

federal register

Wednesday
August 12, 1981

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- 40773 Money Market Certificates** DIDC extends comment period on ceiling rates for certain 26-week money market certificates and interest rates for passbook savings accounts.
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- 40781 Antidumping** Commerce/ITA issues preliminary results of administrative review of countervailing duty order on certain footwear from India.
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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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Federal Register

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

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

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

5 CFR Ch. XIV

Change in Current Regional Office Address

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

ACTION: Amendment of rules and regulations.

SUMMARY: This document amends Appendix A, paragraph (d)(9) (5 CFR Part 2400) (1981) of the rules and regulations of the Federal Labor Relations Authority (Authority), General Counsel of the Federal Labor Relations Authority (General Counsel), and Federal Service Impasses Panel (Panel), published at 5 CFR 2400 *et seq.* to establish a new address for the Authority's San Francisco, California, Regional Office.

EFFECTIVE DATE: July 20, 1981.

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

SUPPLEMENTARY INFORMATION: Effective January 28, 1980, the Authority, General Counsel and Panel published, at 45 FR 3482, final rules and regulations to govern the processing of cases by the Authority, General Counsel and Panel under chapter 71 of title 5 of the United States Code. These rules and regulations are required by Title VII of the Civil Service Reform Act of 1978 and are set forth in 5 CFR Part 2400 *et seq.* (1981). Appendix A, paragraph (d) of the foregoing rules and regulations sets forth the office addresses and telephone

numbers of the Regional Directors of the Authority. This amendment set forth the new address of the San Francisco, California, Regional Office of the Authority (The telephone numbers remain unchanged). Accordingly, Appendix A, paragraph (d)(9) of the Authority, General Counsel, and Panel rules and regulations (5 CFR Part 2400 *et seq.* (1981) is revised to read as follows:

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

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

(9) *San Francisco Regional Office*—530 Bush Street, Room 542, San Francisco, California 94108, Telephone: FTS 556-8105, Commercial: (415) 556-8105.

(5 U.S.C. 7134)

Dated: August 7, 1981.

For the Authority:

James J. Shepard,
Executive Director.

For the General Counsel:

S. Jesse Reuben,
Deputy General Counsel.

Federal Labor Relations Authority.

[FR Doc. 81-23405 Filed 8-11-81; 8:45 am]

BILLING CODE 6325-19-M

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Part 1822

Revision of Section 502 Rural Housing Loan Policies, Procedures and Authorizations

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration amends its regulations regarding Section 502 Rural Housing Loan Policies, Procedures and Authorizations. The action is taken to remove the requirement that qualified debts to be refinanced must have been in existence for at least 5 years. This change is authorized by the Housing and Community Development Amendments of 1979 (Pub. L. 96-153). This revision will allow the Agency to be more responsive to the housing needs of low-

and moderate-income rural residents served by the program.

EFFECTIVE DATE: August 12, 1981.

FOR FURTHER INFORMATION CONTACT:

Daryl L. Grove, Director, Single Family Housing Loan Division, Farmers Home Administration, USDA, Room 5345, South Agriculture Building, 14th and Independence Avenue, SW, Washington, DC 20250, Telephone: 202-382-1479.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512-1 which implements Executive Order 12291 and has been determined to be nonmajor.

This action requires no change in recordkeeping requirements and no increase in costs to the Government or the public. There is no impact on proposed budget levels, and funding allocations will not be affected because of this action. Funds will be used on a first-come, first-served basis as at present. We have determined that this regulation maximizes net benefit to society at the lowest net cost.

This regulation does not directly affect any FmHA programs or projects which are subject to A-95 clearinghouse review.

10.410 Low to Moderate Income Housing Loans (Rural Housing Loans—Section 502—Insured)

This document has been reviewed in accordance with 7 CFR Part 1901, Subpart G, "Environmental Impact Statements." It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91-190 an Environmental Impact Statement is not required.

Publication for comment is not necessary since this amendment was previously published for comment on February 14, 1980, as part of the revision of Subpart A of Part 1944 (45 FR 10240). Comments were received and the final rule was published on January 19, 1981 (46 FR 4681). That rule was suspended for further study prior to its effective date. FmHA has finished the review of this section and has decided to implement it as previously published with minor editorial changes. The

remainder of the regulation is still under review.

This action is needed to facilitate and improve the services provided by the Section 502 program. No alternative actions were considered.

This action will remove the 5-year limitation on qualified existing liens eligible for refinancing under the Section 502 rural housing program. It will allow refinancing of qualified debts for applicants in danger of losing their dwellings, due to unforeseen circumstances beyond their control, provided the debt was incurred prior to date of application for services.

Therefore, § 1822.7 of Subpart A of Part 1822, Chapter XVIII, Title 7, Code of Federal Regulations, is amended as follows:

1. By revising paragraph (c) to read as follows:

Part 1822 Rural Housing Loans and Grants

§ 1822.7 [Amended]

(c) Refinancing debts.

(1) Refinancing of FmHA debts is not authorized.

