany each agreement reported under the Act. Background statements, while not expressly required by the Act, have been requested by the Congress and have become an integral part of the reporting requirement. Each background statement shall include information explaining the agreement, the negotiations, the effect of the agreement, and a precise citation of legal authority. At the request of the Assistant Legal Adviser for Treaty Affairs, each background statement is to be prepared in time for transmittal with the agreement it accompanies by the office most closely concerned with the agreement. Background statements for classified agreements are to be transmitted by the Assistant Secretary of State for Congressional Relations to the Senate Committee on Foreign Relations and to the House Committee on Foreign Affairs.

(d) Pursuant to Section 12 of the Taiwan Relations Act (22 U.S.C. 3311), any agreement entered into between the American Institute in Taiwan and the governing authorities on Taiwan, or any agreement entered into between the Institute and an agency of the United States Government, shall be transmitted by the Assistant Secretary of State for Congressional Relations to the President of the Senate and to the Speaker of the House Representatives as soon as practicable after the entry into force of such agreements, but in no event later than 60 days thereafter. Classified agreements entered into by the Institute shall be transmitted by the Assistant Secretary for Congressional Relations to the Senate Committee on Foreign Affairs.

Dated: April 27, 1981.

William P. Clark,

Deputy Secretary of State.

[FR Doc. 81-20419 Filed 7-10-81; 8:45 am]

BILLING CODE 4710-08-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 66

[Docket No. FEMA-66]

Consultation With Local Officials

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Interim rule and request for comments.

SUMMARY: Section 206 of the Flood Disaster Protection Act of 1973 requires the Federal Insurance Administration (FIA) to provide consultation with appropriate local officials when undertaking a study of flood elevations. Pursuant to its own regulations, the FIA has satisfied the consultation requirement by conducting a time and cost meeting at the initiation of each flood elevation study. The FIA has determined not to hold the initial time and cost meeting under certain circumstances. Because the majority of the flood elevation studies have already been initiated, and any future mapping emphasis will be on modification of existing elevations, FIA believes that it can continue to provide adequate consultation with local officials without conducting these initial meetings prior to undertaking the studies for these modifications.

DATES: Effective date August 12, 1981. Comment due date: September 11, 1981.

ADDRESS: Send comments to: Rules Docket Clerk, Office of General Counsel, Room 801, Federal Emergency Management Agency, Washington, D.C. 20472.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal

Insurance Administration, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 755–5585.

SUPPLEMENTARY INFORMATION: Section 206 of the Flood Disaster Protection Act of 1973 requires the Federal Insurance Administration to provide adequate consultation with appropriate elected local officials when determining flood elevations for the community. The current National Flood Insurance Program regulations implementing Section 206 provide for the appointment of a Consultation Coordination Officer (CCO) when a flood elevation study is undertaken. Furthermore, before commencing with a flood elevation study, a meeting with local officials is to be held. The current regulations contain sections setting forth both the responsibilities and duties of the consultation coordination officer.

The majority of the flood elevation studies have been initiated. The future mapping emphasis will be on modifications to existing elevations and on amendment to the existing maps. With the mapping emphasis changing from the initial determination of flood elevations to the modification of such elevations on final maps, FIA believes that it can continue to provide adequate consultation with local officials without conducting meetings prior to the undertaking of the modifications.

There are several reasons for not conducting meetings prior to undertaking a study to modify flood elevations. Communities for which such studies are to be undertaken have been participating in the Program for some time and, therefore, are presumed to be quite knowledgeable about the Program. Also flood elevation studies have been previously conducted in those communities. Thus, there is less need to explain the process and techniques used to determine flood elevations at a formal meeting. Finally, to conduct a meeting prior to undertaking a study to modify flood elevations will place a great administrative burden on FIA. Travel funds have been greatly restricted and few staff are available to conduct the meetings.

FIA believes that the notification in writing to the local officials can assure adequate consultation in this situation. In addition, FIA will continue its policy of working closely with those communities for which an initial study or a study to modify flood elevations has been undertaken.

For clarity, §§ 66.5 (Responsibilities of CCO) and 66.6 (Duties of CCO) have been consolidated into a new § 66.5 (Responsibilities for Consultation and Coordination).

Because FIA is about to commence the modification of flood elevations in several hundred coastal communities and because other modifications to existing flood elevations routinely are initiated, in the interest of expediting such undertakings, FIA believes that it is impracticable to issue such regulations for public comment prior to them becoming effective. The substantive statutory requirement to provide adequate consultation will continue to be satisfied. It is only the procedural means to meet that requirement which are being amended. Interested parties and government agencies are encouraged to submit written comments, views, or data concerning these amendments.

This rule does not have a substantial impact upon the quality of the environment. A finding to that affect is included in the formal docket file and is available for public inspection at the above address.

This rule is not a "major rule" within the purview of the requirements of Executive Order 12291 for "major rules" FEMA has complied, to the extent permitted by law, with the general requirements of Executive Order 12291 pertaining to all rules and regulations. FEMA has weighed carefully the need for this rule, examined the consequences and possible alternatives to the rule, and has chosen the approach which maximizes the net benefit to society and involves the least net cost to society.

The rule will not have a significant economic impact on a substantial number of small entities and, therefore, a flexibility analysis, under the provisions of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354), is not required.

Accordingly, Part 66 of Title 44 of the Code of Federal Regulations is amended as follows:

1. The table of contents to Part 66 is revised as follows:

PART 66—CONSULTATION WITH LOCAL OFFICIALS

Sec.
66.1 Purpose of part.
66.2 Definitions.
66.3 Establishment of Community Case File and flood elevation study docket.
66.4 Appointment of consultation coordination officer.
66.5 Responsibilities for consultation and coordination.

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978 (3 CFR 1978 Comp. 329) and Executive Order 12127 (44 FR 19367).

2. Section 66.1(c) is amended by adding a new subparagraph (4) to read as follows:

§ 66.1 Purpose of part.

* * * * *

(c) * * *

(4) Carry out the responsibilities for consultation and coordination set forth in § 66.5 of this part.

3. Section 66.4 is revised to read as follows:

§ 66.4 Appointment of consultation coordination officer.

The Administrator may appoint an employee of the Federal Emergency Management Agency, or other designated Federal employee, as the Consultation Coordination Officer, for each community when an analysis is undertaken to establish or to modify flood elevations pursuant to a new study or a restudy. When a CCO is appointed by the Administrator, the responsibilities for consultation and coordination as set forth in § 66.5 shall be carried out by the CCO. The Administrator shall advise the community and the state coordinating agency, in writing, of this appointment.

4. Section 66.5 is revised to read as follows:

§ 66.5 Responsibilities for consultation and coordination.

(a) Contact shall be made with appropriate officials of a community in which a proposed investigation is undertaken, and with the state coordinating agency.

(b) Local dissemination of the intent and nature of the investigation shall be encouraged so that interested parties will have an opportunity to bring relevant data to the attention of the community and to the Administrator.

(c) Submission of information from the community concerning the study shall be encouraged.

(d) Appropriate officials of the community shall be fully informed of (1) the responsibilities placed on them by the Program, (2) the administrative procedures followed by the Federal Insurance Administration, (3) the community's role in establishing elevations, and (4) the responsibilities of the community if it participates or continues to participate in the Program.

(e) Before the commencement of an initial Flood Insurance Study, the CCO or other FEMA representative, together with a representative of the organization undertaking the study, shall meet with officials of the community. The state coordinating agency shall be notified of this meeting and may attend. At this

meeting, the local officials shall be informed of (1) the date when the study will commence, (2) the nature and purpose of the study, (3) areas involved, (4) the manner in which the study shall be undertaken, (5) the general principles to be applied, and (6) the intended use of the data obtained. The community shall be informed in writing if any of the six preceding items are or will be changed after this initial meeting and during the course of the ongoing study.

(f) The community shall be informed in writing of any intended modification to the community's final flood elevation determinations or the development of new elevations in additional areas of the community as a result of a new study or restudy. Such information to the community will include the data set forth in subparagraph (e) of this section. At the discretion of the Director of the Insurance and Mitigation Division in each FEMA Regional Office, a meeting may be held to accomplish this requirement.

§ 66.6 [Removed].

5. Section 66.6 is removed.

(42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978 (3 CFR 1978 Comp. 329) and Executive Order 12127 (44 FR 19367))

(Catalog of Federal Domestic Assistance Number 83.100 of the National Flood Insurance Program)

Issued: May 8, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

Finding of No Significant Impact on Environment by Revising Procedures for Consultation with Local Officials

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969 and the implementating regulations of the Council on Environmental Quality (40 CFR Parts 1500–1508), the Federal Emergency Management Agency (FEMA) has proposed action to revise its existing procedures for providing consultation with local officials.

The assessment concludes that there will be no significant impact on the natural or man-made environment as a result of the implementation of this proposed program.

It is hereby found that this action does not constitute a major Federal action significantly affecting the quality of the human environment. On this basis, an environmental impact statement will not be prepared.

Copies of the environmental assessment are available for inspection at: Federal Emergency Management Agency, Room 802, 1725 I Street, N.W., Washington, D.C. 20572, Telephone (202) 634–4100.

A limited number of single copies are available and may be obtained by writing to the above address.

Dated: May 8, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81–20405 Filed 7–10–81; 8:45 am]

BILLING CODE 6718–01–M

Proposed Rules

Federal Register
Vol. 46, No. 133
Monday, July 13, 1981

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 946

Irish Potatoes Grown in Washington; Proposed Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed continuing regulation would require fresh market shipments of potatoes grown in Washington to be inspected and meet minimum grade, size, maturity and pack requirements. The regulation should promote orderly marketing of such potatoes and keep less desirable quality and sizes from being shipped to consumers.

DATE: Comments due by July 28, 1981.

ADDRESSES: Comments should be sent to: Hearing Clerk, Room 1077–S, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written comments shall be submitted, and they wil be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250 (202) 447–2615. Copies of the Marketing Policy and the Department's impact analysis will be available from him.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant" and not a major rule.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

Marketing Agreement No. 113 and Order No. 946, both as amended, regulate the handling of Irish potatoes grown in the State of Washington. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The State of Washington Potato Committee, established under the order, is responsible for its local administration.

This notice is based upon the recommendations made by the committee at its public meeting in Moses Lake, Washington, on June 5, 1981.

The recommendations of the committee reflect its appraisal of the composition of the 1981 crop of Washington potatoes and the marketing prospects for this season. Shipments are expected to begin in early July. The proposed grade, size, cleanness, maturity and pack requirements, which are similar to those currently in effect through July 31, 1981, would prevent potatoes of lesser maturities, low quality, or undesirable sizes from being distributed in fresh market channels. They would also provide consumers with good quality potatoes consistent with the overall quality of the crop.

All long varieties would be required to be at least 2⅛ inches minimum diameter or 5 ounces minimum weight during the period August 1 through August 31 this year and July 15 through August 31 each year thereafter. The committee believes this minimum diameter size should provide a more desirable potato pack to consumers. Beginning September 1 all long varieties would be required to be at least 2 inches in diameter or 4 ounces in weight. These requirements are similar to those of last year, and should provide an adequate supply of potatoes at reasonable prices to consumers.

The committee recommended retaining the additional 10 percent tolerance for damage due to internal defects for potatoes packed in 50-pound cartons. This problem usually occurs in the larger size potatoes—the predominant ones packed in cartons. Without this tolerance these larger potatoes would have to be shipped in bags which provide less protection to the potatoes and less ease of handling.

Exceptions are proposed to certain of these requirements to recognize special situations in which such requirments would be inappropriate or unreasonable.

Shipments would be allowed to certain special purpose outlets without regard to minimum grade, size, cleanness, maturity and pack requirements provided that safeguards are used to prevent such potatoes from reaching unauthorized outlets. Seed would be exempted because requirements for this outlet differ greatly from those for fresh market. Shipments for use as livestock feed would likewise be exempt. Potatoes grown in the production area could be shipped without regard to the aforesaid requirements to specified locations in Morrow and Umatilla Counties, Oregon, in District No. 5, and Spokane County in District No. 1 for grading and storing. Since no purpose would be served by regulating ptatoes used for charity purposes, such shipments would be exempt. Exemption of potatoes for most processing uses is mandatory under the legislative authority for this part. Therefore, shipments to processing outlets are exempt.

Again this season the minimum quantity exemption is proposed to be 20 hundredweight. This should relieve the burden on handling noncommercial quantities of potatoes and allow direct marketing outlets to operate in greater freedom.

Requirements for export shipments differ from those for domestic markets. Quality requirements may differ in foreign markets and smaller sizes are more acceptable. Because of this, export shipments would be exempt. In commercial prepeeling, operators remove the surface defects from potatoes which would be undesirable for the tablestock market, and smaller sizes are acceptable, For these reasons potatoes for prepeeling would also be exempt.

Prior to each future marketing season the committee and the Secretary will investigate relevant supply and demand conditions for potatoes. The committee will hold an open public meeting to adopt a marketing policy and recommend a proposed handling regulation in accordance with §§ 946.50 and 946.51 of the order. After reviewing the committee recommendations and any comments submitted by interested persons the Secretary may amend this proposed continuing regulation whenever he finds that conditions warrant a change.

§ 946.335 [Removed]

It is proposed that § 946.335 (45 FR 42590, 47653 and 58098, June 25, July 16,

and September 2, 1980) be removed and a new § 946.336 be added as follows:

§ 946.336 Handling regulation.

Beginning August 1, 1981, and continuing until amended or terminated, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a), (b), (c), and (g) of this section or unless such potatoes are handled in accordance with paragraphs (d) and (e) or (f) of this section.

(a) *Minimum quality requirements.* (1) *Grade: All varieties*—U.S. No. 2, or better grade.

(2) *Size:* (i) *Round varieties*—1⅞ inches (47.6 mm) minimum diameter.

(ii) *Long varieties*—All long varieties must be 2⅛ inches (54.0 mm) minimum diameter or 5 ounces minimum weight during July 15 through August 31 each season, and 2 inches (50.8 mm) or 4 ounces during the remainder of each season.

(3) *Cleanness:* All varieties and grades—as required in the United States Standards for Grades of Potatoes. For example: U.S. No. 2—"not seriously damaged by dirt," and U.S. No. 1—"fairly clean."

(b) *Minimum maturity requirements.*—(1) *Round and White Rose varieties:* Not more than "moderately skinned."

(2) *Other long varieties (including but not limited to Russet, Burbank and Norgold):* Not more than "slightly skinned."

(c) *Pack.* Potatoes packed in 50-pound cartons shall be U.S. No. 1 grade or better, except that potatoes which fail to meet the U.S. No. 1 grade only because of internal defects may be shipped provided the lot contains not more than 10 percent damage by any internal defect or combination of internal defects but not more than 5 percent serious damage by any internal defect or combination of internal defects.

(d) *Special purpose shipments.* The minimum grade, size, cleanness, maturity, and pack requirements set forth in paragraphs (a), (b), and (c) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(1) Livestock feed;

(2) Charity;

(3) Seed;

(4) Prepeeling;

(5) Canning, freezing, and "other processing" as hereinafter defined; or

(6) Grading or storing at any specific location in Morrow and Umatilla Counties in the State of Oregon, in District 5, or in Spokane County in District 1;

(7) Export, except to Alaska or Hawaii.

Shipments of potatoes for the purpose specified in paragraphs (1) through (7) of this paragraph shall be exempt from inspection requirements specified in paragraph (g) of this section except shipments pursuant to subparagraph (6) shall comply with inspection requirements of (e)(2) of this section. Shipments specified in (1), (2), (3), and (5) shall be exempt from assessment requirements specified in § 946.41.

(e) *Safeguards.* (1) Handlers desiring to make shipments of potatoes for prepeeling shall:

(i) Notify the committee of intent to ship potatoes by applying on forms furnished by the committee for a certificate applicable to such special purpose shipments;

(ii) Prepare on forms furnished by the committee a special purpose shipment report on each such shipment. The handler shall forward copies of each such special purpose shipment report to the committee office and to the receiver with instructions to the receiver to sign and return a copy to the committee office. Failure of the handler or receiver to report such shipments by promptly signing and returning the applicable special purpose shipment report to the committee office shall be cause for cancellation of such handler's certificate applicable to such special purpose shipments and/or the receiver's eligibility to receive further shipments pursuant to such certificate. Upon cancellation of such certificate, the handler may appeal to the committee for reconsideration; such appeal shall be in writing; and

(iii) Before diverting any such special purpose shipment from the receiver of record as previously furnished to the committee by the handler such handler shall submit to the committee a revised special purpose shipment report.

(2) Handlers desiring to make shipments for grading or storing at any specified location in Morrow and Umatilla Counties in the State of Oregon, in District No. 5, or in Spokane County in District No. 1 shall:

(i) Notify the committee of intent to so ship potatoes by applying on forms furnished by the committee for a certificate applicable to such special purpose shipment. Upon receiving such application, the committee shall supply to the handler the appropriate certificate after it has determined that adequate facilities exist to accommodate such shipments and that such potatoes will be used only for authorized purposes;

(ii) If reshipment is for any purpose other than as specified in paragraph (d) of this section, each handler desiring to make reshipment of potatoes which have been graded or stored shall, prior to reshipment, cause each such shipment to be inspected by an authorized representative of the Federal-State Inspection Service. Such shipments must comply with the minimum grade, size, cleanness, maturity, and pack requirements specified in paragraphs (a), (b), and (c) of this section; and

(iii) If reshipment is for any of the purposes specified in paragraph (d) of this section, each handler making reshipment of potatoes which have been graded or stored shall do so in accordance with the applicable safeguard requirements specified in paragraph (e) of this section.

(3) Each handler making shipments of potatoes for canning, freezing, or "other processing" pursuant to paragraph (d) of this section shall:

(i) First apply to the committee for and obtain a Certificate of Privilege to make shipments for processing;

(ii) Make shipments only to those firms whose names appear on the committee's list of canners, freezers, or other processors of potato products maintained by the committee, or to persons not on the list provided the handler furnishes the committee, prior to such shipment, evidence that the receiver may reasonably be expected to use the potatoes only for canning, freezing, or other processing;

(iii) Upon request by the committee, furnish reports of each shipment pursuant to the applicable Certificate of Privilege;

(iv) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of shipment;

(v) Bill each shipment directly to the applicable processor.

(4) Each receiver of potatoes for processing pursuant to paragraph (d) of this section shall:

(i) Complete and return an application form for consideration of approval as a canner, freezer, or other processor of potato products;

(ii) Certify to the committee and to the Secretary that potatoes received from the production area for processing will be used for such purpose and will not be placed in fresh market channels;

(iii) Report on shipments received as the committee may require and the Secretary approve.

(5) Each handler desiring to make shipments of potatoes for export shall:

(i) Notify the committee of intent to so ship potatoes by applying on forms furnished by the committee for a certificate applicable to such special

purpose shipment. Such information shall include the quantity of potatoes to be shipped and the name and address of the exporter;

(ii) After the certificate is approved and the shipment is made, furnish the committee with a copy of the on-board bill of lading applicable to such shipment;

(iii) Before diverting any such special purpose shipment from the receiver of record as previously furnished to the committee by the handler such handler shall submit to the committee a revised special purpose shipment report.

(f) *Minimum quantity exemption.* Each handler may ship up to, but not to exceed 20 hundredweight of potatoes to any person without regard to the inspection and assessment requirements of this part, but this exemption shall not apply to any shipment over 20 hundredweight of potatoes.

(g) *Inspection.* Except when relieved by paragraphs (d) or (f) of this section, no person may handle any potatoes unless an appropriate inspection certificate covering them has been issued by an authorized representative of the Federal-State Inspection Service and the certificate is valid at the time of shipment.

(h) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "not seriously damaged by dirt," "fairly clean," "slightly skinned" and "moderately skinned" shall have the same meaning as when used in the United States Standards for Grades of Potatoes (7 CFR 2851.1540–2851.1566), including the tolerances set forth in it. The term "prepeeling" means the commercial preparation in the prepeeling plant of clean, sound, fresh tubers by washing, peeling or otherwise removing the outer skin, trimming, sorting and properly treating to prevent discoloration preparatory to sale in one or more of the styles of peeled potatoes described in § 2852.2422 United States Standards for Grades of Peeled Potatoes (7 CFR 2852.2421–2852.2433). The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch and flour. It includes the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, dicing, or applying material to prevent oxidation does not constitute "other processing." Other terms used in this section have the same meaning as when used in the marketing agreement, as amended, and this part.

(i) *Applicability to imports.* Pursuant to § 8e of the act and § 980.1 "Import regulations" (7 CFR 980.1), Irish potatoes of the red skinned round type imported during the months of July and August each year shall meet the minimum grade, size, quality and maturity requirements for round varieties specified in paragraphs (a) and (b) of this section.

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

Dated: July 8, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-20098 Filed 7-10-81; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 2

[Docket No. PRM-2-6]

Eckert, Seamans, Cherin & Mellott; Denial of Request for Reconsideration of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Denial of request for reconsideration of petition for rulemaking.

SUMMARY: The Nuclear Regulatory Commission is hereby denying a request for reconsideration of its earlier denial of the petition for rulemaking (PRM–2–6) submitted by Eckert, Seamans, Cherin & Mellott. The petitioner, on behalf of the Westinghouse Electric Corporation, had requested the Commission to amend its regulations to prescribe fixed time periods for the completion of licensing reviews by the Commission's regulatory staff and Atomic Safety and Licensing Boards.

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

SUPPLEMENTARY INFORMATION: By letter dated March 14, 1981, Eckert, Seamans, Cherin & Mellott, a private law firm, resubmitted for reconsideration a petition for rulemaking which the Commission had recently denied. The request for reconsideration, submitted by the law firm on behalf of the Westinghouse Electric Corporation, states, in pertinent part, that:

We previously filed this Petition by letter dated December 29, 1978, which letter is attached hereto and incorporated as part of this Petition. As noted in the December 29, 1978 Petition, the Commission has recognized repeatedly that there is a substantial public interest which demands that its licensing proceedings be conducted and concluded in a timely manner. Recently the need for the expeditious conduct of Commission proceedings has been reemphasized in light of the lengthy delays encountered in the licensing process during the past two years. Accordingly, although the December 29, 1978 Petition for Rulemaking was denied by the Commission on August 13, 1980, we are resubmitting the Petition at this time for reconsideration.

Timely completion of Commission licensing proceedings depends on timely review of applications by the Regulatory Staff and timely completion of the hearing process controlled by the Atomic Safety and Licensing Boards. Regulations of the type we are proposing, which would prescribe time limits for such review and completion (which limits could be modified for good cause shown) are needed to emphasize and enforce the Commission's determination to have timely decisionmaking. The proposed regulations would bring to the review and hearing process early and direct Commission oversight in the event that delay in timely decisionmaking is threatened.

A copy of the request for reconsideration is available for public inspection and copying for a fee at the NRC Public Document Room at 1717 H Street, N.W., Washington, D.C.

The December 29, 1978 letter requested the Commission to amend its regulations, "Rules of Practice for Domestic Licensing Proceedings," 10 CFR Part 2, to prescribe fixed time periods for completion of licensing review by the Commission's regulatory staff and Atomic Safety and Licensing Boards. Notice of filing the petition for rulemaking (PRM–2–6) and a request for public comments was published in the **Federal Register** on February 5, 1979 (44 FR 6994). After careful consideration of the petition and the 4 letters of public comment which were received with respect to the petition, the Commission denied the petition on August 13, 1980. Notice of the denial, and the reasons therefore, was published in the **Federal Register** on August 18, 1980 (45 FR 54916). Copies of the petition, the public comments, and the Commission's letter of denial are available for public inspection and copying for a fee at the NRC Public Document Room.

The Commission has considered the request for reconsideration and hereby denies the request. The Commission believes that its August, 1980 denial of the petition for rulemaking adequately and reasonably sets forth the rationale and basis for its action at that time.

Therefore, no lengthy rearticulation of its position is warranted now. Suffice it to emphasize that while the Commission is responsible for and concerned with efficiency in its licensing process and believes that unnecessary or inappropriate delays should be avoided whenever possible, of overriding importance is the Commission's statutory responsibility to ensure that issuance of a license to an applicant will not be inimical to the health and safety of the public and will satisfy the requirements of applicable environmental laws. The petitioner's proposals for the imposition of fixed time periods for the completion of licensing reviews would unduly restrict the necessary discretion of the Commission's staff and licensing boards. The request for reconsideration adds nothing of substance to the original petition (it simply adopts the earlier petition) and the Commission is aware of no compelling reason to alter its judgment rendered last August with respect to the petition. Moreover, the Commission has continued to pursue its oft stated policy of eliminating unecessary or inappropriate delays in the licensing process. Extensive meetings have been held on this subject in recent weeks and amendments to Appendix B of 10 CFR Part 2 of the Commission's Regulations, "Suspension of 10 CFR 2.764 and Statement of Policy on Conduct of Adjudicatory Proceedings," were published in the **Federal Register** by the Commission on May 28, 1981 (46 FR 28627). A "Statement of Policy on the Conduct of Licensing Proceedings" was also issued by the Commission. In addition, several other amendments to the Commission's Rules of Practice to expedite the licensing process were adopted after consideration of public comments and proposed rules to further facilitate expedited proceedings were published in the **Federal Register** for public comment (45 FR 30328, 30349, June 6, 1981). In addition, the Commission recently directed the Boards to attempt where possible to set hearing schedules so that the board initial decision would issue within 300 days and directed staff to use that same period as a reference hearing process period for scheduling reviews for cases where boards have not yet set specific schedules.

In view of the foregoing, the Commission denies the March 14, 1981 request for reconsideration filed by Eckert, Seamans, Cherin & Mellott on behalf of the Westinghouse Electric Corporation. A copy of the Commission's letter of denial is available for public inspection and copying for a fee at the NRC Public Document Room at 1717 H Street, N.W., Washington, D.C.

Dated at Washington, D.C. this 8th day of July, 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-20407 Filed 7-10-81; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Ch. V

[No. 81-383]

Semiannual Agenda

AGENCY: Federal Home Loan Bank Board.

ACTION: Semiannual agenda.

SUMMARY: Pursuant to Board Resolution No. 79-364 (44 FR 37556, June 27, 1979), the Board is publishing an agenda of regulatory items, appropriate for publication under paragraph 5 of Resolution No. 79-364, which are currently under consideration or are expected to be considered by the Board during the next six months.

FOR FURTHER INFORMATION CONTACT: A staff contact for each item is identified with the regulatory description below.

SUPPLEMENTARY INFORMATION: The Board's Semiannual Agenda is divided into two sections. Section I describes major regulatory actions which have been proposed by the Board and are under active consideration. The comment period for each item is also indicated. Section II lists major regulatory projects which are actively being developed by agency staff for possible Board consideration within the next six months. The list is not all-inclusive, but is based on information available at the present time.

SECTION I—PROPOSED REGULATIONS

1. Graduated Payment Adjustable Mortgages

Action taken: By Resolution No. 80-612 of September 30, 1980 (45 FR 66798, October 8, 1980), the Board proposed to authorize Federal savings and loan associations to make, purchase and participate in graduated payment adjustable mortgage instruments. A graduated payment adjustable mortgage (GPAM) combines an adjustable interest-rate feature with the graduated payment feature of the graduated payment mortgage. Authorization of GPAMs would provide an additional instrument for mortgage lending. The public comment period closed December 1, 1980.

Authority: 12 U.S.C. 1464; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-1948 Comp., p. 1071.

Staff contact: Kenneth F. Hall, Office of General Counsel (202-377-6466).

2. Shared Appreciation Mortgages

Action taken: By Resolution No. 80-610 of September 30, 1980 (45 FR 66801, October 8, 1980), the Board proposed to permit Federal savings and loan associations to make shared appreciation mortgages. A shared appreciation mortgage bears a fixed interest rate set below the prevailing market rate over the term of the loan, and contingent interest based on the appreciation of the property securing the loan at the earlier of maturity of the loan or sale or transfer of the property. The public comment period closed December 1, 1980.

Authority: 12 U.S.C. 1464; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-1948 Comp., p. 1071.

Staff contact: Peter M. Barnett, Office of General Counsel (202-377-6445).

3. Treatment of Goodwill Acquired in Mergers

Action taken: By Resolution No. 80-654 of October 23, 1980 (45 FR 72681, November 3, 1980), the Board proposed to revise its policy statement on mergers of savings and loan associations by providing benchmarks for the amount of goodwill that merging institutions may use in calculating net worth. Conforming changes would be made to the Board's net-worth definition and its regulations that delegate authority to its Principal Supervisory Agents to approve certain mergers. In addition, the Board proposed to change its accounting rule regarding discount on assets acquired in a merger to require that such discount be accrued on the same basis and over the same time period as goodwill is amortized. The public comment period closed December 31, 1980.

Authority: 12 U.S.C. 1425a, 1437, 1464, 1725, 1726, 1730; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071.

Staff contact: Nancy L. Feldman, Associate General Counsel (202-377-6440).

4. Accounting for Loan Servicing Fees

Action taken: By Resolution No. 80-292 of May 2, 1980 (45 FR 31408, May 13, 1980), the Board proposed to restrict savings and loan associations' accounting treatment for loan servicing fees by providing that such fees may be

credited to current income only to the extent earned. The proposed regulation is intended to prohibit the reflection in net worth of unearned servicing income, which the Board regards as an unsafe and unsound practice. The public comment period closed July 9, 1980.

Authority: 12 U.S.C. 1725, 1726, 1730; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071.

Staff contact: James C. Stewart, Office of General Counsel (202–377–6457).

5. Federal Usury Preemption: Wraparound Mortgages

Action taken: By Resolution No. 80–811 of December 18, 1980 (45 FR 86500, December 31, 1980), the Board issued proposed regulations regarding the status of wraparound mortgages under the preemption of state interest ceilings applicable to Federally-related residential first mortgages. The Board also proposed amendments to the usury preemption regulations in order to conform those rules with recent statutory changes. The public comment period closed March 2, 1981.

Authority: Sec. 501(f), Pub. L. 96–221, 94 Stat. 161; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071.

Staff contact: James C. Stewart, Office of General Counsel (202–377–6457).

6. Geographic Restrictions on Remote Service Unit Operations

Action taken: By Resolution No. 80–296 of May 29, 1981 (46 FR 30114, June 5, 1981), the Board proposed to amend its regulations by removing geographic restrictions on the establishment and use of remote service units by Federally chartered savings and loan associations. The public comment period will close July 7, 1981.

Authority: 12 U.S.C. 1464; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071.

Staff contacts: K. Diane Boyle, Office of Industry Development (202–377–6720), or Michael D. Schley, Office of General Counsel (202–377–6444).

SECTION II—REGULATORY ITEMS THE BOARD MAY CONSIDER DURING THE NEXT SIX MONTHS

1. Balloon Payments

Anticipated action: The Board staff is preparing a proposed rule that would authorize Federal associations to make mortgage loans featuring balloon payments.

Authority: 12 U.S.C. 1464; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071.

Staff contact: Kenneth F. Hall, Office of General Counsel (202–377–6466).

2. Correspondent Activities

Anticipated action: The Board staff is developing a proposed rule that would remove existing impediments to the maintenance of correspondent accounts and the provision of correspondent services by Federal savings and loan associations.

Authority: 12 U.S.C. 1431, 1464, 1725, 1728; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071.

Staff contact: Michael D. Schley, Office of General Counsel (202–377–6444).

3. Ownership of NOW Accounts

Anticipated action: The Board may issue an interpretive rule resolving issues of eligibility to hold NOW accounts at member institutions. The Board solicited public comment on eligibility issues by Resolution No. 81–295 of May 29, 1981 (46 FR 30113, June 5, 1981). The public comment period will close July 7, 1981.

Authority: 12 U.S.C. 1464, 1730, 1832; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071.

Staff contact: Michael D. Schley, Office of General Counsel (202–377–6444).

4. Conflicts of Interest by Outside Professionals; Ex Parte Communications

Anticipated action: The Board staff is preparing a proposed rule that would require disclosure of conflicts of interest by any person rendering professional services to the agency. The rule would also clarify proceedings to which the *ex parte* communications rule applies, as well as persons affected by the rule.

Authority: 12 U.S.C. 1437, 1467, 1725, 1726; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071.

Staff contact: Peter M. Barnett, Office of General Counsel (202–377–6445).

5. Management Official Interlocks

Anticipated action: The Board staff, in coordination with representatives of the other depository institutions' regulatory agencies, is preparing a proposed rule that would clarify and relax restrictions in regulations implementing the Depository Institutions Management Interlocks Act.

Authority: 12 U.S.C. 3201 *et seq.*; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071.

Staff contact: Kenneth F. Hall, Office of General Counsel (202–377–6466).

6. Merger Delegations

Anticipated action: The Board staff is preparing a rule that would change the criteria for delegation of authority to the Principal Supervisory Agents to facilitate and expedite processing of merger applications.

Authority: 12 U.S.C. 1464, 1725, 1726, 1730, 1730a, 2901; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071.

Staff contacts: K. Diane Boyle, Office of Industry Development (202–377–6720), or John Hall, Office of General Counsel (202–377–6450).

7. Forward Commitments

Anticipated action: The Board staff is preparing a proposed rule that would revise current regulations on forward commitment transactions of institutions insured by the Federal Savings and Loan Insurance Corporation.

Authority: 12 U.S.C. 1464, 1725, 1726, 1730; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071.

Staff contacts: Susan Kelsey, Office of Policy and Econonic Research (202–377–6914), Robert Losey, Office of Federal Savings and Loan Insurance Corporation (202–377–6620), or Peter Barnett, Office of General Counsel (202–377–6445).

8. Transactions Involving Affiliated Persons

Anticipated action: The Board staff is presently reviewing recommendations to liberalize current restrictions in the Board's regulations that can preclude insured institutions from making loans on favorble terms to affiliated nonprofit organizations.

Authority: 12 U.S.C. 1725, 1726, 1730; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071.

Staff contacts: Michael D. Schley, Office of General Counsel (202–377–6444).

9. Outside Borrowings

Anticipated action: The Board staff is reviewing the feasibility of further amendments to the regulations governing outside borrowings by insured institutions.

Authority: 12 U.S.C. 1725, 1726, 1730; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071.

Staff contacts: Peter M. Barnett, Office of General Counsel (202–377–6445).

10. Holding Company Delegations

Anticipated action: The Board staff is reviewing the feasibility of amendments to the regulations that would adopt new criteria for delegation of authority to the Principal Supervisory Agents to facilitate and expedite processing of holding company applications.

Authority: 12 U.S.C. 1464, 1725, 1726, 1730, 1738; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071.

Staff contacts: Dwight Arnall, Office of Examinations and Supervision (202–377–6522), or Richard Little, Office of General Counsel (202–377–6452).

By the Federal Home Loan Bank Board.

J. J. Finn,
Secretary.
July 2, 1981.

[FR Doc. 81-20437 Filed 7-19-81; 8:45 am]
BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 21

[Docket No. 21905, Notice No. SC-81-4]

Special Conditions: Cessna Model 650 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This notice proposes special conditions for the Cessna Aircraft Company Model 650 series airplanes. This airplane will have novel or unusual design features associated with the unusually high operating altitude (51,000 feet) for which the applicable airworthiness regulations do not contain adequate or appropriate safety standards. This notice contains the safety standards which the Administrator finds necessary to establish a level of safety equivalent to that established in the regulations.

DATE: Comments must be received by August 12, 1981.

ADDRESS: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–204), Docket No. 21905, 800 Independence Avenue SW., Washington, D.C. 20591; or delivered in duplicate to: Room 916, 800 Independence Avenue SW., Washington, D.C. 20591. All comments must be marked: Docket No. 21905. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Iven Connally, Lead Region Staff, FAA Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108. Telephone (206) 767–2565.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed special conditions by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed based on comments received. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Type Certification Basis

The certification basis for the Cessna Aircraft Company (Cessna) Model 650 series airplane is as follows: Part 25 of the Federal Aviation Regulations (FAR) effective February 1, 1965, as amended by Amendments 25–39, 35–43, and 25–44; § 25.91(c) of Amendment 25–40; §§ 25.1309 and 25.1351(d) of Amendment 25–41; §§ 25.177, 25.255, and 25.703 of Amendment 25–42; Part 36 of the FAR effective December 1, 1969, either as amended through Amendment 36–10 or as amended at time of the noise test; SFAR 27 effective February 1, 1974, as amended through Amendment 27–2; and the special conditions that may be developed as a result of this notice.

Special conditions may be issued and amended, as necessary, as a part of the type certification basis if the Administrator finds that the airworthiness standards designated in accordance with § 21.17(a)(1) do not contain adequate or appropriate safety standards because of novel or unusual design features of an airplane. Special conditions, as appropriate, are now issued after public notice in accordance with §§ 11.28 and 11.29(b), effective October 14, 1980, and become part of the type certification basis in accordance with § 21.17(a)(2).

Background

On November 8, 1976, the Cessna Aircraft Company, P.O. Box 7704, Wichita, Kansas 67201, filed an application for a type certificate in the transport category for the Cessna 650. The Cessna 650 series has a high aspect ratio, moderate, swept-back supercritical wing and a T-tail. It will be powered by two Garrett AiResearch TFE 731–3–100S engines mounted on the aft fuselage. Its maximum takeoff weight is 19,500 pounds. It is pressurized and designed to have a maximum operating altitude of 51,000 feet. The type design of the Cessna 650 series airplane contains a number of novel and unusual design features for an airplane type certificated under the applicable provisions of Part 25 of the FAR. Those features include the relatively small passenger cabin volume and a high operating altitude. The applicable airworthiness requirements do not contain adequate or appropriate safety standards for the Cessna 650 series airplanes. Therefore, special conditions are necessary to establish a level of safety equivalent to that provided in the regulations.

A higher degree of pressure vessel integrity than envisioned by the original type certification basis is required to assure that depressurization at high altitude is unlikely. The ventilation, air conditioning, and pressurization systems require upgrading to ensure survivability with certain system failures. Part 25 of the FAR does not define the oxygen system required to operate above 40,000 feet. A special condition is therefore required to define the oxygen system.

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration proposes the following special conditions for the Cessna Model 650 series airplanes:

A. *Ventilation.* In lieu of the requirements of § 25.831(a), the ventilation system must be designed to provide a sufficient amount of uncontaminated air to enable the crewmembers to perform their duties without undue discomfort or fatigue and to provide reasonable passenger comfort during normal operating conditions and in the event of any minor failure of any system on the airplane which would adversely affect the cabin ventilation air. For normal operations, crewmembers and passengers must be provided with at least 10 cubic feet of fresh air per minute per person, or the equivalent in filtered, recirculated air based on the volume and composition at the corresponding cabin pressure altitude of not more than 8,000 feet.

B. *Air Conditioning.* In addition to the requirements of § 25.831 (b) through (e), cabin cooling systems must be designed to meet the following conditions during flight above 15,000 feet MSL:

1. After any probable failure, the cabin temperature-time history may not exceed the values shown in Figure 1.

2. After any improbable failure, the cabin temperature-time history may not exceed the values shown in Figure 2.

C. *Pressurization.* In addition to the requirements of § 25.841, the following apply:

1. The pressurization system must be capable of maintaining the following relationships between specific failure and cabin altitude-time histories for operations above 45,000 feet:

(a) The cabin altitude-time history may not exceed that shown in Figure 3 after each of the following:

(1) Any probable double failure in the pressurization system.

(2) Any single failure in the pressurization system combined with the occurrence of a leak produced by a complete loss of a door seal element, or a fuselage leak through an opening having an effective area 2.0 times the effective area which produces the maximum permissible fuselage leak rate approved for normal operation, whichever produces a more severe leak.

(b) The cabin altitude-time history may not exceed that shown in Figure 4 after each of the following:

(1) The maximum pressure vessel opening resulting from crack propagation for a period encompassing two normal inspection intervals. The initial crack must be at least one-half the local panel width in length. Mid-panel cracks and cracks through skin-stringer and skin-frame combinations must be considered.

(2) The pressure vessel opening resulting from probably damage, while under maximum operating cabin pressure differential, created by a tire burst, engine rotor burst, loss of antennas or stall warning vanes, or any probable equipment failure.

(3) Complete loss of thrust from all engines.

2. In showing compliance with prargraph 1 of this special condition, it may be assumed that an emergency descent is made in accordance with an approved emergency procedure. In showing compliance with paragraph 1(b), a 17-second crew recognition and reaction time must be applied between cabin altitude warning and the initiation of an emergency descent.

D. *Oxygen Equipment and Supply.* In addition to the requirements of § 25.1441, the following apply:

1. A quick-donning oxygen mask system with a pressure-demand, mask mounted regulator must be provided for the flightcrew. It must be shown that each quick-donning mask can, with one hand and within 5 seconds, be placed on the face from its ready position, properly secured, sealed, and supplying oxygen upon demand.

2. A continuous-flow oxygen system must be provided for the passengers.

E. *Pressure Vessel Integrity.*

1. The maximum extent of failure and pressure vessel opening that can be demonstrated to comply with paragraph C of these special conditions must be determined. It must be demonstrated by crack propagation and fail-safe testing that a larger opening or a more severe failure than demonstrated will not occur in normal operation.

2. Inspection schedules and procedures must be established to ensure that cracks and normal fuselage leak rates will not progress or that the pressurization system capability will not deteriorate to the extent that an unsafe condition could exist during normal operation.

3. The pressure vessel structure, including doors and windows, must comply with § 25.365(d) using a factor of 1.67 in lieu of the 1.33 factor prescribed therein.

4. In addition to the requirements of § 25.571, the loads prescribed in § 25.571(c) and this paragraph must be multiplied by a factor of 1.15 unless the dynamic effects of failure under static load are otherwise considered. In addition, the following apply as ultimate loading conditions:

(a) The normal operating pressures combined with the expected external aerodynamic pressures must be applied simultaneously with the flight loading conditions specified in § 25.571(c);

(b) The combined pressures set forth in paragraph 4(a) of this special condition multiplied by a factor of 1.67 must be applied to the pressurized cabin without any other load.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.45)

Note.—This action is not a proposed rule of general applicability and is therefore not covered under Executive Order 12291 or the Regulatory Flexibility Act. The FAA has determined that this document is not considered to be significant as defined in Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the regulatory evaluation prepared for this action is contained in the docket. A copy of it may be obtained by contacting the person identified as the information contact.

Issued in Washington, D.C., on July 6, 1981.

M. C. Beard,

Director of Airworthiness.

BILLING CODE 4910-13-M

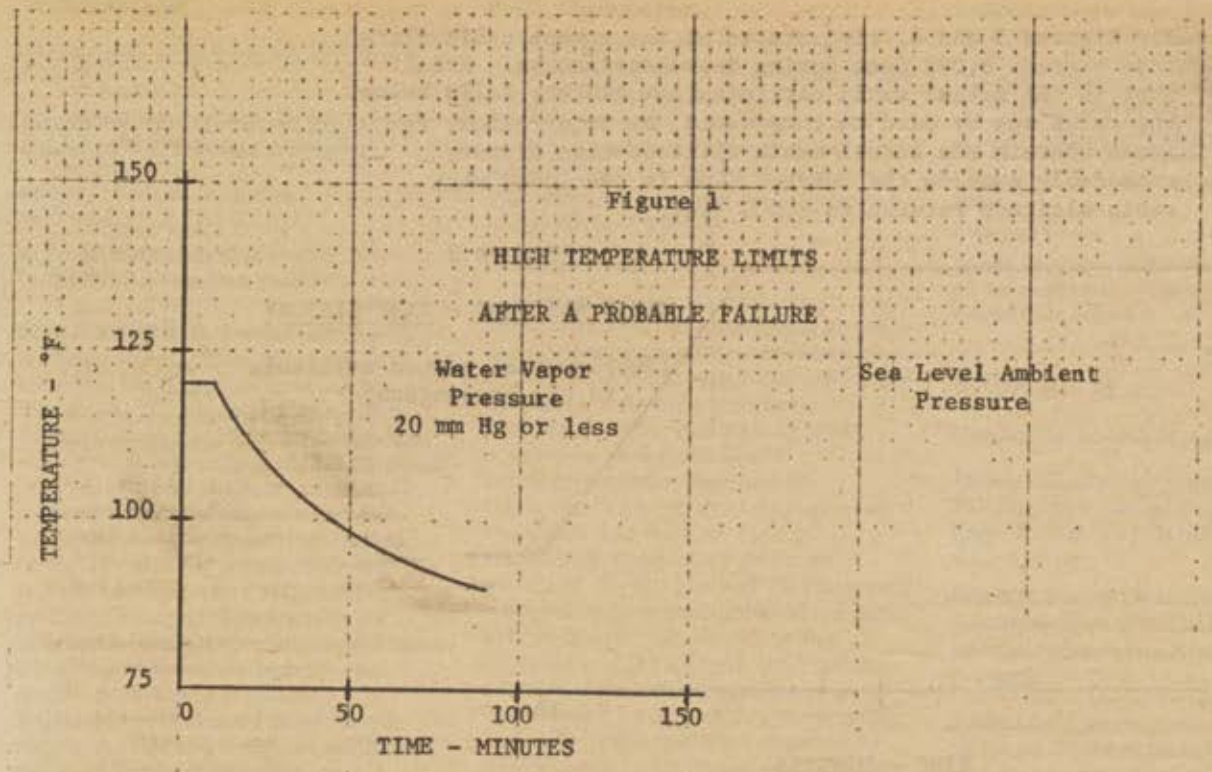


Figure 1

HIGH TEMPERATURE LIMITS

AFTER A PROBABLE FAILURE

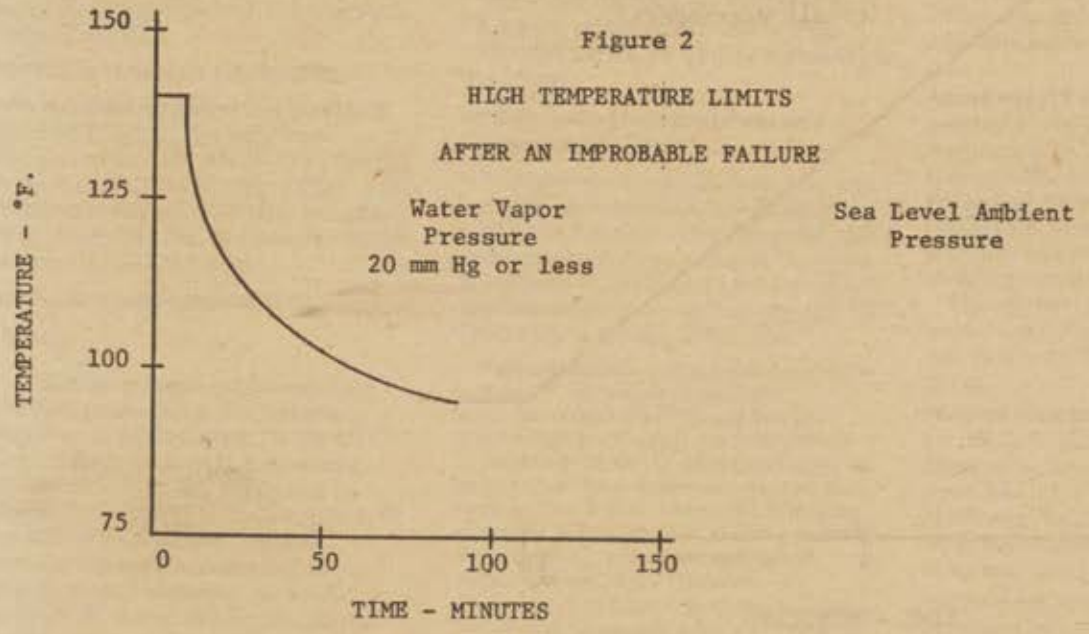


Figure 2

HIGH TEMPERATURE LIMITS

AFTER AN IMPROBABLE FAILURE

For Figures 3 and 4, time starts at the moment cabin altitude exceeds 8,000 feet during depressurization. Areas wherein the actual cabin altitude-time history falls below the curve may be used to compensate, by integration, for areas wherein the actual cabin altitude-time history reasonably exceeds the curve. Time is concluded when cabin altitude returns to 8,000 feet.

Figure 3

CABIN ALTITUDE - TIME HISTORY

(Supplemental oxygen available to all passengers)

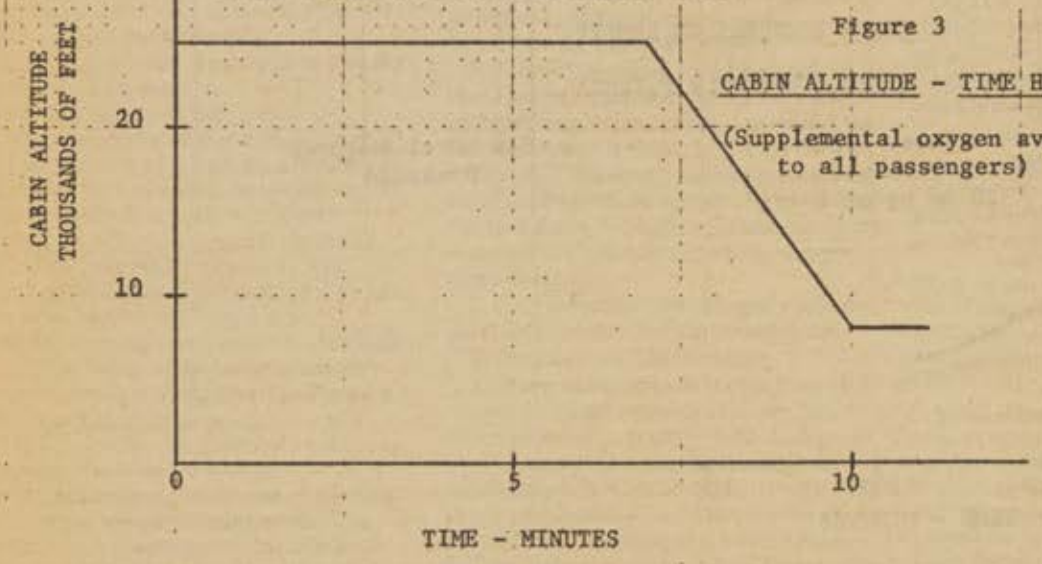
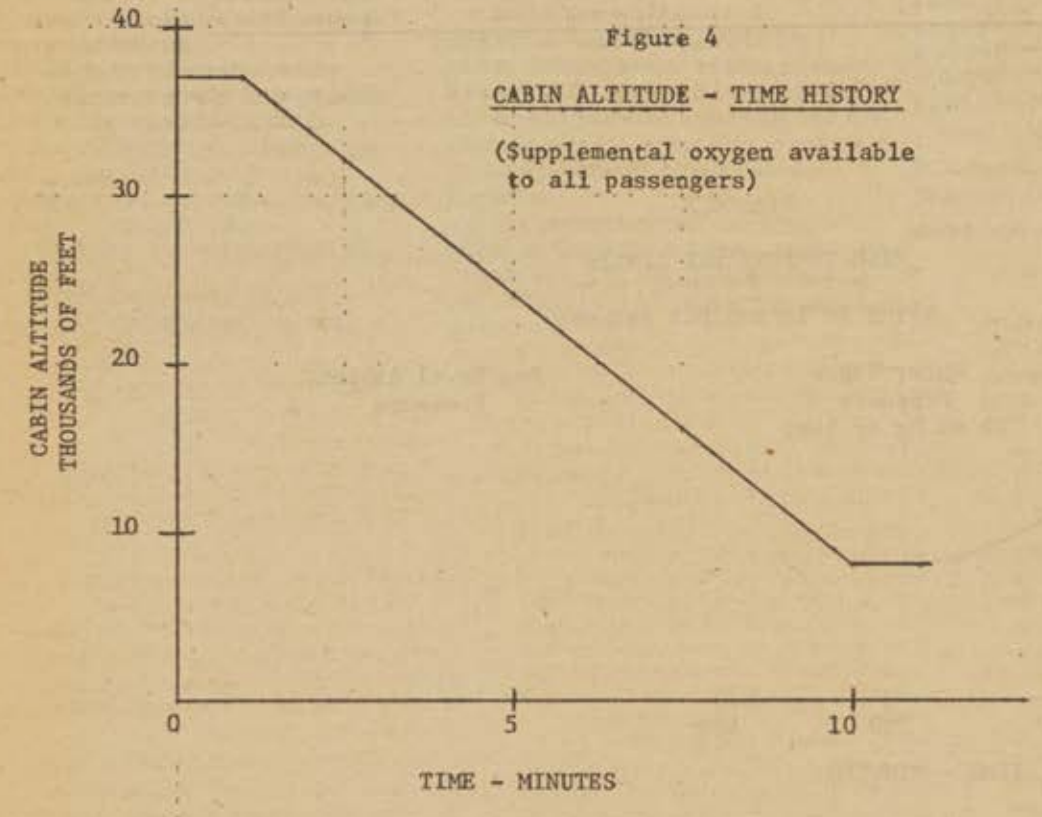


Figure 4

CABIN ALTITUDE - TIME HISTORY

(Supplemental oxygen available to all passengers)



[FR Doc. 81-20322 Filed 7-10-81; 8:45 am]
BILLING CODE 4910-13-C

14 CFR Part 39

[Docket Nos. 80-NW-32-AD, 81-NW-29-AD]

Airworthiness Directives: Boeing Model 727/737 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of Notice of Proposed Rulemaking (NPRM).

SUMMARY: This document withdraws a proposal to amend an Airworthiness Directive (AD) applicable to Boeing Model 727/737 series airplanes. The Airworthiness Directive for which the amendment was proposed, AD 76-22-08, requires periodic inspections for fuel leaks of the compartment where the hydraulic pump is located on Boeing Model 727 and 737 series airplanes. The AD allowed operators to discontinue the periodic inspections by installing a differential fault protection system in the affected hydraulic pump motor circuit. A Notice of Proposed Rulemaking was issued proposing to amend the AD to provide an additional optional terminating action, and to impose a requirement that one of the optional terminating actions be accomplished within one year or 3,600 hours time-in-service. This document withdraws that proposal; however, the additional optional terminating action described in the NPRM has been approved under the provisions for equivalent modifications contained in the original AD.

DATE: Effective date July 20, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Ted T. Ebina, Systems and Equipment Branch, ANW-130S, Seattle Area Aircraft Certification Office, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2500.

SUPPLEMENTARY INFORMATION:

History

A Notice of Proposed Rulemaking (NPRM) published in the Federal Register on July 14, 1980, (45 FR 47157), Docket 80-NW-32-AD, proposed to amend AD 76-22-08, applicable to Boeing 727 and 737 series airplanes, by providing an additional optional terminating action consisting of installation of improved hydraulic system "B" motor driven pumps, and adding a requirement that one of the optional terminating actions be performed within one year or 3,600 hours time-in-service, whichever occurs first.

Public Participation

All interested persons have been given an opportunity to comment on the proposed amendment, and due consideration has been given to all matters presented. Comments were received from the NTSB, the airframe manufacturer, and numerous operators of the affected aircraft.

Discussion of Comment

All commenters favored the additional optional terminating action, but all except one of the commenters opposed the requirement that one of the optional terminating actions be performed within one year or 3,600 hours time-in-service. These commenters either opposed the requirement for terminating action, or requested that the time limit for mandatory terminating action be extended. On the basis of the comments received, and an evaluation of the good service history subsequent to the issuance of AD 76-22-08, the FAA has concluded that the imposition of a requirement for mandatory terminating action for the inspections required by AD 76-22-08 is not necessary for safety. Further, installation of the improved hydraulic system "B" motor driven pumps as an optional termination action for the AD has been approved under the provision for alternative methods of compliance in the original AD, and therefore does not require further rulemaking.

This decision does not preclude the FAA from taking such other further corrective action as may be necessary in the future.

Withdrawal of Notice of Proposed Rulemaking (NPRM)

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, the proposed amendment to Airworthiness Directive AD-76-22-08, which was published in the Federal Register on July 14, 1980 (45 FR 47157), is hereby withdrawn.

Note.—Installation of improved hydraulic system "B" motor driven pumps in accordance with either Boeing Service Bulletin 727-29-55 dated April 30, 1980, or Service Bulletin 737-29-1036 dated April 30, 1980, or later FAA approved revisions, has been approved as an alternate terminating action for AD 76-22-08, in accordance with the provision for alternate methods of compliance set forth in that AD.

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

Note.—Since this action withdraws a proposed restriction and imposes no additional burden on any person, it may be made effective in less than 30 days. It is neither a proposed nor final rule and, therefore, is not covered under Executive Order 12291, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Seattle, Washington, on June 29, 1981.

Jonathan Howe,

Acting Director, Northwest Region.

[FR Doc. 81-20317 Filed 7-10-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 81-NW-24-AD]

Airworthiness Directive: Boeing Model 727 Airplanes Using Decoto Leading Edge Actuators P/N 10-61792 -1, -2, -4, -5, -7, or -8

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt an Airworthiness Directive (AD) which would require repetitive inspection or removal of the Decoto leading edge actuators listed above. This action is necessary because cracks have been discovered in these actuators in service. Failure of an actuator could result in inadvertent extension of the corresponding leading edge device.

DATE: Comments must be received on or before September 18, 1981. Compliance schedule is prescribed in the body of the AD.

ADDRESSES: Send comments on the proposed rule in duplicate to the Federal Aviation Administration, Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket, Docket No. 81-NW-24-AD, 9010 East Marginal Way South, Seattle, Washington 98108.

The applicable service bulletin may be obtained from The Boeing Company, P.O. Box 3707, Seattle, Washington 98124.

FOR FURTHER INFORMATION, CONTACT: Mr. Gary D. Lium, Systems and Equipment Branch, ANW-130S, Seattle Area Aircraft Certification Office, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2500.

SUPPLEMENTARY INFORMATION: Three instances of inservice fatigue cracks in the Decoto leading edge actuator series listed above have been reported. One unit had 8500 hours flight time, and the other two had 14,441 flight hours and 10,181 landings each, or 20,362 cycles (2

cycles per flight). The cracks appeared between the flanges of the actuator piston, and were caused by an inadequate fillet radius and fillet sharp corners. The original specification called for a qualification test to 100,000 cycles (50,000 landings).

Boeing fatigue tested three new actuators in the laboratory, with the following results:

1. All three actuators had developed cracks (magnaflux inspection) by 100,000 cycles (50,000 landings).

2. The three actuators exhibited degraded performance (high internal leakage) at 127,000 cycles (63,500 landings), 171,000 cycles (85,500 landings), and 191,000 cycles (95,500 landings), respectively.

3. The first actuator was then tested to failure (total separation), which occurred at a total of 142,000 cycles (71,000 landings).

The hazard associated with this failure is that the crack could progress to total separation of the piston rod, resulting in the differential hydraulic pressure across the piston end of the broken rod inadvertently extending the leading edge device when it is scheduled to be retracted.

The actuator will be changed in production by increasing the fillet radius, removing fillet sharp corners, and shot peening the surfaces. For actuators manufactured prior to the modification, this potentially unsafe condition can be corrected by replacing the actuator prior to the onset of cracks, or by repetitive inspection until replacement. This Notice of Proposed Rulemaking proposes to require this inspection or modification on all Boeing 727 airplanes using Decoto actuators P/N 10-61792 -1, -2, -4, -5, -7, or -8.

It is proposed to require that the actuators be inspected at 20,000 landings, or the next 1500 landings, whichever comes later, and that a repetitive inspection be made each 5,000 landings thereafter until the actuator is replaced. Note: The reference to landings in this document refers to landings accumulated by a given actuator, not landings accumulated by a given airplane.

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available both before and after the closing date for comments in the rules docket for examination by interested persons. A report summarizing each FAA/public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRMS

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Directive Rules Docket, Docket No. 81-NW-24-AD, 9010 East Marginal Way South, Seattle, Washington 98108.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

Boeing: Applies to all 727 airplanes certificated in all categories, using Decoto leading edge actuators, P/N 10-61792 -1, -2, -4, -5, -7, or -8. Compliance required as indicated. Accomplish the following, unless already accomplished:

Prior to the accumulation of 20,000 landings on the actuator, or within the next 1500 landings, whichever comes later, inspect all Decoto leading edge actuators, P/N 10-61792 -1, -2, -4, -5, -7, or -8, in accordance with Boeing Service Bulletin 727-27-209, to be published in August 1981, or later FAA approved revisions, or in a manner approved by the Chief, Seattle Area Aircraft Certification Office. If the actuator is serviceable, repeat the inspection every 5,000 landings, or replace with a modified actuator.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

Note.—The FAA has determined that this document involves a proposed regulation that is not major under the provisions of Executive Order 12291 for the reasons stated earlier. It has been further determined that this proposed regulation is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft regulatory evaluation for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION, CONTACT."

In addition, it has been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities.

Issued in Seattle, Washington on July 1, 1981.

Jonathan Howe,

Acting Director, Northwest Region.

[FR Doc. 81-20314 Filed 7-10-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ASW-21]

Proposed Alteration and Revocation of VOR Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revoke several alternate VOR Federal Airways in the vicinity of Oklahoma City, Okla. This action would reduce chart clutter and is consistent with our policy to eliminate all alternate route designations in accordance with agreement with the International Civil Aviation Organization (ICAO).

DATE: Comments must be received on or before August 12, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Southwest Region, Attention: Chief, Air Traffic Division, Docket No. 81-ASW-21, P.O. Box 1689, Fort Worth, Tex. 76101.

The official docket may be examined in the Rules Docket, weedays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory

decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-ASW-21." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A reqport summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs, should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to revoke VOR Federal Airways V-14N, V-14S, V-15E, V-77E, V-81L, V-102S, V-114S, and V-272N. In addition, this action would designate new VOR Airway V-404 between Childress, Tex., and Wichita, Tex. This action would reduce chart clutter, aid flight planning, and support our commitment to eliminate all alternate route designations as outlined in the ICAO agreement. The description of these airways under Part 71 was republished on January 2, 1981 (46 FR 409).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), as republished (46 FR 409) and amended (46 FR 24167 and 24170) by further amending the following:

1. V-14 [amended]

By removing the words "Childress, Tex., including a S alternate via INT Lubbock 086° and Childress 229° radials; Hobart, Okla.; Oklahoma City, Okla., including a S alternate via INT Hobart 076° and Oklahoma City 202° radials; Tulsa, Okla., including a N alternate via INT Oklahoma City 037° and Tulsa 261° radials, and also a S alternate via INT Oklahoma City 079° and Tulsa 228° radials; Neosho, Mo.," and substituting for them the words "Childress, Tex.; Hobart, Okla.; Tulsa, Okla.; Neosho, Mo.;"

2. V-15 [amended]

By removing the words "Ardmore, Okla.; Okmulgee, Okla., including an E alternate; INT Okmulgee 048° and Neosho, Mo., 223° radials; Neosho." and substituting for them the words "Ardmore, Okla., Okmulgee, Okla.; INT Okmulgee 048°T(040°M) and Neosho, Mo., 223°T(216°M) radials; Neosho.

3. V-77 [amended]

By removing the words "via Abilene, Tex.; Wichita Falls, Tex., including an E alternate; INT Wichita Falls 028° and Oklahoma City, Okla., 202° redials; Oklahoma City, including an E alternate from Wichita Falls to Oklahoma City via INT Wichita Falls 047° and Duncan, Okla., 248° radials, Duncan, INT Duncan 011° and Oklahoma City 180° radials; Pioneer, Okla.," and substituting for them the words "via Abilene, Tex.; Wichita Falls, Tex.; INT Wichita Falls 028°T(018°M) and Oklahoma City, Okla., 202°T(193°M) radials; Oklahoma City; Pioneer, Okla.;"

4. V-81 [amended]

By removing the words "Plainview, Tex.; Amarillo, Tex., including an east alternate via INT Plainview 025° and Amarillo 163° radials; Dalhart, Tex.," and substituting for them the words "Plainview; Tex.; Amarillo, Tex.; Dalhart, Tex.; "

5. V-102 [amended]

By removing the words "Guthrie, TX.; Wichita Falls, Tex., including a S alternate via INT Guthrie 103° and Wichita Falls 247° radials." and subsituting for them the words "Guthrie, Tex.; Wichita Falls, Tex."

6. V-114 [amended]

By removing the words "via Childress, Tex., including a S alternate; Wichita Falls, Tex., including a S alternate via INT Childress 120° and Wichita Falls 262° radials;" and substituting for them the words "via Childress, Tex.; Wichita Falls, Tex.,"

7. V-272 [amended]

By removing the words "Sayre, Okla.; Oklahoma City, Okla., including an N alternate via INT Sayre 070° and Oklahoma City 282° radials and also an S alternate via INT Sayre 101° and Oklahoma City 242° radials; to McAlester, Okla." and substituting for them the words "Sayre, Okla.; Oklahoma City, Okla.; to McAlester, Okla."

8. V-404 [new]

By adding a new airway V-404 to read as follows: V-404 From Childress, Tex., INT Childress 120°T(110°M) and Wichita Falls, Tex., 262°T(252°M) radials; to Wichita Falls.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

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

Issued in Washington, D.C., on July 6, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-20320 Filed 7-10-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 75

[Airspace Docket No. 81-AWA-7]

Revocation of Area High Routes

Correction

In FR Doc. 81-19708, published at page 34811, on Monday, July 6, 1981, make the following changes:

(1) On page 34811, in the first column, in the "FOR FURTHER INFORMATION CONTACT" paragraph, in the second line "(ATT" should be corrected to read "(AAT".

(2) On page 34812, in the first column, in entry "39", "New Orleans, La." should be corrected to read "San Antonio, Tex."

(3) Also on page 34812, in the first column, in entry "59", "J961" should be corrected to read "J961R" and "PARIAR" should be corrected to read "PARIA".

BILLING CODE 1505-01-M

CIVIL AERONAUTICS BOARD

14 CFR Parts 221 and 250

[EDR-404B; Economic Regulations, Dockets 38348, 38021]

Elimination of Rules Tariffs Notice to Passengers of Conditions of Carriage

June 25, 1981.

AGENCY: Civil Aeronautics Board.

ACTION: Supplemental notice of proposed rulemaking

SUMMARY: The CAB is proposing to eliminate passenger rules tariffs in interstate and overseas air transportation and to eliminate most of the Board-prescribed notices to passengers in domestic and foreign air transportation. The rules tariff system injects the govenment regulatory process into an area that may best be left to the workings of the free marketplace. Elimination now would provide a valuable transition period before the Congressionally-mandated elimination of domestic tariffs on January 1, 1983. In the interim, the Board would monitor the results and make recommendations to Congress as appropriate.

DATES: Comments by: August 24, 1981. Reply comments by: September 14, 1981. Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

Requests to be put on the Service List by: July 28, 1981. The Docket Section prepares the Service List and sends it to each person listed, who then serves comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 38348, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Patricia Kennedy, Assistant to the Director for Programs, Bureau of Compliance and Consumer Protection, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673-5934, or Joanne Petrie, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673-5442.

SUPPLEMENTARY INFORMATION: In two related notices of proposed rulemakiing, the Board solicited comments on the notice that air carriers must give passengers concerning the conditions of their contract of carriage. The rulemaking addressed different aspects of the same general subject. The first, EDR-396, 45 FR 25817, April 16, 1980 (Docket 38021), dealt with consumer protection notices that carriers are required to give passengers. That notice proposed to revise the text of standard notices that, under current Board regulations, airlines must post on signs at ticket counters and print on airline tickets. We sought comments on simplifying the prescribed notices eliminating the requirement for a notice about tariff availability, and adding new notices on smoking and check-in deadlines. The proposed rule would apply to both U.S. and foreign carriers at their ticket counters located in, and on tickets sold in, the United States.

The second notice, EDR-404, 45 FR 42629, June 25, 1980 (Docket 38348) proposed to change the nature and effect of rules tariffs. If adopted, each U.S. air carrier would be required to give actual notice to passengers of the contract terms of carriage in its interstate and overseas operations. A file tariff would no longer become part of the airline's contract with each passenger simply by becoming effective. Nor could an airline use the tariff system to include in the contract a presumption of knowledge and agreement to the conditions on the part of the passenger. Unlike EDR-396, EDR-404 would affect only U.S. carriers and would relate only to domestic air transportation.

The Air Transport Association filed a motion to consolidate EDR-396 and EDR-404 into a single proceeding. Since both rulemakings concern interrelated passenger information issues, we have decided to grant ATA's motion. Docket 38021 (EDR-396) is hereby incorporated into Docket 38348 (EDR-404).

This supplemental notice of proposed rulemaking adds another two-part option to be considered along with our original proposals in the consolidated proceeding. First, we propose to eliminate passenger rules tariffs in interstate and overseas air transportation. Second, we propose to drop most Board-prescribed passenger notices and allow carriers to provide information at their own discretion. Only the overbooking notices currently required by Part 250 would continue to be required for airlines in foreign air transportation.

Passenger Rules Tariffs and Carrier Practices

Section 403(a) of the Federal Aviation Act requires every air carrier to file tariffs with the Board. The tariffs must include the carrier's fares, rates, charges, and, to the extent required by Board regulations, all classifications, rules, regulations, practices, and services in connection with the air transportation. The Board's tariff regulations cover different aspects of the contract of carriage. Fare-related conditions such as advance purchase requirements, minimum or maximum stay, and capacity restrictions are tied to a fare's availability and are generally considered part of the fare itself. In addition, the tariffs must include information on the carrier's practices such as denied boarding compensation, baggage liability, and rerouting. It is these latter "rules tariffs," rather than the former fare-related restrictions, that are subject of this rulemaking.

Historically, the tariff system has played a central role in the Board's regulation of airlines. Carriers may not charge a fare, offer a service, or change certain procedures without filing a tariff describing the fare or practice. The Board may prevent a tariff from becoming effective by finding that it is unjust or unreasonable, does not meet the requirements of Part 221, or is otherwise unlawful. The Board can force an airline to change or discontinue a fare or practice, or refrain from implementing a new one, by suspending, canceling, or rejecting a tariff.

Once the Board allows a rules tariff to go into effect, the carrier is reasonably assured that whatever practice is set forth will not be subject to court review if a consumer complaint escalates into a lawsuit, even if the passenger is not provided with actual notice of the substance of the tariff rule. Tariff filings, therefore, serve a number of different purposes. They provide information that is used by the government for regulation and oversight, and are a tool to enforce regulatory policy. The tariffs provide constructive, and occasionally actual, notice to consumers of the conditions of their carriage. Finally, tariffs perform an exculpatory function, since the reasonableness of practices included in tariffs and adequacy of notice of these conditions are rarely subject to court review.

Rules tariffs evolved during a period of strict regulation in response to the Board's concern that excessive service competition would lead to ruinous competition within the industry. The Board issued rules and orders requiring rules tariffs describing seating configurations, various amenities offered to passengers, and any conditions or charges imposed for food, alcoholic beverages, in-flight entertainment, and admission to special

airport lounges. During this period, the Board encouraged uniformity of rules governing most areas that could be at issue in a customer dispute. This policy resulted in substantial consistency among the carriers and imposed some minimum standards on the industry, while it discouraged innovative service options that could result in lower fares.

The Board no longer uses its authority to suspend rules tariffs as a check on service competition. Instead, we are encouraging carriers to offer a wide range of prices and service options to the public, and we are relying on the marketplace to influence airline management decisions in these matters. For example, even if the tariffs describe services that offer fewer amenities than airlines have traditionally provided, or include unusual restrictions on refunds, reroutings, or reservations, the Board will rarely, if ever, reject the tariffs.

The rules tariff system, and especially its format, has discouraged effective disclosure of airlines' responsibilities to passengers. The tariffs are voluminous, highly technical, and difficult to non-experts to comprehend. With the increased competition stemming from deregulation, the tariffs have become increasingly complex over the last few years and require frequent updating. Although the Board requires carriers to have copies of their tariffs available for public inspection at all offices and ticket sales locations, few consumers know of their existence or can effectively use them.

Standard passenger tickets contain a notice in small print entitled "Conditions of Carriage" that incorporates the tariffs by reference. Passengers are thereby deemed to have constructive notice of the terms and conditions contained in the tariffs. During the era of strict regulation, the public grew to expect relatively uniform practices among carriers that had been screened by the Board for reasonableness. Now that the Board is actively encouraging competition among carriers, however, passengers may not know as much about the contract of carriage. The constructive notice deemed to be given by tariffs now serves only to provide carriers with a defense if passengers sue them, without any benefits for consumers.

In EDR–404, the Board addressed some of these problems in the present rules tariff system. The NPRM proposed that the terms and conditions of carriage, whether or not they are included in a fixed tariff, not be enforceable by a carrier unless an easy-to-understand, written notice is available to passengers free of charge and to keep. Tariff filings would no longer automatically be part of the passenger/airline contract.

In this supplemental notice, we propose an alternative for consideration. Rather then limiting the effect of the rules tariffs, we propose to eliminate all rules tariffs in domestic air transportation. Rules tariff filings would still be required for international air transportation.

For air travel within the U.S., carriers would not be permitted to file tariffs on services or conditions that were not tied directly to fares. They would be free to set their own terms of carriage, with a few important exceptions discussed below. The carriers would have responsibility to communicate the terms of their contract of carriage, without the constructive notice that has up to now been afforded by tariff filing. The reasonableness of the terms and the adequacy of notice to the passengers would be subject to court review.

We believe that this alternative has a number of advantages over the present system and the proposal set out in EDR–404. The proposal would eliminate an anachronistic system that was developed in order to monitor and curtail service competition. As we have already noted, the rules tariffs have been an ineffective method of providing notice of the terms of carriage to passengers, and have merely become a defense for carriers who are faced with litigation. At the same time, tariffs are costly for the carriers to compile and update, and for the Board to monitor and maintain. There are significant costs associated with keeping them up to date and distributing them. The rules tariff system injects the government regulatory process into an area that may best be left to the workings of the free marketplace. Elimination now would provide a valuable transition period before the Congressionally-mandated elimination of domestic tariffs on January 1, 1983. In the interim, the Board would monitor the results and make recommendations to Congress as appropriate.

The abolition of rules tariffs should not adversely affect airlines' ability to arrange interline air transportation. Carriers still will be able to develop and rely on interline agreements with other carriers as they do today. Indeed, it appears that the only significant new factor that carriers will have to consider in developing interline arrangements is providing notice of differing conditions of carriage. Since interlining passengers would presumably receive each carrier's passenger contract prior to boarding its flights, it may well be that arrangements among carriers to notify interlining passengers that conditions of carriage may differ among airlines, and to inform passengers how copies of summaries of other carriers' contracts can be readily obtained or inspected, will provide adequate protection for the carriers. Alternatively, some carriers might simply agree to accept the terms of the originating carrier's contract as applicable to all connecting flights of an interline passenger.

We invite comments on whether the application of this system to interstate and overseas air transportation will cause confusion among passengers or administrative difficulties for U.S. carriers in their foreign operations. In addition, we invite comments on what, if any, changes would be required in the rules tariff system for foreign air transportation if this option is adopted for domestic travel. The Board is not considering any action regarding foreign air transportation at this time; but if the comments point out problems, a rulemaking proceeding could be started.

Board-Prescribed Notices

The Board regulations now require carriers to disclose specific information to passengers about overbooking, denied boarding compensation, baggage liability limits, limits on liability for death or personal injury under the Warsaw Convention and other international agreements, and the availability for inspection of airline tariffs. The information is conveyed through prescribed ticket counter signs and printed notices on passenger tickets or ticket envelopes.

EDR–396 proposed changes to remove unnecessary regulatory requirements and to make the Board-prescribed notices more easily understood by passengers than they are under current regulations. The NPRM proposed adding a new Part 255, *Notice to Passengers of Conditions of Carriage*, that would centralize the requirements on disclosure of information to air travelers. If it were adopted, the Board would continue to prescribe the specific wording of counter signs, and notices on or accompanying airline tickets.

This supplemental notice adds an additional option for the Board's consideration. Rather than patching up the present system, we are proposing to eliminate all of the notices required in domestic and overseas air transportation and all but the overbooking notices in foreign air travel.

With the elimination of domestic rules tariffs, U.S. airlines would be free to decide what passenger information to provide on their domestic routes without governmental interference. As a result, the incentives of competition and

potential civil liability, rather than Board rules, would be the major influence on carrier behavior in interstate and overseas air transportation. This option has a number of advantages over both the present system and the proposal set forth in EDR-396. It would afford each airline flexibility to use its business and legal judgment when deciding what information to provide and the most effective means of communicating with its passengers. Deregulation in this area would also avoid imposing on carriers the expense of producing new counter signs and ticket forms at a time when changing industry practices and substantive regulatory requirements may limit the period when the information on the notices is accurate. Finally, it would eliminate the need for exemptions from the notice rules to accommodate airlines whose practices or services may differ from those described in the notices.

We are proposing to retain the counter signs and ticket notices now required by Part 250 for international air transportation, because the rules tariffs that will be filed in these markets will continue to afford the carriers considerable protection against claims brought by passengers bumped from oversold flights. The Board-prescribed notices on overbooking require actual disclosure of the carriers' positive obligations toward passengers, and carriers will not have a strong incentive to disclose this information voluntarily if they can rely on tariffs to provide constructive notice. As with the current Part 250 notice requirements, carriers will be able to apply for exemptions to substitute notices of their own that convey substantially the same information about their practices.

Removal of specific notice requirements may result in passengers receiving less information. We believe, however, that a competitive industry will respond adequately to passengers' needs and demands for information.

Details of Changes

In order to implement these changes in tariffs and Board-prescribed notices, amendments would be made in the Board's regulations. The duty of carriers to file rules tariffs would be removed from § 221.3, *Carrier's duty* A new section, § 221.8, *Rules Tariffs*, would be added. That section would provide that carriers in foreign air transportation must file rules tariffs, but carriers in interstate and overseas transportation must not. All carriers would still be required to file tariffs that set forth the terms governing the availability of particular fares. Examples of rules tariffs and fare-related conditions are listed in the rule.

Section 221.38 would be retitled *Technical requirements for rules tariffs*. Paragraphs (i), (j) and (l), dealing with passenger tariffs would be removed and reserved for all carriers. Paragraph (a) would be revised in its entirety to eliminate a listing of required rules tariffs filings. The new paragraph (a) would set forth the technical requirements for filing rules and rates tariffs.

All ticket and counter notice requirements would be removed from Part 221, *Tariffs* and Part 250, *Oversales* for domestic travel. Required notices relating to Warsaw Convention limitations for international travel would also be removed because they are unnecessary. The Warsaw Convention requires that notice of the liability limits be given to passengers, and courts have refused to enforce the limitation if clear and detail notice is not given.

Other Related Rulemakings and Orders

The Board is reviewing its present consumer protection regulations and orders to determine which requirements, if any, should be eliminated before sunset. Part of this review will be to make conforming changes to other parts of our regulations so that they are consistent with our final rule. The proposed removal of rules on the handicapped from tariffs will not affect the duty of carriers to comply with our substantive regulations that will be adopted shortly in Docket 34030. The Board's policy on guaranteed air fares will be announced in the final order in Docket 36496. Our requirements covering oversales and baggage claims are now reflected in passenger rules tariffs, and we will be considering the extent to which we will regulate these areas during the transition.

The Board plans to initiate a rulemaking proceeding seeking comments on a range of alternative ways to treat oversales and denied boarding compensation. This action will be in response to a petition by Transamerica to eliminate Part 250, *Oversales*, or amend it to give special treatment to low-fare carriers. This will not prevent final action being taken on EDR-401A, 46 FR 8561, January 27, 1981, which proposed to amend Part 250 to exclude carriers operating 60-seat and smaller aircraft from its requirements in most markets.

The minimum baggage liability limits for interstate and overseas air travel are set by Board order, and for international travel by the Warsaw Convention. In Order 80-8-133, August 21, 1980 (Docket 38621), we proposed to increase domestic baggage liability limits from $750 to $1,000 to reflect the effects of inflation on the value of baggage and its contents, although a final order has not yet been issued. The substantive baggage liability limitations must be distinguished from the proposed changes in rules tariff filings and notice requirements. If this supplemental notice of proposed rulemaking were adopted as a final rule and the Board continued to set baggage liability limits, carriers could not by contract limit their liability for delayed, lost, or damaged baggage below the prescribed level. The only differences would be that in domestic air travel, carriers would be free to notify passengers of their limited liability in whatever manner they chose, with the sufficiency of that notice a matter of ordinary contract law. There would be no Board-prescribed notices on counters or tickets, and there would be no constructive notice to passengers by including the limitation in the rules tariff filing. We plan to initiate a rulemaking proceeding to examine options with respect to domestic baggage practices.

Initial Regulatory Flexibility Analysis

The Regulatory Flexibility Act, Pub. L. 96-354, took effect on January 1, 1981. The Act is designed to ensure that agencies consider flexible approaches to the regulation of small businesses and other small entities. It requires regulatory flexibility analyses for rules that, if adopted, will have a significant economic impact on a substantial number of small entities.

The analysis is requred to describe the need, objectives, legal basis for, and flexible alternatives to the actions proposed here. The first three requirements are met by the discussion above. An alternative approach is set forth in the earlier, consolidated rulemaking.

In addition, the analysis must include a description of the small entities to which this proposal would apply, the reporting, recordkeeping or other compliance requirements of this proposed rule, and any other Federal rules that may duplicate, overlap or conflict with it. Elimination of rules tariffs and Board-prescribed notice requirements would aid small certificated carriers that currently have to file rules tariffs and provide the regulatory notices to passengers. Adoption of the proposal would leave important decisions about formulating and disclosing the terms of carriage to the business and legal judgment of carrier management. Adoption of the proposal may also have side effects on

travel agents, most of which are small businesses, as they participate in the air transportation system's adjustment to new methods of providing notice to passengers in a tariff-less environment. This adjustment would have to take place in any event with the Congressionally-mandated elimination of domestic tariffs on January 1, 1983. The proposed option will not impose any reporting, recordkeeping or compliance requirements. There are no other Federal rules duplicating, overlapping, or conflicting with the proposal.

Accordingly, the Civil Aeronautics Board proposes the following amendments to 14 CFR Part 221, *Tariffs*, and Part 250, *Oversales*, as a second option in its consolidated rulemaking:

PART 221—TARIFFS

1. Paragraph (a) of § 221.3 would be amended by removing the last clause in the first sentence so that as revised the paragraph would read as follows:

§ 221.3 Carrier's duty.

(a) *Must file tariffs.* Except as set forth in paragraph (d) of this section, every air carrier and every foreign air carrier shall file with the Board, and print, and keep open to public inspection, tariffs showing all rates, fares, and charges for air transportation between points served by it, and between points served by it and points served by any other air carrier or foreign air carrier, when through service and through rates shall have been established. Tariffs shall be filed, posted, and published in such form and manner, and shall contain such information as the Board shall by regulation prescribe. Any tariff so filed which is not consistent with section 403 of the Act and such regulations may be rejected. Any tariff so rejected shall be void.

* * * * *

§ 221.4 [Amended]

2. The definitions of "fare tariff" and "passenger tariff" in § 221.4, *Definitions*, would be removed.

3. A new section, § 221.8, *Rules tariffs*, would be added as follows:

§ 221.8 Rules tariffs.

(a) Except as specified in paragraph (b) of this section, carriers shall not file tariffs that set forth rules, conditions, or other provisions governing their contracts of carriage for interstate or overseas air transportation. Carriers are required to file such tariffs for foreign passenger air transportation. Following are examples of rules tariff subjects:

(1) Acceptance of children
(2) Baggage:
  (i) Acceptance
  (ii) Courier shipments
  (iii) Cabin baggage
  (iv) Conditions for acceptance of live animals
  (v) Conditions for acceptance of special items (sporting equipment, etc.)
  (vi) Electronic surveillance
  (vii) Free baggage allowance
(3) Check-in time limits
(4) Claims
(5) Conditional reservations and standby practices
(6) Credit practices
(7) Denied boarding compensation
(8) Failure to operate
(9) Failure to carry
(10) Refusal to transport
(11) Food service
(12) Entertainment
(13) Passports and visas
(14) Refunds (cancellation or no-show penalties)
(15) Reconfirmation of reservations
(16) Seating configurations
(17) Special lounges
(18) Rerouting
(19) Reservations
(20) Ticket issuance and validity

(b) In addition to tariffs setting forth fares, rates, and charges as specified in § 221.3, carriers shall file tariffs that set forth the terms governing the construction of fares or the availability of particular fares. Following are examples of fare construction rules and fare-related conditions:

(1) Construction of joint fares
(2) Construction of through fares
(3) Construction of unpublished local fares
(4) Advance purchse
(5) Blackout dates
(6) Capacity limits
(7) Charges for accepting special items and live animals
(8) Day of week/time of day applicability
(9) Excess baggage charges
(10) Group size
(11) Land package purchase
(12) Minimum/maximum stay
(13) Routing (including stopovers)
(14) Security charges
(15) Status of eligible passengers.

4. In § 221.38, paragraphs (i), (j) and (l) would be removed and reserved, paragraph (a) would be revised in its entirety, nd the section would be retitled, *Technical requirements for rules tariffs*, as follows:

§ 221.38 Technical requirements for rules tariffs.

(a) General requirements. Carriers filing tariffs setting forth rules, conditions or provisions of contracts of carriage for foreign passenger air transportation, or relating to rates, shall meet the requirements set forth in this section.

* * * * *

(i) [Reserved]
(j) [Reserved]

* * * * *

(l) [Reserved]

5. Paragraph (i)(2) in § 221.21 would be amended by adding "in foreign air transportation", so that as revised it would read as follows:

§ 221.21 Specifications applicable to all tariff publications.

* * * * *

(i) * * *

(2) A tariff applicable to passengers in foreign air transportation may include provisions applicable to passengers' baggage.

* * * * *

§ 221.107 [Reserved].

6. Section 221.107, *Aircraft equipment tariff*, would be removed and reserved.

§ 221.107a [Removed].

7. Section 221.107a, *Credit plan tariff*, would be removed.

8. In § 221.171, paragraph (a)(1) would be revised to read as follows:

§ 221.171 Posting at stations, offices, or locations other than principal or general office.

(a) * * *

(1) At stations, offices, or locations at which tickets for passenger transportation are sold, all tariff publications applicable to foreign passenger traffic from or to the point where such station, office, or location is situated.

* * * * *

9. Section 221.174 would be amended by adding "a contractual provision or", so that the revised section would read as follows:

§ 221.174 Notification to the passenger of status of fare, rule, charge or practice.

A carrier or ticket agent shall print, stamp upon, or affix to every purchased passenger ticket a notice stating that the price of the ticket is subject to adjustment prior to the commencement of transportation, except that such notice is not required where a passenger ticket is sold pursuant to a contractual provision or an effective tariff rule which provides that the price of such ticket is not subject to any future adjustment during the validity of the ticket or the ticket is sold for

transportation commencing on the same day.

PART 250—OVERSALES

10. In Part 250, *Oversales*, paragraph (b) of § 250.3, *Boarding priority rules*, would be revised to read as follows:

§ 250.3 Boarding priority rules.

* * * * *

(b) Every carrier in foreign air transportation shall file in its tariff its boarding priority rules and criteria, including a copy of its written statement explaining denied boarding compensation and boarding procedures, as described in § 250.9.

* * * * *

11. Section 250.4, *Denied boarding compensation tariffs; liquidated damages*, would be revised to read as follows:

§ 250.4 Denied boarding compensation tariffs; liquidated damages.

(a) Every carrier in foreign air transportation shall file tariffs providing compensation for passengers holding confirmed reserved space who are denied boarding involuntarily from an oversold flight that departs without those passengers. These tariffs shall incorporate the amount of compensation described in § 250.5 and the exceptions to eligibility for compensation described in § 250.6.

(b) The tariffs required in paragraph (a) of this section shall specify that the carrier will tender, on the day and place the involuntary denied boarding occurs, the appropriate compensation, which, if accepted by the passenger, shall constitute liquidated damages for all damages incurred by the passenger as a result of the carrier's failure to provide the passenger with confirmed reserve space.

12. Section 250.5, would be revised to read as follows:

§ 250.5 Amount of denied boarding compensation for passengers denied boarding involuntarily.

A carrier, as defined in § 250.1, shall pay compensation to all passengers denied boarding involuntarily from its oversold flights at the rate of 200 percent of the sum of the values of the passenger's remaining flight coupons up to the passenger's next stopover, or if none, to the passenger's destination, with a $75 minimum and a $400 maximum. However, the compensation shall be one-half the amount described above, with a $37.50 minimum and a $200 maximum, if the carrier arranges for comparable air transportation or other transportation used by the passenger that at the time either such arrangement is made is planned to arrive at the airport of the passenger's next stopover, or if none, at the airport of the passenger's destination, not later than 2 hours after the time the direct or connecting flight on which the confirmed space is held is planned to arrive, in the case of interstate and overseas air transportation, or 4 hours after such time in the case of foreign air transportation.

13. Paragraph (a) of § 250.6 would be revised by adding "or contractual provisions, as applicable", so that the paragraph would read as follows:

§ 250.6 Exceptions to eligibility for denied boarding compensation.

* * * * * * *

(a) The passenger does not present himself for carriage at the appropriate time and place, having complied fully with the carrier's requirements as to ticketing, check-in, and reconfirmation procedures and being acceptable for transportion under the carrier's tariffs or contractual provisions, as applicable; or

* * * * * * * *

14. Paragraph (b) of § 250.9 would be amended to add "in foreign air transportation" so that as revised the paragraph would read as follows:

§ 250.9 Written explanation of denied boarding compensation and boarding priorities.

* * * * * * *

(b) Prior to furnishing such statement to any person, each carrier in foreign air transportation shall file a copy of the statement or any revision thereof in its tariff, as provided in § 250.3. The language of the statement or revision must have the prior approval of the Board unless its text is as prescribed below. (Applications for alternative wording of the statement shall be filed with the Director, Bureau of Pricing and Domestic Aviation.)

* * * * * * *

15. Section 250.11 would be amended by revising the introductory text of paragraph (a), revising paragraph (b), and including the words "subject to this section" in paragraphs (c) and (d) so that as revised they read as follows:

§ 250.11 Public disclosure of deliberate overbooking and boarding procedures.

(a) Every carrier engaged in foreign air transportation shall continuously display in a conspicuous public place at each desk, station, and position in the United States which is in the charge of a person employed exclusively by it, or by it jointly with another person, or by any agent employed by such air carrier or foreign air carrier, to sell tickets to passengers, a sign located so as to be clearly visible and clearly readable to the traveling public, which shall have printed thereon the following statement in bold-face type at least one fourth of an inch high:

* * * * * * *

(b) Air carriers shall include with each ticket for foreign air transportation sold in the United States that notice printed in at least 12-point type in ink contrasting with the stock. The notice may be printed on a separate piece of paper, on the ticket stock, or on the ticket envelope.

(c) It shall be the responsibility of each carrier subject to this section to ensure that travel agents authorized to sell air transportation for that carrier comply with the notice provisions of paragraphs (a) and (b) of this section.

(d) Any carrier subject to this section that wishes to use a disclosure notice of its own wording, but containing the substance of the language prescribed in paragraph (a) of this section, may substitute a notice of its own wording upon approval by the Board. Applications for such approval shall be filed with the Director, Bureau of Domestic Aviation.

(Secs. 102, 204, 401, 402, 403, 404, 411, 416, 1001, 1002, Pub. L. 85-726 as amended, 72 Stat. 740, 743, 754, 757, 758, 760, 769, 771, 788; 49 U.S.C. 1302, 1324, 1371, 1372, 1373, 1374, 1381, 1386, 1481, 1482)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-20334 Filed 7-10-81; 8:45 am]

BILLING CODE 6320-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 600

Statements of General Policy or Interpretation; Proposed Enforcement Position

AGENCY: Federal Trade Commission.