(2) Loan funds may be used for refinancing non-FmHA debts only if the debt was incurred by the applicant prior to the date the application was filed and the following conditions can be met:

(i) The debt was incurred for purposes for which a Section 502 RH loan could be made or is a protective advance by the mortgagee for items covered by the mortgage to be refinanced, such as accrued interest, insurance premium or real estate tax advances or preliminary foreclosure costs.

(ii) The debt must be a lien against the property which will be security for the RH loan. The promissory note and security instrument for the debt must represent rates and terms that were typical and customary for long-term residential financing in the area at the time the debt was incurred. A loan to refinance a qualified secured debt may also include short-term or unsecured debts, if necessary to establish a sound repayment ability, if such short-term or unsecured debts were incurred for authorized Section 502 loan purposes and are not a significant portion of the loan.

(iii) Payments on the debt are so seriously delinquent, for reasons beyond the control of the applicant, except as noted in paragraph (2)(iv) below of this section, that the applicant is likely to lose the dwelling at an early date if the debt is not refinanced. Such delinquency must be due to loss of employment or

income, illness, or such other similar events or unforeseen circumstances.

(iv) If a loan of \$5,000 or more is necessary for repairs to correct major deficiencies to make the dwelling decent, safe and sanitary, an existing lien may be refinanced regardless of delinquency, if necessary for the applicant to have repayment ability for the existing loan and the requested loan for repairs.

(v) A statement will be obtained from the lender for each debt to be refinanced showing the purpose for which the debt was incurred, the date on which it was incurred, the final due date, interest rate, amount and frequency of installment, amount of delinquency, unpaid principal and accrued interest.

(3) Debts or costs incurred after the date of application may be refinanced if the costs were incurred for:

(i) Fees for legal, architectural and other technical services, or

(ii) Materials, construction or site acquisition.

(iii) The County Supervisor may authorize the use of RH funds to pay costs provided for in (i) and (ii) above only when all of the following conditions exist:

(A) The costs were incurred after the applicant filed a written application for a loan but before the loan was closed. In the case of a subsequent loan to complete improvements previously planned, the costs must have been incurred after the initial loan was closed.

(B) The applicant is unable to pay such costs from personal resources or to obtain credit from other sources and failure to authorize the use of RH funds to pay such costs would jeopardize the applicant's capability of repaying the loan.

(C) The construction or repair work conforms to that shown on the building plans and specifications on Form FmHA 424-1, "Development Plan," when applicable, and the costs were incurred for authorized Section 502 loan purposes.

2. By removing paragraph (i)(3) and redesignating (i)(4) through (i)(8) to (i)(3) through (i)(7) respectively, without change.

(42 U.S.C. 1479; 7 CFR 2.23; 7 CFR 2.70)

Dated: July 30, 1981.

Frank W. Naylor, Jr.,

Under Secretary for Small Community and Rural Development.

[FR Doc. 81-23354 Filed 8-11-81; 8:45 am]

BILLING CODE 3410-07-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C-3069]

DKG Advertising, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires a New York City advertising agency, among other things, to cease disseminating advertisements which misrepresent that the Black Man's Shaver or any other device or commercial treatment will cure or minimize "razor bumps." Further, respondent is barred from making statements which are inconsistent with accepted medical opinion or which misrepresent the efficacy, performance or superiority of any drug or device. The order also requires the company to maintain specific records for a period of 3 years and provide its operating divisions with a copy of the order.

DATES: Complaint and order issued July 17, 1981.¹

FOR FURTHER INFORMATION CONTACT: FTC/PF, Mark A. Heller, Washington, D.C. 20580. (202) 724-1522.

SUPPLEMENTARY INFORMATION: On Tuesday, May 5, 1981, there was published in the *Federal Register*, 46 FR 25102, a proposed consent agreement with analysis in the Matter of DKG Advertising, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Advertising falsely or misleadingly: § 13.20 Comparative data or merits; § 13.170 Qualities or properties of product or service, 13.170-52 Medicinal, therapeutic, healthful, etc., 13.170-70

¹ Copies of the Complaint and the Decision and Order filed with the original document.

Preventive or protective; § 13.190 Results; § 13.205 Scientific or other relevant facts; § 13.280 Unique nature or advantages. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements, 13.533-45 Maintain records. Subpart—Disseminating advertisements, etc.: § 13.1043 Disseminating advertisements, etc. Subpart—Misrepresenting oneself and goods—goods: § 13.1575 Comparative data or merits; § 13.1710 Qualities or properties; § 13.1730 Results; § 13.1740 Scientific or other relevant facts; § 13.1770 Unique nature or advantages. Subpart—Neglecting, unfairly or deceptively to make material disclosures: § 13.1863 Limitations of product; § 13.1885 Qualities of properties; § 13.1895 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46, Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52)

Carol M. Thomas,
Secretary.

[FR Doc. 81-23431 Filed 8-11-81; 8:45 am]
BILLING CODE 6750-01-M

16 CFR Part 13

[Docket C-3071]

Miles Laboratories, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.
ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement requires an Elkhart, Indiana manufacturer and seller of various non-prescription health care products, among other things, to cease failing to make its advertising and promotional allowances available on proportionally equal terms to all customers, both direct and indirect. The order also requires the company to notify all its customers, as specified, of its advertising and promotional programs, and of the availability of usable and economically feasible alternatives. The firm is further required to distribute a special written notice informing customers of the modification in its promotional programs, and provide its sales personnel with a copy of the order.

DATES: Complaint and order issued July 17, 1981.¹

¹ Copies of the Complaint and the Decision and Order filed with the original document.

FOR FURTHER INFORMATION CONTACT: FTC/CS-1, Randall S. Leff, Washington, D.C. 20580 (202) 724-1879.

SUPPLEMENTARY INFORMATION: On Tuesday, April 28, 1981, there was published in the *Federal Register*, 46 FR 23763, a proposed consent agreement with analysis in the Matter of Miles Laboratories, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures. Subpart—Discriminating In Price Under Section 2, Clayton Act—Payment for services or facilities for processing under 2(d): § 13.824 Advertising expenses; § 13.825 Allowances for services or facilities. Subpart—Discriminating In Price Under Section 5, Federal Trade Commission Act: § 13.894 Unequal discounts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; Sec. 2, 49 Stat. 1526; 15 U.S.C. 45, 13)

Carol M. Thomas,
Secretary.

[FR Doc. 81-23432 Filed 8-11-81; 8:45 am]
BILLING CODE 6750-01-M

16 CFR Part 13

[Docket C-3068]

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

AGENCY: Federal Trade Commission.
ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement requires a New York City manufacturer, among other things, to cease disseminating advertisements which misrepresent that the Black Man's Shaver or any other device or commercial treatment will cure or minimize "razor bumps." Further, the

company is barred from making statements which are inconsistent with accepted medical opinion or which misrepresent the efficacy, performance or superiority of any drug or device. The order also requires that the company contact previous customers and make refunds to those eligible.

DATES: Complaint and order issued July 17, 1981.¹

FOR FURTHER INFORMATION CONTACT: FTC/PF, W. Benjamin Fisherow, Washington, D.C. 20580. (202) 724-1511.

SUPPLEMENTARY INFORMATION: On Tuesday, May 5, 1981, there was published in the *Federal Register*, 46 FR 25103, a proposed consent agreement with analysis in the Matter of Sperry Corporation, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Advertising Falsely or Misleadingly: § 13.20 Comparative data or merits; § 13.170 Qualities or properties of product or service; 13.170-52 Medicinal, therapeutic, healthful; 13.170-70 Preventive or protective; § 13.190 Results; § 13.205 Scientific or other relevant facts; § 13.280 Unique nature or advantages. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533-45 Maintain records. Subpart—Disseminating Advertisements, Etc.: § 13.1043 Disseminating advertisements, etc. Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1575 Comparative data or merits; § 13.1710 Qualities or properties; § 13.1725 Refunds; § 13.1730 Results; § 13.1740 Scientific or other relevant facts; § 13.1770 Unique nature or advantages. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1863 Limitations of product; § 13.1885 Qualities or properties; § 13.1895 Scientific or other relevant facts.

¹ Copies of the Complaint and the Decision and Order filed with the original document.

[Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45]

Carol M. Thomas,
Secretary.

[FR Doc. 81-23426 Filed 8-11-81; 8:45 am]
BILLING CODE 6750-01-M

16 CFR Part 13

[Docket No. C-3070]

YKK (U.S.A.) INC.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.
ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a New Jersey based firm engaged in the manufacture and sale of finished zippers, zipper chain and sliders, to cease discriminating in price between different customers on the same functional level, purchasing products of like grade and quality, through the use of discriminatory prices and rebates.

DATES: Complaint and order issued July 17, 1981.¹

FOR FURTHER INFORMATION CONTACT: FTC/CS-1, Charles W. Corddry III, Washington, D.C. 20580. (202) 724-1279.
SUPPLEMENTARY INFORMATION: On Thursday, May 7, 1981, there was

published in the Federal Register, 46 FR 25476, a proposed consent agreement with analysis in the Matter of YKK (U.S.A.) Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Discriminating between customers: § 13.685 Discriminating between customers, 13.685-5 Clayton Act, 13.685-10, Federal Trade Commission Act. Subpart—Discriminating in price under Section 2, Clayton Act—Price discrimination under 2(a): § 13.700 Arbitrary or improper functional discounts; § 13.715 Charges and price differentials. Subpart—Discriminating in price under Section 5, Federal Trade Commission Act: § 13.870 Charges and prices; § 13.894 Unequal discounts.

[Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; Sec. 2, 49 Stat. 1526; 15 U.S.C. 45, 13]

Carol M. Thomas,
Secretary.

[FR Doc. 81-23430 Filed 8-11-81; 8:45 am]
BILLING CODE 6750-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1128

[Ex Parte No. 395]

Feeder Railroad Development Program

AGENCY: Interstate Commerce Commission.

ACTION: Removal of interim rules—clarification.