ACTION: Withdrawal of proposed staff interpretation.

SUMMARY: Based on an inconclusive factual record, the Commission is withdrawing a previous staff proposal for an interpretation of the Fair Credit Reporting Act which was published for comment in 44 FR 11091 (February 27, 1979). The Commission reaches no conclusion on the issues raised by the proposed interpretation and will continue to monitor information exchange practices of insurance companies through its on-going Fair Credit Reporting Act enforcement program.

DATES: The action is effective immediately.

FOR FURTHER INFORMATION CONTACT: Robert W. Russell, Attorney, Division of Credit Practices, Federal Trade Commission, Washington, DC 20580, (202) 724–1182.

SUPPLEMENTARY INFORMATION: On February 27, 1979 Commission issued a staff proposal for an interpretation of the application of the Fair Credit Reporting Act ("FCRA") to exchanges of personal information between insurance companies. [44 FR at 11091]. The staff proposal defined the conditions under which the Commission would consider exchanges of information between insurance companies to be "consumer reports" within the meaning of the FCRA. Comments were requested on the staff proposal's impact.

Comments were received from 49 individual consumers, and private attorneys, seven insurance industry trade associations, eight insurance companies, and from a civil rights group.

All comments received from industry opposed the interpretation as an erroneous application of the Act to insurance companies. Comments received from industry members also suggested that the Commission's proposed interpretation of the FCRA is a substantive rule and as such goes beyond the authority granted to the Commission by Congress. As indicated in the prior **Federal Register** Notice and in § 1.73 of the Commission's Rules, such interpretations are not substantive rules but public expressions of the enforcement position which the Commission intends to take under the Fair Credit Reporting Act. The purpose of such interpretations is to provide guidance as to how the Commission interprets the statute and thus avoid charges of unfairness or surprise should future enforcement actions on this issue be commenced against a particular company or group of companies.

Consumers commenting on the proposed interpretation appeared to believe that the interpretation would require insurance companies to provide reasons for denial of insurance in all instances. Of the 49 consumers commenting, two opposed the interpretation. One noted that he is opposed to all government regulation; the other stated that although he strongly feels there is a need for regulation in this area, he believes that regulation at this time is too costly. Forty-seven consumers, two private attorneys and a civil rights group supported the proposal. A number of consumers supporting the proposal narrated personal experiences in which access to reasons for denial would have been helpful. Two consumers, for example, related that after spending time asking their agents or their companies to find the reasons for their denial, they were ultimately able to reverse denials of coverage. Another consumer stated that he was told an insurance company was forbidden by law from disclosing or explaining reasons.

The Medical Information Bureau (M.I.B.) comments requested clarification or correction of several points made in the background material accompanying the staff's proposals. The most important of these from the standpoint of the proposed interpretation was that under M.I.B. rules permitting adverse action based on M.I.B. codes which have been "verified" by the reporting company, non medical information reported by M.I.B. can never be used as the basis for an adverse underwriting decision. Details of M.I.B. codes exchanged between member companies may, however, be used, even if non medical. M.I.B. also pointed out that since 1977 it has prohibited reporting of medical codes based on information from non medical sources (such as interviews with neighbors or acquaintances) unless the information is obtained directly from the applicant. The background material was included with the staff proposal solely for the purpose of facilitating comments by persons outside the industry and, as such, had no substantive effect.

During the pendency of the staff proposal for an interpretation, the staff completed its investigation of the life and health insurance industry's compliance with the Fair Credit Reporting Act. On February 2, 1981 the Commission announced that the investigation had been closed based on a finding that there appeared to be no widespread failure by the industry members surveyed to comply with the Act. While the investigation found some instances of information, including medical information, being directly exchanged between several insurance companies, it did not establish that this was a frequent practice among the companies whose files were reviewed. Similarly, the comments submitted in response to the staff's proposed interpretation provided little hard data on the nature, frequency or effect of such exchanges.

In light of the paucity of information available concerning the impact of the practice addressed, the Commission has decided not to publish the staff's proposal as a proposed Commission interpretation. That proposal, which was published for comment on February 27, 1979 [44 FR at 11091] is therefore withdrawn. In doing so, the Commission reserves judgment on the merits of the issues addressed by the proposed interpretation. The Commission will continue to monitor the information exchange practices of insurance companies and will further consider these issues as they arise in its FCRA enforcement program.

Dated: July 7, 1981.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-20410 Filed 7-10-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD 80-094]

Snake Island, Texas City, Texas; Mooring and Fleeting of Vessels

AGENCY: Coast Guard, DOT.

ACTION: Proposed Regulation.

SUMMARY: The Coast Guard proposes to establish a Safety Zone prohibiting all vessels from mooring or anchoring and prohibiting all barges from fleeting, grounding or otherwise stopping on the west or northwest shore of Snake Island and its contiguous waters except in an emergency. Because of the particularly hazardous cargoes regularly laden aboard vessels in the Texas City Channel, the safe operation of all vessels in this area is of critical importance. This regulation will eliminate the generation of potentially disastrous situations and help to relieve congestion for large vessels due to the severely restricted navigation in the Texas City Channel.

DATE: Comments must be recieved on or before August 27, 1981.

ADDRESSES: Comments should be submitted to Commandant (G-CMC/44)[CGD 80-094), U.S. Coast Guard, Washington, D.C. 20593. Comments may be delivered to and will be available for inspection or copying at the Office of the Executive Secretary, Marine Safety Council (G.CMC/44), Room 4402, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593. Normal Office hours are 7 A.M. to 5 P.M., Monday through Thursday.

FOR FURTHER INFORMATION CONTACT: Ensign Edward G. LeBlanc, Project Manager, Office of Marine Environment

and Systems (G–WWM–2), Room 1608, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, D.C. 20593, (202) 426–4958.

SUPPLEMENTARY INFORMATION: The public is invited to participate in this proposed rulemaking by submitting written views, data or agruments. Comments should include the name and address of the person making them, identify this notice (CGD 80–094) and the specific section of the proposal to which each comment applies, and give the reasons for the comments. If an acknowledgement that a comment has been received is desired, a stamped addressed postcard or envelope should be enclosed.

All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is contemplated, but one may be held if written requests are received and it appears that a hearing will be beneficial.

Drafting Information

The principal persons involved in drafting this document are: Ensign Edward G. LeBlanc, Office of Marine Environment and Systems, Project Manager, and Lieutenant Michael Tagg, Office of the Chief Counsel Project Attorney.

Discussion of Proposed Regulations

Fleeting of barges is a common practice in various parts of the inland waterways system. The practice consists of a towboat pushing barges onto a bank or mooring groups of barges in a fleeting area to make up a consolidated tow. In most cases a towboat operator will moor the barges by ropes, wires or by grounding the barge onshore until a tow can be made up. During this process some or all of the barges may be left unattended for varying periods of time.

The fleeting of barges had been practiced in the Texas City harbor and channel until prohibited by a Captain of the Port order. The Texas City harbor and channel are very narrow and hazardous cargoes are frequently transported through them by tank ships and barges. Snake Island, which lies in the channel, had been used for the fleeting of barges but this practice created a severe congestion problem and presented a serious potential for a collision which could result in a major casualty. The danger presented by this practice was recognized by the Captain of the Port, Galveston, by an order issued on 9 March 1977, prohibiting the fleeting, standing, mooring, anchoring, or stopping of vessels and barges in the vicinity of the west and northwest shores of Snake Island. This order has reduced unnecessary congestion in the Snake Island area and reduced the potential for collision.

It is now proposed to make the order permanent under the authority of the Ports and Waterways Safety Act (33 U.S.C. 1221). The shipping industry in the Texas City area has found the order to be an effective solution to a potentially dangerous situation. Since the order was issued no economic or environmental inpacts have been noted which could have resulted from it. An open meeting on this subject was held on 27 February, 1979, in Texas City to discuss this proposal. The meeting was attended by representatives from government and industry and resulted in an endorsement of the proposal to make the temporary Captain of the Port order permanent through regulatory action

Regulatory Evaluation

The proposed regulation has been evaluated under Department of Transportation Order 2100.5 entitled "Policies and Procedures for Simplification, Analysis and Review of Regulations" dated May 22, 1980, and has been determined to be non-significant. An economic evaluation has not been conducted since the regulatory impact is expected to be minimal or non-existent.

These regulations have been in effect as a temporary Captain of the Port order. No additional costs were imposed on tow boat operators by the order. The COTP order impacted, as will these regulations, on tow boat operators in the Galveston area, which vary greatly in size of operations. Most of the operations are small, with none dominant in the field. No complaints or comments about unequal or excessive impact of the COTP order have been received by the COTP and these regulations will make no changes in the operations of affected vessels. For these reasons, pursuant to § 605(b) of the Regulatory Flexibility Act (94 Stat. 1164, Pub. L. 96–354) it is certified that the proposed regulations will not have significant economic impact on a substantial number of small entities.

The analysis under the Regulatory Flexibility Act is also applicable to that required by Executive Order 12291. For the same reasons it is determined that these regulations are non-major under the guidelines established by Executive Order 12291.

In consideration of the above, it is proposed to amend Part 165 of Chapter I of Title 33, Code of Federal Regulations as follows:

By adding § 165.760 to read as follows:

§ 165.760 Snake Island, Texas City, Texas; mooring and fleeting of vessels.

(a) The following is declared a Safety Zone:

(1) The west and northwest shores of Snake Island;

(2) The Turning Basin west of Snake Island;

(3) The area of Texas City Channel from the north end of the Turning Basin to a line drawn 000° true from the northwesternmost point of Snake Island.

(b) *Special Regulations.* All vessels are prohibited from mooring, anchoring, or otherwise stopping in the Safety Zone, except in case of an emergency.

(c) Barges are prohibited from fleeting or grounding in the zone.

(d) In an emergency vessels shall advise the Captain of the Port, Galveston, of the nature of the emergency via the most rapid means available.

[33 U.S.C. 1225; 49 CFR 1.46(n)(4)]

Dated: July 1, 1981.

J. W. Kime,

Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc. 81–20408 Filed 7–10–81; 8:45 am]

BILLING CODE 4910–14–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 10

[Docket No. FEMA–GEN–10–c]

Environmental Considerations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend FEMA's regulations implementing the National Environmental Policy Act (NEPA) of 1969 by categorically excluding actions taken under the authority of section 404 of the Disaster Relief Act of 1974 (Public Law 93–288) to provide temporary housing to individual disaster victims, except for housing in group mobile home sites.

DATE: Interested persons may participate in this proposed rulemaking by submitting written comments by September 15, 1981 to the Office of the Rules Docket Clerk at the address below. All comments received by that date will be taken into consideration, and they will also be available for inspection at the Office of the Rules Docket Clerk, FEMA.

ADDRESS: Rules Docket Clerk, Office of General Counsel, Federal Emergency

Management Agency, 1725 I Street NW., Washington, D.C. 20472.

FOR FURTHER INFORMATION CONTACT:
John Scheibel, Assistant to the General Counsel for Environmental Quality and Hazard Mitigation, FEMA, 1725 I Street, N.W., Washington, D.C. 20472. Telephone: (202) 634–1990.

SUPPLEMENTARY INFORMATION: FEMA has determined that temporary housing in mobile homes, travel trailers, or other readily fabricated dwellings (except those places on group sites) has no significant impact on the quality of the human environment and should be categorically excluded from the requirements of 44 CFR Part 10 (Environmental Considerations).

FEMA is taking this action because of the emergency nature of providing temporary housing, and because of the administrative burden and resulting time delays which would result from reviewing each proposed temporary housing action. It is important to remember that temporary housing in mobile homes, travel trailers, or other readily fabricated dwellings is a last-resort resource, and it occurs only when existing resources (such as private rental units or limited home repairs) are insufficient to house all eligible applicants. In fiscal year 1980, only 10% of temporary housing eligibles had to be housed in mobile homes. It would be undesirable to impose an unnecessary burden on this group of temporary housing applicants when the contemplated action has no significant impact on the environment.

Within the past two years, 86% of families who were housed in mobile homes had the units placed on a site either near their existing damaged dwelling which was complete with utilities and other required improvements already in place (46%), or on existing commercial sites or available commercial park spaces which may only have needed limited additional hook-ups to make the existing pads useful (40%). Neither of these actions has a significant further impact on the quality of the human environment.

Over the past three fiscal years (FY '78–'80), only seven of 69 temporary housing operations required group sites, and of the seven, two operations used group sites developed during a previous disaster and another developed a group site by adding to existing commercial park spaces. These statistics indicate that FEMA makes very infrequent use of group sites for temporary housing locations, and when utilized, minimizes any potential environmental consequences by selection of group sites already in use.

For the purposes of this rule, a group site is a site which accommodates 25 or more mobile homes, travel trailers, or other readily fabricated dwellings. However, when a group site is proposed to be developed with Federal funds and units are proposed to be placed on such site in a base floodplain, wetland or other recognized high hazard area. Federally-funded site development and the placement of more than one unit other than on a private or commercial site will be subject to the requirements of 44 CFR Part 10.

As indicated above, this regulation is basically procedural, and has little, if any, cost impact. It thus is not a major rule under Executive Order 12291. Also, this regulation is applicable to States, or to individuals, and is not applicable to small entities. Thus, pursuant to the provisions of 5 U.S.C. 605(b), it is hereby certified that the regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities.

FEMA has also consulted with the Council on Environmental Quality (CEQ) concerning this proposed rule. This rule expands 44 CFR 10.8(c)(2)(vii)(j) to accommodate this change regarding mobile homes, to subsume other temporary housing actions which were already excluded in (J), (K), and (L) of the current regulation (namely existing resources, minimal repairs, and mortgage and rental assistance) into an expanded (J), and renumber the crisis counseling exclusion from (M) to (K).

Authority for issuing the regulation is based on the National Environmental Policy Act, 42 USC 4321; Executive Order 11514, as amended by Executive Order 11991; Reorganization Plan No. 3 of 1978; Executive Order 12148; section 601 of the Disaster Relief Act of 1974.

This amendment would change the rule previously published as 44 CFR Part 10 (45 FR 41141; June 18, 1980) as amended at 46 FR 2049 on January 8, 1981.

Accordingly, it is proposed to amend 44 CFR Part 10 in § 10.8(c)(2)(vii) by revising subparagraph (J); removing (K) and (L) and redesignating (M) as (K). The revised text to read as follows:

§ 10.8 Determination of requirement for environmental review.

(c) Categorical Exclusions.
(2) * * *
(vii) * * *

(J) Temporary housing, except for Federally-funded development of or placement of mobile homes, travel trailers, or other readily fabricated dwellings on group sites. A group site consists of 25 or more units unless located in a base floodplain, wetland or other recognized high hazard area in which case more than one unit on a site constitutes a group (sec. 404); and

(K) Crisis counseling assistance and training (sec. 413).

Dated: July 6, 1981.

L. O. Giuffrida,
Director, Federal Emergency Management Agency.

[FR Doc. 81-20390 Filed 7-10-81; 8:45 am]
BILLING CODE 6718-01-M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

48 CFR Parts 31 and 42

Contract Cost Principles and Procedures; Contract Administration

AGENCY: Office of Federal Procurement Policy, Office of Management and Budget.

ACTION: Notice of Availability and request for comment on draft Federal Acquisition Regulation.

SUMMARY: The Office of Federal Procurement Policy is making available for public and Government agency review and comment a segment of the draft Federal Acquisition Regulation (FAR) regarding cost principles and procedures for contracts with educational institutions and contract administration.[1] Availability of additional segments for comments will be announced on later dates. The FAR is being developed to replace the current system of procurement regulations.

DATE: Comments must be received on or before September 4, 1981.

ADDRESS: Obtain copies of the draft regulation from and submit comments to William Maraist, Assistant Administrator for Regulations Office of Federal Procurement Policy, 726 Jackson Place, N.W., Room 9025, Washington, D.C. 20503. Federal agency request must be directed to the FAR Agency Contact Point (see **Federal Register**, Vol. 46, No. 50, March 16, 1981, p. 16918 for list).

FOR FURTHER INFORMATION CONTACT:
William Maraist (202) 395–3300.

SUPPLEMENTARY INFORMATION: The fundamental purposes of the FAR are to reduce proliferation of regulations; to eliminate conflicts and redunancies; and to provide an acquisition regulation that is simple, clear and understandable. The

[1] A copy of the draft Federal Acquisition Regulation is filed with the original document.

intent is not to create new policy. However, because new policies may arise concurrently with the FAR project, the notice of availability of draft regulations will summarize the section or part available for review and describe any new policies therein.

The following parts of the draft Federal Acquisition Regulation are available upon request for public and Government agency review and comment.

PART 31—CONTRACT COST PRINCIPLES AND PROCEDURES

Subpart 31.3—Contracts with Educational Institutions

This subpart implements Office of Management and Budget (OMB) Circular No. A–21, cost principles for educational institutions, revised February 26, 1979 with respect to contracts. The subpart provides principles for determining the costs applicable to research and development, training, and other work performed by educational institutions under contracts with the Government.

There are no proposed policy changes in the draft FAR. However, since OMB Circular A–21 applies to both contracts and assistance agreements, its principles are applied to both types of arrangements by intermittently using terms associated with both in the Circular. FAR drafters have attempted to apply the language of A–21 to contracts only, deleting, where appropriate, references to grants and other assistance terminology. Reviewers of this FAR segment are requested to note and comment if the drafters have inadvertently caused a policy change in this proposed implementation.

PART 42—CONTRACT ADMINISTRATION

Subpart 42.1—Interagency Contract Administration and Audit Services

This subpart prescribes policies and procedures for obtaining and providing interagency contract administration and audit services in order to (1) provide specialized assistance through field offices located at or near contractors' establishments, (2) avoid or eliminate overlapping and duplication of Government effort, and (3) provide more consistent treatment of contractors. The coverage is based primarily on OFPP Policy Letter 78–4, and relates to Defense Acquisition Regulation (DAR) Section XX, Parts 5 and 6.

Subpart 42.2—Assignment of Contract Administration

This subpart prescribes policies and procedures for assigning, retaining, or reassigning contract administration, and for requesting and performing supporting contract administration. Though it generally follows the policies and procedures of DAR Section XX, Part 7 and 1–406 (a) and (b), the FAR provides more flexibility to agencies and less detailed rules on retaining contracts for administration than the DAR now prescribes within the Department of Defense (DOD).

Subpart 42.3—Contract Administration Functions

This subpart is based on the list of functions currently in DAR 1–406. The functions have been divided into one list of 57 normal functions, and a separate list of eight functions to be performed only when and to the extent specifically authorized by the contracting office. The FAR list of functions includes all but three of those in DAR 1–406(c), but two of the functions (making payments and negotiating and executing supplemental agreements under provisioning procedures) have been made contingent on pescription in agency acquisition regulations in order to accommodate differences betwen DOD and other agencies. The list of 57 normal functions has been reordered to group them by general functional areas within the contract administration office.

Subpart 42.4—Correspondence and Visits

This subpart prescribes procedures for handling correspondence related to contract administration and for Government personnel planning to visit contractor's facility in connection with one or more government contracts. It is based on DAR Section XX, Part 8.

Subpart 42.6—Corporate Administrative Contracting Officer (CACO)

This subpart describes the assignment and responsibilities of CACOs, who may be needed to deal with corporate management and perform selected contract administration functions on a corporate-wide basis when a contractor has more than one operational location and its operations affect the work of more than one administrative contracting officer. Based on DAR Section XX, Part 9, the coverage includes minor changes to adapt DAR 20–903, Assignment, to the interagency environment and to tie the CACO function to the cross-servicing policy in subpart 42.1. Administration of Cost Accounting Standards is added as a typical CACO function.

Dated: July 6, 1981.

LeRoy J. Haugh,

Associate Administrator for Regulatory Policies and Practices.

[FR Doc. 81-20409 Filed 7-10-81; 8:45 am]

BILLING CODE 3110-01-M

Notices

Federal Register
Vol. 46, No. 133
Monday, July 13, 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

Soil Conservation Service

Alpena County Parks RC & D Measure, Michigan; Finding of No Significant Environmental Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Homer R. Hilner, State Conservationist, Soil Conservation Service, 1405 South Harrison Road, East Lansing, Michigan 48823, telephone 517–337–6702.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Counsel on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Alpena County Parks RC & D Measure, Alpena County, Michigan.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Homer R. Hilner, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for the installation of practices for critical area treatment and public water based recreation. The planned works of improvement include 8 vault-type toilets, 20 campsites, 6 miles of nature trails, 50 grills, 55 picnic tables, 2 boat docks, 4 swimming rafts, 3 boat launching ramps, 5,200 linear feet of rustic fencing, 2 drinking fountains, 100 park signs, 100 linear feet of access stairs, 2 foot bridges, erosion control structures, and critical area seeding. Total construction cost is estimated to be $83,060; $42,580 RC & D funds and $40,480 local funds.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Homer R. Hilner. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: July 2, 1981.

Joseph W. Hass,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81–20341 Filed 7–10–81; 8:45 am]

BILLING CODE 3410–16–M

Chigley and Rock Creek Critical Area Treatment RC & D Measure, Oklahoma; Finding of No Significant Environmental Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Roland R. Willis, State Conservationist, Soil Conservation Service, Agricultural Center Office Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074, telephone 405–624–4360.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Chigley and Rock Creek Critical Area Treatment RC & D Measure, Murray County, Oklahoma.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Roland R. Willis, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment for erosion control. The planned works of improvement include construction and vegetation of waterways, gully shaping, grade stabilization structures, diversion terraces, pipedrops, and establishment of trees and fencing of critical areas.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Roland R. Willis. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: July 2, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81–20342 Filed 7–10–81; 8:45 am]

BILLING CODE 3410–16–M

Elkton Water Plant and Meadow Park Critical Area Treatment RC & D Measure, Maryland; Finding of no Significant Environmental Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Gerald R. Calhoun, State Conservationist, Soil Conservation Service, 4321 Hartwick Road, College Park, Maryland 20740, telephone 301–344–4180.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Elkton Water Plant and Meadow Park Critical Area Treatment RC&D Measure, Cecil County, Maryland.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Gerald R. Calhoun, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment for the Elkton Water Plant and Meadow Park along the Big Elk Creek. The planned works of improvement include 380 feet of gabions along the south side of the millrace and the westerly bank of Big Elk Creek on the Elkton Water Plant property, and 280 feet of gabions along the east side of Big Elk Creek at Meadow Park.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Gerald R. Calhoun. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: July 2, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81–20343 Filed 7–10–81; 8:45 am]

BILLING CODE 3410–16–M

Hill Road Public Drainage Association Flood Prevention and Drainage RC & D Measure, Caroline County, Maryland; Finding of No Significant Environmental Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Gerald R. Calhoun, State Conservationist, Soil Conservation Service, 4321 Hartwick Road, College Park, Maryland 20740, telephone 301–344–4180.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Hill Road Public Drainage Association Flood Prevention and Drainage RC & D Measure, Caroline County, Maryland.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Gerald R. Calhoun, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for the excavation of approximately 1.7 miles of outlet drainage with a contributing drainage area of 123 acres. The planned works of improvement include excavation, spoil spreading, and vegetation of all disturbed areas.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Gerald R. Calhoun. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: July 2, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81–20344 Filed 7–10–81; 8:45 am]

BILLING CODE 3410–16–M

Pleasant Valley Creek Watershed, Washington; Finding of No Significant Environmental Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Lynn A. Brown, State Conservationist, Soil Conservation Service, 360 U.S. Courthouse, West 920 Riverside Avenue, Spokane, Washington 99201, telephone 509–456–3711.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Pleasant Valley Creek Watershed, Whitman County, Washington.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Lynn A. Brown, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for land treatment to reduce erosion, improve water quality, and enhance fish and wildlife habitat. The planned works of improvement include conservation practices such as residue management, divided slope farming, terraces, grassed waterways, wildlife plantings, and stream corridor management.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental

assessment are on file and may be reviewed by contacting Mr. Lynn A. Brown. The FNSI has been sent to various Federal, State, and local agencies, and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: July 2, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-20345 Filed 7-10-81; 8:45 am]

BILLING CODE 3410-16-M

Stony Creek RC & D Measure, New York; Finding of No Significant Environmental Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Paul A. Dodd, State Conservationist, Soil Conservation Service, 100 South Clinton Street, Syracuse, New York 13260, telephone 315-423-5076.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Stony Creek RC & D Measure, Warren County, New York. The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Paul A. Dodd, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan to stabilize three critically eroding roadbanks on County Route 3/22 in Warren County, New York, near the village of Stony Creek. The planned project includes regrading all three sites to a 2:1 slope and applying vegetative treatment.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assesment are on file and may be reviewed by contacting Mr. Paul A. Dodd. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: July 2, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-20346 Filed 7-10-81; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

[Order 81-7-34; Docket 38285]

Aeroservicios Ecuatorianos, C.A.; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause: Order 81-7-34.

SUMMARY: The Board proposes to approve the following application: Applicant: Aeroservicios Ecuatorianos, C.A. Application Date: June 6, 1980. Docket: 38285. Authority Sought: A foreign air carrier permit for nonscheduled and charter foreign air transportation of property only between Guayaquil and/or Quito, Ecuador and the coterminal points Miami and Houston.

Objections: All interested persons having objections to the Board's tentative findings and conclusions that this authority should be granted, as described in the order cited above, shall no later than July 31, 1981, file a statement of such objections with the Civil Aeronautics Board (20 copies) and mail copies to the applicant, the Department of Transportation, the Department of State, and the Ambassador of Ecuador in Washington, D.C. A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Secretary of the Board will enter an order which will, subject to disapproval by the President, make final the Board's tenative findings and conclusions and issue the proposed permit.

ADDRESSES FOR OBJECTIONS:

Docket 38285, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428

Applicant: Aeroservicios Ecuatorianos, C.A., c/o Joanne W. Young, Meyers, Marshall & Young, Twelfth Floor, 1050 Seventeenth Street, N.W., Washington, D.C. 20036

To get a copy of the complete order, request it from the C.A.B. Distribution Section, Room 516, 1925 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: David B. Modesitt, Regulatory Affairs Division, Bureau of International Aviation, Civil Aeronautics Board; (202) 673-5373.

By the Civil Aeronautics Board: July 7, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-20378 filed 7-10-81; 8:45 am]

BILLING CODE 6320-01-M

Former Large Irregular Air Service Investigation; Applications of Aero Exchange, Inc., d.b.a. Pan Aero International; Hearing

[Dockets 33363, 39471 and 39472]

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on August 13, 1981, at 10:00 a.m. (local time), in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D. C., before the undersigned administrative law judge.

Dated at Washington, D. C., July 7, 1981.

William A. Pope, II,

Administrative Law Judge.

[FR Doc. 81-20377 Filed 7-10-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-729; Docket 37294]

Order Concerning Mail Rates

Order 81-7-29, July 7, 1981, Docket 37294, denies the petition for reconsideration of Order 81-5-100 filed by United Air Lines, Inc.. Order 81-5-100 established final domestic service

mail rates for the second quarter of calendar year 1981.

Copies of the order are available from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-20379 Filed 7-10-81; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

California 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 California Advisory Committee to the Commission will convene at 3:00 p.m. and will end at 6:00 p.m., on July 24; they will also convene at 9:00 a.m. and will end at 3:00 p.m. on July 25, 1981, at the Mission Valley Inn, 875 Hotel Circle South, San Diego, California 92108. The purpose of this meeting is to orient new members as well as plan for future projects.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Herman Sillas, Jr., 925 L Street, Sacramento, CA 93814, (916) 447–3383; or the Western Regional Office, 3660 Wilshire Boulevard, Suite 810, Los Angeles, CA 90010, (213) 798–3437.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 8, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-20372 Filed 7-10-81; 8:45 am]

BILLING CODE 6335-01-M

Indiana 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 Indiana Advisory Committee to the Commission will convene at 7:00 p.m. and will end at 9:00 p.m. on July 27, 1981, at the Gary City Hall, Council Lounge, 2nd Floor, 401 Broadway Street, Gary, IN 46402. The purpose of this meeting is to review and comment on the employment draft report and a discussion of new business.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mrs. Harriette B. Conn, 309 West Washington Street, Suite 501, Indianapolis, IN 46204, (317) 849–2734; or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, IL 60604, (312) 353–7371.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 8, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-20373 Filed 7-10-81; 8:45 am]

BILLING CODE 6335-01-M

Michigan 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 Michigan Advisory Committee to the Commission will convene at 5:00 p.m. and will end at 9:00 p.m. on July 23, 1981, at the Howard Johnson Hotel, 231 Michigan Avenue, Detroit, Michigan 48226. The purpose of this meeting is to plan for research and analysis of school desegregation, loan equality and other civil rights concerns.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Ms. Jo Ann W. Terry, 18922 Fairfield, Detroit, MI 48221, (313) 342–9386; or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, IL 60604, (312) 353–7371.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 8, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-20374 Filed 7-10-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration Advisory Committee on East-West Trade

Partially Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Advisory Committee on East-West Trade was initially established on February 11, 1974, and rechartered on December 5, 1980 in accordance with the Federal Advisory Committee Act, 5 U.S.C. App. (1976). The Committee advises the Department of Commerce on ways to promote and encourage the orderly expansion of commercial and economic relations between the United States and the communist countries.

Time and Place: July 22, 1981, at 9:30 a.m. For information on the place of the meeting call Ronald Oechsler, Office of East-West Policy and Planning (202) 377—5896 or 3110.The meeting is being called on short notice because Committee advice is needed to assist in policy reviews currently underway.

Agenda:

General Session (9:30 a.m.–12 p.m.)

(1) Welcome and Opening Remarks by the Chairman
(2) Introductory Remarks by Eugene Lawson, Deputy Assistant Secretary for East-West Trade
(3) Review of Developments in Export Administration
(4) Review of Developments in East-West Trade
(5) Report on Negotiations on Soviet Taxation of U.S. Companies
(6) Report on Paris Air Show
(7) Review of Pending East-West Trade Legislation

Executive Session (1:30 p.m.–3:45 p.m.)

(8) Committee Views on U.S.-Soviet Relations
(9) Update on Economic/Commercial/ Financial Developments in Poland and Implications for East-West Trade
(10) Report on PRC International Finance

Public Participation: The General Session of the meeting will be open to the public. Approximately 50 seats will be available (including 5 seats reserved for media representatives) on a first-come first-served basis. A period will be set aside for oral comments or questions by the public which do not exceed ten minutes each. More extensive questions or comments may be submitted in writing 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 July 7, 1981 pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, P.L. 94–409, 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 in 5 U.S.C. 552b(c)(1); i.e., material specifically authorized under criteria established by Executive Order 12065 (3 CFR 190 (1979)) to be kept secret in the interest of national defense or foreign policy and properly classified pursuant to such Executive Order.

A copy of the Notice of Determination to close the aforementioned portion of the July 22, 1981 meeting is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, Washington, D.C. 20230. Telephone: (202) 377-4217. Summary minutes of the General Session will be available 30 days after the meeting.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT: Ronald G. Oechsler, Committee Control Officer, Office of East-West Policy and Planning, International Trade Administration, Room 4816, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202-377-5896.

Dated: July 7, 1981.

Eugene K. Lawson,

Deputy Assistant Secretary for East-West Trade.

[FR Doc. 81-20028 Filed 7-10-81; 8:45 am]

BILLING CODE 3510-25-M

Viscose Rayon Staple Fiber from Sweden, Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Countervailing Duty Order.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on rayon staple fiber from Sweden. The review is based upon information for the period October 1, 1979, through September 30, 1980. As a result of this review, the Department has preliminarily determined the amount of the net subsidy to be 3.44 percent of the f.o.b. invoice price for regular fiber and 40.37 percent of the f.o.b. invoice price for modal fiber. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: July 13, 1981.

FOR FURTHER INFORMATION CONTACT: Paul J. McGarr, Office of Compliance, Room 2803, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1167).

SUPPLEMENTARY INFORMATION:

Procedural Background

On May 15, 1979, a notice of "Final Countervailing Duty Determination, Viscose Rayon Staple Fiber from Sweden," T. D. 79-141, was published in the **Federal Reigster** (44 FR 28319). The notice stated that the Department of the Treasury had determined that exports of viscose rayon staple fiber from Sweden benefitted from bounties or grants within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Tariff Act"). Accordingly, imports into the United States of this merchandise were subject to countervailing duties.

On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 (the "TAA") became effective. On January 2, 1980, the authority for administering the countervailing duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the Federal Register of May 13, 1980 (45 FR 31455) a notice of intent to conduct administrative reviews of all outstanding countervailing duty orders.

On August 22, 1980, liquidation of entries of viscose rayon staple fiber from Sweden was suspended. The U.S. International Trade Commission ("the ITC") notified the Department on October 30, 1980, that an injury determination had been requested under secion 104(b) of the TAA. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the order on viscose rayon staple fiber from Sweden.

Scope of the Review

Imports covered by this review are both regular and high-wet modulus ("modal") viscose rayon staple fiber from Sweden. These imports are currently classifiable under items 309.4320 and 309.4325, Tariff Schedules of the United States Annotated.

The review is based upon information for the period October 1, 1979, through September 30, 1980, and it is limited to the two programs found countervailable in the original order: the elderly employment compensation program and the interest free loans/grants program. The sole Swedish producer is Svenska Rayon AB ("Svenska").

Analysis of Programs

1. The elderly employment program

The Swedish government provides a subsidy to certain companies within the textile industry through a special employment contribution by the government for older workers. This program was established by Swedish government bill 1976/77: 105, adopted on March 3, 1977. While the program is designed to encourage the retention of any redundant employees, compensation is provided to a company based upon the number of hours worked by employees over 50 years of age. A company participating in the program must agree not to dismiss or release redundant employees of any age except because of normal attrition. Payments are calculated on the basis of 25 kroner per hour for every hour worked by production workers over age 50. The payments can total up to 15 percent of the company's total labor cost. Svenska participated in this program. We have preliminarily determined that the gross payments under this program are 3.44 percent of the f.o.b. invoice price for both regular and modal viscose rayon staple fiber. Since there is no issue of offsets, the net subsidy is also 3.44 percent of the f.o.b. invoice price.

2. Interest-free government loans/grants

For the purpose of national defense, the Swedish government subsidizes the establishment of productive capacity for modal rayon staple fiber. Accordingly, the government and Svenska negotiated an agreement whereby the government lent, on an interest-free basis, investment capital needed to establish productive capacity for modal fiber. The loans were to be forgiven if Svenska maintained those production facilities for modal fiber for ten years. The loans provided Svenska under this first agreement, referred to as Project 77, totaled 14 million kroner.

Government bill 1977/78: 125, adopted on March 16, 1978, approved a second larger investment loan program, referred to as Project 81, under which Svenska has received additional interest-free loans for the development of its modal fiber plant. Pursuant to the bill, a 67.3 million kroner loan was authorized. By the end of September 30, 1980, the government had actually paid 58.171 million kroner. The Swedish government provided in February 1979 an additional 1.8 million kroner loan to Svenska for environmental improvements to the plant.

Svenska's obligation to the Swedish government of 14 million kroner under Project 77 has been forgiven at the rate of 10 percent per year in 1978, 1979, and 1980. If Svenska maintains its modal production facilities, the government will forgive the remainder of the Project 77 loans and also the Project 81 loans in the future.

We are treating 10 percent of the Project 77 funds as a grant during this review period rather than a loan because forgiveness has occurred. We are treating the 59.971 million kroner Svenska received from the Swedish government under Project 81 as an interest-free loan until forgiveness

occurs. We have calculated the subsidy on Project 81 on the basis of the interest Svenska would have paid if it had borrowed the money commercially during the period of review. We have preliminarily determined that the net subsidy under the interest-free government loans/grants program for the development of Svenska's modal fiber plant is 36.93 percent of the f.o.b. invoice price of the modal fiber.

We verified the information supplied by the Swedish government and Svenska through examination of Swedish government laws and documents, and Svenska's books and records.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that the aggregate net subsidy conferred by the Government of Sweden on the production of modal viscose rayon staple fiber is 40.37 percent of the f.o.b. invoice price and on the production of regular viscose rayon staple fiber is 3.44 percent of the f.o.b. invoice price.

The Department intends to instruct the Customs Service to assess countervailing duties at the rate stated above on all unliquidated entries of regular and modal viscose rayon staple fiber from Sweden entered, or withdrawn from warehouse, for consumption on or after January 1, 1980, and exported on or before September 30, 1980. The provisions of section 303(a)(5) off the Tariff Act, prior to the enactment of the TAA, apply to all entries made prior to January 1, 1980. Accordingly, the Department also intends to instruct the Customs Service to assess countervailing duties on unliquidated entries of modal fiber which were entered, or withdrawn from warehouse, for consumption prior to January 1, 1980, at 8.6 percent of the f.o.b. invoice price of modal viscose rayon staple fiber, the amount set forth in T.D. 79–141. The rate for regular fiber under T.D. 79–141 was 0 percent.

Further, unless the ITC finds there is no injury or likelihood of injury, a cash deposit of the estimated countervailing duties listed above shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of the present review. This requirement shall remain in effect until publication of the final results of the next administrative review.

Pending publication of the final results of the present review, a deposit of estimated duties of 8.6 percent of the f.o.b. invoice price of modal viscose rayon staple fiber shall continue to be required on each entry, or withdrawal from warehouse, for consumption of modal rayon staple fiber. No deposit of estimated duties shall be required for regular fiber.

Interested parties may submit written comments on or before August 12, 1981 and may request disclosure and/or a hearing on or before July 28, 1981. Any request for an administrative protective order must be made on or before July 20, 1981. The Department will publish the final results of this administrative review including the results of its analysis of any such comments or hearing.

This administative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

July 7, 1981.

[FR Doc. 81-20325 Filed 7-10-81; 8:45 am]

BILLING CODE 3510-25-M

[Case Nos. 608 and 606]

Gerald M. Starek and Carl E. Story; Order

In the matter of: Gerald M. Starek, 13795 Via Alto Court, Saratoga, California 95070 (Case No. 608) and Carl E. Story, 22266 DeAnza Circle, Cupertino, California 95014 (Case No. 606); Order.

The Office of Export Administration, United States Department of Commerce initiated administrative proceedings pursuant to Section 11(c) of the Export Administration Act of 1979, (50 U.S.C. app. § 2401, *et seq.* (Supp. III 1979)) (the "Act") and the Export Administration Regulations (15 CFR Part 368, *et seq.* (1980)) (the "Regulations") against Gerald M. Starek ("Starek") and Carl E. Story, ("Story"). The charging letters alleged that the respondents violated §§ 387.2, 387.4 and 387.6 of the regulations.

The Department and the respondents have entered into consent agreements, 15 CFR 388.17, whereby each party agreed to settle this matter (1) by a denial of all exporting privileges to Starek and Story for a three-month period terminating on September 30, 1981, (2) by a denial of all export privileges to Starek and Story to certain countries for a five-year period termininating on September 30, 1986, and (3) by a denial of validated export license privileges to Starek and Story to all destinations, subject to certain conditions, for the period ending on September 30, 1986.

The terms of the consent agreement, as incorporated in this order, are approved by the undersigned. Therefore, pursuant to the authority vested in me, 15 CFR, Part 388, it is

Ordered

First. For the period ending September 30, 1981, Starek and Story are denied all export privileges; however, upon notice to the Hearing Commissioner, and all else being regular, the respondents may, (i) export in fulfillment of contracts entered into prior to July 1, 1981, and (ii) export in fulfillment of service and repair requirements (including spare and replacement parts) in connection with prior legal exports. Written notice or notice by telephone or telegraph shall be given at least 5 days prior to the proposed export, but shorter notice will be accepted in the event of emergencies (customer requirements).

Second. For a further five-year period ending on September 30, 1986, Starek and Story are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Administration Regulations, with respect to the following countries: Albania, Bulgaria, Cuba, Czechoslovakia, Estonia, German Democratic Republic (including East Berlin), Hungary, Laos, Kampuchea, Latvia, Lithuania, Mongolian People's Republic, North Korea, Poland, Romania, the Union of Soviet Socialist Republics and Vietnam. Without limiting the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation (i) as a party or as a representative of a party to any validated export license application; (ii) in the preparation of filing of any export license application or reexport authorization, or of any document to be submitted therewith; (iii) in the obtaining or using of any validated or general export license or other export control document; (iv) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part, exported or to be exported from the United States; and (v) in the financing, forwarding, transporting, or other servicing of such commodities or techncial data. Nothwithstanding the foregoing, upon notice to the Hearing Commissioner, and all else being regular, Starek and Story may (i) export

in fulfillment of contracts entered into prior to July 1, 1981, and (ii) export in fulfillment of service and repair requirements (including spare and replacement parts) in connection with prior legal exports. Written notice or notice by telephone or telegraph shall be given at least 5 days prior to the proposed date for export, but shorter notice will be accepted in the event of emergencies (customer requirements).

Third. For a further five year period ending on September 30, 1986, Starek and Story are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction which (1) requires a validated export license or reexport authority from the Office of Export Administration, and (2) involves commodities or technical data subject to the Export Administration Regulations which are exported or to be exported from the United States in whole or in part. Without limiting the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include particpation (i) as a party or as a representative of a party to any validated export license application; (ii) in the preparation or filing of any export license application or reexport authorization; and (iii) in the obtaining or using of any validated export license. Notwithstanding the foregoing, during this period of denial of validated export privileges, Starek and Story may file export license applications for any spare, replacement or stock part which requires a validated export license and which is to be used in connection with commodities previously exported or which may be exported in accordance with the provisions of this Order.

Fourth. The foregoing restrictions apply to Starek and Story, individually, as well as to any person, firm, corporation or other business organization, including Silicon Valley Group, Inc., a company presently incorporated in the State of California (which company was not in existence at the time of the alleged violations which are the subject of this Order), to which Starek or Story are now or hereafter become related by affiliation, ownership, control, position of responsibility or other connection, in the conduct of export trade or services related thereto. Starek and Story shall obtain from any such person, firm, corporation or other business organization, including Silicon Valley Group, Inc., its acknowledgment of the terms and conditions of the Consent Agreements and this Order, together with its acknowledgment of its responsibilities thereunder, and that they shall provide such acknowledgments to the Hearing Commissioner.

Fifth. During the periods of denial of export privileges described above, the respondents must promptly inform the Hearing Commissioner of any changes in their affiliation, ownership, control, position of responsibility or other connection in the conduct of export trade or services related thereto with any person, firm, corporation or other business organization. An appropriate Order may be entered as necessary to reflect changes in related party status, following notice and opportunity for Starek or Story and any related party to comment.

Sixth. If during the period of denial of validated export privileges described in paragraph Third hereof, the designation of any commodity or technical data which Starek or Story currently exports, or which Starek or Story may hereafter export as a result of subsequent purchase, acquisition or development, under a general license is reclassified to require a validated export license, Starek or Story may file export license applications on the same basis as other applicants.

Seventh. Starek and Story will report to the Hearing Commissioner on or before the 25th day of each month during the periods of denial, detailing all exports made by them or by any related party, including Silicon Valley Group, Inc., to which this Order may now or hereafter apply. Each report shall describe the commodities or technical data exported; identify the countries and ultimate consignees to which the exports were made; and, if known or otherwise required by the Export Administration Regulations, describe the end-use of the exports.

Eighth. On or before October 1, 1982, the respondents may petition for review and relaxation of the monthly reporting requirements mandated in paragraph Seventh above.

Ninth. During the periods of denial respondents at all times shall afford access to authorized government officials to any and all of their export and related records and/or any such records maintained by a related party, including Silicon Valley Group, Inc., to which this Order may apply.

The charging letters, the consent agreements, the Memorandum of Understanding, and this Order are available for public inspection. 15 CFR 388.20(c).

Dated this first day of July 1981.

This Order is effective July 1, 1981.

Bertram Freedman,

Hearing Commissioner.

[FR Doc. 81-20335 Filed 7-10-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Announcement of the Removal of the Waters Around Culebra/Culebrita and Cordillera Islands From the List of Active Candidates for Marine Sanctuary Designation

AGENCY: Office of Coastal Zone Management (OCZM), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice.

SUMMARY: The Acting Assistant Administrator for OCZM has determined that the waters around Culebra/Culebrita/Cordillera Islands, off Puerto Rico should not continue to be an Active Candidate. The basis for this determination is the lack of local support for the nomination, the complex nature of the issues related to the site; the inability of the Acting Assistant Administrator to give full review concurrently to three sites off Puerto Rico at this time; and the similarity of resources found at these areas. A draft environmental impact statement will be prepared for the two remaining sites—the waters at La Parguera and the waters around Mona/Monito Islands.

SUPPLEMENTARY INFORMATION: On December 18, 1980, OCZM published a notice in the **Federal Register** (Vol. 46, No. 84) declaring three sites off Puerto Rico as Active Candidates for marine sanctuary designation. The sites were the waters around the islands of Mona and Monito, the waters off La Parguera and waters around Cordillera/Culebra/Culebrita Islands. On May 1, 1981, a notice was published announcing the availability of an Issue Paper and a schedule of public workshops in Puerto Rico May 26, 28, 29, 1981.

Written comments on the Issue Paper were favorable and supported the concept of a marine sanctuary for all three sites. Public reaction at the workshops was favorable to the establishment of a sanctuary at La Parguera and Mona/Monito. However, considerable local opposition was voiced by residents of Culebra against any further Federal involvement in resource protection on or around the islands of Culebra and Culebrita.

In addition to local public reaction to the Culebra/Culebrita/Cordillera site,

two other factors have led the Acting Assistant Administrator to determine that the area should be removed from the List of Active Candidates at this time.

Designation of a marine sanctuary would require an extensive staff effort which, due to other project commitments, is not feasible at this time. Currently, OCZM is developing management plans for four recently designated sanctuaries (Channel Islands and Point Reyes/Farallon Islands National Marine Sanctuaries off California; and Gray's Reef and Looe Key National Marine Sanctuaries off Georgia and Florida, respectively,) and processing two Active Candidates (waters off southest St. Thomas, USVI; and Monterey Bay area, California). In light of the demands to complete these projects, the Acting Assistant Administrator does not have the means to give full consideration to three additional Active Candidates off Puerto Rico within the time specified in the rules and regulations for development and management of marine sanctuaries (Part 922.24, FR Vol. 44, No. 148 7/31/79).

Finally, many of the resources in the Culebra/Culebrita/Cordillera area—well developed coral reefs, marine grass beds, and stands of fringing mangroves—are also found within the waters at La Parguera and around Mona and Monito.

Accordingly, OCZM is removing the waters around Culebra/Culebrita/Cordillera Islands from the List of Active Candidates and returning it to the List of Recommended Areas.

The Puerto Rico Department of Natural Resources concurs in this assessment and action.

FOR FURTHER INFORMATION CONTACT:

Mr Edward Lindelof, Gulf and Caribbean Project Manager, or Dr. Nancy Foster, Deputy Director, Sanctuary Programs Office, Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, Page Building I, 3300 Whitehaven Street, N.W., Washington, D. C. 20235, (202) 634–4236.

(Federal Domestic Assistance Catalog No. 11.419, Coastal Zone Management Program Administration)

Dated: July 2, 1981.

William Matuszeski,

Acting Deputy Assistant Administrator for Coastal Zone Management.

[FR Doc. 81-20360 Filed 7-10-81; 8:45 am]

BILLING CODE 3510-08-M

Intent To File an Environmental Impact Statement on Proposed Marine Sanctuaries In Puerto Rico and To Hold a Scoping Meeting for Federal Agencies

AGENCY: Office of Coastal Zone Management (OCZM), National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: The Office of Coastal Zone Management (OCZM), National Oceanic and Atmospheric Administration (NOAA), intends to prepare a draft environmental impact statement (DEIS) on two proposed marine sanctuaries in Puerto Rico in the waters off La Parguera and around Mona/Monito Islands in accordance with rules and regulations for the designation and management of marine sanctuaries (FR, Vol. 44, No. 148, Tuesday, July 31, 1979).

SUPPLEMENTARY INFORMATION: The EIS will be prepared and a scoping meeting held in compliance with the Council on Environmental Quality (CEQ) regulations (FR, Vol. 43, November 29, 1978). A scoping meeting for Federal agencies will be held July 21, 1981, at 10 a.m., Room B–100 (Navy Conference Room), Page Building I, 2001 Wisconsin Avenue, N.W., Washington, D.C. Interested parties who wish to submit suggestions, comments or substantive information concerning the scope or content of this proposed environemental impact statement should do so prior to July 31, 1981. Comments may be submitted in writing or by telephone to: Mr. Edward Lindelof, Gulf-Caribbean Project Manager, Office of Coastal Zone Management, NOAA, 3300 Whiteheaven Street, N.W., Washington, D.C. 20235, telephone (202) 634–4236.

(Federal Domestic Assistance Catalog No. 11.419, Coastal Zone Management Program Administration)

DATED: July 2, 1981.

William Matuszeski,

Acting Deputy Assistant Administrator for Coastal Zone Management.

[FR Doc. 81-20361 Filed 7-10-81; 8:45 am]

BILLING CODE 3510-08-M

National Technical Information Service Grant of Limited Exclusive Patent License

Notice is hereby given that the National Technical Information Service (NTIS), U.S. Department of Commerce, granted to Pennwalt Corporation a limited exclusive right in the United States and certain foreign countries for the manufacture, use and sale of the products embodied in U.S. Patents 4,036,987 (dated July 19, 1977) and 4,073,939 (dated February 14, 1978), "Control of Nematodes and other Helminths."

The limited exclusive license granted by NTIS is a royalty-bearing license for a term of five years from the date of regulatory approval or first commerical sale but not to exceed eight years from the date of license agreement. The license may be revoked in accordance with 41 CFR 101–4.104.5.

Dated: July 7, 1981.

Douglas J. Campion,

Acting Program Manager.

[FR Doc. 81-20357 Filed 7-10-81; 8:45 am]

BILLING CODE 3510-04-M

National Oceanic and Atmospheric Administration

Mid-Atlantic Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265), will meet to discuss the Bluefish Fishery Management Plan (FMP); status of other FMP's; foreign fishing applications; election of officers, as well as other fishery management and administrative matters. The meetings may be lengthened or shortened, or agenda items rearranged, depending upon progress on the agenda.

DATES: The public meetings will convene on Wednesday, August 5, 1981, at approximately noon, and will adjourn on Thursday, August 6, 1981, at approximately 4:30 p.m.

ADDRESS: The meetings will take place at the Best Western Airport Motel, Philadelphia International Airport, Route 291, Philadelphia, Pennsylvania.

FOR FURTHER INFORMATION CONTACT:

Mid-Atlantic Fishery Management Council, Room 2115—Federal Building, North and New Streets, Dover, Delaware 19901, Telephone: (302) 674–2331.

Dated: July 8, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-20401 Filed 7-10-81; 8:45 am]

BILLING CODE 3510-22-M

Pacific Fishery Management Council, Salmon Subpanel and Its Scientific and Statistical Committee; Public Meetings With a Partially Closed Session

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended in 1976 by Pub. L. 94–409, notice is hereby given of public meetings with a partially closed session of the Pacific Fishery Management Council. The Council, along with its Scientific and Statistical Committee (SSC) and its Salmon Subpanel were established by Section 302 of the Magnuson Fishery Conservation and Management Act (Public Law 94–265, 16 U.S.C. 1852) to manage and conserve America's fisheries as specified by the Act.

MEETING AGENDAS:

Council (open meeting)—consideration of the in season salmon management; conduct a public comment period beginning at 4 p.m., on August 7; conduct other fishery management business and consider administrative matters.

Council (closed session)—discussion of the status of current maritime boundary and resource negotiations between the U.S. and Canada. Only those Council members and related staff having security clearances will be allowed to attend this closed session.

SSC (open meeting)—consideration of in-season management; conduct a public comment period beginning at 3 p.m., on August 6, and evaluate and develop recommendations on other matters referred to the committee by the Council.

Salmon Subpanel (open meeting)—consideration of in-season salmon management.

DATES:

Council (open meeting) August 7–8, 1981 (1 p.m. to 5 p.m., on August 7; 9 a.m. to 5 p.m., on August 8).

Council (closed session) August 8, 1981 (8 a.m. to 9 a.m.).

SSC (open meeting) August 6–7, 1981 (8 a.m. to 5 p.m., on August 6 and 7).

Salmon Subpanel (open meeting) August 7 (8 a.m. to 5 p.m.).

ADDRESS: The meetings will take place at the Sheraton Inn-Airport, 8235 NE Airport Way, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Pacific Fishery Management Council, 526 S.W. Mill Street, Second Floor, Portland, Oregon 97201, Telephone: (503) 221–6352.

SUPPLEMENTARY INFORMATION: The Assistant Secretary fof Administration of the Department of Commerce, with the concurrence of the General Counsel, formally determined on June 19, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the agenda item covered in the closed session is exempt from the provisions of the Act relating to open meetings and public participation therein, because the meeting will be concerned with matters that are (A) specifically authorized under criteria established by an executive order to be kept secret in the interests of national defense or foreign policy and (B) in fact properly classified pursuant to such an executive order. (A copy of the determination is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, Department of Commerce.) All other portions of the meeting will be open to the public.

Dated: July 8, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-20422 Filed 7-10-81; 8:45 am]

BILLING CODE 3510-22-M

Pacific Fishery Management Council, Its Salmon Subpanel, and Its Scientific and Statistical Committee; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The Pacific Fishery Management Council was established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265), and the Council has established a Scientific and Statistical Committee (SSC) and a Salmon Subpanel to assist the Council in managing and conserving America's fisheries as specified by the Act. The Council, its SSC and Salmon Subpanel will meet to consider in-season salmon management.

DATES: The Council meeting will convene on Saturday, August 22, 1981, at approximately 8 a.m., and adjourn at approximately 5 p.m., in the Evergreen Room of the Doric Tacoma Motor Hotel; the SSC meeting will convene on Friday, August 21, 1981, at approximately 1 p.m., and adjourn at approximately 5 p.m., in the Cascade Room of the same motor hotel. The Salmon Subpanel meeting will convene on Friday, August 21, 1981, also, at approximately 8 a.m., and will adjourn at approximately 5 p.m., in the Olympic Room of the motor hotel.

ADDRESS: The address for these public meetings at the Doric Tacoma Motor Hotel is 242 St. Helens Avenue, Tacoma, Washington.

FOR FURTHER INFORMATION CONTACT: Pacific Fishery Management Council, 526 S.W. Mill Street, Second Floor, Portland, Oregon 97201, Telephone: (503) 221–6352.

Dated: July 8, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-20420 Filed 7-10-81; 8:45 am]

BILLING CODE 3510-22-M

Office of the Secretary

Department Administrative Order on Grants Administration

AGENCY: Department of Commerce.

ACTION: Final Department Administrative Order on Grants Administration.

SUMMARY: This Order establishes uniform policies and procedures for grants administration in the Department of Commerce to bring about more effective grants management. Prior to the development of this Department Administrative Order, grants management was handled at the organization unit level without overall Departmental guidance. Grants management policies and procedures were, therefore, often inconsistent and conflicting. As the first issuance of Departmental rules for grants management in the Department of Commerce, this Order will provide overall guidance and a basis for future Departmental grants policies and procedures.

EFFECTIVE DATE: January 12, 1981.

FOR FURTHER INFORMATION CONTACT: Sonya Gilliam, Chief, Departmental Grants Unit, Room 6886–C, U.S. Department of Commerce, 14th Street & Constitution Avenue, N.W., Washington, D.C. 20230.

SUPPLEMENTARY INFORMATION: Interested persons have been afforded an opportunity to participate in the making of this final issuance by a notice published in the **Federal Register** Friday, September 21, 1979. Since that time, the Department Administrative Order has undergone major revisions in response to internal review and intervening events.

[Transmittal 372; Department Administrative Order 203–26]

Effective Date: January 12, 1981.

Department of Commerce Grants Administration

Section 1. Purpose and Authority.

.01 This Order prescribes policies and procedures to be followed in the award and general administration of Department of Commerce (DoC) grants and cooperative agreements.

.02 This Order is issued under the authority of 5 U.S.C. § 301; Department

Organization Order 10-5, "Assistant Secretary for Administration;" and other laws and directives indicated in Appendix A as applicable.

Sec. 2. Scope.

Unless otherwise indicated, this Order is applicable to all DoC organization units in their award and administration of financial assistance as defined in Section 3. This Order does not apply to any other types of financial assistance.

Sec. 3. Definitions.

.01 Budget Data Analysis—The review and evaluation of the applicant's proposed budget data submitted with the grant proposal and of the judmental factors applied in projecting from that data to the estimated costs, in order to form an opinion on the degree to which the proposed costs in the budget represent what performance of the grant project should cost, assuming reasonable economy and efficiency.

.02 Contract—The legal instrument reflecting a relationship between the DoC and a recipient whenever (1) the principal purpose of the relationship is the acquisition, by purchase, lease, or barter, of property or services for the direct benefit or use of the Federal Government, or (2) it is determined in a specific instance that it is appropriate to use a type of procurement contract. A contract may also refer to the legal instrument reflecting a relationship between a recipient and its contractor or between such contractor and its subcontractor.

03 Cooperative Agreement—The legal instrument reflecting a relationship between the DoC and a recipient whenever (1) the principal purpose of the relationship is to provide financial assistance as defined in .04 below to the recipient and (2) substantial involvement is anticipated between DoC and the recipient during performance of the contemplated activity.

04 Financial Assistance—A transfer of money, property, services or anything of value to a recipient in order to accomplish a public purpose of support or stimulation which is authorized by Federal statute. As used in this Order, it includes only grants and cooperative agreements and does not include any agreement under which only direct or Federal cash assistance to individuals, a subsidy, loan, loan guarantee, or insurance is provided.

05 Grant [1]—The legal instrument reflecting a relationship between the DoC and a recipient whenever (1) the principal purpose of the relationship is to provide financial assistance as defined in .04 above to the recipient and (2) no substantial involvement is anticipated between DoC and the recipient during performance of the contemplated activity.

.06 Grant Close-Out—The process by which an organization unit determines that all required work of the grant and all applicable administrative actions including audit resolution have been completed by the recipient and the organization unit awarding the grant.

.07 Insular Area—As defined by 48 U.S.C. 1469(a), Pub. L. 95-134, Title V, § 501 (1977), as amended Pub. L. 95-348, § 9 (1978), the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Government of the Northern Mariana Islands.

.08 Organization Unit; Head of Organization Unit—Primary operating units, the Office of Regional Development, and other units authorized by a Secretarial Officer to award or administer financial assistance. The head of an organization unit is the head of a primary operating unit, the Special Assistant to the Secretary for Regional Development and, Secretarial officers.

.09 Recipient—Any individual or entity which receives financial assistance as defined in .04 above from the Deparment.

.10 Solicited Proposals—Applications for financial assistance which the organization unit providing financial assistance receives as a result of published notice or direct solicitation.

.11 Suspension—An organization unit action which temporarily suspends Federal sponsorship under the grant pending corrective action by the recipient or a decision to terminate the grant by the organization unit.

.12 Termination—Ending the recipient's authority to charge allowable costs to a grant prior to the expiration date in the award document.

.13 Unsolicited Proposals—Applications for financial assistance which are not received as a result of publication or direct solicitation.

Sec. 4. General Requirements.

.01 *Establishment of a Central Grants Unit in Each Organization Unit.*

a. The head of each organization unit shall establish, through an internal directive, a central grants unit within the organization unit. In addition to establishing the unit, the directive shall define the units responsibilities and duties. This unit shall interact with the Department's central grants unit, located in the Office of the Deputy Assistant Secretary for Acquisition, Grants and Information Management. Each organization unit's central grants unit shall perform the following primary duties, as well as other functions which may be assigned to it:

1. *Policy Implementation.*

(a) Review relevant draft regulations concerning grants to assure each program's compliance with Departmental and organization unit's grant administration requirements;

(b) Provide guidance to organization unit program managers concerning applicable statutes, circulars and regulations;

(c) Establish procedures and policies to implement the requirements set forth in this Order.

(d) Develop and/or revise the organization unit's grants administration policy manual(s).

2. *Monitoring.*

(a) Monitor the disposition of audit recommendations on grant matters within the organization unit;

(b) Review the organization unit's grant administration system for compliance with this Order; and

(c) Review grant forms and other grants documents for compliance with applicable requirements.

3. *Maintenance.*

(a) Assure that a grants training program is designed and implemented;

(b) Store and supply grants-related forms, circulars and other pertinent documents needed by programs within the organization unit.

4. *Liaison and Coordination.*

(a) Answer outside and intra-departmental questions and inquiries on grants-related matters; and

(b) Coordinate, where appropriate, the organization unit's joint-funding, consolidated funding, single letters of credit and other types of grants activities.

5. *Information Collection, Analysis, and Dissemination.*

(a) Collect organization unit material for the *Catalog of Federal Domestic Assistance* (CFDA) and the *Budget Information System* (BIS);

(b) Coordinate preparation and submission of reports on grant related matters for the Department of Commerce and;

(c) Disseminate information from the Department's central grants unit to appropriate organization unit personnel and offices.

b. A waiver of subparagraph 4.01.a. or any part thereof may be granted in those instances when the establishment of a central grants unit in or the performance of a particular function by a particular organization unit will impose undue administrative burdens on such organization unit. The procedures set

[1] Whenever the term "grant(s)" is used in this Order, it refers to both a grant(s) and cooperative agreement(s), unless specifically stated otherwise.

forth below must be followed in order to obtain such a waiver.

1. The head of the organization unit shall send to the Assistant Secretary for Administration a memorandum requesting a waiver to subparagraph 4.01.a. or particular part(s) or function(s) thereof.

2. The Assistant Secretary for Administration shall make the final decision to grant or deny the request and forward this decision to the head of the organization unit and the Deputy Assistant Secretary for Acquisition, Grants and Information Management.

.02 *Obligation to the Public.*

a. For each of its discretionary grant programs, each organization unit shall establish criteria for the selection of recipients. A discretionary grant program is a financial assistance program under which funds are awarded on the basis of merit or program need and to which an applicant is not entitled as a matter of law.

b. Where appropriate, the selection criteria should be stated with as much specificity as practicable. If differing weights or degrees of importance in evaluation are assigned to particular selection criteria, that should be indicated. When an organization unit initially formulates or intends to make a significant change in it selection criteria, it is encouraged to utilize the public participation requirements in Section 2(c) of Executive Order No. 12044, Improving Government Relations, 3 CFR 152 (1978).

c. To inform the interested public, it is the policy of the Department that each organization unit shall publish at least annually a notice in the **Federal Register** which includes basic information for each discretionary grant program. The Department strongly encourages each organization unit to include, where appropriate, as basic information, the following items:

1. The amount of funds available, and the purposes for which they may be spent;

2. Type of funding instrument planned to be utilized;

3. Eligibility criteria;

4. Application and/or preapplication due dates, if any;

5. Contact person/address/phone number;

6. Criteria for selection of recipients; and

7. The dates that funds are or will be available for award.

d. As required by the Office of Management and Budget (OMB), items which *must* be included in all Federal Assistance program announcements (including notices of availability of funds) are as follows:

1. The *Catalog of Federal Domestic Assistance* number and title as outlined in OMB Circular A–89: Catalog of Federal Domestic Assistance; and

2. A statement regarding the applicability of OMB Circular A–95, Evaluation, Review and Coordination of Federal and Federally Assisted Programs and Projects.

e. If material changes are made with respect to the information listed in 4.02c and 4.02d above, or if circumstances arise after annual publication which would affect the above listed information (such as the reprogramming of program funds or receipt of a supplemental appropriation), the new information or changed circumstances should be published in the **Federal Register** to give the public reasonable notice.

f. In order to ensure widespread notification to the public, program officials are strongly encouraged to utilize publications in addition to the **Federal Register** which, in their opinion, have a wide distribution among interested persons.

g. For-profit organizations may be eligible to receive grant awards where the head of an organization unit determines that such awards would be consistent with program purposes and would not violate any statutory restrictions. Such determinations shall be documented and placed in the official grant file.

.03 *Grants Administration Policy Manuals.*

a. *Organization Unit.* Each organization unit shall develop a grants administration manual which shall contain (1) each organization unit's grants administration policies and procedures and (2) the specific restrictions or requirements applicable to each grant program. This manual may be developed as either:

1. A single manual for all grant programs in the organization unit; or

2. A separate manual for each grant program in the organization unit.

An organization unit may choose to develop both types of manuals. All organization unit manuals shall be completed within one year from the effective date of this Order.

b. The Department grants unit shall work with each organization unit's central grants unit to develop an overall Departmental grants administration manual. This manual shall contain Departmental policies and procedures. The Departmental manual shall be completed within eighteen months after the effective date of this Order. Prior to completion of the Departmental manual, this Order shall serve as the Department of Commerce Grants Administration Manual.

c. *Contents.* All organization unit manuals shall be in compliance with this Order and shall be subject to a compliance review by the Deputy Assistant Secretary for Acquisition, Grants and Information Management. Each manual shall cover the following topics:

1. *Basic Authority and Coverage.*

(a) Enabling legislation,

(b) Delegations of authority,

(c) Applicable guidelines, regulations, circulars, and

(d) Definitions and terms.

2. *Federal Requirements, Policies, and Standards.*

(a) Title VI of the Civil Rights Act of 1964,

(b) Utilization of small business in contracts under grants,

(c) Utilization of minority business enterprise in contracts under grants,

(d) Utilization of labor area concerns,

(e) Nondiscrimination on the basis of sex, age or handicap,

(f) Construction requirements,

(g) Environmental standards, and

(h) Other applicable standards or requirements. (See Appendix A.)

3. *The Application Process.*

(a) Program design and goals,

(b) Applicant eligibility,

(c) Selection criteria for grant awards,

(d) Availability of information on grant programs,

(e) Identification of forms used in the grants process,

(f) Identification of applicable funding instrument,

(g) Extent of application technical assistance, if available,

(h) Process for handling unsolicited proposals, and

(i) Procedures for review and evaluation of budget data.

4. *The Award Process.*

(a) Responsibilities of officials involved in the award of grants including time periods applicable to fulfillment of responsibilities,

(b) Method of selection of recipients,

(c) Process for notification of award,

(d) Process for notification of rejected applicants,

(e) Statement on joint funding,

(f) Pre- or post-award conferences with applicants or recipients where desirable, and

(g) Process, where applicable, for notification of A–95 and TC 1082 clearinghouses.

5. *Monitoring and Administration.*

(a) Performance periods,

(b) Special award conditions,

(c) Modifications of grant agreements,

(d) Official project file(s),

(e) Procurement standards,
(f) Property management standards,
(g) Subcontracting and subawards,
(h) Use of consultants,
(i) Records retention, and
(j) Program reporting requirements.
6. *Financial Management.*
(a) Methods of payment,
(b) Financial reporting requirements,
(c) Application of cost principles,
(d) Program income,
(e) Non-federal contribution,
(f) Financial management standards,
(g) Obligation and disbursement of grant funds,
(h) Cash depositories,
(i) Bonding,
(j) Level of funding/matching requirements,
(k) Audit procedures, and
(1) Resolution of audit recommendations.
7. *Grant Close-Out.*
(a) Refunding procedures, as applicable, and
(b) Close-out procedures.
8. *Grantee and Federal Responsibilities.*
(a) Procedures for handling disputes, complaints, appeals,
(b) Fraud and abuse protection provisions, and
(c) Termination and suspension provisions.
9. *Procedures for Review and Evaluation of Internal Grants Administration System.*

.04 *Responsibilities and Duties of Certain Officials.* To insure sound management in the administration of grants, the specific roles and responsibilities of personnel involved in the grants process should be clearly defined. This subsection prescribes the minimum roles and responsibilities to be performed by these officials.

a. *Grants Officer(s).* A Grants Officer is an employee who has been delegated authority to take final action on grants by signing grant awards and modifications thereto. A Grants Officer is responsible for:

1. Assuring that the grant is prepared, executed, and administered in accordance with applicable policies, regulations, directives, and circulars;
2. Selecting the appropriate funding instrument to be used in the particular transaction;
3. The overall management of administrative aspects of the grant;
4. Approving sole-source awards of over $10,000 for contracts under grants;
5. Where appropriate and after seeking legal advice when necessary, assuring that the recipient is provided with interpretations of the grant document, regulations, policies, and directives;
6. Assuring proper monitoring of recipient's compliance with all terms and conditions of the grant and taking appropriate action where there is non-compliance;
7. Determining whether to suspend or terminate a grant;
8. Coordinating with the Inspector General to assure that audits are performed and any questions raised by audit reports are resolved;
9. Assuring that the grant is properly closed-out;
10. Approving the recipient's purchase of non-expendable personal property, real property, and arranging for proper disposition of the property;
11. Reviewing for appropriate action all reports submitted by the recipient;
12. Providing technical assistance, where appropriate, to the recipient in order to minimize any problems; and
13. Explaining to recipients there rights and responsibilities under award instruments.

A Grants Officer shall ensure the performance of functions 1. through 9. above. Functions 10. through 13. above may be reassigned by a Grants Officer.

b. *Legal Counsel.*

1. Grants are legally binding documents. The procedures established for grants administration are agency rules which have legal consequences. The preparation and interpretation of these documents and rules, any disputes which arise with respect to them, and agency actions taken (or failed to be taken) at any stage of grants administration, all have legal effects of concern to the agency and its grants programs, as well as to grant applicants, recipients, and beneficiaries. Accordingly, Grants Officers and other organization unit personnel participating in grants administration shall, not only in order to comply with Department Organization Order (DOO) 10-6 "Office of The General Counsel" but as a matter of good practice, request their legal counsel to assist in each of those instances.

2. This assistance shall include, but not be limited to the following:

(a) Review by counsel of the provisions of a proposed grant or class of grants for clarity, legal sufficiency, the avoidance of potential legal problems, and whether the award is otherwise in compliance substantively and procedurally with applicable laws and regulations.

(b) Participation of counsel on any occasions when the other parties under the grant are represented by their own attorneys in discussions or written communications on aspects of the grant.

(c) Consulting with counsel when there are any disputes with or apparent non-compliance by grantees or others arising from grants, or a need otherwise for interpretations or other legal advice.

3. The Grants Officer, program persons, and legal counsel shall interact on a timely basis to reach decisions and take appropriate action for effective grants administration. In those instances where the Grants Officer disagrees with legal advice given by counsel, they shall discuss and attempt to resolve the differences. If the differences are not resolved, counsel shall forward the advice in writing to the Grants Officer. The Grants Officer shall document and place in the official grant file the reasons for disregarding advice of counsel and shall send this documentation to the head of the appropriate legal office.

c. *Auditors.*

1. An auditor shall provide advice and reports on the adequacy of the financial management system of the applicant or recipient upon the request of the Grants Officer.

2. An auditor shall provide reports to the Grants Officer and the Financial Officer concerning costs and other activities which may be questionable in relation to the performance of the grant. The auditor shall provide other advice as may be requested by the Grants Officer or the Deputy Assistant Secretary for Acquisition, Grants and Information Management.

3. Procedures to be followed when the Grants Officer disregards recommendations or determinations of the auditor are as follows:

(a) In the event that the Grants Officer chooses to disregard recommendations or determinations set forth in writing by the auditor prior to interim or final audit reports, the following procedures shall be followed:

1. The Grants Officer shall document and place in the grant file the reasons for disregarding the recommendations/determinations of the auditor and shall forward this documentation to the Assistant Inspector General for Audits.

2. If the Grants Officer and the Assistant Inspector General cannot resolve the differences, the concerned parties shall promptly forward these justifications for their positions and pertinent documentation to the head of the organization unit of the Grants Officer. The decision of the head of the organization unit shall be promptly made and placed in the grant file.

3. The head of the organization unit may not delegate to the Grants Officer the responsibility to make a final decision on a matter subject to this internal review procedure.

(b) When an interim or final audit report has been issued and the Grants Officer and the Office of Audits field office director are unable to resolve action on the audit report recommendations and determinations, the following procedures shall be followed:

1. The Grants Officer and the Office of Audits field office director shall forward the pertinent documentation to the head of the organization unit (or his/her designee) under whose authority the grant was awarded, and to the Assistant Inspector General for Audits for their resolution. The auditee is not to be advised that any questioned cost will or should not be disallowed until a final decision is reached by the Department.

2. In those instances where a written determination of the action to be taken has not been made within six months from issuance of the report, or the head of the organization unit and the Inspector General cannot resolve the open audit recommendations or determinations, the Secretary, or, upon his/her determination, the Deputy Secretary, shall meet with the Inspector General and the head of the organization unit to determine the action to be taken.

d. *Financial Officer.* A Financial Officer has the following responsibilities:

1. Furnish full accounting support to an organization unit or program with regard to the administration of grants;

2. Provide financial data and reports on grants as requested by other Federal agencies, the organization unit or the Grants Officer;

3. Record the financial transactions associated with each grant from award to grant close out;

4. As applicable, arrange for the Treasury Department to issue checks to recipients, establish letters of credit on behalf of recipients, and monitor financial aspects of letters of credit;

5. Act as certifying officer as designated;

6. Record the appropriate financial information in the formal organization unit accounting system upon receipt of a notice of questioned costs from the Office of the Inspector General; and

7. Refer to the Assistant Secretary for Administration's designee for audit resolution on a quarterly basis audit findings which have not been resolved six months from the date of the audit report.

.05 *Joint Funding.*

a. Each organization unit is encouraged to a. examine proposals or Standard Form 424 received for their suitability for joint funding and b. inform applicants of the potential for joint funding based upon that examination.

b. The Department grants unit will provide technical assistance and guidance on OMB Circular A-111, Jointly Funded Assistance to State and Local Governments and Non-Profit Organizations, and other aspects of joint funding to organization units which seek to engage in a joint funding project.

.06 *Grants to Insular Areas.*

a. *Consolidation Process.*

1. Each organization unit shall identify each grant program where the underlying statute specifically provides for making grants to any Insular Area.

2. Each organization unit shall consolidate all grant programs identified in subparagraph .06a.1. above for the purpose of making a single consolidated grant award to an eligible Insular Area.

3. An organization unit is not required to include in its consolidated grant any grant which has the primary purpose of aiding construction activities. However, grants for construction activities may be consolidated at the discretion of the organization unit. All other types of grants—including project, formula, block, and entitlement grants—shall be included.

4. The minimum amount of a consolidated grant awarded by an organization unit for any Insular Area shall never be less than the sum which such area is entitled to receive for the fiscal year under existing entitlement grants.

b. *Organizational Responsibilities.*

1. The Department grants unit shall:

(a) Coordinate Departmental policy on consolidated grants for Insular Areas;

(b) Serve as the focal point within the Department for inquiries, statistics, and inter-agency studies on consolidated grants;

(c) Disseminate Departmental policy and information on consolidated grants to organization units;

(d) Submit reports on consolidated grants required by OMB, Congress, or others;

(e) Monitor consolidated grants and make recommendations for improving monitoring procedures;

(f) Develop and publish regulations governing the Department's policies and procedures on grants to Insular Areas; and

(g) After consultation with organization units, establish a uniform set of administrative requirements applicable to consolidated grants to Insular Areas. These standards to be published in the Federal Register shall:

(1) Reflect the policy behind Congressional authorization to consolidate;

(2) Require only a single written application for each consolidated grant;

(3) Provide for a single set of written program and financial reports for each consolidated grant, instead of individual reports for each grant which has been consolidated; however, an organization unit is not precluded from providing adequate procedures for accounting, auditing, evaluating, and reviewing any programs or activities receiving benefits from any consolidated activities;

(4) List the applicable matching fund requirements, if any, of each organization unit covered by this policy;

(5) Provide for implementation of applicable cost principles and OMB Circular A-102, Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments, relative to each consolidated grant, except as inconsistent with this policy; and

(6) Provide for such other administrative procedures as are necessary and consistent with this policy.

2. Each organization unit shall:

(a) Receive centrally the application of each Insular Area for a consolidated grant;

(b) Establish a deadline for review of an application by programs and distribute copies of the application to appropriate officials.

(c) Prepare and send a single notice of approval or denial of grant award to the recipient, with a copy sent to the Departmental grants unit;

(d) Designate a primary contact with the recipient on all administrative matters related to the consolidated grant;

(e) Arrange for the establishment of consolidated letters of credit whenever possible;

(f) Maintain one official project file on the consolidated grant;

(g) Arrange such meetings among program personnel involved in the grant as may be necessary;

(h) Arrange for technical assistance needed by the applicant;

(i) Receive centrally and distribute all required reports to programs; and

(j) Submit a monitoring and evaluation plan for each grant to the Department grants unit at the same time that a copy of the award is forwarded.

Sec. 5. Selection of the Funding Instrument.

.01 *General.* A major objective of the Federal Grant and Cooperative Agreement Act of 1977 (the Act), 41 U.S.C. § 501 *et seq.*, (Pub. L. 95-224), is to distinguish Federal grant and cooperative agreement relationships from Federal procurement contract relationships and to authorize their

different usages. The Act in part provides that if a Federal agency is authorized by law to use one or more of the three instruments, it now (a) is able to enter into any of the three types of arrangements (unless specifically prohibited by other law from using any of them); but, however, (b) shall use the applicable type delineated in the Act.

a. For example, if a program's statute authorizes the agency to enter into "contracts" with others for expressed purposes, and the principal intent of a legal instrument would be to accomplish a public purpose of support or stimulation rather than to acquire property or services for direct agency use of benefit, then the agency not only is authorized to issue a grant (or cooperative agreement) but is required to do so, unless a specific exception is made under the authority of the Act.

b. The Act authorized the OMB to issue supplementary interpretative guidelines. They are contained in 43 Fed. Reg. 36860 (August 18, 1978), Implementation of Federal Grant and Cooperative Agreement Act of 1977 (Pub. L. 95–224).

.02 *Responsibilities of Organization Units.*

a. Each organization unit shall ensure that the instrument used for each financial transaction appropriately reflects the nature of the relationship between the organization units and the recipient of funds.

b. As provided in the OMB guidelines, determinations whether a program or activity is principally one of procurement or financial assistance, and whether substantial Federal involvement in performance of the activity will normally occur, are basic agency decisions. For each program or proposed activity, the head of each organization unit or his/her designee shall make a determination as to the type of instrument that will most appropriately characterize the nature of the relationship (to be) established under that program of proposed activity. Each decision must be based upon program objectives and requirements as set forth in the Act and this section. The basis for each determination shall be documented.

c. Consistent with each of the above determinations, the Grants Officer shall determine, for each transaction that is referred to the Grants Officer for action, the type of instrument which will most appropriately reflect the nature of the relationship to be established by that individual transaction. Grants Officers shall document the basis for each of their determinations.

.03 *Distinguishing Contracts from Assistance Instruments.*

a. *Procurement Contracts to be Used.* The act states that the relationship between the agency and recipient is one of procurement whenever the principal purpose of the instrument is the acquisition, by purchase, lease, or barter, of property of services for the direct benefit or use of the Federal Government. Also, a type of procurement contract may be used in a specific instance when the organization unit decides that it is appropriate, e.g., whether public needs can be best satisfied by using the procurement process in a specific instance, instead of a grant or cooperative agreement. (See OMB Guidelines of August 18, 1978.)

b. *Grants and Cooperative Agreements to be Used.* The Act states that the relationship between the agency and the recipient is one of assistance whenever the *principal purpose* of the instrument is the transfer of anything of value to a recipient to accomplish a public purpose of support or stimulation authorized by Federal statute, rather than a procurement. A grant or cooperative agreement is generally used to provide this assistance. (See OMB Guidelines of August 18, 1978.)

c. *Grants and Cooperative Agreements are Not to be Used.*

Grants and cooperative agreements are not to be used as legal instruments for consultant services as defined in OMB Circular A–120, Guidelines for the Use of Consulting Services, dated April 14, 1980.

d. *Procedure.*

1. If a determination is made that the relationship is or should be (see a. above) one of procurement, the *Grants Officer* shall forward the application or proposal to the appropriate procurement office.

2. If a determination is made that the relationship is one of Federal assistance, the *Grants Officer* shall determine, pursuant to paragraph .04 below, whether substantial involvement is anticipated during performance of the activity.

e. *Change of Instrument.* Where a program has been conducted in whole or in part through the use of contracts but where the organization unit makes a determination to use assistance instruments, the organization unit head or designee shall require legal counsel to review the propriety of this determination. The same requirement shall apply to a change from assistance instruments to contracts. The bases for these determinations shall be documented.

.04 *Using Substantial Involvement to Distinguish Grants and Cooperative Agreements.*

a. The basic statutory criterion for distinguishing between grants and cooperative agreements is whether *substantial* involvement is *anticipated* between the organization unit and the recipient *during performance* of the contemplated activity, as described in the assistance instrument.

1. A grant is appropriate when substantial involvement is not anticipated. This means that the recipient can expect to perform the project without substantial organization unit collaboration, participation, or intervention.

2. A cooperative agreement is appropriate when substantial involvement is anticipated, i.e., the recipient can expect substantial organization unit collaboration, participation, or intervention in the management of the project.

b. *Increasing or Decreasing Involvement.*

1. In order to bring the project into conformance, an organization unit may find it necessary to intervene or otherwise to become substantially involved during the period of the grant. If substantial involvement is expected to continue after the period of the original grant, the renewal instrument shall be converted into a cooperative agreement. If an organization unit finds itself becoming substantially involved in a long-term grant activity, then the organization unit should convert the grant into a cooperative agreement after negotiation with the recipient.

2. Where an organization unit does not remain substantially involved in a project funded by a cooperative agreement, the cooperative agreement shall be converted into a grant, if and when the assistance instrument is to be renewed. If substantial involvement decreases in a long-term project, the cooperative agreement shall be converted into a grant after negotiation with the recipient.

c. *Deciding Whether There is Substantial Involvement.*

1. Sections C. and G. of the OMB Guidelines (August 18, 1978) describe the characteristics of the factors which each organization unit should consider in deciding whether there will be substantial involvement of the organization unit in the performance of activities under the assistance instrument.

2. This section sets forth examples of involvement which may be substantial depending upon the circumstances. The examples are not meant to be a checklist nor does the presence of a single factor necessarily constitute substantial involvement. Rather, they

illustrate concepts that, in varying degrees or combinations, could suggest the use of either a grant or a cooperative agreement.

3. *Examples of Involvement that may be Substantial.* Two types of examples follow. The lettered paragraphs are general examples, which OMB set forth in its guidelines. Each one of these general examples are followed by one or more specific examples.

(a) Organization unit power to immediately halt an activity if detailed performance specifications (e.g., construction specifications) are not met.

(1) Substantial involvement is anticipated where an organization unit establishes mandatory periodic goals in combination with close agency monitoring which could result in adverse action if the goals are not met on schedule.

(b) Organization unit requires approval of one stage before work can begin on a subsequent stage during the period covered by the assistance instrument.

(1) Substantial involvement is anticipated where an organization unit requires that the recipient meet specific procedural requirements before work under a grant may be continued, i.e., where the establishment of a community-based organization or broad community involvement is a prerequisite for continuing activities.

(c) Organization unit approval of substantive provisions of proposed subgrants or contracts under grants.

(1) Substantial involvement is anticipated where an organization unit—

(i) Participates in the selection of contractors, subcontractors, or subgrantees;

(ii) Approves "Requests for Proposals" or "Invitations for Bids" to be issued by recipients, contractors or subcontractors;

(iii) Approves the contractor/Subrecipient before the contract/subgrant may be awarded.

(2) Substantial involvement is not anticipated when an organization unit follows normal procedures as set forth in Attachment O of OMB Circulars A–102 and A–110 concerning Federal review of grantee procurement standards and sole source procurement.

(d) Organization unit involvement in the selection of recipient personnel. (This does not include provisions for the participation of a named principal investigator for research projects.)

(1) Substantial involvement is anticipated where an organization unit selects, particpates in the hiring, or requires approval of key recipient personnel.

(e) Organization unit and recipient collaboration or joint participation.

(1) Substantial involvement is anticipated where an organization unit—

(i) Works directly with a recipient scientist or technician;

(ii) Trains recipient personnel;

(iii) Details Federal personnel to work on the project effort.

(2) Substantial involvement is not anticipated merely because an organization unit may become involved in a project to correct unforeseen deficiencies in project or financial performance.

(f) Organization unit monitoring to permit specified kinds of direction or redirection of the work because of the inter-relationship with other projects.

(1) Substantial involvement is anticipated where an organization unit requires the recipient to achieve a specific level of cooperation with other projects that may or may not be funded by the organization unit.

(2) Substantial involvement is not anticipated if the recipient itself proposes to coordinate with another organization.

(g) Substantial, direct organization unit operational involvement or participation during the assisted activity to insure compliance with such staututory requirements as civil rights and environmental protection.

(1) Substantial involvement is anticipated where an organization unit participates with the recipient in the preparation of environmental impact assessment data;

(2) Substantial involvement is not anticipated where an organization unit merely exercises normal stewardship responsibilities during the project to ensure compliance with statutory requirements.

(h) Highly prescriptive operating unit requirements prior to award limiting recipient discretion with respect to scope of services offered, organizational structure, staffing, mode of operations, and other management processes, coupled with close operating unit monitoring or operational involvement during performance.

(1) Substantial involvement is anticipated where an organization unit—

(i) Closely reviews and requires changes in a recipient's internal procedures and monitors those changes during performance;

(ii) Requires that specific procedures be instituted which cause the recipient to significantly reallocate staff or resources and closely monitors implementation of those procedures;

(iii) Requires the recipient to create an organizational entity to perform an activity and monitors that entity's performance as prescribed;

(iv) Sets forth mandatory position descriptions for the recipient's personnel and requires prior approval for revisions;

(v) Requires that the recipient meet specific requirements in order to obtain funding and continue to receive funding. One such requirement would be the accomplishment of certain actions agreed to and set forth in a plan approved and monitored by the organization unit at the beginning of the award.

(2) Substantial involvement is not anticipated where an organization unit either performs a pre-award survey and requires corrective action to enable the recipient to adequately account for Federal funds; or performs normal monitoring as required by OMB and other circulars or this Order.

Sec. 6. Pre-Award Administrative Requirements, Policies, and Procedures.

.01 *Application Package or Kit.* Each organization unit shall include, at a minimum, the following documents in each application kit which shall be made available to potential recipients:

a. Application forms;

b. Information setting forth statutory, regulatory and other requirements applicable to the grant program, including eligibility criteria and reference to applicable OMB and other circulars (and indicating that free copies are available upon request);

c. Criteria for the selection of recipients; and

d. A statement of submission date deadlines, if any, and an estimate of time needed to review (including A–95 review where applicable) and process applications.

.02 *A–95 Review.* Pursuant to OMB Circular A–95, each organization unit shall report the disposition of those grant awards covered by the A–95 procedures.

.03 *Notifications to Applicants.*

a. Each organization unit shall acknowledge the receipt of all financial assistance proposals (solicited and unsolicited) within ten working days of the receipt of the proposal. This acknowledgement shall indicate the time-frame within which a decision is expected to be made.

b. Each organization unit shall notify the applicant of the decision concerning funding of the proposal within ten working days of that decision.

c. An organization unit may decide not to fund an unsolicited proposal at

the time it is submitted, but wish to retain the proposal on file for future funding consideration. If the proposal is kept on file for more than one year, the organization unit shall notify the sender of the status of the proposal.

d. If a decision has been made not to fund a proposal containing information marked "confidential," "proprietary," "trade secret," or the like, the proposal containing such information shall be returned promptly to the sender with a letter to be cleared by legal counsel.

.04 *Acceptance Date.*

a. The organization unit shall specify in the application kit the closing date, if any, for the acceptance of applications. The organization unit shall also specify that it will accept only those applications (1) which are received by the closing date, *or* (2) which show acceptable evidence of mailing on or before the closing date. Acceptable evidence consists of (1) a legible U.S. Postal Service postmark or (2) a legible mail receipt dated on or before the closing date.

.05 *Use of Forms: Application.*

a. Unless a nonstandard form has been approved by OMB, each organization unit shall use the standard application forms to the extent prescribed by the following circulars:

1. OMB Circular A–102, for grants to state and local governments and Indian tribes, Attachment M;

2. OMB Circular A–110, Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, for grants to hospitals, educational institutions and nonprofit organizations, Attachment M;

b. An organization unit shall not require more than one original and two copies of any application.

.06 *Budget Data Analysis.* Prior to the award of each grant, a thorough review and evaluation of the applicant's proposed budget data shall be performed. This review shall include the appropriate evaluation of cost data, including a determination that the costs proposed are in accordance with applicable cost principles; the evaluation of specific elements of costs; and projection of these data to determine the effect on costs of such factors as:

a. The necessity for certain costs;

b. The reasonableness of amounts estimated for the necessary costs;

c. Allowances for contingencies;

d. The basis used for allocation of overhead costs;

e. The appropriateness of allocation of particular overhead costs to the proposed project.

Organization units shall develop specific procedures for the review and evaluation of budget data to be in accordance with the above-stated guidelines. These procedures shall be included in the grants manuals developed by each organization unit.

.07 *Policy on Women Owned Business.* Each organization unit is strongly encouraged to take such action as is consistent with its authority and Executive Order No. 12138, Creating a National Women's Business Enterprise Policy and Prescribing Arrangements For Developing, Coordinating And Implementing A National Program For Women's Business Enterprise.

.08 *Composition of Grant File.*

a. Each organization unit shall maintain a single official project file for each grant. The official project file shall be located where official documents may be placed in the file in accordance with the organization unit's administrative needs.

b. The official project file shall contain, at a minimum:

1. The organization unit's advertisement in the **Federal Register** for the availability of grant funds;

2. The original of the proposal and application;

3. Documentation justifying the choice of instruments to be used;

4. Documentation of the evaluation upon which award selection was based;

5. Internal review document, such as the clearance sheet, bearing signatures or initials of grants personnel and legal reviewer;

6. Original award document with all attachments;

7. Any memoranda of negotiations with the recipient, and correspondence between the recipient and organization unit in the pre- and post-award phases;

8. The original of the performance and financial reports submitted by the recipient;

9. Property records;

10. Recipient requests for modifications;

11. Audit reports including documentation of actions taken and the resolution of audit findings;

12. Close-out documents;

13. Other correspondence relating to the project, including interagency and Congressional memoranda and letters.

.09 *Grant Agreement Document.*

a. *Cooperative Agreements.* Cooperative Agreements are subject to the same OMB, Treasury and Federal Management Circular requirements as grants.

b. *Terms and Conditions.*

1. The Department grants unit shall promulgate a set of minimal standard terms and conditions to cover those basic requirements applicable to all DoC grants. Modifications of the minimal standard terms and conditions will be permitted where there is substantial program justification.

2. Each organization unit with the assistance of the Department grants unit shall develop sets of general terms and conditions which (a) incorporate the set of standard terms and conditions referred to in paragraph 1. above; and (b) add the general requirements applicable to the grant programs in the operating unit. There shall be one set of general terms and conditions for each type of grant program in the operating unit (e.g., planning, construction, research, training, technical assistance), in addition to the special terms and conditions applicable to individual grants.

Sec. 7. Post-Award Administration of Grants.

.01 *Notification to States.* Each organization unit shall report all of its grant awards, regardless of purpose or type of recipient, to the appropriate state central information reception agency by following the procedures contained in Treasury Circular 1082, Notification to States of Grant-In-Aid Information.

.02 *Notifications to Recipients.* When a recipient is required to request and obtain organization unit approval before taking certain actions with respect to a grant, the organization unit shall acknowledge receipt of the recipient's request within ten working days of the organization unit's receipt of the correspondence. This notification of receipt of request shall, at a minimum, indicate the organization unit's decision regarding the request or indicate a time-frame within which a decision will be made. In the latter case, the decision shall be sent to the recipient in the time-frame specified.

.03 *Financial Management.*

a. Each organization unit shall comply with the applicable provisions of Attachments F, G, I, and J of OMB Circular A–110 and Attachments G, H, J, and K of OMB Circular A–102. In addition, each organization unit shall adhere to the following other requirements:

1. OMB Circular A–21, Principles for Determining Costs Applicable to Grants, Contracts and Other Agreements with Educational Institutions, FMC Circular 74–4, Principles for Determining Costs Applicable to Grants and Contracts with State and Local Governments, OMB Circular A–122, Principles for Determining Costs of Grants, Contracts, and Other Agreements with Non-profit

Organizations, and other applicable cost principles;

2. Treasury Circular 1075, Regulation Governing the Withdrawal of Cash from Treasury for Advance Payments under Federal Grant and Other Programs;

3. Department Administrative Order (DAO) 203–7, Cash Management and Advances of Cash Under Federal Grants and Other Programs;

4. Any other such directives or guidelines.

b. The following policies apply to each organization unit's financial management activities with regard to financial assistance programs.

1. *Use of Budgets.* Organization units shall require that a budget be included in every grant awarded which shall be used as the approved budget throughout the grant for financial monitoring purposes.

2. *Preaward Accounting System Surveys.* Organization units, in cooperation with the Assistant Inspector General for Audits, shall arrange for a preaward survey of financial management systems when the organization unit has reason to doubt the adequacy of the financial management system to meet the standards prescribed in the applicable OMB Circular, A–102 or A–110. In those cases where a recommendation is made to the organization unit that a grant should not be awarded to the potential recipient based on the preaward survey, and decision is made to make the award, the procedures set forth in subparagraph 4.04c. shall apply.

3. *Preaward Grant Costs.*

(a) All awards made by organization units shall have starting dates which either coincide with the award dates or are after the award dates except when organization unit delays cause the review to take longer than specified in the grant application kit. When this situation occurs, the appropriate program official shall submit for approval by the Grants Officer a detailed explanation setting forth the reasons for the delay.

(b) The applicant shall always be advised by the organization unit that incurring expenses in anticipation of receiving Federal assistance will be at the applicant's own risk. However, if applicants incur costs at their own risk in anticipation of receiving financial assistance, the applicant may request that pre-agreement costs be paid by the organization unit under the terms of the grant. In such a case, the Grants Officer must obtain from the applicant a statement of the costs estimated to have been and to be incurred in anticipation of receiving the financial assistance. This statement of costs must be reviewed by the Grants Officer for reasonableness and its relationship to the proposed activity and, if approved, shall be specifically set forth in the grant award as required by Federal Management Circular 74–4, OMB Circular A–21, and other applicable cost principles.

4. *Advance of Cash to Recipients.*

(a) Operating units shall follow the provisions of Teasury Circular 1075 (31 CFR 205) and procedural instructions required by Section 205.8 for reviewing financial practices of recipient organizations and instituting remedies for non-compliance with advance funding provisions found in Treasury Circular 1075 and OMB Circulars A–102 and A–110. Organization units shall also adhere to the provisions of Section 8 of DAO 203–7, "Advances to Grantees and Other Recipients".

(b) In making advance payments to recipients with an annual funding of less than $120,000 and a funding period of approximately twelve (12) months, or when the annual advance to a recipient organization aggregates more than $120,000 but there is not an expected continuing relationship between the federal agency and the recipient for at least one year, it is recommended that each organization unit make an effort to use the following procedures as guidelines in order to keep the recipient's account balance as close to zero as possible:

(1) Payments under grants of $10,000 or less shall be made semi-annually;

(2) Payments under grants of $10,001 to $25,000 shall be made quarterly;

(3) Payments under grants of $25,001 to $60,000 shall be made monthly;

(4) Payments under grants of $60,001 to $120,000 shall be made as frequently as necessary to meet the current disbursement needs of the recipient. However, the timing of the payments should be such that the recipient disburses the payment within one week of the advance check.

5. *Post-Expiration Costs.* Organization units shall not allow recipients to incur new obligations subsequent to the expiration date of the grant except to pay for activities associated solely with closing out the grant such as preparing final financial reports, editing or printing of final performance reports, or performing an audit.

.04 *Monitoring and Reporting.*

a. Each organization unit shall comply with the applicable requirements of Attachment H of OMB Circular A–110 and Attachment I of OMB Circular A–102.

b. No organization unit shall require more than an original and two copies of any reporting form or progress report. In addition, an organization unit shall not distribute any program literature which indicates that recipients must submit more copies of documents than prescribed in this paragraph.

c. Printing requirements in a grant award shall be consistent with Title III, paragraph 36 of the Government Printing and Binding Regulations.

d. The organization unit shall specify the number of such reports the recipient is required to submit in the grant agreement, and an estimated cost for printing the copies shall be included in the grant budget.

.05 *Program Income.* Each organization unit shall comply with the applicable provisions of Attachment D of OMB Circular A–110 and Attachment E of OMB Circular A–102.

.06 *Property Management.* Each organization unit shall comply with the applicable provisions of Attachment N of OMB Circulars A–110 and A–102.

.07 *Procurement.* Each organization unit shall comply with the applicable provisions of Attachment O of OMB Circulars A–110 and A–102.

.08 *Performance Problems.*

a. *Deficiencies.* When the organization unit or the Grants Officer determines that a recipient is deficient in its performance or management of the grant award, this determination shall be immediately communicated to the recipient and the recipient shall be given an opportunity to respond to the finding. Unless immediate termination is warranted, the Grants Officer shall allow the recipient a reasonable period of time to submit a plan to remedy the deficiency before further action is taken by the organization unit.

b. *Suspensions, Terminations.* Grant suspension and termination procedures for each organization unit shall be at least as stringent as the requirements of Attachment L of OMB Circular A–110 and Attachment D of OMB Circular A–102.

.09 *Close-out and Audit.*

a. Each organization unit shall comply with the applicable provisions of Attachment K of OMB Circular A–110, Attachments L and P of OMB Circular A–102, OMB Circular A–73 and DAO 213–4, External Auditing and Reporting.

b. Each organization unit shall require that the recipient return to the organization unit the unobligated balance of Federal funds to its possession no later than the time at which the Final Financial Status Report is submitted.

c. In cases where a recipient will no longer be in operation after a grant has been completed, the organization unit shall require the recipient (1) to identify

where records pertaining to the grant project will be located for the required three-year retention period and (2) to provide appropriate assurances of Government access thereto.

d. Consistent with Attachment F, paragraph 2.h. of OMB Circular A–110, each organization unit shall include in each grant agreement a statement as to the responsibility, if any, of the recipient or the grantor in obtaining an audit of the project.

Sec. 8. Examination of the Grant System Within Each Agency.

.01 *Annual Audit Schedule.* The Department central grants unit shall annually give the Office of the Assistant Inspector General for Audits a priority listing of organization unit programs which it believes should be audited. The Office of the Assistant Inspector General for Audits will consider this listing in arranging its audit schedule.

.02 *Review and Report.* Every fourth year a review team composed of Office of the Secretary personnel and organization unit personnel (as agreed to by the Department central grants unit and the head of the organization unit) shall review and evaluate the internal grants administration procedures of the organization unit and shall prepare a report containing findings and recommendations addressed to the head of the organization unit. The review will cover major areas: (a) monitoring compliance in all areas of this Order, and (b) determining conformance with the internal grants administration policies of the organization unit.

.03 *Procedures for Review and Evaluation.*

a. Procedures for review and evaluation of the grants administering system shall be described in the grants manual of each organization unit, based upon general guidance from the Department grants unit.

b. Each organization unit shall review periodically the adequacy of its program objectives and financial assistance criteria in light of the results achieved and changes in the public need.

.04 *Revisions.* Each organization unit shall revise its grants administration system to ensure that it is in conformance with the recommendations of the review team's report within a time period agreed to by the head of the organization unit and the Department grants unit.

Arlene Triplett,

Assistant Secretary for Administration.

Appendix A—Statutes, Circulars and Other Directives Affecting Grant Administration

The following list contains references for the statutes, regulations, executive orders, management circulars, and other general laws and directives that affect grants administration in general. This list does not include statutes, regulations, and other materials applicable only to a particular grant program. This list is not intended to be exhaustive; however, it is intended as an aid for use by Department of Commerce grants personnel. Inclusion of a reference in this Appendix does not necessarily mean that it applies to all grant programs.

I. Appropriations and Other Financial Matters

A. Appropriations: Expenditures or contract obligations in excess of funds prohibited, 31 U.S.C. 665(a).

B. Documentary evidence of obligations, 31 U.S.C. 200(a).

C. Congressional Budget and Impoundment Control Act of 1974, 31 U.S.C. 1301 *et seq.*

II. Environmental Protection

A. National Environmental Policy Act of 1969, as amended, Pub. L. 91–190, 42 U.S.C. 4321 *et seq.*

B. Section 508 of Federal Water Pollution Control Act Amendments of 1972, Pub. L. 92–500, 33 U.S.C. 1368; Executive Order No. 11738, Providing for Administration of the Clean Air Act and the Federal Water Pollution Control Act with Respect to Federal Contracts, Grants, or Loans, 3 CFR 799 (1973).

C. Title XIV of Public Health Service Act, as amended by Section 1424(e) of the Safe Drinking Water Act of 1974, Pub. L. 93–523, 42 U.S.C. 300f–j10.

D. Section 306 of Clean Air Amendments of 1970, Pub. L. 91–604, 42 U.S.C. 1857; Clean Air Act Amendments of 1977, Pub. L. 95–95; 42 U.S.C. 7401 *et seq.*

E. Endangered Species Act of 1973, Pub. L. 93–205, as amended by Pub. L. 95–632, 16 U.S.C. 1531 *et seq.*

F. National Flood Insurance Act of 1968, as amended by Sections 102 and 202 of Flood Disaster Protection Act of 1973, Pub. L. 93–234, 42 U.S.C. 4012a.

G. Executive Order No. 11296, Evaluation of flood hazard in locating Federally owned or financed buildings, roads, and other facilities, and in disposing of Federal lands and properties, 3 CFR 571 (1966).

H. Fish and Wildlife Coordination Act of 1956, as amended, Pub. L. 89–669, 16 U.S.C. 742a *et seq.*

I. Section 106 of National Historical Preservation Act of 1966, Pub. L. 89–665, as amended, 16 U.S.C. 470 *et seq.*; Procedures for the Protection of Historic and Cultural Properties, 36 CFR 800.

J. Executive Order 11593, Protection and Enhancement of the Cultural Environment, 3 CFR 559 (1971).

K. Achaeological and Historical Preservation Act, Pub. L. 93–291, 16 U.S.C. 469a—a–2.

L. Wild and Scenic Rivers Act of 1968, Pub. L. 90–542, as amended, 16 U.S.C. 1271 *et seq.*

M. Coastal Zone Management Act of 1972, as amended, Pub. L. 92–583, 16 U.S.C. 1451 *et seq.*; 15 CFR Part 930, Federal Consistency with Approved Coastal Management Programs, Subpart F.

N. Executive Order No. 11988, Floodplain Management, 3 CFR 117 (1977).

O. Executive Order No. 11990, Protection of Wetlands, 3 CFR 121 (1977).

P. Marine Mammal Protection Act of 1972, Pub. L. 92–522, 16 U.S.C. 1361 *et seq.*

III. Nondiscrimination

A. Title VI, Civil Rights Act of 1964, Pub. L. 88–352, 42 U.S.C. 2000d; 28 CFR Part 42, Subpart F, Coordination of Enforcement of Nondiscrimination in Federally Assisted programs, 15 CFR Subtitle A, Part 8, Nondiscrimination in Federally Assisted Programs of the Department of Commerce—Effectuation of Title VI of the Civil Rights Act of 1964.

B. Age Discrimination Act of 1975, Pub. L. 94–135, 42 U.S.C. 6101 *et seq.* (Supp. V, 1975).

C. Education Act Amendments of 1972, Title IX, as amended by Pub. L. 93–568, 20 U.S.C. 1681 *et seq.*

D. Rehabilitation Act of 1973, Section 504, Pub. L. 93–112, 29 U.S.C. 749; Rehabilitation Act Amendments of 1974, Pub. L. 93–516; 42 CFR Part 85, Implementation of Executive Order 11914, Nondiscrimination on the Basis of Handicap in Federally Assisted Programs.

E. Architectural Barriers Act of 1968, as amended, Pub. L. 90–480, 42 U.S.C. 4151 *et seq.*

F. Executive Order No. 11764, Nondiscrimination in Federally Assisted Programs, 3 CFR 849 (1974).

G. Executive Order No. 11246, Part III, Equal Employment Opportunity, 3 CFR 339 (1965), as amended by Executive Order Nos. 11375, 3 CFR 684 (1967) and 12086, 3 CFR 230 (1978).

IV. Participation of Minority and Women Owned Business

A. Executive Order No. 11625, Prescribing Additional Arrangements for Developing and Coordinating a National Program for Minority Business Enterprise, 3 CFR 616 (1971).

B. Executive Order No. 12138, Creating a National Women's Business Enterprise Policy and Prescribing Arrangements for Developing, Coordinating, and Implementing a National Program for Women's Business Enterprise (May 18, 1979).

V. Labor Standards for Grantee Contracts Only

A. Copeland Anti-Kickback Act, as amended, Pub. L. 85–800, 40 U.S.C. 276c, 18 U.S.C. 874.

B. Contract Work Hours and Safety Standards Act, Pub. L. 87–581, as amended, Pub. L. 91–54, 40 U.S.C. 327 *et seq.*

VI. Public Employee Standards

A. Hatch Political Activity Act, Pub. L. 89–554, as amended by Pub. L. 93–443, 5 U.S.C. 1501 *et seq.*

B. Intergovernmental Personnel Act of 1970, Pub. L. 90–577, as amended by Title VI, Sec. 602, Civil Service Reform Act, Pub. L. 95–454, 42 U.S.C. 4728–4763.

VII. General Administrative and Procedural Requirements

A. Federal Grant and Cooperative Agreement Act of 1977, Pub. L. 95–224, 41 U.S.C. 501 *et seq.*; OMB Guidelines, 43 FR 36860 (August 18, 1978).

B. Intergovernmental Cooperation Act of 1968, Pub. L. 90–577, 42 U.S.C. 4201 *et seq.*; OMB Circular A–97, Rules and Regulations

permitting Federal agencies to provide specialized or technical services to State and local units of government under Title III of the Intergovernmental Cooperation Act of 1968.

C. Joint Funding Simplification Act of 1974, Pub. L. 93-510, 42 U.S.C. 4251 *et seq.* (Supp. V, 1975).

D. OMB Circular A-40, Management of Federal Reporting Requirements (1979).

E. OMB Circular A-89 Revised, Catalog of Federal Domestic Assistance (1970).

F. OMB Circular A-95 Revised, Evaluation, Review, and Coordination of Federal and Federally Assisted Programs and Projects (1976).

G. A-111, Jointly Funded Assistance to State and Local Governments and Non-profit Organizations (1976).

H. Executive Order No. 12044, Improving Government Relations (1978).

I. Department of Commerce Directives for the Conduct of Federal Statistical Activities (May 1978). (Formerly OMB Circular No. A-46.)

J. FMC 74-8, Guidelines for Agency Implementation of the Uniform Relocation Assistance and Real Property Acquisition Policies of 1970, Pub. L. 91-642, 42 U.S.C. 4601 *et seq.*

K. Treasury Circular No. 1075, 4th Revision, Regulation Governing the Withdrawal of Cash from Treasury for Advance Payments Under Federal Grant and Other Programs (1947); DAO 203-7, Cash Management and Advances of Cash Under Federal Grants and Other Programs (1979).

L. FMC 73-2, Audit of Federal Operations and Programs by Executive Branch Agencies (1973).

M. DAO 208-14, Department of Commerce Patent Policy for Contracts and Grants (1977).

N. Claims Collection Act of 1966, Pub. L. 89-508, 31 U.S.C. 952.

VIII. Recipient-Related Administrative and Fiscal Requirements

A. Non-Profit Organizations and Institutions—

(1) OMB Circular No. A-21, Cost Principles for Educational Institutions (1979).

(2) FMC 73-7, Administration of College and University Research Grants (1973).

(3) FMC 73-3, Cost Sharing on Federal Research (1973); DAO 203-6, Research Cost Sharing (1971); FMC 73-7, Administration of College and University Research Grants (1973).

(4) OMB Circular No. A-88, Coordinating Indirect Cost Rates and Audit at Educational Institutions.

(5) OMB Circular No. A-110, Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations (1976).

(6) OMB Circular A-122, Cost Principles for Non-profit Organizations.

B. State and/or Local Governments—

(1) OMB Circular No. A-90, Cooperating with State and Local Governments to Coordinate and Improve Information Systems (1968).

(2) Treasury Circular No. 1082 Revised, Notification to State of Grants-In-Aid Information (1976).

(3) OMB Circular No. A-102 Revised, Uniform Administrative Requirements for Grants-In-Aid to State and Local Governments (1977).

(4) OMB Circular No. A-73, Audit of Federal Operations and Programs (1978).

(5) FMC 74-4, Cost Principles Applicable to Grants and Contracts with State and Local Governments (1974).

IX. Access to Information

A. Freedom of Information Act, as amended, 5 U.S.C. 552.

B. Privacy Act of 1974, Pub. L. 93-579, 5 U.S.C. § 522a.

X. Criminal Sanctions

A. Bribery, Graft and Conflicts of Interest, 18 U.S.C. 201-209.

B. Elections and Political Activity, 18 U.S.C. 600-607.

C. Fraud and False Statements, 18 U.S.C. 1001.

D. Lobbying with Appropriated Moneys, 18 U.S.C. 1913.

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DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

June 29, 1981.

The USAF Scientific Advisory Board Electronic Systems Division Advisory Group will hold meetings on August 4-5, 1981, from 8:30 a.m. to 5:00 p.m. on August 4 and from 8:30 a.m. to 12:00 p.m., August 5, at Hanscom Air Force Base, Massachusetts, in the Command Management Center, Building 1606.

The group will receive classified briefings and hold classified discussions on selected Air Force Command, Control, and Communications Programs. The meetings concern matters listed in section 522(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and that accordingly, the meetings will be closed to the public.

For further information, contact the USAF Scientific Advisory Board Secretariat at (202) 697-8404.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 81-20359 Filed 7-10-81; 8:45 am]

BILLING CODE 3910-01-M

Office of the Secretary

Privacy Act of 1974; Deletion of a System Notice

AGENCY: Office of the Secretary of Defense (OSD).

ACTION: Deletion of a system notice.

SUMMARY: The Office of the Secretary of Defense proposes to delete the system notice for system of records DGC 03, "General Administrative File", subject to the Privacy Act of 1974. This action is being taken as the data is no longer being collected or maintained.

DATES: This deletion shall be effective August 12, 1981.

ADDRESS: Send any comments to the System Manager identified in the system notice (44 FR 74088) December 17, 1979.

FOR FURTHER INFORMATION CONTACT: Norma Cook, Privacy Act Officer, ODASD(A), Room 5C315, Pentagon, Washington, D.C. 20301. Telephone: (202) 695-0970.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense (OSD) systems notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a) Pub. L. 93-579 were published in the **Federal Register.**

FR Doc. 81-897 (46 FR 6427) January 21, 1981
FR Doc. 81-5568 (46 FR 12772) February 16, 1981
FR Doc. 81-6246 (46 FR 14031) February 25, 1981
FR Doc. 81-6491 (46 FR 14154) February 26, 1981
FR Doc. 81-7597 (46 FR 16114) March 11, 1981
FR Doc. 81-8041 (46 FR 16926) March 16, 1981
FR Doc. 81-8127 (46 FR 17074) March 17, 1981
FR Doc. 81-8281 (46 FR 17243) March 18, 1981
FR Doc. 81-8282 (46 FR 17243) March 18, 1981
FR Doc. 81-10201 (46 FR 20260) April 3, 1981
FR Doc. 81-11473 (46 FR 22257) April 16, 1981
FR Doc. 81-11765 (46 FR 22632) April 20, 1981
FR Doc. 81-19042 (46 FR 33074) June 26, 1981

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

July 7, 1981.

[FR Doc. 81-20404 Filed 7-10-81; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

VGS Corp.; Action Taken and Opportunity for Comment on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on consent order—first notice.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATE: Effective date will be ten (10) days after publication of the Second Notice in the **Federal Register.**

COMMENTS BY: August 12, 1981.

ADDRESS: Send written comments to: Bernard Fleischer, Program Manager, Production Programs, Southeast District, Office of Enforcement, 1655 Peachtree Street, N.E., Atlanta, Georgia 30367.

FOR FURTHER INFORMATION CONTACT: Robert H. Burch, Management Analyst, Southeast District, ERA, 1655 Peachtree Street, N.E., Atlanta, Georgia 30367; Telephone (404) 881–2396.

SUPPLEMENTARY INFORMATION: On June 29, 1981 the Southeast District, Office of Enforcement of the ERA executed a Consent Order with VGS Corporation, Jackson, Mississippi. Under 10 CFR Section 205.199J(b), a Consent Order which involves a sum of $500,000 or more in the aggregate, excluding penalties and interest becomes effective upon its execution 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 received, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order with VGS Corporation.

I. The Consent Order

VGS Corporation (VGS), located in Jackson, Mississippi, is a small refiner and marketer of refined petroleum products. VGS is subject to the jurisdiction of the DOE with regard to prices charged pursuant to 10 CFR Part 211, during the period December 1, 1973 through January 27, 1981, ("the period covered by this Consent Order"). To resolve certain civil actions which could be brought by the Office of Enforcement of the ERA as a result of its audit of VGS, the Office of Enforcement, ERA, and VGS entered into a Consent Order, the significant terms of which are as follows:

1. The Consent Order relates to sales of covered products by VGS during the period December 1, 1973 through January 27, 1981.

2. VGS was audited by the DOE to determine VGS's compliance with the DOE petroleum price regulations. Matters reviewed during the audit included determination of VGS's classes of purchaser and May 15, 1973 selling prices to each; calculations of VGS's base period product and non-product costs; calculations of VGS's increased costs and cost allocations; calculations of VGS's unrecouped cost increases and recoveries of increased costs; and calculation of maximum allowable prices actually charged.

3. VGS and the Office of Enforcement each believes that its legal positions concerning the matters resolved by this Consent Order are meritorious and are likely to be sustained if tried before a court. VGS, without admitting that it has violated any regulations or overcharged any customer, is willing to enter into this Consent Order as a means of settling all its outstanding disputes with DOE concerning the subject matter of this Consent Order, and thus avoiding further disruption of its orderly business functions and the expense of protracted, complex litigation.

4. VGS agrees to refund, in full settlement of any and all civil liability, excluding civil penalties, and excluding VGS's entitlements compliance in regard to actions that might be brought by the DOE arising out of the alleged violations in paragraph 2 during the audit period, the sum of $1,010,000 plus interest.

5. Interest is to be paid on the violation amount from the date of each violation until such time as the refunds are paid to the DOE pursuant to paragraph 4. Interest due through the effective date of this Consent Order is included in the amount stated in paragraph 4.

6. With respect to civil penalities relating to this Consent Order, VGS will pay to the U.S. Department of Energy the amount of $10,000.

7. VGS agrees to the terms of the Consent Order, in full settlement of any and all civil liability within the jurisdiction of the DOE covered by this Consent Order in regard to actions that might be brought by the DOE for the time covered by this Consent Order. Any payments to DOE shall be by certified check made payable to the U.S. Department of Energy and delivered to the Director, Office of Enforcement, Economic Regulatory Administration. The Director for Enforcement, ERA, shall direct that these monies be deposited in a suitable account in order that the monies in the fund may be distributed in a just and equitable manner in accordance with applicable laws and regulations.

8. 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, VGS 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 Section I, above, the sum of $1,010,000.00. VGS may, at its discretion, pay this amount in equal monthly installments over a period not to exceed 24 months immediately following the effective date of this Consent Order. These refunded overcharges will be in the form of certified check(s) made payable to the U.S. Department of Energy and will be delivered to the Director, Office of 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 either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Alloction (Entitlements) Program, 10 CFR 211.67.

In fact, the adverse effects of the overcharges may have become so diffused that it is a practice 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 claim 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 you written notification of a claim to James C. Easterday, District Manager of Enforcement, 1655 Peachtree Street,

N.E., Atlanta, Georgia 30367. You may obtain a copy of this Consent Order, with proprietary information deleted, by writing to the same address.

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 VGS Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on August 12, 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 Atlanta, Georgia on the 30th day of June 1981.

James C. Easterday,

District Manager, Office of Enforcement.

Concurrence:

Leonard F. Bittner,

Chief Enforcement Counsel.

[FR Doc. 81-20313 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-01-M

Loveladdy Oil Co., Inc., Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of 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 26, 1981

FOR FURTHER INFORMATION CONTACT: Adna Day, Program Manager for Product Resellers, Office of Enforcement, Room 5204, 2000 M Street NW., Washington, D.C. 20461, (202) 653-3541

SUPPLEMENTARY INFORMATION: On August 3, 1979, the OE published notification in the Federal Register that it executed a Consent Order with Loveladdy Oil Company (LOC) of Center, Texas on July 26, 1979, 44 Fed. Reg. 45663 (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 paid by LOC 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. The Consent Order, therefore, was not modified.

Pursuant to the Consent Order, LOC refunded the sum of $25,000 by certified checks made payable to the United States Department of Energy. This sum has been received by the OE and deposited in a suitable account pending determination of its proper distribution.

ACTION TAKEN: The OE is unable, readily, to identify the persons entitled to receive the $25,000, or to ascertain the amounts of refunds that such persons are entitled to receive. The OE, therefore, has petitioned the Office of Hearings and Appeals on June 26, 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 remaining 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 205, Subpart V.

Issued in Washington, D.C. on the 6th day of July, 1981.

Robert D. Gerring,

Director, Program Operations Division

[FR Doc. 81-20381 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-01-M

Northeast Petroleum Industries, Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of 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 11, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Adna Day, Program Manager for Product Resellers, Office of Enforcement, 2000 M Street, N.W., Room 5204, Washington, D.C. 20461, (202) 653-3511.

SUPPLEMENTARY INFORMATION: On July 19, 1979, the OE published notification in the Federal Register that it executed a Consent Order with Northeast Petroleum Industries, Inc., (Northeast) of chelsea, Massachusetts on June 19, 1979, 44 FR 42314 (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 Northeast pursuant to the Consent Order were requested to submit notice of their claims to 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, Northeast is refunding the sum of $459,635 by certified checks made payable to the United States Department of Energy in 6 semi-annual installments. All such funds received by DOE have been placed into a suitable account pending determination of their 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 $459,635 or to ascertain the amounts of refunds that such persons are entiled to receive. Therefore, the OE has petitioned the Office of Hearings and Appeals (OHA) on June 11, 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 6th day of July 1981.

Robert D. Gerring,

Director Program Operations Division.

[FR Doc. 81-20382 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 4756-000]

Albert E. Hodgson; Application for Preliminary Permit

July 7, 1981.

Take notice that Albert E. Hodgson (Applicant) filed on June 1, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4756 known as the Ammon Creek Hydroelectric Project located on Ammon Creek in Humboldt County, California. The application is on file with the Commission and is available for public inspection. Correspondence

with the Applicant should be directed to: Mr. Albert E. Hodgson, P.O. Box 269, Willow Creek, California 95573.

Project Description—The proposed project would consist of: (1) three diversion structures, one on each of Ammon Creek's three forks; (2) a 7,400-foot long canal; (3) a reinforced concrete headworks; (4) a 1,425-foot long, 12-inch diameter penstock; (5) a powerhouse with total installed capacity of 400 kW; and (6) an upgraded 12-kV transmission line to interconnect with an existing Pacific Gas & Electric Company transmission line. The Applicant estimates that the average annual energy output would be 1.47 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 he would conduct engineering, economic, geological, hydrological, and environmental studies; conduct property surveys; and prepare FERC license application. The Applicant estimates that the cost of conducting these studies is $45,000.

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) (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, 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 208RB 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. 81-20423 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-577-000]

Arkansas Power & Light Co.; Filing

July 8, 1981.

The filing Company submits the following:

Take notice that Arkansas Power & Light Company (AP&L), on June 30, 1981, tendered for filing proposed changes in its rates and charges to 9 municipalities and 2 cooperatives, as reflected in proposed Rate Schedule W81. AP&L states that the proposed changes would increase revenues from jurisdictional sales and services to these customers by $12,771,265, based on billing determinants for the 12 month period ending December 31, 1981.

AP&L also submitted as part of the filing a Settlement Agreement with its Customers, containing a proposed Settlement Rate Schedule W81S. AP&L proposes an effective date of August 29, 1981 for its filing.

AP&L further states that the proposed increased rates are necessitated by the fact that it is realizing an unreasonably low rate of return on sales to its affected jurisdictional customers.

Copies of the proposed rate schedule W81 and statements comparing the sales and revenues therefrom were served on AP&L's jurisdictional customers affected by the filing. Copies were also served on the Arkansas Public Service Commission, the Louisiana Public Service Commission, the Missouri Public Service Commission and the Tennessee 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 27, 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. 81-20424 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4465-000]

Capital Development Co.; Application for Preliminary Permit

July 7, 1981.

Take notice that Capital Development Company (Applicant) filed on April 2, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4465 known as the 8-mile Creek Water Power Project located on Icicl Creek in Chelan 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 T. Terpstra, Vice President, Development of Energy Facilities, Capital Development Company, #4 South Sound Center, P.O. Box 3487, Lacey, Washington 98503.

Project Description—The proposed project would consist of: (1) a 15-foot high overflow concrete diversion dam; (2) an intake structure; (3) a reservoir with storage of less than one acre-foot; (4) a 5-mile long covered canal; (5) a 0.5-mile long, 158-inch diameter steel penstock; (6) a powerhouse with total installed capacity of 60 MW; and (7) a 4-mile long, 115-kV transmission line and intertie facilities with the Chelan County P.U.D. substation at Lavenworth. The Applicant estimates that the average annual energy output would be 245 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorized construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct

engineering, hydrological, geological, economic, and environmental studies and prepare applications for Corps of Engineers permit, State of Washington Energy Facility Site Evaluation Council permit, and FERC license. The Applicant estimates that the cost of conducting these studies would be $225,000.

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 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 APPLICATON", "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. 24026. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208RB 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. 81-20425 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4466-000]

Capital Development Co.; Application for Preliminary Permit

July 7, 1981.

Take notice that Capital Development Company (Applicant) filed on April 2, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4466 known as the Frailey Mountain Water Power Project located on Deer Creek in Skagit and Snohomish Counties, 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 J. Terpstra, Vice President, Development of Energy Facilities, Capital Development Company, #4 South Sound Center, P.O. Box 3487, Lacey, Washington, 98503.

Project Description—The proposed project would consist of: (1) a 60-foot high rock and earth fill diversion dam with an overflow spillway and a 10-foot high overflow concrete diversion dam; (2) an intake structure; (3) a reservoir with surface area of 20 acres and capacity of 470 acre-feet; (4) a 5.7 mile long covered canal; (5) a 1.9-mile long, 120-inch diameter steel penstock; (6) a powerhouse with total installed capacity of 45 MW; and (7) a 1.5-mile long, 230-kV transmission line and inter-tie facilities with the Seattle City Light transmission line. The Applicant estimates that the average annual energy output would be 170 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 36 months during which it will conduct engineering, hydrological, geological, economic, and environmental studies; and prepare applications for Corps of Engineers permit, State of Washington Energy Facility Site Evaluation Council permit, and FERC license. The Applicant estimates that the cost of conducting these studies would be $225,000.

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 208RB at the above address: A copy of any notice of intent, served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20426 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4467-000]

Capital Development Co.; Application for Preliminary Permit

July 7, 1981.

Take notice that Capital Development Company (Applicant) filed on April 2,

1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 4467 known as the Meadows Lower Drop Water Power Project located on Rush and Curley Creeks in Skamania 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 J. Terpstra, Vice President, Development of Energy Facilities, Capital Development Company, #4 South Sound Centry, P.O. Box 3487, Lacey, Washington 98503.

Project Description—The proposed project would consist of: (1) two high overflow concrete diversion dams, each 10-foot high; (2) two reservoirs each with a storage of less than one acre-foot; (3) an intake structure; (4) a 1.5 mile long covered canal; (5) a 2-mile long, 102-inch diameter pressure conduit; (6) a 0.8-mile long, 102-inch diameter penstock, (7) a powerhouse with total installed capacity of 55-kW; and; (8) an 8-mile long, 230-kV transmission line and inter-tie facilities with the Pacific Power and Light transmission line. The Applicant estimates that the average annual energy output would be 168 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 36 months during which it will conduct engineering, hydrological, geological, economic, and environmental studies; and prepare applications for Corps of Engineers permit, State of Washington Energy Facilities Site Evaluation Council Permit, and FERC license. The Applicant estimates that the cost of conducting these studies would be $225,000.

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 protest 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, 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 208RB 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. 81-20427 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4741-000]

Carjen Co.; Application for Preliminary Permit

July 7, 1981.

Take notice that Carjen Company (Applicant) filed on May 28, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 4741 known as the Olney Falls Waterpower Project located on Olney Creek in Snohomish 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 15-foot high and 60-foot long reinforced concrete dam; (2) a 32-foot wide spillway; (3) an existing reservoir with a storage capacity of 4 acre-feet; (4) an intake structure; (5) a 900-foot long, 42-inch diameter steel penstock; (6) a powerhouse with total installed capacity of 900 kW; (7) a 50-foot long tailrace; (8) a switchyard; and (9) a 0.875-mile long transmission line interconnecting with an existing utility transmission line. The Applicant estimates that the average annual energy output would be 6.6 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 it would conduct engineering, economic, and environmental studies; and prepare FERC license application. No new roads would be required for conducting these studies. The applicant estimates the cost of the studies to be between $65,000 and $80,000.

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 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 filling must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE 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. 81-20428 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-387]

Central Power & Light Co.; Compliance Filing

July 7, 1981.

Take notice that on June 26, 1981, Central Power & Light Company submitted for filing revised rate schedules in purported compliance with the Commission's order issued in this docket on May 29, 1981. CP&L was directed to revise its cost of service and rates to all customers to reflect (1) exclusion of ADITC from capital structure; (2) exculsion of nuclear fuel (Account Nos. 120.1 and 120.2) from rate base; (3) excluson of the cost of water under the fuel adjustment clause; and (4) use of correct billing units.

Any person desiring to be heard or to protest said 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. 81-20429 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4532-000]

City of Gillette, Wyo.; Application for Preliminary Permit

July 8, 1981.

Take notice that the City of Gillette, Wyoming (Applicant) filed on April 14, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4532 to be known as Gray Reef Dam Power Project located on the North Platte River in Natrona County, Wyoming. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Michael B. Enfi, Mayor, City of Gillette, P.O. Box 3003, Gillette, Wyoming 82716.

Project Description—The proposed project would utilize a Water and Power Resources Service Dam. Project No. 4532 would consist of (1) a proposed 6-foot diameter penstock; (2) a proposed powerhouse containing generating units with an installed capacity of 2.8 MW; (3) a proposed 2,000-foot 115-kV transmission line owned by Western Area Power Administration; and (4) appurtenant facilities. The Applicant estimates that the average annual energy output would be 16.2 Ghr. The Applicant proposes to sell the generated output of energy to a local utility. The proposed project is located on Federal lands.

Proposed Scope of Studies under Permti—A preliminary permit, if issued, does not authorizes 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. Applicant estimates the cost of project design and studies under the permit would be $100,000.

Competing Applications—This application was filed as a competing application to the Gray Reef Dam Project No. 3642 filed on November 3, 1980, by Continental Hydro Corporation 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, protests, or petitions to intervene must be received on or before August 4, 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. 4532. 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, 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. 81-20430 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-83-000]

Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

July 7, 1981.

Take notice that on July 1, 1981, Columbia Gas Transmission Corporation (Columbia) tendered for filing certain revised tariff sheets to Original Volume No. 1 and Original Volume No. 2 of its FERC Gas Tariff. Columbia states that all tariff sheets being tendered herein bear an issue date of July 1, 1981 and an effective date of August 1, 1981. Certain of the revised tariff sheets relate to a general rate increase and would increase revenues from jurisdictional sales and services by $134,727,515. Columbia states that this additional revenue is necessary to offset a revenue deficiency of approximately the same amount, based upon a cost of service for the test period twelve months

ended March 31, 1981, as adjusted, and as measured from the company's current collection level of rates, exclusive of surcharges, the GRI funding unit and the LFUT adjustment. Columbia further states that the increased rates are required because of increases in labor and materials expense; an increase in the cost of transportation of gas by others; an increase in the company's overall rate of return; and other cost changes more fully explained in the filing.

In addition, certain of the tendered tariff sheets reflect changes in Columbia's Volume No. 1 tariff necessitated by Columbia's systemwide dekatherm conversion as well as certain miscellaneous changes which correct and update certain technical provisions of the General Terms and Conditions of Columbia's Volume No. 1 tariff. Columbia states that the tariff sheets relating to the systemwide dekatherm conversion are being filed in accordance with its agreement under Article XVI of the Commission approved Stipulation and Agreement at Docket No. RP78-19, *et al.*

Columbia specifically requests that the Commission shorten the suspension period to permit the tariff sheets relating to the systemwide dekatherm conversion and other miscellaneous changes to become effective no later than November 1, 1981.

Copies of the filing were served by the company upon each of its jurisdictional customers and interested state commissions.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20431 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-83-000]

Columbia Gas Transmission Corp.; Notice of Proposed Changes in FERC Gas Tariff

July 7, 1981.

Take notice that on July 1, 1981, Columbia Gas Transmission Corporation (Columbia) tendered for filing certain revised tariff sheets to Original Volume No. 1 and Original Volume No. 2 of its FERC Gas Tariff. Columbia states that all tariff sheets being tendered herein bear an issue date of July 1, 1981 and an effective date of August 1, 1981. Certain of the revised tariff sheets relate to a general rate increase and would increase revenues from jurisdictional sales and services by $134,727,515. Columbia states that this additional revenue is necessary to offset a revenue deficiency of approximately the same amount, based upon a cost of service for the test period twelve months ended March 31, 1981, as adjusted, and as measured from the company's current collection level of rates, exclusive of surcharges, the GRI funding unit and the LFUT adjustment. Columbia further states that the increased rates are required because of increases in labor and materials expense, an increase in the cost of transportation of gas by others; an increase in the company's overall rate of return; and other cost changes more fully explained in the filing.

In addition, certain of the tendered tariff sheets reflects changes in Columbia's Volume No. 1 tariff necessitated by Columbia's systemwide dekatherm conversion as well as certain miscellaneous changes which correct and update certain technical provisions of the General Terms and Conditions of Columbia's Volume No. 1 tariff. Columbia states that the tariff sheets relating to the systemwide dekatherm conversion are being filed in accordance with its agreement under Article XVI of the Commission approved Stipulation and Agreement at Docket No. RP78-19, *et al.*

Columbia specifically requests that the Commission shorten the suspension period to permit the tariff sheets relating to the systemwide dekatherm conversion and other miscellaneous changes to become effective no later than November 1, 1981.

Copies of the filing were served by the company upon each of its jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 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). All such petitions or protests should be filed on or before July 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of Columbia's filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20439 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-82-000]

Columbia Gulf Transmission Co.: Proposed Changes in FERC Gas Tariff

July 7, 1981.

Take notice that Columbia Gulf Transmission Company (Columbia Gulf), on July 1, 1981, tendered for filing proposed changes to its FERC Gas Tariff as follows:

Original Volume No. 1

Twenty-seventh Revised Sheet No. 7

Original Volume No. 2

Eighth Revised Sheet No. 72
Eighth Revised Sheet No. 73
Fifth Revised Sheet No. 92
Fifth Revised Sheet No. 93
Fifth Revised Sheet No. 126
Sixth Revised Sheet No. 145
Sixth Revised Sheet No. 146
Fifth Revised Sheet No. 263
Fourth Revised Sheet No. 320
Fourth Revised Sheet No. 337
Fourth Revised Sheet No. 386
Fourth Revised Sheet No. 387
Third Revised Sheet No. 416
Third Revised Sheet No. 417
Fourth Revised Sheet No. 440
Fourth Revised Sheet No. 484
Fourth Revised Sheet No. 493
Fourth Revised Sheet No. 567
Fourth Revised Sheet No. 596
Third Revised Sheet No. 628
Second Revised Sheet No. 663
Second Revised Sheet No. 677
Second Revised Sheet No. 702
Third Revised Sheet No. 750
Third Revised Sheet No. 820
Third Revised Sheet No. 821
Third Revised Sheet No. 848
Third Revised Sheet No. 849
Second Revised Sheet No. 937
Second Revised Sheet No. 1052
Second Revised Sheet No. 1097
Second Revised Sheet No. 1149
Second Revised Sheet No. 1150
First Revised Sheet No. 1194
First Revised Sheet No. 1195
First Revised Sheet No. 1223

The revised tariff sheets proposed to become effective August 1, 1981, reflects an increase in Columbia Gulf's revenue of $41,762,686 based on a cost of service for the test period twelve months ended March 31, 1981, as adjusted, compared with revenue based upon April 21, 1981 level cost of service under the Second Revised Filing at Docket No. RP80-145. Columbia Gulf further states that the increased rates are required because of increases in labor and materials expense; an increase in the company's overall rate of return; and other cost changes more fully explained in the filing.

Columbia Gulf specifically requests that the Commission shorten the period of suspension for the subject rate filing.

and permit the rates to go into effect, subject to refund, on August 1, 1981.

Copies of this filing were served by the company upon each of its jurisdictional customers.

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, Union Center Plaza Building, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before July 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intevene. Copies of Columbia Gulf's filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20432 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-77-000]

Consolidated Gas Supply Corp.; Revision to FERC Gas Tariff

July 6, 1981.

Take notice that on June 18, 1981, Consolidated Gas Supply Corporation (Consolidated) tendered for filing Second Revised Sheet No. 51 to its FERC Gas Tariff, Third Revised Volume No. 1. The filing changes Consolidated's minimum Btu content in order to track the reduction in minimum heat content requested in a filing made by Tennessee Gas Pipeline Company (Tennessee) in Docket Nos. RP81-56-000 and RP80-97 on April 30, 1981. Tennessee's filing became effective after suspension subject to refund on June 2, 1981.

Consolidated states that it is required to submit this filing in order to avoid potential violations of the minimum heat content provision of its tariff. In some instances Tennessee delivers Canadian gas directly to Consolidated's wholesale customers for the account of Consolidated. The Btu content of the Canadian gas is as low as 967 Btu per cubic foot.

Consolidated requests waiver of the Commission's Rules and Regulations as may be required to make this tariff sheet effective concurrently with the effective date of Tennessee's filing.

Any person desiring to be heard or to make any protest with reference to said filing should on or before July 15, 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 157.79). 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 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. 81-20434 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-80-000]

Consolidated Gas Supply Corp.; Proposed Changes in Rates and Charges

July 6, 1981.

Take notice that Consolidated Gas Supply Corporation (Consolidated), pursuant to Section 4 of the Natural Gas Act and Section 154.63 of the Commission's Regulations, filed on June 30, 1981, proposed changes to its FERC Gas Tariff, Third Revised Volume No. 1 to become effective on August 1, 1981.

The proposed rate changes would increase Consolidated's revenues from jurisdictional sales and services by $33.4 million based on the twelve months ended February 28, 1981, adjusted for known and measurable changes through November 30, 1981.

Consolidated states that increased rates are necessary to recover increased operation and maintenance expenses, increased transportation costs, increased taxes, and the increased cost of money. The rates are based on an overall rate of return of 13.81% and an equity return of 17.5%.

Consolidated states that the cost of gas was computed using the base costs of gas per unit of sales reflected on Consolidated's Twenty-Fifth Revised Sheet No. 16.

The filing in this proceeding reflects old pipeline production on a cost of service basis and is without prejudice to Consolidated's position that old pipeline production is entitled to NGPA treatment and the outcome of the court proceedings. Consolidated reserves the right to make retroactive collections based on NGPA treatment for old pipeline production.

Consolidated represents that Statement P will be filed within fifteen days of its filing. It states that it served copies of its filing upon its jurisdictional customers as well as interested state commissions.

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 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 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20435 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-183-000]

Consolidated Edison Co. of New York, Inc.; Filing

July 7, 1981.

The filing company submits the following:

Take notice that on June 22, 1981, Consolidated Edison Company of New York, Inc. (Con Ed) tendered for filing, in accordance with the Commission's order of May 26, 1981, in this docket, revised tariff sheets reflecting all charges to be assessed the Power Authority of the State of New York (PASNY) in rendering service performed pursuant to the Con Ed-PASNY Service Delivery Agreement.

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 15, 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. 81-20433 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-56-000]

El Paso Electric Co.; Application

July 6, 1981.

Take notice that on June 30, 1981, El Paso Electric Company (Applicant) filed an application with the Federal Energy Regulatory Commission seeking authority pursuant to Section 204 of the Federal Power Act to issue up to 750,000 shares of Common Stock, no par value. The New Common Stock is to be issued from time to time pursuant to the provisions of the Applicant's Employee Stock Ownership Plan and Trust.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 17, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20438 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-64-000]

Florida Gas Transmission Co.; Proposed Changes in Rates and Charges

July 8, 1981.

Take notice that on July 1, 1981, Florida Gas Transmission Company (FGT) tendered for filing proposed changes in its F.E.R.C. Gas Tariff, Original Volume Nos. 1, 2 and 3.

The proposed rate change would increase FGT's jurisdictional revenues by $14,639,008 per year based on the twelve months ended March 31, 1981, as adjusted.

FGT states that copies of its rate filing were served on all of the Company's jurisdictional customers and the Florida Public Service Commission. Also FGT states that Statement P will be filed within fifteen days from the date of its rate filing.

Any person desiring to be heard or to make any protest with reference to said filing should on or before July 22, 1981, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a petition to intervene or 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 protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20449 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1966-000]

F. L. Wilkerson; Application

July 6, 1981.

The filing individual submits the following:

Take notice that on June 26, 1981, F. L. Wilkerson filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Controller—Louisville Gas & Electric Company

Controller—Ohio Valley Transmission Corporation

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North 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 protest should be filed on or before July 29, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20448 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-13-001 (PGA81-2)]

Gas Gathering Corp.; Proposed Change in Rates Under Purchased Gas Adjustment Clause Provision

July 6, 1981.

Take notice that Gas Gathering Corporation (GGC) on June 1, 1981, tendered for filing proposed changes in its FERC Gas Tariff providing for increased charges to Transcontinental Gas Pipe Line Corporation (Transco), its sole jurisdictional customer, under GGC's PGA clause. The proposed changes would increase the rate charged Transco by 5.58447 cents per Mcf from those rates presently in effect. The proposed changes are proposed to be made effective July 1, 1981. GGC states that the filing is made to allow it to recover increased current costs of purchased gas, and to redue the balance of its Unrecovered Purchased Gas Cost Account as of March 31, 1981, through a six-month surcharge.

A copy of the filing has been served upon Transco.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 17, 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. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20430 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3181-001]

Hydro Development Group Inc.; Application for Exemption From Licensing of a Small Hydroelectric Project of 5 Megawatts or Less

July 8, 1981.

Take notice that the Hydro Development Group Inc. filed with the Federal Energy Regulatory Commission on May 11, 1981, an application for exemption for its #6 Mill Project No. 3181 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 Oswegatchie River in the Village of Hailesboro, St. Lawrence County, New York. Correspondence with the Applicant should be directed to: Mr. Mark E. Quallen, Hydro Development Group Inc., P.O. Box 58, Dexter, New York 13634.

Project Description—The proposed run-of-river project would redevelop the existing but inoperative Applicant-leased #6 Mill Hydroelectric Plant and would consist of: (1) a 10-foot high and 250-foot long reinforced concrete gravity overflow-type dam; (2) a reservoir with a surface area of four acres and negligible storage capacity at normal surface elevation 486 feet m.s.l.; (3) a 40-foot wide and about 70-foot long intake structure with new gates and new trash racks along the south (left) bank; (4) a powerhouse containing two turbines rated at 800 hp and 500 hp, connected to two new generators rated at 550-kW and 350-kW, respectively, at a head of 19 feet and at a flow of 700 cfs; (5) a short tailrace; (6) new electrical switchgear; (7) a 75-foot long 2.3-kV transmission line; and (8) appurtenant facilities. Project energy would be sold to Niagara Mohawk Power Corporation. Applicant estimates the annual generation would average about 5,000,000 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.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before August 19, 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 17, 1981. Applications for a preliminary permit will not be accepted. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before August 19, 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. 3181. 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. 81-20451 Filed 7-10-81; 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).

[Docket No. ES81-57-000]

Idaho Power Co.; Application

July 7, 1981.

Take notice that on July 2, 1981, Idaho Power Company (Applicant) filed an Application with the Federal Energy Regulatory Commission seeking an Order pursuant to Section 204 of the Federal Power Act authorizing the Company to enter into two Guaranty Agreements with the Trustee of Solid Waste Disposal and Pollution Control Revenue Bonds to be issued by the Port of Morrow, Oregon, in the aggregate principal amount not to exceed $3,500,000, which will be sold by the Port as soon as possible after obtaining approval of these Guarantees.

Any person desiring to be heard or to make any protest with reference to said Application should on or before July 16, 1981, file with the Federal Energy Regulatory Commission, Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). 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. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The Application is on file and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20432 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-575-000]

Idaho Power Co.; Filing

July 8, 1981.

The filing Company submits the following:

Take notice that Idaho Power Company (Idaho) on June 29, 1981, tendered for filing proposed changes in its rates and charges for sales for resale to its wholesale customers. The proposed increase is $2,626,049 or approximately 22.77 percent, based on the 12 months ending December 31, 1980.

The filing proposes an increase in rates in its contract for sales of electric power and energy to CP National's Oregon Division, as filed with the Commission and designated as Idaho's Rate Schedule FPC No. 57 and to CP National's Nevada District, as filed with

the Commission and designated as Idaho's Rate Schedule No. 30. The proposed changes, requested to become effective September 1, 1981, would increase revenues from jurisdictional sales and service by approximately $1,883,990 from CP National—Oregon and by $383,386 from CP National—Nevada, based on the 12-month period ending December 31, 1980.

The filing also proposes an increase in rates in its contract for sales of electric power and energy to the City of Weiser, as filed with the Commission and designated as Idaho's Rate Schedule FPC No. 42. The proposed changes, requested to become effective on October 1, 1981, would increase revenues from the City of Weiser by $359,773, based on the 12-month period ending December 31, 1980.

The Company states that the proposed increase in rates is required to offset the effect of increased operating expenses, capital costs and plant additions.

Copies of the filing were served upon CP National, the City of Weiser, the Public Utility Commissioner of Oregon, the Idaho Public Utilities Commission and the Nevada 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 27, 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. 81-20453 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-88-000]

Lawrenceburg Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

July 8, 1981.

Take notice that Lawrenceburg Gas Transmission Corporation (Lawrenceburg), on July 1, 1981, tendered for filing Twenty-Fourth Revised Sheet No. 4 to its FERC Gas Tariff, First Revised Volume No. 1, containing restated base tariff rates effective March 1, 1981.

Lawrenceburg states that the above-named tariff sheet, together with a cost of service study based on the 12 months ended February 28, 1981, were filed to comply with § 154.38(d)(4)(vi) of the Commission's Regulations under the Natural Gas Act. Lawrenceburg's prior base tariff rates were approved effective 36 months prior to March 1, 1981 at Docket No. RP78-37.

Lawrenceburg states that copies of this filing were served upon its two jurisdictional wholesale customers and to the interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, 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 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20454 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-14-000 (PGA 81-3)]

Lawrenceburg Gas Transmission Corp.; Proposed Change in FERC Gas Tariff

July 6, 1981.

Take notice that on July 1, 1981 Lawrenceburg Gas Transmission Corporation (Lawrenceburg) tendered for filing three (3) revised gas tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1, all of which are dated as issued on June 30, 1981, proposed to become effective August 1, 1981, and identfied as follows:

Twenty-Fifth Revised Sheet No. 4
Twenty-Third Revised Sheet No. 18
Fourth Revised Sheet No. 4-B

Lawrenceburg states that its revised tariff sheets were filed under its Purchased Gas Adjustment Provision and Incremental Pricing Surcharge Provision.

Copies of this filing were served upon Lawrenceburg's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, 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 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20455 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EL81-13-000]

City of Winnfield, Louisiana v. Louisiana Power & Light Co.; Filing

July 2, 1981.

Take notice that on June 23, 1981, the City of Winnfield, Louisiana (Winnfield) filed an amendment to its Complaint in Docket No. EL81-13-000.

Winnfield requests that the Commission declare unlawful a charge that Louisiana Power & Light Company (LP&L) sought to collect from Winnfield pursuant to a rate schedule tendered for filing in Docket No. ER81-457-000, but not yet accepted for filing, nor permitted to become effective by the Commission. Winnfield further requests that the Commission seek an injunction from the United States District Court pursuant to Section 314 of the Federal Power Act, restraining LP&L from further billing the City under the new rate schedule tendered in Docket No. ER81-457-000.

Additionally, Winnfield requests expedited consideration of the instant submittal and requests that the Commission shorten the period allowed for LP&L to file a responsive pleading to the minimum practicable period. Winnfield states that it has served a copy of its pleading on LP&L.

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 14, 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-20456 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4574-000]

Mr. Gail Marshall; Application From Exemption From Licensing of a Small Hydroelectric Project of 5 Megawatts or Less

July 8, 1981.

Take notice that Mr. Gail Marshall filed with the Federal Energy Regulatory Commission on April 22, 1981, an application for exemption for its Three Lynx Creek Hydroelectric Project No. 4574 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 Three Lynx Creek in Clackamas County, Oregon. Correspondence with the Applicant should be directed to: Mr. Gail Marshall, 12825 SW 20th Court, Beaverton, Oregon 97005.

Project Description—The proposed project would consist of: (1) a non-impounding 2-foot high by 40-foot long diversion structure; (2) a 2,150-foot long penstock; (3) a powerhouse to contain two generating units with a total rated capacity of 388 kW; and (4) a 1,500-foot long transmission line.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for exemption. (A copy of the application may be obtained directly from the Applicant). Comments should be confined to substantive issues relevant to the issuance of an exemption and consistent with the purpose of an exemption as described in this notice. No other formal requests for comments will be made. If an agency does not file comments within 60 days of the date of issuance of this notice, it will be presumed to have no comments.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before August 19, 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 17, 1981. Applications for a preliminary permit will be not be accepted. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be received on or before August 19, 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. 4574. 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, 825 North Capitol Street, N.E., Room 208 RB Building, Washington, D.C. 20426. A copy of any notice of intent, competing applications, 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. 81-20457 Filed 7-10-81; 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).

[Docket No. RP81-1-001]

Michigan Wisconsin Pipe Line Co.; Tariff Filing

July 6, 1981

Take notice that on June 22, 1981, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) tendered for filing Substitute Fourth Revised Sheet No. 667 of Rate Schedule X-64 to its F.E.R.C. Gas Tariff, First Revised Volume No. 2, to be effective November 1, 1980. Rate Schedule X-64 reflects an agreement for services which Michigan Wisconsin performs for the High Island Offshore System which was authorized by the Commission at Docket No CP78-134.

Michigan Wisconsin states that this filing was made pursuant to the Stipulation and Agreement at Docket No. RP81-1-000 which was approved by the Commission on May 21, 1981. The Commission directed Michigan Wisconsin to file a revised tariff sheet which reflects the settlement rate of $615,493 per month contained in the approved settlement.

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 17, 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 proceedings. 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. 81-20458 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-90-000]

Michigan Wisconsin Pipe Line Co.; Proposed Changes in F.E.R.C. Gas Tariff

July 8, 1981.

Take notice that on July 2, 1981, Michigan Wisconsin Pipe Line Company filed proposed changes to the following tariff sheets of its F.E.R.C. Gas Tariff, First Revised Volume No. 2:

Rate Schedule X-11	First Revised Sheet No. 93.
Rate Schedule X-12	First Revised Sheet No. 111.
Rate Schedule X-13	First Revised Sheet No. 131.
Rate Schedule X-14	First Revised Sheet No. 147.
Rate Schedule X-17	First Revised Sheet No. 172.
Rate Schedule X-22	First Revised Sheet No. 220.
Rate Schedule X-24	First Revised Sheet No. 237.
Rate Schedule X-31	First Revised Sheet No. 296.
Rate Schedule X-36	First Revised Sheet No. 340.
Rate Schedule X-40	First Revised Sheet No. 378.
Rate Schedule X-43	First Revised Sheet No. 422.
Rate Schedule X-75	First Revised Sheet No. 858.

Michigan Wisconsin states that this filing was made for the sole purpose of revising the interest rate charged on unpaid amounts to reflect the effective rate of interest specified in Section 154.67(d) of the Regulations under the Natural Gas Act.

Michigan Wisconsin requests that the tariff sheets be made effective August 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.W., 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 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceedings. 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. 81-20459 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-15-000 (PGA81-2) and IPR81-2)]

Mid Louisiana Gas Co.; Proposed Change in Rates

July 7, 1981.

Take notice that Mid Louisiana Gas Company (Mid Louisiana) on June 29, 1981, tendered for filing as a part of First Revised Volume No. 1 of its FERC Gas Tariff, Forty-First Revised Sheet No. 3a, and Fourth Revised Sheet No. 3c to become effective August 1, 1981.

Mid Louisiana states that the purpose of the filing is to reflect a Purchased Gas Cost Current Adjustment, a Purchased Gas Cost Surcharge, and a Transportation Cost Adjustment, resulting in a rate after current adjustments of 350.52¢. The filing is being made in accordance with Section 19 of Mid Louisiana's FERC Gas Tariff and the Purchased Gas Cost Current Adjustment reflects rates payable to Mid Louisiana's suppliers during the period August 1, 1981 through January 31, 1982.

Copies of the filing have been mailed to Mid Louisiana's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, 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 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20460 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA81-46-000]

Midwestern Gas Transmission Co.; Application for an Adjustment

July 7, 1981.

Take notice that on June 22, 1981, Midwestern Gas Transmission Company (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. SA81-46-000 an application for an adjustment pursuant to § 502(c) of the Natural Gas Policy Act of 1978 (NGPA) and § 1.41 of the Commission's Rules of Practice and Procedure (18 CFR 1.41), for an interim and permanent exemption from the filing requirements of § 281.204(b)(2) of the Commission's regulations.

Applicant states that preparation of the annual update of its index of customer requirements required by § 281.204(b)(2) requires substantial time and expense on the part of Applicant, its Northern System customers and the Data Verification Committee.

The Applicant anticipates that its Northern System would be able to meet the full requirements of its customers in the near term as indicated in Midwestern's Form 15 for the year ended December 31, 1980. Therefore, Midwestern submits that compliance with the filing requirements of § 281.204(b)(2) for Midwestern's Northern System is unnecessary and would result in special hardship and an unfair distribution of burdens to its customers as well as to Midwestern.

Applicant states further that in order to provide sufficient time for the Commission to consider its request for a permanent exemption it is also requesting interim relief. It states that because its Northern System would not be in curtailment during the next year, there is no need to update the index for this period and that the interim request would avoid the substantial time and expense by Applicant, its customers and the Data Verification Committee in the preparation of an update of the index of requirements.

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 of the Commission's Rules of Practice and Procedure, Order No. 24 issued March 22, 1979.

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed on or before July 13, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20461 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-89-000]

Natural Gas Pipeline Co. of America; Proposed Changes in FERC Gas Tariff

July 8, 1981.

Take notice that on July 1, 1981, Natural Gas Pipeline Company of America (Natural), tendered for filing proposed changes in its FERC Gas Tariff, Second Revised Volume No. 2:

First Revised Sheet No. 1499

Natural states that the purpose of this filing is to revise Rate Schedule X-116, a transportation agreement dated June 23, 1980, between Natural and Chevron Chemical Company, to reflect a revised transportation rate pursuant to Paragraphs 1 and 2 of Article III. Authorization for this service was granted by Commission Order issued

December 31, 1980 at Docket No. CP80–452.

A copy of this filing was mailed to Chevron Chemical Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, 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 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20462 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-365-000]

Natural Gas Pipeline Co. of America; Application

July 8, 1981.

Take notice that on June 10, 1981, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP81–365–000 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 to Transwestern Pipeline Company (Transwestern) on an interruptible basis, 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 would sell up to a maximum of 18,000,000 Mcf of natural gas to Transwestern for use in its system supply. Applicant further states that such sale would be made pursuant to a gas sales agreement between Applicant and Transwestern dated May 29, 1981.

Applicant proposes to sell gas to Transwestern on an interruptible basis for a term of 363 days commencing on the date of first deliveries. Applicant asserts that the maximum daily volumes would not exceed 100 billion Btu per day.

Applicant states that it would charge Transwestern for each million Btu of gas a rate equal to the average of the rates effective under Applicant's currently effective Rate Schedules E–1 and G–1 each minus the GRI surcharge. Applicant states that such a rate is a composite rate which reflects effective rates in Applicant's tariff. Applicant asserts that the E–1 and G–1 rates are subject to adjustments under Applicant's purchased gas agreement clause and the composite rate would at all times be higher than Applicant's average cost of gas. Applicant further asserts that the present composite rate is approximately $2.75 per million Btu and applicant's average cost of gas is approximately $1.92 per million Btu as of March 1, 1981. Applicant submits that except for 1.0 cent per million Btu it would credit the revenues from the proposed sale to its Account 191 of the Uniform System of Accounts Prescribed for Natural Gas Companies.

Applicant states that it would deliver gas to Transwestern at existing delivery points in Hansford and Gray Counties, Texas, and Eddy County, New Mexico, and at any other mutually agreeable point.

It is stated that Applicant's supply is sufficient to make this sale without impairing or reducing service to its present customers because of excess deliverability due in part to high take obligations and to a significant reduction in demand for gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 27, 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. 81-20463 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-87-000]

North Penn Gas Co.; Revision to FERC Gas Tariff

July 7, 1981.

Take notice that North Penn Gas Company (North Penn) on June 29, 1981 tendered for filing First Revised Sheet No. 6 to its FERC Gas Tariff, First Revised Volume No. 1. The filing changes North Penn's minimum Btu content in order to track the minimum heat content reduction requested in filings made by two of its pipeline suppliers: Tennessee Gas Pipeline Company (Tennessee) in Docket Nos. RP81–56–000 and RP80–97, and by Consolidated Gas Supply Corporation (Consolidated) in a filing dated June 18, 1981.

North Penn states that this filing is necessary in order to avoid potential violations of the minimum heat content provision of its Tariff, should its pipeline suppliers deliver gas with a heat content of nine hundred sixty-seven (967) Btu per cubic foot.

North Penn requests waiver of the Commission's Rules and Regulations as may be required to make this tariff sheet effective concurrently with the effective date of the Tennessee and Consolidated filings.

Any person desiring to be heard or to make any protest with reference to said filing 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 157.79). 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 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. 81-20464 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-79-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Proposed Changes in FERC Gas Tariff

July 8, 1981.

Take Notice that on June 26, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern) tendered for filing the following tariff sheets which Northern proposed to become effective August 1, 1981:

Third Revised Volume No. 1

Fourth Revised Sheet No. 67
Second Revised Sheet No. 70a

Original Volume No. 2

Third Revised Sheet No. 1f
Fourth Revised Sheet No. 1i

Fourth Revised Sheet No. 67 of Third Revised Volume No. 1 and Third Revised Sheet No. 1f of Original Volume No. 2 of Northern's FERC Gas Tariff revise the PGA clause of the General Terms and Conditions. Northern's PGA clause currently allow for the filing of a special PGA if one or more of the suppliers is entitled to charge rates higher than those used in the last Cost of Purchased Gas determination and if such increase exceeds $10 million. These revised tariff sheets specifically include authorized increases in price for Canadian imports exceeding $10 million in the special PGA triggering mechanism.

Second Revised Sheet No. 70a of Third Revised Volume No. 1 and Fourth Revised Sheet No. 1i of Original Volume No. 2 revise Northern's PGA clause to specify how refunds to non-exempt boiler fuel facilities not flowed through to such users as of December 31, 1979, shall be refunded as a lump sum payment to each natural gas customer for the benefit of such users.

Any person desiring to be heard or to protest said filing should file a petition to intervene or a 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 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file 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. 81-20465 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-574-000]

Ohio Power Co.; Filing

July 7, 1981.

The filing Company submits the following:

Take notice that Ohio Power Company (Ohio Power) on June 26, 1981 tendered for filing Amendment No. 6, dated as of June 1, 1981 to the Station Agreement, dated as of January 1, 1968, among Ohio Power, Buckeye Power, Inc. and Cardinal Operating Company, to the terms of which Columbus and Southern Ohio Electric Company (CSOE) has assented.

Ohio Power states that Amendment No. 6 provides a means pursuant to which certain 138-kv and 345-kv transmission facilities of CSOE in the State of Ohio are to be deemed to constitute, for the purposes of establishing Buckeye Bulk Power Delivery Points under the Station Agreement, a part of Ohio's Bulk Transmission Facilities under the Station Agreement. Ohio Power requests waiver of the Commission's notice requirements and requests an effective date of June 30, 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 24, 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. 81-20466 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CS81-95-000, et al.]

OMNI Drilling Partnership No. 1981-1, et al.; Applications for "Small Producer" Certificates [1]

July 8, 1981.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and § 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 27, 1981 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it is determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions 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 on all application in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date filed	Applicant
CS-81-95-000.	May 20, 1981.	OMNI Drilling Partnership, No. 1981-1, P.O. Drawer 430, Wayne, PA 19087.
CS81-96-000.	June 1, 1981.	Frank J. Whitley, Jr., #1 Briar Dale Court, Houston, Texas 77027.
CS81-97-000.	June 1, 1981.	Margaret Whitley Salmonsen, 5210 Green Tree, Houston, Texas 77056.
CS81-98-000.	June 1, 1981.	Gay Whitley McCain, Route 3, Box 27, West River Rd. Extended, Greenwood, Mississippi 38930.
CS81-99-000.	June 4, 1981.	Continental Petroleum Company, P.O. Box 96, Sand Fork, WV 26430.
CS81-100-000.	June 8, 1981.	V. C. S. Exploration, Inc., 910-15th St., #840, Denver, CO 80202.

[FR Doc. 81-20440 Filed 7-10-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. RP81-32-000]

Pacific Gas Transmission Co.; Motion To Terminate Docket

July 6, 1981.

Take notice that on June 8, 1981, Pacific Gas Transmission Company (PGT) tendered for filing a request that the Commission terminate a refund provision contained in its March 31, 1981 Order Suspending Notice Of Rate Change, Subject To Refund And Subject To Conditions (hereinafter referred to as "Order"), and to issue a final order in the instant proceeding.

PGT states that the Order was issued in response to a request by PGT to change its rates in order to reflect an increase in the price of Canadian Natural Gas which was to become effective on April 1, 1981.

PGT further states that the conditions which the Order was subject to have been completely satisfied, specifically Ordering Paragraphs (A) and (B). Ordering Paragraph (A) required approval by the ERA of the Canadian Price increases. PGT states that on March 27, 1981, by Opinion and Order No. 29, the ERA authorized PGT and other importers of Canadian natural gas to pay the new border price and thus, PGT contends that ERA approval has been attained and consequently, the conditions stated in Ordering Paragraph (A) have been satisfied. The pertinent part of Ordering Paragraph (B) required the Commission to defer action until the ERA had acted on the pending application by PGT for a reduction in daily purchase contract quantities with its Canadian gas supplier, Alberta and Southern Gas Co., Ltd. PGT states that the ERA, in Opinion and Order No. 29, has accepted certain contract amendments which provide PGT with additional flexibility in its minimum purchase obligations and which will allow for reduced purchase obligations by PGT. PGT further states that the Commission itself, in a separate proceeding (*See*, Docket No. RP81-43-000), has dealt with the minimum purchase issue raised in Ordering Paragraph (B) when it issued on April 9, 1981, an Order Approving Tariff Revision, Granting Waiver, Amending Orders, And Issuing Certificates Of Public Convenience And Necessity which encompassed a Service Agreement of Pacific Gas And Electric Company which reduced its minimum purchase obligation. Thus, PGT states that the condition in Ordering Paragraph (B) has been satisfied.

PGT states that this filing was served on the appropriate persons in accordance with the requirements of Section 1.17 of the Commission's Rules of Practice and Procedure.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 17, 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. 81-20487 Filed 7-10-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. TA81-2-28-000]

Panhandle Eastern Pipe Line Co.; Change in Tariff

July 7, 1981.

Take notice that on July 1, 1981 Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing Thirty-Ninth Revised Sheet No. 3-A and Sixteenth Revised Sheet No. 3-B to its FERC Gas Tariff, Original Volume No. 1. An effective date of May 1, 1981 is proposed.

Panhandle submits that these revised tariff sheets are filed to provide for the elimination of the Louisiana First Use Tax Rate Adjustment pursuant to the Commission's order of June 29, 1981 in Docket No. TA81-2-31, *et al.*

Panhandle states that copies of this filing have been served on all jurisdictional customers and applicable state regulatory agencies.

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 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20468 Filed 7-10-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4021-000]

Saranac Energy Corp.; Application for Short-Form License (Minor)

July 8, 1981.

Take notice that Saranac Energy Corporation (Applicant) filed on January 16, 1981, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a) 825(r)] to rehabilitate, operate, and maintain the existing run-of-river water power project known as Lake Tahoma FERC Project No. 4021. The project is located on Buck Creek, a tributary to the South Fork Catawba River, near the City of Marion, McDowell County, North Carolina. Correspondence with the Applicant should be directed to: Mr. Charles B. Mierek, Saranac Energy Corporation, 838 Arlington Drive, Tucker, Georgia 30084.

Project Description—The project would consist of: (1) an existing 62.6-foot high and 398-foot long dam with a 123.6-foot long overflow section; (2) an existing reservoir with a surface area of 163 acres and a storage capacity of 5,790 acre-feet; (3) an existing 4-foot diameter steel penstock approximately 117 feet long; (4) an existing powerhouse located 80 feet east of the dam with a total installed capacity of 240 kW; (5) existing transmission line; and (6) appurtenant facilities. The average annual generation

is expected to be approximately 1,370 MWh.

Purpose of Project—All project energy produced will be sold to the Duke Power Company by the Applicant.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 9, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than January 7, 1982. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be received on or before September 9, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20469 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-576-000]

Sierra Pacific Power Co. Filing

July 8, 1981.

The filing company submits the following:

Take notice that Sierra Pacific Power Company (Sierra Pacific) on June 26, 1981, tendered for filing a new Volume 2 to its F.E.R.C. Electric Tariff applicable to sale of nonfirm energy for regional resale and transmission service at points of interconnection of 120 KV or higher in accordance with Sierra Pacific's Schedule RT. Sierra Pacific requests that the filing be made effective on September 1, 1981. Due to the nature of this nonfirm rate, it cannot be predicted when sales or transmission service will be initiated nor can estimates of service be made since it is dependent upon Sierra Pacific's ability to serve and potential customers' requests for service.

Copies of the filing were served on the State Regulatory Commissions of California and Nevada, and utilities with which Sierra is interconnected at 120 KV and higher or have agreement for purchase of nonfirm energy.

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 27, 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. 81-20470 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. AR61-2, et al.]

Southern Natural Gas Co., et al.; Filing of Pipeline Refund Reports and Refund Plans

July 6, 1981.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before July 17, 1981. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

Appendix

Filing date	Company	Docket No.	Type filing
6/8/81	Southern Natural Gas Co.	AR61-2	Report.
6/16/81	Eastern Shore Natural Gas Co.	RP77-106-017	Report.
6/18/81	Columbia Gas Transmission Corp.	TA80-1-21-005	Report.
6/19/81	Natural Gas Pipe Line Co. of America.	RP80-11-005	Plan.
6/18/81	Texas Gas Transmission Corp.	RP80-101-004	Report.
6/24/81	National Fuel Gas Supply Corp.	RP80-135-009	Report.
6/29/81	East Tennessee Natural Gas Co.	RP77-62-015	Report.

[FR Doc. 81-20471 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-86-000]

Southern Natural Gas Co., Proposed Changes in FERC Gas Tariff

July 8, 1981.

Take notice that Southern Natural Gas Company (Southern) on July 1, 1981 tendered for filing proposed changes in its FERC Gas Tariff, Sixth Revised Volume No. 1 and Original Volume No. 2. The proposed changes would increase revenues from jurisdictional sales and service by $79.8 million based on the twelve months ending March 31, 1981, as adjusted.

Southern states the principal reasons for the proposed rate increase are to reflect (1) an increase in the overall

level of return to 14.38%, (2) increased costs for new facilities required to attach new gas supplies, and (3) inclusion of costs associated with the Bear Creek Storage Project.

Copies of the filing have been served upon Southern's jurisdictional customers and interested 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 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 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20472 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4348-000]

Sylvester Ross Molyneux; Application for Preliminary Permit

July 8, 1981.

Take notice that Sylvester Ross Molyneux (Applicant) filed on March 16, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 4348 known as Rush Creek located on Rush 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: Mr. Sylvester Ross Molyneux, P.O. Box 1637, Weaverville, California 96093.

Project Description—The proposed project would consist of: (1) a small diversion structure; (2) a diversion conduit; (3) a penstock; (4) a powerhouse containing a 1,000 kW generating unit; and (5) a transmission line. The Applicant estimates that the average annual energy output would be 4,650,000 kWh. The power generated by the proposed project would be sold to a public utility.

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 perform a geological study; prepare an environmental impact report; study the economic and financial feasibility; apply for necessary rights; and consult with appropriate agencies. The cost of these studies is estimated by the Applicant to be $81,000.

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 the time specified in section 4.33(c).

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 prersumed 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 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, 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. 81-20473 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-58-002 (PGA 81-2a IPR 81-2a)]

Texas Gas Pipe Line Corp.; Tariff Sheet Filing

July 7, 1981.

Take notice that on June 29, 1981, Texas Gas Pipe Line Corporation, pursuant to § 154.38 of the Commission Regulations under the Natural Gas Act, filed a Revised Fifth Revised Sheet No. 4a to its FERC Gas Tariff, Second Revised Volume No. 1. Texas Gas states that the filed Tariff Sheets relate to the Unrecovered Purchased Gas Cost Account of the Purchased Gas Adjustment Provision contained in Section 12 and the Incremental Pricing Surcharge Provision contained in Section 13 of the General Terms and Conditions of the Tariff. More specifically, Revised Fifth Revised Sheet No. 4a reflects a net decrease under that currently being collected to 23.44¢ per Mcf (at 14.65 psia) to be effective June 1, 1981.

Any person desiring to be heard and to make any protest with reference to said filing should on or before July 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with 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 but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing must file petitions to intervene in accordance with the Commission's rules. Texas Gas' Tariff filing is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20474 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-18-001]

Texas Gas Transmission Corp.; Proposed Changes in FPC Gas Tariff

July 7, 1981.

Take notice that Texas Gas Transmission Corporation, on June 30,

1981, tendered for filing Thirty-Fourth Revised Sheet No. 7 and Fourth Revised Sheet No. 7–B to its FPC Gas Tariff, Third Revised Volume No. 1.

These sheets are being issued to reflect changes in the cost of purchased gas pursuant to Texas Gas' Purchased Gas Adjustment Clause. The filing also reflects changes in costs associated with advance payments, and the cost of transportation of gas by others pursuant to the provisions of Article VII and IX of the Stipulation and Agreement approved by Commission order issued June 8, 1981 in Docket No. RP80–101.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with 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 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition ot intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–20475 Filed 7–10–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. TA81–2–30–000]

Trunkline Gas Co.; Change in Tariff

July 7, 1981.

Take notice that on July 1, 1981 Trunkline Gas Company (Trunkline) tendered for filing Thirty-Sixth Revised Sheet No. 3–A to its FERC Gas Tariff, Original Volume No. 1. An effective date of May 1, 1981 is proposed.

Trunkline submits that this revised tariff sheet is filed to provide for the elimination of the Louisiana First Use Tax Rate Adjustment pursuant to the Commission's order of June 29, 1981 in Docket No. TA81–2–31, *et al.*

Trunkline states that copies of this filing have been served on all jurisdictional customers and applicable state regulatory agencies.

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 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–20476 Filed 7–10–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. RP81–85–000]

Trunkline LNG Co.; Filing of Change in FERC Gas Tariff

July 7, 1981.

Take notice that Trunkline LNG Company (Trunkline LNG) on July 1, 1981, tendered for filing Substitute Original Tariff Sheet Nos. 4, 5, 8, 9, 10, 27, 28, 29, 30, 31, 32, 33, 34, 35 through 38, and 39 to FERC Gas Tariff, Original Volume No. 1. These substitute tariff sheets are proposed to become effective on August 15, 1981.

Trunkline LNG states this filing will implement a change in tariff form which will result in implementations of a cost of service tariff with an interim rate. Trunkline LNG states that the change in tariff form is consistent with the minimum bill requirement of Opinion No. 796 and Commission policy as reflected in authorization of cost of service tariffs for other LNG terminalling companies.

Trunkline LNG states that copies of this filing were served on Trunkline Gas Company, Trunkline Gas Company's jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petiton to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C., 24026, 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 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

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, Union Center Plaza Building, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR, 1.8 and 1.10). All such petitions or protests should be filed on or before July 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of Columbia's filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–20477 Filed 7–10–81; 8:45 am]

BILLING CODE 6450–85–M

[Project No. 4735–000]

Twin River Resources; Application for Preliminary Permit

July 8, 1981.

Take notice that Twin River Resources (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. 4735 known as the East Twin River Water Power Project located on East Twin River in Clallam 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. William L. Devine, 8040 Mt. Baker Highway, P.O. Box 68, Maple Falls, Washington 98266.

Project Description—The proposed project would consist of: (1) a four-foot high, 75-foot long diversion structure; (2) an 8,000-foot long, 30-inch diameter penstock; (3) a powerhouse with total installed capacity of 1,500 kW; and (4) a switchyard transforming power into 115-kV which would be transmitted by new lines to an existing Bonneville Power Transmission line. The Applicant estimates that the average annual energy production would be 9 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 36 months during which it would conduct engineering, geological, hydrological,

economic and environmental studies; and prepare FERC license application. No new roads would be required for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $150,000.

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 C.F.R. § 4.33 (a) and (d)(1980)] or a notice of intent [See 18 C.F.R. § 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 the time specified in § 4.33(c).

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 C.F.R. § 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions 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 206 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. 81-20441 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-81-000]

United Gas Pipe Line Co.; Notice of Proposed Changes in FERC Gas Tariff

July 7, 1981.

Take notice that United Gas Pipe Line Company (United), on June 30, 1981, tendered for filing proposed changes in its FERC Gas Tariff, First Revised Volume No. 1. The proposed changes are based on the twelve-month period ending March 21, 1981, as adjusted, and would increase jurisdictional sales and transportation revenues by $114,086,062.

United states that the proposed rate increase is necessary to permit it to recover its jurisdictional cost of service for the test period of twelve months ended March 31, 1981, as adjusted. The cost of service reflects increases in all levels of cost, except gas costs which are reflected in the cost of service on the basis of the average unit cost of gas purchased as contained in United's PGA rate change filed to become effective July 1, 1981, as reflected on Fifty-Third Revised Sheet No. 4 to United's FERC Gas Tariff.

Copies of the filing have been served upon United's jurisdictional customers and the public service commissions of the states of Alabama, Florida, Louisiana and Mississippi, and the Texas Railroad 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 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20442 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4388-000]

Vidler Tunnel Water Co.; Notice of Application for Preliminary Permit

July 8, 1981.

Take notice that Vidler Tunnel Water Company (Applicant) filed on March 20, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4388 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. Herbert C. Young or Mr. Robert F. Moreland, 75 Manhattan Drive Suite 201, Boulder, Colorado 80303.

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 1,609 kW; (3) a tailrace; (4) a new 69–kV transmission line, approximately 20 miles long, and a switchyard; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 6,100,000 kWh.

Proposed Scope of Studies under Permit—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 $300,000.

Competing Applications—This application was filed as a competing application to the Gregory Wilcox's application for Project No. 3634 filed on November 3, 1980, under 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 August 4, 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. 4388. 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. 81-20443 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4701-000]

Village of Marissa, Ill.; Application for Preliminary Permit

July 8, 1981.

Take notice that the Village of Marissa, Illinois (Applicant) filed on May 19, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 USC 791(a)—825(r)] for Project No. 4701 known as the Kaskaskia River Lock and Dam Hydroelectric Project located on the Kaskaskia River in Randolph County, Illinois. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert O'Neil, Esq., Miller, Balis & O'Neil, P.C., 776 Executive Building, 1030 Fifteenth Street, N.W., Washington, D.C. 20005.

Project Description—the Applicant proposes to utilize the U.S. Army Corps. of Engineers' Kaskaskia River Lock and Dam Hydroelectric Project. The proposed project would consiste of: (1) a proposed powerhouse containing generating units having an estimated 3.2 MW capacity and an estimated average annual energy output of 10,300,000 kWh; (2) a proposes six mile transmission line to be interconnected to the Illinois Power Company's transmission lines; and (3) appurtenant facilities. The proposed project is 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 $50,000.

Competing Applications—This application was filed as a competing application to the Project No. 3651 filed on November 3, 1980, by Mitchell Energy Company, Incorporated 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 we 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 August 4, 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. 4701. 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 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. 81-20444 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-522]

Virginia Electric & Power Co.; Compliance Filing

July 7, 1981.

Take notice that on June 26, 1981, Virginia Electric and Power Company (VEPCO) submitted for filing (under protest) a compliance report pursuant to Opinion No. 118 dated April 10, 1981.[1] According to VEPCO, the compliance report reflects (1) a summary of the revenue effect of the revised schedule RS and pertinent supportive data, (2) the cost of service adjustments of the revised schedule RS, and (3) the computation of refunds due to the Wholesale Municipal Customers under rate schedule RS.[2]

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory

[1] VEPCO states that its compliance filing should not be construed as a withdrawal of its petition for rehearing which was granted by the Commission on June 8, 1981 for the limited purpose of further consideration.

[2] The cost of service adjustments and the calculation of refunds utilize a 48% federal income tax rate for the period September 30, 1978 to December 31, 1978, and 46% federal income tax rate for the period subsequent to December 31, 1978.

Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before July 30, 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. 81-20445 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-388]

Virginia Electric & Power Co.; Notice of Filing

July 6, 1981.

Take notice that on June 29, 1981 Virginin Electric and Power Company (VEPCO) tendered for filing a revised cost-of-service and revised rate schedules RC and RS for the Company's wholesale Cooperative and Municipal customers in compliance with the Commission's order dated May 28, 1981. VEPCO states that the filing is submitted under protest in that the Company, on June 26, 1981, filed a petition for rehearing of the Commission's May 28, 1981 order. VEPCO states that the filing should not be construed as a withdrawal of its petition for rehearing.

Any person desiring to be heard or to protest said filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D. C. 20426, on or before July 19, 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. 81-20446 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. G-4101-000, et al.]

Warren Petroleum Co., a Division of Gulf Oil Corporation, et al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

July 6, 1981.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon servie as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 20, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). 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 paties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions 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 on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and dates filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
G-4101-000, D, June 16, 1981	Warren Petroleum Company, a Division of Gulf Oil Corporation, Post Office Box 2100, Houston, Texas 77001.	El Paso Natural Gas Company, Saunders Gas Processing Plant, Lea County, New Mexico.	(1)	
CI76-629-001, C, June 23, 1981	Conoco, Inc., P.O. Box 2197, Houston, Texas 77001.	Tennessee Gas Pipeline Company, West Cameron Block 66 Field, Offshore Louisiana.	(2)	15.025
CI81-382-000, A, June 17, 1981	Texas Eastern Exploration Co., P.O. Box 2521, Houston, Texas 77001.	Trunkline Gas Company, Block 359, East Cameron Area, South Addition, Offshore Louisiana.	(2)	15.025
CI81-383-000, A, June 17, 1981	do	Tennessee Gas Pipeline Company, a Division of Tenneco Inc., Block 359, East Cameron Area, South Addition, Offshore Louisiana.	(2)	14.73
CI81-384-000, A, June 17, 1981	do	Panhandle Eastern Pipe Line Company, Block 359, East Cameron Area, South Addition, Offshore Louisiana.	(2)	15.025
CI81-385-000, A, June 18, 1981	Mesa Petroleum Co., P.O. Box 2009, Amarillo, Texas 79189.	Michigan Wisconsin Pipe Line Company, Vermilion Area, Block 397, Offshore Louisiana.	(2)	15.025
CI81-386-000 (CI65-706), B, June 15, 1981	Gulf Oil Corporation, Post Office Box 2100, Houston, Texas 77001.	Northern Natural Gas Company, Division of Inter-North, Inc., Bradford Tonkawa Field, Lipscomb County, Texas.	(1)	
CI81-387-000, E,[13] June 18, 1981	Monsanto Company (Succ. Interest to M & A Petroleum Inc.), 1300 Post Oak Tower, 5051 Westheimer, Houston, Texas 77056.	Cities Service Gas Company, Section 4, Township 15 North, Range 2 West, Logan County, Oklahoma.	(2)	14.65
CI81-388-000, A, June 22, 1981	Conoco Inc., P.O. Box 2197, Houston, Texas 77001	Sea Robin Pipeline Company, South Marsh Island Blocks 112 and 113, Offshore Louisiana.	(2)	15.025
CI81-389-000, A, June 22, 1981	Anadarko Production Company, P.O. Box 1330, Houston, Texas 77001.	Tennessee Gas Pipeline Company, East Cameron Block 359, South Addition, OCS-G-2567, Offshore Louisiana.	(2)	15.025
CI81-390-000, A, June 22, 1981	do	Trunkline Gas Company, East Cameron Block 359, South Addition, OCS-G-2567, Offshore Louisiana.	(10)	15.025
CI81-391-000, A, June 22, 1981	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	Tennessee Gas Pipeline Company, Ship Shoal Block 91, Offshore Louisiana.	(11)	15.025

Docket No. and dates filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI81-392-000, A, June 23, 1981	Exxon Corporation, P.O. Box 2180, Houston, Texas 77001.	Transwestern Pipeline Company, Waddell Field, Crane County, Texas.	(13)	14.65
CI81-393-000, A, June 24, 1981	ONG Producing Company, Suite 3100, One Canal Place, New Orleans, Louisiana 70130.	Columbia Gas Transmission Corporation, Block 392 "A" Platform, Eugene Island Area, Offshore Louisiana.	(13)	14.73
CI81-394-000, A, June 24, 1981	do	Columbia Gas Transmission Corporation, Block 624 "A" Platform, West Cameron Area, Offshore Louisiana.	(13)	14.73
CI81-395-000 (CI75-586), B, June 24, 1981.	Exxon Corporation, P.O. Box 2180, Houston, Texas 77001.	Columbia Gas Transmission Corporation, West Delta Block 117 Field, Offshore Louisiana.	(13)	
CI81-396-000 (CI76-752), B, June 24, 1981.	do	do	(13)	

[1] The last well on Gulf Oil Corporation's Lea "HP" State Lease has been plugged and abandoned and the lease expired by its own terms in August, 1978.
[2] Applicant is filing under Gas Purchase Agreement dated June 17, 1976, amended by Supplemental Agreement dated May 27, 1981.
[3] Applicant is filing under Gas Purchase Agreement dated June 15, 1977, amended by Agreement dated October 1, 1980.
[4] Applicant is filing under Gas Purchase Agreement dated January 27, 1981.
[5] Applicant is filing under Gas Purchase Agreement dated June 15, 1977.
[6] Applicant is willing to accept the applicable rate under Section 104 of the Natural Gas Policy Act of 1978 on Vermilion Area, Block 397.
[7] The last well in which Gulf owned an interest was plugged and abandoned on October 4, 1975, and Gulf and Northern have executed an agreement dated August 23, 1980, entitled "Agreement Releasing Acreage and Terminating Gas Purchase Contract" dated November 17, 1964.
[8] Applicant is filing under Gas Purchase Contract dated June 19, 1978, amended by Gas Purchase Contract dated March 26, 1980.
[9] Applicant is filing under Gas Purchase and Sales Agreement dated June 5, 1981.
[10] Applicant is filing under Gas Purchase and Sales Agreement dated January 8, 1981.
[11] Applicant is filing under Gas Purchase Contract dated May 14, 1981.
[12] Applicant agrees to accept a permanent Certificate of Public Convenience and Necessity covering the subject sale conditioned in accordance with the Natural Gas Policy Act of 1978 and the Commission's Regulations under said Act.
[13] The available supply of gas is depleted, and the contract has been cancelled.
[14] By Assignments effective December 15, 1980, M & A and Ranger Well Service, Inc. assigned its interest in the above-mentioned acreage to Monsanto. Ranger Well Service, Inc. is selling its interest in the subject gas to Cities under M & A's small producer certificate in Docket No. CS78-486.
Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[FR Doc. 81-20447 Filed 7-10-81; 8:45 am]
BILLING CODE 6450-85-M

FEDERAL COMMUNICATIONS COMMISSION

Advisory Committee on Preparations for the ITU 1983 Region 2 Broadcasting Satellite Service Planning Conference; Working Group Meetings; Tasks and Chairmen

July 2, 1981.

The FCC Public Advisory Committee on preparations for the 1983 Regional Administrative Radio Conference for the Region 2 Broadcasting Satellite Service consists of three Subgroups, each of which has several working groups.

For the information of those concerned, the Chairman of each Subgroup and Working group and the task of each is listed with the date and place of any meetings scheduled as of July 1, 1981.

Full Advisory Committee:
Chairman: John F. Clark, (609)734-2748
Meetings will be announced in the **Federal Register** and by FCC Public Notice.

Subgroup 1 Service Requirements:
Chairman: Stephen E. Doyle, (703)828-6867
Meeting to be announced for September 1981.

Working Group 1A Conventional Television Service Requirements
Chairman: Thomas B. Keller, (202)433-5380
Vice Chairman: Robert Blau, (202)626-3617
Vice Chairman: W. Naleszkiewicz, (301)652-4660

Working Group 1B High Definition Television Service Requirements
Chairman: Joseph Flaherty, (212)975-2213
Vice Chairman: Pat McDougal, (301)652-4660
Meeting to be announced for July 1981.

Working Group 1C International (Non-U.S.) Service Requirements
Chairman: Ernesto R. Martin, (202)626-3629
Vice Chairman: To be designated

Working Group 1D Other Related Service Requirements
Chairman: Robert O'Connor, (212)975-3791
Vice Chairman: Donald Martin, (202)822-2000
Meeting to be announced for July 1981.

Working Group 1E Public Service Requirements
Co-Chairman: Frank Norwood, (202)331-0660
Co-Chairman: David E. Honig, (202)387-8155
Meeting July 14, 1981, 9:30 a.m., Room 856, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C.

Subgroup 2 Technical Parameters
Chairman: Edward Reinhart, (202)626-3639

Working Group 2A Planning Parameters
Chairman: Jay Ramasastry, (212)975-1727
Vice Chairman: John E. Miller, (202)755-8570
Meeting July 21, 1981, 9:30 a.m., Room 856, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C.