SUMMARY: At 46 FR 35648, July 10, 1981, the Commission adopted final rules setting out procedures for implementing the feeder railroad development program established by section 401 of the Staggers Rail Act of 1980. At 45 FR 83506, December 19, 1980, the Commission had adopted these rules as interim rules. This notice is to clarify the amendatory language of the final rules.

EFFECTIVE DATE: July 10, 1981.

FOR FURTHER INFORMATION CONTACT: Michael Sullivan (202) 275-0826, or Ellen Hanson (202) 275-7245.

SUPPLEMENTARY INFORMATION: The amendatory language on page 35654 should have read: "Chapter X of Title 49 of the Code of Federal Regulations is amended by removing the interim rules in Part 1128 and adding, as Part 1128, the regulations set forth in the Appendix."

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-23407 Filed 8-11-81; 8:45 am]
BILLING CODE 7035-01-M

¹ Copies of the Complaint and the Decision and Order filed with the original document.

Proposed Rules

Federal Register

Vol. 46, No. 155

Wednesday, August 12, 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 1207

Potato Research and Promotion Plan; Proposed Expenses and Rate of Assessment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rulemaking.

SUMMARY: This notice invites written comments on proposed expenses for the functioning of the National Potato Promotion Board. It would enable the Board to collect assessments from designated handlers on assessable potatoes and to use the resulting funds for its expenses.

DATE: Comments due by August 26, 1981.

ADDRESS: 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 will 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. The Impact Analysis relating to this proposed rule is available upon request from Mr. Porter.

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.

The Potato Board is the administrative agency established under the Potato Research and Promotion Plan (7 CFR 1207). This program is effective under

the Potato Research and Promotion Act (7 U.S.C. 2611-2627).

PART 1207—POTATO RESEARCH AND PROMOTION PLAN

It is proposed that § 1207.409 (45 FR 41391, June 19, 1980) be removed and § 1207.410 be added as follows:

§ 1207.410 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning July 1, 1981, and ending June 30, 1982, by the National Potato Promotion Board for its maintenance and functioning and for such purposes as the Secretary determines to be appropriate will amount to \$2,187,000.

(b) The rate of assessment to be paid by each designated handler in accordance with the provisions of the Plan shall be one cent (\$0.01) per hundredweight of assessable potatoes handled by such person during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as an operating monetary reserve.

(d) Terms used in this section have the same meaning as when used in the Potato Research and Promotion Plan.

Dated: August 6, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-23404 Filed 8-11-81; 8:45 am]

BILLING CODE 3410-02-M

DEPOSITORY INSTITUTIONS DEREGULATION COMMITTEE

12 CFR Part 1204

[Docket Nos. D-0020 and D-0021]

Ceiling Rates for 26-Week Money Market Certificates; Interest Rates for Passbook Savings Accounts; Extension of Common Period

AGENCY: Depository Institutions Deregulation Committee.

ACTION: Proposed Rulemaking; Extension of Comment Period.

SUMMARY: The Depository Institutions Deregulation Committee ("Committee") is extending for ten days the period for public comment on the Proposed Rulemaking, concerning ceiling rates for 26-week Money Market Certificates and

interest rates for passbook savings accounts, Docket Nos. D-0020 and D-0021, published in 46 FR 36712 and 36864, on July 15 and 16, 1981, respectively. The deadline for comments is extended from August 10, 1981 to August 20, 1981.

DATE: Comments must be received by August 20, 1981.

ADDRESS: Interested parties are invited to submit written data, views, or arguments concerning the proposed rules to Gordon Eastburn, Acting Executive Secretary, Depository Institutions Deregulation Committee, Room 1054, Department of the Treasury, 15th Street and Pennsylvania, NW, Washington, D.C. 20220. All material submitted should include the applicable docket number (either D-0020 and D-0021) and will be available for inspection and copying upon request, except as provided in Section 1202.5 of the Committee's Rules Regarding Availability of Information (12 CFR § 1202.5).

FOR FURTHER INFORMATION CONTACT:

Allan Schott, Attorney-Advisor, Treasury Department (202/566-6798); Daniel L. Rhoads, Attorney, Board of Governors of the Federal Reserve System (202/452-3711); F. Douglas Birdzell, Counsel, Federal Deposit Insurance Corporation (202/389-4261); Rebecca Laird, Senior Associate General Counsel, Federal Home Loan Bank Board (202/377-6446); or David Ansell, Attorney, Office of the Comptroller of the Currency (202/447-1880); Randall J. Miller, Acting Director, Office of Policy Analysis, National Credit Union Administration (202/357-1090).

SUPPLEMENTARY INFORMATION: The Committee is considering amending its rule relating to the establishment of interest rate ceilings for \$10,000 minimum denomination money market certificates ("MMCs") (12 CFR § 1204.104). Docket No. D-0020, 46 Fed. Reg. 36712. On July 9, 1981, the Committee requested comments on proposals: (1) to permit the interest rate ceiling on MMCs to be determined by the higher of (a) the rate for 26-week U.S. Treasury bills established immediately prior to the date of deposit or (b) the average of the rates for 26-week U.S. Treasury bills for the eight weeks immediately prior to the date of deposit; and (2) to permit the ceiling rate

on a MMC to vary weekly during the term of the deposit. The Committee also requested comments on the creation of a new short-term deposit instrument.