Working Group 2B Planning Approaches and Modification Procedures
Chairman: Ernesto Martin, (202)626-3629
Vice Chairman: Peter Sawitz, (301)588-6180
Vice Chairman: Reinhard Stamminger, (301)840-0320
Meeting July 22, 1981, 9:30 a.m., Room 856, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C.

Working Group 2C (Liaison with Subgroup 1)
Not yet activated

Working Group 2D (Liaison with Subgroup 3)
Not yet activated.

Subgroup 3 Inter-Service Sharing
Chairman: John J. Kelleher, (703)698-8500
Tentative Meeting Date: August, 1981

Working Group 3A Sharing in the 12 GHz Band
Co-Chairman: Alan Walker, (415)592-4120
Co-Chairman: Charles Kase, (301)652-4660
Vice Chairman: Richard Gould, (202)223-4449
Meeting July 23, 1981, 9:30 a.m. to 12:30 p.m., Room 856, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C.

Working Group 3B Sharing of the Feeder Links in the 17 GHz Region
Chairman: James Whitworth, (202)626-3637
Vice Chairman: Michael Mitchell, (703)627-2243
Meeting July 23, 1981, 1:30 to 4:30 p.m., Room 856, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C.

Working Group 3C Spurious Emissions
Group to be activated.

Working Group 3D Interface between ITU Regions
Group to be activated.

William J. Tricarico,
Secretary, Federal Communications Commission.

[FR Doc. 81-20333 Filed 7-10-81; 8:45 am]
BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[Docket FEMA-REP-1-ME-1]

Maine Radiological Emergency Response Plan

AGENCY: Federal Emergency Management Agency.

ACTION: Notice of receipt of plan.

SUMMARY: For continued operation of nuclear power plants, the Nuclear Regulatory Commission requires approved licensee and State and local governments' radiological emergency

response plans. Since FEMA has a responsibility for reviewing the State and local government off-site plans, the State of Maine, by letter of transmittal dated June 15, 1981, has submitted its radiological emergency plans to the FEMA Region I Office. These plans support the Maine Yankee Atomic Power Plant located in Wiscasset, Maine.

DATE PLANS RECEIVED: June 18, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. David M. Sparks, Regional Director, FEMA, Region I, Room 444, John W. McCormack Post Office and Courthouse Building, Boston, MA 02109, 617–223–4741.

SUPPLEMENTARY INFORMATION: In support of the Federal requirement for emergency response plans, FEMA has proposed a Rule describing its procedures for review and approval of State and local governments' radiological emergency response plans. Pursuant to this proposed FEMA Rule (44 CFR 350.8), "Review and Approval of State Radiological Emergency Plans and Preparedness." 45 FR 42341, the State Radiological Emergency Plan for the State of Maine was received by the Federal Emergency Management Agency Region I Office.

Included are plans for local governments which are wholly or partially within the plume exposure pathway emergency planning zone of the nuclear power plan. For the Maine Yankee Atomic Power Plant, plans are included for the counties of Lincoln, Cumberland, and Sagadahoc, and the towns ofAlna, Arrowsic, Bath, Boothbay, Boothbay Harbor, Bowdoinham, Bristol, Brunswick, Damariscotta, Dresden, Edgecomb, Georgetown, Newcastle, Phippsburg, South Bristol, Southport, West Bath, Westport, Wiscasset, and Woolwich.

Copies of the plan are available for review at the FEMA Region I Public Affairs Office, Room 435, John W. McCormack Post Office and Courthouse Building, Boston, Massachusetts, 02109. Copies will be made available upon request in accordance with the fee schedule for FEMA Freedom of Information Act requests, as set out in subpart C of 44 CFR Part 5. There are 455 pages in the document; reproduction fees are $.10 a page payable with the request for copy.

Copies of the plan are also available from the State of Maine, Bureau of Civil Emergency Preparedness, State House, Station 72, Augusta, Maine. 04333.

Comments on the plan may be submitted in writing to Mr. David M. Sparks, Regional Director, at the above address, on or before August 12, 1981.

FEMA proposed Rule 44 CFR 350.10 also calls for a public meeting prior to approval of the plan. Details of this meeting will be announced in the "Boothbay Register," the "Lincoln County News," and the "Wiscasset Newspaper," at least two weeks prior to the scheduled meeting. Local radio and television stations will be requested to announce the meeting.

David M. Sparks,

Regional Director, Region 1.

June 15, 1981.

[FR Doc. 81-20348 Filed 7-10-81; 8:45 am]

BILLING CODE 6718-01-M

[FEMA-643-DR]

Illinois; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Illinois (FEMA–643–DR), dated June 30, 1981, and related determinations.

DATED: June 30, 1981.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 634–7800.

NOTICE: Pursuant to the authority vested in the Director of the Federal Emergency Management Agency by the President under Executive Order 12148 effective July 15, 1979, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of June 30, 1981, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Illinois resulting from severe storms, tornadoes and flooding beginning on or about June 13, 1981, is of sufficient severity and magnitude to warrant a major-disaster declaration under Pub. L. 93–288. I therefore declare that such a major disaster exists in the State of Illinois.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses. Consistent with the requirements that Federal assistance be supplemental, the Federal Government will provide 75 percent of all eligible public assistance under Pub. L. 93–288 in designated areas except for technical assistance which will be funded at 100 percent.

The time period prescribed for the implementation of Section 313(a), priority to certain applications for public facility and public housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under Federal Emergency Management Agency delegation of authority, I hereby appoint Mr. Ronald Buddecke of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Illinois to have been affected adversely by this declared major disaster.

The following counties for Individual Assistance and Public Assistance:

Carroll, Schuyler and Will.

The following Townships in Cook County for Individual Assistance and Public Assistance:

Bloom	Rich
Bremen	Thornton
Orland	

(Catalog of Federal Domestic Assistance No. 83–300, Disaster Assistance. Billing Code 6718–02)

James P. Dokken,

Acting Associate Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 81-20347 Filed 7-10-81; 8:45 am]

BILLING CODE 6718-01-M

[Docket FEMA-REP-1-MA-1]

Massachusetts Radiological Emergency Response Plan

AGENCY: Federal Emergency Management Agency.

ACTION: Notice of receipt of plan.

SUMMARY: For continued operation of nuclear power plants, the Nuclear Regulatory Commission requires approved licensee and State and local governments' radiological emergency response plans. Since FEMA has a responsibility for reviewing the State and local government off-site plans, the Commonwealth of Massachusetts, by letter of transmittal dated June 16, 1981, has submitted its radiological emergency plans to the FEMA Region I Office. These plans support the Pilgrim Nuclear Power Station located in Plymouth, Massachusetts.

DATES PLANS RECEIVED: June 16, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. David M. Sparks, Regional Director, FEMA, Region I, Room 444, John W. McCormack Post Office and Courthouse Building, Boston, MA 02109, 617–223–4741.

SUPPLEMENTARY INFORMATION: In support of the Federal requirement for emergency response plans, FEMA has proposed a Rule describing its procedures for review and approval of State and local governments' radiological emergency response plans. Pursuant to this proposed FEMA rule (44 CFR 350.8), "Review and Approval of State Radiological Emergency Plans and Preparedness," 45 FR 42341, the State Radiological Emergency Plan for the Commonwealth of Massachusetts was received by the Federal Emergency Management Agency Region I Office.

Included are plans for local governments which are wholly or partially within the plume exposure pathway emergency planning zone of the nuclear power station. For the Pilgrim Nuclear Power Station, plans are included for the towns of Bourne, Bridgewater, Carver, Duxbury, Hanover, Kingston, Marshfield, Middleborough, Plymouth, Wareham, and the City of Taunton.

Copies of the plan are available for review at the FEMA Region I Public Affairs Office, Room 435, John W. McCormack Post Office and Courthouse Building, Boston, Massachusetts, 02109. Copies will be made available upon request in accordance with the fee schedule for FEMA Freedom of Information Act requests, as set out in subpart C of 44 CFR Part 5. There are 740 pages in the document; reproduction fees are $.10 a page payable with the request for copy.

Copies of the plan are also available from the Commonwealth of Massachusetts Civil Defense Agency and Office of Emergency Preparedness, 400 Worcester Road, Framingham, Massachusetts, 01701.

Comments on the plan may be submitted in writing to Mr. David M. Sparks, Regional Director, at the above address on or before August 12, 1981.

FEMA proposed Rule 44 CFR 350.10 also calls for a public meeting prior to approval of the plan. Details of this meeting will be announced in the "Old Colony Memorial" at least two weeks prior to the scheduled meeting. Local radio and television stations will be requested to announce the meeting.

David M. Sparks,

Regional Director, Region 1.

June 15, 1981.

[FR Doc. 81-20349 Filed 7-10-81; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL MARITIME COMMISSION

[Docket No. 81-44; Lease Agreement No. T-3896]

Between Virginia Port Authority and Portsmouth Terminals, Inc.; Filing of Petition for Declaratory Order

Notice is given that a petition for declaratory order has been filed by Virginia Port Authority asking the Commission to terminate a controversy between it and Portsmouth Terminals, Inc. The dispute involves the question of applicability of the rental formula of Lease Agreement T-3896 to the months of 1980 preceding Commission approval. Agreement No. T-3896 provides for the lease of facilities for the operation of Portsmouth Marine Terminal.

Interested persons may inspect and obtain a copy of the petition at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 11101 or may inspect the petition at the Commission's Field Offices located at New York, New York; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Participation in this proceeding by persons not named in the petition will be permitted only upon grant of intervention pursuant to Rule 72 of the Commission's Rules of Practice. (46 CFR 502.72).

Petitions to intervene shall be accompanied by intervenor's complete reply in the matter. Such petitions and any replies to the petition for declaratory order shall be filed with the Secretary on or before July 31, 1981. An original and fifteen copies shall be submitted and a copy served on all parties. Replies shall contain the complete factual and legal presentation of the replying party as to the desired resolution of the petition for declaratory order.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-20327 Filed 7-10-81; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 81-43]

Independent Freight Forwarder License No. 1483: Toyko Express Co., Inc., and Kozo and Kathleen Kimura, d.b.a. Cosmos Trading Co.; Order of Investigation; Correction

The Commission's Order of Investigation and Hearing in this matter incorrectly indicated it was served on "June 7, 1981." The correct service date is "July 7, 1981."

Francis C. Hurney,

Secretary.

[FR Doc. 81-20352 Filed 7-10-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Area Bancshares Corp.; Formation of Bank Holding Company

Area Bancshares Corporation, Hopkinsville, Kentucky, 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, less directors' qualifying shares, of the successor by merger with First City Bank and Trust Company, Hopkinsville, Kentucky. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 6, 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, July 7, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-20384 Filed 7-10-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Notice of 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 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 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 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 August 6, 1981.

Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045: Citicorp, New York, New York (commercial lending and leasing activities; Colorado, Utah and Wyoming): to engage through a *de novo* office of its subsidiary, Citicorp Industrial Credit, Inc., in making or acquiring for its own account or for the account of others, commercial loans and other extensions of credit, including but not limited to the business of factoring and asset-based financing; and leasing personal or real property or acting as agent, broker, or advisor in leasing such property and servicing such leases, subject to all of the qualifications specified in 12 CFR 225.4(a)(6)(a) and (b), where the leases serve as the functional equivalent of an extension of credit to the lessee of the property. Such activities would be conducted from an office in Salt Lake City, Utah, serving Colorado, Utah and Wyoming.

Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120: Orbanco Financial Services Corporation, Portland, Oregon, (mortgage, financing and insurance activities; Texas): to engage, through its subsidiary, Fort Wayne Mortgage Co., in making or acquiring, for its own account or for the account of others, mortgage loans or other extensions of credit for any person; acting as insurance agent or broker for any credit life insurance that is directly related to an extension of credit by it; originating conventional mobile home loans and mobile home loans insured by the Federal Housing Administration (FHA) or guaranteed by the Veterans Adminsitration (VA) for sale to financial institutions, the Federal National Mortgage Association, or in mortgage-backed securities guaranteed by the Government National Mortgage Association (GNMA), which loans will be secured by installment sales contracts on mobile homes; servicing such mobile home loans for its investors by collecting payments, periodically inspecting collateral, and supervising repossessions in the event of unremedied defaults; and providing wholesale financing for mobile homes. These activities would be conducted from an office located in Houston, Texas, serving the southern portion of Texas.

Seafirst Corporation, Seattle, Washington (mortgage banking and insurance activities, California): to engage through its Seafirst Mortgage of California Division, in making and acquiring loans and other extensions of credit secured by real estate mortgages and deeds of trusts, and acting as agent for the sale of credit life and accident and disability insurance directly related to its extensions of credit. These activities would be conducted from an office in Modesto, California, serving the State of California.

Security Pacific Corporation, Los Angeles, California (mortgage banking activities; United States): to engage through its subsidiary, Security Pacific Mortgage and Real Estate Services, Inc., in the origination and acquisition of mortgage loans, including development and construction loans on multi-family and commerical properties for Security Pacific Mortgage and Real Estate Services, Inc.'s own account or for sale to others and the servicing of such loans for others. These activities would be conducted from offices in Los Angeles, California; San Francisco, California; Denver, Colorado; Minneapolis, Minnesto; Portland, Oregon; Dallas, Texas; Houston, Texas; Salt Lake City, Utah; and Bellevue, Washington, and would serve the United States.

Other Federal Reserve Banks. None.

Board of Governors of the Federal Reserve System, July 7, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-20365 Filed 7-10-81; 8:45 am]

BILLING CODE 6210-01-M

GNB Bancorporation; Formation of Bank Holding Company

GNB Bancorporation, Grundy Center, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The Grundy National Bank of Grundy Center, Grundy Center, Iowa. 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 August 6, 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, July 7, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-20366 Filed 7-10-81; 8:45 am]

BILLING CODE 6210-01-M

Greene Investment Co.; Formation of Bank Holding Company

Greene Investment Co., Coon Rapids, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Home State Bank, Jefferson, Iowa. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. section 1842(c)).

Greene Investment Co., Coon Rapids, Iowa, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Greene County Agricultural Credit Corporation, Jefferson, Iowa.

Applicant states that the proposed subsidiary would engage in the activities of selling credit life and disability income insurance directly related to extensions of credit by Applicant's subsidiary bank. These activities would be performed from offices of Applicant's subsidiary in

Jefferson, Iowa, and the geographic area to be served is Greene County, Iowa. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 5, 1981.

Board of Governors of the Federal Reserve System, July 6, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-20387 Filed 7-10-81; 8:45 am]

BILLING CODE 6210-01-M

Midlands Corp.; Formation of Bank Holding Company

Midlands Corporation, Council Bluffs, Iowa, 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 86 percent or more of the voting shares of The Bank of Sante Fe, Santa Fe, New Mexico. 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 August 6, 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, July 7, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-20388 Filed 7-10-81; 8:45 am]

BILLING CODE 6210-01-M

Winters National Corp.; Acquisition of Bank

Winters National Corporation, Dayton, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Winters National Bank of Cincinnati, Cincinnati, Ohio, a proposed *de novo* bank. 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 Cleveland. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than August 6, 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, July 7, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-20389 Filed 7-10-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Cooperative Agreements To Support a National Health Promotion Training Network

The Office of Health Information, Health Promotion and Physical Fitness and Sports Medicine, Office of Disease Prevention and Health Promotion, announces the availability of funds for Fiscal Year 1981 for cooperative agreements to support a National Health Promotion Training Network. This network is to be part of the National Health Promotion Activities Program, specified in the Catalog of Federal Domestic Assistance, Number 13.990. Authorization is under Section 1701 of Title XVII of the Public Health Service Act, as amended, 42 U.S.C. 300 k–l, 300o.

The purpose of the agreements is to support coordinated activities for reaching local human services agencies with appropriate training in conducting effective health promotion programs. In the fall of 1980, the Department of Health and Human Services published the document *Promoting Health/Preventing Disease: Objectives for the Nation*, which set out specific steps for the Nation to take in order to reach the goals outlined in the 1979 publication *Healthy People: The Surgeon General's Report on Health Promotion and Disease Prevention.* In order for many of these *Objectives for the Nation* to be met, individuals who choose to adopt healthier habits of living will need to have the opportunity to be taught skills for reducing the risks to their health.

This will depend in large measure on the ability of local human services program staff to teach the relevant health promotion/risk reduction skills. The purpose of the training network will be to assist private agencies in their efforts to provide training for their program staff in conducting health promotion programs. The project will be conducted with substantial involvement of the Office of Health Information, Health Promotion and Physical Fitness and Sports Medicine.

It is expected that approximately $150,000 will be available in Fiscal Year 1981 for four cooperative agreements. While it is recognized that the project period may be for more than one year, the agreements will be for a period of 12 months with the possibility of continuation based on the availability of funds and program performance. Projected initiation date is September 15, 1981. Any public or private non-profit entity is eligible to apply. Funding criteria will include the following factors:

1. Organizational goals consistent with the National Health Promotion Program.

2. A nationwide network of local affiliates through which health information and health promotion resources can be decentralized.

3. Direct or related staff expertise in training methodologies, especially the training-of-trainers model, and/or expertise in the particular training needs of special population groups.

4. Direct or related administrative capability and/or experience to

participate in the development of a training network.

5. Proposal in response to the program announcement detailing ways the organization could participate in the activities and efforts of a National Health Promotion Training Network, including cost proposal.

Applications must be postmarked no later than August 12, 1981. Applications are not subject to review as governed by OMB Circular A-95 and regulations (42 CFR parts 122 and 123) implementing the National Health Planning and Resource Development Act of 1974, as amended.

Guidelines, information, and applications may be obtained from the Program Management Officer, Office of Disease Prevention and Health Promotion, Public Health Service, Room 719H, 200 Independence Avenue, S.W., Washington, D.C. 20201.

Dated: July 6, 1981.

J. Michael McGinnis,

Deputy Assistant Secretary for Health (Disease Prevention and Health Promotion).

[FR Doc. 81-20362 Filed 7-10-81; 8:45 am]

BILLING CODE 4110-85-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. D-81-648]

Director and Deputy Director, Office of Field Operations and Monitoring; Redelegation of Authority With Respect to the Transfer of and Administration of Appalachian Regional Commission, Title V Regional Commission, and Department of Defense Funds Under the Community Development Block Grant Program and the Comprehensive Planning Assistance Program

AGENCY: Department of Housing and Urban Development, Assistant Secretary, Community Planning and Development.

ACTION: Redelegation of authority.

SUMMARY: With respect to the transfer of funds to the Department of Housing and Urban Development (HUD) from the Appalachian Regional Commission, Title V Regional Commissions and the Department of Defense, it has been determined that the Director and Deputy Director, Office of Field Operations and Monitoring, HUD, should have the authority to accept the transfer of and to administer such funds in conjunction with the Community Development Block Grant and Comprehensive Planning Assistance Programs. This redelegation of authority will expedite the processing involved in the transfer and administration of these funds.

SUPPLEMENTARY INFORMATION: Accordingly, the Assistant Secretary for Community Planning and Development redelegates to the Director and Deputy Director, Office of Field Operations and Monitoring, the authority to accept the transfer of funds from the Appalachian Regional Commission as appropriated under Section 214 of the Appalachian Regional Development Act of 1965, as amended, for administration under the provisions of the Community Development Block Grant Program authorized under Title I of the Housing and Community Development Act of 1974, as amended; the transfer of funds from Title V Regional Commissions as appropriated under Title V of the Public Works and Economic Development Act of 1965, as amended, for administration under the provisions of the Community Development Block Grant Program authorized under Title I of the Housing and Community Development Act of 1974, as amended; and the transfer of funds from the Department of Defense to implement the Trident Community Impact Program under the authority of Section 608, Public Law 93-552 for administration through the Community Development Block Grant Program as authorized under Title I of the Housing and Community Development Act of 1974, as amended, and the Comprehensive Planning Assistance Program as authorized under Section 701 of the Housing Act of 1954, as amended.

(Sec. 7(D) Department of HUD (42 U.S.C. 3535(d)))

Effective Date: July 13, 1981.

Donald G. Dodge,

Acting General Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. 81-20370 Filed 7-10-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

National Park Service

Jean Lafitte National Historical Park, Jefferson and St. Bernard Parishes, Louisiana; Environmental Assessment for the Draft General Management Plan/Development Concept Plan; Availability; Public Meetings

Pursuant to the National Environmental Policy Act of 1969, Title 40 of the Code of Federal Regulations, and Part 516 of the Departmental Manual, the National Park Service has prepared an Environmental Assessment for the Draft General Management Plan/Development Concept Plan for Jean Lafitte National Historical Park, Jefferson and St. Bernard Parishes, Louisiana.

The Environmental Assessment for the Draft General Management Plan/Development Concept Plan outlines alternative management strategies to ensure all reasonable ways of achieving the intent of Congress and the management objectives of Jean Lafitte National Historical Park have been considered and that the positive and negative impacts of each strategy have been identified and analyzed.

Copies of the Environmental Assessment for the Draft General Management Plan/Development Concept Plan are available at the following locations:

Southwest Regional Office, National Park Service, 1100 Old Santa Fe Trail, Post Office Box 728, Santa Fe, New Mexico 87501

Jean Lafitte National Historical Park, 400 Royal Street, Room 200, New Orleans, Louisiana 70130

Public Meetings are scheduled during the first two (2) weeks of August, at various locations in Louisiana. The actual times and locations of the public meetings are not available at the time of publication of this notice. Please write the Superintendent at Jean Lafitte National Historical Park at the above address, or telephone 504-589-3882 for further information.

Anyone wishing to provide comments on the Environmental Assessment for the Draft General Management Plan/Development Concept Plan should provide them to the Superintendent, Jean Lafitte National Historical Park, at the address provided above, on or before September 11, 1981.

Dated: July 2, 1981.

Robert Kerr,

Regional Director, Southwest Region.

[FR Doc. 81-20417 Filed 7-10-81; 8:45 am]

BILLING CODE 4310-70-M

Upper Delaware National Scenic and Recreation River; Intent To Prepare Environmental Impact Statement; Meetings

AGENCY: National Park Service; Upper Delaware National Scenic and Recreation River Planning Team.

ACTION: Notice of intent to prepare environmental impact statement and notice of public meetings.

SUMMARY: The National Park Service has determined that its action to develop and implement a River Management Plan for the Upper Delaware National Scenic and Recreation River is a major Federal

action requiring the preparation of an Environmental Impact Statement pursuant to the National Environmental Policy Act of 1969. Therefore, notice is hereby given that the National Park Service is commencing the work of preparing an Environmental Impact Statement consistent with the Park Service's implementing procedures and the Final Regulations on the National Environmental Policy Act published by Council on Environmental Quality on November 29, 1978 (43 FR 55978–56007). Because of its location, it is expected that all practicable alternatives will contain actions in wetlands or floodplains of the Upper Delaware River.

The intergovernmental planning team will be seeking public input on proposed solutions to the issues and problems facing the Upper Delaware River corridor. Five public meetings will be held.

DATES AND LOCATIONS:

Wayne County, Wednesday, July 22, 7:30 p.m., Damascus School, Route 371, Damascus, PA

Delaware County, Thursday, July 23, 7:30 p.m., Hancock Village Fire House, Hancock, NY

Orange County, Saturday, July 25, 10:00 a.m., Deerpark Town Hall, Route 209, Huguenot, NY

Sullivan County, Monday, July 27, 7:30 p.m., Arlington Hotel, Narrowsburg, NY

Pike County, Tuesday, July 28, 7:30 p.m., Shohola Fire House, Shohola, PA

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Giamberdine, Upper Delaware Planning Team, National Park Service, Denver Service Center, 755 Parfet Street, Denver, Colorado 25287. Telephone: (303) 234–6106. Or, Upper Delaware Planning Team Headquarters, The Land House, P.O. Box 13, Milanville, Pennsylvania 18443. Telephone: (717) 729–7147.

SUPPLEMENTARY INFORMATION: The Upper Delaware River Management Plan will describe and analyze the natural, cultural, recreational and scenic resource values that are present in the area; set final boundaries; and establish detailed guidelines for land and water use. In addition, the plan will propose certain visitor facilities and services, strategies for resource protection, determine land acquisition and other appropriate needs, and identify management actions. The plan will be done in accordance with the provisions set forth in the legislation establishing the Upper Delaware as a part of the National Wild and Scenic River System (Public Law 95–625 Section 704).

The preparation of the River Management Plan is a joint effort of the National Park Service, the State of New York, the Commonwealth of Pennsylvania, the Delaware River Basin Commission, and the counties of Wayne and Pike in Pennsylvania and the counties of Delaware, Sullivan, and Orange in New York. The plan will be developed with full public participation and with the advice and recommendation of the Upper Delaware Citizens Advisory Council.

The National Park Service impact analysis of environmental, economic, cultural, and social impacts, will largely be two-fold:

(1) Addressing management and development alternatives concerning National Park Service activities and programs within the river corridor.

(2) And assessing alternatives concerning resource protection and development on all other lands not under NPS ownership or administration.

The June 1981 issue of "Our Scenic Delaware", a planning newsletter, provides a detailed discussion of the issues and various solutions to the problems facing the Upper Delaware River corridor that will be discussed at the public meetings. Among the issues are: overall management, boundary definitions, river recreation management, recreation facilities, land use management, and cultural resources management.

Dated: July 2, 1981.

James W. Coleman, Jr.,

Regional Director, Mid-Atlantic Region.

[FR Doc. 81-20418 Filed 7-10-81; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 81–16848 appearing at page 30411 in the issue of Monday, June 8, 1981, please make the following change:

On page 30414, third column, under paragraph, "MC 155104", for "JOHN T. CYR & SONS, INC.,", the Twelfth line which reads "Hancock, Piscataquis, Waldo and" should be changed to read "Hancock, Penobscot, Piscataquis, Waldo and"

BILLING CODE 1505-01-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 msut 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 porition 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–135

The following applications were filed in Region I. Send Protests To: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Roston, MA 02114.

MC 155962 (Sub-1–2TA), filed June 24, 1981. Applicant: SIVLER STREAK TRANSPORT CO., INC., 222 Willow Street, Yonkers, NY 10701. Representative: Jack L. Schiller, 502 Flatbush Avenue, Brooklyn, NY 11225. *Contract carrier:* irregular routes: *Paint* from Yonkers, NY to Charlotte, NC; and *Rosin* from Charlotte, NC to Yonkers, NY, (a) restricted to shipments moving to or from the facilities of Stevens Paint located at or near Yonkers, NY; (b) restricted to service performed under continuing contract(s) with Stevens Paint Corp. of Yonkers, NY. Supporting shipper: Stevens Paint Corp., 115 Woodworth Avenue, Yonkers, NY.

MC 119552 (Sub-1-11TA), filed July 1, 1981. Applicant: J. T. L., INC., 200 Whitehall Street, Providence, RI 02909. Representative: Robert L. Cope, 1730 M Street, N.W., Suite 501, Washington, D.C. 20036. *Contract carrier:* irregular routes: *automotive parts,* between St. Louis, MO, on the one hand, and, on the other, points in CA, OR, TX and WA, under continuing contract(s) with McQuay-Norris, Inc. of St. Louis, MO. Supporting shipper: McQuay-Norris, Inc., 2320 Marconi, St. Louis, MO 63110.

MC 15800 (Sub-1-1TA), filed June 26, 1981. Applicant: SEABOARD EXPRESS, INC., 565 Plank Road, Waterbury, CT 06705. Representative: Joseph A. Keating, Jr., 121 S. Main Street, Taylor, PA 18517. *Contract carrier:* irregular routes: *General commodities (except Classes A & B explosives & household goods),* between points in the US under a continuing contract(s) with Macdermid, Incorporated, Waterbury, CT, and its subsidiaries, and Laticrete International, Inc., Bethany, CT. Supporting shipper(s): Macdermid, Incorporated, Waterbury, CT 06720; Laticrete International, Inc., 1 Laticrete Park, N., Bethany, CT 06525.

MC 2060 (Sub-1-2TA), filed June 25, 1981. Applicant: PINE HILL-KINGSTON BUS CORP., 411 Washington Avenue, P.O. Box 1758, Kingston, NY 12401. Representative: Lawrence E. Lindeman, 425 13th St., N.W., Suite 1032, Washington, DC 20004. *Common carrier:* regular routes: *Passengers and their baggage, and express and newspapers in the same vehicle with passengers* between Oneonta, NY and Kingston, NY as follows: From Oneonta via New York Hwy 23 to jct New York Hwy 296, then over New York Hwy 296 to jct New York Hwy 23A, then over New York Hwy 23A to Palenville, then over New York Hwy 32A to jct New York Hwy 32, then over New York Hwy 32 to Saugerties, then over Interstate Hwy 87 to Kingston, and return, serving all intermediate points. Applicant intends to tack. Supporting shipper(s): There are nine statements in support of this application which may be examined at the ICC regional office in Boston, MA.

MC 149114 (Sub-1-6TA), filed June 22, 1981. Applicant: NATIONAL TRANSPORT SERVICES, CO., INC., 100 Industrial Avenue, Edison, NJ 08837. Representative: Barbara R. Klein, Esq., 1101 Connecticut Ave., N.W., Suite 1000, Washington, DC 20036. *Contract carrier:* irregular routes: *General commodities* between all points in the U.S. under continuing contract(s) with United Freight Inc. of Morrow, GA. Supporting shipper: United Freight Inc., 1260 Southern Road, Morrow, GA 30260.

MC 152098 (Sub-1-3TA), filed June 29, 1981. Applicant: OAKHURST TRANSPORTATION, INC., 175 Oakhurst Street, Lockport NY 14094. Representative: James E. Brown, 36 Brunswick Road, Depew, NY 14043. *General commodities (except Classes A and B explosives)* between points in NY located in the counties of Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Wayne, Wyoming and Yates. Supporting shipper(s): Sam-son Distribution Center, Inc., 290 Larkin Street, Buffalo, NY; Springmeier Shipping Co., Inc., 1123 Hadley Street, St. Louis, MO 63101.

MC 149114 (Sub-1-5TA), filed June 22, 1981. Applicant: NATIONAL TRANSPORT SERVICES, CO., INC., 100 Industrial Avenue, Edison, NJ 08837. Representative: Barbara R. Klein, Esq., 1101 Connecticut Ave., N.W., Suite 1000, Washington, DC 20036. *Contract carrier:* irregular routes: *General commodities* between all points in the U.S. under continuing contract(s) with Distribution Services of America Inc. of Boston, MA. Supporting shipper: Distribution Services of America Inc., 666 Summer St., Boston, MA 02210.

MC 118270 (Sub-1-1TA), filed June 22, 1981. Applicant: PRODUCE TRANSPORT SERVICE, INC., 181 W. Rampo St., Mahwah, NJ 07430. Representative: Joseph A. Keating, Jr., 121 S. Main Street, Taylor, PA 18517. *Such merchandise as is usually dealt in by retail and wholesale grocery outlets,* between Erie, Niagara, Wyoming, Genesee, Steuben, & Allegany Counties, NY on the one hand, and, on the other hand, Ulster, Sullivan, Orange, Rockland, West Chester, Suffolk and Nassau Counties, NY and New York, NY and NJ. Supporting shipper: Howard Michael Corp., 95 Center St., Ellenville, NY 14428.

MC 156831 (Sub-1-1TA), filed June 29, 1981. Applicant: TRANSPORTATION SERVICES INC., 422 Harrison Street, Riverside, NJ 08075. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St., N.W., Washington, DC 20004. *Contract carrier:* irregular routes: *Rubber and plastic products,* between points in Camden County, NJ, on the one hand, and, on the other, points in the U.S. under continuing contract(s) with Advanced Chemical Technology of Camden, NJ. Supporting shipper: Advanced Chemical Technology, State St. and River Rd., Camden, NJ 08105.

MC 151263 (Sub-1-2TA), filed June 26, 1981. Applicant: BARRINGTON HAULAGE CO. INC., 300 Treble Cove Road, Billerica, MA 01862. Representative: James R. Barrington (same as applicant). *Salt treated lumber* from Providence Forge, VA to points in CT, MA, ME, NH, NJ, NY, PA, RI, and VT. Supporting shipper: New Kent Wood Preservatives, Inc., P.O. Box 172, Providence Forge, VA 23140.

MC 142126 (Sub-1-3TA), filed June 22, 1981. Applicant: FOAM TRANSPORT, INC., 201 Ballardvale Street, Wilmington, MA 01887. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108. *Contract carrier:* irregular routes: *Rubber and urethane foam products, and such commodities as are used in the manufacture and distribution thereof,* (1) from Cape Girardeau, MO, to Miami, FL and points in its commercial zone, and (2) from Buffalo, NY to points in CT, ME, MA, NH, RI, and VT under continuing contract with Recticel Foam Corporation of Buffalo, NY. Supporting shipper: Recticel Foam Corporation, 344 Vulcan Street, Buffalo, NY 14207.

MC 156806 (Sub-1-1TA), filed June 26, 1981. Applicant: WALTER H. DOLAN CO. d.b.a. DOLAN TRANSPORTATION, 68 Mt. Hope Avenue, Bangor, ME 04401.Representative: John F. O'Donnell, Barrett and O'Donnell, 60 Adams St., P.O. Box 238, Milton, MA 02187. *General commodities (except household goods, hazardous waste, and classes A & B explosives)* between points in ME, on the one hand, and, on the other, points in AL, CT, DC, DE, FL, GA, IL, IN, KY, MA, MD, ME, MI, MO, MS, NC, NH, NJ, NY, OH, PA, RI, SC, TN, VA, VT, WI, WV. Applicant seeks permission to interline with other carriers. Supporting shipper(s): There are 12 statements in support of this application which may be examined at the Regional Office of the I.C.C. in Boston, MA.

MC 146026 (Sub-1-6TA), filed June 26, 1981. Applicant: CROSS COUNTRY FARMING CO., INC., P.O. Box 134, Pine Island, NY 10969. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *(1) Foodstuffs (except in bulk) and (2) materials, equipment, and supplies used in the manufacture and sale of foodstuffs,* between Clifton, NJ and Ranson, WV, on the one hand, and, on the other, points in the U.S. Supporting shipper(s): Globe Products Company, Inc., P.O. Box 1927, 55 Webro Road, Clifton, NJ 07015.

MC 156894 (Sub-1-1TA), filed July 1, 1981. Applicant: MELRHO, INC., Colts Towne Plaza, Hwy 34, Colts Neck, NJ 07722. Representative: Michael F. Morrone, 1150 17th St., N.W., Suite 100, Washington, DC 20036. *Contract carrier:* irregular routes: *Bakery goods, plastic*

trays and promotional materials between South Weymouth, MA on the one hand, and, on the other, Providence, RI, Waterbury, New Haven, Newington and Deep River, CT, under continuing contract(s) with S. B. Thomas, Inc. of Totowa, NJ. Supporting shipper: S. B. Thomas, Inc., 930 N. Riverview Dr., Totowa, NJ 07512.

MC 153459 (Sub-1–1TA), filed June 30, 1981. Applicant: WILLIAM P. MEEHAN d.b.a. MEEHAN ARMORED COURIER SERVICE, 10 Nate Whipple Highway, Cumberland, RI 02864. Representative: Gerald Alch, Esq., Two Center Plaza—Penthouse, Boston, MA 02108. *Contract carrier:* irregular routes: *Precious metals,* from Providence, RI to the U.S. Canadian Border at Buffalo, NY, under continuing contract(s) with RMI Refinery, Inc., Mapleville, RI, and RMI Refinery, Inc., Woonsocket, RI. Supporting shipper: RMI Refinery, Inc., One Main Street, Mapleville, RI 02839; RMI Refinery, Inc., 1623 Main Street, Woonsocket, RI 02895.

MC 142971 (Sub-1–1TA), filed June 30, 1981. Applicant: F & W TRANSPORT CO., INC., 37th & River Road, P.O. Box 389, Camden, NJ 08101. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract carrier:* irregular routes: *Wooden and plastic cabinets and materials and supplies used in the manufacturing, sale and installation thereof,* between Lakewood, NJ and NC under continuing contract(s) with Excel Wood Products Co., Inc., Lakewood, NJ. Supporting shipper: Excel Wood Products Co., Inc., P.O. Box 819, Lakewood, NJ 08901.

MC 153140 (Sub-1–3TA), filed June 26, 1981. Applicant: PIONEER FREIGHT SYSTEMS, INC., 144 Parsippany Rd., P.O. Box 5, Whippany, NJ 07981. Representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Contract carrier:* irregular routes: *Bottles, containers, closures, packaging and packaging materials, building materials, plastic and plastic products, paper, paperboard, and related by-products and materials and supplies used in the manufacture, sale and distribution of such commodities,* between points in the U.S. (except AK and HI), under continuing contract(s) with Continental Plastic Containers, a Division of The Continental Group, Inc., of Stamford, CT. Supporting shipper: Continental Plastic Containers, a Division of The Continental Group, Inc., 4 Landmark Sq., Stamford, CT 06901.

MC 142539 (Sub-1–4TA), filed June 30, 1981. Applicant: B. W. T. TRANSPORT, INC., 757 River Drive, Passaic, NJ 07055. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract carrier:* irregular routes: *Pressure sensitive tape products and iron and steel products* between points in the U.S. except AK and HI under continuing contract(s) with Technical Tape, Inc. and its subsidiaries, of Passaic, NJ. Supporting shipper: Technical Tape, Inc., and its subsidiaries, 1 Market St., Passaic, NJ 07055.

MC 152098 (Sub-1–4TA), filed June 30, 1981. Applicant: OAKHURST TRANSPORTATION, INC., 175 Oakhurst Street, Lockport, NY 14094. Representative: James E. Brown, 36 Brunswick Road, Depew, NY 14043. *Contract carrier:* irregular routes: *General commodities (except Classes A and B explosives and hazardous waste)* between points in NY, west of a line formed by the eastern boundaries of the following NY counties: Broome, Cortland, Jefferson, Onondaga and Oswego, under continuing contract(s) with Davis Wholesale Co. of N. Canton, OH. Supporting shipper: Davis Wholesale Co., 7774 Whipple Avenue, N. Canton, OH 44720.

MC 144598 (Sub-1–3TA), filed June 30, 1981. Applicant: C & J TRANSPORT, INC., P.O. Box 42, N. Vassalboro, ME 04962. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, DC 20005. *Rubber or miscellaneous plastic products,* between Providence County, RI, on the one hand, and, on the other, points in and east of MN, IA, MO, AR, and LA. Supporting shipper: Union Industries, Inc., 10 Admiral Street, Providence, RI 02940.

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 110761 (Sub-II–2TA), filed July 1, 1981. Applicant: CARROLL TRANSPORT, INC., 1702 Frick Bldg., Pittsburgh, PA 15219. Representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219. *Lumber and wood products,* between Detroit, MI, on the one hand, and, on the other, points in IN, MD, NY, OH, PA and VA for 270 days. Supporting shipper: Santiam Midwest Lumber Co., 8131 Smiley Rd., Utica, MI 48087.

MC 136585 (Sub-II–1TA), filed June 30, 1981. Applicant: BUD COFER, INC., 4102 Creekside Ave., Toledo, OH 43612. Representative: Keith D. Warner, 5732 W. Rowland Rd., Toledo, OH 43613. Contract, irregular: *Hides, trimmings and blue stock, and materials, equipment, and supplies used in the manufacture, sale or distribution thereof,* between Lucas County, OH, on the one hand, and on the other, Eagle Pass and Laredo, TX, under continuing contract with A. Mindel & Son, Inc., Toledo, OH, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: A. Mindel & Son, Inc., P.O. Box 6756, Toledo, OH 43612.

MC 151785 (Sub-II–2TA), filed June 29, 1981. Applicant: CONTRACT CARTAGE CORP., 1104 Merridale Blvd., Mount Airy, MD 21771. Representative: Alvin K. Quittner (same as applicant). *Wood and metal fencing and accessories; metal products; lumber and wood products,* between Capitol Heights, MD; Gambrills, MD, Baltimore, MD, Sparrows Point, MD, Fairfax, VA, Norfolk, VA, Camden, NJ, Bethlehem, PA, Philadelphia, PA, pts. in PA west of Route 219, Joliet, IL, Harvey, IL, Chicago, IL, Gary, IN, Pine Bluff, AR, Lackawanna, NY, on the one hand and, on the other, pts. in the US, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Long Fence Co., Inc., 8545 Edgeworth Dr., Capitol Heights, MD 20027.

MC 113666 (Sub-II–18TA), filed June 30, 1981. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Rd., P.O. Drawer A, Freeport, PA 16229. Representative: R. Scott Mahood (same as applicant). *Aluminum dross, lime, bag house fines, fly ash and coke dust, in bulk, in tank vehicles,* From Columbia and Lenoir City, TN and Bicknell and Schneider, IN to Monongahela, PA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: MonCo Products, Inc., 731 East Main St., Monongahela, PA 15063.

MC 156688 (Sub-II–1TA), filed June 30, 1981. Applicant: FRY BROS. COAL CO., 1628 Sherrick Rd., Canton, OH 44707. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212. *Coal,* from Harrison County, OH to the facilities of Ohio Edison at or near Shippingport, Beaver County, PA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Consolidation Coal Co., 20325 Center Ridge Rd., Rocky River, OH 44116.

MC 156287 (Sub-II–2TA), filed June 30, 1981. Applicant: GRIZZLY BUS SERVICE, R.D. 1, Box 77A, Gaines, PA 16921. Representative: Charles L. Boll (same as applicant). *Passengers and their baggage in charter and special operations* beginning and ending at points in Potter, McKean and Tioga Counties, PA and extending to points in NY, OH, NJ and DE for 180 days. Supporting shippers: Girl Scouts Junior Troop 577, c/o Shirley A. Main, West St., Galeton, PA 16922; Blue Devilettes

Baton and Drum Corps, c/o Lois Commino and Diane P. Smith, R.D. 1, Roulette, PA 16746; Austin Area Girl Scouts, c/o Wanda Tyler, R.D. 1, Box 365, Austin, PA 16720.

MC 150922 (Sub-II–1TA), filed July 1, 1981. Applicant: K & P TRUCKING CO., Route 2, Willard, OH 44890. Representaive: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *Food and related products* (except commodities in bulk) from Willard, OH to New York, NY, including pts in its Commercial Zone for 270 days. An underlying ETA seeks 90-day authority. Supporting shipper: Pepperidge Farm, Inc., 595 Westport Ave., Norwalk, CT 06856.

MC 107012 (Sub-II–174TA), filed June 30, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Bruce W. Boyarko (same address as applicant). *Paper* from Ashland, VA to points in OH, KY, WV, IN, IL, MI, PA, MD, DE, NJ, NY, NC, SC, GA, and FL for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Bear Island Paper Co., Inc., 80 Field Point Rd., Greenwich, CT 06830.

Note.—Common control may be involved.

MC 107012 (Sub-II–175TA), filed June 30, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns (same address as applicant). *Contract irregular: General commodities (except class A & B explosives)* between points in the U.S. under continuing contracts with Control Data Corp., of Minneapolis, MN for 270 days. Supporting shipper: Control Data Corp., 8100 34th Ave. South, Minneapolis, MN 55440.

Note.—Common control may be involved.

MC 107012 (Sub-II–176TA), filed June 30, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns (same address as applicant). *Contract irregular: General commodities (except class A & B explosives)* from Northlake, IL to pts. in the U.S. under continuing contract(s) with GTE Automatic Electric Inc., Northlake, IL for 270 days. Supporting shipper: GTE Automatic Electric Inc., 400 North Wolf Rd., Northlake, IL 60164.

Note.—Common control may be involved.

MC 152840 (Sub-II–1TA), filed July 1, 1981. Applicant: PATRICIA AND JAMES KEELER d.b.a. P & J TRANSPORTATION CO., Route 295, Berkey, OH 43504. Representative: Donald G. Hichman, R.D. No. 1, Box 7, Union Springs, NY 13160. *(1) Carpeting, floor tile, carpet padding, rugs, wood floor covering and related articles and (2) materials and supplies used in the installation and distribution of articles in (1)* from Salem, NJ and Chicago, IL to Dearborn Heights, Warren and Detroit, MI for 270 days. Supporting shippers: Royal Carpet Distributers, Inc., 20750 Hoover, Warren, MI 48089 and Eidelman Brothers, Inc., 26390 Van Born Road, Dearborn Heights, MI 48125.

MC 156821 (Sub-II–2TA), filed June 30, 1981. Applicant: PHENOIX TRUCKING CO., P.O. Box 956, Ravenna, OH 44266. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. *Iron and steel articles* (except in bulk) between points in MI, IL, IN, OH, and PA. Restriction: Restricted to the transportation of traffic moving from, to, or between facilities of La Porte Steel, Inc., or its suppliers, for 270 days. Supporting shipper: La Porte Steel, Inc., 6671 Center Road, Valley City, OH 44280.

MC 146990 (Sub-II–1TA), filed July 1, 1981. Applicant: J. R. PORTER, INC., Route 5, Box 589, South Point, OH 45680. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. *Iron and steel articles, and materials, supplies and equipment used in their manufacture, sale and production,* between Ashland, KY, on the one hand, and, on the other, pts. in DC and its commercial zone, and Sterling and Lorton, VA, for 270 days. Supporting shipper: Allied Metals Div., Commercial Shearing, Inc., 704 Warren Ave., Niles, OH 44446.

MC 152672 (Sub-II–7TA), filed June 30, 1981. Applicant: A. ROGER LEASING, LTD., 850 Beaver Grade Road, Coraopolis, PA 15108. Representative: Barry Weintraub, Suite 800, 8133 Leesburg Pike, Vienna, VA 22180. *Contract; irregular: metal products and machinery* between Baltimore, MD on the one hand, and, on the other points in the U.S. under continuing contract with Eastern Stainless Steel Co., Baltimore, MD, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Eastern Stainless Steel Co., P.O. Box 1975, Baltimore, MD 21203.

MC 156879 (Sub-II–1TA), filed July 1, 1981. Applicant: STOWERS & SONS TRUCKING, INC., Rt. 1, Box 210A, West Hamlin, WV 25571. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. *Mercer commodities,* between pts. in WV, on the one hand, and, on the other, pts. in KY, NY, OH, PA, TN, and VA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are 9 supporting shippers. Their statements may be examined at the ICC, Regional Office, Phila., PA.

MC 155938 (Sub-II–1TA), filed June 30, 1981. Applicant: TRI-L TRANSPORT, INC., P.O. Box 558, Richmond, VA 23204. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425–13th Street, N.W., Washington, DC 20004. *Wrought steel pipe and tubing* from Regal Tube Company at or near Chicago, IL to points in AL, GA, KY, NY, NC, PA, SC, TN, VA and WV, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Regal Tube Co., 7401 S. Linder Ave., Chicago, IL 60638.

MC 156845 (Sub-II–1TA), filed June 30, 1981. Applicant: WINN'S HAULING INC., 6805 School Rd., Richmond, VA 23228. Representative: Carroll B. Jackson, 1810 Vincennes Road, Richmond, VA 23229. *(1) Solar systems, component parts thereof and (2) materials, supplies and equipment used in the manufacture, distribution and sales of commodities in (1) above,* between points in Hanover and Henrico Counties, VA, on the one hand, and, on the other, Rockville, MD, and points in FL, GA, NC, SC, and TN for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Reynolds Metals Company, P.O. Box 27003, Richmond, VA 23261.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 134105 (Sub-3–25TA), filed July 1, 1981. Applicant: CELERYVALE TRANSPORT, INC., 3420 New Cummings Road, Chattanooga, TN 37419. Representative: James E. Elgin (same address as applicant). *Food and Related Products* between the facilities of Rich Products Corporation, in the U.S., on the one hand, and on the other, points in the U.S. (except AK and HI). Supporting shipper: Rich Products Corporation, P.O. Box 245, Buffalo, New York 14240.

MC 152458 (Sub-3–3TA), filed July 1, 1981. Applicant: KNOWLES TRUCKING CO., P.O. Box 81, Tyrone, GA 30290. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. *Artist Materials, NOI and related products,* Between Gwinnett County, GA and points in the U.S. (except AK & HI). Supporting shipper: Tara Materials, Inc., Industrial Park Drive, Lawrenceville, GA 30246.

MC 2934 (Sub-3–38TA), filed July 1, 1981. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 North Michigan Road, Carmel, IN 46032.

Representative: W. G. Lowry (same address as applicant). *Plastic articles, equipment and supplies used in the manufacture and distribution of plastic articles;* between the facilities of Mobil Chemical Company and points and places in the U.S. (except AK and HI). Supporting shipper: Mobil Chemical Company, Macedon, NY 14504.

MC 146402 (Sub-3–17TA), filed June 30, 1981. Applicant: CONALCO CONTRACT CARRIER, INC., P.O. Box 968, Jackson, TN 38301. Representative: Charles W. Teske (address same as applicant). *Contract Carrier:* Irregular Routes: *Tile and equipment materials and supplies used in the manufacture, installation and distribution thereof* between points in the U.S. under continuing contract(s) with Heuler Tile Company, Inc., Wauwatosa, WI. Supporting shipper: Heuler Tile Company, Inc., 730 N. 109th Street, Wauwatosa, WI 53226.

MC 156604 (Sub-3–1TA), filed June 30, 1981. Applicant: BD INVESTMENTS, INC., Route #2, Box 46, Boonville, NC 27011. Representative: Billy Dean Prim (same address as applicant) *Textile mill product,* from Yadkinville, NC to New York, NY, and its commerical zone. Supporting shipper: Unifi, Inc., P.O. Box 698, Yadkinville, NC 27055.

MC 156782 (Sub-3–1TA), filed June 30, 1981. Applicant: JACKWIC, INC., 1206 Sunset Drive, Thomasville, GA 31792. Representative: Archie B. Culbreth, John P. Tucker, Jr., Suite 202, 2200 Century Parkway, Atlanta, GA 30345. (1) *Plastic pipe, fittings and accessories;* and (2) *materials, equipment, machinery and supplies used in the manufacture, processing or distribution of plastic pipe, fittings and accessories,* between points in Bibb or Thomas Counties, GA, on the one hand, and, on the other point in the U.S. in and east of ND, SD, NE, CO, OK, and TX. Supporting shippers: ARI Product-North America, Inc., P.O. Box 2235, Thomasville, GA 31792 and DYKA–U.S.A., INC., P.O. Box 10246, Macon, GA 31297.

MC 148202 (Sub-3–5TA), filed June 29, 1981. Applicant: K & W ENTERPRISES, INC., 6223 Triport Ct., Greensboro, NC 27410. Representative: Kim G. Meyer, P.O. Box 56387, Atlanta, GA 30303. *Contract,* irregular: *Materials, equipment and supplies used in the manufacture, sale or distribution of paint and paint products and cleaning compounds, between points in the US in and east of ND, SD, NE, OK, and TX, on the one hand, and, on the other, the facilities of United Coatings, Inc., at or near Chicago, IL, Memphis, TN, Indianapolis, IN, Charlotte, NC and Los Angeles, CA under continuing contract(s) with United Coatings, Inc. Supporting shipper: United Coatings, Inc., 3050 N. Rockwell, Chicago, IL 60618.*

MC 133470 (Sub-3–1TA), filed June 29, 1981. Applicant: S. J. DURRANCE CO., INC., 207 Administration Building, State Farmers Market, Forest Park, GA 30050. Representative: Frank D. Hall, P.C., Suite 202, 1750 Old Spring House Lane, Atlanta, GA 30338. *General commodities (except classes A and B explosives and commodities in bulk),* between all points in the U.S., under continuing contract(s) with Drytex, Inc., Atlanta Felt Company, and Atlanta Wire Works, Inc., subsidiaries of J.W.I. of Canada. Supporting shipper: Drytex, Inc., Atlanta Felt Co., and Atlanta Wire Works, Inc., subsidiaries of J.W.I. of Canada, 1117 Battle Creek Rd., Jonesboro, GA 30236.

MC 154006 (Sub-3–2TA), filed June 29, 1981. Applicant: d.b.a. MANN TRUCKING CO., P.O. Box 227, Skene, MS 38775. Representative: R. Conner Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103. *General commodities (except classes A and B explosives and hazardous materials) between the Port of Rosedale, MS, on the one hand, and, on the other, points in the U.S., having a prior or subsequent movement by water. Supporting shipper: Rosedale-Bolivar County Port Commission, P.O. Box 460, Rosedale, MS 38769.*

MC 124835 (Sub-3–12TA), filed June 29, 1981. Applicant: PRODUCERS TRANSPORT CO., P.O. Box 4022, Chattanooga, TN 37405. Representative: David K. Fox (same address as applicant). *Corn Starch, in bulk, in Hopper Type Vehicles,* from Memphis, NT, to Grand Prairie, TX. Restricted to shipments having an immediately prior movement by rail. Supporting shipper: American Maize Products Company, 113th and Indianapolis Blvd., Hammond, IN 46236.

MC 125037 (Sub-16TA), filed June 29, 1981. Applicant: DIXIE MIDWEST EXPRESS, INC., P.O. Box 372, Greensboro, AL 36744. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209. *Those commmodities dealt in by food brokers and food brokerage houses* between points in the U.S. Supporting shippers: There are ten certificates of shipper support for this application which may be reviewed in the Atlanta Regional Authority and Complaint Center.

MC 151092 (Sub-3–2TA), filed June 29, 1981. Applicant: LOCKLAR ENTERPRISES, INC., d.b.a. EXECUTIVE DELIVERY SERVICES, 2305 Bridgette Blvd., Greensboro, NC 27407. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. *New furniture and fixtures (restricted to residential inside delivery only),* between points in NC, on the one hand, and, on the other, all points in the U.S. There are six statements of shipper support which may be reviewed at the ICC Regional Office, Atlanta, GA.

MC 136315 (Sub-3–13TA), filed June 29, 1981. Applicant: OLEN BURRAGE TRUCKING, INC., P.O. Box 706, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205. *General commodities (except household goods as defined by the Commission in Classes A and B explosives)* between points in Ford County, KS and Buchanan County, MO, on the one hand, and, on the other, points in the U.S. in and east of TX, OK, KS, NE, SD and ND. Supporting shipper: Krause Milling Company, P.O. Box 1156, Milwaukee, WI 53201.

MC 111936 (Sub-3–10TA), filed June 29, 1981. Applicant: MURROW'S TRANSFER, INC., P.O. Box 4095, High Point, NC 27263. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. *Expanded plastic sheeting and plastic articles,* between points in Greenup County, KY, on the one hand, and, on the other, points in VA, NC, and SC. Supporting shipper: E. I. du Pont de Nemours & Co., Inc., 1007 Market Street, Wilmington, DE 19898.

MC 141561 (Sub-3–1TA), filed July 2, 1981. Applicant: DIXIE TRANSPORT CO., P.O. Box 668, S. Broad Street, Toccoa, GA 30577. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. *Contract carrier,* irregular: *Packaging Machinery,* From the facilities of The Woodman Co., Inc., Dekalb Co., GA to points in the U.S. (except AK & HI) under a continuing contract with The Woodman Co., Inc. Supporting shipper: The Woodman Co., Inc., 5224 Snapfinger Woods Drive, Decatur, GA 30035.

MC 127902 (Sub-3–1TA), filed July 1, 1981. Applicant: DIETZ MOTOR LINES, INC., P.O. Box 1427, Hickory, NC 28601. Representative: Robert B. Walker, 915 Pennsylvania Bldg., 425 13th Street, N.W., Washington, DC 20004. *Sugar (except in bulk)* from Supreme, LA to points in NC and SC. Supporting shipper(s): Supreme Sugar Company, Suite 320, 1 Shell Square, New Orleans, LA 70139.

MC 128696 (Sub-3–1TA), filed July 1, 1981. Applicant: DEPENDABLE

TRANSPORT, INC., P.O. Drawer FF, Warner Robins, GA 31903. Representative: Mark S. Gray, 235 Peachtree St., N.E., Ste. 1200, Atlanta, GA 30303. (1) *Plastic bags,* from the facilities of Atlantic Plastic Corporation at Irvington, NJ to Savannah and Atlanta, GA; (2) *Malt syrup,* from the facilities of Malt Products Corporation in Maywood, NJ to Aiken, SC and points in GA; (3) *Cloth fabric, in rolls,* from the facilities of Multi-Stitch Corporation in Brooklyn, NY to Greenville, SC, Charlotte, NC and points in GA; and (4) *Cloth fabric, in rolls,* from the facilities of the Heckler Corporation at Brooklyn, NY and Newark, NJ to Jacksonville, FL. Supporting shippers: Heckler Corporation, 6630 Broadview Ave., Jacksonville, FL 32205; Multi-Stitch Corporation, 961 Elton St., Brooklyn, NY 11208; Malt Products Corporation, Drawer No. 739, Maywood, NJ 07607; Atlantic Plastic Corporation, 660 South 21st St., Irvington, NJ 07111.

MC 156886 (Sub-3–1TA), filed July 1, 1981. Applicant: J. O. STRAYHORN'S WRECKER SERVICE, INC., 1701 S. Miami Blvd., Durham, NC 27703. Representative: J. O. Strayhorn, Jr. (same address as applicant). *Wrecked or disabled vehicles,* between points in NC, on the one hand, and, on the other, points in VA, MD, DE, PA, SC, GA, FL and AL. Supporting shipper: Creative Dining, Inc., P.O. Box 31000, Raleigh, NC 27622.

MC 146402 (Sub-3–18TA), filed July 1, 1981. Applicant: CONALCO CONTRACT CARRIER, INC., P.O. Box 968, Jackson, TN 38301. Representative: Charles W. Teske (same as applicant). *Contract carrier,* Irregular Routes: *Rubber or miscellaneous plastic products and equipment materials and supplies used in the manufacture and distribution thereof* from the facilities of Technor Apex Company at Brownsville, TN to points in and east of ND, SD, NE, KS, OK and TX. Supporting shipper: Technor Apex Company, 505 Central Avenue, Pawtucket, RI 02862.

MC 138157 (Sub-3–54TA), filed July 1, 1981. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, TN 37410. Representative: Patrick E. Quinn (Same as above). *Such commodities as are dealt in by manufacturers and distributors of rug cleaning equipment, cleaning chemicals, and cleaning compounds* between Fresno County, CA and St. Louis, MO on the one hand, and, on the other, points in the U.S. Restricted against the transportation of commodities in bulk and further restricted to traffic originating at or destined to the facilities of Rug Doctor, Inc. Supporting shipper: Rug Doctor, Inc., 2788 North Larkin, P.O. Box 7750, Fresno, CA 93727.

The following applications were filed in Region 4. Send protests to: ICC, Complaint and Authority Branch, P.O. Box. 2980, Chicago, IL 60604.

MC 109449 (Sub-4–11TA), filed June 29, 1981. Applicant: KUJAK TRANSPORT, INC., 6366 West 6th Street, Winona, MN 55987. Representative: Gary W. Shurson (same address as applicant). *Cat Litter and Oil Absorbents,* between Mounds, IL, on the one hand, and, on the other, points in and east of ND, SD, NE, KS, OK, and TX. Supporting shipper: Absorbent Clay Products, Inc., 200 North Main, Anna, IL 62906.

MC 126706 (Sub-4–1TA), filed June 29, 1981. Applicant: KLEYSEN TRANSPORT, LTD., 1495 Pembina Highway, Winnipeg, Manitoba, Canada R3T 2C6. Representative: Grant J. Merritt, 4444 IDS Center, Minneapolis, MN 55402. *Chemicals and related products* between points along 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 CA, DE, GA, ID, IL, LA, MA, MD, MI, MN, MO, MS, MT, NH, NV, PA, UT, WA, WI and WY. Supporting shippers: MacKenzie & Feimann, Ltd., 311–255 West First St., North Vancouver, B.C., Canada V7M 3G8; Westhawk Traders Ltd., 1250 Homer St., Vancouver, B.C., Canada V6B 2Y5; Tiger Chemicals Ltd., 6444—42nd St. S.E., Calgary, Alberta, Canada T2C 2V1.

MC 136512 (Sub-4–4TA), filed June 26, 1981. Applicant: SPACE CARRIERS, INC., 444 Lafayette Rd., St. Paul, MN 55101. Representative: Harold D. Anderson, 444 Lafayette Rd., St. Paul, MN 55101. *Garden, lawn, turf* and *golf course care equipment* and *snow throwers* between Mason City and Forest City, IA, on the one hand, and, on the other, points in the states of AR, CT, DE, IL, IN, KS, KY, LA, ME, MD, MA, MI, MN, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SD, TN, TX, VT, VA, WV, and WI. Supporting shipper: The Toro Company, 8111 Lyndale Avenue South, Minneapolis, MN 55420.

MC 143627 (Sub-4–2TA), filed June 29, 1981. Applicant: FITZSIMMONS TRUCKING, INC., Rural Route 2, Box 128, Waseca, MN 56093. Representative: Robert D. Gisvold, 1600 TCF Tower, Minneapolis, MN 55402. *General commodities* (except classes A and B explosives), between the facilities and suppliers of Best Products Co., Inc., on the one hand, and, on the other, points in the U.S. Supporting shipper: Best Products Co., P.O. Box 26303, Richmond, VA 23260.

MC 145552 (Sub-4–1TA), filed June 25, 1981. Applicant: HEDGE AND HERBERG, INC., Lyon and Washington, P.O. Box 98, Big Stone City, SD 57216. Representative: Gayle E. Hedge. Same address as applicant. *Contract irregular Cheese and butter* from, to, or between the following points Big Stone City, SD, Mpls and St Paul, MN, Lena and Crivitz, WI, Elk Grove, IL Arlington, TX, Saddle Brook, NJ and Crystal Falls, MI. Restricted to traffic moving under continuing contract with Big Stone Cheese. Supporting shipper: Big Stone Cheese, 1051 Locust St., Big Stone City, SD 57216.

MC 145601 (Sub-4–2TA), filed June 29, 1981. Applicant: MORGAN COUNTY TRUCKING, INC., 1059 S. Grant St., Martinsville, IN 46151. Representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., 320 N. Meridian St, Indianapolis, IN 46204. *Contract; irregular Furniture, and materials and supplies used in the manufacture thereof,* between points in the U.S. under continuing contracts with Townhouse Penthouse Industries, St. Louis, MO. Supporting shipper: Townhouse Penthouse Industries, 7901 Michigan Ave., St. Louis, MO 63111.

MC 146065 (Sub-4–TA), filed June 29, 1981. Applicant: DAY TRANSFER, INC, 1245 S. West St., P.O. Box 1426, Indianapolis, IN 46206. Representative: John H. Day, 3909 S. Lynhurst Dr., Indianapolis, IN 46241. *Contract Irregular: Corrugated Containers, KDF, and Corrugated Sheets,* Between pts in the U.S. (excluding Alaska and Hawaii), restricted to continuing contract(s) with Centralia Container, Inc. Supporting shipper: Centralia Container, Inc., P.O. Box 828; Centralia, IL 62801.

MC 147118 (Sub-4–1TA), filed June 26, 1981. Applicant: TRACY TRANSPORT, INC. 348 West 162nd St, South Holland, IL 60473. Representative: William H. Shawn, 1730 M St, N.W., Suite 501, Washington, D.C. 20036. *Such commodities as are dealt in or used by the manufacturers and distributors of salt and salt products* between points in IL, IN, MI, WI, and OH. Supporting shipper: National Salt Supply, Inc., 1550 Bryn Mawr, Itasca, IL 60143; Domtar Industries, Inc., Sifto Salt Division, 4825 N. Scott St., Suite 619, Schiller Park, IL 60176.

MC 147343 (Sub-4–10TA), filed June 29, 1981. Applicant: TREADWAY CARRIERS, INC., 9333 N. Meridian St., Indianapolis, IN 46260. Representative: Thomas O. Cartmel, President (Same as

applicant.) *Such merchandise as is dealt in by wholesale, retail, or chain grocery and food business houses (except commodities in bulk and foodstuffs)* between Indianapolis, IN, including its commercial zone, on the one hand, and, on the other, points in IL, OH, MI, PA, NJ, and NY. W. R. Grace & Co., P.O. Box 295, Reading, PA 19603; International Paper Company, 4155 Airport Expressway, Indianapolis, IN 46241.

MC 147962 (Sub-4–1TA), filed June 26, 1981. Applicant: DONDO TRUCKING, INC., 9020 South Ridgeland, Oak Lawn, IL 60453. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603. *Such commodities as are dealt in or used by manufacturers of commercial and industrial maintenance products,* between Chicago, IL and its Commercial Zone, on the one hand, and, on the other, Atlanta, GA and its Commercial Zone. Supporting shipper: Masury-Columbia Co., 1401 East 98th Place, Chicago, IL 60628.

MC 148380 (Sub-4–14TA), filed June 30, 1981. Applicant: CRESCO LINES, INC., 13900 South Keeler Avenue, Crestwood, IL 60445. Representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603. *Metal products,* between points in IL, IN, IA, KS, KY, MI, MN, MO, NE, OH, PA, and WI, under a continuing contract with Northern Industries, Inc. Supporting shipper: Northern Industries, Inc., 4677 West Cal Sag Road, Crestwood, IL 60445.

MC 148545 (Sub-4–2TA), filed June 29, 1981. Applicant: GENERAL LEASING, INC., 1620 South 15th Street, Prairie du Chien, WI 53821. Representative: Michael S. Varda, 121 South Pinckney Street, Madison, WI 53703. *Malt beverages* from Memphis, TN, to Prairie du Chien, WI, and, on return, *empty containers and pallets,* for 270 days. An underlying ETA seeks 120 days' authority. Supporting shipper: Quality Beverages of Wisconsin, Inc., P.O. Box 216, Prairie du Chien, WI 53821.

MC 150746 (Sub-4–19TA), filed June 29, 1981. Applicant: DFC TRANSPORTATION COMPANY, 12007 Smith Drive, Huntley, IL 60142. Representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603. *General commodities* (except classes A and B explosives), between DeKalb County, GA, Cook County, IL, El Paso County, CO, White County, IN, Erie County, NY, Roanoke County, VA, Racine County, WI, and Franklin and Hamilton Counties, OH, on the one hand, and, on the other, points in AL, FL, IL, IN, MN, OH, NY, PA, VA, MA, CT, NC, SC, and TN. Supporting shipper: Evans Products Company, Suite 900, East Tower, 2550 Golf Road, Rolling Meadows, IL 60008.

MC 151932 (Sub-4–1TA), filed June 25, 1981. Applicant: K & C TRUCKING CO., INC., P.O. Box 407, Glenwood, IL 60425. Representative: Paul J. Maton, 10 South LaSalle St., Suite 1620, Chicago, IL 60603. *Contract,* irregular: *Recycled wastes, waste materials for recycling, and hazardous waste materials* between points in the U.S. under continuing contracts with S.E.T. Liquid Waste Systems, Inc. of Wheeling, Illinois. Supporting shipper: S.E.T. Liquid Waste Systems, Inc., 350 Sumac Rd., Wheeling, Illinois 60090.

MC 152620 (Sub-4–2TA), filed June 30, 1981. Applicant: CUSTOMIZED TRANSPORTATION, INC., 999 North Main Street, Glen Ellyn, IL 60137. Representative: John H. King (same address as applicant). *Contract,* irregular: *Pneumatic tires and other automobile accessories* from the facilities of The Goodyear Tire & Rubber Co. at Memphis, TN to points in AR, MS, LA, OK and TN under a continuing contract(s) with The Goodyear Tire & Rubber Co. Supporting shipper: The Goodyear Tire & Rubber Co., 1144 E. Market St., Akron, OH 44316.

MC 153806 (Sub-4–3TA), filed June 29, 1981. Applicant: BILL MCKEEN TRUCKING LIMITED, 1708 County Road 46, Comber, Ontario, CD N0P 1J0. Representative: W. Walter Travis, P.O. Box 774, Chatham, Ontario, CD N7M 5L1. *Foodstuff, fibre barrels and packaging material* between the Internatioal boundary at Detroit, MI and points in MI. Supporting shipper: H. J. Heinz Co. of Canada, Ltd., Erie Street South, Leamington, Ontario, Canada.

MC 153829 (Sub-4–26TA), filed June 29, 1981. Applicant: UNITED SHIPPING COMPANY, P.O. Box 21186, St. Paul, MN 55121. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Fasteners,* from Chicago, IL, Detroit, MI, Jenkintown, PA, Cleveland, OH, Milwaukee, WI and Kenilworth, NJ, to the facilities of Pheoll Manufacturing Co. of Minnesota at or near Minneapolis, MN. Supporting shipper: Pheoll Manufacturing Co. of Minnesota, 1313 Chestnut Avenue, Minneapolis, MN 55403.

MC 155775 (Sub-4–2), filed June 30, 1981. Applicant: NORTHWESTERN MICHIGAN TRUCKING, INC., 9196 11 Mile Road, Bear Lake, MI 49614. Representative: William B. Elmer, 624 Third Street, Traverse City, MI 49684 (616) 941–5313. Food and related products between points in CO, KS, and ND on the one hand, and, on the other, points in the U.S. An underlying ETA seeks a 120 days. Supporting shipper: Sterling Colorado Beef Co., P.O. Box 1726; Sterling, CO 80751, Held Beef Industries, Inc., Stockyards, W. Fargo, ND 58078 and National Beef Co., Box 978, Liberal, KS 67901.

MC 155981 (Sub-4–1TA), filed June 30, 1981. Applicant: ARMORED SERVICES, INC., Suite 2210, American National Bank Bldg., South Bend, IN 46601. Representative: Edward G. Bazelon, 39 South La Salle St., Chicago, IL 60603. *Coins, currency and food stamps,* between Chicago, IL, on the one hand, and, on the other, LaPorte, St. Joseph and Elkhart Counties, IN, for 270 days. Supporting shippers: Citizens Bank, 502 Franklin Square, Michigan City, IN 46360; The First Merchants National Bank, 515 Franklin Square, Michigan City, IN 46360; American National Bank & Trust Company, American National Bank Bldg., South Bend, IN 46601; and Citizens Northern Bank of Elkhart, 100 South Main Street, Elkhart, IN 46514.

MC 156498 (Sub-4–1TA), filed June 29, 1981. Applicant: MORRIS W. VICE d.b.a. ROYAL GREAT LAKES TOURS, 2008 Goguac Street, Battle Creek, MI 49015. Representative: William R. Ralls, 118 W. Ottawa Street, Suite B, Lansing, MI 48933. *Passengers and their baggage, in special and charter operations,* between points in Battle Creek, MI on the one hand, and, on the other, points in the U.S. Supporting Shipper: Ms. Bonita Henney, Clark Valentine Center, 64 Oakley Street, Battle Creek, MI 49017.

MC 156682 (Sub-4–1TA), filed June 29, 1981. Applicant: AIR TRUCK, INC., 1310 South West Street, Indianapolis, IN 46225. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *Pharmaceuticals, chemicals, cleaning compounds, plastic bags and plastic sheeting* between Indianapolis, IN, Chicago, IL, and Cincinnati, OH, under continuing contract with Dow Chemical Company, USA and its wholly owned subsidiaries. Contracting Shipper: Dow Chemical Company, USA, Indianapolis, IN, and its wholly owned subsidiaries.

MC 156842 (Sub-4–1TA), filed June 29, 1981. Applicant: LASER MOBILE HOME TRANSPORT, INC., d.b.a. HAMMONS MOBILE HOME TRANSPORT, 1618 Forrest Drive, Plainfield, IN 46168. Representative: John F. Wickes, Jr., Scopelitis & Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. *Mobile Homes* between Marion, Hendricks, Putnam, Morgan, Tipton, Howard, Johnson, Shelby, Hancock, Hamilton, Boone, Monroe and Madison Counties, IN, on the one hand, and, on the other, points in IL, IN, OH, MI, KY, TN, AK, MO, TX, LA, AL, MI, GA, NC, SC, VA,

WV, OK and FL. Supporting shippers: There are six supporting shippers.

MC 156864 (Sub-4–1TA), filed June 30, 1981. Applicant: EAGLE TANK LINES, INC., 6710 Pingree Road, Crystal Lake, IL. 60014. Representative: Edward G. Finnegan, Ltd., 134 North LaSalle Street, Suite 1016, Chicago, IL 60602. *Petroleum, petroleum products* and *chemicals* (including *fertilizer, fertilizer materials* and *herbicides*), to and from, points in the States of IL, IN, IA, WI, MI, and MO an underlying ETA seeks 90 days authority. Supporting shippers are: Chemtool, Inc., P.O. Box 496, Crystal Lake, IL 60014; McHenry F.S., Inc., 1606 South Route 47, P.O. Box 230, Woodstock, IL; Red Diamond Oil Company, 15930 South 75th Court, Tinley Park, IL. 60477; Martin Oil Service, Inc., 4501 West 127th Street, Alsip, IL 60658.

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 2095 (Sub-5–6TA), filed June 29, 1981. Applicant: KEIM TRANSPORTATION, INC., P.O. Box 226, Sabetha, KS. 66534. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS. 66612. *Bulk Flour*, Between points and places in the Kansas City, MO–KS. Commercial Zones and the Wichita, KS Commercial Zone on the one hand, and points in the ND, NE, CO, OK, IA, MO & AR on the other hand. Supporting shipper: Cereal Food Processors, Inc., 4901 Main St., Kansas City, MO. 64112.

MC 8544 (Sub-5–3TA), filed June 29, 1981. Applicant: GALVESTON TRUCK LINES, CORPORATION, 7415 Wingate, Houston, TX 77011. Representative: William E. Collier, 8918 Tesoro Drive, Suite 215, San Antonio, TX 78217. Contract; Irregular; *Chemicals and allied products*, between Houston, TX on the one hand, and, on the other, Chico, Fresno, Lathrop, Modesto and Stockton, CA; Frost Proof, Ft. Pierce, Plant City, Tampa and Winter Garden, FL; Rockford, IL; Charlotte, MI; Edgewater, NJ; Portland, OR; Delaire, PA; Wapato, WA; Randolph, WI and points in AL, AR, AZ, GA, LA, MS, NM and TN, under continuous contract with Kocide Chemical Corporation, Houston, TX.

MC 26825 (Sub-5–17TA), filed June 29, 1981. Applicant: ANDREWS VAN LINES, INC., P.O. Box 1609, Norfolk, NE 68701. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. *Metal products*, between the facilities of Nucor Corporation on the one hand, and, on the other, pts in the US. Supporting shipper: Nucor Corporation, P.O. Box 309, Norfolk, NE 68701.

MC 54808 (Sub-5–1TA), filed June 29, 1981. Applicant: SAM GRIMMETT, INC., P.O. Box 280, Port Barre, LA. 70577. Representative: Lennie G. Hardy, Sr., P.O. Box 280, Port Barre, LA. 70577. *Machinery, equipment, material and supplies used in, or in connection with discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products* between points in the states of LA and TX. Supporting shippers: 5.

MC 107815 (Sub-5–2TA), filed June 29, 1981. Applicant: IOWA COACHES, INCORPORATED, 1180 E. Roosevelt Ext., Dubuque, IA 52001. Representative: Steven C. Schoenebaum, 1200 Register & Tribune Bldg., Des Moines, IA 50309. *Passengers and their baggage*, in the same vehicles as passengers, in charter operations and in special operations, in round trip, sightseeing, and pleasure tours, beginning and ending at pts in IA and extending to pts in the U.S. Supporting shippers: 17 supporting shippers.

MC 112822 (Sub-5–8TA), filed June 29, 1981. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, OK 74023. Representative: Brian Fitzgerald (same address as applicant). *Plastic Articles, NOI, plastic cans nested, plastic hand carts, etc., from Cleburne, TX, to points in CO, UT, AZ, NM, OR, CA, WA and LA. Supporting shipper: Rubbermaid Incorporated, 3124 Valley Avenue, Winchester, VA 22601.*

MC 115441 (Sub-5–1TA), filed June 29, 1981. Applicant: ELMER R. JOHNSON and MARVIN W. JOHNSON, d.b.a. JOHNSON BROS., Miles, IA 52064. Representative: Carl E. Munson, 469 Fischer Building, P.O. Box 796, Dubuque, IA 52001. *Malt beverages*, from Memphis, TN, to Clinton, IA. Supporting shipper: Clinton Beverage Co., Inc., 1445 South 18th Street, Clinton, IA 52732.

MC 119399 (Sub-5–74TA), filed June 29, 1981. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, Joplin, MO 64802. Representative: Keith R. McCoy (same as applicant). *General Commodities except commodities in bulk, Classes A and B explosives and household goods as defined by the Commission)*, between Kansas City and Joplin, MO and their respective commercial zones, on the one hand, and, on the other, points in the U.S. (except AK and HI), between all points in the U.S. (except AK and HI), restricted to shipments originating at or destined to the facilities used by Leggett and Platt, Inc.; and, between all points in the U.S (except AK and HI), restricted to shipments originating at or destined to the facilities used by Doane Products Company. Supporting shippers: Patco Products, Grandview, MO; Leggett and Platt, Inc., Cartage, MO; Southeast Manufacturing Co., Inc., Joplin, MO; Doane Products Company, Joplin, MO.

MC 125254 (Sub-5–10TA), filed June 29, 1981. Applicant: MORGAN TRUCKING CO., 1201 E. 5th Street, P.O. Box 714, Muscatine, IA 52761. Representative: Ronald R. Adams, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Malt beverages*, from Memphis, TN, to Oelwein and Davenport, IA. Supporting shippers; Flynn Beverages, Inc., 909 Floral Lane, Davenport, IA 52802 and A. J. Steele Company, Inc., Box 611, Oelwein, IA 50662.

MC 125535 (Sub-5–13TA), filed June 29, 1981. Applicant: NATIONAL SERVICE LINES, INC., OF NEW JERSEY, 2275 Schuetz Rd., St. Louis, 63141. Representative: Donald S. Helm (same as above). *Chemicals and related products* between the states of TX, LA, NM, OK, MO, and points in the U.S. Supporting shipper: Accron-Chemical Distributors, Houston-San Antonio, Inc., Houston, TX.

MC 129908 (Sub-5–55TA), filed June 29, 1981. Applicant: AMERICAN FARM LINES, INC., 8125 S.W. 15th St., Oklahoma City, OK 73107. Representative: T. J. Blaylock, P.O. Box 75410, Oklahoma, City, OK 73147. *Paper, pulp or allied products, printed matter, rubber or miscellaneous plastic products* between Madison County, AL; Forsyth County, NC; and Portage County, OH on the one hand, and, on the other hand points in the U.S. (except AK and HI) Supporting shipper: RJR Archer, Inc., Reynolds Building, 4th & Main, Winston-Salem, NC.

MC 133805 (Sub-5–42TA), filed June 29, 1981. Applicant: LONE STAR CARRIERS, INC., Route 1, Box 48, Tolar, Texas 76476. Representative: Gerald Ragle, 12301 West Freeway, Fort Worth, Texas 76116. *Such commodities as are dealt in, or used by: Grocery, Drug, Hardware and Food Business Houses*— Between Points in the United States (except AK and HI). Supporting shipper's: 7.

MC 135691 (Sub-5–24TA), filed June 29, 1981. Applicant: DALLAS CARRIERS CORP., P.O. Box 38528, Dallas, TX 75238. Representative: R. Conner Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103. *Wearing apparel and piece goods* (1) from Secaucus, NJ, to Hamilton, AL; Memphis, TN; and Paris, TX; (2) from Memphis, TN, to

Secaucus, NJ; (3) from Burlington, Lexington, Greensboro, NC, and Hemingway and Lyman, SC; to Memphis, TN, and Minneapolis, MN; (4) from Shillington and Reading, PA, to Hamilton, AL; Memphis, TN, and Paris, TX. Supporting shipper: Vassarette, Div. of Munsingwear, Inc., P.O. Box 18411, Memphis, TN 38118.

MC 142193 (Sub-5–1TA), filed June 29, 1981. Applicant: ROBERT L. DIETZ AND DONNA J. DIETZ, d.b.a. DIETZ PRODUCE, P.O.B. 554, Alma, NE 68920. Representative: Leslie R. Kehl, 1660 Lincoln St., Suite 1600, Denver, CO 80264. Contract Irregular *Lumber, wood products, and cabinet making materials, equipment and supplies,* between EL Paso County, CO on the one hand, and, on the other in WI under continuing contract(s) with Riviera Products Div. of Evans Products, Co. Supporting shipper: Rivera Products Div. of Evans Products Co., 618 Garden of the Gods, Colorado Springs, CO 80907.

MC 143179 (Sub-5–8TA), filed June 29, 1981. Applicant: CNM CONTRACT CARRIERS, INC., P.O. Box 1017, Omaha, NE 68101. Representative: Foster L. Kent (same address as applicant). Contract; Irregular. *Containers and packaging materials and supplies,* between Chicago, IL, Minneapolis and St. Paul, MN, St. Louis, MO, and Dallas and Fort Worth, TX on the one hand, and on the other, pts in IA, KS, NE, OK and WI. Supporting shipper: Greif Bros. Corporation, 1821 University Ave., St. Paul, MN 55104.

MC 144667 (Sub-5–7TA), filed June 29, 1981. Applicant: ARTHUR E. SMITH & SON TRUCKING, INC., P.O. Box 1054, Scottsbluff, NE 69361. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Contract, Irregular. *Pipe and pipe fittings,* between Pueblo and Otero Counties, CO; Natrona County WY; Thayer County, NE; Houston, TX and pts in its commercial zone; and Los Angeles and Bakersfield, CA, and pts in their commercial zones, on the one hand, and, on the other, pts in KS, NE, SD, ND, CO, WY, MT, NM, UT and CA, under a continuing contract(s) with Timberline Pipe Corporation of Pueblo, CO. Supporting shipper: Timberline Pipe Corporation, P.O. Box 5603, Pueblo, CO 81002.

MC 144982 (Sub-5–11TA), filed June 29, 1981. Applicant: OHIO PACIFIC EXPRESS, INC., P.O. Box 277, Benton, MO 63736. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112. *Such commodities as are dealt in or used by manufacturers and distributors of paint, chemicals, and related articles (except in bulk),* between points in IL, KY, and OH, on the one hand, and, on the other, points in CA and TX. Supporting shipper: Sherwin-Williams Co., P.O. Box 6875, Cleveland, OH 44101.

MC 145154 (Sub-5–4TA), filed June 29, 1981. Applicant: YOUNG'S TRANSPORTATION CO., P.O. Box 7200, Houston, TX 77008. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue NW., Washington, DC 20005, (202) 347–9332. *Alcoholic beverages, and materials and supplies used in their distribution and sale,* between Houston, TX, and points in its commercial zone, on the one hand, and, on the other, points in the U.S. Supporting shipper(s): Quality Beverage Co., Inc., 11515 South Main Street, Houston, TX 77025.

MC 146730 (Sub-5–3TA), filed June 29, 1981. Applicant: L & W TRANPORTATION, INC., Route 3, Box 214A, Sedalia, MO 65301. Representative: Robert B. Reeser, Jr., P.O. Box 388, Sedalia, MO 65301. Contract; irregular. *Farm Products, and Machinery and Supplies,* between points in the U.S. under continuing contract with Swift Farm Center, 20th & Carr, Sedalia, MO 65301.

MC 147676 (Sub-5–8TA), filed June 29, 1981. Applicant: KEATON TRUCK LINES, INC., 1000 South Lelia Street, P.O. Box 1187, Texarkana, TX 75504. Representative: Patsy R. Washington, 1000 South Lelia Street, P.O. Box 1187, Texarkana, TX 75504. Contract; irregular. *To transport Montan Wax and all products used in the production of Montan Wax* between Ione, CA and Atlanta GA; Brenham, TX; Nacogdoches, TX. Supporting shipper: American Lignite Products, P.O. Box 1066, Ione, CA 95640.

MC 149553 (Sub-5–5TA), filed June 29, 1981. Applicant: VALLEY TRANSPORTATION SERVICE, INC., P.O. Box 1527, Mission, TX 78572. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. *Food and related products and Agricultural equipment* from Oklahoma City, OK and points in TX to points in TX located along the International Border between the United States and Mexico. Supporting shipper: Villarrael's Produce, 920 Reynosa, Mission, TX 78572; Vera's Trading Company, Pharr, TX; Carniseria Salinas, Reynosa, Mexico; Cantu and Sons, Inc., 500 S. Guerra St; McAllen, TX 78501.

MC 150086 (Sub-5–7TA), filed June 29, 1981. Applicant: WADE TRUCK LINES, INC., Box 156, Verona, MO 65769. Representative: Larry E. Gregg, 641 Harrison Street, Topeka, KS 66601. *Sugar and Molasses* (except in bulk), Between points in LA, on the one hand, and, on the other, points in the U.S. Supporting shippers: Colonial Sugars, Inc., 129 South 5th Avenue, Gramercy, LA 70052; Godchaux-Henderson Company, Inc., P.O. Drawer AM, Reserve, LA 70084; Supreme Sugar Company, Suite 320, Ishell Square, New Orleans, LA 70139; International Distributors Corp., 4240 Utah Street, P.O. Box 22106, St. Louis, MO 63116; and Specialty Products Division of Colonial Molasses, 199 First Street, P.O. Box 483, Gretna, LA 70054.

MC 151819 (Sub-5–15TA), filed June 29, 1981. Applicant: CARGO MASTER, INC., 917 S. Harwood St., Dallas, TX 75201. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. *Computers, material, equipment and supplies used in the manufacture and distribution of computers;* between San Jose, Cupertino, Garden Grove, CA and Carrollton, TX on the one hand, and, on the other, points in the U.S., Restricted to traffic originating at or destined to the facilities of Apple Computer, Inc. Supporting shipper: Apple Computer, Inc., 10260 Bandley Drive, Cupertino, CA 95014.

MC 154106 (Sub-5–2TA), filed June 29, 1981. Applicant: MT. HOPE TRUCKING, INC., P.O. Box 247, Mt. Hope, KS 67108. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Processed grain products and equipment, materials and supplies used in the manufacture, sale and distribution of processed grain products,* between points in Reno County, KS on the one hand and points in the U.S. (except AK & HI) on the other hand. Supporting shipper: Farmland Agriservices, Inc., Box 1667, Hutchinson, KS 67501.

MC 154106 (Sub-5–3TA), filed June 29, 1981. Applicant: MT. HOPE TRUCKING, INC., P.O. Box 247, Mt. Hope, KS 67108. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Pet Food and Materials, Equipment and Supplies used in the Manufacture, Sale and Distribution of Pet Food,* between points and places in the Commercial zones of Columbus, OH; Vernon, CA; Irvine, CA; and Mattoon, IL and Ogden, UT on the one hand and points and places in the U.S. (except AK & HI) on the other. Supporting shipper: Kal-Kan Foods, Inc., 3386 E. 44th St., Vernon, CA 90018.

MC 155768 (Sub-5–2TA), filed June 29, 1981. Applicant: ENVIRONMENTAL INTERNATIONAL, INC., 912 Scott, Kansas City, KS 66105. Representative: Ted T. Topolski, Sr., 7308 Hedges, Raytown, MO 64135. *Toxic and hazardous waste and miscellaneous*

materials in bulk, boxes and drums, between points and places in the states of CA, ID, MN, MT, NM, TX and WY. Supporting shipper: Ted Topolski Co., Overland Park, KS 66207.

MC 156536 (Sub-5–1TA), filed June 29, 1981. Applicant: RISER TRANSPORTATION, INC., Route 4, Box 2, Keithville, Louisiana 71047. Representative: Raymond R. Riser, same address as above. *Contract:* Irregular. *Liquefied Petroleum Gas Products in bulk in tank vehicles,* between LA, MS, OK, AR, TX, AL, and FL. Supporting shipper: Aero Energy, Inc., 1108 Petroleum Tower, Shreveport, LA 71101.

MC 156753 (Sub-5–1TA), filed June 29, 1981. Applicant: TURNER BROS. ENTERPRISES, INC., Tebbetts, MO 65081. Representative: Bruce C. Harrington, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Anhydrous ammonia,* between points in KS, NE, IA, & MO. Supporting shipper: MFA, Incorporated, 201 S. 7th St., Columbia, MO 65201.

MC 156829 (Sub-5–1TA), filed June 29, 1981. Applicant: AMHOF TRUCKING, A DIVISION OF AMHOF FARMS, INC., RR #3, Davenport, IA 52804. Representative: Carl E. Munson, 469 Fischer Building, Dubuque, IA 52001. (1) *Machinery,* from the facilities of Pav-Saver Mfg. Co., at or near East Moline, IL, to pts in USA; and (2) *Roofing materials, products and supplies,* from pts in IL, and Minneapolis-St. Paul, MN, to pts in IA. Supporting shippers: Pav-Saver Mfg. Co., 1103–14th Avenue, E. Moline, IL 61244; Roofing Wholesale Supply Co., 2833 Hickory Grove Road, Davenport, IA 52804; White Roofing Co., Inc., 804 Sheridan Dr., Eldridge, IA 52748.

MC 156834 (Sub-5–1TA), filed June 29, 1981. Applicant: NEBRASKALAND TRUCKING, INC., Route 3, Box 63, Blair, NE 68008. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. *Building products* (1) from pts in NM, WA, OR, ID, CA, MT, and WY, to pts in CO, NE, KS, OK, TX, AR, MO, and IA; and (2) from pts in TX, OK, AR, and LA to pts in TX, OK, KS, MO, AR, IA, NE, CO, and NM. Supporting shipper: Continental Lumber Co., Inc., 202 South Cedar, Valley Center, KS 67147.

MC 156835 (Sub-5–1TA), filed June 29, 1981. Applicant: JOHN FARLEY, d.b.a. BOWLING GREEN EXPRESS, 619 Champ Clark Drive, St. Louis, MO 63334. Representative: John Farley, 9519 Bataan Drive, Woodson Terrace, MO 63134. Common, regular. *General commodities (except classes A and B explosives),* between (1) St. Louis and Hannibal, MO, from St. Louis over Interstate Hwy. 70 to Jct. U.S. Hwy. 61, then over U.S. Hwy. 61 to Hannibal, and return over the same route; (2) St. Louis and Hannibal, MO, from St. Louis over Interstate Hwy. 70 to Jct. MO Hwy. 79, then over MO Hwy. 79 to Hannibal and return over the same route; (3) Louisiana and Vandalia, MO over U.S. Hwy. 54; serving all intermediate and off-route points on the above specified routes. Supporting shippers: There are nine (9) supporting shippers.

MC 156836 (Sub-5–1TA), filed June 29, 1981. Applicant: MURRY JOHNSON, INC., Rt 2, State Highway 38 & I–40; P.O. Box 158, Widener, AR 72394. Representative: Earl Mills (same as above). *Metal products and Materials and Equipment used in the manufacturing or distribution thereof* between AR, AZ, CA, OR and WA. Supporting shipper: Storall, 5702 Krueger Dr., Jonesboro, AR.

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 156824 (Sub-6–1TA), filed June 25, 1981. Applicant: ALLOYS & METALS TRANSPORTATION, INC., 6718 N.E. 88th Street, Vancouver, WA 98665. Representative: Frank Scott Taylor (same as applicant). *Contract carrier,* Irregular route: *(1) Metal products; (2) Lumber and Wood Products; Pulp, Paper, and Related Products; Metal Products; and Building Materials,* (1) and (2): Between points in CA, ID, MT, OR, and WA, for 270 days. Restricted to the shipments moving for the accounts of ASC Pacific and Louisiana-Pacific Corporation. An underlying ETA seeks 120 days authority. Supporting shippers: ASC Pacific, 2141 Milwaukee Way, Port of Tacoma, WA; Louisiana-Pacific Corporation, P.O. Box 158, Samoa, CA 95564.