Under the Depository Institutions Deregulation Act (12 U.S.C. Section 3501 *et. seq.*), the Committee is required to vote, by September 30, 1981, on increasing the interest rate payable on passbook savings accounts by at least 1/4 of one percent. On July 9, 1981, the Committee requested comments on whether to increase the passbook rate, and it so, to what level. Docket No. D-0021, 46 FR 36864.

The comment period on these proposals was due to expire August 10, 1981. In response to requests by depository institutions that the period be extended to allow them sufficient time to submit their comments, the Committee is extending the time. This extension is limited to ten days to insure that all comments are received in time for the Committee to give them appropriate consideration prior to the September meeting.

By Order of the Committee,
Gordon Eastburn,
Acting Executive Secretary.

[FR Doc. 81-23491 Filed 8-11-81; 8:45 am]
BILLING CODE 4810-25-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 802, 3106]

American Honda Motor, Co., Inc.; Proposed Consent Agreement With Analysis To Aid Public Comment

Correction

In FR Doc. 81-22782 appearing on page 39833 in the issue of Wednesday, August 5, 1981, make the following corrections:

On page 39834, middle column, in the table for "Months-in-service", the entry for 1976 should have read as follows:

1976	Civic 1200, Civic CVCC & Accord.	December 6, 1976
	Civic Wagon	December 8, 1976

In the same column, immediately below the table, insert the designation I above the paragraph beginning "It is ordered, That . . .".

On page 39844, middle column, in the first paragraph under *Background*, in line six, ". . . flangers . . ." should have read ". . . flanges . . .".

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-173-80]

Installment Sales; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to the general rules for reporting gains from installment sales.

DATES: The public hearing will be held on October 1, 1981, beginning at 10:00 a.m. Outlines or oral comments must be delivered or mailed by September 17, 1981.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-173-80), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charlie Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 453 of the Internal Revenue Code of 1954. The proposed regulations appeared in the *Federal Register* for Wednesday, February 4, 1981 (46 FR 10749).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and also desire to present oral comments at the hearing on the proposed regulations should submit an outline of the comments to be presented at the public hearing and the time they wish to devote to each subject by September 17, 1981. Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be

admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive for improving government regulations appearing in the *Federal Register* for Wednesday, November 8, 1978.

By direction of the Commissioner of Internal Revenue:

David E. Dickinson,
*Director, Legislation and Regulations
Division.*

[FR Doc. 81-23403 Filed 8-11-81; 8:45 am]
BILLING CODE 4830-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-6-FRL 1848-8]

Texas; Proposed Revision of State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed Agency.

SUMMARY: The Union Carbide Corporation (UCC) has submitted a proposal to implement an Alternative Emission Reduction Plan ("bubble"). The Texas Air Control Board (TACB) and EPA have chosen to review UCC's bubble proposal simultaneously, before it has been submitted to EPA as a State Implementation Plan (SIP) revision, in order to expedite the approval process. Comments from the public will be forwarded to the State for their consideration. Assuming that there are no public comments which would negatively affect the approvability of the bubble, and that the bubble proposal does not change substantively during the State's review, EPA will be in a position to grant final approval of this proposal once the State has submitted it as a SIP revision. However, if this proposal is changed substantively, or this proposal is affected negatively by public comment, EPA will take further proposed action.

DATE: Comments must be submitted on or before September 11, 1981.

ADDRESSES: Copies of UCC's proposal are available at the following addresses for inspection:

Air Programs Branch, Environmental Protection Agency, Region 6, 1201 Elm Street, Dallas, Texas 75270

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

Comments should be addressed to Estela S. Wackerbarth, Chief, Implementation Plan Section, Attention: Docket No. TX-06-80, Air Programs Branch, Environmental Protection Agency, 1201 Elm Street, Dallas, Texas 75270.

FOR FURTHER INFORMATION CONTACT:

Estela S. Wackerbarth, Chief, Implementation Plan Section, Air Programs Branch, Environmental Protection Agency, 1201 Elm Street, Dallas, Texas 75270, (214) 767-1518.

SUPPLEMENTARY INFORMATION: On December 11, 1979, EPA promulgated the "Alternative Emission Reduction Policy," commonly referred to as the "bubble policy," in the Federal Register (44 FR 71780). Pursuant to the Alternative Emission Reduction Policy, the Union Carbide Corporation (UCC) submitted a proposal to the Texas Air Control Board (TACB) and EPA on October 24, 1980.

Background

In 1972 UCC obtained a Texas Air Control Board exemption from controls for certain Synthetic Organic Compounds (SOCs) on the basis of relatively low reactivity in the formation of photochemical oxidants; now listed as ozone. The 1979 revision to the Texas SIP cancelled these exemptions, thereby requiring UCC to control the release of these compounds to the atmosphere. These compounds are stored in 29 tanks at UCC's petrochemical plant in Texas City, Texas.