MC 153578 (Sub-6–5TA), filed June 29, 1981. Applicant: ALPINE TRANSPORT, INC., 225 Commerce St., Missoula, MT 59801. Representative: William E. Seliski, 2 Commerce St., P.O.B. 8255, Missoula, MT 59807. *Metal Products* between points in Box Elder County, UT on the one hand, and, on the other hand, points in AZ, CA, CO, ID, MT, NV, NM, OR, WA and WY, for 270 days. Supporting shipper: Nucor Corporation, 4425 Randolph Road, Charlotte, NC 28211.

MC 156471 (Sub-6–1TA), filed June 29, 1981. Applicant: LAWRENCE JAMES ATWOOD, d.b.a. BUTCH ATWOOD TRUCKING, P.O.B. 518, Coos Bay, OR 97420. Representative: Lawrence V. Smart, Jr., 419 NW. 23rd Ave., Portland, OR 97210. *Sacked animal and poultry feed and farm supplies,* from the facilities of Western Farmers Association at Tacoma, WA to the Western Farmers Association facilities and customers located at Hillsboro, Junction City, Knappa, Lebanon, Medford, Myrtle Point, Portland, Roseburg and Tillamook, OR, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Western Farmers Association, 201 Elliott Ave. W., Seattle, WA 98119.

MC 156406 (Sub-6–1TA), filed June 24, 1981. Applicant: BEASTON TRANSIT, INC., 30887 Rd. 50, Goshen, CA 93227. Representative: Edward L. Fanucchi, 2409 Merced St., Suite 3, Fresno, CA 93721. *Cotton harvesting equipment,* (1) from CA, to points in AZ, NM, and TX. (2) From TX, to points in NM, AZ, and CA, for 270 days. An underlyng ETA seeks authority for 120 days. Supporting shippers: Taylor Machinery, Inc., 4146 Mineral King, Visalia, CA; Cotton Machinery Corporation, 1870 Catalina, Livermore, CA.

MC 134387 (Sub-6–20TA), filed June 19, 1981. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Ave., South Gate, CA 90280. Representative: Patricia M. Schnegg, 707 Wilshire Blvd., #1800, Los Angeles, CA 90017. *Insulation materials* from (1) Fontana, CA to points in AZ, CO, NV, NM, ID and UT; and (2) from Pueblo, CO to points in AZ, CA, NV, NM, ID and UT for 270 days. Supporting shipper: Rockwool Industries, Inc., 7400 S. Alton Ct., Englewood, CA 90112.

MC 149266 (Sub-6–1TA), filed June 26, 1981. Applicant: CAN TRUCKING, INC., 13000 E. Temple Ave., City of Industry, CA 91749. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. *Contract carrier,* irregular routes: *Printed matter* between Ellis and Dallas Counties, TX, on the one hand, and on the other, points in Los Angeles, Ventura, Orange and San Diego Counties, CA, for 270 days. Supporting shippers: Texas Stocktab, Inc., Box 507, Coppel, TX 75091, and Safeguard Business Systems, Inc., 900 Solon Rd., Waxahachie, TX 75165.

MC 134484 (Sub-6–4TA), filed June 26, 1981. Applicant: EDWARDS BROS., INC., P.O.B. 1684, Idaho Falls, ID 83401. Representative: Timothy R. Stivers, P.O.B. 1576, Boise, ID 83701. *Contract Carrier,* Irregular routes: *Beer, wine and related advertising material in mixed loads with beer and wine,* from points in CA, OR, and WA to points in ID, restricted to traffic moving under continuing contract(s) with B & F Distributing, Inc., and Bonneville

Distributors, for 270 days. Supporting shippers: B & F Distributing, Inc., P.O.B. 2396, Idaho Falls, ID 83401; Bonneville Distributing, P.O.B. 456, Idaho Falls, ID 83401.

MC 156786 (Sub-6–1TA), filed June 22, 1981. Applicant: G.A.L. & S. TRUCKING, INC., 20105 Rhododendron Dr., Sumner, WA 98390. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. *Lumber, wood products and building materials,* between points in WA, OR and CA for 270 days. Supporting shippers: Quinault Pacific Corp., Box X, Shelton, WA 98584; Snohomish Lumber Co., 605 2nd St., Snohomish, WA 98290.

MC 125996 (Sub-6–9TA), filed June 22, 1981. Applicant: GOLDEN TRANSPORTATION, INC., P.O.B. 26908, Salt Lake City, UT 84125. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Minneapolis, MN 55424. *Food and related products,* from Clovis, CA, to points in NE, for 270 days. Supporting shipper: Lyons-Magnus Co., P.O.B. 646, Clovis, CA 93612.

MC 156017 (Sub-6–1TA), filed June 23, 1981. Applicant: GLEASON, INCORPORATED, 1248 S. Verde, Tacoma, WA 98405. Representative: Kathy A. Gleason (same address as applicant). *Contract Carrier,* Irregular routes: *Lumber, pipe, tubing, building and construction material,* (1) from Port Townsend, WA to points in WA, WY, and CO and (2) from Denver, CO to points in WA, WY, KS, UT, MT, OR, and ID for the accounts of Halco Fence and Supply Co. for 270 days. An underlying ETA seeks authority for 120 days. Supporting shippers: Halco Fence and Supply Co., P.O.B. 1194, Port Townsend, WA 98339 and P.O.B. 508, Commerce City, CO 80037.

MC 156443 (Sub-6–1TA), filed June 25, 1981. Applicant: GREY RABBIT CAMPER TOURS, INC., d.b.a. THE GREY RABBIT, 2000 Center St., #1092, Berkeley, CA 94704. Representative: Richard J. Lee, 2150 Shattuck Ave., Suite 900, Berkeley, CA 94704. *Passengers and their baggage* in the same vehicle in specially equipped coaches with sleeping and cooking facilities for up to 46 passengers in special operations on round-trip and one-way sightseeing tours from Portland, OR and San Francisco, CA, to points in CA, OR, MA, NY, and WA for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: There are 35 supporting shippers. Their statements may be examined at the Regional Office listed.

MC 156825 (Sub-6–1TA), filed June 25, 1981. Applicant: DON HART, d.b.a. HART TRANSPORTATION CO., 10611 Potter Circle, Villa Park, CA 92667. Representative: Don Hart (same address as applicant). *Contract Carrier,* irregular routes: *New and used construction machinery and equipment,* between points in the U.S. (excluding AK and HI) for the accounts of (1) G. Warren Hassler, (2) Schwab Sales, Inc., (3) Richard P. Murray Company, Inc., for 270 days. Supporting shipper(s): (1) G. Warren Hassler, 2188 Ponet Drive, Los Angeles, CA 90038; (2) Schwab Sales, Inc., 32631 Azores Rd., Laguna Niguel, CA 92677; (3) Richard P. Murray Company, Inc., P.O. Box G, Chandler, AZ 85224.

MC 151452 (Sub-6–2TA), filed June 24, 1981. Applicant: THOMAS J. BRESSLER, d.b.a. HAWK TRANSPORTATION CO., 324 Union St., Oakland, CA 94607. Representative: Robert G. Harrison, 4299 James Dr., Carson City, NV 89701. *General Commodities,* (except used household goods, Class A and B explosives, articles of unusual value, hazardous waste, and articles requiring the use of special equipment), between points in San Francisco, San Mateo, Santa Cruz, Santa Clara, Alameda, Contra Costa, Marin, Solano, San Joaquin and Sacramento Counties, CA on the one hand, and points in Washoe, Douglas and Carson City Counties, NV within 15 miles of Lake Tahoe on the other hand, for 270 days. Applicant intends to interline at points in CA at points named. Supporting shippers: There are eleven (11) supporting shippers; their statements may be examined at the Regional office listed.

MC 150927 (Sub-6–1TA), filed June 22, 1981. Applicant: HORIZON TRANSPORT, INC., P.O. Box 20848, Portland, OR 97220. Representative: Michael D. Crew, 1618 S.W. First Ave., Suite 205, Portland, OR 97201. (1) *Iron and steel and iron and steel articles,* between points in UT, WA, OR, CA, NV, AZ, NM, CO, ID, WY and MT; (2) *Glass and glass products and materials, supplies and equipment used in the manufacture thereof,* between points in OR, WA, CA, NV, AZ, NM, ID, MT, WY, UT CO; (3) *General commodities in intermodal containers having an immediate prior or subsequent movement by water,* between points in OR, WA, CA, ID, MT, UT, NV, AZ, NM, WY and CO, for 270 days. There are five supporting shippers. Their statements may be examined at the Regional Office listed.

MC 139906 (Sub-6–80TA), filed June 24, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. *Waterbeds and bedroom furnishings,* from the facilities of Pacific Frames, Inc. at or near Hawthorne, CA, to points in the U.S. for 270 days. Supporting shipper: Pacific Frames, Inc., 1839 Chadron Ave., Hawthorne, CA 90205.

MC 139906 (Sub-6–81TA), filed June 26, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. *Bakery products,* (except in bulk) from the facilities of Burry-Lu, Inc. at or near Elizabeth, NJ to points in the U.S. for 270 days. An underlying ETA seeks authority for 120 days. Supporting shipper: Burry-Lu, 891 Newark Ave., Elizabeth, NJ 07207.

MC 139906 (Sub-6–82TA), filed June 26, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O.B. 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O.B. 81849, Lincoln, NE 68501. *Such commodities as are dealt in by retail department stores* (except in bulk) (1) from Los Angeles,CA, and points in its commercial zone to Hoboken, NJ, and points in its commercial zone; and (2) from Hoboken, NJ, and points in its commercial zone to Indianapolis, IN, and points in its commercial zone, restricted in parts (1) and (2) to traffic originating at or destined to the facilities of or used by Allied Stores Marketing Corp., its divisions and subsidiaries for 270 days. Supporting shipper: Allied Stores Marketing Corp., 1114 Ave. of the Americas, New York, NY 10036.

MC 133535 (Sub-6–1TA), filed June 22, 1981. Applicant: KENT FROST CANYONLAND TOURS, INC., 1907 Meadowlark Dr., Flagstaff, AZ 86001. Representative: Donald S. Burris, 2029 Century Park East, Suite 1260, Los Angeles, CA 90067. *Passengers and their baggage* in the same vehicle, limited to the transportation of not more than nine (9) passengers (not including the driver) in any one four-wheel drive motor vehicle in special and charter operations from, to or between points in San Juan, Sandoval, Bernalillo and Santa Fe Counties, NM for 180 days. (Prior and subsequent out-of-state movements will occur in connection with the requested extension of Applicant's permanent Authority). An underlying ETA seeks 90 days authority. Applicant intends to tack. Supporting shipper(s): Special Expeditions, Inc., 133 E. 55th St., New York, NY 10022; Recapture Lodge, Bluff, UT 84512.

MC 149378 (Sub-6–13TA), filed June 23, 1981. Applicant: KIRBY TRANSPORT, INC., 8023 East Slauson Ave., Montebello, CA 90640. Representative: A. Dayton Schell, 6 Eileen Way, Edison, NJ 08837. *Contract carrier,* irregular routes, *General Commodities* (except Class A & B explosives, commodities in bulk and household goods) between all points in the U.S. for 270 days. Supporting shipper: Interstate Freight Service, Inc., 8023 E. Slauson, Montebello, CA 90640.

MC 156762 (Sub-6–1TA), filed June 23, 1981. Applicant: DOUGLAS L. LAUER, d.b.a. DOUG LAUER TRUCKING, P.O. Box 108, Libby, MT 59923. Representative: William E. O'Leary, Suite 4G, Arcade Bldg., Helena, MT 59601. *Contract carrier,* Irregular routes: *ores and minerals,* (including concentrates) between points and places in Lincoln County, MT prior to a subsequent movement by rail, under continuing contract with ASARCO, Inc. of Troy, MT, for 270 days. Supporting shipper: Asarco, Inc., Box 868, Troy, MT.

MC 153325 (Sub-6–2TA), filed June 24, 1981. Applicant: LOUNGE CAR TOURS CHARTER CO., INC., 21133 Victory Blvd., Suite 205, Canoga Park, CA 91303. Representative: Al C. Mintz (same address as applicant). *Passenger and their baggage in charter service,* between points in CA on the one hand, and, on the other, points in AZ, NV and UT for 180 days. Supporting shipper(s): There are seven shippers. Their statements may be examined at the Regional office listed above.

MC 127062 (Sub-6–1TA), filed June 22, 1981. Applicant: KARL MARKUS d.b.a. MARKUS TRUCKING, 2001–20 Ave. South, Lethbridge, Alberta, CD T1K 1G4. Representative: Karl Markus (same as applicant). *Contract carrier,* Irregular routes: (1) *Machinery,* between port of entry at Sweetgrass, MT or Eastport, ID and points west of Mississippi River and (2) *Machinery parts,* between port of entry of Sweetgrass, MT or Eastport, ID and points west of the Mississippi River and (3) *Building materials,* between port of entry at Sweetgrass, MT or Eastport, ID and points west of the Mississippi River, for 270 days. Supporting shipper: Westcan Irrigation Ltd., 510–36 Street North, Lethbridge, Alberta, CD.

MC 156763 (Sub-6–1TA), filed June 22, 1981. Applicant: MIDDLETON LEASING, INC., P.O.B. 340, Scappoose, OR 97056. Representative: Kasia Quillinan, 419 NW 23rd Ave., Portland, OR 97210. (1) *building materials* (2) *lumber and wood products,* and (3) *steel, iron and metal products,* between points in OR, WA, CA and ID, for 270 days. Supporting shippers: There are eight shippers. Their statements may be examined at the Regional Office listed above.

MC 144750 (Sub-6–1TA), filed June 23, 1981. Applicant: MOAB TRUCK CENTER, INC., 90 North 200 East, Moab, UT 84532. Representative: Dan Dunn (same as applicant). *Coal,* from mines in CO to points in CO, UT, and NM for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Peacock Coal Inc., 3701 C.R. 120, Hesperus, CO.

MC 144572 (Sub-6–24TA), filed June 29, 1981. Applicant: MONFORT TRANSPORTATION CO., P.O. Box G, Greeley, CO 80631. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717 17th St., Denver, CO 80202. *Alcoholic beverages,* from Fort Worth, TX and Los Angeles, CA to Steamboat Springs, CO for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: B & K Distributing, Inc., P.O. Box 2172, Steamboat Springs, CO 80477.

MC 146464 (Sub-6–5TA), filed June 26, 1981. Applicant: NEVADA GENERAL TRANSPORTATION, INC., 469 Idaho St., Elko, NV 89801. Representative: David E. Wishney, P.O.B. 837, Boise, ID 83701. *Horse trailers* from points in OK to points in UT, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Jeff Dunn d.b.a. The Saddle House, 777 N. State St., Orem, UT 84057.

MC 146464 (Sub-6–6TA), filed June 26, 1981. Applicant: NEVADA GENERAL TRANSPORTATION, INC., P.O.B. 391, Elko, NV 89801. Representative: David E. Wishney, P.O.B. 837, Boise, ID 83701. *Coal* from points in UT to points in NV for 270 days. Supporting shipper: Freeport Gold Company, Mountain City, Star Route, Elko, NV 89801.

MC 129857 (Sub-6–7TA), filed June 22, 1981. Applicant: G.R.M., INC., d.b.a. PORT TERMINAL TRANSPORT, INC., 700 Henry Ford Ave., Long Beach, CA 90810. Representative: Patricia M. Schnegg, 707 Wilshire Blvd., No. 1800, Los Angeles, CA 90017. *Imported automobiles* and *trucks* in secondary movements, in truckaway service, from Los Angeles County, CA to La Plata County, CO, for 270 days. Suppporting shipper: Toyota Motor Sales, U.S.A., Inc., 2055 W. 190th St., Torrance, CA 90504.

MC 148874 (Sub-6–6TA), filed June 23, 1981. Applicant: PROFICIENT FOOD CO., 17872 Cartwright Rd., Irvine, CA 92705. Representative: Floyd L. Farano, 2555 E. Chapman Ave., Suite 415, Fullerton, CA 92631. *Contract carrier,* Irregular route. *Office furniture and supplies as normally used in retail food chains,* between points located in Dallas, TX and Kansas City, MO for 270 days. Supporting shipper: United Stationers, 1701 S. First Ave., Maywood, IL 60153.

MC 155760 (Sub-6–2TA), filed June 26, 1981. Applicant: RONALD S. YAROS d.b.a. RMEX, P.O. Box 24808, Oakland, CA 94623. Representative: Ronald S. Yaros (same as applicant). *Contract Carrier,* Irregular routes: *General Commodities* (except those of unusual value, Class A & B explosives, Hazardous waste material, household goods as defined by the Commission, Commodities in bulk and those requiring special equipment), (1) between points in the Los Angeles and Oakland, CA commercial zones (as defined by the Commission) on the one hand, and on the other, points in AZ, CA & CO. (2) Between Portland, OR and Seattle, WA on the one hand, and on the other, points in OR & WA. (3) Between Salt Lake City, UT on the one hand, and on the other, points in ID, MT, UT & WY, for 270 days. Supporting shipper: Rocky Mountain Express, Inc., 730 11th Ave. Oakland, CA 94623.

MC 146724 (Sub-6–2TA), filed June 22, 1981. Applicant: DEAN RAPPLEYE, INC., 7444 S. 2200 W., West Jordon, UT 84084. Representative: Jack H. Blanshan, 205 W. Touhy Ave., Suite 200–A, Park Ridge, IL 60068. *Food and related products,* from Zeeland and Detroit, MI; Chicago, IL; Westfield, WI; St. Paul, MN; Buffalo Center, Des Moines and Sioux City, IA; Rapid City, SD; Columbus, OH; and St. Louis and Weston, MO and points in the commercial zones of the respectively named cities, to Los Angeles and Oakland, CA and points in their commercial zones, restricted to the transportation of traffic having a subsequent movement by water for 270 days. An underlying ETA seeks authority for 120 days. Supporting shipper: Quality Trading, Inc., 429 Waiakamilo Rd., Room No. 4, Honolulu, HI 96817.

MC 156826 (Sub-6–1TA), filed June 26, 1981. Applicant: SECURED RESOURCE TRANSPORT, INC., 12486 SE 93rd Ave., Clackamas, OR 97015. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210. *Waste materials and hazardous waste materials,* from Tacoma and Seattle, WA to the waste dump site near Arlington, OR, for 270 days. Supporting shippers: Kaiser Aluminum & Chemical Corporation, 300 Lakeside Dr., Oakland, CA 94643; Monsanto Company, 9229 E Marginal Way S, Seattle, WA 98108.

MC 138875 (Sub-6–56TA), filed June 26, 1981. Applicant: SHOEMAKER

TRUCKING COMPANY, 11900 Franklin Rd., Boise, ID 83709. Representative: Patricia A. Russell (same as applicant). *Metal products* between points in Box Elder County, UT, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, WA and WY. Restricted to the facilities used by Nucor Corporation, for 270 days. Supporting shipper: Nucor Corporation, 4425 Randolph Rd., Charlotte, NC 28211.

MC 156828 (Sub-6–1TA), filed June 26, 1981. Applicant: L. SOILS ASSOCIATES, INC., 2425 E Slauson Ave., Huntington Park, CA 90255. Representative: Lynon Soils, Jr. (same address as applicant). *Contract Carrier,* irregular routes: *Scrap Metals, Metal products and Roofing materials,* between points in CA on the one hand and points in AZ, CO, ID, NM, NV, OR, TX, UT, WA and WY for the accounts of B & B Metals, Inc. and Tremco, Inc. for 270 days. Supporting shipper(s) (1) B & B Metals, Inc., 1815 S. Santa Fe Ave. Compton, CA 90221 (2) Tremco, Inc. 3060 E 44th St. Vernon, CA 90058.

MC 156765 (Sub-6–1TA), filed June 22, 1981. Applicant: STAR TRUCKING, Star Rte., Shoshoni, WY 82649. Representative: John T. Wirth, 717—17th St., Ste. 2600, Denver, CO 80202. *Mercer Commodities,* between points in SD, NE, WY and UT on the one hand, and, on the other, points in SD, NE, WY, UT, ND, CO, MT and ID, for 270 days. Supporting shippers: There are 15 supporting shippers. Their statements may be examined at Regional Office, listed above.

MC 147978 (Sub-6–3TA), filed June 24, 1981. Applicant: SYSTEM REEFER SERVICE, INC., 4614 Lincoln Ave., Cypress, CA 90630. Representative: Dixie C. Newhouse, P.O.B. 1417, Hagerstown, MD 21740. *Produce (processed raw vegetables), meat, food and related commodities, kitchen utensils and tableware* between Pasadena, CA, including its commerical zone, on the one hand, and, on the other, Baltimore, MD; Philadelphia, PA; Chicago, IL; Detroit, MI and Boston, MA, including their respective commerical zones for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Ready Pac Produce, Inc., 950 N. Fair Oaks Ave., Pasadena, CA 91103.

MC 113271 (Sub-6–9TA), filed June 26, 1981. Applicant: TRANSYSTEMS INC., P.O. Box 399, Black Eagle, MT 59414. Representative: Ray F. Koby, P.O. Box 2567, Great Falls, MT 59403. *(1) Lumber and lumber products and (2) commodities used in the manufacture of lumber and lumber products* from points in Flathead, Beaverhead and Lincoln Counties, MT to points in Salt Lake County, UT for 270 days. Applicant seeks an underlying 120 days ETA. Supporting shipper: Diehl Lumber Products, P.O. 25067, Salt Lake City, UT 84125.

MC 152329 (Sub-6–2TA), filed June 23, 1981. Applicant: ROBERT F. WALL, d.b.a. ROBERT F. WALL TRUCKING, 933 Fredensborg Canyon Rd., Solvang, CA 93463. Representative: Robert Fuller, 13215 E. Penn St., Ste. 310, Whittier, CA 90602. *Vinyl composition floortile* from Houston, TX to points in AZ, CA, OR and WA, for 270 days. Supporting shipper: Azrock Industries, Inc., P.O. Box 34040, San Antonio, TX 78233.

MC 146855 (Sub-6–1TA), filed June 26, 1981. Applicant: JOEL WEHRMAN, Route 4, Box 4173, Selah, WA 98942. Representative: Henry C. Winters, 525 Evergreen Building, Renton, WA 98055. *Plastic products* between points in AR, CA, IA, ID, MT, OR, UT, and WA for 270 days. An underlying ETA seeks authority for 120 days. Supporting shipper: Amoco Foam Products Co., 2100 Power Ferry Rd., Atlanta GA 30099.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-20332 Filed 7-10-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume OPY4-243]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: July 2, 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** 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 a public need for the proposed operations and that it 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. This presumption shall not be deemed to exist where the application is opposed. 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.

By the Commission, Review Board No. 2, Members, Carleton, Fisher, 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".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

MC 26377 (Sub-33), filed June 25, 1981. Applicant: LEONARDO TRUCK LINES, INC., 511 S. First St., Selah, WA 98942. Representative: Lawrence V. Smart, Jr.,

419 N.W. 23rd Ave., Portland, OR 97210, (503) 226–3755. 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 69877 (Sub-1), filed June 23, 1981. Applicant: ROSEVILLE MOTOR EXPRESS, INC., 277 Cemetery Rd., Crooksville, OH 43731. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215, (614) 464–4103. Transporting *general commodities* (except classes A and B explosives), between points in Licking County, OH, on the one hand, and, on the other, points in the U.S.

[FR Doc. 81–20329 Filed 7–10–81; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rule 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 appliant has demonstrated a public need for the proposed operations and that it 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. This presumption shall not be deemed to exist where the application is opposed. 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.

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".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Vol. No. OP1–194

Decided: July 2, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 4761 (Sub-30), filed June 22, 1981. Applicant: LOCK CITY TRANSPORTATION COMPANY, 3213 Tenth St., Menominee, MI 49858. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719, (608) 273–1003. Transporting *petroleum, natural gas and their products*, between points in Marathon County, WI, on the one hand, and, on the other points in the upper peninsula of MI. Condition: The certificate to be issued here shall be limited in point of time to a period expiring 5 years from the date of issuance.

MC 8771 (Sub-78), filed June 23, 1981. Applicant: S. M. TRANSPORT, INC., P.O. Box 41, Camp Hill, PA 17011. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004, (202) 737–1030. Transporting *machinery, contractors' equipment, those commodities which because of their size or weight require the use of special handling or equipment, and transportation equipment*, between points in IL, on the one hand, and, on the other, points in the U.S.

MC 20110 (Sub-11), filed June 2, 1981. Applicant: MESSINGER TRUCKING & WAREHOUSE CORP., 84–132 Lockwood Street, Newark, NJ 07105. Representative: Jon Messinger (same address as applicant), (201) 344–4200. Transporting *commodities dealt in by retail department stores*, between points in the U.S., under continuing contract(s) with The Bamberger Company of Newark, NJ.

MC 74321 (Sub-163), filed June 16, 1981. Applicant: B. F. WALKER, INC., 1555 Tremont Place, PO Box 17–B, Denver, CO 80217. Representative: Richard P. Kissinger, Steele Park, Suite 330, 50 South Steele Street, Denver, CO 80209 (303) 320–6100. Transporting (1) *those commodities which because of their size or weight require the use of special handling or equipment*, and (2) *self-propelled articles*, between points in AR, IL, IN, IA, KY, MD, MI, MO, NC, OH, PA, SC, TN, VA, WA, and WI, on the one hand, and, on the other, points in AZ, CA, CO, ID, KS, LA, MT, NE, NV, ND, NM, OK, SD, TX, UT, WA and WY.

MC 182841 (Sub-319), filed June 16, 1981. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, NE 68127. Representative: William E. Christensen (same address as applicant), (402) 339–3003. Transporting *gypsum, gypsum products, building materials, paper and paper products, chemicals and plastic products*, between the facilities used by Georgia-Pacific Corporation, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 119800 (Sub-8), filed June 22, 1981. Applicant: PHILIP THOMAS TRUCKING, INC., P.O. Box 742, Wynnewood, OK 73098. Representative: T.M. Brown, P.O. Box 1540, Edmond, OK 73034, (405) 348–7700. Transporting *petroleum and petroleum products*, between points in OK, KS, TX, LA, and AR.

MC 141620 (Sub-6), filed June 16, 1981. Applicant: VAN BUS DELIVERY, d.b.a. UNITED VAN BUS DELIVERY, 2601–32nd Ave., South, Minneapolis, MN 55405. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137, (901) 767–5600. Transporting *general commodities* (except classes A and B explosives), (1) between points in MN, WI, SD, ND, IL and IA, and (2) between points in MN,

WI, SD, ND, IL and IA, on the one hand, and, on the other, points in the U.S.

MC 148281 (Sub-16), filed June 22, 1981. Applicant: SUSANA TRANSPORT SYSTEMS, INC., 2845 Workman Mill Rd., Whittier, CA 90601. Representative: Miles L. Kavaller, 315 So. Beverly Drive, Suite 315, Beverly Hills, CA 90212, (213) 277–2323. Transporting *alcoholic beverages*, (1) between points in Los Angeles County, CA, on the one hand, and, on the other, points in the U.S., and (2) between points in Moore County, TN, on the one hand, and, on ther other, points in Orange and Los Angeles Counties, CA.

MC 151680, filed June 23, 1981. Applicant: BLACK BROS. & SON DISTRIBUTING, INC., 912 E. 3rd St., Los Angeles, CA 90013. Representative: Robert M. Black (same address as applicant), (213) 629–4518. Transporting (1) *furniture and fixtures*, and (2) *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with Cascade Commercial Co., of Seattle, WA and Packaging, Inc., of Pacoima, WA.

MC 154780 (Sub-6), filed June 12, 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 KY, on the one hand, and, on the other, points in the U.S. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 1, Room 6358.

MC 156580, filed June 18, 1981. Applicant: TRANS-STAR TRANSIT, INC., P.O. Box 13708, Edwardsville, KS 66113. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137, (901) 767–5600. Transporting (1) *beverages and beverage ingredients*, and (2) *containers and container parts*, between points in Johnson County, KS, on the one hand, and, on the other, points in AR, MO, OK, TX, NE, IL and IA.

MC 156771, filed June 25, 1981. Applicant: TRI-STATE MOTOR TRANSPORT, INC., 830 Oakcreek Drive, Dayton, OH 45429. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215, (614) 464–4103. Transporting *general commodities* (except classes A and B explosives), between Chicago, IL, Largo, FL and San Diego, Sacramento and San Francisco, CA and points in OH, on the one hand, and, on the other, points in the U.S.

MC 156781, filed June 26, 1981. Applicant: WILLIAM L. SONNER, Route 1 Box 299, Stephens City, VA 22655. Representative: Larry R. McDowell, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. (215) 735–3090. Transporting *apples and apple products*, between points in Lincoln County, NC, Frederick and Rockingham Counties, VA, and Berkeley County, WV, on the one hand, and, on the other, points in DE, FL, GA, MD, NC, NJ, PA, SC, VA, WV, and DC.

Volume No. OPY–4–241

Decided: July 2, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Williams not participating.)

MC 77487 (Sub-1), filed June 24, 1981. Applicant: CONTROLLED DISTRIBUTION SERVICES, INC., 11 West St., Brooklyn, NY 11222. Representative: Irving Klein, 371 Seventh Ave., New York, NY 10001, (212) 279–3050. Transporting *general commodities* (except classes A and B explosives), between points in NY, NJ, CT, MA, RI, ME, NH, VT, PA, DE, MD, VA and DC.

MC 93147 (Sub-23), filed June 25, 1981. Applicant: DELTA TRANSPORT CORPORATION, 840 Union St., P.O. Box 546, W. Springfield, MA 01089. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103, (413) 781–8205. Transporting *general commodities* (except classes A and B explosives), between points in CT, ME, NY, MA, NH, NJ, PA, RI, and VT, on the one hand, and, on the other, points in OH, PA, and WV.

MC 100327 (Sub-15), filed June 25, 1981. Applicant: LONGUEIL TRANSPORTATION, INC., 144 Shaker Rd., P.O. Box 473, East Longmeadow, MA 01028. Representative: David M. Marshall, 101 State St.—Suite 304, Springfield, MA 01103, (413) 732–1136. Transporting *passengers and their baggage*, in special and charter operations, beginning and ending at points in Hampden County, MA and Hartford County, CT, and extending to points in the U.S.

MC 124117 (Sub-49), filed June 22, 1981. Applicant: EARL FREEMAN AND MARIE FREEMAN, d.b.a. MID-TENN EXPRESS, P.O. Box 101, Eagleville, TN 37060. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219, (615) 244–8100. Transporting *food and related products*, between those points in the U.S., in and east of ND, SD, CO, and NM.

MC 125037 (Sub-26), filed June 22, 1981. Applicant: DIXIE MIDWEST EXPRESS, INC., P.O. Box 372, Greensboro, AL 36744. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209, (205) 942–9116. Transporting *general commodities* (except classes A and B explosives), between the facilities of West Coast Shipper's Association; Seaport Coop, Inc.; and East-West Shippers, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 127187 (Sub-58), filed June 22, 1981. Applicant: FLOYD DUENOW, INC., P.O. Box 86, Savage, MN 55378. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Ten So. Fifth St., Minneapolis, MN 55402, (612) 340–0808. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Le Sueur Foundry Company, Inc., of Le Sueur, MN.

MC 127227 (Sub-9), filed June 22, 1981. Applicant: BIRDSALL, INC., 821 Ave. "E", Riviera Beach, FL 33404. Representative: Alan W. Campbell (same address as applicant), (305) 844–0281. Transporting *general commodities* (except classes A and B explosives), between points in Palm Beach, FL, on the one hand, and, on the other, points in FL.

MC 129987 (Sub-2), filed June 22, 1981. Applicant: TERRA COTTA TRUCK SERVICE, INC., IL Hwys 31 & 176, P.O. Box 424, Crystal Lake, IL 60014. Representative: Donald S. Mullins, 1033 Graceland Ave., Des Plaines, IL 60016, (312) 298–1094. Transporting (1) *clay, concrete, glass or stone products*, (2) *metal products*, (3) *machinery*, and (4) *transportation equipment*, between points in the U.S., under continuing contract(s) with McHenry Sand & Gravel Co., Inc., of McHenry, IL.

MC 138157 (Sub-279), filed June 22, 1981. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 So. Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn (same address as applicant), (615) 756–7511. Transporting *rug cleaning, equipment and cleaning compounds*, between St. Louis, MO, and points in Fresno County, CA, on the one hand, and, on the other, points in the U.S.

MC 139277 (Sub-4), filed June 22, 1981. Applicant: HALL TRUCKING, INC., 201 Livingston St., Gridley, IL 61744.

Representative: Patrick H. Smyth, 19 So. LaSalle St., Suite 401, Chicago, IL 60603, (312) 263–2397. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Walker Wire & Steel Company, of Ferndale, MI, and its subsidiaries.

MC 140267 (Sub-12), filed June 25, 1981. Applicant: R.A. TRANSPORTATION, INC., Six Connerty Ct., East Brunswick, NJ 08816. Representative: Thomas J. Beener, 67 Wall St., Suite 2510, New York, NY 10005, (212) 269–2540. Transporting *chemicals and related products,* and *rubber and plastic products,* between points in the U.S., under continuing contract(s) with Ciba-Geigy Corp., of Ardsley, NY.

MC 145557 (Sub-15), filed June 22, 1981. Applicant: LIBERTY TRANSPORT, INC., P.O. Box 9182, Kansas City, MO 64148. Representative: Arthur J. Cerra, 2100 CharterBank Center, Kansas City, MO 64141, (816) 842–8600. Transporting (1)(a) *food and related products,* and (b) *rubber and plastic products,* between Carrollton and Dallas, TX, on the one hand, and, on the other, points in the U.S., and (2)(a) *chemicals and related products,* and (b) *petroleum, natural gas and their products,* between Dallas, TX, on the one hand, and, on the other, points in AR, CO, IL, KS, LA, MO, MS, OK, and TN.

MC 148647 (Sub-29), filed June 22, 1981. Applicant: HI-CUBE CONTRACT CARRIER CORP., 5501 W. 79th St., Burbank, IL 60459. Representative: Arnold L. Burke, 180 No. 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 Great Atlantic & Pacific Tea Co., Inc., of Montvale, NJ.

MC 149497 (Sub-12), filed June 22, 1981. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401 Representative: Robert A. Wagman (same address as applicant), (715) 359–2907. Transporting (1) *lumber and wood products,* and (2) *pulp, paper, and related products,* between points in IL, IN, MI, MN, ND, SD, IA, AND WI, on the one hand, and, on the other point in the U.S.

MC 150157 (Sub-3), filed June 22, 1981. Applicant: REGENCY MOTOR FREIGHT, INC., 26600 Van Born Rd., Dearborn Heights, MI 48125. Representative: G. B. Robinson, Jr. (same address as applicant) (313) 291–4140. Transporting *general commodities* (except classes A and B explosives), between points in IL, IN, MO, WI, KY, MI, and OH.

MC 154007, filed June 22, 1981. Applicant: WAREHOUSE FREIGHT, INC., 5070 Phillip Lee Dr. S.W., Atlanta, GA 30336. Representative: Frank Hill (same address as applicant), (404) 696–7270. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Southeastern Bonded Warehouses, Inc. of Atlanta, GA.

MC 155727, filed June 25, 1981. Applicant: ROBERT D. YODER, RD 1, Box 101–B, Grantsville, MD 21536. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Transporting *meats, meat products, meat byproducts, dairy products, and articles distributed by meat packing houses,* between points in the U.S., under continuing contract(s) with Yoders, Inc., of Grantsville, MD.

Volume No. OPY–4–242

Decided: July 2, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Williams not participating.)

MC 43997 (Sub-1), filed June 22, 1981. Applicant: RANSLER MOVING & STORAGE CO., 1501 Fulford St., Kalamazoo, MI 49003. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105, (314) 727–0777. Transporting *household goods,* between points in AL, AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC.

MC 107527 (Sub-65), filed June 17, 1981. Applicant: POST TRANSPORTATION CO., a corporation, 1970 E. 213th St., Carson, CA 90810, (Mailing address—P.O. Box 1000, Long Beach, CA 90801). Representative: John C. Allen (same address as applicant), 213) 549–4570. Transporting (1) *chemicals and related products,* and (2) *plastics,* between points in the U.S., under continuing contract(s) with Allied Chemical Corp. Chemicals Company, of San Rafael, CA, Union Oil Co., Union Chemicals Division, of Los Angeles, CA, and Chemwest Industries, Inc., of San Francisco, CA.

MC 120737 (Sub-94), filed June 19, 1981. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, IL 61520. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602, (312) 236–5944. Transporting *lumber and wood products,* between the facilities of Weyerhaeuser Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 127187 (Sub-55), filed May 11, 1981, previously noticed in the **Federal Register** of May 29, 1981. Applicant: FLOYD DUENOW, INC., P.O. Box 86, Savage, MN 55378. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Ten South Fifth St., Minneapolis, MN 55402, (612) 340–0808. Transporting *lumber and wood products,* between points in the U.S., under continuing contract(s) with (1) T. W. Hager Lumber Company, of Grand Rapids, MI, and its affiliate companies: Marquette Lumbermen's Warehouse, of Grand Rapids, MI, Ha-Marque Wood Preservers, of Grand Rapids, MI, Marquette Fabricators, of Sparta, MI, Marquette Gaylord Warehouse, of Gaylord, MI, Marquette Saginaw, of Saginaw, MI, Ha-Marque Reserve Warehouse, of Indianapolis, IN, Ha-Margue Fabricators, of Forrest, IL, and Grand Rapids Sash and Door Company, of Grand Rapids, Comstock Park, Holt, Schoolcraft, and Traverse City, MI, (2) Schaberg Lumber Company, of Lansing, MI, (3) Gibbs Lumber Company, of Lake Elmo, MN, and (4) Lake Elmo Hardwood Lumber Company, Inc., of Fargo, ND and Lake Elmo, MN.

Note.—The purpose of this republication is to show the names of the affiliate companies of T. W. Hager Lumber Company.

MC 142447 (Sub-15), filed June 24, 1981. Applicant: LOUISIANA-PACIFIC TRUCKING CO., P.O. Drawer AB, New Waverly, TX 77358. Representative: Timothy Mashburn, 1806 Rio Grande, Austin, TX 78768, (512) 476–6391. Transporting *lumber and wood products,* between points in the U.S., under continuing contract(s) with Louisiana-Pacific Corporation, of Portland, OR.

MC 146557 (Sub-3), filed June 24, 1981. Applicant: ROBERT GRAVERT, d.b.a. S & R RENTALS, 6801 McComber St., Sacramento, CA 95828. Representative: Ronald C. Chauvel, 100 Pine St., Ste No. 2550, San Francisco, CA 94111, (415) 986–1414. Transporting (1) *metal products,* and (2) *machinery,* between points in the U.S., under continuing contract(s) with Pittsburgh Des Moines Corporation, of Sacramento, CA.

MC 148947 (Sub-3), filed June 2, 1981. Applicant: HUNTER TRANSPORT CO., INC., 1603 Long St., Chattanooga, TN 37408. Representative: Ann K. Merriman (same address as applicant), (616) 265–8494. Transporting *carpet and backing materials for carpets,* between points in the U.S., under continuing contract(s) with Phoenix Mills, Inc., of Dalton, GA.

MC 150227 (Sub-2), filed June 19, 1981. Applicant: SAM R. HEDGE, Route 1, Arimet, MN 56112. Representative:

Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457–6889. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Armour & Co., of Phoenix, AR.

MC 155677, filed June 23, 1981. Applicant: AMERICAN TRANSPORTATION ASSOCIATES, INC., P.O. Box 34545, Louisville, KY 40232. Representative: Joseph Murdock, 9000 Keystone, Indianapolis, IN 46204, (317) 846–6655. Transporting *general commodities* (except classes A and B explosives), between points in Clark and Floyd Counties, IN and Jefferson County, KY, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, IN, IA, KY, LA, MD, MA, CO, MI, MN, MS, MO, NJ, NY, NC, OH, PA, SC, TN, VA, WV, and WI.

MC 156767, filed June 24, 1981. Applicant: J.D.K. TRUCKING INC., P.O. Box 383, Hicksville, NY 11802. Representative: Dennis A. Linkens (same address as applicant), (516) 731–4962. Transporting *surgical products and supplies*, between points in the U.S., under continuing contract(s) with Medical Action Industries, of Plainview, NY.

[FR Doc. 81–20330 Filed 7–10–81; 8:45 am]
BILLING CODE 7035–01–M

[Ex Parte No. 387 (Sub-No. 38)]

Southern Railway Company Exemption for Contract Tariff ICC–SOU–C–0014

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The previously filed contract and contract tariff can become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register.**

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

SUPPLEMENTARY INFORMATION: By petition filed June 22, 1981, the Southern Railway Company (Southern) has requested an exemption from the requirement of 49 U.S.C. 10713(e) that its contract rate tariff ICC–SOU–C–0014 be made effective on a minimum of 30 days' notice. Southern now requests that the contract become effective on one day's notice. The shipper filed a statement supporting this request.

The contract involves the long term transportation of coal to Mobile, AL. Ships to export coal sold to foreign customers will dock in Mobile in early July and Southern believes coal movements to Mobile must begin immediatley.

Southern does not expect any protects of the contract tariff. It contends that a 30 day notice period is not required to protect shipper from abuse of market power.

There is no provision for waiving the section 10713(e) requirement that contracts must be filed to become effective on not less than 30 nor more than 60 days' notice. Cf. former section 10762(d)(1). However, we may address the same relief under our section 10505 exemption authority and we do so here.

We believe that this is the type of exceptional circumstances that warrants an exemption. This will allow the shipper to move coal under the contract provisions and to meet its minimum volume requirement. Moreover, this will provide Southern with a degree of certainty and dependability as to the involved traffic volumes and the revenues generated, thereby assisting it in making future plans. The contract and contract tariff can be made effective on one day's notice.

We will impose the following conditions.

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding, on its own initiative or on complaint, to review the contract or to disapprove it.

Subject to compliance with the conditions set out above, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. The contract tariff to be filed in conformity with our tariff publishing regulations may become effective on one day's notice. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register.**

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

Authority: 49 U.S.C. 10505.

Decided: July 6, 1981.

By the Commission, Division 2, Commissioners Gresham, Gilliam, and Taylor. Commissioner Gilliam was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–20331 Filed 7–10–81; 8:45 am]
BILLING CODE 7035–01–M

[Volume No. OPY–3–112]

Motor Carrier Permanent Authority Decisions; Decision-Notice

Decided: July 7, 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 a public need for the proposed operations and that it 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. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a mjor Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full

effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams (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".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

MC 36854 (Sub-5), filed June 25, 1981. Applicant: BOST TRUCK SERVICE, INC., 1134 North 11th St., Murphysboro, IL 62966. Representative: Wiley E. bost (same address as applicant), (618) 684-3166. Over regular routes, transporting *general commodities* (except classes A and B explosives), between St. Louis, MO, and Carbondale, IL, from St. Louis over Interstate Hwy 64 to junction Interstate Hwy. 51, then over Interstate Hwy 51 to Carbondale, and return over the same route, serving points in Jefferson, Franklin, Perry, Jackson, Williamson, Union, and Johnson Counties, IL, as off-route points.

MC 53965 (Sub-197), filed June 25, 1981. Applicant: GRAVES TRUCK LINE, INC., P.O. Box 1387, Salina, KS 67401. Representative: Bruce A. Bullock, One Woodward Avenue—26th Floor, Detroit, MI 48226, (313) 965-2577. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 65475 (Sub-49), filed June 26, 1981. Applicant: JETCO, INC., 4701 Eisenhower Ave., Alexandria, VA 22304. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101, (703) 893-3050. Transporting *Mercer commodities*, between points in Crawford County, OH, Marathon County, WI, and Venango County, PA, on the one hand, and, on the other, points in CA, CO, ID, IL, KY, LA, MI, MS, MT, NM, ND, OH, OK, SD, TX, WV, WI, and WY.

MC 117765 (Sub-321), filed June 25, 1981. Applicant: HAHN TRUCK LINE, INC., 1100 S. MacArthur, P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same address as applicant), (405) 943-8533. Transporting *general commodities*, between the facilities used by Johns-Mansville Sales Corporation, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 133604 (Sub-15), filed June 25, 1981. Applicant: LYNN TRANSPORTATION COMPANY, INC., 712 South 11th St., Oskaloosa, IA 52577. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Transporting *food and related products*, between the facilities of Geo. A. Hormel & Co., at points in WI, IA, MN, and NE, on the one hand, and, on the other, points in CA, AZ, NM, and TX.

MC 135725 (Sub-21), filed June 22, 1981. Applicant: FLY TRUCKING, INC., 507 West 5th Street, Wilton, IA 52778. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501, (515) 682-8154. Transporting *food and related products*, between points in Muscatine County, IA, on the one hand, and, on the other, points in the U.S.

MC 136315 (Sub-146), filed June 25, 1981. Applicant: OLEN BURRAGE TRUCKING, INC., P.O. Box 706, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205. Transporting *general commodities* (except classes A and B explosives), between points in Ford County, KS, and Buchanan County, MO, on the one hand, and, on the other, those points in the U.S. in and east of TX, OK, KS, NE, SD, and ND.

MC 139905 (Sub-8), filed June 25, 1981. Applicant: R. B. STUCKY & N. M. STUCKY, d.b.a. S&S DAIRIES, Route 2, Moundridge, KS 66612. Representative: Bruce C. Harrington, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Jackson Ice Cream Co., Inc., of Hutchinson, KS.

MC 142655 (Sub-3), filed June 24, 1981. Applicant: BAKER TRANSPORT, INC., P.O. Box 668, Hartselle, AL 35640. Representative: M. Bruce Morgan, 100 Roesler Rd., Suite 200, Glen Burnie, MD 21061, (301) 761-2580. Transporting *copper and aluminum wire*, between points in the U.S., under continuing contract(s) with Coleman Cable and Wire Corp., of N. Chicago, IL.

MC 145235 (Sub-11), filed June 24, 1981. Applicant: DUTCH MAID PRODUCE, INC., Route 2, Willard, OH 44870. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215, (614)-228-1541. Transporting *general commodities* (except classes A and B explosives), between the facilities of United Coatings, Inc., located at points in IL, TN, NC, IN, CA and TX, on the one hand, and, on the other, points in the U.S.

MC 145594 (Sub-1), filed June 25, 1981. Applicant: BARNES MOVING & STORAGE CO., INC., 116 Lucille Ave., Carrollton, GA 30117. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345, (404)321-1765. Transporting *general commodities* (except classes A and B explosives), between the facilities of Southwire Company, located at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 151185, filed June 25, 1981. Applicant: KENNETH R. MEADOWS d.b.a. KWIKI EXPRESS, 20½ Chestnut St., Dover, NH 03820. Representative: Edwin P. Whittemore, 114A Massachusetts Ave., Arlington, MA 02174, (617)-646-6606. Transporting *general commodities* (except classes A and B explosives), between points in ME, NH, MA, VT, CT and RI.

MC 151265, filed June 25, 1981. Applicant: JEROME J. ALEXANDER, Prince Charles Drive, P.O. Box 758, Welland, Ontario, CN L3B 5R5. Representative: Robert D. Gunderman, Can-Am Bldg., 101 Niagara St., Buffalo, NY 14202, (716) 854-5870. Transporting *passengers and their baggage*, between ports of entry on the international boundary line between the U.S. and Canada at points in the U.S., on the one hand, and, on the other, points in Erie, Crawford, Warren, Venango and McKean Counties, PA and those points in NY in and west of Oswego, Onondaga, Courtland and Broome Counties.

MC 153325, filed June 25, 1981. Applicant: LOUNGE CAR TOURS CHARTER CO., INC., 21133 Victory Blvd., Suite 205, Canoga Parks CA 91303. Representative: Al C. Mintz (same address as applicant), (213) 340-4803. Transporting *passengers and their baggage*, in charter operations, beginning and ending at points in CA, and extending to points in AZ, NV and UT.

MC 154755, filed June 25, 1981. Applicant: NORTHWEST IOWA TRANSPORTATION, INC., R.R. 1, Palmer, IA 50571. Representative: James M. Hodge, 1000 United Central Bank

Bldg., Des Moines, IA 50309, (515) 243–6164. Transporting *passengers and their baggage*, in round-trip special and charter operations, beginning and ending at points in Carroll, Greene, Sac, Calhoun, Webster, Hamilton, Buena Vista, Pocahontas, Humboldt, Wright, Clay, Palo Alto, Kossuth, Hancock, Dickinson and Emmet Counties, IA, and extending to points in the U.S.

MC 155734, filed June 24, 1981. Applicant: BLUE LINE STORAGE COMPANY, 226 Elm Street, Des Moines, IA 50309. Representative: Walter Burns, 226 Elm Street, Des Moines, IA 50309, (515) 288–2093. Transporting *telephone equipment*, between point in Polk County, IA, on the one hand, and, on the other, points in IA.

FF 555, filed June 24, 1981. Applicant: CTC FORWARDING COMPANY, INC., 514 North Clairborne Ave., New Orleans, LA 70112. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202, (904) 632–2300. As a *freight forwarder*, transporting *general commodities*, (except classes A and B explosives), betwen points in the U.S.

[FR Doc. 81–20302 Filed 7–10–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. 118]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: July 8, 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 65665 (Sub-20)X, filed June 25, 1981. Applicant: IMPERIAL VAN LINES, INC., 3565 Torrance Boulevard, Torrance, CA 90503. Representative: Alan F. Wohlstetter, 1700 K Street, N.W., Washington, DC 20006. Applicant seeks to remove restrictions in its lead and Sub-No. 14G certificates to (1) broaden the commodity description from household goods, as defined by the Commission to "household goods, and furniture and fixtures" between various points in the U.S., and (2) to remove tacking restrictions in the lead certificate.

Note.—Applicant's ability to tack will be governed by 49 CFR 1042.10(b).

MC 74416 (Sub-30)X, filed June 24, 1981. Applicant: LESTER M. PRANGE, INC., Box 1, Kirkwood, PA 17536. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., NW., Washington, D.C. 20005. Applicant seeks to remove restrictions in its Sub-Nos. 20, 25F, and 27F certificates to (1) broaden the commodity description from iron and steel articles in Sub-No. 20, iron and steel and iron and steel articles, and materials and supplies used in the manufacture of the aforementioned commodities (except in bulk) in Sub-No. 25F, and materials, equipment and supplies used in the manufacture of iron and steel articles (except in bulk) in Sub-No. 27F, to "metal products, and materials, equipment and supplies used in the manufacture and distibution of metal products"; and (2) remove facilities limitation at and or replace Midland, PA, with Beaver County, PA in Sub-Nos. 20, 25F and 27F, and Claymont, DE, with New Castle County, DE in Sub-No. 25F.

MC 105774 (Sub-12)X, filed June 30, 1981. Applicant: JOHNSON TRUCK LINE, INC., Jct. U.S. Hwy 281 and U.S. Hwy 24, Osborne, KS 67473. Representative: William B. Barker, 641 Harrison Street, P.O. Box 1979, Topeka, KS 66601. Applicant seeks to remove restrictions in its Sub-No. 7 certificate to (A) broaden the commodity descriptions from (a) iron and steel articles and materials used in the manufacture of agricultural machinery and implements to "metal products and machinery" in Part (1) (a) and (b); (b) lumber to "lumber and wood products" in Part (2): (B) delete the exceptions of service to AK and HI in Parts (1) and (3); delete facilities limitation at or near Clay Center and Lincoln, KS in Part (2); (4) broaden Clay Center and Lincoln, KS, to Clay and Lincoln Counties, KS, in Part (2); (5) authorize radial authority in lieu of existing one-way authority in parts (1) and (3) between points in the U.S. and part of KS and in part (2) between facilities in MT, OR, UT, WA, and WY, and Clay and Lincoln Counties, KS.

MC 112107 (Sub-18)X, filed June 26, 1981. Applicant: NEW ENGLAND MOTOR FREIGHT, INC., 454 Main Ave., Wallington, NJ 07057. Representative: Gerald K. Gimmel, 4 Professional Dr., Suite 145, Gaithersburg, MD 20760. Applicant seeks to remove restrictions in its Sub-Nos. 1, 6, 10, 11, 13, and 14F and MC–100297 (Sub-No. 1) (acquired in MC–F–13615) certifciates to (1) broaden the commodity descriptions from (a) general commodities (with exceptions) to "general commodities (except classes A and B explosives)", in Sub-Nos. 1, 10, 11 (part 1), 13, and 14F, and MC–100297 (Sub-No. 1); (b) chemicals (except in bulk) to "chemicals and related products" in Sub-No. 6; (c) eggs and agricultural commodities to "food and related products and farm products", in Sub-No. 11 (part 2); (d) footwear, and advertising displays, and accessories and supplies used in shoe stores to "such commodities as are dealt in and used by shoe stores", in Sub-No. 16F; (2) allow service at all intermediate points between Seelyville and Beach Lake, PA in Sub-No. 11, Philadelphia, PA and New York NY, in MC–100297 Sub-No. 1; (3) replace points within 15 miles of Boston, MA with Suffolk, Essex, Middlesex, Norfolk, Bristol, and Plymouth Counties, MA, and points in MA within 25 miles of Providence, RI with Worcester, Bristol, Suffolk, Middlesex, Plymouth, and Norfolk Counties, MA, in Sub-No. 1 (irregular route); the off route points in CT and RI within 25 miles of Providence, RI with New London and Windham Counties, CT, and RI, in Sub-No. 1 (regular route); an the off route point of Camden, NJ with Burlington, Camden, and Gloucester Counties, NJ and Montgomery, Philadelphia, and Delaware Counties, PA, and Avondale, Westchester and Kenneth Square with Chester County, PA in MC–100297 (Sub-No. 1) (regular route); (4) replace cities with counties as follows: Branchburg, with Sussex County, NJ, and Paterson with Passaic, Bergen, Morris, Essex, and Hudson Counties, NJ, in Sub-No. 6; and Lebanon with Hunterdon Conuty, NJ, in Sub-No. 16F; and (5) change its one-way to radial authority between New York,

NY, and, points in Orange and Rockland Counties, NY, in Sub-No. 10.

MC 115703 (Sub-25)X, filed June 11, 1981. Applicant: KREITZ MOTOR EXPRESS, INC., 220 Park Road North, P.O. Box 375, Wyomissing, PA 19610. Representative: Robert D. Gunderman, Can-Am Buidling, 101 Niagara Street, Buffalo, NY 14202. Applicants seeks to remove restrictions in its lead and Sub-Nos. 4, 6, 8, 9, 11, 17F and 18F certificates: (1) in the lead (a) broaden the commodity description by removing usual exceptions from the general commodities portion, except Classes A and B explosives; (b) broaden the territorial scope in the second paragraph by replacing Reading, PA, and points within 10 miles thereof with county wide (Berks County) authority; (2) in Sub. 4, (a) broaden the commodity description to "general commodities, (except Classes A and B explosives)" from "size and weight" commodities and general commodities, moving in mixed loads; (b) delete the plant site restriction at Cleveland, OH to authorize city-wide authority and replace Wilmington, DE with New Castle County, DE; (c) remove the restriction requiring subsequent movement by water; and (d) replace one-way with radial authority; (3) in Sub-No. 6 remove the restriction against the transportation of traffic originating at or destined to points in Luzerne and York Counties, PA; (4) in Sub-No. 8 (a) broaden from points in NJ within 35 miles of Philadelphia, PA to county wide authority of points in NJ in and South of Hunterdon, Somerset and Middlesex Counties, and broaden Wilmington, DE to New Castle County, DE; (b) in paragraph 2, broaden the commodity description from hosiery knitting machines to "machinery"; (5) in Sub-No. 9 (a) broaden the commodity description from size and weight articles, and articles that are not size and weight moving in mixed loads to "general commodities, (except Classes A and B explosives)"; (b) remove the restrictions "moving in the same vehicle and at the same time in mixed loads with the commodities named in (1) above, when the mixed load moves on a single bill of lading from a single consignor"; and (c) expand the facility at or near Wyomissing, PA to Berks County, PA; (6) in Sub-No. 11 (a) broaden the commodity description from plastic pipe and fittings, materials, accessories and supplies to "rubber and plastic products and buildings materials"; (b) delete the plant site restriction to allow service in Geneva County, AL; and (c) replace one-way with radial authority and (7) in Sub-No. 17F remove the restriction to the tranportation of shipments having an immediately prior or subsequent movement by water in trailer-on-ship service; and (8) in Sub-No. 18F (a) remove the restriction limiting service to that between piers and wharves and the restriction to the transportation of traffic having a prior or subsequent movement by water; (b) replace city wide with county wide authority as follows: Savannah with Chatham County, GA and Jasper County, SC, Cincinnati with Hamilton and Clermont Counties, OH and Boone, Kenton and Campbell Counties, KY; Dayton, OH with Montgomery, Clark, Greene, and Miami Counties, OH; Indianapolis, IN with Boone, Hamilton, Hancock, Hendricks, Johnson, Marion, Morgan and Shelby Counties, IN; and Louisville, KY with Jefferson, Oldham, and Bullitt Counties, KY, Floyd, Harrison, and Clarke Counties, IN and Wilder, Ky with Campbell and Kenton Counties, KY.

MC 121644 (Sub-10)X, filed June 30, 1981. Applicant: S & W FREIGHT LINE, INC., 1136 Haley Road, P.O. Box 667, Murfreesboro, TN 37130. Representative: Roland M. Lowell, 618 United American Bank Building, Nashville, TN 37219. Applicant seeks to remove restrictions in its Sub-Nos. 2, 6F, 7, and 9F certificates and certificate No. MC-121813 acquired in MC-F-14095F to (1) broaden its authority by removing all exceptions to general commodities except classes A and B explosives; (2) allow service at all intermediate points between: (a) Murfreesboro and Memphis, TN, in Sub-No. 2, (b) Atlanta, GA and Knoxville, TN, in Sub-No. 6F, (c) Atlanta, GA and Bristol, VA, in Sub-No. 7, and (d) Atlanta, GA and Memphis, TN, in Sub-No. 9F; (3) remove "originating at, destined to, interlined at and interchanged at" restrictions in Sub-Nos. 2 and 6F; and (4) remove restrictions against handling traffic at points in the Memphis, TN Commercial Zone, lying outsie the State of TN, in Sub-No. 2.

MC 123073 (Sub-25)X, filed June 25, 1981. Applicant: R. B. HAMILTON HAULING & RIGGING CORP., 44 Railroad Street, Huntington Station, NY 11746. Representative: Roy A. Jacobs, 550 Mamaroneck Avenue, Harrison, NY 10528. Applicant seeks to remove restrictions in its Sub-No. 1 permit to (1) broaden the commodity description from telephone equipment, tools, and supplies and materials used in the installation, maintenance and repair of such equipment to "machinery and equipment, tools and supplies and materials used in the installation, maintenance and repair of such equipment;" and (2) broaden the territorial description to between points in the United States under continuing contracts(s) with a named shipper.

MC 134484 (Sub-32)X, filed June 23, 1981. Applicant: EDWARDS BROS., INC., P.O. Box 1684, Idaho Falls, ID 83401. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701. Applicant seeks to remove restrictions in its lead and Sub-Nos. 3, 9, 11, 14, 15, 18F, 19F, 20F, 23F, 25F and 27F certificates to (1) broaden the commodity description from fresh meat, meats, meat in carcass form, such merchandise as is dealt in by grocery and food business houses, frozen foods, and bananas and commodities otherwise exempt from economic regulation pursuant to the provisions of 49 U.S.C. § 10526(a)(6), in mixed loads with bananas to "commodities dealt in by grocery and food business houses and equipment, materials, and supplies used in the conduct of such business" in the lead and Sub-Nos. 3, 9, 11, 19F, 25F and 27F; (2) eliminate the facilities limitations in the lead and Sub-Nos. 14, 15, 18F, 19F, 20F, 23F and 27F; (3) expand city to county-wide authority from Toppenish to Yakima County, WA, in Sub-No. 11; Wallula to Walla Walla County, WA, in Sub-No. 14; Boise to Ada County, ID, in Sub-Nos. 15, 18F and 23F; Pocatello to Bannock County, ID, in Sub-No. 19F; Blackfoot to Bingham County, ID, in Sub-No. 20F; Nampa to Canyon County, ID, in Sub-No. 23F; Burley to Cassia County, ID, and Ontario to Malheur County, OR, in Sub-No. 25F; and Port Hueneme to Ventura County, CA, in Sub-No. 27F; (4) change one-way to radial authority between points in the western portion of the U.S.; and (5) remove the restrictions (a) except hides and commodities in bulk in Sub-Nos. 14, 15, and 18F; (b) except in bulk, in tank vehicles in Sub-No. 19F; (c) originating at and destined to in Sub-Nos. 14, 15, and 19F; and (d) against the transportation of meat byproducts in bulk, destined to points in OR and WA in Sub-No. 23F.

MC 144957 (Sub-13)X, filed July 1, 1981. Applicant: PETERCLIFFE, LTD., 14730 East Valley Boulevard, La Puente, CA 91746. Representative: Patrick H. Smyth, Suite 401, 19 South La Salle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-Nos. 3, 7F, 8, and 9F certificates to (1) remove "restricted to the transportation of traffic moving on bills of lading of freight forwarders" language and (2) remove all restrictions on its general commodities authority except classes A and B explosives, in Sub-No. 3.

MC 145416 (Sub-4)X, filed June 26, 1981. Applicant: HEINEMAN

DISTRIBUTING, INC., 301 W. Second St., Port Clinton, OH 43452. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its Sub-No. 2F permit to (1) broaden the commodity description from malt beverages to "food and related products" and (2) broaden the territorial description to between points in the U.S. under continuing contract(s) with named shippers.

MC 147900 (Sub-7)X, filed June 22, 1981. Applicant: COLLINS WHOLESALE SUPPLY, INC., d.b.a. COLLINS FREIGHT SERVICE, 4073 Hooker Rd., Roseburg, OR 97470. Representative: Kerry D. Montgomery, 400 Pacific Bldg., Portland, OR 97204. Applicant seeks to remove restrictions in its Sub-Nos. 1F, 3F, and 4F, and No. MC-140592 (Sub-No. 2) (acquired in MC-FC-78227 and MC-FC-77812) certificates, to (1) broaden the commodity description from cement and masonry in Sub-No. 1F to "clay, concrete, glass or stone products" and from building materials to "building materials and materials, equipment and supplies used in the manufacture and distribution of building materials" in Sub-No. 3F; (2) remove facilities limitations and replace Riverside, CA, with Riverside County, CA, Lake Oswego, Lime, and Durkee, OR, with Clackamas and Baker Counties, OR, Inkom, ID, with Bannock County, ID, Auburn and Kennewick, WA, with King and Benton Counties, WA, and Boise, Twin Falls, Heyburn, Pocatello, and Idaho Falls, ID with Ada, Twin Falls, Bannock, Minidoka, and Bonneville Counties ID in Sub-No. 1F; and (3) change one-way to radial authority in all the above certificates, except Sub-No. 3F.

MC 148050 (Sub-4)X, filed June 18, 1981. Applicant: L & J MOTOR LINES, INC., P.O. Box 7267, High Point, NC 27264. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-Nos. 1F and 2F certificates to (1) broaden the commodity description to "building materials" from insulating materials in Sub-No. 1 and to "petroleum, natural gas, and their products" from petroleum products in Sub-No. 2, (2) change city to county-wide authority from (a) Barrington, NJ to Camden County, NJ in Sub-No. 1 and (b) Bradford, PA to McKean County, PA in Sub-No. 2 (3) change one-way to radial authority between (a) Camden County, NJ, and, points in NC and SC in Sub-No. 1 and (b) Baltimore, MD and McKean County, PA, and points in NC in Sub-No. 2.

[FR Doc. 81-20393 Filed 7-10-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Decision Notice; Finance Applicants

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 C.F.R. 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consumation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission and the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 5, Members Krock, Taylor, and Williams.

MC-FC-78906. By decision of January 15, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 5 approved the transfer to David W. Horseman d/b/a Horizon Movers, Hingham, Md. of Certificate No. MC-139808 (Sub-No. 3) issued to Coastal Van & Storage, Inc., Newark, New Jersey authorizing the transportation over irregular routes, *household goods*, as defined by the Commission: Between points in Massachusetts on the one hand, and on the other, points in New York City, Nassau, Suffolk Counties, New York, New Jersey, Pennsylvania, Delaware, Maryland, Washington, D.C., Virginia, North Carolina, South Carolina, Florida, Ohio, Michigan, Illinois. Applicant's representative is: Ronald I. Shapss, Esq., 450 7th Ave., New York, New York 10123, (212) 239-4610.

MC-FC-79005. By decision of February 27, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 5 approved the transfer to W.E. Darrington and W. W. Darrington, a partnership d/b/a/ Peria Miling Company of Certificate No. MC-106059 issued August 19, 1954 to Virgil Crouch authorizing the transporation of Agricultural implements, feed, and building materials over irregular routes between Irwin, IA, and points within 15 miles of Irwin, on the one hand, and on the other, Omaha, NE. Applicants' representative: James F. Crosby & Associates, 7363 Pacific St., Suite 21OB, Omaha, NE 68114.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-20394 Filed 7-10-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Decision Notice; Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly Section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and

they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 5, Members Krock, Taylor, and Williams.

MC–FC–79199. By decision of June 8, 1981 issued under 49 U.S.C. 10924 and the transfer rules at 49 C.F.R. 1133, Review Board Number 3 approved the transfer to the Blue Bird World Travel, Inc., of Olean, NY of License No. 12872 issued March 13, 1981 to Michael Richard Magnano of Olean, NY authorizing brokerage operations at Buffalo, NY for the transportation of passengers and their baggage, in special and charter operations, in roundtrips, all-expense tours, beginning and ending at Buffalo, NY and extending to points in the United States, including Alaska and Hawaii. Applicants' representative: Charles A. Webb, Suite 111, 1828 L Street, N.W., Washington, DC 20036, (202) 296–2929.

MC–FC–79201. By decision of June 8, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 40 C.F.R. 1132, Review Board Number 3 approved the transfer to Morris Trucking Corp. of Terre Haute, IN, of Permit No. MC–146519 (Sub-Nos. 1, 3, 4 and 8) issued to Caliana Marketing, Inc. of Terre Haute, IN authorizing the transportation of *scrap metal,* from the facilities of Unarco Home Products, at or near Paris, IL, to Detroit, MI, under continuing contract(s) with Unarco Home Products, Division of Unarco Industries, Inc., of Paris, IL, *baking powder* (except in bulk), from the facilities of Holman & Co., at or near Terre Haute, IN, to Birmingham, Dothan, Mobile, and Montgomery, AL, Phoenix, AZ, Little Rock and Waldo, AR, Fresno, Los Angeles, San Francisco, Union City, and Sacramento, CA, Denver, CO, Jacksonville, Miami, and Tampa, FL, Wichita, KS, Lexington and Louisville, KY, Alexandria, Monroe, New Orleans, and Shreveport, LA, Greenville and Jackson, MS, Joplin, Kansas City, Springfield, and St. Louis, MO, Omaha, NE, Albuquerque, NM, Oklahoma City and Tulsa, OK, Bristol, Chattanooga, Knoxville, Memphis, and Nashville, TN, Arlington, Dallas, Fort Worth, Houston, San Antonio, Lubbock, Tyler, and El Paso, TX, and Salt Lake City, UT, under continuing contract(s) with Hulman and Co., of Terre Haute, IN, *dry corn products* (except in bulk), from the facilities of Illinois Cereal Mills, Inc., at or near Paris, IL, to points in Arkansas, Oklahoma, Louisiana and Texas, under continuing contract(s) with Illinois Cereal Mill, Inc., of Paris, IL, *dry corn products* (except in bulk) from the facilities of Illinois Cereal Mills, Inc., at or near Paris, IL, to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Kentucky, and Tennessee, under continuing contract(s) with Illinois Cereal Mills, Inc., of Paris, IL. TA lease is not sought. Transfereee is not a carrier. Applicant's representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204.

MC–FC–79202. By decision of June 8, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to S&P Trucking, Inc., of Kennett, MO, of Certificate No. MC–140475 (Sub-No. 7F) issued January 16, 1981, to Holcomb Trucking Company, Inc., of Holcomb, MO, authorizing the transportation of *ammonium nitrate and fertilizers* from Selma, MO, to points in Illinois, Kentucky, Tennessess, and Arkansas. Applicant's representative is: Thomas P. Rose, P.O. Box 205, Jefferson City, MO 65102.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–20395 Filed 7–10–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Decision Notice; Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly Section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 3, Members Krock, Taylor, and Williams.

MC–FC–78262 (republication). By decision of February 5, 1981, Division 2 (Commissioners Gresham, Trantum, and Alexis) granted transferee Action Freight Line, Inc. authority to purchase Certificate No. MC–99798 (Sub-No. 17) from Dodds Truck Line, Inc., as well as that portion of Certificate No. MC–99798 (Sub-No. 18) set forth in the **Federal Register** publication of February 27, 1981. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309, February 27, 1981. The authority is Sub 17 follows: *General commodities,* except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Collins, MO, and Clinton, MO, serving all intermediate points and the off-route point of Bay Scout Camp at or near Osceloa, MO: from Collins over U.S. Highway 65 to junction Missouri Highwy 7, thence over Missouri Highway 13 to Clinton, and return over the same route. Between El Dorado Springs, MO, and junction Missouri Highways 82 and 83, serving no intermediate points: from El Dorado Springs over U.S. Highway 54 to junction Missouri Highway 83, thence over Missouri Highway 83 to junction Missouri Highway 82, and return over the same route. Between Clinton, MO,

and Warsaw, MO, serving all intermediate points: from Clinton over Missouri Highway 7 to Warsaw, and return over the same route, from Clinton over Missouri Highway 52 to junction U.S. Highway 65, thence over U.S. Highway 65 to Warsaw, and return over the same route. Between Collins, MO, and Weableau, MO, serving all intermediate points: from Collins over U.S. Highway 54 to Weableau, and return over the same route. Between Springfield, MO, and Collins, MO, serving all intermediate points: from Springfield over Missouri Highway 13 to Collins, and return over the same route. Between Collins, MO, and El Dorado Springs, MO, serving all intermediate points: from Collins over U.S. Highway 54 to El Dorado Springs, and return over the same route. Between Cedar Springs, MO, and Stockton, MO, serving all intermediate points and the off-route point of Caplingr Mills, MO: from Cedar Springs over Missouri Highway 39 to Stockton, and return over the same route. Between Stockton, MO, and Fair Play, MO, serving all intermediate points: from Stockton over Missouri Highway 32 to Fair Play, and return over the same route. Between Humansville, MO, and Weaubleau, MO, serving all intermediate points: from Humansville over Missouri Highway 123 to Weaubleau, and return over the same route. Between Collins, MO, and Preston, MO, serving all intermediate points and the off-route point of Pomme de Terre State Park, MO: from Collins over U.S. Highway 54 to Preston, and return over the same route. Between junction Missouri Highway 83 and U.S. Highway 54, and Warsaw, MO, serving all intermediate points: from junction Missouri Highway 83 and U.S. Highway 54 over Missouri Highway 83 to junction U.S. Highway 65, thence over Missouri Highway 7 to Warsaw, and return over the same route. Between Warsaw, MO, and Springfield, MO, serving all intermediate points and the off-route points of Kaysinger Dam, Rondo, Sentinel and Red top, MO: from Warsaw over U.S. Highway 65 to Springfield, and return over the same route. Between Warsaw, MO, and Climax Springs, MO, serving all intermediate points: from Warsaw over Missouri Highway 7 to Climax Springs, and return over the same route. Between Bolivar, MO, and Buffalo, MO, serving all intermediate points: from Bolivar over Missouri Highway 32 to Buffalo, and return over the same route. Between Bolivar, MO, and Wheatland, MO, serving all intermediate points: from Bolivar over Missouri Highway 83 to Wheatland, and return over the same route. Between Louisburg, MO, and Preston, MO, serving all intermediate points: from Louisburg over Missouri Highway 64 to junction Hickory County Highway D, thence over Hickory County Highway D to Preston, and Return over the same route. Restriction: The authority granted above is restricted against traffic between Weaubleau, MO, on the one hand, and, on the other, Bolivar, MO, and Springfield, MO. Between Humansville, MO, and Springfield, MO, serving all intermediate points: from Humansville over Missouri Highway 123 to junction Missouri Highway 32, thence over Missouri Highway 32 to junction Missouri Highway 83, thence over Missouri Highway 83 to junction Missouri Highway 13, and thence over Missouri Highway 13 to Springfield, and return over the same route. Irregular routes: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Humansville, MO, on the one hand, and, on the other, points in Hickory, Benton, Cedar, Dallas, and Polk Counties, MO.

MC–FC–79080. By decision of June 9, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to SLA, INC. of Certificate No. MC–136474 (Sub-No. 6) authorized in MC–F–12998 to TENNESSEE CARTAGE CO., INC. authorizing the transportation of *such merchandise* as is dealt in by Home Products Distributors, between Nashville, TN, on the one hand, and, on the other, points in Bedford, Bledsoe, Cannon, Cheatham, Clay, Coffee, Cumberland, Dickson, Davidson, DeKalb, Fentress, Franklin, Giles, Grundy, Hickman, Houston, Humphreys, Jackson, Lawrence, Lincoln, Macon, Marshall, Maury, Montgomery, Moore, Overton, Perry, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Steward, Trousdale, Van Buren, Warren, Wayne, Williamson, Wilson, and White Counties, TN, and Allen, Barren, Christian; Logan, Simpson, Todd, Trigg, and Warren Counties, KY.

Notes.—(1) Transferee is a non-carrier. (2) The certificate Tennessee Cartage Co., Inc. is transferring was limited to a period expiring 3 years from the date of issue. We find the transfer of the conditioned rights to another carrier as proposed here would warrant removal of the specified limitation, upon the filing of an appropriate petition. See *Chief Truck Lines, Inc.—Purchase—Murphy Transportation, Inc., Charles Johnson, Trustee in Bankruptcy*, 127 M.C.C. 532, 533 (1979). (3) This application was originally docketed No. MC–F–14587. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004.

MC–FC–79181. By decision of June 9, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to TERMINAL TRANSFER, INC., of Portland, OR, of Certificate No. MC–732 (Sub-No. 19) issued March 13, 1981, to ALBINA TRANSFER CO., of Portland, OR, authorizing the transportation of *heavy machinery* and *building materials* (except cement, in bulk, in tank vehicles), between point in Washington. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, OR 97210, (503) 226–3755.

Note.—No. MC–115767 (Sub-No. 6), published in another section of this **Federal Register**, is a directly related matter.

MC–FC–79187. By decision of June 8, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to No Name Farm, Inc., Lockport, NY of Certificate No. MC–114920 (Sub-No. 3) issued December 7, 1970 to United Horse Transporters of American, Inc., Lockport, NY authorizing the transportation over Irregular Routes: *Horses* (other than ordinary livestock) and *equipment and paraphernalia* incidental to the transportation, care, and exhibition of such horses, Between points in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. Representative is: Robert D. Gunderman, P.C., Suite 710 Statler Building, Buffalo, New York 14202, (716) 854–5870.

MC–FC–79188. By decision of June 9, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to TRANS STATE BUS, INC., a portion of Certificate No. MC–109780 issued September 29, 1969 to TRAILWAYS, INC. authorizing the transportation of passengers and their baggage, express, and newspapers, in the same vehicle with passengers between (1) Great Bend, KS, and Hutchison, KS; (2) Stockton, KS and Great Bend, KS; (3) McPherson, KS and Hutchinson, KS; (4) Hutchinson, KS and Wichita, KS; and (5) Newton, KS and Hutchinson, KS, serving all intermediate points. Representative is: Eugene W. Hiatt, Esq., 207 Carson Building, 603 Topeka Boulevard, Topeka, KA 66603.

MC–FC–79195. By decision of June 8, 1981 issued under 49 U.S.C. 10926 and

the transfer rules at 49 C.F.R. 1132 Review Board Number 3 approved the transfer to ALGONQUIN ASSOCIATES, INC. d/b/a TWELVE GATE HORSE TRANSPORTATION at Long Beach, NJ, of Certificate No. MC-46365 (Sub-No. 3G) issued April 17, 1975, to P. W. LINCOLN HORSE TRANSPORTATION, INC., North Attleboro, MA authorizing the transportation, by irregular routes, of *livestock horses* (other than ordinary livestock), *race horses, show and saddle horses* and *polo ponies*, and *stable supplies and equipment, stable dogs and pets and personal effects* of attendants in the same vehicle with such horses, between points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Florida, Louisiana, Texas, Arkansas, Missouri, Tennessee, Kentucky, Illinois, Indiana, Michigan, Ohio and the District of Columbia. Subject to following restrictions: The service authorized herein is restricted against the transportation of shipments between Tennessee and South Carolina. Representative is: Harold L. Reckson, 33-28 Halsey Road, Fair Lawn, NJ 07410.

Decision-Notice

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Dated: July 8, 1981.

By the Commission, Review Board Number 3, Members Krock, Taylor and Williams.

The following operating rights application is filed in connection with a pending finance application under 49 U.S.C. 10926. MC-115767 (Sub-8), filed May 11, 1981. Applicant: TERMINAL TRANSFER, INC., 3601 N.W. Yeon Ave., Portland, OR 97201. Representative: Lawrence V. Smart, 419 N.W. 23rd St., Portland, OR 97201. To operate as a common carrier by motor vehicle, over irregular routes, transporting *heavy machinery* and *building materials*, between Portland, OR, and points in Washington.

Note.—This application is filed as a directly related application to finance proceeding docketed MC-FC-79181. The purpose of this application is to eliminate the gateway of points in Washington within 3 miles of Portland, OR.

MC-FC-79181 is published in another section of this **Federal Register** issue.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-20396 Filed 7-10-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume OPY-3-110]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: July 7, 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** 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 a public need for the proposed operations and that it 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. This presumption shall not be deemed to exist where the application is opposed. 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.

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".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OPY-3-110

Decided: July 7, 1981.

MC 156754, filed June 22, 1981. Applicant: PHIL S. MIRANDA, PHILS. MIRANDA III, and MARTIN G. MIRANDA, d.b.a. MGM TRUCKING, 1100 N. Acacia St., Fullerton, CA 92631. Representative: David B. Rosenman, 315 S. Beverly Drive, Suite 315, Beverly Hills, CA 90212, (213) 553-3930. 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-3-115

Decided: July 7, 1981.

MC 156534, filed June 10, 1981. Applicant: DABER TRANSPORT, INC., 9888 Garden Grove Blvd., Garden Grove, CA 92644. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, DC 20036, (202) 785-0024. As a *broker of general commodities* (except household goods), between points in the U.S.

[FR Doc. 81-20391 Filed 7-10-81; 8:45 am]

BILLING CODE 7035-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Council On The Humanities Advisory Committee; Meeting

July 7, 1981.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended) notice is hereby given that a meeting of the National Council on the Humanities will be held in Washington, D.C. on August 13-14, 1981.

The purpose of the meeting is to advise the Chairman of the National Endowment for the Humanities with respect to policies, programs, and procedures for carrying out his functions, and to review applications for financial support and gifts offered to the Endownment and to make recommendations thereon to the Chairman.

The meeting will be held in the Shoreham Building, 806 15th Street, N.W., Washington, D.C. A portion of the morning and afternoon sessions on August 13 and the afternoon session on August 14, 1981 will not be open to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code because the Council will consider information that may disclose: Trade secrets and commercial or financial information obtained from a person and privileged or confidential; information of a personal nature the disclosure of which will constitute a clearly unwarranted invasion of personal privacy; and information the disclosure of which would significantly frustrate implementation of proposed agency action. I have made this determination under the authority granted me by the Chairman's Delegation of Authority dated January 15, 1978.

The agenda for the sessions on August 13, 1981 follows:

Open to the Public

8:30-9:00—Coffee for Council Members in Chairman's Office
9:00-10:30—Committee Meetings—Policy Discussion
Education Programs—Room 807
Fellowship Programs—Room 314
Planning and Special Programs—Room 1025
Public Programs and State Programs—1st Floor
Research Programs—Room 1134
10:30 to Adjourn—Consideration of specific applications, (closed to the public for the reasons stated above).

The morning session on August 14, 1981 will convene at 8:30 a.m. in the 1st Floor Conference Room and will be open to the public. The agenda for the morning session will be as follows: (Coffee for Staff and Council Attending Meeting will be served from 8:30 a.m.-9:00 a.m.).

Minutes of the Previous Meeting and Ratification of Mail Vote

Reports

A. Introductory Remarks
B. Introduction of New Staff
C. Chairman's Grants and Grants Departing from Council recommendation
D. Application Report
E. Gifts and Matching Report
F. FY 1981 Appropriations
G. FY 1982 Appropriation Request
H. FY 1983 Budget Planning
I. Selected Project Evaluations
J. Dates of Future Council Meetings
K. Election of Vice-Chairman
L. Committee Reports on Policy and General Matters
  a. Research Programs
  b. Education Programs
  c. Public Programs
  d. State Programs
  e. Fellowship Programs
  f. Planning and Assessment Studies
  g. Special Programs

The remainder of the proposed meeting will be given to the consideration of specific applications (closed to the public for the reasons stated above).

Further information about this meeting can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, Washington, D.C. 20506, or call area code 202-724-0367.

V. J. Loughnan,

Acting Advisory Committee Management Officer.

[FR Doc. 81-20397 Filed 7-10-81; 8:45 am]

BILLING CODE 7536-01-M

Notice to all Recipients of Federal Financial Assistance From National Endowment for the Humanities

In the case of *Paralyzed Veterans of America, et al. Plaintiffs, v. William French Smith, etc., et al.*, United States District Court, Central District of California, No. 79-1979 WPG, the Honorable William P. Gray ordered the National Endowment for the Humanities to notify all recipient of Federal

financial assistance from the National Endowment for the Humanities that they are required to comply with the provisions of Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. Sec. 794), even though the National Endowment for the Humanities has not yet issued final regulations implementing Section 504 of the Rehabilitation Act.

Section 504 of the Rehabilitation Act is designed to assure that those who receive Federal financial assistance will not discriminate against handicapped persons. It provides in relevant part as follows:

> No otherwise qualified handicapped individual in the United States * * * shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Effective June 3, 1977, the Department of Health, Education and Welfare issued final regulations implementing Section 504 as it applies to recipients of Federal financial assistance from that agency. (45 CFR Part 84. Recipients of Federal financial assistance from the National Endowment for the Humanities may look to the HEW regulation for guidance as to their obligation under Section 504 of the Rehabilitation Act.

For further information contact: Ms. Carol Gordon, Director Equal Opportunity Office, National Endowment for the Humanities, M.S. 256, Washington, D.C. 20506. Telephone (202) 724-0306.

Dated: July 8, 1981.

Joseph D. Duffey,

Chairman.

[FR Doc. 81-20477 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Reliability and Probabilistic Assessment; Meeting

The ACRS Subcommittee on the Reliability and Probabilistic Assessment will hold a meeting on July 28 and 29, 1981, at the Best Western Airport Park Hotel, 600 Avenue of Champions, Inglewood, CA. The purpose of the meeting will be to review some of the strengths and weaknesses of risk assessments and their potential for use in the design and licensing processes and to discuss NRC Staff efforts to develop a quantitative safety goal. 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. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Questions may be asked only by members of the Subcommittee, its consultants, and Staff. However, questions from the audience will be allowed after certain presentations.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Tuesday, July 28, 1981—8:30 a.m until the conclusion of business

Wednesday, July 29, 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 NRC Staff, their consultants, and other interested persons regarding the potential use of risk assessments in the licensing process. On the afternoon of July 29, the NRC will discuss the status of their efforts to develop quantitative safety goals.

Further information regarding topics to be discussed, whether the meeting has been canceled 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 Federal Employee, Mr. J. Michael Griesmeyer (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EDT. The Designated Federal Employee for this meeting is Mr. Gary Quittschreiber.

Dated: July 8, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-20412 Filed 7-10-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-295 and 50-304]

Commonwealth Edison Co.; Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 66 to Facility Operating License No. DPR-39, and Amendment No. 63 to Facility Operating License No. DPR-48 issued to the Commonwealth Edison Company (the licensee), which revised Technical Specifications for operation of Zion Station, Units 1 and 2 (the facilities) located in Zion, Illinois. The amendments are effective as of the date of issuance.

The amendments revise the Technical Specifications requirement for noble gas monitor detection limits.

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.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated March 4, 1977, and supplements thereto dated April 4, 1977 and July 12, 1979, (2) Amendment Nos. 66 and 63 to License Nos. DPR-39 and DPR-48, respectively, 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 Zion-Benton Public Library District, 2600 Emmaus Avenue, Zion, Illinois 60099. 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 29 day of June 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-20413 Filed 7-10-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-315 and 50-316]

Indiana & Michigan Electric Co.; Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 47 to Facility Operating License No. DPR-58, and Amendment No. 32 to Facility Operating License No. DPR-74 issued to Indiana and Michigan Electric Company (the licensee), which revised Technical Specifications for operation of Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2 (the facilities) located in Berrien County, Michigan. The amendments are effective as of the date of issuance.

The amendments revise the divider barrier seal material technical specification.

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.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated May 15, 1981, (2) Amendments Nos. 47 and 32 to License Nos. DPR-58 and DPR-74, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085. 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 6th day of July, 1981.

For the Nuclear Regulatory Commission,

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-20414 Filed 7-10-81; 8:45 am]

BILLING CODE 7590-01-M

Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.150, "Ultrasonic Testing of Reactor Vessel Welds During Preservice and Inservice Examinations," describes procedures acceptable to the NRC staff for implementing the Commission's regulations with regard to preservice and inservice examinations of reactor vessel welds in light-water-cooled nuclear power plants by ultrasonic testing.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of active guides may be purchased at the current Government Printing Office price. A subscription service for future guides in specific divisions is available through the Government Printing Office. Information on the subscription service and current prices may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Publications Sales Manager.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 6th day of July 1981.

For the Nuclear Regulatory Commission.

D. F. Ross,

Acting Director, Office of Nuclear Regulatory Research.

[FR Doc. 81-20415 Filed 7-10-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

July 8, 1981.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C., Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (Burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost to the public;

The number of forms in the request for approval;

An indication of whether Section 3504(h) of Pub. L. 96-511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of you intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202-447-6201

New

• Animal and Plant Health Inspection Service
9 CFR 73—Scabbies and Cattle (Recordkeeping)
On occassion
Business or other institutions
Owners of treatment facilities
Sic: 075
Small businesses or organizations
Agricultural research and services: 12,000 responses; 960 hours; 1 form; not applicable under 3504(h)
Charles A. Ellett, 202-95-7340

The records are essential to monitor the actions of the treatment facility. If the treated cattle are sold into a scabies-free herd which in turn infects this herd the result could be closing of the treatment facility if the tracing action proves improper treatment.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202-377-3627

Extensions (no change)

• Bureau of the Census
Business forms, binders, carbon paper, and inked ribbons
Manufacturers' shipments
MA-27A
Annually
Businesess or other institutions
Manufacturers of selected office products
Sic: 276, 278, 395
Small businesses or organizations
Other advancement and regulation of commerce: 750 responses; 750 hours; 1 form; not applicable under 3504(h)
Off. of Federal Statistical Policy and Standard, 202-673-7974

This new survey will provide the only data available on the shipments of office supplies. Government analysts will use these data to review trends in the types of supplies shipped to better predict the procurement needs of the Government. Industry analysts will use these data to monitor market share and shifts in product types.

• Bureau of the Census
Asphalt and tar roofing and siding products (shipments)
MA-29A
Annually
Businesses or other institutions
Manufacturers of asphalt and tar roofing products
Sic: 295
Small businesses or organizations
Other advancement and regulation of commerce: 100 responses; 50 hours; $3,315,000 Federal cost; 1 form; not applicable under 3504(h)
Off. of Federal Statistical Policy and Standard, 202-673-7974

Survey results are used by Government agencies, business firms, and trade association for market analysis and to forecast long-term growth and changes in the industry.

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202-426-5030

New

• Office of Educational Research and Improvement
Section 418A, HEA, College Assistance Migrant Program
Financial status and performance reports
ED 819-3
Annually
Businesses or other institutions
Colleges and universities
Sic: 822
Elementary, secondary, and vocational education: 5 responses; 25 hours; $50 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202-426-5030

Grantees are required to file a financial status report and a performance report in accordance with the provisions of the education department general administrative regulations. The information will be used for future programmatic decisions regarding program size and allowable services.

• Office of Educational Research and Improvement
Section 418A, HEA, high school equivalency program
Financial status and performance reports.
ED 819-2
Annually
Businesses or other institutions
Colleges and universities
Sic: 822
Elementary, secondary, and vocational education: 14 responses; 70 hours; $140 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202-426-5030

Grantees are required to file a financial status report and a performance report in accordance with the provisions of the education department general administrative regulations. The information will be used for future programmatic decisions

regarding program size and allowable services.

• Office of Educational Research and Improvement 1981–1982 Library Human Resources: Study of Supply and Demand (pretest)
ED 2425, ED 2425–1
Nonrecurring
State or local governments/businesses or other institutions
Libraries and library schools
Sic: 823
Research and general education aids: 121 responses; 61 hours; $260,000 Federal cost; 2 forms; not applicable under 3504(H)
Federal Education Data Acquisition Council, 202–426–5030

The purpose of this study is to provide projections of the supply and demand for librarians through 1990. The proposed survey will provide needed data for describing the current situation, and will provide summary data for an econometric model so that the projections can be made.

Reinstatements

• Office of Special Education and Rehabilitative Services
Financial Status and Performance Report—OSE
Discretionary Grant Programs
ED 9037–1 and ED 9037–2
Annually, other—see SF83
State or local governments/businesses or other institutions
Colleges and univ. non-pro. local ed. agencies, State agencies
Sic: 821, 899, 822, 941
Elementary, secondary, and vocational education: 1,589 responses; 8,390 hours; $35,006 Federal cost; 2 forms; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

This report is used by the Office of Special Education to determine whether and to what extent progress is being made by grantees toward achieving project goals and objectives. The financial report is submitted annually and the performance report is due at the end of the grant award period (usually a 3-year period).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7488

New

• Office of Assistant Secretary for Health
1982 National Health Interview Survey (NHIS)
Nonrecurring
Individuals or households
Households representing civilian, population PA, U.S. pop.
Health 42,700: responses; 32,000 hours; $6,325,000 Federal cost; 1 form; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

The 1982 NHIS will obtain data on the utilization of health services, the magnitude and distribution of illness and the effects of illness in the U.S. population. This will be accomplished using a set of revised health-related questions including supplements on "Health Insurance" and "Preventive Care."

Revisions

• Health Care Financing Administration
ESRD transplant information—End-stage renal disease
Medical information system
HCFA–2742, thru 46
On occasion
Businesses or Other Institutions
Hospitals certified by medicare to perform renal transplants
SIC: 806
Small businesses or organizations
Health: 4,615 responses; 2,308 hours; $76,873 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

Information is needed to obtain sufficient data to support a quality of care review program in the treatment of end-stage renal disease. Data is used by health care planning and delivery organizations and the medical community in decision making resulting in improved patient care, the planned, orderly and controlled growth and cost-effective distribution of resources, and research into kidney transplants.

Reinstatements

• Health Care Financing Administration
Provider Chain Operator Data
HCFA–1885A
On occasion, annually
Businesses or other institutions
Health care facilities; 2 or more facilities can be owned
Small businesses or organizations
Health: 20,000 responses; 5,000 hours; $10,000 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

This form allows HCFA to identify all provider facilities which are part of a chain operation and are receiving medicare payments. Information obtained is used by cost report and fraud investigators to determine legitimate cost write-offs.

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—Vivian A. Keado—202–343–6191

New

• Bureau of Land Management
Oil and Gas Leasing—National Petroleum Reserve—Alaska
(43 CFR Part 3130)
Nonrecurring
Individuals or households/businesses or other institutions
Oil and gas companies and well drilling companies
SIC: 131, 132, 138
Small businesses or organizations
Conservation and land management: 16 responses; 16 hours; $6,000 Federal cost; 1 form; NPRM under 3504(h)
Robert Shelton, 202–395–7340

The reporting requirements in the proposed regulations are for the purpose of verifying the high bidder's qualifications to hold Federal oil and gas leases and for use by the Attorney General in determining whether issuance of a lease to the high bidder would cause violation of the anti-trust laws.

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202–523–6331

New

• Labor-Management Services Administration
The Impact of the LMRDA on Union Administration and Union Leadership
LMSA–59T
Nonrecurring
Businesses or other institutions
Union leaders and members
[SIC: multiple
Other labor services: 252 responses; 378 hours; $146,839 Federal cost; 2 forms; not applicable under 3504(h)
Arnold Strasser, 202–395–6880

The Labor-Management Reporting and Disclosure Act is more than 20 years old. It is appropriate to determine if congressional purpose has been achieved and to ascertain if modification in the law and its administration are necessary. One area for such an evaluation would be the impact that the LMRDA has had on union leadership and union administration. Data collection is to start on OMB approval of the instrument and will be completed before 12/31/81.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202–426–1887

New

• Federal Highway Administration
Medical Examination Drivers Transporting Migrant Workers
Biennially
Individuals or households
Motor carriers and drivers operating interstate commerce
Small businesses or organizations
Ground transportation: 333 responses; 17 hours; 1 form; not applicable under 3504(h)
Terry Grindstaff, 202–395–7340

Medical Examination Drivers Transporting Migrant Workers.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202–634–5394

Extensions (Burden Change)

• Comptroller of the Currency
Notice of International Activity
CC7610–01
On occasion
Businesses or other institutions
Nat'l Banks with foreign branch
SIC: 602
Other Advancement and regulation of commerce: 180 responses; 90 hours; $1,800 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Report provides notice of intent of a national bank to open, close or relocate a foreign branch or subsidiary, or an edge act corp. or to make a permissible foreign investment.

• Bureau of Alcohol, Tobacco and Firearms
Distilled Spirits Bond
ATF F 5110.5 6
On occasion
Businesses or other institutions
Respondents are bonding companies and distilled spirits plts
Small businesses or organizations
Federal law enforcement activities: 250 responses; 250 hours, $875 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form secures payment of tax on distilled spirits on plant premises or withdrawn for certain purposes. Describes distilled spirits plant, surety company, amount and type of bond, conditions under which the DSP and Surety company must adhere to and pay the U.S. Government. Bond secures payment on spirits in the billions of dollars for the US.

• Bureau of Alcohol, Tobacco and Firearms
Tax Deferral Bond-Wine (Puerto Rico)
ATF F 2897 (5120.32)
On occasion
Businesses or other institutions
Importers of wine
Small businesses or organizations
Federal law enforcement activities: 250 responses; 250 hours; $115 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Bond covers liability of tax on wine from Puerto Rico to U.S. which is to be paid on a deferred basis. Secures payment of tax in case of default by (taxpayer) to pay the prescribed time in full. Describes taxpayer, surety company, amount and coverage of bond, and conditions under which the taxpayer and surety company must adhere to and pay the U.S.

• Bureau of Acohol, Tobacco and Firearms
Tax-Free Alcohol User's Bond
ATF F 1448 (5150.25)
On ocasion
State or local governments/businesses or other institutions
Hospitals and research labs
Small businesses or organizations
Federal law enforcement activities; 5,047 responses; 5,047 hours; $1,800 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The law allows certain entities to obtain alcohol free of tax for nonbeverage purposes. This bond; however, must be filed by the entity and must be of sufficient amount to cover any potential tax liability incurred due to misuse of the alcohol.

• Bureau of Alcohol, Tobacco and Firearms
Bond-Manufacturer of Tobacco Products
ATF F 3070 (5210.13)
On occasion
Businesses or other institutions
Businesses which manufacture tobacco products
Small businesses or organizations
Federal law enforcement activities; 150 responses; 150 hours; $225 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form secures payment of tax on tobacco products removed from the premises of a tobacco products manufacturer. The bond will secure payment of taxes when tobacco products have been removed without payment of tax other than as authorized by law or regulations. Describes the tobacco products manufacturer, Surety Company, and under which they are to pay the U.S.

• Bureau of Alcohol, Tobacco and Firearms
Tax Deferral Bond-Beer (Puerto Rico)
ATF F 2898 (5130.16)
On occasion
Businesses or other institutions
Importers of beer
Small businesses or organizations
Federal law enforcement activities: 250 responses; 250 hours; $175 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Bond secures payment of taxes on beer brought into the U.S. from Puerto Rico when the tax is not paid as required by law and regulation. Describes the taxpayer, Surety Company, amount of bond coverage, and conditions tax taxpayer and surety company must adhere to and pay the U.S.

• Bureau of Alcohol, Tobacco and Firearms
Brewers Bond
ATF F 1566 (5130.22)
• On occasion
Businesses or other institutions
Brewers
Small businesses or organizations
Federal law enforcement activities: 97 responses; 97 hours; $33 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6800

While beer is being produced and during its storage on the premises of a brewery, a tax liability attached to the beer and remains until the beer is lawfully removed from the brewery and the Federal Excise tax is paid. The brewers bond protects the Federal facts until that tax is paid.

• Bureau of Alcohol, Tobacco and Firearms
Brewers bond continuation certificate
ATF F 1566–A (5130.23)
On occasion
Businesses or other institutions
Brewers
Small businesses or organizations
Federal law enforcement activities: 97 responses; 97 hours; $44 Federal cost; 1 form; not appliable under 3504(h)
Kevin Broderick, 202–395–6880

If an existing brewers bond filed on form 1566 is to be continued by the surety and brewer may submit in lieu of a new bond. A Form 1566–A which will continue to bond for a succeeding period of not less than 4 years.

• Bureau of Alcohol, Tobacco and Firearms

Bond for Bonded Wine Cellar or Bonded Winery
ATF F 700 (51209.36)
On occasion
Businesses or other institutions
Wineries
Sic: 208
Small businesses or organizations
Federal law enforcement activities: 920 responses; 920 hours; $435 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

While on the premises of a wine cellar or winery most Federal Excise taxes on the wine have not yet been paid but the winery is liable for the taxes. The filing of such a bond form by the winery protects the Federal Government against loss of taxes on the event of default by the winery. These bonds protect millions of dollars in Federal taxes.

• Bureau of Alcohol, Tobacco and Firearms
Bond covering deferred payment of wine tax
ATF F 2053 (5120.26)

On occasion
Businesses or other institutions
Wineries
Sic: 208
Small businesses or organizations
Federal law enforcement activities: 920 responses; 920 hours; $385 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Those wineries which do not repay the tax upon removal are subject to taxation on a deferred basis. This bond ensures the collection of wine taxes which are deferred and due to the U.S.

Extensions (No Change)

• Bureau of Alcohol, Tobacco and Firearms
Bond-Export Warehouse Proprietor
ATF F 2103(5220.5)
On occasion
Businesses or other institutions
Export Warehouses
Small businesses or organizations
Federal law enforcement activities: 241 responses; 241 hours; $135 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Where a warehouse proprietor desires to withdraw tobacco products from his warehouse, without payment of tax, he must file a bond on this bond. The form is for the protection of the Federal excise taxes attached.

• Bureau of Alcohol, Tobacco and Firearms
Bond of Dealer in Specially Denatured Alcohol and/or Rum
ATF F 1475(5150.22)
On occasion
Businesses or other institutions
Wholesale dealers in SDA
Small businesses or organizations
Federal law enforcement activities: 48 responses; 48 hours; $28 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Authorized dealers in SDA receive alcohol free of tax. This bond: However, must be executed in order to ensure payment of any potential tax liability incurred due to misuse of the alcohol.

• Bureau of Alcohol, Tobacco and Firearms
Export Bond—Customs Bonded Cigar Manufacturing warehouse
ATF F 2104(5200.5)
On occasion
Businesses or other institutions
Cigar manufacturing warehouses
Small businesses or organizations
Federal law enforcement activities: 241 responses; 241 hours; $85 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Where the operator of Customs Bonded Cigar Manufacturing Warehouse wishes to withdraw cigars for export without payment of tax, he must file a bond on this form. This bond protects the taxes attached to the cigars.

• Bureau of Alcohol, Tobacco and Firearms
Cont. Trans. Bond DS and Wines Withdrawn for Trans to MFB-Class Six
ATF F 2737
On occasion
Busineses or other institutions
Distributors who ship distilled spirits and wine
Small businesses or organizations
Federal law enforcement activities: 500 responses; 500 hours; $245 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form secures payment of tax on distilled spirits or wine to be shipped w/o payment of tax to a CBW in case of diversion for taxable uses or withdrawals. Describes the CBW, surety company, amount of bond and coverage and conditions that the CBW and surety company must adhere to and pay the U.S. Government.

Bureau of Alcohol, Tobacco and Firearms
Specific Export Bond-Distilled Spirits or Wine
ATF F 2734 (5100.25)
On occasion
Businesses or other institutions
Exporters of distilled spirits and wine
Small businesses or organizations
Federal law enforcement activities: 500 responses; 500 hours; $260 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880.

This bond is necessary to secure payment of taxes on a specific shipment of spirits or wine until actually exported from the U.S. It describes the person (other than a DSP proprietor), surety company, and particular conditions of the bond. Description of the shipments covered is also on the form. If the shipment is not exported lawfully, the form secures payment of the tax.

Bureau of Alcohol, Tobacco and Firearms
Bond under 26 U.S.C. 6423
BTF F 2490
On occasion
Businesses or other intitutions
Excise taxpayers
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 100 responses; 100 hours; $37 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This form is necessary to secure payment of taxes refunded or credited to a claimant for any tax under chapters 51 and 52 of title 26 in certain instances. It will secure payment of taxes refunded or credited in the event that the refund or credit is later determined to be not lawful. Describes the particular conditions under which the surety company and claimant must adhere and a description of what the bond covers.

• Bureau of Alcohol, Tobacco and Firearms
Extension of Coverage of Bond
ATF F 2105 (5000.7)
On occasion
Businesses or other institutions
Manufacturers of distilled spirits, wine, beer
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 500 responses; 500 hours; $210 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

After an original bond has been filed, it may be necessary to extend the terms of the bond beyond the terms originally agreed upon by the surety. This form is used in those instances. It extends the bond protection on Federal taxes.

• Bureau of Alcohol, Tobacco and Firearms
Bond for Drawback under 26 U.S.C. 5131
ATF F 1730 (5530.3)

On occasion
Businesses or other institutions
Manufacturers of nonbeverage drawback products
Sic: 208
Small businesses or organizations
Federal law enforcement activities: 300 responses; 300 hours; $200 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Businesses which manufacture nonbeverage drawback products using taxpaid spirits file claims for "drawback" of taxes. Claims are filed and paid on a quarterly, semi-annual basis. If the business wishes to file claims monthly they file this bond. The bond protects moneys paid by the Government on unaudited monthly claims.

CIVIL AERONAUTICS BOARD

Agency Clearance Officer—Clifford M. Rand—202–673–6042

Extensions (Burden Change)

• Report of Passengers Denied Confirmed Space
251
Monthly
Businesses or other institutions
Certified U.S. and for. route air carriers holding S. 402 per.
SIC: 451
Small businesses or organizations
Air Transportation: 1,884 responses; 15,072 hours; $12,000 Federal cost; 1 form; not applicable under 3504(h)
Terry Grindstaff, 202–395–7340

To provide the Board with data to monitor the compliance of the air transportation industry with the Board's policies on overbooking.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Clearance Officer—Linda Shiley—202–254–9515

Reinstatements

• Change of application information
On occasion
Individuals or households
Victims of Presidentially declared disasters
Disaster relief and insurance: 6,000 responses; 3,000 hours; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

This form is prepared by the Disaster Field Office (DFO) personnel to insure that application information and program status are current at all times. It is used to document and distribute any changes to appropriate DFO staff so that necessary actions can be taken. This form is completed by interviewing the applicant via in person or telephone conversation.

• Preplacement Questionnaire—Temporary Housing Assistance
On occasion
Individuals or households
Victims of Presidentially declared disasters
Disaster relief and insurance: 3,000 responses; 1,500 hours; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

This form is used on each eligible applicant when interviewed to obtain additional information concerning his situation and special needs and to inform him of the actions he must take to obtain temporary housing assistance.

• Verification of Income
Quarterly
State or local governments
Government agencies and employers
Disaster relief and insurance: 4,000 responses; 1,000 hours; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Information requested on this form is used to verify an occupant's income in order to determine the occupant's financial ability to meet housing costs.

• Recertification and Questionnaire
On occasion
Individuals or households
Victims of Presidentially declared disasters
Disaster relief and insurance: 20,000 responses; 10,000 hours; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

This form is used to reflect information which is used to determine an applicant's continued requirement for temporary housing assistance as well as to identify types of assistance required.

• Financial Statement
On occasion
Individuals or households
Occupants of disaster temporary housing
Disaster relief and insurance: 10,000 responses; 2,500 hours; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

The financial statement is required to be completed for all temporary housing occupants as part of a recertification interview. Information regarding the occupant's financial capabilities and current homeowner's expenses are required by the DFO to determine whether or not a particular unit is suitable for alternate housing as well as to provide a basis for suitable referrals.

• Statement of Interest in Mobile Homes
On occasion
Individuals or households
Victims of Presidentially declared disasters
Disaster relief and insurance: 1,200 responses; 300 hours; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

This form is used in disaster programs where government owned mobile homes are provided as a form of assistance, occupants of temporary housing may be offered the option to purchase the mobile homes as permanent housing. This form also documents an occupant's interest to purchase and initiates the sales process.

FEDERAL MARITIME COMMISSION

Agency Clearance Officer—Ronald D. Murphy—202–523–5326

Revisions

• General Order 4—Licensing of Independent Ocean Freight Forwarders
46 CFR 510
On occasion Businesses or other institutions Ocean freight forwarding business SIC: 472
Water transportation: 3,254 responses; 3,254 hours; $100,000 Federal cost; 1 form; not applicable under 3504 (h)
William T. Adams, 202–395–4814

As mandated by section 44 of the Shipping Act, 1916. The Commission is charged with the responsibility to issue licenses to qualified applicants, and in discharging that responsibility, to promote rules for the licensing and regulation of the ocean freight forwarding industry.

INTERNATIONAL DEVELOPMENT CORPORATION AGENCY

Agency Clearance officer—Ms. Melita Yearwood—202–632–0084

New

• Application for Political Risk Insurance Hydrocarbon Projects
OPIC–77
Nonrecurring
Businesses or other institutions
International Petroleum Companies
SIC: 131, 132, 138
Foreign Economic and ptnancial assistance: 15 responses; 240 hours; 1 form; not applicable under 3504 (h)
Phillip T. Balazs, 202–395–4814

Form is used to obtain from international petroleum companies the information necessary to draft political risk insurance contract. The inapplicability of OPIC's currently used form stems from the unique legal documentation upon which third world

hydrocarbon projects are based. Form is simply a modification of a related from.

NATIONAL SCIENCE FOUNDATION

Agency Clearance Officer—Herman Fleming—202-357-7811

Reinstatements

• Higher Education Panel Surveys
E0011,
Other-see SF83
Businesses or other institutions
Higher education department heads & admin. officials
SIC: 822
General Science and basic research: 2,400 responses; 3,600 hours; $300,000 Federal cost; 1 form; not applicable under 3504 (h)
Federal Education Data Acquisition Council, 202-426-5030

Panel surveys are designed to be responsive to a variety of policy issues. Topics are not predetermined. Recent individual surveys servd policy and program management needs by providing information not available through existing sources.

NUCLEAR REGULATORY COMMISSION

Agency Clearance Officer—Stephen Scott—301-492-8585

Extensions (Burden Change)

• Construction Status Report
Quarterly
Businesses or other institutions
NRC licenses with construction permits
SIC: 483
Energy information, policy, and regulation:, 328 responses; 82 hours; $3,600 Federal Cost; 1 form, not applicable Under 3504 (h)
Jefferson B. Hill, 202-395-7340

NRC requests schedule and status information from utilities on the construction of nuclear power plants testing and full load through an automated management information developed for this specific purpose.

PENSION BENEFIT GUARANTY CORPORATION

Agency Clearance Officer—Robert E. Geiger—202-254-4776

New

• Notice of Termination for Multiemployer Plans
Nonrecurring,
Businesses or other institutions
Multi employer pension plans
SIC: Multiple
Small businesses or organizations
General retirement and disability insurance: 10 responses; 80 hour; $50,000 Federal cost; 1 form not applicable under-3504 (h)
Diane Wimberly, 202-395-6880

The information required by S2673.3 of the regulation; is necessary because, pursuant to statute, the PBGC has determined that the reporting requirement is needed to protect the interest of plan participants and to prevent unreasonable loss to the multiemployer insurance system. The information is not otherwise available to the PBGC.

RAILROAD RETIREMENT BOARD

Agency Clearance Officer—Pauline Lohens—312-751-4692

Extensions (No Change)

• Request for Review Part B Medicare Claim
G-790, G-791
On occasion
Individuals or households
Railroad retirement beneficiaries eligible for medicare
General retirement and disability insurance: 4,100 responses; 1,025 hours; $12,000 Federal cost; 2 forms; not applicable under 3504(h)
Barbara F. Young, 202-395-6880

The board administers the medicare program for persons covered by the Railroad Retirement System. The request provides the means for obtaining a review of the determination made by travelers on a claim for part B benefits.

SECURITIES AND EXCHANGE COMMISSION

Agency Clearance Officer—George G. Kundahl—202-272-2142

New

• Voluntary Survey To Gather Data for a Study of the Use of Rule 146
1946
Nonrecurring
Businesses or other institutions
All org. that sold sec. without a public offering, etc.
Sic: All
Small businesses or organizations
Other advancement and regulation of commerce: 300 responses; 225 hours; $34,250 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202-395-4814

The survey is needed to monitor the use of rule 146 and to evaluate its impact on capital formation with special emphasis on small business. The data and economic information obtained will enable the Commission to develop a profile of issuers filing form 146, as well as to estimate the cost of raising capital through this method.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—202-389-2146

Extensions (No Change)

• Statement of Marital Relationship
21-4170
On occasion
Individuals or households
Spouse or widow(er) of veteran
Income security for veterans: 9,400 responses; 4,700 hours; $24,300 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202-395-6880

This form is used to obtain from the claimant specific information with which to establish the existence of a common-law marriage. The information solicited is essential in enabling the claimant to prove that there is a common-law marriage. Authority is 38 U.S.C. 101, 103.

• Report of Accidental Injury in Support of Claim for Compensation or Pension
21-4176
On occasion
Individuals or households
Veterans report on claim for compensation or pension
Income security for veterans: 4,700 responses; 2,350 hours; $14,733 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202-395-6880

This form is used in support of claims for disability benefits based on disability which is the result of an accident. The information furnished by the veteran will be used as a source to gather information from other sources which might have information regarding the accident and to afford the veteran the opportunity to provide information from his own knowledge regarding the accident. Authority is 38. U.S.C. 310, 331 and 521.

C. Louis Kincannon,
Assistant Administrator for Reports Management.

[FR Doc. 81-20406 Filed 7-10-81; 8:45 am]
BILLING CODE 3110-01-M

REGULATORY INFORMATION SERVICE CENTER

Calendar of Federal Regulations; Correction

AGENCY: Regulatory Information Service Center.

ACTION: *Calendar of Federal Regulations;* Correction.

SUMMARY: The *Calendar of Federal Regulations* was published in the

Federal Register on Tuesday, June 30, 1981 (46 FR 34004). This document corrects information that was published concerning the Department of Transportation's regulation on Design Standards for Highways.

FOR FURTHER INFORMATION CONTACT: For information about the regulation on Design Standards for Highways: Alvin R. Cowan, Chief, or Kenneth H. Davis, Geometric Design Engineer, Geometric Design Branch, Federal Highway Administration, 400 Seventh Street, S.W., Washington, DC 20590, (202) 426–0312.

For further information about the work of the Regulatory Information Service Center: Mark G. Schoenberg, Executive Director, Regulatory Information Service Center, Suite 700, 2100 M Street, N.W., Washington, DC 20037, (202) 653–7246.

For further information about the *Calendar* project: Elizabeth Jester, Project Manager, *Calendar of Federal Regulations*, Regulatory Information Service Center, Suite 700, 2100 M Street N.W., Washington, DC 20037, (202) 653–7240.

SUPPLEMENTARY INFORMATION: The *Calendar of Federal Regulations* was published in the **Federal Register** on June 30, 1981 (46 FR 34004). In Chapter 7, Transportation and Communication, of the publication (45 FR 34183), information was provided with respect to the following regulation: Design Standards for Highways—Geometric Design Standards for Resurfacing, Restoration, and Rehabilitation (RRR) of Streets and Highways Other Than Freeways. This regulation will be issued by the Department of Transportation's Federal Highway Administration (FHWA) as a revision to an existing regulation that has been codified in Part 625 of title 23, Code of Federal Regulations (CFR).

Certain erroneous information was included in the discussion of this regulation which could be confusing to the reader. Accordingly, the following correction is made in FR Doc. 81–19044 appearing on page 34004 in the issue of June 30, 1981, as set forth below.

Dated: July 8, 1981.

Mark G. Schoenberg,

Executive Director.

CHAPTER 7—TRANSPORTATION AND COMMUNICATION

On page 34183, columns two and three, under "Statement of Problem," the second paragraph is corrected to read as follows:

Under current regulations and procedures (23 CFR Part 625), RRR improvements must meet the geometric design standards established for new construction, unless FHWA approves specific exceptions on a project-by-project basis. These standards were established by the American Association of State Highway and Transportation Officials (AASHTO) and have been adopted by FHWA. The standards deal with the dimensions of highway features such as alignment, grades, widths, sight distances, slopes, and clearances. The intent of this proposed rule is to amend existing regulations in order to provide procedures for establishing separate geometric design standards for RRR improvements.

[FR Doc. 81–20438 Filed 7–10–81; 8:45 am]

BILLING CODE 4910–22–M

SECURITIES AND EXCHANGE COMMISSION

Advisory Committee on Shareholder Communications; Meeting

This is to give public notice, pursuant to Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I, 10(a), that the Securities and Exchange Commission Advisory Committee on Shareholder Communications will conduct a meeting on July 24, 1981, at the New York Stock Exchange, 11 Wall Street, New York, New York, in the boardroom, 6th floor, beginning at 10:00 a.m. This meeting will be open to the public.

The purposes of the meeting are to review subcommittee reports and recommendations regarding the issuance of a release soliciting comments from the public on certain issues and to finalize plans for issuance of such a release.

Further information may be obtained by contacting: Gregory H. Mathews, Division of Corporation Finance, Securities and Exchange Commission, 500 N. Capitol Street, Washington, D.C. 20549, (202) 272–2589.

George A. Fitzsimmons,

Secretary.

July 6, 1981.

[FR Doc. 81–20363 Filed 7–10–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–17917; File No. SR-DTC-81–3]

Depository Trust Co.; Proposed Rule Change by Self-Regulatory Organization

In the matter of proposed rule change by the Depository Trust Company relating to expansion of its municipal bond program. Comments requested on or before August 3, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on July 2, 1981, The Depository Trust Company filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change involves deposit and withdrawal of the bearer form of debt securities issued by state and local governments (municipal bonds) at The Depository Trust Company (DTC) in accordance with the procedures attached as Exhibit 2 to DTC's filing on Form 19b–4, File No. SR–DTC–81–3, which procedures replace entirely the procedures attached as Exhibit 2 to DTC's filing on Form 19b–4A, File No. SR–DTC–77–8.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to permit inclusion of municipal bonds available in the bearer form among the securities eligible for the DTC book-entry transfer and pledge system. The proposed rule change expands DTC's existing municipal bond program which currently involves only interchangeable municipal bonds (i.e., municipal bonds which are issued in both the bearer form and the registered form). Deposit and withdrawal of the bearer form of municipal bonds (including the bearer form of interchangeable municipal bonds) will be made in accordance with the

procedures attached as Exhibit 2 to DTC's filing on Form 19b–4, File No. SR–DTC–81–3. Deposit and withdrawal of the registered form of interchangeable municipal bonds will be made in accordance with DTC's procedures for registered corporate bonds. All municipal bonds deposited at DTC, in both bearer and registered form, will be held by DTC, although in the future DTC may utilize custodian banks in various cities to hold municipal bonds. In all respects other than deposits and withdrawals of the bearer form of municipal bonds, the municipal bond services provided by DTC will be the same as those for other debt securities. DTC's fees for municipal bond services will be the same as those for other debt securities, except that the record date deposit surcharge will not apply to record date deposits of the bearer form of municipal bonds.

The proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934 and the rules and regulations thereunder applicable to DTC because the proposed rule change will encourage the immobilization of municipal bonds. The proposed rule change will be implemented consistently with the safeguarding of securities and funds in DTC's custody or control or for which it is responsible since, in addition to the special safeguards for handling municipal bonds indicated in the procedures attached as Exhibit 2 to DTC's filing on Form 19b–4, File No. SR–DTC–81–3, DTC's usual safeguards for securities, including its insurance program, physical security systems and internal and external auditing procedures, will be applicable to municipal bonds.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC perceives no impact on competition by reason of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

In recent years Participants have suggested to DTC that expansion of DTC's municipal bond program to include bearer municipal bonds would be a major benefit to Participants. DTC developed the expansion of it municipal bond program in close coordination with members of the securities industry. Numerous meetings were held with broker-dealer and bank Participants, non-Participant municipal bond dealers and securities industry organizations such as the Securities Industry Association, the Public Securities Association, The New York Clearing House Association, the Cashier's Association of Wall Street, Inc. and the Municipal Securities Rulemaking Board. Comments on expansion of DTC's municipal bond program were solicited by memoranda to all Participants dated October 17, 1980, March 6, 1981 and May 22, 1981, copies of which are attached as Exhibit 3A to DTC's filing on Form 19b–4, File No. SR–DTC–81–3. Articles on the planned expansion of the municipal bond program appeared in the DTC Newsletters for the months of October 1980 and March, April and May 1981. DTC received several comment letters from prospective users of the expanded municipal bond program, copies of which are attached as Exhibit 3B to DTC's filing on Form 19b–4, File No. SR–DTC–81–3. The letters expressed support for expansion of DTC's municipal bond program on the grounds that eligibility of additional municipal bond issues at DTC would reduce municipal bond processing and safekeeping costs. Several letters commented on which municipal bond issues should be DTC-eligible and on operational problems related to the possible utilization of custodian banks in the program for deposits and withdrawals.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (1) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before August 3, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: July 6, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-20364 Filed 7-10-81; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 17919; File No. SR-MSRB-81-5]

Municipal Securities Rulemaking Board; Order Approving Proposed Rule Changes

July 6, 1981.

On May 13, 1981, the Municipal Securities Rulemaking Board (the "MSRB") Suite 507, 1150 Connecticut Avenue, N.W., Washington, D.C. 20036, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act") and Rule 19b–4 thereunder, copies of proposed rule changes to MSRB rule G–7 relating to information concerning associated persons, rule G–8 concerning recordkeeping, rule G–26 concerning administration of accounts, and rule G–27 concerning supervision. The proposed rule changes would amend those rules to reflect recent amendments to MSRB rule G–3 which established the new qualification classification of municipal securities sales principal.[1]

Notice of the proposed rule changes together with the terms of substance of the proposed rule changes was given by publication of a Commission Release (Securities Exchange Act Release No. 17813 (May 21, 1981)) and by publication in the **Federal Register** (46 FR 29017 (1981)). No comments with respect to the proposed rule changes were received by the Commission.

[1] The proposed amendments to MSRB rule G–3 establishing the new classification (File No. SR–MSRB–81–2) were approved by the Commission in Securities Exchange Act Release No. 17807 (May 15, 1981).

The Commission finds that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to the MSRB, and, in particular, the requirements of Section 15B and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule changes be, and they hereby are, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-20365 Filed 7-10-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17916; File No. SR-NASD-81-16]

National Association of Securities Dealers, Inc.; Proposed Rule Change by Self-Regulatory Organization

In the matter of proposed rule change by National Association of Securities Dealers, Inc. relating to fees for a new service for NASDAQ subscribers. Comments requested on or before August 3, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 15, 1981, the National Association of Securities Dealers, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Association has proposed to amend Schedule D of the Association's By-Laws to provide that NASDAQ subscribers desiring to process Level 1 data directly into their computer systems will be charged $500 per month.

II. Self-Regulatory Organization's Statements Regarding the Proposed Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

This proposal will provide for an additional service to be offered NASDAQ subscribers who desire to input NASDAQ Level 1 service directly into their computer systems.

(B) *Self-Regulatory Organization's Statement on Burden on Competition*

The Association anticipates no burden on competition.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others*

While comments were not solicited, this proposed rule change has been approved by the Board of Governors of this Association in response to a request from a member firm.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before August 3, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: July 6, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-20366 Filed 7-10-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17918; File No. SR-NSCC-81-6]

National Securities Clearing Corp.; Proposed Rule Change by Self-Regulatory Organization

In the matter of proposed rule change by National Securities Clearing Corporation relating to the issuance of a processing time schedule for National Securities Clearing Corporation's (NSCC) Denver clearing center. Comments requested on or before August 3, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 10, 1981, the National Securities Clearing Corporation filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by National Securities Clearing Corporation. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of a published processing time schedule for both listed and OTC activity and securities processing for NSCC's Denver clearing center.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, National Securities Clearing Corporation included statements concerning the purpose of and basis for the proposed rule change and discussed concurrences it received from DTC on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below.

NSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to publish a processing time schedule for both listed and OTC activity and securities processing for NSCC's Denver clearing center. The proposed rule change is consistent with the Securities Exchange Act of 1934 and the rules and regulations thereunder applicable to NSCC as the processing time schedule will assist the members in the prompt and accurate settlement of securities transactions. The proposed rule change does not relate to the safeguarding of securities and funds in NSCC's custody or control because it is merely a published processing time schedule.

(B) Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not believe that the proposed rule change will have an impact on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No comments on the proposed rule change have been solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of the Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statement with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before August 3, 1981.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: July 6, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-20367 Filed 7-10-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17915; File No. SR-NESDTC-81-2]

New England Securities Depository Trust Co.; Proposed Rule Change by Self-Regulatory Organization

In the matter of proposed change by New England Securities Depository Trust Company relating to proposed charges to participants of New England Securities Depository Trust Company. Comments requested on or before August 3, 1981. Pursuant to Section 19(b) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 15, 1981, the New England Securities Depository Trust Company filed with the Securities and Exchange Commission the proposed change as described in Item I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Text of Proposed Rule Change

The New England Securities Depository Trust Company will impose a charge to participants of $7.50 for rejection of securities deposits and a charge of $25.00 for each corporate action taken on their behalf.

II. Self-Regulatory Organization's Statement of the Purposes of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-Regulatory organization has prepared summaries set forth in sections (A), (B) and (C) below of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

(a) The $7.50 charge was necessitated by the large number of securities deposits which had to be rejected for various reasons, i.e., incorrect CUSIP numbers, unendorsed securities, and signatures not guaranteed. When such deposits are rejected, all processing done for such deposits has to be reversed and therefore work flow doubles. It is believed that by imposing a charge, the number of rejections should decrease.

The $25.00 charge to each participant for corporate actions taken on their behalf was necessitated by the large number of reorganizations involving purchase offers and/or mergers which requires a great deal of personnel time and at a large expense to the Depository.

(b) The proposed rule is consistent with the requirements of the Securities Exchange Act of 1934 and the rules and regulations thereunder applying to the New England Securities Depository Trust Company because it represents an equitable allocation of reasonable fees and other changes among its participants. It would also insure prompt and accurate clearance and settlement of security transactions and fosters cooperation and coordination among others engaged in the clearance and settlement of security transactions by making the Depository more competitive.

(B) *Self-Regulatory Organization's Statement on Burden on Competition*

The proposed charges were adopted to reflect increased operational costs while ensuring an efficient system for the settlement of transactions and the safekeeping of assets. It is believed that no burdens have been placed upon competition.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others*

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and the Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed change that are filed with the Commission, and all written communications relating to the proposed change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, NW., Washington, D.C.

Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before August 3, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

Dated: July 2, 1981.

[FR Doc. 81–20368 Filed 7–10–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–17914; File No. SR–OCC–81–5]

Options Clearing Corp.; Proposed Rule Change by Self-Regulatory Organization

In the matter of proposed rule change by the Options Clearing Corporation relating to correction of a drafting error in Rule 601(c). Comments requested on or before August 3, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 24, 1981, The Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by OCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Proposed Rule Change

OCC proposes to correct a drafting error in Rule 601(c) by transposing the words "less" and "more". As corrected, Rule 601(c) imposes special margin requirements on spot month options if the "premium quotation * * * is less than 1 point, and the exercise price of such series is *more* [less] (in the case of a call) or *less* [more] (in the case of a put) than the daily underlying security marking price * * * by an amount equal to 10% or less of such daily underlying security marking price." (The italicized words are added; the words appearing in brackets are being deleted.) The indicated changes merely conform the wording of the rule to the original intent and the interpretation which it has been given since its adoption. No change in OCC's interpretation of, or practice with respect to, this rule is intended.

II. Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of, and basis for, the proposed rule change. The text of these statements may be examined at the places specified below. OCC has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspect of such statements.

(A) Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of this rule change is to correct a drafting error in an amendment to Rule 601(c) as it was proposed in File No. SR–OCC–78–1 and approved in Securities Exchange Act Release No. 15188 (September 25, 1978). The purpose of that amendment to Rule 601(c) was to increase OCC's margin requirements for short positions in spot month options which are out-of-the-money by 10% or less of the daily underlying security marking price. In the amendment as filed and approved, the words "less" and "more" were inadvertently transposed.

The special margin requirements of Rule 601(c) protect investors and the public interest and are therefore consistent with Section 17A(b)(3)(F) of the Securities Exchange Act of 1934.

(B) Burden on Competition

The proposed correction of Rule 601(c) will have no impact on competition.

(C) Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments were not and are not intended to be solicited by OCC with respect to the proposed rule change. No written comments have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the

Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before August 3, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

Dated: July 2, 1981.

[FR Doc. 81-20369 Filed 7-10-81; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 11848; 812-4901]

PIA Asset Cash Trust; Filing of Application

July 7, 1981.

Notice is hereby given that PIA Asset Cash Trust ("Applicant"), 421 Seventh Avenue, Pittsburgh, Pennsylvania 15219, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on June 22, 1981, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 under the Act to the extent necessary to permit Applicant to value its portfolio assets pursuant to the amortized cost method of valuing portfolio securities. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant states that it is a "money market" fund organized as a Massachusetts business trust and that Income Research Corporation, a subsidiary of Federated Investors, Inc., serves as Investment Adviser to Applicant. Applicant further states that it is designed as an investment vehicle for members of the Printing Industries of America ("PIA"), employees of members of PIA, associate members of PIA and employees thereof, suppliers of PIA and employees of suppliers, and family members of all such persons, with temporary cash balances or cash reserves seeking stability of principal and current income consistent with stability of principal. Applicant's portfolio may be invested in a variety of money market instruments including U.S. Government obligations, instruments of banks and savings and loan associations which are members of the FDIC or FSLIC, prime commercial paper, repurchase agreements and reverse repurchase agreements. Applicant states that the average maturity of the money market instruments comprising its entire portfolio (computed on a dollar weighted basis) will not exceed 120 days.

According to the application, Applicant does not invest in instruments issued by banks or savings and loan associations unless: (a) at the time of investment they have capital, surplus and undivided profits in excess of $100,000,000 at the date of their most recently published financial statements; or (b) the principal amount of the instrument is insured in full by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation. The application states that the investments in commercial paper are limited to commercial paper rated A-1 by Standard & Poor's Corporation, prime-1 by Moody's Investors Service or F-1 by Fitch Investors Service.

The order requested herein would exempt Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder. Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities and, (2) with respect to other securities and assets, fair value as determined in good faith by the investment company's board of directors.

Rule 22c-1 provides, in part, that no registered investment company issuing any redeemable security, and no principal underwriter of or dealer in any such security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Rule 2a-4 provides, as here relevant, that the current net asset value of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution, redemption, and repurchase shall be an amount which reflects calculations, whether or not recorded in the books of account, made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a-4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered investment company. Prior to the filing of this application, the Commission expressed its view that, *inter alia:* (1) Rule 2a-4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent generally with the provisions of Rule 2a-4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 1, 1977).

Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of 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.

In support of its request for exemptive relief Applicant states that investors are not concerned with the theoretical difference which might occur between yield achieved through pricing to some sort of "market" and yield computed by using the amortized cost valuation method. However, according to Applicant investors are adamant that the daily income declared by Applicant reflect income as earned using the amortized cost method, and that such income not exhibit volatility which may occur whedn changes in so-called "market" prices cause unreal and artificial changes in yield on a daily or weekly basis.

Applicant further states that experience indicates that two features are necessary in a "money market" fund: (1) certainty of stability of principal and (2) steady flow of predictable and competitive investment income. Applicant asserts that by maintaining a portfolio of high quality, short-term money market instruments valued at amortized cost they can provide these features to investors. Applicant represents that its board of trustees has properly determined in good faith under the provisions of the Act to value the portfolio of Applicant by use of the amortized cost method and that this method is in the best interests of its shareholders. Applicant further represents that: (1) its board of trustees has determined in good faith, in light of

the characteristics of Applicant, that the amortized cost method of valuation of portfolio instruments is appropriate and preferable to the use of a market based valuation method, and (2) its board of trustees has further determined to continuously monitor valuations indicated by methods other than amortized cost (and has directed the Executive Committee of the board to make reports to it) so that any necessary changes in the valuation method may be made to assure that the valuation method being used is a fair approximation of fair value in view of all pertinent factors. Applicant has agreed that the following conditions may be imposed in any order of the Commission granting the exemptive relief requested:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's board of trustees undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the board of trustees shall be the following duties and responsibilities:

(a) Review by the board of trustees, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's $1.00 amortized cost price per share, and the maintenance of records of such review.[1]

(b) In the event such deviation from Applicant's $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the board of trustees will promptly consider what action, if any, should be initiated by it.

(c) Where the board of trustees believes that the extent of any deviation from Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten Applicant's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will neither (a) purchase any instrument with a remaining maturity of greater than one year, nor (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of trustees' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board of trustees' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which the board of trustees determines present minimal credit risks, and which are of high quality as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the board of trustees.

6. Applicant will include in each of its quarterly reports, as an attachment to Form N-1Q, a statement as to whether any action pursuant to condition 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than August 3, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon 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 herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-20370 Filed 7-10-81; 8:45 am]

BILLING CODE 8010-01-M

[1] To fulfill this condition, Applicant states that it intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its board of trustees in the exercise of its discretion to be appropriate indicators of value, which may include among others, (i) quotations or estimates or market value for individual portfolio instruments, or (ii) values obtained from yield data relating to classes of money market instruments published by reputable sources such as the Salomon Brothers Weekly Bond Market Round-Up.

[2] In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

[Rel. No. 11847; 811-2548]

Riddle Daily Interest, Inc.; Filing of Application

July 6, 1981.

Notice is hereby given that Byron Michael Riddle, on behalf of Riddle Daily Interest, Inc. ("Riddle"), c/o Byron Michael Riddle, 3305 Northland Drive, Suite 100, Austin, TX 78731, which is registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on June 15, 1981, for an order of the Commission pursuant to Section

8(f) of the Act, declaring that Riddle has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that Riddle registered under the Act on November 27, 1974, but never made a public offering of its securities and has not operated in over five years. The application further states that Riddle has no assets and no shareholders, and has no legal existence under the laws of the State of Texas.

Section 8(f) of the Act provides, in 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, upon the taking effect 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 31, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-20371 Filed 7-10-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 2001]

Illinois; Declaration of Disaster Loan Area

Carroll, Cook, Schuyler and Will Counties and adjacent counties within the State of Illinois constitute a disaster area, as a result of damage caused by severe storms, tornadoes and flooding beginning on or about June 13, 1981. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on August 31, 1981, and for economic injury until the close of business on March 30, 1982, at: Small Business Administration, District Office, 219 South Dearborn Street, Room 438, Chicago, Illinois 60604, or other locally announced locations. For recent changes in disaster loan eligibility, see 46 Federal Register 18526 (March 25, 1981).

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: July 2, 1981.

Robert A. Turnbull,

Acting Administrator.

[FR Doc. 81-20380 Filed 7-10-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 81-053]

Qualification of Sohio Alaska Petroleum Co. as a Citizen of the United States

Notice is given that pursuant to 46 CFR 67.23–7, issued under the provisions of section 27A of the Merchant Marine Act, 1920, as added by the Act of September 2, 1958 (46 U.S.C. 883–1), Sohio Alaska Petroleum Company, 100 Pine Street, San Francisco, California 94111, incorporated under the laws of the State of Delaware, did on June 15, 1981, file with the Commandant, United States Coast Guard, in duplicate, an oath for qualification of the corporation as a citizen of the United States following the forms of oath prescribed in Form CG–1260.

The oath shows that:

(a) A majority of the officers and directors of the corporation are citizens of the United States;

(b) Not less than 90 percent of the employees of the corporation are residents of the United States;

(c) The corporation is engaged primarily in a manufacturing or mineral industry in the United States or in a Territory, District, or possession thereof;

(d) The aggregate book value of the vessels owned by the corporation does not exceed 10 percent of the aggregate book value of the assets of the corporation; and

(e) The corporation purchases or produces in the United States its Territories or possessions not less than 75 percent of the raw materials used or sold in its operations.

The Commandant, United States Coast Guard, having found this oath to be in compliance with the law and regulations, on June 15, 1981, issued to Sohio Alaska Petroleum Company a certificate of compliance on Form CG–1262, as provided for in 46 CFR 67.23–7. The certificate and any authorization granted thereunder will expire three years from June 15, 1981, unless there first occurs a change in the corporate status requiring a report under 45 CFR 67.23–7.

Clyde T. Lusk, Jr.

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 81-20416 Filed 7-10-81; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA); Special Committee 146—Airborne Automatic Direction Finding Equipment; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 146 on Airborne Automatic Direction Finding Equipment to be held on July 19–30, 1981 in RTCA Conference 267, 1717 H Street, N.W., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of Second Meeting Held on May 6–7, 1981; (3) Consideration of Report of Airborne Equipment Working Group; (4) Consideration of Report of Ground Equipment Working Group; (5) Assignment of Tasks; and (6) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contract the RTCA Secretariat, 1717 H Street, N.W., Washington, D.C. 20006; (202) 296–0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on July 1981.

Karl F. Bierach,

Designated Officer.

[FR Doc. 81-20324 Filed 7-10-81; 8:45 am]

BILLING CODE 4910-13-M

[Regulatory Docket No. 80-AGL-139E-27013]

Outagamie County Airport, Appleton, Wis.; Grant of Extension of Exemption From a Portion of the Federal Aviation Regulations

Outagamie County Airport is presently being operated pursuant to the Airport Operating Certificate issued for that airport on November 14, 1974, and a Grant of Exemption from the requirements of § 139.49 of the Federal Aviation Regulations, Regulatory Docket No. 80-AGL-139E-27013, issued on April 15, 1980.

Upon consideration of all available information regarding operations at the airport, including the fact that additional time is required to train personnel on the operation of the new fire truck, it has been determined that to require compliance with the aforestated regulation prior to September 30, 1981, would be contrary to the public interest.

Therefore, as good cause exists, the Grant of Exemption issued to Outagamie County Airport, Appleton, Wisconsin, from the requirements of Section 139.49 of the Federal Aviation Regulations, is hereby extended until September 30, 1981, unless sooner superseded, modified, or rescinded.

Issued at Des Plaines, Illinois on June 30, 1981.

Wayne J. Barlow,

Director, Great Lakes Region.

[FR Doc. 81-20358 Filed 7-10-81; 8:45 am]

BILLING CODE 4910-13-M

Sunshine Act Meetings

Federal Register
Vol. 46, No 133
Monday, July 13, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

Contents

Item
Federal Energy Regulatory Commission 1

1

FEDERAL ENERGY REGULATORY COMMISSION.

July 8, 1981.

TIME AND DATE: 10 a.m., July 15, 1981.

PLACE: Room 9306, 825 North Capitol Street, N.E., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary; Telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the division of public information.

Consent Power Agenda—496th Meeting, July 15, 1981, Regular Meeting (10 a.m.)

CAP-1. Docket No. EL78-36, United States Department of the Interior; Project No. 553, City of Seattle, Washington
CAP-2. Docket No. EL80-14, Kodiak Electric Association, Inc.
CAP-3. Project No. 3672, Columbia Irrigation District
CAP-4. Project No. 2372, Pennsylvania Electric Co.
CAP-5. Project No. 2929, Pennsylvania Hydroelectric Development Corp.; Project No. 2969, Borough of Weatherly, Pennsylvania; Project No. 2995, Borough of Lehighton, Pennsylvania; Project No. 3004, Delaware River Basin Commission and the Department of Environmental Resources of the Commonwealth of Pennsylvania
CAP-6. Project No. 3493, City of Summerville, West Virginia; Project No. 3683, Mitchell Energy Company; Project No. 3809, Old Dominion Electric Cooperative; Project No. 4361, City of Bedford, et al.
CAP-7. Docket No. EL3418-000, Pennsylvania Renewable Resources, Inc.; Project No. 3475-000, the Town of Clintwood, Virginia; Project No. 4152-000, the City of Bedford, et al.
CAP-8. Project No. 2114, Public Utility District No. 2 of Grant County, Washington; Project Nos. 943 and 2145, Public Utility District No. 1 of Chelan County, Washington; Project No. 2149, Public Utility District No. 1 of Douglas County, Washington; Docket No. E-9569, State of Washington Department of Fisheries v. Public Utility District No. 2 of Grant County, Washington
CAP-9. Project No. 2778, Idaho Power Co.
CAP-10. Project No. 2777, Idaho Power Co.
CAP-11. Docket No. ER81-474-000, Metropolitan Edison Co.
CAP-12. Docket No. ER81-578-000, Maine Yankee Atomic Power Co.
CAP-13. Docket No. ER81-354-000, Dayton Power & Light Co.
CAP-14. Docket No. ER81-95-000, Alabama Power Co.
CAP-15. Docket No. ER80-797, New England Power Co.
CAP-16. Docket Nos. ER80-373, and ER80-549, Arkansas Power & Light Co.
CAP-17. Docket No. ER80-206, Florida Power Corp.
CAP-18. Docket No. ER81-121-000, Virginia Electric & Power Co.
CAP-19. Docket No. ER80-53, Southern Co. Services, Inc.

Consent Miscellaneous Agenda

CAM-1. Docket No. RM79-76, (Wyoming—4), high-cost gas produced from tight formations
CAM-2. Docket No. RM79-76, (Utah—1), high-cost gas produced from tight formations
CAM-3. Docket No. RA80-65, the Coastal Corp.
CAM-4. Docket No. RA80-2, Tesoro Petroleum Corp.

Consent Gas Agenda

CAG-1. Docket Nos. RP80-91 and RP80-93, Arkansas Louisiana Gas Co.
CAG-2. Docket Nos. CP77-216, et al., Distri-Gas of Massachusetts Corp.
CAG-3. Docket No. RP81-8-000, Michigan Consolidated Gas Co. (Interstate Storage Division)
CAG-4. Docket Nos. RP77-107, RP77-138, RP78-68 and RP80-121, United Gas Pipe Line Co.
CAG-5. Docket No. RP80-50, Gas Gathering Corp.
CAG-6. Docket Nos. ST79-8, ST79-9, ST79-10, ST79-11, ST79-12, ST80-6, ST80-102, ST80-150 and ST80-193, Producer's Gas Co.
CAG-7. Docket No. ST80-64-001, Phillips Petroleum Co.
CAG-8. Docket Nos. G20555 (FERC gas rate schedule No. 2) and CI68-308 (FERC gas rate schedule No. 17), J. P. Owen (operator), et al.
CAG-9. Docket No. RI81-3-000, Riddell Petroleum Corp.
CAG-10. Docket No. CI78-224-002, Exxon Corp.; Docket No. CI81-300-000, Cities Service Co.; Docket Nos. CI81-275-000 and CI81-276-000, Freeport Oil Co.; Docket No. CI81-317-000, McMoran Offshore Exploration Co.; Docket No. CI81-315-000, Southland Royalty Co.; Docket No. CI78-224-002, Exxon Corp.; Docket Nos. CI81-295-000, and CI81-296-000, Exxon Corp.; Docket No. CS81-81-000, Oakwood Resources, Inc.; Docket No. CI66-919-000, Mobil Oil Exploration & Producing Southeast, Inc.; Docket No. CI81-251-000, Getty Oil Co.; Docket No. CI81-291-000, Union Oil Co. of California; Docket No. CI81-289-000, The Superior Oil Co.; Docket No. CI81-290-000, Alminex U.S.A., Inc.; Docket No. CI81-318-000, The Superior Oil Co.; Docket Nos. CI81-29-001, CI81-50-001, CI81-53-001, CI81-54-001, CI81-55-001 and CI81-61-001, General American Oil Co. of Texas
CAG-11. Docket No. CP76-492, National Fuel Gas Supply Corp. and Penn-York Energy Corp.
CAG-12. Docket No. CP78-391, Great Plains Gasification Associates, successor to ANR Gasification Properties Co. and PGC Coal Gasification Co.; Docket Nos. CP75-278 and CP77-556, Columbia Gas Transmission Gas Pipeline Co. of America, Tennessee Gas Pipeline Co., a Division of Tenneco Inc., and Transcontinental Gas Pipe Line Corp.
CAG-13. Docket No. CP75-57, Kansas-Nebraska Natural Gas Co., Inc.; Docket Nos. CP75-154 and CP75-227, Montana-Dakota Utilities Co.; Docket No. CP80-348, Northern Utilities Co.
CAG-14. Docket No. CP80-443, Michigan Wisconsin Pipe Line Co. and United Gas Pipe Line Co.
CAG-15. Docket No. CP81-62-000, Transcontinental Gas Pipe Line Corp., Southern Natural Gas Co. and United Gas Pipe Line Co.
CAG-16. Docket No. CP81-205, Delhi Gas Pipeline Corp.
CAG-17. Docket No. CP81-179-000, Consolidated Gas Supply Corp.
CAG-18. Docket No. CP80-192, Florida Gas Transmission Co.
CAG-19. Docket No. CP81-262-000, United Gas Pipe Line Co.
CAG-20. Docket No. CP81-95-000, Phanhandle Eastern Pipe Line Co.
CAG-21. Docket No. CP80-456, Northwest Pipeline Corp.
CAG-22. Docket No. CP81-182-000, Great Lakes Gas Transmission Co.
CAG-23. Docket No. CP81-291-000, Texas Eastern Transmission Corp.
CAG-24. Docket No. CP81-125-000, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. and Columbia Gulf Transmission Co.
CAG-25. Docket No. CP80-292, Consolidated Gas Supply Corp.; Docket No. CP80-327, Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Docket Nos. CP70-185 and

CP70–275, Tennessee Gas Pipeline Co., a Division of Tenneco Inc.
CAG–26. Docket No. CP81–139–000, Southern Energy Co., Southern Natural Gas Co. and Boston Gas Co.

Power Agenda

I. Licensed Project Matters

P–1. Project Nos. 4307–000 and 4305–000, City of Hirring, Minnesota; Project Nos. 4321–000 and 4322–000, Northeastern Minnesota Municipal Power Agency
P–2. Project No. 4064, Baker Valley Irrigation District; Project No. 3459, Cascade Waterpower Development Corp.

II. Electric Rate Matters

ER–1. Docket No. ER81–499–000, Niagara Mohawk Power Corp.
ER–2. Docket No. ER78–338 (phase I and phase II), Public Service Co. of New Mexico
ER–3. Docket Nos. ER79–31, ER80–284 and ER80–314, Louisiana Power & Light Co.; Docket No. ER78–30, Concerned Citizens against Power Monopoly v. Louisiana Power & Light Co,

Regular Miscellaneous Agenda

M–1. Docket No. QM81–13–000, EG&G, Inc.
M–2. Reserved
M–3. Reserved
M–4. Docket No. RM81– , regulations regarding Public Information and Freedom of Information Act requests
M–5. Docket No. RM78–23, State of Louisiana first use tax in pipeline rate cases
M–6. Docket No. RM81–27, incremental pricing: adoption of single-tier alternative fuel price ceiling
M–7. Docket No. RM80–69, Interstate Pipeline's annual report of gas supply; Form No. 15
M–8. Docket No. RM79–34, transportation certificates for natural gas for the displacement of fuel oil
M–9. Docket No. RM79–76 (Colorado–10), high-cost gas produced from tight formations

Regular Gas Agenda

I. Pipeline Rate Matters

RP–1. Docket No. RP78–62 (reserved issues), Panhandle Eastern Pipe Line Co.
RP–2. Docket Nos. CP76–285, et al., Mountain Fuel Resources, Inc., et al. (Clan Basin Long-Term Storage Project)

II. Producer Matters

CI–1. Docket No. G–3636, Allied Chemical Corp.

III. Pipeline Certificate Matters

CP–1. Docket No. CP81–170, Cities Service Gas Co.; Docket No. CP81–193, Cities Service Gas Co.; Docket No. CP81–203, Cities Service Gas Co.
CP–2(a) Docket No. CP81–174, Colorado Interstate Gas Co.
CP–2(b) Docket No. CP81–67, Trans Louisiana Gas Co.
CP–3. Docket No. CP81–188, Consolidated Gas Supply Corp.
CP–4. Docket No. CP81–219, East Tennessee Natural Gas Co.; Docket No. CP81–337, Texas Eastern Transmission Corp.
CP–5. Docket No. CP81–236, Northern Natural Gas Co.
CP–6(a) Docket No. CP81–302, Natural Gas Pipeline Co. of America; Docket No. CP81–303, Natural Gas Pipeline Co. of America; Docket No. CP81–304, Natural Gas Pipeline Co. of America; Docket No. CP81–322, Texas Gas Transmission Corp.
CP–6(b) Docket No. CP80–540, Faustina Pipe Line Co.
CP–7. Docket No. CP80–135 et al., Northern Natural Gas Co.
CP–8. Docket No. CP75–104, High Island Offshore System; Docket No. CP76–118, U–T Offshore System
CP–9. Docket No. CP79–80, Trailblazer Pipeline Co., Overthrust Pipeline Co. and Colorado Interstate Gas Co.; Docket No. CP80–7, Mountain Fuel Supply Corp.; Docket No. CP80–380, Northern Natural Gas Co.; Docket No. CP81–328–000, CP78–99, and CP80–35, Colorado Interstate Gas Co.
CP–10. Docket No. CP–78–266, Bear Creek Storage Co., Southern Natural Gas Co. and Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Docket No. CP78–267, Tennessee Gas Pipeline Co., a Division of Tenneco Inc.
CP–11. Docket No. ST81–314–000, Channel Industrial Gas Co.; Docket No. ST81–314–000, Channel Industrial Gas Co.; Docket No. CP81–315–000, United Texas Transmission Co.

Kenneth F. Plumb,

Secretary.

[S–1068–81 Filed 7–9–81; 11:07 am]

BILLING CODE 6450–85–M

federal register

Monday
July 13, 1981

Part II

Department of Transportation

Federal Aviation Administration

Airplane and Airport Operator Security Rules; Effective Date

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 107, 108, 121, 129, and 135

[Docket No. 19726; Reference Amendment Nos. 107-1, 108 (New), 121-167, 129-11, and 135-10]

Airplane and Airport Operator Security Rules; Effective Date

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Office of Management and Budget (OMB) approval and correction of amendment.

SUMMARY: This document prescribes the effective date for a new part of the Federal Aviation Regulations that consolidates security regulations for scheduled passenger and public charter operations and extends those regulations to certain commuter and air taxi operations and small airplane operations conducted by U.S. and foreign air carriers. At the time this new part was adopted, its reporting and recordkeeping requirements had not been approved by OMB, and the part could not be made effective. That approval process has now been completed.

This document also corrects a reference in the words of issuance of Amendment 107-1.

EFFECTIVE DATE: September 11, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph A. Sirkis, Regulatory Projects Branch (AVS-24), Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC, 20591, telephone (202) 755-8716.

SUPPLEMENTARY INFORMATION: On January 12, 1981, the FAA adopted amendments that added a new Part 108, Airplane Operator Security (46 FR 3782; January 15, 1981), and amended other associated security regulations. The new part revises and consolidates aviation security regulations for scheduled passenger and public charter operations, and extends those regulations to certain commuter and air taxi operations and small airplane operations conducted by U.S. and foreign air carriers. The consolidation facilitates public access to aviation security regulations. The changes provide an appropriate response to the current threat of criminal violence and air piracy against scheduled and public charter operations of U.S. air carriers, instrastate operators, and foreign air carriers.

Because new Part 108 contains reporting and recordkeeping requirements for which OMB approval is required, the effectivity of the new part was delayed until April 1, 1981, or 60 days after OMB approval, whichever would be later. On April 29, 1981, OMB approved these requirements. A copy of the approval may be examined at the Federal Aviation Administration, Office of the Chief Counsel, Rules Docket No. 19726, 800 Independence Avenue, SW, Washington, DC 20591.

Accordingly, this notice prescribes the necessary effective date and, except as noted, provides the 60-day notice referred to at the time these amendments were adopted.

In order to relieve certain airplane operators immediately of an unnecessary financial burden, this notice permits compliance without delay with new Part 108. When issuing Part 108, the FAA considered the economic burden that could be imposed on the small airplane operators and the fact that the hijacking threat directed against commuters has not significantly increased. It was determined that the implementation of a full security program should only be required for scheduled and public charter operations with airplanes having a passenger-seating configuration of more than 60 seats and for operations providing deplaned passengers access to a sterile area at the next landing when the access is not controlled by another airplane operator's security program. Accordingly, Part 108 provides that for operations with airplanes having a passenger-seating configuration of more than 30 but fewer than 61 seats a full security program need not be implemented.

For Part 108 to be effective immediately for any operator, the operator need only advise the Director of Civil Aviation Security of its intention to comply with the part.

Correction

In connection with new Part 108, the airport operator security rules in Part 107 were also amended (Amendment 107-1) to relate the airport operator's responsibilities, including law enforcement support, to the level of security required for airplane operators using the airport.

Section 107.7 requires the airport operator to notify the FAA, and appropriately amend its security program, whenever certain changed security conditions occur. Specifically, § 107.7(a)(4) provides that this action must be taken when the law enforcement support, as described in the airport operator's security program, is not adequate to comply with § 107.15. Amendment 107-1 was intended to add references in § 107.7(a)(4) to new security program requirements. However, because that provision is misnumbered in the current bound version of the Code of Federal Regulations (14 CFR 107.7), the amending language erroneously referred to it as § 107.7(a)(3). This amendment corrects the amending language to refer to § 107.7(a)(4). The Code of Federal Regulations will be corrected when it is next published in bound form.

Effective Date and Correction

Accordingly, Amendments No. 107-1, 108 (New), 121-167, 129-11, and 135-10 will be effective September 11, 1981, or, for a certificate holder to which new Part 108 would apply, on the date that the certificate holder notifies the Director of Civil Aviation Security of its intention to comply with the part, whichever date is earlier. The words of issuance of Amendment 107-1 are corrected to amend § 107.7(a)(4), instead of § 107.7(a)(3), by inserting the phrase ", (f)(1), or (g)(1)" after the phrase "§ 107.3(b)(7)".

(Secs. 313, 315, 316, 317, 601-610 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1356, 1357, 1358, 1421-1430); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this document pertains to a rulemaking action which is not a major regulation under Executive Order 12291; that it is not significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and that, under the criteria of the Regulatory Flexibility Act, it will not have a significant impact on a substantial number of small entities. In addition, the FAA has determined that, while a regulatory evaluation was prepared for the final rule, the expected further impact of this notice and correction is so minimal that it does not require an evaluation.

Issued in Washington, D.C., on June 15, 1981.

J. Lynn Helms,

Administrator.

[FR Doc. 81-20319 Filed 7-10-81; 8:45 am]

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Federal Register

Monday
July 13, 1981

Part III

Department of the Interior

Fish and Wildlife Service

Migratory Bird Hunting; Supplemental Proposals for Early Season Migratory Bird Hunting Regulations Frameworks

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting; Supplemental Proposals for Early Season Migratory Bird Hunting Regulations Frameworks

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Supplemental proposed rule.

SUMMARY: This document supplements Federal Register Document 81–8989, published on March 25, 1981, and Document 81–20129 published on July 8, 1981, which notified the public that the Fish and Wildlife Service proposes to establish hunting regulations for certain migratory game birds during 1981–82, and provided information on certain proposed regulations.

This proposed rulemaking provides frameworks or outer limits for dates and times when shooting may begin and end, and the number of birds that may be taken and possessed in early seasons for migratory bird hunting. These are hunting seasons that open prior to October 1 and relate to mourning doves; white-winged doves; band-tailed pigeons; woodcock; common snipe; rails; gallinules; September teal; sea ducks; experimental September duck seasons in Iowa, Kentucky, Tennessee, and Florida; sandhill crane seasons in North Dakota and South Dakota; migratory bird hunting regulations in Alaska, Puerto Rico, and the Virgin Islands; and extended falconry seasons. The Service annually prescribes hunting regulations frameworks to the States for season selection purposes. The effect of this proposed rule is to facilitate establishment of early season migratory bird hunting regulations for the 1981–82 season.

The Service also proposes supplemental rulemakings for some late hunting seasons, defined as those seasons opening on or after October 1. These generally relate to the times and places where certain waterfowl may be hunted.

DATES: The comment period for proposed early season frameworks, including those for Alaska, Puerto Rico, and the Virgin Islands, will end on July 16, 1981, and that for late season proposals on August 24, 1981. A Public Hearing on Late Season Regulations will be held August 4, 1981, starting at 9 a.m.

ADDRESS: Comments to: Director (FWS/MBMO), Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. The Public Hearing will be held in the Auditorium of the Department of the Interior Building on C Street, between 18th and 19th Streets, NW., Washington, D.C. Notice of intention to participate in this hearing should be sent in writing to the Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Comments received on the supplemental proposed rulemaking will be available for public inspection during normal business hours in Room 525–B, Matomic Building, 1717 H Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: John P. Rogers, Chief, Office of Migratory Bird Management, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 (202–254–3207).

SUPPLEMENTARY INFORMATION: The annual process for developing migratory game bird hunting regulations deals with regulations for early and late seasons. Early seasons include those which open before October 1, while late seasons open about October 1 or later. Regulations are developed independently for early and late seasons. The early season regulations cover mourning doves; white-winged doves; band-tailed pigeons; rails; gallinules; woodcock; common snipe; sea ducks in the Atlantic Flyway; teal in September in the Central and Mississippi Flyways; experimental duck seasons opening in September in Iowa, Kentucky, Tennessee, and Florida; sandhill cranes in North Dakota and South Dakota; doves in Hawaii; migratory game birds in Alaska, Puerto Rico, and the Virgin Islands; and some special falconry seasons. Late seasons include the general waterfowl seasons; special seasons for scaup and goldeneyes; extra scaup and teal in regular seasons; most sandhill crane seasons in the Central Flyway; coots, gallinules, and snipe in the Pacific Flyway; and other special falconry seasons.

Certain general procedures are followed in developing regulations for both the early and the late seasons. Initial regulatory proposals are announced in a **Federal Register** document published in March and opened to public comment. Following the termination of the comment period and after a public hearing, the Service develops and publishes the proposed frameworks for times of seasons, season lengths, shooting hours, daily bag and possession limits, and other regulatory elements. Following another public comment period, and after consideration of additional comments, the Service publishes the final frameworks in the **Federal Register**. Using these frameworks, State conservation agencies then select hunting season dates and options. States may prescribe more restrictive seasons and options than those offered in the Service's frameworks. The final regulations, reflected in amendments to Subpart K of 50 CFR 20, then appear in the **Federal Register**, becoming effective upon publication.

The regulations schedule for this year is as follows. On March 25, 1981, the Service published for public comment in the **Federal Register** (46 FR 18666) a proposal to amend 50 CFR 20, with comment periods ending as noted earlier, except that the comment period for Alaska, Puerto Rico, and the Virgin Islands has since been extended to July 16, 1981. The proposal deals with establishment of seasons, limits, and shooting hours for migratory birds under §§ 20.101 through 20.107 of Subpart K.

On July 8, 1981, the Service published (46 FR 35316) for public comment a second document which provided supplemental proposals and corrections for both early and late season migratory bird hunting regulations frameworks, with comment periods ending July 16, 1981, for early season proposals, including Alaska, Puerto Rico, and the Virgin Islands, and August 24, 1981, for late season proposals.

This document is the third in a series of proposed, supplemental, and final rulemaking documents for migratory bird hunting regulations and deals specifically with supplemental proposed frameworks for early season migratory bird hunting regulations from which, when finalized, States may select season dates, shooting hours, and daily bag and possession limits for the 1981–82 season. All comments on the March 25 proposal received since June 3, 1981, have been considered in developing this document. In addition, new proposals for certain early and late season regulations are provided for public comment. Comment periods on this third document are specified above under DATES. Final regulatory frameworks for migratory game bird hunting seasons for Alaska, Puerto Rico, and the Virgin Islands, and for early seasons for other areas of the United States are scheduled for **Federal Register** publication on or about July 21, 1981.

On June 19, 1981, a public hearing was held in Washington, D.C., as announced in the **Federal Register** of March 25, 1981 (46 FR 18666), to review the status of mourning doves, woodcock, band-tailed pigeons, white-winged doves, and sandhill cranes. Proposed hunting regulations were discussed for these

species and for common snipe; rails; gallinules; migratory game birds in Alaska, Puerto Rico, and the Virgin Islands; mourning doves in Hawaii; September teal seasons in the Mississippi and Central Flyways; experimental duck seasons in September in Iowa, Kentucky, Tennessee, and Florida; special sea duck seasons in the Atlantic Flyway; and extended falconry seasons. Statements or comments were invited.

This supplemental proposed rulemaking consolidates further changes to the original framework proposals published on March 25, 1981, in the **Federal Register.**

Review of Public Comments and the Service's Response

Comments Received at Public Hearing.

Seven individuals presented statements at the Public Hearing on the proposed early season regulations. The comments are summarized below and, where appropriate, responded to by the Service.

Mr. William Brownlee, Texas Parks and Wildlife Department, presented two recommendations on behalf of the Central Flyway Council. These related to sandhill crane seasons in North Dakota and mourning doves in the Central Management Unit. On behalf of Texas, he recommended a white-winged dove season of 5 days in the major white-winged dove range, within the same framework allowed last year. The 1981 survey placed the breeding population index in 4 south Texas counties at 488,000 birds, down 4 percent from 1980, and within 9 percent of the 10-year mean.

Response. In the **Federal Register** dated July 8, 1981, the Service proposed to implement both the sandhill crane and mourning dove proposals offered by the Central Flyway Council. However, the Service does not believe it necessary to reduce the daily bag and possession limits in North Dakota from 3 and 6 cranes, respectively, to 2 and 4 cranes. The bag limit change would result in harvest reduction of less than 10 percent. Data gathered by the Service in recent years suggests that hunting activity and crane harvests have been relatively stable. For example, 2,200 cranes were harvested in North Dakota by 3,400 hunters last year compared to 2,700 by 3,200 hunters in 1979. The Texas recommendation for a 5-day white-winged dove season is included in the following early season proposed frameworks.

Dr. W. Alan Wentz, National Wildlife Federation, spoke in support of the experimental 3-year September duck seasons for Tennessee and Kentucky, noting research studies which indicate that southern breeding wood ducks exhibit higher survival rates than northern breeding wood ducks. In his view, the additional harvest resulting from such a season could be safely sustained by southern populations of wood ducks. Dr. Wentz noted that the restored status of the wood duck in the United States is a modern day wildlife management success story.

Response. In the July 8, 1981, **Federal Register**, the Service proposed to offer a 5-day duck season it these two States on an experimental basis.

Ms. Margaret Martin, Chief Legislative Aide to Congressman Ron de Lugo of Virgin Islands, also represented Governor Juan Luis. Ms. Martin spoke in support of a duck season requested by the Virgin Islands but directed most of her comments to the need for earlier hunting seasons for Zenaida doves and scalynaped pigeons so that Virgin Islands hunters can obtain a reasonable harvest of the resource. She prefaced her remarks by stating:

"* * * It appears that the Virgin Islands is being forced to observe a regulatory regime that may well be appropriate for the environmental conditions facing the more temperate continental areas, but which is not appropriate for our tropical insular ecology. As a consequence, Virgin Islanders are denied hunting opportunities for reasons which represent an historic artifact of our assocation with the United States despite the fact that these regulations do not serve the resource management purposes in the Virgin Islands that they do in the Continental United States. I, therefore, urge you to consider the intent of the regulations in reviewing our request."

Ms. Martin then offered the following more specific comments:

"* * * There appears some doubt whether or not the current regulatory regime in the Virgin Islands is accomplishing the objectives of the Migratory Bird Regulations stated in the **Federal Register.**

"Specifically, Virgin Islands hunters are forced to hunt during periods when population density is low, and the portion of the population which they can harvest is unjustifiably low when compared to the population at large. The current situation, therefore, appears inconsistent with objective (1) of the hunting regulations.

"Current regulations also appear inconsistent with objective (2) since recent studies indicate that reproductive activity is largely over by mid-July. Therefore, an earlier season would not impair the birds' ability to maintain their populations.

"Also, there is an apparent inconsistency with objective (5) since Virgin Islands hunters are not able to obtain an equitable harvest of the resources between the current season's opening and the departure of the birds from the islands.

"We further note that the Fish and Wildlife Service is proposing to provide exception for Alaskan subsistence hunting of species covered under the Act. Subsistence hunting has long been an important element of the Virgin Islands culture and should be similarly acknowledge[d].

"Finally, we have been informed that current distribution of the species involved indicate that they are wholly confined to the Caribbean region. It seems unfortunate that Caribbean hunters should be limited in their access to species which are not in fact migratory throughout the treaty range."

In support of her statements, Ms. Martin included with her testimony a recently completed 5-year study of doves and pigeons conducted by the Virgin Islands Division of Fish and Wildlife.

Response. The Service appreciates receiving the reports and plans to review them carefully. However, legal opinions provided the U.S. Fish and Wildlife Service in 1975 and 1976 and forwarded to the Virgin Islands then, stated:

"It is our conclusion, therefore, that in 1918, Puerto Rico and the Virgin Islands were intended to be included with the scope of the term "Territory" in the Migratory Bird Treaty Act—hence, subject to the closed season provisons of the Canadian Treaty."

and

It is advisable, therefore, that the United States Fish and Wildlife Service work towards the objective of bringing its dove hunting regulations for Puerto Rico and the Virgin Islands into compliance with the closed season required by the Canadian Treaty.

Considerations leading to these conclusions are discussed in these opinions, copies of which may be obtained upon request from the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Mr. Charles Kelley, representing the Southeastern Association of Fish and Wildlife Agencies, commented in support of the Service's proposed frameworks for the 1981–82 migratory bird hunting season.

Mr. Toby Cooper, spokesman for Defenders of Wildlife (Defenders), commented on an array of regulatory topics, some of which were outside the scope of the Public Hearing's agenda. Among the latter was an inquiry about the status of the Service's proposal to formalize certain regulatory procedures followed in developing migratory bird hunting regulations, redhead and canvasback hunting closure areas, and the plan for evaluating stabilized duck hunting regulations. Many of Defenders' comments relevant to the early hunting

season frameworks have been expressed and responded to in previous years. There are briefly restated as follows.

Mr. Cooper stated that the Service's regulations are not accompanied by a showing that its legal obligations under the Conventions and Migratory Bird Treaty Act are being met with respect to certain species. Defenders specifically referred to Section 3 of the Migratory Bird Treaty Act and "optimum numbers" language of the U.S.-Japan migratory bird treaty.

Response. On numerous occasions, the Service has referred to its Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75–54) filed on June 6, 1975, with the Council on Environmental Quality, and the notification of its availability which was published in the **Federal Register** on June 13, 1975 (40 FR 25241). In addition, several environmental assessments have been prepared on specific matters which serve to supplement the material in the FES. Although the term "optimum numbers" appears in Article III of the U.S.-Japan migratory bird treaty in connection with setting hunting seasons, the term is not defined in the Treaty, nor has it been administratively or legally determined.

Defenders reiterated its concern about pre-sunrise shooting hours for migratory game birds.

Response. The Service issued an environmental assessment on this issue and has previously responded to Defenders, as follows: 44 FR 9936 and 44 FR 34086 in 1979; and 45 FR 13639 and 45 FR 44541 in 1980. This issue was most recently addressed in the **Federal Register** dated March 25, 1981, at 46 FR 18671.

Mr. Cooper, also representing the Committee for Dove Protection, expressed concern about a dove season framework which allows hunting in September, and design of the national mourning dove nesting study.

Response. On previous occasions the Service has responded to Defenders' concerns about the September hunting of mourning doves. Service responses the past 2 years are cited as follows: 44 FR 9936 and 44 FR 34086 in 1979; and 45 FR 13619 and 45 44541 in 1980.

At the Public Hearing, Dr. Richard Coon, Fish and Wildlife Service, reviewed preliminary findings from the nationwide mourning dove nesting study which was undertaken in cooperation with State conservation agencies. The study focused on two major objectives: (1) to determine the proportion of annual mourning dove nesting activity that occurs in September and October; and (2) to compare the survival of eggs and nestlings on study areas where September dove hunting was permitted with survival on areas where September dove hunting was not permitted. Preliminary results of this 2-year study indicate that less than 5 percent of mourning dove nesting activity occurred in September and October, based on observations of 6,789 nests in 27 States, and that no statistically significant difference existed in the survival of eggs or nestlings between hunted and non-hunted areas, based on observations of 668 active nests in 14 States.

The Service believes that the design and statistical procedures followed in the nesting study were adequate and appropriate to the objectives of the study.

Mr. Cooper expressed concern about the apparent long-term decline of breeding woodcock in the Eastern Region as indicated by the annual singing ground surveys.

Response. The Service's administrative report states, "Significant long-term trends are evident in both Regions, decreasing at a mean annual rate of 2.4 percent in the Eastern Region and increasing at a mean annual rate of 2.5 percent in the Central Region." Overall, the indicated population is relatively stable. The Service has a study under way on land use changes evident along singing-ground survey routes and reasons for these divergent regional trends are emerging. They include detrimental land use factors, loss of forest habitat utilized by woodcock, and the natural successional trend of forests to a climax stage in the Eastern Region. There is no evidence that hunting is affecting the trend in either region.

In commenting on the proposed sea duck hunting frameworks, Mr. Cooper indicated that status information on these birds should be made available.

Response. The Service notes that sea ducks are hunted lightly in the United States, and even then only in certain locales. Only a small fraction of the available populations are harvested under these special regulations and no upward or downward trend in harvest has been noted in recent years. A gradual increase has been noted in breeding populations surveyed in Alaska and the Northwest Territories.

Mr. Ron Fox expressed the appreciation of the Tennessee Wildlife Resources Agency for the experimental September duck season being proposed in the current season frameworks.

Mr. John M. Anderson, representing the National Audubon Society, supported the Service's proposed regulations for mourning doves, woodcock, rails, and snipe. He noted evidence that some subspecies of sandhill cranes have responded favorably over the years to protection from hunting and expressed belief that the hunting regulations effective the past 2 or 3 years, which focus on lesser sandhill cranes, were appropriate. While cautioning about regulations which would further increase sandhill crane harvests, Mr. Anderson emphasized that habitat preservation is by far the most critical need of sandhill cranes.

Response. Sandhill crane hunter and harvest data were presented earlier. Hunting activity and harvests have been relatively stable in recent years.

Written Comments Received

The supplemental proposed rulemaking which appeared in the **Federal Register** dated July 8, 1981, summarized 62 public comments which had been received by June 3, 1981. Since then, 17 additional comments have been received. They are summarized below by early and late season, and numbered in the order used in the March 25 **Federal Register**. These responses originated from 9 States, 6 individuals, 1 flyway council, and 1 organization. In many instances they addressed matters which have been responded to previously.

Early Seasons

2. *Framework dates for ducks and geese in the continental United States.* Five comments supported the experimental duck season being proposed for Tennessee and 2 opposed it. A local National Audubon Society chapter opposed efforts to remove "full protection" from wood ducks in Tennessee. New Hampshire indicated that an "any duck" September season in Florida might generate similar requests from other States in the Atlantic Flyway.

Response. The wood duck has been a huntable species in the Atlantic Flyway for several decades. In 1979, 355,600 wood ducks were harvested in the Flyway and it ranked second among all duck species harvested. Recent studies have shown that southern breeding wood ducks have higher survival rates than wood ducks which nest in northern areas. Wood ducks reproduce prolifically under suitable habitat conditions. The Service believes that southern breeding wood ducks can sustain the limited additional harvest that will result from the 5-day hunting seasons in September being offered experimentally to Tennessee and Kentucky. The same considerations relate to Florida. Significant numbers of

early migrating blue-winged teal gather in Florida (as well as Tennessee and Kentucky) in September prior to their departure for wintering areas in the Caribbean, and Central and South America. The taking of some of these teal in Florida in September would not affect harvest potentials in other States for these species.

22. *Mourning Doves.* Missouri recommended adding 10 days to the mourning dove season, providing 2 additional doves in the daily bag limit, or allowing both.

Response. The Service's proposal for the Central Management Unit mourning dove framework includes the additional bag limit recommended by Missouri.

25. *Migratory game birds in Puerto Rico and the Virgin Islands.* The **Federal Register** published July 8, 1981, at 46 FR 35316 included a recommendation from Mr. James Wiley, a Service biologist stationed in Puerto Rico, that the West Indian whistling (tree) duck (*Dendrocygna arborea*) be protected during the Puerto Rican waterfowl season. The Service subsequently received a recommendation from the Puerto Rico Department of Natural Resources that protection be afforded this species as well as the fulvous whistling (tree) duck (*Dendrocygna bicolor*) and the masked duck (*Oxyura dominica*).

Response. The proposed frameworks for the Puerto Rican waterfowl season includes these species restrictions.

Late Seasons

12. *Zoning.* Illinois proposed and the Upper Region Regulations Committee, Mississippi Flyway Council, endorsed a minor modification in the boundary separating Northern and Central Zones used in Illinois for establishing duck seasons. The new boundary would be Illinois Highway 17, and would shift portions of Henderson, Knox, Mercer, and Warren Counties from the Northern Zone to the Central Zone. The change would alleviate concerns of hunters in the affected area about the duck hunting season being set too early.

Response. The Service endorses the proposed change.

Colorado advised that it wished to select a three-way split of its duck hunting season in lieu of zoning.

Response. The Service proposed this option for the Central Flyway in the **Federal Register** dated July 8, 1981, at 46 FR 35316, for public review and comment. The final frameworks for waterfowl seasons will be established later in the 1981–82 season regulatory cycle.

Oklahoma requested and the Central Flyway Council endorsed a modification of frameworks to allow the setting of Oklahoma goose seasons by zones.

Response. While goose frameworks are customarily developed later in the regulatory cycle, the Service endorses this change.

9. *Canvasback and redhead ducks.* Additional recommendations provided by the Upper Region Regulations Committee, Mississippi Flyway Council, included approval of the proposed special canvasback season in the Atlantic Flyway, conditioned upon certain population status guidelines, and removal of canvasback closure areas in Michigan and Wisconsin based on the same guidelines.

Response. These requests will be given further consideration when the waterfowl frameworks are prepared for public review.

13. *Goose and brant seasons.* Connecticut requested a 90-day Canada goose season with limits of 4 geese daily and 8 in possession. Accompanying the request was a report titled *An Overview of the Canada Goose in Connecticut 1981.* Justification given to support the request included the rapidly increasing number of Canada geese in Connecticut, low harvest rates of these birds, and mounting nuisance complaints.

Response. The Service recognizes that complaints are increasing about Canada geese in northern and mid-latitudes of the Atlantic Flyway and is developing a policy and plan for coping with the problem. Also, a Canada goose management plan is being prepared by the Atlantic Flyway Council. The Service believes that decisions regarding the request must take into consideration these planning efforts, views of other affected States, and the public. Goose hunting regulations are normally set in late summer and decisions will be made at that time.

14. *Whistling swans.* Several individuals expressed interest in a whistling swan season for North Carolina.

Response. In the **Federal Register** dated July 8, 1981, at 46 FR 35316, the Service provided its rationale for not proposing such a season at this time.

15. *Sandhill cranes.* The Service noted in the **Federal Register** dated July 8, 1981, at 46 FR 35316 that additional information was needed from Arizona on its proposed experimental hunting season for sandhill cranes in the Wilcox Playa area of the State. Arizona subsequently provided the following details:

1. The hunt would be by permit only; a maximum of 100 permits will be reommended. Successful applicants would be determined by drawing. Hunters would be required to check in and check out at a temporary check station located near the hunt areas. When checking in, hunters will be briefed on crane charactistics. If a whooping crane is in the vicinity, hunters will be alerted and informed as to the importance of not molesting it. At the time successful applicants are notified of their hunt, specially prepared brochures describing the difference between sandhill and whooping cranes would be provided. A brochure describing the whooping crane foster parent program will be included.

2. The hunt would be in mid-November when most of the cranes that occur in the Wilcox area at that time are of the *lesser* race. According to Arizona data, cranes of the *greater* race tend to arrive in December. This reduces the likelihood that a whooping crane will be present during the hunt as the foster parent program involves only the *greater* race of sandhills. Suggested hunt dates are November 14–15 and November 21–22, only 4 days instead of the 11-day continuous season suggested in Arizona's earlier letter. The hunt area would be limited to Game Mangement Units 30A, 30B, 31, and 32. Arizona anticipates that most of the harvest would be in the first two units.

3. The main roost areas will be closed to hunting and/or entry. This is necessary to lower the possibility of cranes leaving the hunt area en masse.

4. A bag limit of 2 cranes per person is suggested. It is anticipated that 15 percent of the hunters issued permits would not actually hunt. If every hunter obtained the limit of 2, a maximum of 170 cranes (2.5 percent of the winter population of 7,000) would be harvested. All harvested birds would be weighed and measured.

5. Almost all hunting will be on private land and subject to landowner's permission. All hunters will be advised to contact the landowners before hunting.

6. Other migratory game bird hunt regulations will apply, i.e., shooting hours.

Arizona provided a map depicting the various geographical areas mentioned in the proposal.

Response. The Service notes that the Pacific Flyway Council has endorsed the Arizona proposal for the experimental sandhill crane season described above. Section 20.26 of Title 50 Code of Federal Regulations provides for closure or temporary suspension of hunting seasons should endangered species consideration warrant such action. The Service plans to initiate Section 7 consultation on the request and proposes to implement the season

conditioned upon a finding of "no likehood of jeopardy" to whooping cranes or any other listed species.

26. *Migratory game bird seasons for falconers.* Missouri questioned whether the harvest reporting requirement for extended falconry seasons any longer serves a management need.

Response. The Service has annually solicited information on the number of falconers who participate in extended falconry seasons, and the species and numbers of migratory game birds which were harvested. The Service believed that some insight into these considerations should be gained as the new regulations were implemented. Data received to date by the Service indicate that there are approximately 2,000 licensed falconers in the 41 States which allow falconry. Twenty-one of these States have availed themselves of the extended falconry season provision. Based on a sample of 635 falconers during the 1978–79 season, the Service estimates that huntes using falcons harvested 408 mallards, 245 mourning doves, 163 teal, 122 gadwalls, and 204 migratory birds of other species. Falconers averaged 20 trips afield per year, and harvested an average of 5.6 migratory game birds per season. Less than 30 percent of the total falconry harvest was associated with the extended falconry seasons. In view of these statistics which clearly demonstrate the low participation and harvest associated with the extended falconry seasons, the Service propones to abolish the reporting requirement for State conservation agencies.

Public Comment Invited

Based on the results of migratory game bird studies now in progress and having due consideration for any data or views submitted by interested parties, the possible amendments resulting from the supplemental rulemaking will specify open seasons; shooting hours; and bag and possession limits for designated migratory game birds in the United States, including Alaska, Puerto Rico, and the Virgin Islands.

The Director intends that finally adopted rules be as responsive as possible to all concerned interests. He therefore desires to obtain the comments and suggestions of the public, other concerned governmental agencies, and private interests on these proposals and will take into consideration the comments received. Such comments, and any additional information received, may lead the Director to adopt final regulations differing from these proposals.

Special circumstances are involved in the establishment of these regulation which limit the amount of time which the Service can allow for public comment. Specifically, two considerations compress the time in which the rulemaking process must operate: the need, on the one hand, to establish final rules at a point early enough in the summer to allow affected State agencies to appropriately adjust their licensing and regulatory mechanisms, and, on the other hand, the unavailability before mid-June of specific, reliable data on this year's status of some migratory shore and upland game bird populations. Therefore, the Service believes that to allow comment periods past the dates specified earlier in contrary to the public interests.

Comment Procedure

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may participate in the rulemaking process by submitting written comments to the Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments received will be available for public inspection during normal business hours at the Service's office in Room 525–B, Matomic Building, 1717 H Street, NW., Washington, D.C.

All relevant comments on all early season proposals, including Alaska, Puerto Rico, and the Virgin Islands, received no later than July 16, 1981, and those on late season proposals received by August 24, 1981, will be considered. The Service will attempt to acknowledge received comments, but substantive response to individual comments may not be provided.

NEPA Consideration

The "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75–54)" was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the **Federal Register** on June 13, 1975 (40 FR 25241). In addition several environmental assessments have been prepared on specific matters which serve to supplement the material in the Final Environmental Statement. Copies of these documents are available from the Service.

Endangered Species Act Consideration

Section 7 of the Endangered Species Act provides that, "The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act," and "by taking such action necessary to insure that any action authorized, funded, or carried out * * * is not likely to jeopardize the continued existence of such endangered or threatened species or result in the destruction or modification of habitat of such species * * * which is determined to be critical."

The Service initiated Section 7 consultation under the Endangered Species Act for the proposed frameworks for Alaska, Puerto Rico, and the Virgin Islands, and for other early hunting season frameworks.

On May 15, 1981, Mr. John Spinks, Chief, Office of Endangered Species, concluded:

> "Therefore, it is my biological opinion that your action, as proposed, is not likely to jeipardize the continued existence of the above listed species and is not likely to result in the destruction or adverse modification of designated Critical Habitat of the yellow-shouldered blackbird in Puerto Rico."

The subsequent proposal by the Virgin Islands for a duck season should present no problem as no birds inhabiting the Virgin Islands are presently listed as being endangered or threatened.

The Service similarly initiated Section 7 consultation for other early hunting season frameworks. On June 15, 1981, Mr. Spinks wrote:

> "Therefore, it is my biological opinion that your action, as proposed is not likely to jeopardize the continued existence of the above listed species and is not likely to result in the destruction or adverse modification of any designated Critical Habitat."

As in the past, hunting regulations this year are designed, among other things, to remove or alleviate chances of conflict between seasons for migratory game birds and the protection and conservation of endangered and threatened species and their habitats. Examples of such consideration include areas closed to dove and pigeon hunting for protection of the Puerto Rican plain pigeon and the Puerto Rican parrot, both of which are classified as endangered. Also, an area in Alaska is closed to Canada goose hunting for protection of the endangered Aleutian Canada goose.

The Service's biological opinions resulting from its consultation under Section 7 are considered public documents and are available for public inspection in or available from the Office of Endangered Species and the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Regulatory Flexibility Act and Executive Order 12291 Consideration

Pursuant to Executive Order 12291, the Department has determined that this rule is a major rule, and it has significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). In the **Federal Register** dated March 25, 1981 (at 45 FR 18669), the Service described measures it was taking to comply with these new requirements on Federal agencies in developing new rules. The Service also included a summary of its initial regulatory impact analysis, and announced that copies of the full initial analysis were available upon request from the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

The Service is completing its final regulatory impact analysis and it will be summarized in the **Federal Register** prior to or at the time that final regulations for the 1981–82 hunting season are set.

Authorship

The primary author of this proposed rulemaking is Henry M. Reeves, Office of Migratory Bird Management, working under the direction of John P. Rogers, Chief.

BILLING CODE 4310-55-M

Proposed Regulations Frameworks for 1981-82 Early Hunting Seasons on Certain Migratory Game Birds

Pursuant to the Migratory Bird Treaty Act, the Secretary of the Interior has approved proposed frameworks which prescribe season lengths, limits, shooting hours, and outside dates within which, when finalized, States may select seasons for mourning doves; white-winged doves; band-tailed pigeons; rails; woodcock; snipe; gallinules; September teal seasons; experimental duck seasons opening in September in Iowa, Kentucky, Tennessee, and Florida; sea ducks (scoter, eider and oldsquaw) in certain defined areas of the Atlantic Flyway; sandhill cranes in designated portions of North Dakota and South Dakota; migratory birds in Alaska, Puerto Rico, and the Virgin Islands; and special extended falconry regulations. For the guidance of State conservation agencies, these frameworks are summarized below.

NOTICE

Any State desiring its hunting seasons for mourning doves, white-winged doves, band-tailed pigeons, rails, woodcock, snipe, gallinule, sandhill cranes, or extended falconry seasons to open in September must make its selection no later than July 27, 1981. Those States which desire these seasons to open after September may make their selection at the time they select their regular waterfowl seasons. Season selections for the 4 States offered experimental September duck seasons, and for Alaska, Puerto Rico, and the Virgin Islands must also be made by July 27, 1981.

Those Atlantic Flyway coastal States desiring their seasons on sea ducks in certain defined areas to open in September must make their selection no later than July 27, 1981. Those which desire this season to open after September may make their selection when they select their regular waterfowl seasons.

Outside Dates: All dates noted are inclusive.

Shooting Hours: Between one-half hour before sunrise and sunset daily for all species unless otherwise noted below. The hours noted here and elsewhere also apply to hawking (taking by falconry).

MOURNING DOVES

Outside Dates: Between September 1, 1981, and January 15, 1982, except as otherwise provided, States may select hunting seasons and bag limits as follows:

Eastern Management Unit
(All States east of the Mississippi River and Louisiana)

Hunting Seasons: Not more than 70 half or full days which may run consecutively or be split into not more than three periods.

Shooting Hours: Between 12 o'clock noon and sunset daily, or as an option, between 1/2 hour before sunrise to sunset daily.

Daily Bag and Possession Limit: Not to exceed 12 and 24, respectively.

Zoning: As an option to the above, Alabama, Georgia, Louisiana, and Mississippi may elect to zone their States as follows:

A. Two zones per State having the following descriptions or division lines:

Alabama - The South Zone consists of the area south of U.S. Highway 84 running east to the Covington County line, and including Coffee, Covington, Dale, Geneva, Henry, and Houston Counties. The North Zone consists of the remainder of Alabama.

Georgia - U.S. Highway 280 east to Abbeville, thence along Ocmulgee and Altamaha Rivers to the Atlantic Ocean.

Louisiana - Interstate Highway 10 from the Texas State line to Baton Rouge, Interstate Highway 12 from Baton Rouge to Slidell, and Interstate Highway 10 from Slidell to the Mississippi State line.

Mississippi - U.S. Highway 84.