UCC is proposing to trade the emission reductions resulting from the shut down of a Low Density Polyethylene (LDP) unit for the control of the emissions from the 29 storage tanks and loading facilities that were exempted prior to Texas' 1979 SIP revision, but which must now be controlled. The LDP unit, storage tanks and loading facilities are located at the same site in Texas City, Texas. The loading facilities are used for SOCs.

As mentioned above, UCC is proposing a source shut down in lieu of controls on storage tanks and loading facilities. For source shut downs, the bubble policy references Section IV.C of EPA's Emission Offset Policy (40 CFR, Part 51, Appendix S) for determining whether a trade will result in equal emissions. Section IV.C states that the proposed new source must be a replacement for the shut down or

curtailment. Therefore, according to the offset policy, UCC could not use the emission credits from the shut down of the LDP unit, except as an offset for a replacement LDP unit.

Upon further reflection, EPA believes that bubble trades and offsets should allow emission credits for source shut downs and curtailment as long as the types and amounts of emissions to be traded are demonstrated to be equivalent. EPA therefore will be proposing to modify this aspect of the offset policy in a future notice which would, if adopted, allow UCC to trade emission reductions from the shut down of its LDP unit for the control of emissions from storage tanks and loading facilities. The action being proposed today will not be finally promulgated until these changes to the offset policy have been promulgated.

Review

For a source to be eligible to use the Alternative Emission Reduction Policy, the source must be located in an area that can demonstrate attainment by the statutory deadlines for the pollutant included in the emission reduction alternative and must have established compliance agreements for the emission points affected by the alternative approach.

First, UCC must be located in an area that can demonstrate attainment for ozone by the statutory deadlines. UCC's Texas City plant is located in Galveston County, Texas. Galveston County was listed as a rural ozone nonattainment area on March 3, 1978, (at 43 FR 8962). EPA's policy toward rural ozone nonattainment areas is discussed in the General Preamble for "Approval of State Implementation Plan Revisions for Nonattainment Areas" of the April 4, 1979 Federal Register (44 FR 20372). A specific demonstration of attainment and Reasonable Further Progress (RFP) for rural ozone nonattainment areas is not required. This policy requires states to implement Reasonably Available Control Technology (RACT) for major sources located in such areas. These requirements are based on the assumption that the nonattainment status for rural counties is caused by sources in nearby urban counties. Therefore, with RACT implemented, rural areas should attain the ozone standard by December 31, 1982. In the March 25, 1980 Federal Register (45 FR 19209), EPA determined that Texas had implemented the RACT requirements in the 1979 SIP. Therefore, UCC meets the requirements for a demonstration of attainment and RFP.

Second, UCC must have established compliance agreements for the emission

points affected by the alternative approach. The emission points from the LDP unit were in compliance with all applicable state regulations. The compliance schedules for the SOC's emission points were submitted to TACB, thereby placing UCC on compliance schedules and were submitted to EPA on March 31, 1980. These schedules were submitted in response to EPA's conditional approval of the 1979 Texas SIP. For a detailed discussion of EPA's conditional approval of the 1979 Texas SIP, see 45 FR 19209 (March 25, 1980). The schedule for UCC calls for final compliance by December 31, 1982. If this bubble proposal is approved in its present form, the emission reductions will have occurred well in advance of the compliance deadline for the storage tanks and loading facilities.

States applying the alternative approach must continue to ensure (1) attainment and maintenance of ambient air quality standards as expeditiously as practicable, (2) enforceability, and (3) compliance with all other requirements of the Act. To assist states in achieving these basic requirements, EPA has established certain conditions that an alternative approach must meet before it can be approved.

First, the site-specific bubble SIP revision must demonstrate that the bubble trade will not prevent attainment and maintenance of the standard for the pollutant being bubbled. This demonstration is made by showing that the emissions which are reduced are equivalent to those which will be released to the atmosphere. The following discussion describes, in quantitative and qualitative terms the emissions for all points and the equivalency of the emissions used in the trade.

UCC's proposal indicated that there was an emission reduction of 1119.8 tons per year from the LDP unit and the 228.8 tons per year of emissions would result from the uncontrolled storage tanks and loading facilities. The emissions from the LDP unit were estimated by UCC for the emissions inventory in the 1978 Texas SIP. These emission estimates were verified by monitoring tests. The emissions from the storage tanks and loading facilities were determined by using formulas developed by the American Petroleum Institute (API).

UCC reasoned that since they had eliminated 1119.8 tons per year as an alternative reduction to the 228.8 tons per year of SOCs, 890.2 tons per year would be available as residual offsets. However, 876.5 tons per year of the reduced emissions are unquantifiable

fugitive emission, and emissions from upsets and maintenance. To ensure consistency with section 110(A)(2)(13) of the Clean Air Act emissions from upsets or maintenance cannot be used in a bubble trade. Furthermore, the fugitive emissions involved in this particular bubble cannot be used, because they are unquantifiable and cannot be measured directly or with approved indirect measuring techniques. Consequently, UCC will not have any residual offsets. Since UCC is trading 243.3 tons per year from the LDP unit for 228.8 tons per year of uncontrolled emissions from storage tanks and loading facilities, there will be a net decrease of hydrocarbon emissions from the plant. Therefore, this proposal will not adversely affect attainment and maintenance of the standard for ozone.