B. Within each zone, these States may select hunting seasons of not more than 70 days which may run consecutively or be split into not more than three periods.

C. The hunting seasons in the South Zones of these States may commence no earlier than September 20, 1981.

Central Management Unit
(Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming)

Hunting Seasons, and Daily Bag and Possession Limits: Not more than 60 days with limits not exceeding 12 and 24 doves, respectively. As an option, a season not exceeding 45 days, and limits of 15 and 30 doves, respectively, may be selected. In both, the season may run consecutively or be split into not more than three periods.

Special Limits: In New Mexico, daily bag and possession limits of mourning and white-winged doves may not exceed 12 and 24, singly or in the aggregate of the two species.

Texas Zoning: Option 1 - Texas may select hunting seasons for each of two previously established zones subject to the following conditions:

A. The hunting season may be split into not more than two periods.

B. The North Zone may have a season of not more than 60 days between September 1, 1981, and January 22, 1982.

C. The South Zone may have a season of not more than 60 days between September 20, 1981, and January 22, 1982. In that portion of Texas where white-winged dove hunting is allowed, the mourning dove season may be held concurrently with the white-winged dove season and with shooting hours coinciding with those for white-winged doves. However, the remaining days must be within the September 20, 1981-January 22, 1982, period.

OR

Option 2 - Texas may select hunting seasons for each of three zones (to be designated), subject to the following conditions:

A. The hunting season may be split into not more than two periods, except that, in that portion of Texas where white-winged dove hunting is allowed, the mourning dove season may be held concurrently with the white-winged dove season and with shooting hours coinciding with those for white-winged doves.

B. Each zone may have a season of not more than 60 days between September 1, 1981, and January 25, 1982.

Western Management Unit
(Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington)

Hunting Seasons: Not more than 50 days which may run consecutively or be split into not more than three periods.

Daily Bag and Possession Limits: Not to exceed 10 and 20, respectively;

Special Limits: In the Nevada counties of Clark and Nye, and in the California counties of Imperial, Riverside, and San Bernardino, daily bag and possession limits of mourning and white-winged doves may not exceed 10 and 20, respectively, singly or in the aggregate of the two species.

Optional Season and Limits: Arizona may select for designated white-winged dove management units seasons of 70 full days with a daily bag limit of 12 doves in the aggregate, no more than 6 of which may be white-winged doves, and a possession limit twice the daily bag limit after the opening day.

WHITE-WINGED DOVES

Outside Dates: Arizona, California, Nevada, New Mexico, and Texas may select hunting seasons between September 1, 1981, and December 31, 1981, as stipulated below:

Arizona may select a hunting season of not more than 29 consecutive days running concurrently with the first period of the split mourning dove season. The daily bag and possession limits may not exceed 10 white-winged doves, excepting in those areas selected under the option for mourning dove season of 70 full days where limits on white-winged doves shall be no more than 6 a day with 12 in possession after the opening day.

California may select a hunting season for the counties of Imperial, Riverside, and San Bernardino only. The daily bag and possession limits may not exceed 10 and 20 white-winged and mourning doves, respectively, singly or in the aggregate of the two species. Dates, limits, and hours are to conform with those for mourning doves.

Nevada may select a hunting season for the counties of Clark and Nye only. The daily bag and possession limits may not exceed 10 and 20 white-winged and mourning doves, respectively, singly or in the aggregate of the two species. Dates, limits, and hours are to conform with those for mourning doves.

New Mexico may select a hunting season with daily bag and possession limits not to exceed 12 and 24 white-winged and mourning doves, respectively, singly or in the aggregate of the two species. Dates, limits, and hours are to conform with those for mourning doves.

Texas may select a hunting season of not more than 5 days for that portion of the State where the species occurs. The daily bag and possession limits may not exceed 10 and 20 white-winged doves, respectively. The season may be split within the overall time frame.

AND

Texas may also select a white-winged dove season of not more than 60 days coinciding with the mourning dove season. The daily bag limit of both species in the aggregate may not exceed 12, of which not more than 2 may be whitewings. The possession limit of both species in the aggregate may not exceed 24, of which not more than 4 may be whitewings.

BAND-TAILED PIGEONS

West Coast States: California, Oregon, Washington, and the Nevada counties of Carson City, Douglas, and Lyon.

Outside Dates: Between September 1, 1981, and January 15, 1982.

Hunting Seasons: Not to exceed 30 consecutive days. Nevada may select an experimental season in Carson City, Douglas, and Lyon Counties coinciding with that selected by California for Alpine County.

Daily Bag and Possession Limits: Not to exceed 5 band-tailed pigeons.

Zoning: California may zone by selecting hunting seasons of 30 consecutive days for each of the following two zones:

1. In the counties of Alpine, Butte, Del Norte, Glenn, Humboldt, Lassen, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama, and Trinity; and

2. The remainder of the State.

Four-Corners States: Arizona, Colorado, New Mexico, and Utah.

Outside Dates: Between September 1 and November 30, 1981.

Hunting Seasons: Not to exceed 30 consecutive days.

Daily Bag and Possession Limits: Not to exceed 5 and 10, respectively.

Areas: These seasons shall be open only in the areas delineated by the respective States in their hunting regulations.

Zoning: New Mexico may divide its State into a North and a South Zone along a line following U.S. Highway 60 from the Arizona State line east to Interstate Highway 25 at Socorro and along Interstate Highway 25 from Socorro to the Texas State line. Hunting seasons not to exceed 20 consecutive days in each zone may be selected between September 1 and November 30, 1981, in the North Zones, and October 1 and November 30, 1981, in the South Zone.

Permit Regulation in Nevada and Four-Corners States: Each hunter must have been issued and carry on his person while hunting band-tailed pigeons a valid band-tailed pigeon hunting permit issued by the respective State conservation agency and such permit will be valid in that State only.

RAILS
(Clapper, King, Sora, and Virginia)

Outside Dates: The States included herein may select seasons between September 1, 1981, and January 20, 1982, on clapper, king, sora, and Virginia rails as follows:

Hunting Season: The season length for all species of rails may not exceed 70 days.

Clapper and King Rails

Limits: In Rhode Island, Connecticut, New Jersey, Delaware, and Maryland, the daily bag and possession limits may not exceed 10 and 20, respectively, singly or in the aggregate of these two species. In Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, and Virginia, the daily bag and possession limits may not exceed 15 and 30, respectively, singly or in the aggregate of the two species.

Closure: The season will remain closed on clapper and king rails in all other States.

Sora and Virginia Rails

Limits: In addition to the prescribed limits for clapper and king rails, daily bag and possession limits not exceeding 25, singly in the aggregate of sora and Virginia rails, are prescribed in States in the Atlantic, Mississippi, and Central Flyways, and portions of Colorado, Montana, New Mexico, and Wyoming in the Pacific Flyway.[1, 2]

Pacific Flyway Restriction: No hunting season is prescribed for rails in the remainder of the Pacific Flyway.

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[1] The Central Flyway is defined as follows: Colorado (east of the Continental Divide), Kansas, Montana (east of Hill, Chouteau, Cascade, Meagher, and Park Counties).

Nebraska, New Mexico (east of the Continental Divide but outside the Jicarilla Apache Indian Reservation), North Dakota, Oklahoma, South Dakota, Texas, and Wyoming (east of the Continental Divide).

[2] The Pacific Flyway is defined as follows: Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington; those portions of Colorado and Wyoming lying west of the Continental Divide; New Mexico west of the Continental Divide plus the entire Jicarilla Apache Indian Reservation; and in Montana, the counties of Hill, Chouteau, Cascade, Meagher, and Park, and all counties west thereof.

WOODCOCK

Outside Dates: States in the Atlantic, Mississippi, and Central Flyways may select hunting seasons between September 1, 1981, and February 28, 1982.

Treaty Restrictions: In Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, and Virginia the season must end no later than January 31.

Hunting Season: Not more than 65 days.

Split Season: Any State may split its woodcock season without penalty.

Daily Bag and Possession Limits: No more than 5 and 10, respectively.

Zoning: New Jersey may select woodcock seasons by north and south zones divided by State Highway 70. The season in each zone may not exceed 55 days.

COMMON SNIPE

Outside Dates: Between September 1, 1981, and February 28, 1982.

Treaty Restriction: In Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, and Virginia the season must end no later than January 31.

Hunting Seasons: Not to exceed 107 days in the Atlantic, Mississippi, and Central Flyways. Not to exceed 93 days in Pacific Flyway portions of Montana, Wyoming, Colorado and New Mexico.

Pacific Flyway Exception: All States in the Pacific Flyway, except those portions of Colorado, Montana, New Mexico, and Wyoming in the Pacific Flyway, must select their snipe seasons to run concurrently with their regular duck seasons.

Split Season: Any State may split its snipe season into two segments without penalty.

Daily Bag and Possession Limits: Not exceed 8 and 16, respectively.

Deferred Seleetion: States or portions thereof in the three eastern Flyways may defer selections of snipe seasons at this time and make the selections in August when they select waterfowl seasons. In that event, the daily bag and possession limits will remain the same but shooting hours must conform with those for waterfowl.

GALLINULES

Outside Dates: States in the Atlantic, Mississippi and Central Flyways may select hunting seasons between September 1, 1981, and January 20, 1982. States in the Pacific Flyway must select their hunting seasons coinciding with the duck seasons.

Hunting Season: Not more then 70 days in the Atlantic, Mississippi, and Central Flyways and the same as the duck season within the Pacific Flyway.

Split Season: States may split their seasons without penalty.

Daily Bag and Possession Limits: Not to exceed 15 and 30 gallinules, respectively; except in the Pacific Flyway the daily bag and possession limits may not exceed 25 coots and gallinules, singly or in the aggregate of the two species.

Deferred Selection: States in the three eastern Flyways may select their gallinule seasons at the time they select their waterfowl seasons. If their selection is deferred, daily bag and possession limits will remain the same, but shooting hours must conform with those for waterfowl, and the season length will be the same as that for waterfowl, or 70 days, whichever is the shorter period.

SANDHILL CRANES

North Dakota Seasons: During September 1 through 20, 1981, a season of 9 days in Benson, Burleigh, Emmons, Kidder, McHenry, Pierce, and Stutsman Counties; and a season of 16 days in McLean and Sheridan Counties.

South Dakota Seasons: A season of 9 days during September 1 through 28, 1981, in Campbell, Walworth, Potter, Dewey, and Corson Counties.

Bag and Possession Limits: Not to exceed 3 and 6, respectively.

Permits: Each person participating in the season must obtain and have in his possession while hunting a Federal sandhill crane hunting permit.

SCOTER, EIDER AND OLDSQUAW DUCKS (Atlantic Flyway)

Outside Dates: Between September 15, 1981, and January 20, 1982.

Hunting Seasons: Not to exceed 107 days.

Limits: The daily bag limit is 7 and the possession limit is 14, singly or in the aggregate of these species.

Bonus During Regular Duck Season: In the Atlantic Flyway, States may set, in addition to the regular limits, a daily limit of 7 and a possession limit of 14 scoter, eider, and oldsquaw ducks, singly or in the aggregate of these species.

Areas: In all coastal waters and all waters of rivers and streams seaward from the first upstream bridge in Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut; in those coastal waters of the State of New York lying in Long Island and Block Island Sounds and associated bays eastward from a line running between Miamogue Point in the town of Riverhead to Red Cedar Point in the town of Southampton, including any ocean waters of New York lying south of Long Island; in any waters of the Atlantic Ocean and in any tidal waters of any bay which are separated by at least 1 mile of open water from any shore, island, and emergent vegetation in New Jersey, South Carolina, and Georgia; and in any waters of the Atlantic Ocean and in any tidal waters of any bay which are separated by at least 800 yards of open water from any shore, island, and emergent vegetation in Delaware, Maryland, North Carolina, and Virginia; and provided that any such areas have been described, delineated, and designated as special sea duck hunting areas under the hunting regulations adopted by the respective States. In all other areas of these States and in all other States in the Atlantic Flyway, sea ducks may be taken only during the regular open season for ducks.

Deferred Selection: Any State desiring its sea duck season to open in September must make its selection no later than July 27, 1981. Those States desiring their sea duck season to open after September may make their selection at the time they select their waterfowl seasons.

SEPTEMBER TEAL SEASON

Outside Dates: Between September 1 and September 30, 1981, an open season on all species of teal may be selected by Alabama, Arkansas, Colorado (Central Flyway portion only), Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico (Central Flyway portion only), Ohio, Oklahoma, Tennessee, and Texas in areas delineated by State regulations.

Hunting Season: The season may not exceed 9 consecutive days.

Shooting Hours: From sunrise to sunset daily.

Bag and Possession Limits: 4 teal daily and 8 in possession.

Deadline: States must advise the Service of season dates and special provisions to protect non-target species by July 27, 1981.

SPECIAL SEPTEMBER DUCK SEASONS

Iowa September Duck Season: Iowa is offered the option of opening a portion of its duck hunting season in September, with the number of days in September to be deducted from the number of days allowed for the regular duck season. All ducks which are legal during the regular duck season may be taken during the September segment of the season. In 1981, the 5-day early season may commence no earlier than September 19, with daily bag and possession limits being the same as those in effect during the 1981 regular duck season.

Tennessee, Kentucky, and Florida September Duck Seasons: Experimental 5-consecutive-day duck seasons may be selected in September by Tennessee, Kentucky, and Florida subject to the following conditions:

1. In Kentucky and Tennessee the seasons would be in lieu of September teal seasons;

2. In all States, the daily bag limit would be 4 ducks, no more than 1 of which may be a species other than teal or wood ducks and the possession limit would be double the daily bag limit;

3. The experimental season would be for 3 years to facilitate evaluation; and

4. Additional information to be gathered by the States to evaluate the experiment would include hunter and harvest surveys, banding, and population surveys.

Proposed Frameworks for Selecting Open Season Dates for Hunting Migratory Birds in Alaska, 1981-82

Outside Dates: Between September 1, 1981, and January 26, 1982, Alaska may select seasons on waterfowl, snipe, and cranes, subject to the following limitations:

Shooting Hours: One-half hour before sunrise to sunset daily.

Hunting Seasons:

Ducks, geese, and brant - 107 consecutive days in the Pribilof and Aleutian Islands, except Unimak Island; 107 days in the Kodiak (State game management unit 8) area and the season may be split without penalty; 107 consecutive days in the remainder of Alaska, including Unimak Island. Exception: the season is closed on Canada geese from Unimak Pass westward in the Aleutian Island chain.

Snipe and sandhill cranes - An open season concurrent with the duck season.

Daily Bag and Possession Limits:

Ducks - Except as noted, a basic daily bag limit of 7 and a possession limit of 21 ducks. Daily bag and possession limits in the North Zone are 10 and 30, and in the Gulf Coast Zone they are 8 and 24, respectively. In addition to the basic limit, there is a daily bag limit of 15 and a possession limit of 30 scoter, eider, oldsquaw, harlequin, and American and red-breasted mergansers, singly or in the aggregate of these species.

Geese - A basic daily bag limit of 6 and a possession limit of 12, of which not more than 4 daily and 8 in possession may be white-fronted or Canada geese, singly or in the aggregate of these species. In addition to the basic limit, there is a daily bag limit of 6 and a possession limit of 12 Emperor geese.

Brant - A daily bag limit of 4 and a possession limit of 8.

Common Snipe - A daily bag limit of 8 and a possession limit of 16.

Sandhill cranes - A daily bag limit of 2 and a possession limit of 4.

Proposed Frameworks for Selecting Open Season Dates for Hunting Migratory Birds in Puerto Rico, 1981-82

Shooting Hours: Between one-half hour before sunrise and sunset daily.

DOVES AND PIGEONS

Outside Dates: Puerto Rico may select hunting seasons between September 1, 1981, and January 15, 1982, as follows.

Hunting Seasons: Not more than 60 days for Zenaida, mourning, and white-winged doves, and scaly-naped pigeons.

Daily Bag and Possession Limits: Not to exceed 10 doves of the species named herein, singly or in the aggregate, and not to exceed 5 scaly-naped pigeons.

Closed Areas:

Municipality of Culebra and Desecheo Island - closed under Commonwealth regulations.

Mona Island - closed to give the reduced population of white-crowned pigeon (Columba leucocephala), known locally as "Paloma cabeciblanca," a chance to recover.

El Verde Closure Area - consisting of those areas of the municipalities of Rio Grande and Loiza delineated as follows: (1) all lands between Routes 956 on the west and 186 on the east, from Route 3 on the north to the juncture of Routes 956 and 186 (Km 13.2) in the south; (2) all lands between Routes 186 and 966 from the juncture of 186 and 966 on the north, to the Caribbean National Forest Boundary on the south; (3) all lands lying west of Route 186 for one (1) kilometer from the juncture of Routes 186 and 956 south to Km 6 on Route 186; (4) all lands within Km 14 and Km 6 on the west and the Caribbean National Forest Boundary on the east; and (5) all lands within the Caribbean National Forest Boundary whether private or public. The purpose of this closure is to afford protection to the Puerto Rican parrot (Amazona vittata) presently listed as an endangered species under the Endangered Species Act of 1973.

Cidra Municipality and Adjacent Areas consisting of all of Cidra Municipality and portions of Aguas Buenas, Caguas, Cayey, and Comerio Municipalities as encompassed within the following boundary: beginning on Highway 172 as it leaves the Municipality of Cidra on the west edge, north to Highway 156, east on Highway 156 to Highway 1, south on Highway 1 to Highway 765, south on Highway 765 to Highway 763, south on Highway 763 to the Rio Guavate, west along Rio Guavate to Highway 1, southwest on

Highway 1 to Highway 14, west on Highway 14 to Highway 729, north on Highway 729 to Cidra Municipality, and westerly, northerly, and easterly along the Cidra Municipality boundary to the point of beginning. The purpose of this closure is to protect the Puerto Rican plain pigeon (Columba inornata wetmorei), locally known as "Paloma Sabanera," which is known to be present in the above locale in small numbers and which is presently listed as an endangered species under the Endangered Species Act of 1973.

DUCKS, COOTS, GALLINULES, AND SNIPE

Outside Dates: Between December 1, 1981, and January 31, 1982, Puerto Rico may select hunting seasons as follows.

Hunting Seasons: Not more than 55 consecutive days may be selected for hunting ducks, coots, common gallinules, and common snipe.

Daily Bag and Possession Limits:

Ducks - Not to exceed 4 daily and 8 in possession, except that the season is closed on the ruddy duck (Oxyura jamaicensis); the Bahama pintail (Anas bahamensis); West Indian whistling (tree) duck (Dendrocygna arborea); fulvous whistling (tree) duck (Dendrocygna bicolor), and the masked duck (Oxyura dominica), which are protected by the Commonwealth of Puerto Rico.

Coots - Not to exceed 6 daily and 12 in possession.

Common gallinules - Not to exceed 6 daily and 12 in possession, except that the season is closed on purple gallinules (Porphyrula martinica).

Common Snipe - Not to exceed 6 daily and 12 in possession.

Closed Areas: No open season for ducks, coots, gallinules, and snipe is prescribed in the Municipality of Culebra and on Desecheo Island.

Proposed Framework for Selecting Open Season Dates for Hunting Migratory Birds in the Virgin Islands, 1981-82

Shooting Hours: Between one-half hour before sunrise and sunset daily.

DOVES AND PIGEONS

Outside Dates: The Virgin Islands may select hunting seasons between September 1, 1981, and January 15, 1982, as follows.

Hunting Seasons: Not more than 60 days for Zenaida doves and scaly-naped pigeons throughout the Virgin Islands.

Daily Bag and Possession Limits: Not to exceed 10 Zenaida doves and 5 scaly-naped pigeons.

Closed Seasons: No open season is prescribed for ground or quail doves, or other pigeons in the Virgin Islands.

Dated: June 30, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-20375 Filed 7-10-81: 8:45 am]

BILLING CODE 4310-55-C

DUCKS

Outside Dates: Between December 1, 1981, and January 31, 1982, the Virgin Islands may select a duck hunting season as follows.

Hunting Seasons: Not more than 55 consecutive days may be selected for hunting ducks.

Daily Bag and Possession Limits: Not to exceed 4 daily and 8 in possession, except that the season is closed on the ruddy duck (Oxyura jamaicensis); the Bahama pintail (Anas bahamensis); West Indian whistling (tree) duck (Dendrocygna arborea); fulvous whistling (tree) duck (Dendrocygna bicolor), and the masked duck (Oxyura dominica).

Local Names for Certain Birds.

Zenaida dove (Zenaida aurita)—mountain dove.

Bridled quail dove (Geotrygon mystacea)—Barbary dove, partridge (protected).

Ground dove (Columbina passerina)—stone dove, tobacco dove, rola, tortolita (protected).

Scaly-naped pigeon (Columba squamosa)—red-necked pigeon, scaled pigeon.

SPECIAL FALCONRY REGULATIONS

Extended Seasons: Falconry is a permitted means of taking migratory game birds in any State meeting Federal falconry standards in 50 CFR 21.29(k). These States may select an extended season for taking migratory game birds in accordance with the following:

Framework Dates: Seasons must fall within the regular season framework dates and, if offered and accepted, other special season framework dates for hunting.

Daily Bag and Possession Limits: Falconry daily bag and possession limits for all permitted migratory game birds shall not exceed 3 and 6 birds, respectively, singly or in the aggregate, during both regular hunting seasons and extended falconry seasons.

Regulations Publication: Each State selecting the special season must inform the Service of the season dates and publish said regulations.

Regular Seasons: General hunting regulations, including seasons, hours, and limits, apply to falconry in each State listed in 50 CFR 21.29(k) which does not select an extended falconry season.

NOTE: In no instance shall the total number of days in any combination of duck seasons (regular duck season, sea duck season, September teal season, special scaup season, special scaup and goldeneye season, or falconry season) exceed 107 days for a species in one geographical area.

federal register

Monday
July 13, 1981

Part IV

Department of Transportation

Federal Aviation Administration

Metropolitan Washington Airports

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 93 and 159

[Docket No. 21955; Notice No. 81-8]

Metropolitan Washington Airports

AGENCY: Federal Aviation Administration (FAA).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt rules to implement the DOT/FAA policy to guide the future operation and development of Washington National and Dulles International Airports and to improve the quality of the environment in the Washington metropolitan area. These proposals relate to the number and type of aircraft operations, the hours of operation and scheduling, a limit on the total number of passengers using National Airport, the perimeter for nonstop service, aircraft equipment restrictions, and the hourly allocation of operations among different classses of users at National. The notice proposes to revoke the rules issued September 15, 1980, which are currently scheduled to become effective on October 25, 1981, and would propose rules in substitution thereof. This proposal results from the Secretary's March 24 announcement to reconsider the airport policy.

DATES:

Comment date: Comments must be received by August 31, 1981.

Hearing date: July 28–29, 1981 at 9:00 a.m.

ADDRESSES: Hearing location: Federal Aviation Administration Auditorium, 800 Independence Ave., SW., 3rd Floor, Washington, D.C.

Send comments on the proposal in duplicate to:

Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–204), Docket No. 21955, 800 Independence Avenue, SW., Washington, D.C. 20591;

or deliver them in duplicate to:

FAA Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C.

Comments delivered must be marked: Docket No. 21955.

Comments may be inspected at Room 916 between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT:

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

Edward Faggen, Metropolitan Washington Airports Counsel, Washington National Airport, Hanger 9, Washington, D.C. 20001; telephone (703) 557–8123.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental or economic impact that might result from adoption of the proposals contained in this notice are invited. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address above. All communications received on or before the date specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons. A report summarizing each substantive public contact with DOT/FAA personnel concerned with the rulemaking will be filed in the docket. The DOT/FAA requests that interested persons, when submitting comments, refer to the proposal by the sections to which they relate.

Commenters wishing to have the FAA acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments on Docket No. 21955." The postcard will be date/time stamped, and returned to the commenter.

Availability of this Notice

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attn: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on the mailing list for future NPRM's may also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

Public Hearing

A public hearing on this NPRM will be held on July 28–29, 1981, in the FAA Auditorium, Federal Aviation Administration, 800 Independence Avenue, SW., 3rd Floor, Washington, D.C. between the hours of 9:00 a.m. to 4:30 p.m. and 6:30 p.m. to 8:30 p.m. The evening sessions will be cancelled if no requests are received to speak during those hours.

Hearing Procedures

Persons who plan to attend the hearing should be aware of the following procedures, which will be followed to facilitate the workings of the hearing:

(a) The hearing will be informal in nature and will be conducted by the designated representative of the Administrator under 14 CFR 11.33. Each participant will be given an opportunity to make a presentation. After all presentations have been made, an opportunity for rebuttal will be given.

(b) The hearing will begin at 9:00 a.m. on the morning of July 28, 1981, at the Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C., in the 3rd floor Auditorium. There will be no admission fee or other charge to attend and participate. All hearing sessions will be open to all persons on a space-available basis. The presiding officer may accelerate the hearing agenda to enable early adjournment if the progress of the hearing is more expeditious than planned.

(c) All hearing sessions will be recorded by a court reporter. Anyone interested in purchasing the transcript should contact the court reporter. A copy of the court reporter's transcript will be filed in the docket.

(d) Position papers or other handout material may be accepted at the discretion of the presiding officer.

(e) Statements made by the DOT/FAA participants at the hearing should not be taken as expressing a final DOT/FAA position.

Request to Make a Presentation

Interested persons are invited to attend the hearing and to participate by making oral or written statements. Written statements should be submitted in duplicate and will be made a part of the rules docket. Presentations will be scheduled on a first-come, first-served basis as time may permit within the hearing schedule. Persons wishing to make oral statements at the hearing must notify the FAA on or before July 24, 1981, indicate the amount of time requested for their initial statements, the session during which they would like to speak, the subject matter of the presentation, and send them to: Federal

Aviation Administration, Office of the Chief Counsel, Attn: Edward P. Faberman, AGC-200, 800 Independence Avenue, SW., Washington, D.C. 20591 (202-426-3235). Persons who have not notified the FAA by July 24, 1981, will be able to make an oral presentation after all scheduled presentations are completed if time is available.

Environmental Impact Statement

A draft supplement to the Final Environmental Impact Statement of August 1980 has been prepared by the FAA Office of Environment and Energy. This draft supplement is available for public review at the FAA Docket. Also, the statement will be distributed to area public libraries. Copies of the draft supplement may be obtained from: John E. Wesler, Director of Environment and Energy, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8406.

Proposed Effective Date

The proposed effective date for this proposal would be October 25, 1981. Comments are invited on the proposed date. The DOT will closely monitor the operation of any final rule resulting from this proposal during the 12-month period after which it is effective.

Regulatory Impact Analysis

At the request of the Office of Management and Budget, these proposed regulations have been classified as "major" under the criteria of Executive Order 12291. The Director has, however, waived the requirement that this rulemaking be accompanied by a Regulatory Impact Analysis. That Analysis will be prepared within a year of the effective date of any final rules that may be promulgated.

A joint FAA-DOT task force will be established to monitor the operation of the policy, to develop the Regulatory Impact Analysis, and to propose whatever additional rulemaking initiative may be called for. The task force will maintain contact with the Office of Management and Budget and the Vice President's Task Force on Regulatory Relief.

The provisions of this Policy, as finally adopted, will remain in effect at the end of a year unless changed in additional rulemaking.

Background

The United States, acting through the Federal Aviation Administration (FAA) of the Department of Transportation (DOT) owns, operates and maintains the Metropolitan Washington Airports—Washington National and Dulles International, the two air carrier airports serving the Washington, D.C. area. Baltimore-Washington International Airport (BWI) also provides service to metropolitan Washington, and is owned and operated by the State of Maryland acting through the Maryland Department of Transportation (MDOT).

For approximately 10 years, the U.S. Department of Transportation and the FAA have been seeking to establish an appropriate policy to guide the management and operation of Washington National and Dulles International Airports. Once a role for each airport, in meeting the Washington metropolitan area's air transportation needs, is clearly defined, it will be possible for the FAA to move ahead with necessary improvements to the facilities at Washington National while continuing to make timely improvements to Dulles. An understanding of the role of each airport is necessary to assure that the investment in improvements and management of present facilities are consistent with the area's needs. While the U.S. DOT does not establish policy for BWI, it recognizes that actions taken at National and Dulles Airports may influence operations at BWI. Therefore, BWI's role is being considered in the development of a policy for the federally owned airports. The respective roles of these three airports have been the subject of several studies by the U.S. DOT, the State of Maryland DOT, and the Metropolitan Washington Council of Governments (COG).

In March 1978, the FAA issued a Notice of Proposed Metropolitan Washington Airports Policy (43 FR 12141; March 23, 1978). At that time, FAA proposed that Dulles Airport would continue to provide all types of air service to the Washington area. At National it was proposed to formally adopt the existing 650-mile nonstop perimeter, to retain the existing limit on air carrier activity at 40 scheduled operations per hour, to end scheduled air carrier activity at 9:30 p.m. daily, to place nighttime noise level restrictions on aircraft, to permit two- and three-engine wide-body aircraft to operate, and to constrain growth to no more than 16 million annual passengers in 1985 and 18 million in 1990. The FAA proposal was accompanied by a Draft Environmental Impact Statement. Following the proposal, FAA conducted several public hearings and solicited comments from the public. A large number of comments on the policy proposal were received from other Federal agencies, state, local and municipal agencies, organizations, individuals, and members of Congress. Officials of several cities currently served or seeking to receive air service to Washington via National Airport also commented on the proposal.

The comments revealed sharp differences on the proposed policy. The immediate region in which the airports are located, including the States of Virginia and Maryland, regional and municipal officials, and many local residents, expressed the view that with Dulles and BWI Airports available to serve the region, the concentration of the region's air carrier activity at National Airport is an unwarranted burden on the residents who are constantly exposed to aircraft noise. Other comments, including the air carrier industry, business interests, many from beyond the Washington area, and elected officials from many areas of the country, expressed the opinion that National Airport is a uniquely convenient and valuable transportation asset that must be kept available for air travellers and shippers.

On January 15, 1980, the Secretary restated the proposed policy and revised it with respect to nighttime operations, the number of operations allocated to different classes of users, the annual passenger limitation, and the nonstop service restriction at National. Also, on January 15, 1980, the FAA's Administrator issued an NPRM (Notice No. 80-2; 45 FR 4314; January 21, 1980) in which rules to implement the proposed policy were presented for public review and comment. The FAA also issued a supplement to the FAA Draft Environmental Impact Statement that had been issued in March 1978. As part of this rulemaking effort, the FAA held three public hearings which supplemented the hundreds of comments submitted during the comment period.

The Metropolitan Washington Airports Policy was announced on August 15, 1980, by the Secretary of Transportation. The FAA filed its Final Impact Statement with the Environmental Protection Agency on that same date. On September 15, 1980, the Administrator issued final rules implementing the Metropolitan Washington Airports Policy issued by the Secretary (45 FR 62398; September 18, 1980). The policy and regulations were as follows:

1. *Growth Limitation at National.* Washington National Airport would be permitted to accommodate no more than 17 million total passengers per year. That level would be maintained by periodically adjusting the number of operations allocated to air carriers operating aircraft with 56 passenger seats or more.

2. *Operating Hours.* The hours of operation at Washington National Airport were to be modified to provide that no air carrier, air taxi or commuter would be permitted to schedule operations between the hours of 9:30 p.m. and 7:00 a.m. Additionally, a curfew would be in force on all aircraft departures between the hours of 10:30 p.m. and 7:00 a.m. Similarly, there would be a curfew on aircraft arrivals between the hours of 11:00 p.m. and 7:00 a.m. FAA was to determine if a noise level limitation in lieu of an absolute curfew could be adopted consistent with the objective of maintaining a quiet nighttime environment.

3. *Slot Availability to Various User Classes.* The total number of operating slots at Washington National would remain at 60 per hour, as provided in the existing High Density Rule (14 CFR 93.121, et seq.). The portion of that total which would be available to scheduled certificated air carriers was reduced to 36 per hour, a reduction of 4 per hour from the current allocation of 40 per hour. The commuter allowance was increased from 8 per hour to a level of 12 per hour with additional slots contempleted if air carrier slots were reduced over time. "Air carrier" slots would have to be used for operations (air carriers and commuters) with aircraft having a maximum certificated passenger seating capacity of 56 seats or more, while "commuter" slots would have to be used for all air carrier or commuter operations in which aircraft having a maximum certificated passenger seating capacity of less than 56 seats were utilized.

4. *Use of Wide-body Aircraft at National.* The policy would end the prohibition on the use of two- and three-engine wide-body aircraft at Washington National provided that the FAA determined that the use of such aircraft was operationally feasible and the Director of FAA's Metropolitan Washington Airports found that the use of such aircraft was compatible with that aircraft operator's apron and terminal facilities and with the airport's other terminal and roadway capabilities.

5. *Nonstop Perimeter at National.* The nonstop service perimeter for Washington National would be established at 1,000 statute miles, with no exceptions.

6. *Improvement of Washington National.* The FAA would undertake to develop a master plan for the physical redevelopment of Washington National.

7. *The Role of Dulles.* Dulles Airport would provide all types of aviation service. The Dulles Airport Access Highway would remain an airport-only roadway with the exceptions currently in force. Additional access improvements to Dulles would be pursued.

The regulations issued on September 15 were to become effective on January 5, 1981. The Congress, in the Department of Transportation and Related Agencies Appropriation Act of 1981, Pub. L. 96–400, provided that none of the funds appropriated could be used to mandate any reduction of the total number of certificated air carrier slots allocated per hour at National before April 26, 1981. As a result of that law and a decision by the Secretary to treat the Metropolitan Washington Airports policy elements as interrelated, the effective date of the date of the entire policy was postponed until April 26, 1981.

On February 27, 1981, the Secretary of Transportation proposed a further delay of the effective date for the Metropolitan Washington Airports Policy and implementing regulations. The proposed change in the effective date was necessary to evaluate the existing policy in accordance with the objectives of Executive Order 12291 (46 FR 13193; February 19, 1981), which provided new governmentwide standards for the promulgation of regulations. In addition, the change in the effective date was necessary to provide time for the FAA to determine if quieter aircraft should be allowed to operate at night in lieu of the policy's total curfew which would have eliminated early morning and late evening flights of commuter air carriers and general aviation operators. Additional time was necessary to consider the impact of shifting slots away from certificated carriers and to the commuter carriers and particularly how that would impact upon the ability of the air carrier Scheduling Committee to allocate slots. Finally, a delay in the effective date was consistent with a request by the Senate Commerce Committee to the Secretary that the policy be reviewed and the Secretary's agreement to undertake that review.

Therefore, on March 24, 1981, in order to provide adequate time for this review, the effective date of the Metropolitan Washington Airports Policy and the implementing regulations was postponed by the Secretary until October 25, 1981 (46 FR 19225; March 30, 1981).

Summary of the Proposed Policy

The FAA and the Office of the Secretary of Transportation have reevaluated each aspect of the Metropolitan Washington Airports Policy and the implementing regulations with reference to Executive Order 12291, the Regulatory Flexibility Act, and comments received during the regulatory history of this effort and in light of the Department's objectives. The objectives for the Metropolitan Washington Airports Policy have been stated repeatedly over the years. Stated concisely, the FAA's objectives have been and remain:

1. To provide the metropolitan Washington area with safe and efficient airport facilities.

2. To prescribe a role for Washington National and Dulles International Airports which will permit orderly planning by the FAA, the surrounding region, and the aviation industry for the future of these facilities.

3. To reduce the aircraft noise and congestion associated with the prevailing use of Washington National given the availability of facilities for air carriers at Dulles and BWI.

4. To promote better utilization of Dulles Airport.

5. To achieve optimum utilization of existing and planned capacity at the airports.

After a review of the Metropolitan Washington Airports Policy, with these ends in mind, DOT is proposing that the policy, which is scheduled to become effective on October 25, 1981, be modified. As modified, the policy for the airports would be as follows:

1. The number of scheduled operations at Washington National Airport by air carriers utilizing aircraft with 56 or more passenger seats would be limited to 37 per hour. The numerical limitation on the operations of commuter air carriers (operations involving aircraft certificated with less than 56 passenger seats) would be 11 per hour while the number of reservations available for general aviation operations would remain at 12 per hour.

2. There would be noise limitations imposed on all aircraft operating at Washington National Airport. Noise limits would apply at all hours. The noise levels will be sufficiently stringent to permit only relatively quiet aircraft to operate during nighttime hours. Noise levels will be reduced in the future so as to bring about a change in the fleet mix currently serving National Airport. The proposed noise levels are:

October 25, 1981

Arrivals and departures, 7:00 a.m. through 9:59 p.m.:
86 dBA as determined on takeoff.
Departures, 10:00 p.m. through 6:59 a.m.:
72 dBA as determined on takeoff.
Arrivals, 10:00 p.m. through 6:59 a.m.:
85 dBA as determined on approach.

October 1, 1986

Arrivals and departures, 7:00 a.m. through 9:59 p.m.:
80 dBA as determined on takeoff.
Departures, 10:00 p.m. through 6:59 a.m.:
72 dBA as determined on takeoff.
Arrivals, 10:00 p.m. through 6:59 a.m.:
85 dBA as determined on approach.

An aircraft must comply with the noise level in effect at the time of the operation, except that the noise level for air carrier operations scheduled to arrive before 10:00 p.m. and arriving, due to delay, between 9:59 p.m. and 10:30 p.m. will be the noise level established for the scheduled time of arrival (86 dBA). Arrivals after 10:30 p.m. will be required to proceed to another airport if the aircraft cannot comply with the nighttime noise level in effect at the time of operation. It must be emphasized that the half hour "grace period" only applies to arrivals; no such period applies to departures.

The noise levels will be determined for aircraft types at the Federal Aviation Regulation Part 36 measuring points for approach and takeoff. The approach measuring point is 2,000 meters from the runway threshold under the flight path. The takeoff measuring point is 6,500 meters from the start of the takeoff roll under the flight path. An aircraft's noise levels will be derived from those estimated to occur during Federal Aviation Regulation Part 36 type certification. Since those levels are calculated at maximum gross weight, an adjustment in gross weight would be allowed, except for nighttime operations. FAA Advisory Circular 36-3A, "Estimated Airplane Noise Levels in A-Weighted Decibels," June 11, 1980 (copy in this docket), will be used and will be incorporated by reference into the regulation. Compliance will be based upon comparison with the data in the advisory circular, not upon a monitoring of individual aircraft operations. Also, FAA is preparing a listing of the aircraft models and the maximum weight at which they can operate and comply with the noise limits. By using this method, aircraft operators will know if their type and model of aircraft are able to comply with the Washington National Airport noise limits before the operation occurs.

3. Washington National Airport would be permitted to accommodate no more than 16 million total passengers per year.

4. Any air carrier aircraft types not currently operating at National Airport will not be allowed to use the airport: (1) until it has been determined by the Administrator that operation of the aircraft at the airport meets appropriate safety concerns; and (2) until it has been determined by the Director of the Metropolitan Washington Airports that the proposed operation is compatible with the airport's gate, apron, baggage and passenger handling, and roadway facilities.

5. Nonstop air carrier service to and from Washington National Airport shall be limited to distances of not more than 1,000 statute miles.

6. The FAA shall actively promote improvements in the ground transportation to Dulles Airport. In particular, FAA will: (1) accelerate the construction of Dulles Access Highway connection to Interstate 66; and (2) strive to improve the quality of bus transportation to the airport.

Policy Description

The review of the previous policy has produced several changes. One is the proposal to establish daytime, as well as nighttime, noise level limits on aircraft. Nighttime limits in lieu of a total curfew were contemplated in the previous policy. The second proposed change is the reduction in the annual passenger limitation from 17 million to 16 million. An additional proposed change is in the number of slots available to the various categories of users. Furthermore, although not a change from the previous policy, this policy emphasizes that no new technology aircraft, including wide-body aircraft, will be permitted to serve National Airport until the Administrator has determined that it is safe to do so. The following is a further description of the proposed policy and regulatory amendments.

1. *Passenger Ceiling.* Under this policy the proposed annual passenger limitation at National Airport would be 16 million total passengers per year. Although the proposals contained in this notice relating to slot reduction and noise limitation should reduce the number of air carrier operations conducted at National Airport, the number of passengers utilizing the airport may continue to increase as larger aircraft are used and passenger activity increases. The DOT intends by this proposal to limit that increase to shift future growth to Dulles and BWI Airports.

Despite the existing limitation on the number of air carrier operations that may be scheduled per hour at National, the airport has experienced considerable growth in passengers carried. Passenger activity has increased from approximately 11 million in 1972 to 15 million in 1979, while the number of operations of certificated air carriers actually declined somewhat because of the introduction of larger capacity aircraft. Congested as it may be, National is not yet at the saturation point under the existing policy. Growth trends are expected to return, despite the recent nationwide downturn in air traffic. If the present operating policies are not changed, Washington area passengers are expected to be distributed in the future as follows:

Annual Passengers

(FORECAST IN MILLION ANNUAL PASSENGERS)

Year	National	Percent market	Dulles	Percent market	BWI	Percent market
1980	14.8	69	2.7	13	3.9	18
1985	19.1	60	6.3	20	6.2	20
1990	19.2	53	8.8	24	8.3	23

The forecast shows National continuing to dominate, in terms of passenger activity, well into this decade and beyond, even assuming, as the above figures do, that wide-bodies were not allowed there. If wide-bodies, which seat about 200 to 275 passengers, were permitted to replace the 90- to 150-seat aircraft now serving National, passenger activity would grow even faster. It would be projected to reach 19 million even earlier than shown above.

The growth potential is so great that, even with the reduction of the number of operations per hour proposed in this policy, combined with the proposed noise limitations, National's passenger traffic could increase substantially to the same levels if capacity limitations were not adopted. The reduction from 40 to 37 flights per hour may slow the rate of growth at DCA somewhat, but would not by itself bring about a significant shift in future passenger activity to Dulles or BWI.

The 16-million annual passenger limitation is designed to impose a limit on the use of National at a level not appreciably higher than the level at which it currently operates. It is a level which should not necessitate further reduction in air carrier scheduling slots for another two years. It is a level of use that permits National to continue as a major airport facility without severely disrupting passenger traffic patterns, but it will also assure that the bulk of the growth in the area's passenger activity that will occur in this decade will occur at Dulles and BWI. Without a firm cap on National, it does not appear that the air carrier activity will shift in sufficient volume to these airports.

The 16-million passenger cap will be maintained by reducing slots of air carriers other than air taxis. The proposed slot reduction mechanism should enable the air carriers to plan

operations at National even though there could be possible fluctuation in the number of slots available. The mechanism proposed would automatically adjust the number of hourly scheduled operations or operating slots that are available to air carriers operating aircraft with 56 or more passenger seats. Under the proposal, the number of passengers would be allowed to grow toward the ceiling, but the slot reduction would occur to assure that the 16-million level is not exceeded.

Once a year (January), the FAA would prepare a forecast of total enplaned and deplaned air passenger activity (air carrier, commuter, and general aviation) over a 12-month period, beginning the following April. If the forecasted activity for the 12-month period is in excess of the target number of passengers, 16 million, then the number of hourly slots allocated to air carriers (37) would be reduced. If future projections showed that the 16-million target would be exceeded, then additional slots would be deleted until the forecast passenger activity stabilizes at 16 million. For example, under the proposal, if the forecast showed that 35 hourly air carrier slots would result in a passenger capacity of 16,000,000, then the hourly slot level would be set at 34.

It is also proposed that the formula would work in reverse. If slots are reduced as a result of the 16-million passenger ceiling, FAA is concerned that the carriers should not be restricted to operating with a reduced number of slots in the event subsequent passenger activity declines substantially. If, after slots had been reduced below 37, the forecast shows that passenger activity will go below 16 million, then slots would be taken away from air taxis and be added back to the air carrier total. This would permit the carriers to add flight but no increase above 37 total slots per hour would be permitted.

The reduction in the allocation for air carriers would be automatic. There would be no futher notice and comment period. FAA would publish the results of the application of this mechanism, including its forecast of average passenger activity, in the **Federal Register**. Slot reduction resulting from the formula would be effective for the next airline scheduling period beginning in April, and would remain in effect until superseded by another forecast. Slots taken away from air carriers would be added to the slots available for scheduled air taxis.

In this way, slots for air carrier activity would be adjusted before the period in which forecast activity was to exceed the ceiling. Furthermore, in another 12 months, another forecast would be conducted and, if necessary, slots would be further adjusted in accordance with this mechanism.

2. *Operating Slots.* It is proposed to modify the number of instrument flight operations (takeoffs and landings) or "slots" for air carriers [1] and for air taxis and keep the "other" group at where it is today. The number of air carrier operations at National would be reduced from 40 to 37 per hour over 15 hours. The carriers currently may schedule 40 operations per hour over 16 hours. A reduction of 3 air carrier operations per hour under this proposal would, by itself, eliminate 45 potential operations during these hours by the air carriers. Although operations could be conducted under this proposal between 10:00 p.m. and 7:00 a.m., aircraft involved in such operations would have to comply with the applicable noise levels.

The proposed reduction of hourly slots, combined with the elimination of additional operations conducted under § 93.129 (as proposed below), and the elimination of scheduled air carrier service after 9:59 p.m. is sufficient to give immediate relief from noise and congestion. This reduction and passenger capacity would provide the impetus for a shift in air carrier operations to the other airports serving the metropolitan area while, at the same time, ensuring an efficient airspace system.

With the change in the definition of "scheduled air taxis" and "air carriers except air taxis" (see proposed § 93.123(c)), the number of operators seeking these reduced air carrier slots will decrease. Today, more than 50 reservations per day are used for operations which would no longer be eligible for "air carrier except air taxi" reservations. Overall, the number of slots utilized by "air carriers," in accordance with the proposed definitions, would not be substantially affected by this proposal.

As under the previous policy, extra sections of a scheduled operation will not be required to obtain a slot reservation.

It is proposed that the slots available for air taxis be raised by 38% to 11 per hour. The scheduled air taxis are currently limited to 8 scheduled operations per hour at National. As a result of a demand for additional short-haul commuter type service to Washington from smaller communities not served by the larger aircraft, there are a number of commuters on the waiting list for slots at National. However, because commuter service connects with longer haul air carrier operations, the reduction in air carrier operations brought about by reducing their slots from 40 to 37 and by the imposition of noise level restrictions could also limit the overall number of commuter operations wishing to operate at Washington National. The commuters would also be limited by the noise level restrictions so that only their quieter aircraft could be operated in the early morning or late evening hours.

It is proposed that slot requirements for general aviation operators "others" remain at 12 per hour. Under the current regulations and practices, general aviation operators are required to obtain an arrival or departure reservation from air traffic control. The number of general aviation reservations per hour authorized at National is 12 (this is the same number that would be authorized under the previous policy), except that the regulations permit additional operations whenever the aircraft can be accommodated without significant additional delay to the operations allocated for the airport. The number of general aviation operations has remained constant over the past several years, although the number varies on a day-by-day basis. The experience has been that, except in poor weather conditions, the airport has accommodated more than the 12 general aviation operations allocated per hour. Thus, general aviation operations at the airport would not be affected by this proposal.

The proposed change in the number of slots available to air carriers and air taxis from the previous policy reflects a balancing between the needs of air carriers and air taxis. Under this proposal, the number of slots available for air taxis could eventually increase as the number of passengers utilizing the airport increases.

During the comment period on the reviewed policy, the FAA was criticized for having misplaced its priorities by proposing to decrease the number of certificated air carrier aircraft using National in favor of commuter aircraft and general aviation. The criticism related to the fact that commuter aircraft use the limited airspace and airport facilities to serve a smaller number of persons than served by the certificated air carrier aircraft. The criticism would be valid if the FAA's sole obligation were to maximize the number of persons transported through National Airport. However, National

[1] The term "air carrier" as used in the Federal Aviation Regulations is defined in 14 CFR 1.1 as, "a person who undertakes directly by lease, or other arrangement, to engage in air transportation."

Airport is already being used beyond the design capacity of its terminal and roadways. The 1977 study performed for the FAA by the firm of Howard, Needles, Tammen and Bergendoff identified large portions of the public space within the terminal, as well as the curbside and traffic circle area, as inadequate to serve the number of people making demands on those facilities. The proposed reduction of potential air carrier operations in large aircraft as opposed to smaller aircraft promotes the FAA's objective of making efficient use of all the airport facilities entrusted to it. The reduction in large aircraft operations would relieve the overuse of National and tend to promote use of Dulles and BWI for air carrier service.

The reduction in slots from 40 per hour has also been criticized for exacerbating the already stressed slot allocation issues surrounding National. As described above, in view of the redefinition of operations by "air carriers except air taxis," in proposed § 93.123(e), there will not be a major reduction in slots available for these carriers. Moreover, DOT believes that slot allocation issues remain properly outside the decision on the Metropolitan Washington Airports Policy; however, DOT hopes that the airline scheduling committee process will continue to function. If the scheduling committee does not agree upon a slot allocation for a scheduling period, then DOT reserves the right to allocate the slots by direct allocation, by a slot auction, or by other appropriate procedures. These allocation alternatives are discussed in a separate rulemaking (Notice 80-16) issued by DOT on October 21, 1980.

The Department is committed to competitive access at National Airport. Under its present rules, the Airline Scheduling Committee provides for access by new carriers every six months; the Committee rule of unanimous consent means that any carrier dissatisfied with the number of slots it would receive can veto an agreement. If the Committee fails to reach agreement and the Department is obliged to allocate slots, access by any new carriers will likewise be provided.

Commenters expressed concern over maintaining slots for carriers who service small communities. The Department remains concerned about the trend of the larger air carriers to discontinue service to such markets in favor of the higher volume markets. However, this trend of the carriers to concentrate on larger markets is national in scope and is clearly not a result of the Metropolitan Washington Airports Policy. The proposed reduction would not produce a substantial reduction in the number of actual operations occurring today. Indeed, there can be no assurance that if (commuter and certificated air carriers combined) many more slots were available at National Airport they would be used to service smaller communities. Also, under this policy of proposed slot reduction at National, no community will be deprived of air service to Washington, D.C., due to an unavailability of airport facilities. Dulles Airport will remain available to accommodate all air service to the Washington metropolitan area.

With further regard to slots, this proposal would clarify the regulations to provide that air carriers at National are ineligible for additional reservations beyond those allocated under § 93.123. On December 16, 1980, the FAA issued Notice No. 80-26 (45 FR 84380; December 22, 1980) which proposed clarification of the method by which aircraft operators can obtain additional reservations or slots. On January 19, 1981, the FAA issued a Supplemental Notice of Proposed Rulemaking (46 FR 8026; February 26, 1981) which proposed modification of the High Density Rule to expressly codify the method by which additional IFR reservations are to be obtained and when they must be obtained.

When these notices were issued, the proposal applied to all high density airports. This notice contains a revised limitation on the number of hourly operations at National Airport by air carriers (including air taxis). The objectives of the proposed policy are less achievable if these operators are permitted to substantially exceed the proposed limitations. Some parties have interpreted the current rule to allow as many additional operations as the air traffic control at the airport will accommodate. This was never the intent of the rule and, indeed, only a few carriers have conducted more operations than the number allocated to them. Therefore, the restrictions proposed in Notice No. 80-26 and the Supplemental Notice of Proposed Rulemaking are being incorporated into this notice to make them applicable to operations at National Airport. Application of these provisions to the other high density airports is not being proposed at this time. This notice relates only to the Metropolitan Washington Airports. If it is subsequently determined appropriate to clarify the High Density Rule at other high density airports, a separate regulatory effort will be considered.

Under the proposal, § 93.129 would be amended to provide clearly that scheduled air carriers to and from National Airport are ineligible for additional reservations beyond those allocated under § 93.123. For the purpose of this section, a scheduled operation would be defined as an operation conducted by an air carrier which involves published service between points regularly served by that air carrier unless the service is conducted pursuant to the charter or hiring of aircraft, or is a nonpassenger flight.

This proposed rule would not affect the provisions in § 93.123(b)(4) which provide that extra sections of scheduled air carrier flights may be conducted without regard to the limitation on hourly IFR reservations. The extra section rule is intended to accommodate operations, the necessity of which an operator cannot precisely predict. They are not scheduled operations and it would be impractical to obtain permanent slots for such opeations. Regularly scheduled operations do not have the same uncertainty and, thus, require slots. The extra section authority is available to any carrier with a slot for a regularly scheduled operation. Additionally, this provision would not affect § 93.123(b)(3) which permits nonscheduled flights of scheduled air carriers to be conducted at Washington National Airport without regard to the limitation of 37 IR reservations per hour.

The proposal sets forth the longstanding method by which an operator would obtain an IFR reservation at a high density airport. In 1969, the NPRM originally proposing the High Density Rule stated:

> For flights between two high denisty airports, approved reservations for the takeoff and arrival would have to be obtained prior to takeoff. After receipt of the approval, the operator would file an IFR flight plan in the usual manner.

This procedure has been used since the rule was first promulgated, more than a decade ago. Moreover, Advisory Circular No. 90-43D, "Operations Reservations for High Density Traffic Airports," published the method by which additional IFR reservations are to be obtained from air traffic control. Additional IFR reservations can only be obtained by contacting the FAA Airport Reservation Office (ARO) directly or by submitting a request for reservation to the nearest Flight Service Station. The air traffic control towers are not authorized to grant additional IFR slots nor would air traffic control turn aircraft away; their function relates to air traffic safety. The fact that the tower permits

the operation does not constitute an authorized operation under the High Density Rule. Therefore, the intended practice has always been that an operator proposing to fly IFR to or from a high density airport must obtain a reservation allocated under § 93.123 or an approved additional IFR reservation from the ARO prior to takeoff. Until the reservation is obtained, the operator may not file its IFR flight plan. Furthermore, the operator must have an IFR reservation for the arrival airport even if it intends to change the operation to VFR during flight. Of course, an air carrier departing a high density airport would be required to have the IFR reservation for the departure airport before it files the IFR flight plan. This is not intended to change the practice of allowing operators to file IFR flight plans with the FAA for computer storage.

The proposal would amend the regulation to expressly set forth this longstanding procedure.

3. *Hours of Operation and Noise Levels.* There would be no restriction on the operating hours of Washington National Airport. Noise level limitations will effectively control evening, nighttime, and early morning operations. This approach provides meaningful noise relief, does not penalize the operators of newer technology, quieter aircraft, and provides incentive for other operators to use quieter aircraft.

The regulations issued in September 1980 permitted the carriers to schedule flights from 7:00 a.m. to 9:30 p.m. The regulation proposed here would permit the carriers to schedule 37 operations per hour up to 12:00 midnight.[2] Although these operations would be permitted in accordance with the high density provisions, the lower noise levels contained in proposed § 159.60 would permit only relatively quiet aircraft to operate beginning at 10:00 p.m. No air carrier jet aircraft in operation today can meet the nighttime noise limits.

Under the previous policy, there were no noise level restrictions. There was a total curfew from 11:00 p.m. to 7:00 a.m. and many commenters urged that, in lieu of closing National to all traffic, aircraft that are substantially quieter than the large jet transports should be permitted to continue operating. The previous policy contemplated a review of this issue. The curfew impacted early morning and late evening commuter flights, even those flown in quieter aircraft. The Department believes that National can be operated at all hours without imposing disruptive aircraft noise on the community at night and, further, that improvements in noise exposure throughout the day can be achieved with the proposed noise level restrictions.

It is proposed to set noise limits for 1981 that would essentially put a lid on aircraft noise at the airport and would eliminate the noisiest of the two- and three-engine jet aircraft operations at National by requiring some aircraft to operate at lower weights. This limit will allow continued use of 727 aircraft, for example, but would limit their use to typical 1,000-mile or less flights, with adequate fuel reserves. It would preclude "tankering" or departing with unnecessarily large fuel loads, with consequently higher noise levels. This noise limitation would become more stringent in 5 years, however, decreasing to 80 dBA as generated on takeoff, effective October 1, 1986. At that limit, use of the airport would be limited to the new generation of quieter aircraft, such as the DC-9-80, the new 737-300, a reengined 727 series, and possibly the new 757 and 767, if otherwise found acceptable for operation into and out of the airport.

If this proposal is adopted, the impact of aircraft noise on the community would be reduced over the next 5 years. Limits would not be set for each interim year to allow the air carriers operating at the airport flexibility to plan for using quieter aircraft to meet the 1986 levels at National. DOT expects a gradual reduction in the noise level of aircraft using the airport to occur and will, as it monitors the noise levels, consider the imposition of interim year noise levels if it appears that operators are not making necessary fleet adjustments to achieve the 1986 noise limitations.

The noise limits proposed for 1986 would bring about a significant change in the composition of the fleet using National. In 1986, under the proposal, the Boeing 727 and 737—both the 100 and 200 series—would not be able to operate at National Airport, even with a very substantial weight penalty, unless they were reengined. Other aircraft in frequent service at National today, such as the BAC-111, would not be allowed to operate in 1986 if the proposed noise level restriction is adopted.

These aircraft types would remain a significant part of the air carrier fleet, but their utilization to serve Washington, D.C., would be via Dulles and BWI. The carriers would be able to use only the quiet and range-limited aircraft at National. Newer technology aircraft are expected to be available to the carriers using National and in all probability these will become the aircraft most commonly used at National as 1986 approaches.

The draft supplement to the Environmental Impact Statement indicates that aircraft that produce a takeoff noise level of 72 dBA,[3] measured under FAA aircraft takeoff noise certification conditions, will not produce an increase in the cumulative noise to which the community around National is exposed. That is, this nighttime noise level limitation could be implemented without measurably altering the noise exposure as depicted in FAA's August 1980 Environmental Impact Statement (EIS) on the Metropolitan Washington Airports Policy.

Also, a limit of 72 dBA for takeoff noise at the certification measuring point (6,500 meters from the start of the takeoff roll) would not produce noise levels that intrude upon any residences in the area. No large jet aircraft will be able to operate under this standard. For the quieter aircraft that do operate, procedures will be in effect which direct operations to be over the Potomac River for a certain distance (10 miles north or 5 miles south) of until an altitude of 2,000 feet is reached. Under these procedures, the 72 dBA contour does not include any residential area and, according to the environmental study, persons inside their homes will be exposed to no more than 50–55 dBA. This level should not cause interference or annoyance to most persons, even at night.

Likewise, on approach, a noise level of 85 dBA, measured under certification conditions, would not alter the cumulative noise level contours, as depicted in the August 1980 EIS, and will not intrude upon residences. The approach noise level is measured at a point 2,000 meters (approximately one nautical mile) from the runway threshold when the aircraft is at a low altitude, approximately 400 feet above ground. An aircraft must be significantly quieter to achieve an approach level of 85 dBA than it must be to meet 85 dBA at the takeoff measuring point. The takeoff noise level is measured at a point 6,500 meters (approximately 3½ nautical miles) from the start of takeoff roll where typical two- and three-engine jet aircraft are 1,500–2,000 feet above

[2] Section 93.123(b)(1) states that the hourly limitations for the various classes of users at high density airports applies from 6:00 a.m. to 12:00 midnight, while the total hourly limitation applies from 12:00 midnight to 6:00 a.m. This means that under this provision, air carriers would be able to operate 37 operations per hour from 6:00 a.m. to 12:00 midnight and up to 60 per hour from 12:00 midnight to 6:00 a.m.

[3] A-weighted decibels are decibels measured with an adjustment that emphasizes sound frequencies heard by the human ear, as opposed to treating all measured frequencies equally.

airport elevation. An aircraft which measures 72 dBA under the specified takeoff conditions will measure approximately 85 dBA under the specified approach conditions. Thus, 85 dBA on approach is proposed as the level not to be exceeded. According to the draft supplement to the Environmental Impact Statement, persons inside their homes along the Potomac River corridor will be exposed to no more than 50–55 dBA, and this should not cause interference or sleep interruption.

At present, on an average night, there are 50–55 operations between 10:00 p.m. and 7:00 a.m. and only 10–20 operations between midnight and 7:00 a.m. Approximately 25 to 33 percent of these operations are by aircraft that exceed the proposed noise level. These aircraft would not be permitted to operate during the night hours. It is possible that the number of operations in complying aircraft will increase. Some commuter air carriers will probably provide late night and early morning scheduled services with complying aircraft. This could add an estimated 4 to 16 operations to National. However, FAA does not expect that there would be any significant increase in nighttime air carrier traffic.

The daytime noise level of 86 dBA would not require the elimination of any operations from National nor would it produce a change in the noise exposure in a cumulative sense though certain of the noisiest operations would be quieted and individuals would be impacted less by them.

With one exception, the noise level in effect at the time of the operation would apply to the aircraft regardless of the time scheduled for the arrival or departure. That is, the time the aircraft is cleared for takeoff or the time the aircraft is cleared for approach will determine the noise level that is applicable to that operation.

The exception is that aircraft scheduled to arrive any time before 10:00 p.m. could arrive up to 10:30 p.m. as long as it complied with noise level in effect at the time of the scheduled arrival (see proposed § 159.59(d)). This would allow for delays en route. The FAA expects that air carriers would schedule operations realistically to arrive before the 10:00 p.m. time period. An operation which frequently arrives past its scheduled time of arrival would not meet this criterion. If monitoring reveals that the carriers are abusing this exception, the FAA may take additional regulatory action. It must be emphasized that this limited exception would only apply to arrivals. The noise levels applicable to departures would be the noise levels established for the actual time of departure, not the scheduled time. Therefore, to assure that their aircraft can comply with the proposed 10:00 p.m. operating requirement, the air carriers may be expected not to schedule operations close to 10:00 p.m.

In order to help explain the noise levels that would be applicable for operations under this proposal, the following examples are provided:

1. Airline X (or commuter or a general aviation operator) has an operation scheduled to arrive at 8:50 p.m. and the airplane arrives on time. That aircraft must be able to meet the noise level of 86 dBA as generated on takeoff for that particular aircraft.

2. Airline X has an operation scheduled to depart at 9:45 p.m. and does depart as scheduled. That aircraft must meet the noise level of 86 dBA as generated on takeoff for that particular aircraft.

3. Airline X has an operation scheduled to arrive before 10:00 p.m. and the aircraft is not ready to be cleared for approach until 10:35 p.m. That aircraft must meet the 85 dBA noise level as generated on approach which is in effect at the time of operation. If that aircraft is not capable of meeting that noise level, then the operator would be required to divert to another airport. Had the aircraft arrived before 10:30 p.m., the 86 dBA level as generated on takeoff would apply.

4. Airline X has an operation scheduled to arrive at 9:50 p.m. and the airplane arrives at 10:10. That aircraft must meet the noise level of 86 dBA as generated on takeoff for that particular aircraft since that noise level was applicable to operations during the time period (7:00 a.m. through 9:59 p.m.) in which the operation was scheduled to arrive.

A determination will be made by FAA as to which aircraft types and models can comply with the noise limits by comparing the limit to the estimated noise level set forth in Advisory Circular 36–3A. The noise levels in the advisory circular were developed based on the maximum certificated gross weight of the aircraft. Several aircraft types operating at National produce noise levels at maximum gross weight that would not allow them to be operated at National under the proposed rule. However, at National, aircraft are frequently operated below maximum gross weight and, therefore, produce noise levels below that reported in the advisory circular. The proposed rule will permit aircraft that operate in the daytime and evening to be judged for compliance purposes, based upon the noise produced at the gross weight at which the aircraft is operating. No allowance for lighter operating weights would be permitted for the nighttime operations.

The noise level limitation would apply to the certification noise levels as adjusted for gross weight; it would not apply to the noise generated by individual aircraft operations. FAA does not intend to enforce the curfew by measuring the noise from individual aircraft operations at a point on the ground. Such systems may cause pilots to attempt to "beat the meter" with power cutbacks and maneuvers which reduce noise at that one point. These maneuvers may actually increase noise exposure to other areas. In addition, such maneuvering around the meter may not be in the best interest of safety. Basing the noise limits on aircraft type and model eliminates these problems. Use of type also promotes consistency and predictability for operators. If each individual operation is measured, an aircraft that complies one day may not comply the next day because atmospheric conditions have changed. Noise levels for the same type of aircraft, following the same flight path, may vary within a range of 20 decibels due to meteorological conditions. Thus, even if a pilot flies exactly the same pattern and operating procedure during each flight, he cannot be assured that he will not exceed a set noise level at one or more microphones on the ground. By identifiying the types of a aircraft that comply and the gross weight limitations, where applicable, this uncertainty is eliminated.

Persons who violate the proposed regulation by operating an aircraft type or model that does not meet the noise level would be subject to arrest and criminal penalties of up to a $500 fine and up to 6 months imprisonment under Section 4 of the Act of June 29, 1940, under 54 Stat. 686; as amended by the Act of May 15, 1947, 61 Stat. 94; and the Federal Aviation Act of 1958 as amended, 49 U.S.C. 1301, et seq.

4. *New Technology and Wide-Body Aircraft.* Air carrier aircraft not currently in regular operation at National will not be allowed to operate at National until the Administrator has determined that operation of the aircraft at National meets appropriate safety concerns. If such a determination of safe operation is made, such aircraft could operate only if the Director of the Metropolitan Washington Airports determines that the proposed operation is compatible with the airport's facilities. This means that new model aircraft and the existing wide-body aircraft, such as the A–300, DC–10 and

L–1011, remain precluded from operating at National.

A sufficient number of questions remain about these aircraft to warrant their review on a model-by-model basis. The public interest requires greater knowledge of aircraft performance on National's short runways in rain and in poor visibility. There is also concern over the appropriateness of such aircraft consistently using the curving approach to National's Runway 18 which, due to wind conditions, is used for approximately 45 percent of all arrivals. The ground maneuvering area required for these aircraft may pose wing-tip clearance problems at National. Also, the ramp and taxiway areas affected by the significant engine exhaust velocities of the larger aircraft is significant. These areas are already extremely limited at National. The terminal and roadways currently experience extreme congestion during peak hours. The additional surge of passengers occasioned by wide-body aircraft and persons meeting them or accompanying them to the airport has the potential to swell the peak hour demands on the airport's facilities to cause even greater delays. While the facility problem might be corrected with physical redevelopment, that remedy is at least several years away from fruition.

Consequently, wide-body and new technology aircraft would not be allowed to use National until these critical safety issues are resolved to the satisfaction of the Administrator. Moreover, the Director would maintain his authority conferred upon him in the regulations issued September 15, 1980, to request the carrier to submit a plan describing how the aircraft operation would be compatible with the airport's facilities, including a description of the scheduling and gate positions to be used. The Director would have the authority to deny use of the airport based on the incompatibility of the operation with National Airport's apron, gate, baggage and passenger handling, and roadway facilities.

5. *Nonstop Service Restrictions.* The restriction on nonstop flights to and from National is the same under this proposal as under the previously adopted regulations. Nonstop flights of more than 1,000 statute miles would not be permitted via National; Dulles Airport will remain totally unrestricted.

On May 25, 1966, the Civil Aeronautics Board (CAB) approved an agreement submitted by the Air Transport Association (ATA) on behalf of 12 air carriers. The air carriers, as part of the agreement between the FAA and the air carrier industry to allow jet aircraft to use National Airport, agreed that they would not operate turbojets into and out of DCA on nonstop segments of more than 650 statute miles, except on those nonstop route segments of more than 650 statute miles and less than 1,000 statute miles being operated by any parties thereto on a nonstop basis by schedules in effect December 1, 1965 (the seven "grandfathered" cities).

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

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

Although not formally codified until recently, the perimeter practice had been followed by all parties. It has been set forth in official FAA publications, such as the Notices to Airmen, since 1974.

In response to the announcement in May 1981 by several carriers that they would commence new nonstop service in violation of that longstanding limitation, the FAA issued a rule (46 FR 28632; May 28, 1981) on May 26, 1981, which stated that turbojet aircraft may not be operated into or out of Washington National Airport on scheduled nonstop flight segments of more than 650 statute miles except for nonstop flights from seven listed "grandfathered" cities. That regulation was intended to maintain the status quo pending the review of the regulation scheduled to take effect on October 25.

The regulations scheduled to take effect on October 25 would establish the nonstop perimeter for Washington National at 1,000 statute miles, with no exceptions. This would permit cities beyond 650 statute miles, but closer than the grandfather cities, to have nonstop service via National. Cities of equal distance would be treated equally. The perimeter would maintain the long-haul nonstop service at Dulles and BWI which otherwise would preempt shorter haul service at National. This is most consistent with the roles proposed for Dulles and National Airports as long-haul and short/medium-haul facilities, respectively. Therefore, FAA proposes that the 1,000-mile perimeter rule be implemented as adopted in September 1980.

The nonstop service restriction has been criticized by travelers from cities that are denied nonstop service to Washington via National Airport. As airport proprietor, FAA is charged by law with the control of Dulles and National and the responsibility for their care, operation, maintenance and protection. It has been granted the power to make and amend such rules and regulations in furtherance of those purposes. The restrictions here proposed for Washington National Airport are necessary in view of the local problems that they are intended to resolve. It is FAA's responsibility and not the responsibility of distant communities to ameliorate the Washington area's local problems of noise and congestion created by National Airport. As the proprietor of two air carrier airports serving the Washington metropolitan area, the FAA can assure that the Washington metropolitan area will be able to receive all air services without undue restriction. FAA, because it has the legal control over both airports and because it has placed no restrictions on service to Dulles, is also in the position to assure that air carriers are given full opportunity to provide service to Washington, D.C. CAB certificates authorize the carriers to serve Washington, and do not require that the service be conducted via one airport or the other. It should also be noted that the FAA has long recognized that an airport proprietor with control of two or more airports serving the same area can take reasonable actions to determine the nature of service provided to one airport so long as the proprietor's other airport(s) remains available to accommodate fully the other types of operations. The perimeter rule proposed for National does not preclude nonstop service to the Washington metropolitan area from anywhere in the country via Dulles Airport.

The perimeter rule is essential to prescribing distinctive roles for National and Dulles and to prevent further concentration of activity at National. At present there are approximately 10 times as many flights to and from National (approximately 600) as there are every day to and from Dulles. Air carrier activity at Dulles in 1980 was 34.7 percent below 1979 levels and passenger activity declined by 26.5 percent. The main Dulles markets are cities not served nonstop via National, such as Dallas-Ft. Worth, Houston, and Denver and the West Coast cities. In the markets that are served nonstop via

National, service via Dulles is meager or nonexistent. There is at present one flight available to Chicago O'Hare, a major connecting terminal, via Dulles; there are more than 25 from National. The 7 cities beyond 650 statute miles that are served nonstop via National have more than 90 flights daily to and from National. At present, except for three flights per week to Miami that depart after 10:00 p.m., there is not a single flight between these seven cities and Dulles Airport.

The proposed 1,000-statute mile perimeter would not alter appreciably the existing service patterns. Nonstop service via National would remain available for the seven cities beyond 650 statute miles and cities such as New Orleans, Kansas City, Birmingham and Ft. Lauderdale would be able to receive new nonstop service. All nonstop markets beyond 1,000 statute miles would continue to be served through Dulles and BWI.

6. *Nonregulatory Aspects.* The nonregulatory aspects of the policy proposed here are essentially the same as the policy adopted in August 1980. Appropriate master planning, rehabilitation and improvement of the facilities at National will be undertaken by the Director of the Metropolitan Washington Airports, and FAA will continue with plans to improve ground access to Dulles.

Revocation of Metropolitan Washington Airports Policy

In order to accomplish the proposed new policy described in this document, it is proposed to revoke the policy and implementing regulations issued on September 15, 1980, while replacing it with this new policy. Therefore, it is proposed to revoke Amendments 93–37 and 159–20 (45 FR 62406; September 18, 1980).

The Proposed Amendments

In consideration of the above, the FAA proposes to amend Subpart K of Part 93 of the Federal Aviation Regulations (14 CFR Part 93) and Subpart C of Part 159 of the Federal Aviation Regulations (14 CFR Part 159) as follows:

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

1. By revoking Amendments 93–37 and 159–20 (45 FR 62406; September 18, 1980).

2. In § 93.123(a), the IFR Operations Per Hour chart is revised to read as follows:

§ 93.123 High Density Traffic Airports.

(a) * * *

IFR Operations Per Hour

Class of user	John F. Kennedy Airport	La Guardia Airport	Newark Airport	O'Hare Airport	Washington National Airport [1]
Air carriers except air taxis	70	48	40	115	37
Scheduled air taxis	5	6	10	10	11
Other	5	6	10	10	12

[1] Washington National Airport operations are subject to modifications per § 93.124.

3. By revising § 93.123(b)(3) to read as follows:

* * * * *

(b) (3) The allocation of 37 IFR reservations for air carriers except air taxis at the Washington National Airport does not include charter flights, or other nonscheduled flights of scheduled or supplemental air carriers. These flights may be conducted without regard to the limitation of 37 IFR reservations per hour.

4. By adding new paragraph (c) to § 93.123 to read as follows:

* * * * *

(c) For operations at Washington National Airport—

(1) The number of operations allocated to "air carriers except air taxis," under paragraph (a) of this section, refers to the number of operations conducted by air carriers with aircraft having a certificated maximum passenger seating capacity of 56 or more or, if used for cargo service in air transportation, with aircraft having a maximum payload capacity of 18,000 pounds or more.

(2) The number of operations allocated to "scheduled air taxis," as used in paragraph (a) of this section, refers to the number of operations conducted by air carriers with aircraft having a certificated maximum passenger seating capacity of less than 56 or, if used for cargo service in air transportation, with aircraft having a maximum payload capacity of less than 18,000 pounds.

5. By adding new § 93.124 as follows:

§ 93.124 Modification of Allocation: Washington National Airport.

(a) Each January, the projected number of passengers (air carrier and general aviation) enplaning and deplaning at Washington National Airport will be forecast and published by FAA for a 12-month period, from April to April.

(b) The hourly number of reservations allocated to air carriers except air taxis at Washington National Airport, in accordance with § 93.123, shall be adjusted up or down, as necessary, so that the hourly number of reservations will be one less than the number of hourly reservations that is forecast to produce an annual passenger level of 16 million. This adjustment shall be published with the forecast described in paragraph (a). In no event shall the number of hourly reservations allocated to air carriers except air taxi exceed 37. Any hourly reservations removed from air carriers except air taxis shall be added to the number of reservations allocated to scheduled air taxis. Any hourly reservations to be added to the hourly allocations for air carriers except air taxis shall be taken from those allocated to scheduled air taxis.

(c) Any change in the number of reservations made as a result of paragraph (b) of this section shall be effective on the last Sunday of the April following the forecast.

§ 93.129 [Amended]

6. By amending § 93.129(a) to insert the words "the operation is not a scheduled operation to or from Washington National Airport and" after the "if" and before the work "he" in the first sentence.

7. By amending § 93.129 to add paragraphs (c) and (d) to read as follows:

(c) For the purpose of this section, a "scheduled operation to or from Washington National Airport" is any operation conducted by an air carrier between points regularly served by that air carrier unless the service is conducted pursuant to the charter or hiring of aircraft or is a nonpassenger flight.

(d) An aircraft operator must obtain an IFR reservation in accordance with procedures established by the Administrator. For IFR flights to or from Washington National Airport, reservations for takeoff and arrival shall be obtained prior to takeoff.

PART 159—NATIONAL CAPITAL AIRPORTS

8. By adding to Part 159 Subpart C, a new § 159.40 as follows:

§ 159.40 Hours of operation.

(a) After October 24, 1981, and until October 1, 1986, except in an emergency, no person may operate an aircraft at Washington National Airport if the noise levels for the aircraft type and model as described in FAA advisory Circular 36–3A, which is incorporated into this Part by reference, adjusted for gross weight, exceeds the noise limits

set forth below during the hours specified below, except as allowed by paragraph (d) of this section. No adjustment for gross weight will be allowed for operations from 10:00 p.m. through 6:59 a.m.

Arrivals and departures, 7:00 a.m. through 9:59 p.m.:
86 dBA as generated on takeoff.
Arrivals, 10:00 p.m. through 6:59 a.m.:
85 dBA as generated on approach.
Departures, 10:00 p.m through 6:59 a.m.:
72 dBA as generated on takeoff.

(b) After September 30, 1986, except in an emergency, no person may operate an aircraft at Washington National Airport if the noise level as described in FAA Advisory Circular 36–3A, which is incorporated into this Part by reference, adjusted for gross weight, exceeds the noise limits set forth below during the hours specified below, except as allowed by paragraph (d) of this section. No adjustment for gross weight will be allowed for operations from 10:00 p.m. through 6:59 a.m.

Arrivals and departures, 7:00 a.m through 9:59 9.m.:
80 dBA as generated on takeoff.
Arrivals, 10:00 p.m through 6:59 a.m.:
85 dBA as generated on approach.
Departures, 10:00 p.m through 6:59 a.m.:
72 dBA as generated on takeoff.

(c) The noise levels specified in subsections (a) and (b) shall be determined in accordance with the test procedures defined in Part 36, Appendix C, of these regulations. Aircraft types and models which are not listed in Advisory Circular 36–3A may be operated at Washington National Airport if the FAA determines that the aircraft type and model would meet the noise limits of paragraphs (a) and (b) above, if it were tested properly, and the operator obtains approvals required by § 159.59(a).

(d) An air carrier operation scheduled to arrive before 10:00 p.m. and arriving after 9:59 p.m. and before 10:30 p.m. shall comply with the noise levels set forth in paragraphs (a) and (b) for the scheduled time of arrival.

(e) Availability of advisory circular. Advisory Circular 36–3A may be inspected and copied at any FAA Regional Office or General Aviation District Office. Copies of the circular are available free of charge and may be obtained from any of those offices or from the FAA Distribution Unit, M–443.1, Washington, D.C. 20590.

§ 159.59 [Amended]

9. By amending § 159.59 by redesignating paragraphs "(a)," "(b)" and "(c)" as "(b)," "(c)" and "(d)" and by adding new paragraph (a) as follows:

(a) No person may operate at Washington National Airport an air carrier aircraft of a type not regularly operated at that airport as of July 1, 1981, unless approved by the Administrator, on a safety basis, and the Director of Metropolitan Washington Airports. The Director may request the persons proposing to operate aircraft of this type at Washington National to submit a plan describing how the aircraft operation will be compatible with the airport facilities, including a description of the aircraft type, the schedule, and the gate position proposed to be used. The Director shall base his approval or denial on the compatibility of the operation with National Airport's apron, gate, baggage and passenger handling, and roadway facilities.

* * * * *

10. By revising § 159.60 to read as follows:

§ 159.60 Nonstop operations.

No person may operate an air carrier aircraft nonstop between Washington National Airport and any airport that is more than 1,000 statute miles away from Washington National Airport.

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

Note.—As a result of a request by the Director of the Office of Management and Budget under the criteria of Executive Order 12291, this regulation is classified as a "major" regulation. The Director has given a waiver from certain of the requirements of the Executive Order for this notice. Since the regulation would merely make relatively minor changes to an issued regulation, it is not considered to be significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Finally, it will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C. on July 8, 1981.

J. Lynn Helms,
Administrator.

[FR Doc. 81–20610 Filed 7–9–81; 1:08 pm]
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federal register

Monday
July 13, 1981

Part V

Department of Energy

Economic Regulatory Administration

Petroleum Substitute Entitlements Provisions; Amendments

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 211

[Docket No. ERA-R-81-02]

Petroleum Substitute Entitlements Provisions; Amendments

AGENCY: Economic Regulatory Administraton, DOE.

ACTION: Final rule.

SUMMARY The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is amending the Mandatory Petroleum Allocation Regulations (10 CFR Part 211) effectively to terminate the petroleum substitutes program as of January 28, 1981. That program provided firms that used an alternate fuel to substitute for crude oil or petroleum products the opportunity under certain circumstances to qualify for entitlements benefits under 10 CFR 211.67. ERA has determined that the President's Executive Order decontrolling crude oil and petroleum products on January 28 not only makes this program unnecessary but also would render it counterproductive. In addition, ERA has determined that the standards governing this program, even in a controlled environment, would not best further the purposes of the Emergency Petroleum Allocation Act.

EFFECTIVE DATE: July 9, 1981.

FOR FURTHER INFORMATION CONTACT:

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David Welsh (Entitlements Program Office), Economic Regulatory Administration, Room 6212, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653-3459;

William Funk or Jack Kendall (Office of General Counsel), U.S. Department of Energy, Room 6A-141, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-6736 (Funk); 252-6739 (Kendall).

SUPPLEMENTARY INFORMATION:

I. Background
II. Comments and Response to Comments
III. Rule Adopted
IV. Procedural Matters

I. Background

On March 26, 1981, we issued a notice of proposed rulemaking (NOPR), 46 FR 19450 (March 30, 1981), that, if adopted, would effectively end the petroleum substitutes entitlements program, a program that provided entitlements benefits under certain circumstances to firms that produced or consumed alternate fuels that substituted for crude oil or a petroleum product.[1] Specifically, the NOPR proposed to amend the provisions of §211.67(a)(5) to restrict the issuance of entitlements for petroleum substitutes for periods prior to January 28, 1981, to those firms which prior to that date had properly made all necessary certifications and filings to the ERA under the automatic provisions of §211.67(a)(5) or had received orders pursuant to the case-by-case provisions of section §211.67(a)(5).

II. Comments and Response to Comments

A public hearing on the March 1981 proposal was held on April 15, 1981, in Washington, D.C., and fourteen interested parties testified at the hearing. In addition, as of May 7, 1981, sixty-six written comments had been received from interested parties, some of whom testified at the public hearing. The commenters included fifteen petroleum refiners, the American Petroleum Institute, twenty-five applicants for entitlements for petroleum substitutes under the case-by-case provisions, two associations representing members of the sugar cane industry, an *od hoc* group of companies in the paper and forest products industry, and three members of the United States Congress. These commenters may be characterized as falling into one of two classes—those that would have to pay money if the NOPR were not adopted and those that might receive money (and those commenting on their behalf) if the NOPR were not adopted. Thus, refiners, which would have to pay money to petroleum substitute producers and consumers, unanimously supported the NOPR, while firms with outstanding applications under the case-by-case provisions for designation as petroleum substitute entitlements recipients, that might have an opportunity to receive money, unanimously opposed that portion of the NOPR dealing with rescission of the case-by-case provisions of §211.67(a)(5). No commenter opposed rescission of the automatic qualification provisions of §211.67(a)(5).

Those that supported the NOPR agreed with the tentative conclusions reached by ERA in the NOPR. Moreover, several refiners expressed their view that the President's decontrol order, E.O. 12287, 46 FR 9909, (January 30, 1981), by itself ended the petroleum substitutes program.

Those that opposed the proposal with respect to the case-by-case provisions attacked ERA's tentative conclusions and in addition raised legal and equitable arguments against adopting the NOPR. These comments and ERA's response to them are detailed below:

a. *Protracted Processing of Applications*

In the NOPR we noted that over 160 applications were currently being processed under the case-by-case provisions of the petroleum substitutes program, but that in the past year and a half we had issued only seven decisions and orders. Consequently, we concluded that efforts to complete processing of the 160 plus applications could protract the petroleum substitutes program well beyond calendar year 1981, contrary to the direction and intent of E.O. 12287. The commenters opposing the rescission of the case-by-case provisions took issue with this conclusion. They noted that ERA admitted that a large number of the cases already had been processed to the stage of a preliminary draft decision and order. As stated in the NOPR, we have continued processing applications during the pendency of this proceeding. Moreover, the delay in the issuance of the so-called entitlements final clean-up rule, *see* NOPR in Docket No. ERA-R-81-01, 46 FR 15112 (March 3, 1981), will result in a delay in the issuance of the final entitlements clean-up notice. These two factors lead us to believe that it would be possible for us to complete processing of all outstanding applications for case-by-case consideration prior to the publication of the final entitlements notice. Consequently, we are not adopting this final rule on the basis that there would be a protracted delay in closing out the entitlements program if the case-by-case applications were all acted upon.[2]

b. *Continuation of the Program after Decontrol is Inconsistent with Executive Order 12287, the Purposes of the Program, and the Emergency Petroleum Allocation Act*

In the NOPR we indicated our tentative conclusion that decontrol of crude oil and petroleum product prices and allocation on January 28, 1981, eliminated the purpose of the petroleum

[1] The NOPR discussed in detail the petroleum substitutes program and the reasons behind the NOPR. The NOPR is incorporated herein by reference.

[2] As of today, however, only a few applications have been processed to the point of being ready to be presented to the signatory authority.

substitutes program. Therefore, we believed that it would be inconsistent with the purposes of the program to include new firms in the program after the date of decontrol. While those firms that supported the NOPR shared this opinion, commenters that opposed the NOPR disagreed.

Opponents of the NOPR took the position that the purpose of the program was to offset the disincentives to petroleum substitute production and use caused by the price and allocation controls. They said that they had suffered this disincentive in the past, and because ERA's practice in the past had been to grant decision and orders retroactively to the date of application, there was nothing inconsistent with the Executive Order in granting decision and orders with respect to periods prior to decontrol. Moreover, they said, Section 3 of the Order explicitly contemplated regulatory actions relating to periods prior to decontrol.

We have not been persuaded by these comments. First, we believe that these commenters have confused the question of whether as a matter of law there is an inconsistency with E.O. 12287 that compels elimination of the petroleum substitutes program as of January 28, 1981 (a position taken by some refiners) with the question of whether the changed circumstances occasioned by the Order have provided a basis for ERA to rescind the petroleum substitutes program as a matter of policy to be consistent with the intent of the Order and the purposes of the Emergency Petroleum Allocation Act of 1973 (EPAA), 15 U.S.C. 751, *et seq.*, Pub. L. 93–159, as amended. While we agree that the Order did not as a matter of law bar ERA from granting new decision and orders relating to periods prior to decontrol under the petroleum substitute program, we believe that to issue new orders after decontrol would be inconsistent with the Order, because it would mean that new firms would be added to the program and refiners might have to pay substantial sums of money to these firms in a decontrolled environment when no regulatory disincentive exists to the production or use of petroleum substitutes. These results would be inconsistent with the Executive Order's direction to revoke regulations made unnecessary by that Order and to provide for immediate and orderly decontrol.

Second, we believe that the commenter's emphasis on the retroactive effect of the few decisions and orders previously issued is misplaced. Most commenters acknowledged that the petroleum substitute rules did not specify when decision and orders issued on a case-by-case basis are to be effective in terms of computing entitlements benefits.[3] As we acknowledged in the NOPR, ERA as a matter of practice has granted decision and orders effective back to the first month following the date of application. This administrative practice, however, was applied only with respect to four decisions and orders, all in the context of continuing controls where the major effect of granting the orders could have been expected to be prospective. Moreover, nothing in the regulations or the preambles thereto suggest that the purpose of the program was to alleviate past disincentives through the grant of retroactive benefits. This is reflected in the fact that no attempt was made when the program was first proposed (in 1978) or expanded (in 1979) to grant benefits for periods prior to 1978 or 1979, respectively, even though the same or greater disincentives to the production and use of petroleum substitutes had existed then. In short, the purpose was to reduce future disincentives, not to reward petroleum substitute makers and consumers for having made economic decisions in past periods that were to their benefit notwithstanding the disincentives. In our view, to designate new firms in new orders *after decontrol* as beneficiaries under the petroleum substitute program, *solely* because at the time in the past that they produced or consumed petroleum substitutes there was a regulatory disincentive to such production or consumption, would be analogous to adopting the program that ERA rejected in 1978 and 1979—a program to reward firms for having produced petroleum substitutes in the past.

Third, and perhaps most importantly, to continue a petroleum substitutes program after decontrol by issuing new orders designating new firms eligible for entitlements benefits would no longer further any purpose of the EPAA. As presently constructed the program would require refiners after decontrol to pay money to certain firms that in the past produced or consumed petroleum substitutes, based on volumes these firms produced or consumed in the past. Yet, the firms that produced or consumed these petroleum substitutes in the past did so because it was in their economic interest to do so without regard to any potential benefits under the program. To issue new decisions and orders now would not create *any* incentive for further production or consumption of petroleum substitutes or for increased investments in petroleum substitute facilities. Under continuing controls, receipt of a decision and order would create future incentive for increased use of petroleum subsitutues because incremental volumes produced or consumed would result in incremental dollar benefits. With the end of controls, however, the receipt of a decision and order creates no incentive and, therefore, does not serve the purposes of the EPAA.

Moreover, as indicated in more detail *infra*, the firms with outstanding applications did not rely on expected future benefits in their past production or consumption of petroleum substitutes. To the contrary, they made economic decisions on the basis of the marketplace that indicated the level of petroleum substitution appropriate to their particular circumstances. Thus, the substitution that did occur was not subject to any regulatory disincentive. To require refiners now to pay firms sums of money for actions in the past that already maximized those firms' economic returns would likewise further no regulatory purpose of the EPAA.

c. *The Standards and Criteria for Designating Petroleum Substitutes on a Case-by-Case Basis Did Not Best Further the Purposes of the EPAA*

By restraining crude oil and petroleum product prices below free market prices, the price and allocation regulations created a disincentive to the production and use of petroleum substitutes in those situations where the cost of substitution was greater than continued use of a petroleum product at its below-market price but equal to or less than the cost of use of a petroleum product in a free market environment. The purpose of the petroleum substitutes program was to alleviate that disincentive by requiring entitlements payments from refiners to firms qualifying for designation as engaged in petroleum substitution. Recently, the Temporary Emergency Court of Appeals concluded that such a program was authorized by the EPAA. *See Atlantic Richfield Co.* v. *DOE*, No. 80–1427 (TECA July 7, 1981).

If such a program had been perfectly constructed, the entitlements benefit received by a qualifying petroleum substitute firm would have been set at that level necessary to make substitution economic for the firm, if in a

[3] Some commenters alleged that the rules required all decision and orders to be retroactive to June 1979. They read the introductory language of section 211.67(a)(5)—"For each month, commencing with June 1979, entitlements shall be issued with respect to a petroleum substitute as follows . . ."—to require issuance of entitlements back to June 1979 notwithstanding when the application was filed. We have read this provision to indicate the first month in which the expanded petroleum substitutes program was in effect. June 1, 1979, was in fact the effective date of this provision.

free market environment such substitution would have been economic. In this manner the benefit would have offset the actual disincentive caused by the price and allocation regulations.

In adopting the petroleum substitutes program, however, ERA did not deem it feasible to construct the perfect program, which would have required a detailed financial analysis of each firm's particular situation, an estimation of what the free market price of petroleum products would be, and a case-specific assessment of the entitlements benefit to be received. Consequently, ERA created certain generic standards and criteria for eligibility. In the NOPR we indicated that experience with the program has demonstrated that these standards and criteria did not best further the purposes of the EPAA but rather would, on balance, frustrate those purposes, even in a continuing environment of controls.

Two basic problems with the standards were identified in the NOPR.[4] One was the absence of any required showing of a need for benefits or, put another way, the absence of any requirement that an applicant demonstrate that the artificially low price of petroleum that resulted from the price control program made substitution of alternate fuels uneconomic. Thus, a firm for which it was already economic to substitute for petroleum coud receive cash benefits merely by pursuing what was in its interest in any event; such a payment would further no regulatory purpose because that firm would not have suffered any regulatory disincentive. The other problem identified in the NOPR was the grant of entitlements on the basis of the BTUs generated by the burning of the petroleum substitute, as opposed to the basis of the useful energy produced. The result of this provision was to reward inefficiency.[5]

Most of the comments on this issue seemed to concede that the standards were flawed, but those firms opposing rescission asserted that, notwithstanding those flaws, the program should continue because it was valid when adopted. Whether the program was valid when adopted, however, is irrelevant where subsequent evaluation of the standards underlying the program indicates that on balance they frustrate the purposes of the EPAA.[6]

Some commenters have suggested that the existing standards, notwithstanding their problems, should be preserved because of the practical difficulties that would attend any attempt to make a "need" determination or to quantify other than on a BTU basis the number of entitlements to be earned by a particular petroleum substitutes facility. Whatever the practical difficulties, an agency simply cannot continue a program that it has found in practice not to further the purposes of the statute authorizing the program; either it must cure the problems or eliminate the program. The petroleum substitutes program, by allowing for the grant of entitlements benefits worth millions of dollars to firms that suffered no regulatory disincentive, merely for engaging in activity that was already in their economic interest, grants a windfall that serves no discernible regulatory purpose. It certainly does not further the original purpose of the program, to mitigate disincentives caused by price and allocation regulations, which purpose formed the legal basis for the program. *See Atlantic Richfield Co.* v. *DOE, supra.* Moreover, to calculate the volume of benefits according to a system that rewards inefficiency in the use of petroleum substitutes clearly frustrates the purposes of the EPAA. *See* Section 4(b)(1) (H) and (I), EPAA.

While something less than a "perfect" program could still on balance further the purposes of the EPAA "to the maximum extent practicable," *see* Section 4(b)(1), EPAA, the deficiencies in the current standards and criteria are such that virtually all of the potential designees under the case-by-case provisions involve firms that produced or consumed petroleum substitutes in situations where they suffered no regulatory disincentive. That is, their particular circumstances made it economic to produce or consume the volumes of petroleum substitutes that they did notwithstanding the effects of the price and allocation controls. The inadequate standards, therefore, would result in the effects of the program being totally at odds with the purpose of the program.

In *Atlantic Richfield* TECA held that the grant of entitlements to firms producing or consuming petroleum substitutes was authorized by the EPAA *in order to mitigate the disincentives caused by the petroleum price and allocation regulations.* Nothing in today's rescission is inconsistent with that decision. First, decontrol has eliminated any disincentives. Second, we have determined from experience that, even during a period of controls, the standards and criteria governing eligibility for benefits and the level of benefits were not sufficient to assure that generally the entitlements granted would mitigate regulatory disincentives. Rather, experience has shown that virtually all of the benefits affected by today's rule would *not* mitigate any disincentive, but instead would provide a windfall to firms in situations where there was no disincentive. Consequently, the standards and criteria, which were not directly involved in the litigation, failed to achieve the very purpose that the court held justified the grant of entitlements for petroleum substitution under the EPAA.

Accordingly, we continue to believe that our determination was correct in the NOPR that the existing standards and criteria for the petroleum substitute program do not further the purposes of the EPAA, and that to designate firms and grant benefits now under those

[4] A third problem mentioned was the definition of "substitution" in the Guidelines. In the NOPR we stressed the fact that different firms had responded differently to the requirement to demonstrate substitution. The commenters disagreed that this confusion was a basis for rescinding the program. To a certain degree we have been convinced by these comments, because the element of confusion by itself did not work to the detriment of the purposes of the EPAA. However, ERA has in light of the confusion felt compelled to construe the provision liberally (although not as liberally as some firms have wished), with the result that a firm could demonstrate substitution even though it did not increase the use of petroleum substitutes or in any way change its historical practice. This does not further the purposes of the EPAA because it would result in a transfer of funds to a firm for no regulatory purpose. Because this problem relates to the question of "need," it is subsumed in that discussion in this notice.

[5] For example, two petroleum substitute firms each construct a boiler to be fueled by a particular petroleum substitute. The boiler produces steam to generate electricity. Each of these boilers eliminates the use of an oil-fired boiler that used 10 barrels of fuel oil daily. One of these boilers requires 170 MMBTUs, consuming 10 tons of the petroleum substitute, to produce the same amount of steam as the oil-fired boiler; the other boiler, built less efficiently, requires 510 MMBTUs, consuming 30 tons of the same petroleum sustitute, to produce the same amount of steam as the oil-fired boiler. Under the current regulations, the latter, less efficient boiler would receive three times the entitlements benefits of the more efficient petroleum sustitute boiler.

[6] In dictum in a recent petroleum substitute appeal, the Office of Hearings and Appeals indicated its view that ERA could without a change in the rules or guidelines adopt a new standard for substitution that would in effect result in denials of applications to firms that did not demonstrate that they in fact suffered a regulatory disincentive resulting from price controls. *See* Alabama River Pulp, Case No. BEA-0629 (June 1, 1981). Because neither the standards nor the guidelines have expressed such a requirment, none of the outstanding applications demonstrate such a particularized disincentive as would satisfy the OHA test. Thus, unless ERA were to announce such a standard and allow refiling of applications, all outstanding applications would have to be denied if the OHA requirement were utilized. However, this course of action would be tantamount to establishing a new program in a decontrolled environment, an alternative no commenter supported and which we reject.

standards would be inconsistent with the EPAA, as well as E.O. 12287.

d. *Relationship between the Tertiary Program and the NOPR*

Commenters representing firms with outstanding applications for petroleum substitute designation suggested that it was inconsistent for ERA to continue the tertiary incentive program, *see* 10 CFR 212.78, after decontrol and not to continue the petroleum substitutes program.

We do not agree with either of these suggestions. Subsequent to the hearing and comment period in this rulemaking ERA proposed to rescind retroactively much of the tertiary incentive program, *see* 46 FR 25315 (May 6, 1981). The basis for one aspect of that proposal (rescission of prepaid expenses as of January 28, 1981) was similar to one of the bases for the proposal to rescind the petroleum substitutes program—the tentative determination that continuation after decontrol would not further the purposes of the program and consequently the money transfers after decontrol would not further the purposes of the EPAA. Another aspect of the proposal (rescission of in-house expenses as of January 5, 1981) was based on the tentative determination that the allowance of in-house expenses in tertiary projects had been an error, albeit one adopted after notice and comment. This was similar to our determination in the NOPR to rescind the petroleum substitutes program that in light of our experience under the program the standards and criteria for that program were inadequate.

The records in these two rulemakings, however, demonstrate that our tentative determinations in the tertiary proposal were not supportable and that there is no inconsistency in rescinding the petroleum substitutes program but retaining the tertiary incentive program. The record in the tertiary rulemaking shows that rescission of the tertiary program would negatively affect future production of crude oil in the United States. In this rulemaking there is no basis in the record for concluding that continuation of the petroleum substitutes program will affect petroleum substitution in the future. The tertiary record is also clear that benefits received by producers after decontrol furthered the purposes of the program and the EPAA, because *but for those benefits* the tertiary projects would not have been undertaken. In this rulemaking the record is equally clear that virtually all of the petroleum substitutes produced and consumed in the past would have been produced and consumed in the absence of this program. Tertiary producers demonstrated their detrimental reliance on the tertiary program; petroleum substitute firms failed to demonstrate any detrimental reliance. Tertiary producers demonstrated that the in-house expense allowance was appropriate and not an error; petroleum substitute firms failed to show that the standards and criteria in the petroleum substitute program were appropriate. Finally, the tertiary proposal would clearly have been a retroactive rule, requiring firms to undo what had been done under the regulations in effect at the time. The rescission of the petroleum substitute program, however, is prospective, not retroactive, *see infra.*

e. *Equity and Reliance Arguments*

Firms opposing the rescission of the case-by-case provisions argued that rescission of the rule without providing them with entitlements benefits, if indeed they would qualify for benefits, was inequitable for a variety of reasons. Because four firms had already received benefits under the program, some argued that it would be inequitable if all similarly situated applicants were not treated alike. Others felt that it would be inequitable to rescind the program with respect to outstanding applications, where they would already have received benefits had ERA processed the applications without substantial delay. Most firms felt that it was inequitable to deny them benefits that they expected to receive. Finally, some firms, although not most, expressed the view that it was inequitable to rescind the program as to outstanding applications because they had "relied" on the ultimate processing of their applications and the receipt of benefits retroactive to the month following the date of their application.

Initially, firms misunderstood our discussion of reliance and equity in the NOPR, believing that we were asserting the lack of reliance as an affirmative basis for the proposed rule. As explained above, the affirmative bases for today's rule are the substantial policy and factual reasons why the old rule should not be retained. We have considered the arguments on equity and reliance grounds in terms of whether considerations of equity or reliance outweigh the policy reasons for adopting the new rule.

1. *Unequal Treatment.*

We do not believe it is inequitable to terminate the petroleum substitutes program with respect to outstanding applications just because four applications in the past three years have been finally granted. Any termination of a benefit program results in some persons having received benefits and others not. Usually, the dividing line is established by the date on which the program is terminated. Such is the case here with January 28, 1981, as the significant date. The fact that firms had outstanding applications on January 28 1981, does not alter this analysis. Moreover, the applications of the four firms that received designations are distinguishable from those still outstanding. Three of those four firms submitted applications prior to the November 5, 1979 amendments to the petroleum substitute regulations, almost a year or more before the firms with currently outstanding applications. This difference in time clearly distinguishes those three firms from the firms with outstanding applications. The fourth firm's application was received before all the other outstanding applications, with one exception. This one exception, because the processing did not proceed in perfect chronological order, hardly can make a rule of general applicability inequitable or arbitrary or capricious. Moreover, the small number of firms that received benefits and their relative size in their respective industries [7] makes clear that the benefits received by these firms do not competitively disadvantage the firms with outstanding applications, many of which are large firms dominant in their industry. Finally, the fact that four firms may have received benefits under standards for eligibility that frustrated the purposes of the EPAA hardly justifies compounding this error by including a hundred more firms under those standards.

2. *The Delay in Processing.*

As was stated in the NOPR, ERA accepts the responsibility for the delay in the processing of applications for case-by-case designations. This is not to say, however, that there were not reasons for the delay, some of which were beyond the control of ERA. Moreover, there was no bad faith or intent to delay on the part of ERA.[8]

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[7] Archer Daniels Midland is not an insignificant firm in the alcohol-for-gasohol industry, but other firms in that industry do not have outstanding applications because they were subsequently included under the automatic provisions.

[8] One commenter requested that we detail the causes of the delay.

The first large number of applications under the case-by-case provisions were received in the first quarter of 1980. At that time there was no staff specifically assigned to deal with these applications. Rather they had been handled by the regular staff of the entitlements office. The applications were processed by this staff in their "extra" time and were not given high priority by management, which was concerned about other entitlements issues at the time. *See* 45 FR 46752 (July 10, 1980); 45 FR 72552 (October 31, 1980). When management became aware of and concerned about the delay, additional staff was acquired and a processing procedure to expedite handling was established. In November 1980 a Task Force was

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The question remains whether ERA's delays now bar it from rescinding the program with respect to outstanding applications. We do not believe it does. Adoption of this rule does not benefit ERA, so it cannot be said that ERA would benefit by its own delay in processing the applications. Moreover, this is a situation where to bar ERA from adopting today's rule would place a substantial burden on participants in the entitlements program, by requiring them to pay the benefits. The point is that ERA has concluded that for substantial policy and factual reasons it is inappropriate to issue new orders to new firms after decontrol under the current petroleum substitute provisions. Whether or not there has been any delay and whether or not the delay has been the fault of ERA is not relevant to this central point. What is relevant is whether ERA, because of a delay in the past, is required to compound its errors by granting benefits in the future that frustrate, rather than further, EPAA objectives. We do not believe law or policy requires such an action. In short, two wrongs do not make a right.

3. *Vested Rights.*

As noted above, most firms expressed the view that it was unfair for ERA to terminate the program as to outstanding applications when the applicants had expected to receive money under the program. Of course, mere expectation of government benefits in the future does not bar the government from eliminating those benefits. *See Richardson* v. *Belcher*, 404 U.S. 78, 80 (1971). Several commenters went further and alleged that they had a vested legal *right* to rely on continued processing under the standards extant at the time of their application. We do not believe that either law or policy supports the notion that firms with outstanding applications obtained such a vested right.

A number of different types of cases were cited to support the commenters' position. Some commenters claimed that their application had created a constitutionally protected "property right," citing *Perry* v. *Sinderman*, 408 U.S. 593 (1972), *Goldberg* v. *Kelly*, 397 U.S. 254 (1970), and the line of cases stemming from these decisions. Each of these cases, however, deals with a denial of benefits to a particular person, and the issue before the Court was whether the person's interest in the benefit was sufficient to create a right to *procedural* due process, to wit, an adjudication of the facts after notice and an opportunity for a hearing. None of the cases suggest that these benefits or "property rights" could not be entirely extinguished through legislation (i.e., a statute or legislative rule). Indeed, as was made clear in *Richardson* v. *Belcher*, 404 U.S. 78, 80–81 (1971), the fact that one may have sufficient interests in a government benefit to require procedural due process in an adjudication does not limit the lawmaker in making substantive changes to that benefit.

Several commenters alleged they had a vested right because of the doctrine of equitable estoppel. Below we discuss estoppel based upon claimed statements by ERA analysts, but other commenters went further and alleged that the existence of the petroleum substitute regulations, ERA's practice of granting benefits retroactive to the month following the application, and ERA's admitted initial intention after January 28, 1981, to continue the processing and making of decisions on applications by themselves estop ERA from now terminating the program. None of the cases cited to us on estoppel deal with barring a government agency from adopting legislative rules. To the contrary, in *The Oil Shale Corp.* v. *Morton*, 370 F. Supp. 108, 124 (D. Co. 1973), one of the cases cited to us, the court stated: "The question is not the power * * * to change the regulations and policies of * * * Departments; but the basic notion of procedural due process that require [sic] government officials to follow the law as it exists until that law is changed * * * *" Here, ERA proposed and now is adopting a change in the regulations. It would be unprecedented to find that the existence of a regulatory program, a practice under the program, and an initial intent after a material change in circumstances not to change the program would estop an agency from adopting a change that it proposed less than two months after the material change in circumstances.

Finally, several cases were cited for the proposition that an application for a benefit filed under one statute or regulation cannot be denied or processed under a subsequent statute or regulation. However, none of the cases so cited find or suggest such a limitation in the law. *See, e.g., Coe* v. *HEW*, 502 F.2d 1337 (4th Cir. 1974); *NRDC* v. *Berklund*, 609 F.2d 553 (D.C. Cir. 1979); *United States Gypsum Co.* v. *Uhlhorn*, 232 F. Supp. 994 (E.D. Ark. 1964); *Moreno* v. *Toll*, 480 F. Supp. 1116 (D. Md. 1979). Rather these cases merely conclude that where a regulation or statute in fact vests a legal right a subsequent regulation or statute does not extinguish that right. That is, the cases do not stand for the notion that applying for a benefit under one statute or regulation vests a right to a determination under the terms of that statute or regulation, barring any changes to it that would affect outstanding applications.[9] Instead, such a change may be barred only where the initial regulation or statute itself vests the legal right upon application. None of the cases cited by commenters address a regulation that provides for eligibility for a benefit only to persons who receive an order pursuant to an administrative proceeding. This, however, is the structure of the case-by-case provisions, which, both in the definition of petroleum substitute and the operative provisions make eligibility dependent upon designation in an order issued by ERA pursuant to 10 CFR § 205.95. Thus, by the terms of the regulations, no right to entitlements vests until there is such an order. The making of the application does not create any vested right.

In this regard it is noteworthy to recognize the distinction between an application that begins an administrative process which culminates in an order and a certification that is effective upon filing. Under the automatic provisions of the petroleum substitute provisions it well could have been argued that the regulations vested a right to benefits upon filing a certification, because that is the way the regulations read and because in fact there is no administrative process or final order under the automatic provisions.

established to prepare decisions and orders. Providing notice of an opportunity to comment on outstanding applications in response to an OHA decision required an additional month.

Management concern with the delay in the petroleum substitutes program also resulted in management attention to the program. Development of the processing procedure resulted in the first overall view of the outstanding applications. This overall view suggested that the potential economic cost of the program greatly exceeded expectations, *see* determination that no regulatory analysis was required, 44 FR 63515 (November 5, 1979), and that the potential benefits for large classes of applicants appeared substantially to outweigh any disincentives those applicants may have suffered. The result of this combined management attention and first overall view of the program resulted in applications receiving close scrutiny at each level of review.

One commenter also requested that we detail the dates of contact by a former ERA employee with a refiner that was an historical opponent of the petroleum substitutes program, for whom he later became employed. We do not believe it is appropriate in this notice to detail this person's contacts concerning possible future employment. However, ERA management was aware of his contacts at the time, and we have reviewed the matter and are convinced that no impropriety or conflict occurred.

[9] Indeed, in *NRDC* v. *Berklund*, the court expressly allowed that a subsequent regulation, substantively redefining the one statutory condition for granting leases, could be applied to outstanding applications. *See* 609 F.2d at 558.

In sum, we believe that the procedure provided for in the case-by-case provisions is totally at odds with the notion that any right to petroleum substitute entitlements vested at the time of application. Receipt of an order designating the petroleum substitute was the legal prerequisite to any right to entitlements benefits under the case-by-case provisions. ERA's practice of granting benefits retroactive to the month following the filing of the application (whether considered a discretionary practice or a rule) does not change this. Eligibility for benefits at all did not occur until the order was issued. *When an applicant has been determined to be eligible for benefits, the fact that some of those benefits related to past periods does not mean that the right to the retroactive benefits vested before the determination of eligibility itself.* Finally, the fact that ERA did not have unfettered discretion in determining eligibility does not mean that the processing of the applications was merely ministerial, such that it might be argued that the terms of the regulations and Guidelines conferred the eligibility and the ERA order merely confirmed it. Substantial areas of judgment were left to ERA for determination in the proceeding upon the application. Moreover, the requirement of notice of and an opportunity to comment by aggrieved parties on each application is totally inconsistent with a ministerial duty. All adjudications are made subject to statutory or regulatory standards, but over time interpretations and precedents are made, altered, and overruled. This hardly describes a ministerial duty.

4. *Other Reasons to Rely.*

Several commenters suggested other reasons why they believed they could rely on continued processing of applications and issuance of new decisons and orders after decontrol.

First, they noted that statements made at the public conference, *see* Notice of Public Conference, 46 FR 11291 (February 6, 1981), and in the Notice of Proposed Rulemaking relating to the entitlements final clean-up rule, *supra*, indicated that firms that received decision and orders in the petroleum substitutes program after decontrol would qualify for entitlements benefits for past periods on the final clean-up entitlements list. These statements, however, merely described what the effect of the proposed clean-up mechanism would be under the then existing regulatory structure. Nothing in them suggested that DOE had decided not to change any of that regulatory structure. Thus, they were not grounds for persons to rely on the continued existence of the petroleum substitute regulations.

Second, some firms claimed that they had been told by analysts in ERA that their applications would be favorably acted upon, and so the firms stated they had reason to rely upon issuance of decision and orders granting them benefits. Each ERA analyst has been questioned on this issue, and each has denied telling any person or intentionally leading any person to believe that his application would be granted. Of course, it would be highly improper for an analyst to indicate what action was to be taken with respect to a particular case under adjudication before the responsible official had in fact made the decision. It is, however, possible that a firm might incorrectly infer from a conversation that a firm's application would be granted.[10] Nevertheless, whatever an analyst did or did not say to an applicant, the issue remains whether the applicant had a right, or even a good reason, to rely on any analyst's statements. Clearly, the analyst is not in a position to bind the agency, and the analyst is not in a position actually to make the decision with respect to an application. As noted above, it would be clearly unauthorized and improper for an analyst (or anyone else in the agency) to give an applicant advance information concerning the outcome of his application. Accordingly, even if an analyst had indicated to a firm that its application would be granted, we do not believe firms had good reason or a right to rely on such an indication.[11]

Third, some firms said that they had reason to rely on favorable outcomes for their applications because ERA's processing was merely ministerial and ERA had no discretion to deny their applications. Above we have demonstrated that the regulations governing case-by-case determinations did not limit ERA to a ministerial duty. In addition, it should be noted that the actual administration of the program did not provide any basis to believe that processing was in fact merely ministerial. After all, three of the seven completed decision and orders denied benefits, and the length of time spent by ERA in processing applications was not consistent with the short time consumed in ministerial actions, e.g., giving effect to certifications filed under the automatic provisions of the program.

5. *Actual Reliance.*

Separate from the question of whether firms had a reason to rely or a right to rely on the issuance of decision and orders after decontrol is the question whether these firms did *in fact* rely on their eventually receiving favorable decision and orders and act on that reliance. This distinction is important because even if firms had a right to rely but did *not* in fact rely on the receipt of monies to be obtained from the petroleum substitutes program, then both legal and equitable arguments based on reliance become tenuous at best, because adoption of the rule would not harm them.

The record in this proceeding, which includes not only the comments on the NOPR but also all submissions by applicants under the program as well as the record of OHA proceedings in petroleum substitute cases, does not support a conclusion that firms in fact relied to their detriment on eventually receiving petroleum substitute entitlements.[12] No firm claimed that any investment decision regarding petroleum substitutes was made in reliance on the receipt of expected benefits under the petroleum substitutes program. For example, Quaker Oats Company admitted in its comments on the NOPR that:

> Quaker's financial guidelines do not permit unconfirmed potential benefits from government regulations to be included in financial analysis. *This is probably true with most other major corporations.* (Italics added.)

[10] This could easily occur in response to questions as to when a decision and order would likely be issued and when any benefits would be received if the decision and order were issued at a particular time, questions that were asked time and again by firms. If the questioner assumed that the decision and order would be favorable and the analyst did not explicitly indicate the possibility of a negative order and therefore the possibility that no benefits would be forthcoming, the questioner might obtain the impression that the analyst was confirming a positive decision and order.

[11] The case law is clear that such an unofficial and unauthorized statement by an analyst cannot estop the government. "The doctrine of equitable estoppel binds the Government for the conduct of its agents *while they are acting within the scope of their employment.*" *Atlantic Richfield Co.* v. *Hickel*, 432 F.2d 587, 591 (10th Cir 1970) (emphasis added). Clearly, neither the decision as to the applications nor giving advance indications as to whether any application would be granted were within the scope of employment of the analysts involved. "The Government, in its caretaker role for all the public, should not be bound by the unauthorized or unlawful acts of its representatives." *United States* v. *Georgia-Pacific Co.*, 421 F.2d 92,100 (9th Cir 1970). The representations commenters claimed to have received clearly would have been unauthorized, if not unlawful. They could not even be said to be official acts done with apparent authority. *Compare Brandt* v. *Hickel*, 427 F.2d 53 (9th Cir 1970).

[12] Indeed, only one of all the firms with applications outstanding made an arguable claim of detrimental reliance. *See* Comments of Nortru, Inc. As was pointed out in the hearing in this proceeding, for a firm that in fact relied to its detriment there may be a possibility of obtaining exception relief pursuant to 10 CFR Part 205, Subpart D.

No firm claimed that it had lost money or made an uneconomic decision in producing or consuming the petroleum substitutes that it did. All but 6 of 178 applications indicate that the facility involved pre-dated the application for petroleum substitute designation. Of the 172 applications concerning existing facilities, only 3 indicated that either new construction or expansion was underway. In this regard, virtually every applicant, in response to questions concerning the environmental impact of granting benefits to the firm, answered that no expansion of facilities and no increased production or use of petroleum substitutes would occur in its case because of petroleum substitute benefits. A sample of statements is instructive: Application of International Paper Co.—"The International Paper facilities are all currently existing facilities, and the receipt of entitlements will not cause an increase in size, product mix, or emissions"; Letter dated June 2, 1980, from Uncle Ben's Foods—"As stated in our Application, our fuel substitute production began before the entitlements program, and we have not and will not change our production amounts or methods merely because of the program"; Application of Hilo Coast—"This application for entitlement benefits does not involve a new facility nor does it involve a change in size, product, or amount of product for this existing facility"; Application of Folger Coffee Company—"no expanded burning of spent coffee grounds is presently anticipated * * *" Application of Weyerhaeuser Company—"The facilities are all currently existing facilities, and the receipt of entitlements will not cause an increase in size, product mix or emissions." In short, no firm (with the one possible exception noted above) indicated that it would have acted differently *in any way* in making investments or in producing or consuming petroleum substitutes in the absence of the program.[13] Moreover, no firm (again, with the one possible exception) indicated that the decisions made with respect to investments in petroleum substitute facilities or with respect to substitutes produced or consumed were not the most economical and beneficial allocations of resources for the firm *even in the absence of any* petroleum substitute entitlements benefits.

What firms did indicate was that their use of petroleum substitutes increased after the beginning of the petroleum substitutes program. We do not doubt this to be the case, but there is no evidence that this increase was the result of or was even materially affected by the program. Rather, the sharply increased price of oil and refined petroleum products, as well as questions concerning the security of supply at any price, led large numbers of firms to increase the production and use of petroleum substitutes after 1979, the year of the second large shock to petroleum markets. In other words, higher oil prices made it economic for many firms (especially firms with large volumes of burnable waste produced by their primary industrial activity) to invest in new facilities to use petroleum substitutes and to use increased volumes of petroleum substitutes in existing facilities.

Some firms also stated that the expected receipt of funds from the petroleum substitutes program was considered, albeit in a non-quantifiable manner, in the firm's decisions regarding investment in or use of petroleum substitute facilities. Given the overwhelming record that the petroleum substitute program was not a determinative factor, whether quantifiable or not, in these decisions, we do not believe that these decisions or the firms *relied* on the program. Indeed, some firms provided the detailed financial analyses behind investment decisions regarding petroleum substitute facilities. These analyses were clear that where it was economic to invest in petroleum substitute facilities, without regard to possible entitlements benefits, such investments were made, *and* where it was not economic to invest in petroleum substitute facilities, without regard to possible entitlements benefits, such investments were not made. Some firms explicitly recognized this, complaining that the delay in receiving benefits had delayed investments in facilities, because *expected* benefits were not able to be used in determining the economics of a projected investment.

Finally, several firms stated that they had relied on the continued processing of applications in that they had not appealed to OHA prior to January 28, 1981, pursuant to 10 CFR § 205.96, which allows for appeals of "deemed" denials where no action has been taken on an application for 90 days. We do not believe that the failure to make such an appeal constitutes detrimental reliance. Moreover, such a reliance would have been misplaced, because, as noted above, persons are not entitled to rely on the continued existence of regulatory provisions, and section 205.96 might itself have been rescinded.

f. Relative Equities Between Refiners and Petroleum Substitute Producers and Consumers

In the NOPR we noted that if the petroleum substitutes program were continued, refiners would have to pay any entitlements benefits to petroleum substitute users from revenues generated in a decontrolled environment. As noted above, this fact is directly relevant to consideration of the purposes of the EPAA. In addition, in the NOPR we concluded that whatever equities might be claimed by petroleum substitute producers or consumers were outweighed by the inequity that would be imposed on refiners by having to pay sums in the future to these firms for months long past. Several petroleum substitute producer or consumer firms disagreed with this conclusion, suggesting that, given the large size and vast revenues of the petroleum industry, refiners could well afford these sums. Moreover, they said their firms were smaller and therefore would suffer more from not receiving the funds.

We do not believe these comments have merit. First, as noted above, we have concluded that the claimed equities of petroleum substitute firms are more imagined than real. Moreover, whatever the financial resources of refiners (and there is substantial evidence that refiners as a class are suffering from the current market conditions for petroleum products), they too suffered from regulatory disincentives to refinery investment during the period of controls.[14]

Second, it cannot be ignored that what is involved here is whether post-decontrol action by ERA will require one industry operating in a free market environment (refiners) to pay members of certain other industries large sums of money, which payments will further no regulatory purpose. In the absence of an overwhelming equitable argument we believe it would be inconsistent with E.O. 12287 and decontrol to require such transfer payments now. Such an equitable argument cannot be made by petroleum substitute firms.[15]

[13] The difference in the record in this proceeding and that of the rulemaking regarding the tertiary incentive program, Docket No. ERA-R-81-04, is instructive. In the latter proceeding a substantial number of tertiary projects were specifically identified as having been undertaken *only* because of the benefits of the tertiary incentive program.

[14] The regulatory disincentive to refinery investment has been of special concern to DOE, *see* Notice of Inquiry, 42 FR 53338 (June 30, 1977); Notice of Inquiry, 44 FR 50847 (August 30, 1979).

[15] The record in this rulemaking can be contrasted with that in the proposed rescission of the tertiary incentive program, *see supra*. There, the record is clear that the tertiary incentive benefits not only furthered the purposes of the EPAA during controls, but also that giving effect after decontrol to the two-month regulatory lag built into the program also

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g. *Retroactivity*

A number of commenters opposing the rescission of the case-by-case provisions characterized that proposal as a retroactive rule, and thereby concluded that its adoption would be unlawful. These commenters believed the proposed rescission of the case-by-case provisions was a retroactive rule because if would affect their outstanding applications.[16]

First, we do not agree with these commenters' characterization of the rescission of the case-by-case provisions adopted today as a retroactive rule.[17] The actual rule adopted amends § 211.67(a)(5)(i)(F)–(H) to provide that as of January 28, 1981, the date of decontrol, only substitutes designated by that date in a decision and order will qualify for entitlements benefits. Thus, the actual change to the program is effective only as of January 28, 1981; it is not retroactive to a period prior to that date. Moreover, the *effect* of today's rule is purely prospective. That is, *after today* no new petroleum substitute designations will be made. The rule does not affect any designations made prior to today. Thus, in every practical sense today's rule is prospective, rather that retroactive, with respect to the case-by-case provisions of section 211.67(a)(5).[18] In this regard, this rule is clearly distinguishable from the various cases cited by commenters regarding retroactive rules.

Some commenters took the position that their rights to petroleum substitute entitlements under the regulations then in effect *vested* when they made their application. Consequently, they believe, adoption of the proposal would, by affecting their allegedly vested rights, constitute retroactive rulemaking. While we agree that a rule affecting vested rights might be a retroactive rule, we do not agree as explained at length above, that the firms obtained any vested rights by filing applications. Rather, the right to a petroleum substitute designation only vested upon receiving a decision and order to that effect. Thus, this rule is not a retroactive rule with respect to the case-by-case provisions.

Even if this rule were retroactive with respect to the case-by-case provisions, we believe that the balancing tests enumerated by courts for retroactive rules support adoption of the proposed rule. In this regard, the conclusion, amply supported by the record, that firms have not in fact relied to their detriment upon the existing provisions, in our view is of critical importance. Of equal importance, however, is our conclusion, also supported by the record, that to continue the program under the existing provisions would frustrate, rather than further, the purposes of the EPAA by requiring a large windfall transfer payment from refiners operating in a competitive free market to certain specific firms that had produced or consumed petroleum substitutes in the past because it was economic for them to do so even in the absence of entitlements benefits. Such a transfer at this time would serve no discernible regulatory purpose.

h. *The Automatic Provisions*

As noted above, no comments were received specifically related to the proposal to rescind the automatic provisions of the petroleum substitutes program. Nevertheless, we feel it is incumbent upon us to address certain issues with regard to those provisions.

We recognize that given the nature of the automatic provisions this rule is retroactive with respect to those certifications received after January 27, 1981, because as of the date of receipt those firms qualified for benefits. The fact that those firms have not commented on this rulemaking, however, leads us to believe that they have not relied on those benefits. Moreover, in considering the equities involved with these firms, we believe that firms that waited a substantial period of time before making their certification have essentially waived any equitable claims that they might have otherwise had. Of the twenty-six certifications received after January 27, 1981, twenty-one could have been made at least a year ago. Finally, the conclusions described above with respect to the purposes of the EPAA apply equally to the automatic provisions as well as the case-by-case provisions.

III. Rule Adopted

On the basis of the record in this proceeding, we have determined that adoption of the proposed rule best furthers the purposes of the EPAA and is necessary to avoid frustrating those purposes. As explained above, to continue the program under the current regulations could result in large transfer payments from the petroleum refining industry to certain firms that have in the past produced or consumed certain petroleum substitutes. For the overwhelming part, these firms have historically consumed petroleum substitutes that were generated as waste from their primary industrial activity and have consequently suffered no regulatory disincentive. The record conclusively demonstrates that such transfer payments would serve no regulatory or other public purpose; they would neither necessarily result in increased petroleum substitute production or consumption nor be reflective of past production or consumption that would not have occurred but for the petroleum substitute program. The record supports the finding that the petroleum substitutes produced or consumed by persons affected by this proceeding would have occurred in the absence of the program. In short, the regulatory incentive did not work, perhaps because of the delay in processing applications but more likely because the increased prices of petroleum products in the market place were a far more effective incentive. However well intentioned the petroleum substitute program was, we have now determined, based on the record in this proceeding, that as constructed it did not expand the use of petroleum substitutes beyond what was inevitably induced by the enormous increases in the prices of petroleum products. Accordingly, it does not now achieve its purpose or further the objectives of the EPAA. Therefore, it should be terminated forthwith.

In view of the above, we are amending 10 CFR § 211.67 to limit the issuance of entitlements for petroleum substitutes to those firms that prior to January 28, 1981, satisfied all filing requirements for automatic inclusion or were designated by decision and orders on a case-by-case basis as eligible entitlements recipients. This will be

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furthered the purposes of the EPAA. Moreover, producers demonstrated that they had in fact incurred and paid expenses for EOR projects that would not have been started *but for* the regulatory provisions. Finally, the benefits under the tertiary program have already been received by producers, such that any regulation now would have to undo what has already been done, rather than merely stop something from happening.

[16] Some firms, in commenting on our statement that were we not to rescind the case-by-case provisions we would change the standards and criteria, likewise stated their view that we could not change the standards applicable to outstanding applications because that would constitute a retroactive rule.

[17] It is, of course, retroactive back to January 28, 1981, but this element of retroactivity does not have any impact on firms with outstanding applications. This is so, because even if the rule were applied only prospectively from today, none of those firms would receive any entitlements benefits under the petroleum substitutes program, since no orders designating firms as eligible for entitlements benefits have been issued since January 28, 1981. Moreover, it was not this actual retroactivity of which firms complained but rather the effect of not being able to receive benefits retroactive to the date of their application.

[18] It is again useful to compare today's rule with the one proposed with respect to the tertiary incentive program, *see supra*, where two alternatives proposed were clearly retroactive, so as to require producers to refund money to purchasers that was lawfully received at the time of the transaction but which by reason of a subsequent rule would be unlawful.

done by amending paragraphs (A), (B), (C), (D), and (E) of § 211.67(a)(5)(i) to specify that the required certification must be made "prior to January 28, 1981," and by amending paragraphs (F), (G), and (H) of § 211.67(a)(5)(i) to add the words "before January 28, 1981" after the word "Chapter" where it appears in each of those paragraphs.

IV. Procedural Matters

A. *Executive Order No. 12291*

Under section 8(b) of Executive Order No. 12291 (46 FR 13193, February 19, 1981), the Director of the Office of Management and Budget ("Director") is authorized to exempt any class or category of regulations from any one or all requirements of that Executive Order.

We requested an exemption from the Director for those regulations issued to implement Executive Order No. 12287. The request was granted.

B. *Section 102 of the NEPA*

The DOE has determined that this regulation does not constitute a major federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act and, therefore, that the preparation of an Environmental Impact Statement in this rulemaking proceeding is not required under 10 CFR Part 208.

C. *Section 404 of the DOE Act*

Pursuant to the requirements of section 404(a) of the Department of Energy Organization Act (42 U.S.C. 7101 *et seq.*, Pub. L. 95–91), we referred the proposal pursuant to which this final rule is being issued to the Federal Energy Regulatory Commission for a determination as to whether the proposal would significantly affect any matter within the Commission's jurisdiction. The Commission declined jurisdiction.

D. *Regulatory Flexibility Act*

This rule impacts the approximately one hundred sixty firms with outstanding applications for case-by-case determination of their eligibility for entitlements for petroleum substitutes. In addition, forty-one firms that have made submissions for automatic inclusion in the petroleum substitutes program will be affected. Many of these firms are "small entities" within the meaning of the Regulatory Flexibility Act. However, the termination of the program will not have a significant impact on these firms. Consequently, we have determined that there will be no significant impact on a substantial number of small entities.

E. *Section 503 of the Administrative Procedure Act*

Subsection (d) of section 503 of the Administrative Procedure Act (APA) provides that the required publication of a rule be made at least 30 days before the effective date of the rule, unless it either relieves a restriction, or is an interpretative rule, or the agency otherwise finds good cause to make the rule effective prior to 30 days following publication. We find good cause to make this rule effective immediately, because immediate termination of the program best furthers the purposes of E.O. 12287 and the EPAA. Moreover, the immediate effectiveness of this rule will not negatively impact any person.

(Emergency Petroleum Allocation Act of 1973, 15 U.S.C. § 751 *et seq.*, Pub. L. 93–159, as amended, Pub. L. 93–511, Pub. L. 94–99, Pub. L. 94–133, Pub. L. 94–163, and Pub. L. 94–385; Federal Energy Administration Act of 1974, 15 U.S.C. 787 *et seq.*, Pub. L. 93–275, as amended, Pub. L. 94–332, Pub. L. 94–385, Pub. L. 95–70, and Pub. L. 95–91; Energy Policy and Conservation Act, 42 U.S.C. 6201 *et seq.* Pub. L. 94–163, as amended, Pub. L. 94–385, Pub. L. 95–70, Pub. L. 95–619, and Pub. L. 96–30; Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*, Pub. L. 95–91; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267; E.O. 12287, 46 FR 9909)

In consideration of the foregoing, Part 211 of Chpater II, Title 10 of the *Code of Federal Regulations*, is amended, effective immediately, as set forth below.

Issued in Washington, D.C., July 9, 1981.

Barton R. House,

Acting Administrator, Economic Regulatory Administration.

1. Section 211.67 is amended by revising paragraph (a)(5)(i) to read as follows:

§ 211.67 Allocation of domestic crude oil.

(a) *Issuance of entitlements.*

* * * * *

(5) (i) For each month, entitlements shall be issued with respects to a petroleum substitute as follows:

(A) In the case of a shale oil used as a feedstock or fuel in a domestic refinery, the refiner shall be issued, upon certification prior to Janaury 28, 1981, to ERA that the shale oil has been used as a feedstock or fuel in a domestic refinery, that number of entitlements that would be received by the refiner if each barrel of the shale oil were a barrel of crude oil.

(B) In the case of a shale oil used or sold for use domestically as fuel other than in a refinery, the producer of the shale oil shall be issued, upon certification prior to January 28, 1981, to ERA that the shale oil has been used or sold for use domestically as fuel other than in a refinery, that number of entitlements that would be received by a refiner if each barrel of the shale oil were a barrel of crude oil.

(C) In the case of ethyl alcohol derived from domestic biomass and mixed with gasoline, the producer of the ethyl alcohol shall be issued that number of entitlements that would be received by a refiner if a barrel of ethyl alcohol were equal to 0.6189 barrels of crude oil; *Provided, that,* entitlements will be issuable to a producer of ethyl alcohol only upon written certification prior to January 28, 1981, by the producer to ERA that (*1*) the producer has actually mixed the ethyl alcohol with gasoline and used the resulting mixture domestically as fuel or sold the mixture for domestic use as fuel; or (*2*), in any case where the producer sells the ethyl alcohol prior to mixing with gasoline, the producer has received written certification from a subsequent purchaser that such person (*i*) has been the first person to actually mix the ethyl alcohol with gasoline; (*ii*) has used the resulting mixture domestically as fuel or sold the mixture for domestic use as fuel; (*iii*) has based certification as to such use or sale upon documentation; and (*iv*) will maintain such documentation in a manner so as to be available for inspection at any time by the ERA within five years.

(D) In the case of municipal solid waste, the person who first processes the municipal solid waste to produce a solid fuel shall be issued that number of entitlements that would be received by a refiner if each ton of municipal solid waste processed were equal to 1.40 barrels of crude oil; *Provided, that,* entitlements will be issuable to the processor of the municipal solid waste only upon written certification prior to January 28, 1981, by the processor to ERA that the processor has (*1*) actually used the solid waste or solid derivative thereof domestically to produce useful energy and that the energy thus produced has actually been used as fuel; or (*2*) sold the solid waste or solid derivative thereof or useful energy produced from either the solid waste or its derivative for domestic use as fuel.

(E) In the case of methane derived from municipal sewage or domestic landfills, the collector of the methane shall be issued, upon certification prior to January 28, 1981, to ERA that the methane has been used or sold for use domestically as fuel, that number of entitlements that would be received by a refiner if each unit of methane having a gross heating value of 5.7 million BTU's were a barrel of crude oil.

(F) In the case of solid waste or a solid or gaseous derivative thereof which has been designated as a

petroleum substitute by ERA in an order issued pursuant to § 205.95 of Part 205 of this Chapter before January 28, 1981, that person designated by ERA as eligible to participate in the entitlements program with respect to such petroleum substitute shall be issued that number of entitlements that would be received by a refiner if the unit of measurement established by ERA for that petroleum substitute were a barrel of crude oil.

(G) In the case of a liquid petroleum substitute which has been designated as a petroleum substitute by ERA in an order issued pursuant to § 205.95 of Part 205 of this Chapter before January 28, 1981, and which has a gross heating value of 5.7 million or more BTU's per barrel, that person designated by ERA as eligible to participate in the entitlements program with respect to the petroleum substitute shall be issued that number of entitlements that would be received by a refiner if a barrel of the petroleum substitute were a barrel of crude oil.

(H) In the case of a liquid petroleum substitute which has been designated as a petroleum substitute by ERA in an order issued pursuant to § 205.95 of Part 205 of this Chapter before January 28, 1981, and which has a gross heating value of less than 5.7 million BTU's per barrel, that person designated by ERA as eligible to participate in the entitlements program with respect to the petroleum substitute shall be issued that number of entitlements that would be received by a refiner if a barrel of the petroleum substitute were equal to a fraction of a barrel of crude oil, the numerator of which would be the gross heating value in BTU's per barrel of the petroleum substitute, and the denominator of which would be 5.7 million BTU's. An order issued by ERA to designate a petroleum substitute shall also designate the firm to which entitlements will be issued and the manner in which the use of the petroleum substitute by that firm shall result in entitlement issuances.

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Part VI

Department of Energy

Economic Regulatory Administration

Establishment of a Mechanism for Entitlements Adjustments for Periods Prior to Decontrol of Crude Oil

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Parts 211, 212

[Docket No. ERA-R-81-01]

Establishment of a Mechanism for Entitlements Adjustments for Periods Prior to Decontrol of Crude Oil

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Final rule.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is adopting a final rule to provide for the orderly termination of the crude oil entitlements program. While it is DOE's policy to eliminate the remaining vestiges of the now-terminated petroleum price and allocation controls as quickly and simply as possible, ERA must provide a means for liquidating rights and obligations of participants in the crude oil entitlements program, 10 CFR 211.67, that accrued before decontrol. This rule establishes a mechanism (the "clean-up" list) for adjusting entitlements lists under the entitlements program for periods prior to the decontrol of crude oil on January 28, 1981, and a mechanism that does not require DOE participation for settling existing entitlements obligations and claims adjudicated by courts or administrative agencies after publication of the clean-up list. Based upon this rule, refiners and other participants on the entitlements lists must submit reports amending or adjusting crude oil runs-to-stills and receipts for the period between October 1, 1980, and January 28, 1981, and accordingly either make payments to, or receive payments from, other entitlements participants pursuant to a published clean-up list. In addition, this clean-up list would reflect any outstanding administrative or court determinations of entitlements claims or obligations. After publication of this list, a self-executing mechanism is established to give effect to subsequent administrative or judicial decisions. However, with publication of this list, the entitlements program would be substantially ended, and no further lists need be published.

EFFECTIVE DATE: August 1, 1981.

FOR FURTHER INFORMATION CONTACT:

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David Welsh (Entitlements Program Office), Economic Regulatory Administration, Room 6212, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653-3459;

William Funk or Peter Schaumberg, Office of General Counsel, U.S. Department of Energy, Room 6A-13, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-6736; (Funk); 252-6754 (Schaumberg).

SUPPLEMENTARY INFORMATION:

I. Background
II. Discussion of the Rule and Comments
III. Other Comments
IV. Procedural Matters

I. Background

On January 28, 1981, the President issued Executive Order No. 12287 ("E.O. 12287," 46 FR 9909, January 30, 1981), effective 12:01 a.m., January 28, 1981, exempting all crude oil and refined petroleum products from the price and allocation regulations adopted pursuant to the Emergency Petroleum Allocation Act (Pub. L. 93-159), as amended. When controls were lifted, participants in the entitlements program had certain inchoate claims and obligations arising out of transactions during the period of controls. Recognizing the need to provide a mechanism for liquidating these claims and obligations, Section 3 of the Executive Order provided:

> The Secretary of Energy may, pursuant to Executive Order No. 11790, as amended by Executive Order No. 12038, adopt such regulations and take such actions as he deems necessary to implement this Order, including the promulgation of entitlements notices for periods prior to this Order and the establishment of a mechanism for entitlements adjustments for periods prior to this Order.

In accordance with the provisions of Section 3 of E.O. 12287, an entitlements notice for crude oil receipts and runs-to-stills in December 1980 was issued on February 20, 1981 (46 FR 14157, February 26, 1981). An entitlements notice for the period January 1, 1981, through January 27, 1981, also will be issued.[1]

Also in accordance with Section 3 of E.O. 12287, which provides that the Secretary of Energy may establish "a mechanism for entitlements adjustments for periods prior to this Order," the Economic Regulatory Administration (ERA) of DOE issued a notice of proposed rulemaking and public hearing (46 FR 15112, March 3, 1981) to amend Chapter II, Title 10 of the *Code of Federal Regulations* by adding a new provision to Part 211 establishing an entitlements clean-up mechanism. Written comments were invited, and a public hearing was held in Washington, D.C. on March 17 and 18, 1981. Over 45 written comments were received and 24 persons provided oral testimony at the hearing.

ERA has considered the written and oral comments carefully and has determined to adopt a final rule to provide procedures for an entitlements clean-up mechanism.

II. Discussion of the Rule and Comments

A. *General Comments on the Rule*

As a threshold matter, some commenters, such as Tenneco, Exxon and Conoco, opposed establishment of a clean-up mechanism. Others, including Union Oil Co., advocated delaying issuance of the January Entitlements Notice and using that list for clean-up purposes. However, the vast majority of the commenters were of the view that a clean-up mechanism was appropriate after issuance of the final regular entitlements list. The reasons given generally echoed those discussed in the notice of proposed rulemaking (NOPR): to provide a method for firms on the entitlements lists to amend previous monthly reports found to be erroneous; to report recertified crude oil after March 5, 1981, the reporting deadline for the January Entitlements Notice; and to give effect to ERA and Office of Hearings and Appeals (OHA) Decision and Orders, decisions on appeals to the Federal Regulatory Commission (FERC) and judicial decisions issued subsequent to the January list. All amendments and adjustments included in the clean-up list will relate to periods before decontrol on January 28, 1981.

Most commenters devoted a portion of their comments to addressing the wisdom or propriety of permitting certain types of adjustments or other claims to be included in the clean-up list. The target of most such comments was the tertiary incentive program in 10 CFR 212.78. A broad spectrum of refiners, including Clark, Union, Cities Service, Exxon, Pennzoil, Ashland, Energy Cooperative, Inc. and the Emergency Small Independent Refiners Task Force were of the view that the tertiary incentive program had been abused and thus recertifications pursuant thereto either should be

[1] This notice would have been issued late in March, but its issuance has been delayed by court orders.

eliminated or limited for purposes of the clean-up list.

ERA did issue a NOPR to rescind in part the tertiary program. (46 FR 25315, May 6, 1981). However, after a careful review of the entire record in that proceeding, ERA found that the assumptions and tentative conclusions contained in the NOPR were incorrect. As a result, ERA has issued a Notice of Determination not to adopt a final rule in the tertiary matter. (Published elsewhere in this issue.)

As a result of the decision not to issue a final tertiary rule, the clean-up list will include claims from refiners receiving tertiary recertifications which were not reported for the January 1981 Entitlements Notice. DOE has received notice that some refiners still are receiving recertifications from crude oil produced and sold before January 28, 1981. Pursuant to 10 CFR 212.131 producers had until March 31, 1981, to recertify crude oil produced in January. Each reseller has only 30 days to recertify, which means that for a refiner still to be receiving recertifications, there would have to be at least four resellers in the chain (assuming each reseller took the full 30 days to recertify). It therefore is not inappropriate for a refiner to ensure that recertifications still being received are valid.

A number of firms commented that ERA should adopt a rule which would require that price-controlled crude oil which has "disappeared" from the entitlements program bear the appropriate entitlements burden. it is alleged by these firms that the entitlements program regulations no longer are effective because there is price-controlled crude oil which, through inventory manipulations and other devices, has avoided any entitlements burden. Actions on this basis have been initiated by firms before DOE's Office of Hearings and Appeals (OHA) and in the courts to invalidate the December 1980 Entitlements Notice and to block issuance of the January 1981 Entitlements Notice.

ERA is and has been investigating the "disappearing old oil" allegation, but any regulatory action in this regard would be beyond the scope of this rulemaking. However, if OHA or the courts determine issuance of the December or January Entitlements Notices to be unlawful, the clean-up list provides a mechanism to return any monies paid by firms pursuant to those lists.

Many commenters, including Exxon, Cities Service and Sun Oil Co., also believed that ERA should not include on the entitlements clean-up list entitlements issuances pursuant to OHA Decision and Orders issued after January 28, 1981. It is DOE's position that OHA may award entitlements exception relief after January 28, 1981, if the relief awarded relates to periods prior to decontrol. If OHA decides that a firm should have had exception relief at the time of decontrol, it is DOE's position that the intervention of decontrol did not negate the prior claim to exception relief and that DOE must give effect to such relief. Any entitlements exception relief issued after the date of issuance of the January Entitlements Notice will be included in the clean-up list.

Sohio, Cities Service and other firms commented that ERA should not include in the clean-up list any ERA Decision and Orders with respect to entitlements for petroleum substitutes which were issued after January 28, 1981. Those commenters that use petroleum substitutes took the opposite position. Recently, ERA terminated the petroleum substitutes program with respect to all applications for case-by-case qualification outstanding as of January 28, 1981, and all certifications for automatic qualification not received before January 28, 1981. (Published elsewhere in this issue.) Thus, the clean-up list will not include any new petroleum substitute firms.

B. *Adjustments Included in the Clean-Up List and Procedural Matters*

In the NOPR, we proposed a "reporting period" for the clean-up list of January 1, 1980, through January 27, 1981. Amended reports and adjustments only could be filed for months in the reporting period. Many commenters found this period to be satisfactory. A few firms saw no reason to limit the period for reporting amendments or prior months invoice adjustments. Several commenters felt strongly, however, that a short reporting period was necessary to prevent abuse, and cutoff dates as late as January 1981 were suggested.

ERA agrees with the comments that a reporting period beginning January 1980 for adjustments could invite abuse by some entitlements participants. Most firms already have corrected for errors discovered for the early months of 1980. Moreover, no commenters took issue with the statement in the preamble to the NOPR that "it is unlikely that any invoice adjustment would relate back before October 1980." 46 FR at 15114. Thus, we believe that any hardship that might be suffered by the few firms that discover reporting errors early in 1980 is outweighed by the need to maintain the integrity of the clean-up system. We therefore have adopted a definition of "reporting period" in new § 211.69(c) which extends from October 1, 1980, through January 27, 1981.

The limitation of the "reporting period" will not apply to administrative orders or judicial decisions. Included in the clean-up list will be all such orders and decisions, other than as a result of entitlements enforcement actions, not reflected on a regular entitlements list that are issued before issuance of the clean-up list. As was proposed, we will include on the final clean-up list any claims and obligations resulting from ERA, OHA and FERC decisions even though these decisions still might be subject to further administrative or judicial review.

For purposes of this rule, the terms "adjustment" and "amendment" have been defined to have the same meanings as for the Form ERA–49. An adjustment refers to recertification of crude oil and an amendment refers to resubmission of a previously filed report resulting from an internal company error.

Virtually all of the persons who provided statements at the public hearing, and many of the written commenters, expressed concern about the validity of some of the large volume of recertifications expected to be reported by refiners, particularly those recertifications attributable to tertiary projects. Currently, on the adjustment lines of the Form ERA–49, adjustments for all months are combined. The hearing panel queried several speakers representing both large and small refiners as to whether it would be possible for them to identify the month in which the crude oil subsequently being recertified first was reported for entitlements purposes. The response was unanimously affirmative. We therefore are adopting in § 211.69(d)(2) a requirement that any firm submitting a claim under the clean-up list resulting from a recertification of crude oil must identify on the Form ERA–49 the months in which the recertified barrels first were reported to the entitlements program. This will help ensure that the recertification is valid and applies only to months in the reporting period.

DOE favors the earliest possible conclusion to the clean-up process so that the regulatory residuum of the controls period may be finally eliminated. Most commenters also supported a speedy end to the clean-up process and were of the view that the proposed June 1, 1981, deadline for filing amendments and adjustments was satisfactory to both conclude the process at the earliest possible time and yet allow sufficient time to receive

recertifications and discover any reporting errors.

Most commenters also supported the proposed May 1, 1981, deadline after which no purchaser of crude oil would be required to honor for pricing purposes a recertification of crude oil.

It was suggested by some commenters that ERA should make the two deadlines each one day earlier so that they would fall at the end of a month and the corresponding accounting period. For the reasons explained below, the recertification deadline is being delayed by three months, and we are specifying the last day of the month to simplify accounting. The date for reporting claims and obligations to ERA also is being delayed, but will not be the end of a month. We are not aware of any reason why using a date in the middle of a month would make the reporting of claims and obligations to ERA any more burdensome once crude oil recertifications have been cut off.

As noted above, we are delaying the cut-off date for recertifications of crude oil until July 31, 1981.[2] This will be accomplished by revoking the recertification provisions in § 212.131 effective August 1, 1981. Resellers commented that in view of the increased volume of recertifications from the tertiary incentive program, the proposed date of May 1, 1981, did not provide adequate time for all resellers to complete the recertification process. It was claimed that this would result in some resellers receiving recertifications immediately prior to the deadline and then being unable to pass them through to the purchasers of the crude oil.

The May 1 recertification deadline also was no longer realistic as a result of the need for additional time to resolve the many complex issues and to prepare this final rule, which delayed its issuance beyond May 1. Also, since it was decided not to issue a proposed clean-up list before the final list (see discussion below), the net time lost from delaying the recertification deadline is reduced by approximately one month.

In conjunction with the July 31 deadline for recertifications, we are adopting in new § 211.69 a deadline of August 15, 1981, for reporting amendments and adjustments to ERA for inclusion on the clean-up list. This later date will provide additional time for pending actions to be resolved by OHA, FERC and the courts, making the clean-up list more complete.

In the March NOPR, we provided that a proposed clean-up list would be issued in order for firms to review the list for any obvious errors before final issuance. Many commenters supported this proposed list so long as it was used by firms only to check the accuracy of their entry and not to raise challenges to other firms' entries. Other commenters opposed the proposed list and favored the earliest possible publication of the final list and termination of the program.

We have determined that the proposed list would not likely serve a useful purpose. Rather, it is likely that some firms will raise challenges immediately, significantly delaying issuance of the final list. And, if a firm is successful in changing an entry, it will result in changes to all other entries causing other firms to challenge the list. Futhermore, in view of the change in the reporting deadline from June 1 to August 15, issuance of the clean-up list already will be delayed substantially. Therefore, as soon as practical after August 15, 1981, ERA will issue a final clean-up list with no proposed list.

C. *The Adjustment Mechanism*

The NOPR proposed two alternative clean-up mechanisms. The first proposed alternative provided for the aggregation of all the monthly claims and obligations into one total and then using one fraction for each firm to determine its proportional share of the total claim or obligation. Under the second proposed alternative, claims and obligations were totaled separately for each month and a separate fraction for each firm also was computed each month to determine its proportional share of claims and obligations. The comments were divided almost equally among firms supporting either the first or second alternative clean-up mechanisms.

Supporters of the first proposal generally were of the view that the entitlements program is not precise and that the rough equity inherent in the first proposal was adequate. Those who supported the second proposal did so because the additional administrative burden for ERA, acknowledged by ERA to be minimal, did not outweigh the additional precision and fairness associated with a month-by-month approach.

In view of the support by many firms for the second alternative, and particularly in consideration of our adopting a shorter reporting period of four months, we are adopting the second alternative clean-up mechanism. ERA believes that the month-by-month approach will ensure that no entitlements participant is prejudiced or unduly overcompensated as a result of abnormal operations in any particular month.

Under the adjustment mechanism, ERA will collect reports from all refiners and other participants in the entitlements program with respect to invoice adjustments and amendments to reported data in any month in the prescribed reporting period. ERA then will convert each reported amendment or adjustment into a dollar amount. These dollar amounts will be considered "claims" if the firm is entitled to receive money from the entitlements program, and will be considered "obligations" if the firm owes money to the program.

All reported amendments and adjustments under this rule will be reviewed carefully by ERA, and, where appropriate, DOE will verify reports of recertified crude oil through its enforcement program. Such reports are subject to the general filing requirements in 10 CFR 205.9, and to falsely certify a report is criminally punishable under the provisions of 18 U.S.C. 1001. It also should be noted that the requirements of this rule are not optional. Firms *must* file with ERA all adjustments, errors and other data which would affect months in the reporting period. If a refiner has no adjustments to report for the reporting period, it still must file an ERA–49 showing zero adjustments.

Amendments will be handled under the same procedures used for past entitlements lists. Pursuant to § 211.69(d)(1), ERA will take into account the entitlement price and other entitlements data for the month in issue in calculating the dollar value of the amendment.

The procedure in § 211.69(d)(2) for calculating the dollar value of prior months invoice adjustments essentially is similar to that proposed in the NOPR, and is different from the procedure used in the past. In past months, the then current month's volume of controlled crude oil receipts simply was adjusted on the ERA–49 to account for prior invoice adjustments, resulting in an "adjusted crude oil receipts" figure for the current month. For the clean-up report, there is no "current month." Thus, it is impossible to use the same procedure for adjustments in the clean-up list as was used in the regular program. Consequently, we are requiring that entitlements participants which report a recertification of crude oil also must report the month in which the crude oil originally was reported to the entitlements program as a receipt. To compute the dollar value of the invoice adjustments, the deemed old oil ratios

[2] Pursuant to § 212.131(a)(6), to be effective, producers must recertify crude oil by the end of the two-month period immediately succeeding the month in which the crude oil is produced and sold. Subsection (b)(2) of § 212.131 provides each reseller with 30 days to recertify crude oil after receipt of a certification.

for the month during the reporting period in which the crude oil first was reported as received will be used to transform the adjustments into a volume of barrels of deemed old oil. A dollar value for the deemed old oil will be determined by multiplying the calculated volume of deemed old oil by the entitlements price for the corresponding month. It again should be emphasized that the crude oil which is being recertified originally must have been received and reported during the reporting period.

Section 211.69(d)(3) provides for claims and obligations other than amendments or adjustments. Claims or obligations will be determined to the extent of the dollar value of exception and appeals decisions by OHA, FERC decisions and judicial relief provided to persons before the clean-up list is issued. A firm also may file a claim if it was a seller of entitlements on the January 1981 Entitlements Notice but was unable to find a buyer for any or all of its entitlements. This is a departure from past practice which required that the seller of entitlements seek exception relief from OHA if it had no buyer for its entitlements.

Any claims and obligations pursuant to § 211.69(d)(3) which cannot be attributed to a particular month in the reporting period will be divided equally among all months in the reporting period. This will include, for example, any administrative or judicial decisions which relate to months prior to the reporting period.

The following examples illustrate how claims and obligations will be determined. If Refiner A, a net entitlements buyer, reports that 10,000 barrels of lower tier crude oil received in December 1980 subsequently were recertified as stripper well production (and therefore exempt from price controls), then in the December Entitlements Notice it was required to purchase 10,000 entitlements too many (since each barrel of lower tier crude oil is equal to one barrel of deemed old oil). Assuming an entitlements price for December 1980 of $25.00, then Refiner A would be entitled to a claim of $250,000 for December. Similarly, if Refiner B discovered a reporting error in a month during the reporting period where it reported excessive runs-to-stills in a given month of 20,000 barrels, and the "national domestic crude oil supply ratio" (DOSR) in that month was .10, then that refiner was issued 2,000 too many entitlements. Assuming an entitlement price of $25.00 in that month, then that refiner has an obligation of $50,000 attributable to that month.

After calculating all lthe claims and obligations, § 211.69(e) provides that a net calculation for each month, equal to the sum of all claims minus the sum of all obligations for that month, will be determined. The clean-up mechanism specifies the method of allocating among firms the net calculation for each month.

For every firm that was on the entitlements list for a month in issue, § 211.69(e)(2) provides that ERA will multiply the net calculation for that month by a fraction. The numerator of the fraction will be equal to that firm's runs-to-stills volume used to compute the Entitlements Notice for that month, and the denominator will be equal to the sum of the runs-to-stills volumes of all firms used to compute the Entitlements Notice for that month. Each firm will have a fraction calculated for each month in the reporting period. The proportional shares of the net calculation, in dollar amounts, determined for each firm for each of the separate months, then will be added to determine that firm's total calculation for the entire reporting period.

The effect of this proposal with respect to any given month in which a net claim is reported will be for each firm on the entitlements list for that month to pay the claim in the same proportion as its runs-to-stills in that month bear to the runs-to-stills for all firms in that month. For any month that reported obligations exceed claims, the same fractions will be used for each firm to determine its share of the obligation for that month.

As was explained in the preamble of the NOPR, the effect in any given month of modifications to previous reports is to change the "runs credit" in the affected month. If the error is in receipts of controlled crude oil, the DOSR either was too high or too low in that month resulting in either too many or too few entitlements being issued. Similarly, if a refiner misreported its crude oil runs-to-stills, then the number of entitlements issued to that refiner was in error. In either case, the runs credit, which all refiners receive in the month according to their volume of runs in that month, will be either too high or too low. Thus, all refiners (and other firms on the entitlements list with deemed runs, *e.g.*, importers of residual fuel oil into the eligible market), including the refiner which misreported, either were over- or undercompensated in that month directly in proportion to their crude oil runs-to-stills. Repaying the claim or allocating the obligation in the clean-up list in proportion to runs therefore will result in firms being treated as if the reported claims and obligations actually had been reported in the respective months in the reporting period.

Pursuant to § 211.69(f) of the new rule, after deriving the total calculation for each firm, ERA will calculate the net claim or net obligation for each firm as follows: the sum of that firm's claims for the reporting period minus the sum of its reported obligations for the reporting period, and minus its total calculation. If the result of this process is a positive number, then that firm will have a net claim and will be placed on the final clean-up list as a payee in that amount. If it is a negative number, the firm will have a net obligation and will be a payor. When the final clean-up list is published in the **Federal Register** showing dollar amounts for payors and payees, payments will be required to be effected among the parties within 10 days, in a manner similar to entitlement purchases and sales. ERA may direct firms which do not liquidate their obligations to do so. These procedures in § 211.69(g) for publishing a list and completing clean-up transactions essentially are unchanged from the proposal except for elimination of a proposed clean-up list, discussed above.

If a firm with a net claim does not receive any or all of the money due it from firms with net obligations, it may apply to ERA for an order establishing the amount of the deficiency. Upon issuance of the order by ERA, that firm may collect the money from other firms on the clean-up list (*See* discussion below of post-clean-up claims and obligations).

The basis for the adjustment mechanism is crude oil runs-to-stills. Some firms, however, are not refiners and do not run crude oil in the technical sense. These firms were deemed under the entitlements regulations to have runs, and we proposed that for purposes of determining fractional shares of claims and obligations on the clean-up list, runs also would be deemed. This will apply to firms that imported residual fuel oil into the eligible market pursuant to § 211.67 and firms that received entitlements for petroleum substitutes pursuant to § 211.67. *See*, 46 FR at 15115. There were no significant negative comments addressed to this part of the proposed rule, and there were many comments that the overall adjustment mechanism was satisfactory. ERA therefore will calculate these firms' fractional shares of any claim or obligation on the basis of the imputed runs.

D. *Claims and Obligations After Clean-Up List Issuance*

We proposed in the NOPR to create an escrow account with an initial

balance of $50 million. The monies for the account were to be generated by deeming the escrow account to be a claimant in equal portions for each month in the reporting period for which a claim or obligation was reported. Firms thus would have paid their fractional shares of the escrow account in proportion to their crude oil runs-to-stills in the same manner as any other claim. We also proposed to include in the escrow account the approximately $8 million already collected in entitlement enforcement actions. The principal purposes of the escrow account were to provide a fund to pay any administrative or judicial decisions issued after the clean-up list [3] and to pay firms which are unable to collect their monies under the final clean-up list. Monies found owing to the program after the clean-up list pursuant to court or administrative orders, other than in enforcement cases, would have been placed in the escrow account. Any excess sums in the escrow account would have been returned to the firms on the final clean-up list in the same proportion as they paid the initial money to it.

Practically every firm which commented on the proposed rule addressed the issue of the escrow account. The vast majority considered the need to pay $50 million into the account to be a significant and unnecessary financial burden. Many firms were of the opinion that the extra money for the escrow account would be especially burdensome at a time when many refiners are experiencing financial problems. Also, concern was expressed that the existence of a sizeable escrow would be an incentive for firms not to satisfy their obligations under the clean-up list.

A few commenters supported the escrow concept, with some advocating a significantly larger amount for the escrow. These firms tended to be small and independent refiners, many of whom have actions pending before OHA, and those with no deemed runs-to-stills, such as users of petroleum substitutes, who were awaiting an ERA order to receive entitlements. Their concern was that if their administrative determinations were adverse and they ultimately were successful in reversing the decisions on appeal, the clean-up list already would have been issued and they would be left without any recourse.

Two commenters, Dow Chemical Co. and Navajo Refining, suggested that the clean-up regulations should establish a mechanism to assess firms at a later date to pay any new claims which may arise after the clean-up list is issued. It was suggested that firms could guarantee payment of their *pro rata* share of any such obligations through a surety bond, letter of credit or similar device.

We have been persuaded by the majority of commenters that an escrow account would not be an appropriate mechanism to handle claims and obligations of the entitlements program after the clean-up list is issued. In addition to being burdensome on firms, it is likely that the funds in the escrow account would become tied up in litigation, and distribution from the account would be delayed. Since it is DOE's intention to phase-out its involvement in the entitlements program as soon as practicable, the escrow account would be counterproductive because it would serve only to prolong DOE's administrative oversight of the program. Furthermore, we believe there is merit to the comments suggesting that the existence of an escrow account could provide an incentive for some firms not to satisfy their net obligations on the clean-up list.

We have considered and rejected the notion of ignoring post-clean-up claims and obligations adjudicated by FERC or the courts. First, courts have made clear that agencies cannot extinguish rights *sub judice*, so we cannot purport to cut off claims and obligations merely because outstanding cases are not finally determined by the date of the clean-up list. Second, by failing to provide a mechanism to deal with post-clean-up claims and obligations, DOE would be inviting actions by persons with outstanding cases to enjoin the clean-up list until their action is completed. Third, even assuming courts did not enjoin the clean-up list, the most likely remedy a court would fashion in the absence of a post-clean-up mechanism would be to order DOE either to publish a new entitlements notice or to devise another regulatory mechanism to assure the proper collection or disbursement of monies due from or owed to the entitlements program. These possibilities would serve to prolong DOE's involvement in the entitlements program and to require ERA to provide administrative staff for an indefinite time. Such results would be contrary to the purposes of E.O. 12287 to bring about the orderly termination of the program.

It is important to recognize that § 211.69(h)(1) does not create any liability. It merely recognizes and gives effect to a legal right that arose during the period of the program's operation prior to January 28, 1981, no matter when the court or administrative body makes its final determination of that right. This legal right of one firm correspondingly created a liability owed by other firms in the program. If the program still were operating, the liability would be divided on a *pro rata* basis among all the firms on the list for a particular month in proportion to their crude oil runs-to-stills. Since there no longer is any regular monthly entitlements list, § 211.69(h)(1) provides a similar method of assigning the pre-existing liability among firms based on their crude oil runs-to-stills during the reporting period.

Consequently, to provide for the rights and liabilities in question we believe the procedure suggested by Dow and Navajo to be most feasible and in most material respects similar to our proposed escrow account. That is, the formula for assessing firms for post-clean-up claims or distributing post-clean-up monies owed to the program would be based on each firm's relative proportion of crude oil runs-to-stills for the reporting period. The difference between this procedure and an escrow account is that the claims would be assessed only when the post-clean-up list administrative or judicial order became final, rather than being due at the time of the clean-up list for potential disbursement by DOE, thus avoiding the front-end payments that concerned many program participants. Similarly, any post-clean-up list monies due the program from such administrative or judicial orders would be due to the firms on the clean-up list at the time of the orders, rather than awaiting eventual disbursement from DOE. Finally, the mechanism adopted would not require further administrative action by DOE or maintenance of a staff for this purpose, but instead would allow all firms to be able to determine from publicly available materials their liabilities to or credit from other firms arising from post-clean-up list administrative or judicial determinations.

Specifically, we have adopted two provisions—one dealing with situations where a firm is determined to be owed money from the program and one dealing with situations, other than enforcement actions, where a firm is determined to owe money to the program. *See* § 211.69(h)(1) & (2). Under the first provision, where a firm has been finally determined to be owed money under the entitlements program, each firm on the clean-up list will owe that firm a proportionate share of the firm's total claim. The proportionate share is each firm's proportionate share

[3] There are approximately 19 pending court cases and 12 cases before FERC involving entitlements.

of crude oil runs-to-stills for the reporting period as reflected on the clean-up list. Thus, upon notice by the claiming firm of its final administrative or judicial order, each firm on the clean-up list will be able readily to determine its legal liability to that firm. No further entitlements list or notices will be necessary, and no DOE involvement will be required. This regulatory provision, together with the information contained in the clean-up list, will have the same legal and practical effect as publication of further entitlements notices.

The second provision is the mirror image of the first, providing the mechanism by which firms on the clean-up list may obtain monies due them as a result of a final determination by a court or administrative body that a firm owes money to the entitlements program.

This post-clean-up provision does not apply to determinations by ERA, which should be completed by publication of the clean-up list. Therefore, only claims resulting from OHA, FERC and judicial determinations will result in this section being applicable.

E. *Reporting Requirements and Related Issues*

It is ERA's intention that all the necessary supporting definitions of terms in Part 211 be incorporated by reference as such provisions were in effect on January 27, 1981. Also, the definitions and requirements relating to the preparation of relevant forms and reports for the entitlements program will continue to apply to the extent necessary to prepare forms and reports required for the clean-up.

F. *EPAA § 4(b)(1)*

The entitlements program clean-up mechanism adopted by this rule does provide, to the maximum extent practicable, for the objectives specified in sec. 4(b)(1) of the Emergency Petroleum Allocation Act of 1973 (Pub. L. 93–159, EPAA). The principal purpose of this rule is to provide for an orderly and proper termination of the entitlements program as the result of the decontrol of crude oil by E.O. 12287, and the entitlements program long has been recognized as providing for the objectives of sec. 4(b)(1). *See*, the discussion of the entitlements program and the sec. 4(b)(1) objectives in the notice proposing the entitlements program published at 39 FR 31650 (August 30, 1974) and at 39 FR 39740 (November 11, 1974), and the judicial affirmation of these conclusions in *Cities Service* v. *FEA*, 529 F. 2d 1016 (TECA 1975) and in *Pasco* v. *FEA*, 525 F. 2d 1391 (TECA 1975).

In addition to furthering the objectives of EPAA sec. 4(b)(1) by preserving the rights and obligations established by the entitlements program, the clean-up rule furthers certain of the objectives in its own right, such as preservation of an economically sound and competitive petroleum industry, equitable distribution of crude oil and minimization of economic distortion. Without this clean-up rule, these objectives certainly would suffer since refiners and other entitlements program participants would have no other readily accessible administrative mechanism to satisfy claims against the program.

III. Other Comments

Several commenters were of the opinion that somehow the special beneficiaries under the entitlements program would benefit disproportionately from the clean-up mechanism. These special beneficiaries, such as recipients of the small refiner bias and California entitlements and the Strategic Petroleum Reserve, were issued extra (that is, not issued directly for reported crude oil runs-to-stills) entitlements during the reporting period. The values of these extra benefits were not affected by the value of the runs credit. Similarly, these benefits would not be affected by claims or obligations which affect the runs credit. Thus, these beneficiaries would not receive any special benefit under the clean-up mechanism, which is based on changes to the runs credit. Of course, to the extent that these beneficiaries also had actual or deemed runs-to-stills, or had an amendment or adjustment to report, they would participate in the clean-up list.

The benefits received by importers of eligible products and users of petroleum substitutes were on the basis of deemed runs. Therefore, these firms were affected by the runs credit and will be included on the clean-up list to pay their share of a claim or to receive their share of an obligation.

Some commenters suggested that the language in E.O. 12287 authorizing the Secretary of Energy to establish a mechanism for "entitlements adjustments" for periods prior to decontrol limits any clean-up mechanism to accounting only for prior months *invoice adjustments*. We disagree that the use of the term in the Executive Order is so limited.

IV. Procedural Matters

A. *Executive Order 12291*

Under section 8(b) of Executive Order No. 12291 (46 FR 13193, February 19, 1981), the Director of the Office of Management and Budget ("Director") is authorized to exempt any class or category of regulations from any or all requirements of that Executive Order.

An exemption was requested of the Director for those regulations issued to implement Executive Order No. 12287. The request was granted.

B. *Section 102 of NEPA*

It has been determined by DOE's NEPA Affairs Division that this regulation does not constitute a major federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act and, therefore, the preparation of an Environmental Impact Statement for this regulation is not required.

C. *Section 404 of the DOE Act*

Pursuant to the requirements of section 404(a) of the Department of Energy Organization Act (42 U.S.C. 7101 *et seq.*, Pub. L. 95–91), the proposed rule was referred to the Federal Energy Regulatory Commission for a determination as to whether the proposal would significantly affect any matter within the Commission's jurisdiction. We have been notified that the Commission has declined to take jurisdiction.

D. *Regulatory Flexibility Act*

Section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) provides that the provisions of Sections 603 and 604 of that Act pertaining to the preparation of regulatory flexibility analyses shall not apply to any proposed or final rule if the head of the issuing agency certifies that the rule would not, if promulgated, have a significant impact on a substantial number of small entities.

Executive Order 12287 effectively mandated the termination of the entitlements program, allowing for necessary adjustments for periods prior to the Order. Today's rule merely provides a mechanism whereby the orderly and equitable termination of the entitlements program can be effected.

In view of the nature of the rule, ERA is hereby certifying that the rule will not have a significant impact on a substantial number of small entities.

E. *Administrative Procedure Act*

Paragraph (d) of 5 U.S.C. 553 provides that the required publication of a rule be made at least 30 days before its effective date. One of the exceptions to this requirement is where the agency publishes with the rule a finding of good cause for allowing less than 30 days before the rule becomes effective.

ERA has determined that there is good cause for making this rule effective August 1, 1981. First, resellers have been on notice that ERA would establish a recertification cut-off since the NOPR wherein we proposed a cut-off date as early as May 1, 1981. Second, in view of

the recertification deadlines in § 212.131, discussed in an earlier section of the preamble, at this late date almost all recertifications have been completed. And, since there remains ample time before August 1, resellers still will be able to recertify crude oil where appropriate.

Third, many commenters urged ERA to adopt a recertification deadline at the end of a month to correspond with the close of an accounting period. To allow the full 30 days before the effective date of this rule, and to establish a recertification cut-off at the end of a month, would require setting that deadline at August 31, 1981. Since the reporting date for the clean-up list, by necessity, must follow the recertification deadline, delaying the recertification deadline until August 31 and the clean-up reporting deadline until mid-September would result in the clean-up list not being issued before the EPAA expires on September 30, 1981.

For the above reasons, ERA finds that there is good cause to make this rule effective August 1, 1981.

(Emergency Petroleum Allocation Act of 1973, 15 U.S.C. § 751 *et seq.*, Pub. L. 93–159, as amended, Pub. L. 93–511, Pub. L. 94–99, Pub. L. 94–133, Pub. L. 94–163, and Pub. L. 94–385; Federal Energy Administration Act of 1974, 15 U.S.C. § 787 *et seq.*, Pub. L. 93–275, as amended, Pub. L. 94–332, Pub. L. 94–385, Pub. L. 95–70, and Pub. L. 95–97; Energy Policy and Conservation Act, 42 U.S.C. § 6201 *et seq.*, Pub. L. 94–163, as amended, Pub. L. 94–385, Pub. L. 95–70, Pub. L. 95–619, and Pub. L. 96–30; Department of Energy Organization Act, 42 U.S.C. § 7101 *et seq.*, Pub. L. 95–91, Pub. L. 95–509, Pub. L. 95–619, Pub. L. 95–620, and Pub. L. 95–621; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267; E.O. 12287, 46 FR 9909)

In consideration of the foregoing, Parts 211 and 212 of Chapter II, Title 10 of the *Code of Federal Regulations* are amended as set forth below, effective August 1, 1981.

Issued in Washington, D.C., July 9, 1981.

Barton R. House,

Acting Administrator, Economic Regulatory Administration.

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

1. Part 211 is amended by adding § 211.69 to read as follows:

§ 211.69 Entitlements adjustment mechanism.

(a) *Scope.* This section applies to all refiners and other firms listed on any Entitlements Notice issued with respect to crude oil runs-to-stills and crude oil receipts during the period October 1, 1980, through January 27, 1981, as well as to any other firms which owe money to, or are entitled to receive money from, the entitlements program.

(b) *Purpose.* This section provides a method for an orderly termination of the domestic crude oil entitlements program originally established in § 211.67.

(c) *Definitions.* For purposes of this section, all terms that are contained in or necessary to the implementation of this section shall have the same meanings as under the provisions of 10 CFR Part 211 that were in effect on January 27, 1981, except as specifically set forth in the following definitions:

"Adjustment" means the receipt of an invoice of recertified crude oil previously booked into a refiner's account in a month during the reporting period which results in a change to the volume and/or category as previously reported on the ERA–49 and a subsequent invoice to a reported volume based on either a prior invoice or a good faith estimate. A good faith estimate is a volume based on that refiner's past experience as to its composition for pricing purposes of domestic crude oil of the same origin.

"Amendment" means a resubmission of a previously filed report for a month in the reporting period resulting from an internal company error.

"Claim" means the dollar amount determined by ERA to be owed to a firm resulting from adjustments, amendments or other modifications to any one or more Entitlements Notices issued by ERA pursuant to 10 CFR 211.67 for the period from October 1, 1980, through January 27, 1981, or resulting from an administrative or judicial determination.

"Crude oil runs-to-stills" includes crude oil runs-to-stills applicable to the Entitlements Notice issued for each month in the reporting period, increased for any month for which a firm received entitlements pursuant to §§ 211.67(a)(3) or 211.67(a)(5) by a number equal to the number of entitlements issued pursuant to these sections in that month, divided by the national domestic crude oil supply ratio for that month.

"ERA" means the Economic Regulatory Administration of the Department of Energy (DOE).

"Obligation" means the dollar amount determined by ERA to be owed by a firm as a result of adjustments, amendments or other modifications to any one or more Entitlements Notices issued by ERA pursuant to 10 CFR 211.67 for the period from October 1, 1980, through January 27, 1981, or resulting from an administrative or judicial determination.

"Reporting period" means the period October 1, 1980, through January 27, 1981.

(d) *Determination of claims and obligations.*—(1) *Amendments.* Firms shall correct all errors contained in reports filed pursuant to 10 CFR 211.66 or 10 CFR 211.67(a)(5)(ii) for the reporting period by filing amended reports which must be received by ERA by August 15, 1981. For each month for which an amended report is filed by a firm pursuant to this subsection, ERA shall determine for that firm: (i) the obligation for that month by determining the dollar value of the amendment, using the entitlement data for that month; or (ii) the claim for that month by determining the dollar value of the amendment, using the entitlement data for that month.

(2) *Invoice adjustments.* (i) All refiners shall report to DOE on Form ERA–49 for each reported category of crude oil the sum of all adjustments to the volume of crude oil receipts during the reporting period not previously reported to ERA. If a refiner has no adjustments for the reporting period, it shall file a report of zero adjustments. Reports must be received by ERA by August 15, 1981.

(ii) Refiners shall designate on the Form ERA–49 the month during the reporting period when the crude oil subject to the adjustment first was received.

(iii) For each month for which an adjustment is filed by a refiner pursuant to this subsection, ERA shall determine for that refiner: the obligation for that month by determining the dollar value of the increased number of barrels of deemed old oil, using the deemed old oil ratios and the entitlement price for that month; or, the claim for that month by determining the dollar value of the decreased number of barrels of deemed old oil, using the deemed old oil ratios and the entitlement price for that month.

(3) *Other claims and obligations.* (i) ERA shall determine the dollar value of any other claims or obligations of any firm in any month which is not otherwise included in subsections (d)(1) or (2) of this issue by using the entitlement price and other entitlement data for that month.

(ii) To the extent that any claim or obligation determined pursuant to subsection (d)(3)(i) of this section is not applicable to a particular month in the reporting period, ERA shall prorate the amount of such claim or obligation equally among all months in the reporting period.

(e) *Total calculation.*—(1) ERA shall determine the net calculation for each month in the reporting period by subtracting the sum of all obligations for that month from the sum of all claims for that month.

(2) The proportional share of the net calculation for each firm for each month in the reporting period shall be determined by multiplying the net calculation by a fraction. The numerator of the fraction is equal to the crude oil runs-to-stills for that firm used to compute the Entitlements Notice for that month, and the denominator is equal to the sum of the crude oil runs-to-stills of all firms used to compute the Entitlements Notice for that month.

(3) For each firm, ERA shall determine the sum of its proportional shares of the net calculations for each month as computed pursuant to subsection (e)(2) of this section, which shall be the total calculation for that firm.

(f) *Net obligations and net claims.*

ERA shall determine each firm's net obligation or net claim as follows:

(1) If the sum of its claims for the reporting period, minus the sum of its obligations for the reporting period, and minus its total calculation (determined pursuant to paragraph (e)) is greater than zero, it is a net claim and the firm shall be entitled to that sum of money from firms with net obligations.

(2) If the sum of its claims for the reporting period, minus the sum of its obligations for the reporting period, and minus its total calculation (determined pursuant to paragraph (e)) is less than zero, it is a net obligation and the firm shall be required to pay that sum of money to firms with net claims.

(g) *Settlement of net obligations and net claims.*—(1) As soon as practicable after August 15, 1981, ERA shall publish in the **Federal Register** a list of the net claim or net obligation of each firm. Firms with net obligations shall complete payments of such obligations to firms with net claims within 10 days from the date of publication of the list in the **Federal Register.**

(2) ERA may direct firms which have not paid monies equal to their net obligations under this section to transfer money, not in excess of their net obligation, to such firms as determined by ERA.

(3) Within 20 days from the date of publication of the list of net claims and obligations, each firm with a net claim or obligation shall certify to ERA in writing that it has completed the transactions required by this section, with whom the transaction has been completed and the dollar amounts for each firm. Certifications should be addressed to:

Entitlements Program Office, Economic Regulatory Administration, 20th Street Postal Station, P.O. Box 19326, Washington, D.C. 20461

(4) If a firm with a net claim does not receive any or all of its money from firms with net obligations, that firm may apply to ERA for an order establishing the amount of the deficiency. Upon issuance of the order by ERA, the firm shall be deemed to have a claim against the entitlements program pursuant to subsection (h)(1) for the amount of the deficiency.

(h) *Post-clean-up claims and obligations.*

(1)(i) If after issuance of the list of net obligations and net claims, the Office of Hearings and Appeals of the Department of Energy, the Federal Energy Regulatory Commission or a court of competent jurisdiction determines, in an order no longer subject to appeal, that any party is entitled to a claim against the entitlements program, firms listed on the list of net obligations and net claims issued pursuant to subsection (g)(1) shall owe the amount of the claim.

(ii) Each firm shall pay to the party receiving the order an amount equal to the claim determined pursuant to subsection (h)(1)(i) of this section multiplied by a fraction, the numerator of which is equal to the total crude oil runs-to-stills for that firm used to compute Entitlements Notices in the reporting period, and the denominator of which is the sum of the crude oil runs-to-stills for all firms used to compute Entitlements Notices in the reporting period.

(2)(i) If after issuance of the list of net obligations and net claims, the Office of Hearings and Appeals of the Department of Energy, the Federal Energy Regulatory Commission or a court of competent jurisdiction determines, in an order no longer subject to appeal, that any party has an obligation to the entitlements program, other than as a result of entitlements enforcement actions, firms listed on the list of net obligations and net claims issued pursuant to subsection (g)(1) shall be owed that obligation.

(ii) The party shall pay to each such firm an amount equal to the obligation multiplied by a fraction, the numerator of which is equal to the total crude oil runs-to-stills for that firm used to compute Entitlements Notices in the reporting period, and the denominator of which is the sum of the crude oil runs-to-stills for all firms used to compute Entitlements Notices in the reporting period.

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

§ 212.131 [Removed]

2. Section 212.131 is removed.

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Monday
July 13, 1981

Part VII

Department of Energy

Economic Regulatory Administration

Tertiary Incentive Program, Notice of Determination Not to Adopt a Final Rule

Part VII

Department of Energy

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 212

[Docket No. ERA-R-81-04]

Tertiary Incentive Program, Notice of Determination Not to Adopt a Final Rule

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of determination not to adopt a final rule.

SUMMARY: The Economic Regulatory Administration (ERA) is announcing its intent not to adopt any of the proposals set forth in the May 6 Notice of Proposed Rulemaking concerning the Tertiary Incentive Program. ERA has made this decision on the basis of a careful review of the entire record in this proceeding. That record clearly indicates that the assumptions and tentative conclusions contained in the May 6 Notice were incorrect regarding the failure of the program in certain respects to further the purposes of the Emergency Petroleum Allocation Act.

FOR FURTHER INFORMATION CONTACT:

Eugene Glass or Douglas Harnish, Economic Regulatory Administration, Room 6318–G (Glass); Room 7116 (Harnish), 2000 M Street, NW., Washington, D.C. 20465, (202) 653–453 (Glass); 653–3269 (Harnish);

William Funk or Ben McRae (Office of General Counsel), U.S. Department of Energy, Room 6A–141, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–6736 (Funk); 252–6739 (McRae); Jack Vandenberg (Office of Public Information), Economic Regulatory Administration, Room B–110, 2000 M Street, NW., Washington, D.C. 20461, (202) 653–4055.

SUPPLEMENTARY INFORMATION: On March 17, 1981, ERA issued an advance notice of proposed rulemaking (46 FR 17566, March 19, 1981, "March 19 Notice") announcing that it would propose to rescind the Tertiary Incentive Program ("incentive program") with respect to allowed expenses that had not been incurred and paid on or before March 19, 1981. ERA took this action on the basis of the tentative conclusion that the program was no longer achieving its original goal of promoting enhanced oil recovery ("EOR") activity that otherwise would not have been undertaken. Specifically, many firms had informed ERA that most of the allowed expenses incurred and paid since the issuance of Executive Order No. 12287, which decontrolled crude oil prices, had related to EOR activity that would have been undertaken regardless of the exisitence of the incentive program and that, in some cases, these allowed expenses related to sham projects (that is, projects that were merely devices by which a firm could receive the benefits available under the incentive program without any real commitment to EOR acitivity).

On April 28, 1981, ERA issued a notice of proposed rulemaking (46 FR 25315, May 6, 1981, "May 6 Notice") that proposed the action discussed in the March 19 notice. The May 6 Notice also proposed to rescind the incentive program with respect to all in-house allowed expenses and with respect to those prepad allowed expenses that were not incurred and paid prior to January 28, 1981, on the bais of the tentative conclusions that most of these expenses related to EOR activities, that would have been undertaken on the same time schedule, without regard to the incentive program. ERA believed that rescission of the incentive program with respect to in-house and prepaid allowed expenses would be consistent with its original intention in adopting the incentive program and that the retroactive nature of these additional changes would not significantly impact participants in the program.

On May 19 and 20, 1981, ERA held a public hearing on these proposals. ERA also received written comments on these proposals through June 5, 1981.

After reviewing these comments, as well as reports and certifications filed by producers under the program, ERA has found no evidence to support its tentative conclusions concerning in-house allowed expenses, prepaid allowed expenses incurred or paid after January 27, 1981, or all allowed expenses incurred or paid after March, 19, 1981. Rather, numerous firms in their oral and written comments demonstrated that because of the provisions permitting the recovery of these allowed expenses they have intiated EOR activity that otherwise would not have been undertaken. These firms further demonstrated that the provisions proposed to be rescinded had been instrumental in the early initiation of many EOR projects. This encouragement to EOR activity should result in increased domestic crude oil production that otherwise would not have occurred. These are the precise goals ERA sought in adopting the incentive program. Also, these firms conclusively demonstrated that the retroactive nature of the two additional proposed changes would seriously impact outstanding projects, cause havoc in the industry, and divest them of funds received and spent in detrimental reliance on the then existing regulatory provisions.

Accordingly, ERA has decided not to adopt any of the proposals contained in the May 6 Notice. ERA intends to publish a more extensive analysis of the record and comments in the future, but this notice is intended to inform interested persons of ERA's final determination in this proceeding.

Issued at Washington, D.C., July 8, 1981.

Barton R. House,

Acting Administrator Economic Regulatory Administration.

[FR Doc. 81-20525 Filed 7-9-81; 2:08 pm]

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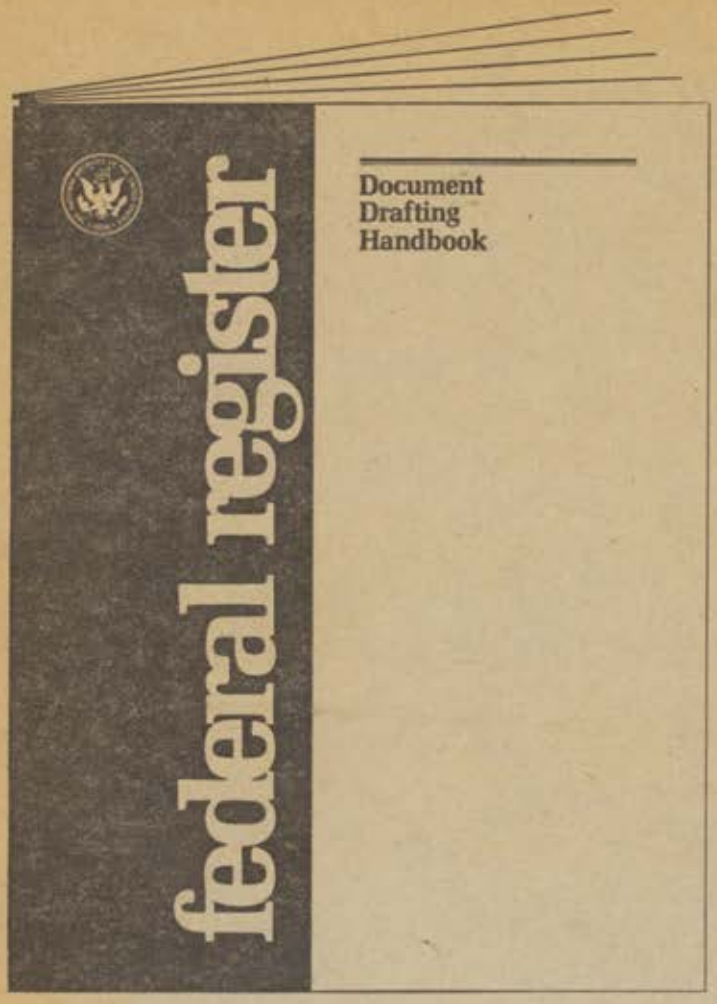

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