EPA considers the remaining 243.3 tons per year to be committed to the trade herein review.

The second criterion for approvability of a bubble revision is that the provisions of the bubble must be enforceable. UCC's proposal contains a detailed discussion of the shut down and demolition of the LDP unit. Since the unit is shut down and being demolished, the emissions reduced cannot be emitted again. To limit the SOC's emissions from the storage tanks, UCC will be required to store only the SOCs in these tanks. If this proposal is approved, the dedication of these tanks and loading facilities to specific SOCs will become a part of the SIP.

Since UCC's Texas City plant is an existing source and there are not emission increases at any emission points involved in this bubble, PSD and NSPS requirements are not applicable. Also, none of the pollutants involved in this proposal are listed under Section 112. NESHAPs, as hazardous pollutants, Proposed Action

EPA is proposing approval of UCC's Alternative Emission Reduction Plan, as discussed above, for incorporation into the Texas SIP.

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

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it is merely proposing to

approve a State action. It will impose no new regulatory action.

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

This notice of proposed rulemaking is issued under the authority of Section 110 of the Clean Air Act as amended (42 USC 7410).

Dated March 18, 1981.
Frances E. Phillips,
Acting Regional Administrator.
[FR Doc. 81-23493 Filed 8-11-81; 8:45 am]
BILLING CODE 6560-38-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-491; RM-3835]

TV Broadcast Station in Tulsa, Okla.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to switch the noncommercial educational reservation from Channel *11 to Channel 2 in Tulsa, Oklahoma, at the request of the Oklahoma Educational Television Authority (OETA). The action, if granted, would allow OETA to operate on Channel 2, which would solve interference problems with the station on Channel *3 at Eufaula, Oklahoma.

DATES: Comments must be filed on or before October 6, 1981, and reply comments on or before October 28, 1981.

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

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

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.606(b), table of assignments, television broadcast stations (Tulsa, Oklahoma), BC Docket No. 81-491, RM-3835.

Adopted: July 30, 1981.
Released: August 7, 1981.
By the Chief, Policy and Rules Division.

1. Before the Commission is a petition for rule making,¹ filed by the Oklahoma Educational Television Authority ("OETA"), requesting that the noncommercial educational reservation be moved from Channel *11 to Channel

2 in Tulsa. The petition also requests that OETA's license for Station KOED-TV, Tulsa, be modified from its current operation on Channel *11 to specify operation on Channel 2. Similarly, the petition seeks a license modification for Station KJRH, licensed to Scripps-Howard, to specify operation on Channel *11 as opposed to Channel 2, on which it presently operates Station KJRH. Comments supporting the amended channel assignments but opposing the license modifications were filed by Tulsa 23, the permittee of Station KOKI-TV, Tulsa. OETA and Scripps-Howard replied to the comments of Tulsa 23.

2. The circumstances precipitating OETA's petition are complicated but essential to an understanding of this case. In addition to operating KOED-TV in Tulsa, OETA is the licensee of Station KOET, Channel *3, in Eufaula, Oklahoma. Stations KOED-TV and KOET broadcast substantially the same schedule. When KOET began operating at Eufaula, many residents in the area between Tulsa and Eufaula experienced extensive adjacent channel interference with Station KJRH, Channel 2, in Tulsa. By installing traps at affected television receiver locations, OETA has successfully removed most of the objectionable interference between Channel *3 at Eufaula, and Channel 2 at Tulsa. However, Station KJRH (TV) in Tulsa has recently applied to the Commission for authorization to move its transmitter site to a location approximately 20 miles closer to Station KOET, Channel *3, in Eufaula. According to OETA, this move, while substantially improving the station's service, also has the potential to aggravate the adjacent channel interference between Channel 2 in Tulsa, and Channel *3 in Eufaula. One possible way of minimizing the effects of the adjacent channel interference, OETA reasons, is for Station KOED-TV in Tulsa, to operate on Channel 2. If this occurs, the Channel 2 and Channel *3 adjacent channel operations would both be educational stations broadcasting identical services. Viewers in the interference area would usually be able to watch the stronger of the two signals without objectionable interference. However, if Station KJRH remains on Channel 2, the installation of traps would deprive viewers of either the noncommercial station on Channel 3 or the NBC affiliate on Channel 2. OETA contends that the loss of a signal to these viewers can be completely avoided if Station KOED-TV is permitted to shift operation to Channel 2 and Station KJRH moves to Channel 11.

¹ Public Notice of the petition was given February 10, 1981, Report No. 1269.

OETA asserts that adoption of its proposal would result in the provision of an interference-free NBC signal and at least one interference-free noncommercial education signal to the residents of eastern Oklahoma. OETA also reveals that if the channel switch is accomplished, Scripps-Howard (the licensee of Station KJRH) has agreed to provide OETA with equipment and services valued at well over one million dollars.

3. A necessary component of OETA's proposal includes the modification of the licenses of Stations KOED-TV and KJRH to specify operation on Channels 2 and *11, respectively. OETA argues that the Commission's policy² of not permitting modification of existing licenses when another interest has been expressed in the new channel should not be applied in this case. Although admitting that the Commission has stated in previous cases similar to this that the policy of not permitting modification would apply,³ OETA suggests that the ultimate issue in those cases was not reached because no other interests were expressed in the assignment. OETA argues that modification is necessary because: the substantial interference problem is solvable only by granting its proposal; public broadcasting in Oklahoma will be enriched by over one million dollars; and, refusing to grant modification would result in the withdrawal of its petition and a resulting permanent interference problem in southeastern Oklahoma.

4. Tulsa 23, in its comments on the OETA petition, supports the proposed change in the educational reservation from Channel *11 to Channel 2, but opposes the suggested license modifications of Stations KOED-TV and KJRH. Tulsa 23 asserts that pursuant to the *Ashbacker* doctrine⁴ as expressed in the Commission's *Cheyenne* policy, any qualified party should be permitted the opportunity to apply for the newly created commercial television assignment. The *Cheyenne* policy has consistently been followed in cases of this type, argues Tulsa 23, and there are no valid reasons to abandon the policy in this situation. Further, Tulsa 23 avers that if competing applications for Channel *11 are accepted, and it

subsequently becomes the ultimate licensee on Channel *11, it would supply OETA with an equipment and service package similar to the one offered by Scripps-Howard. In this way, all the public interest benefits of OETA's proposal (elimination of interference and the enrichment of Oklahoma public television) will still be obtained. Finally, Tulsa 23 urges the Commission to proceed with the rule making even if OETA withdraws its petition so that the public interest—as opposed to OETA's and Scripps-Howard's private interests—can be considered.

5. The reply comments of OETA and Scripps-Howard address the license modification issue in great detail. The proponents of the modification do not deny that past cases indicated that the *Cheyenne* policy would apply, but instead respectfully contend that in those cases the Commission extended *Ashbacker* and *Cheyenne* beyond their logical bounds. The proponents contend that the *Cheyenne* policy applies only when a newly assigned frequency of a superior class or channel is allocated, the existing licensee's channel of operation is not deleted, and other parties desire to apply for the assignment. OETA suggests that only the third prong of the *Cheyenne* policy exists in this case. Scripps-Howard cites *Albany, New York*, 23 F.C.C. 358 (1957), as precedent supporting the view that VHF to VHF channel switches can be made without opening the channels affected to competing applications. Further, OETA contends that the *Cheyenne* policy, while possibly based on *Ashbacker* principles, is not required by *Ashbacker*. As a policy enunciated by the Commission, OETA reasons, the Commission has the power to draw the line as to that policy's applicability. OETA and Scripps-Howard urge the Commission to draw that line so that the *Cheyenne* policy would not apply to their request to switch operating channels.

6. After careful consideration we have determined that the requested change in the channel reservation at Tulsa, should be submitted to the public for further comment. However, we do not believe modification of the licenses of Stations KOED-TV and KJRH would be appropriate given the stated interest of Tulsa 23 in applying for Channel 11. The Commission's policy regarding modification of existing licenses, as expressed in *Cheyenne, Wyoming*, and subsequent opinions, was developed based on principles espoused in *Ashbacker v. FCC. Ashbacker* simply

states that comparative consideration must be given to mutually exclusive application. In our view, this right to comparative consideration is wholly specious if the opportunity to file competing applications is denied.

7. Since the establishment of the *Cheyenne* policy, we have consistently held that, except in cases where substitutions are made to avoid short-spacings to permit new assignments,⁵ whenever a new assignment becomes available to a community all parties interested in apply for that channel should be given an opportunity to do so. In this case, if the educational reservation is shifted to Channel 2, Channel *11 would be available to commercial applicants for the first time. We do not believe other interested parties should be foreclosed from receiving comparative consideration for a license, especially where that competing interest is known. Considerations of fairness convince us that all interested parties should be given an equal opportunity to apply for Channel *11, should our proposal ultimately be adopted. In view of this disposition, we would encourage the parties to negotiate further perhaps to reach some conciliatory agreement since retention of the existing situation would not benefit anyone.

8. Accordingly, the Commission proposes to amend the Television Table of Assignments, § 73.606(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Tulsa, Okla.	2+, 6+, 8-, *11-, 23, *35-, 41+, 47.	*2+, 6+, 8-, 11-, 23, *35-, 41+, 47.

9. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

10. Interested parties may file comments on or before October 6, 1981, and reply comments on or before October 26, 1981.

11. The Commission has determined that the relevant provisions of the

²This policy is loosely referred to as the "Cheyenne" policy due to its exposition in the FM assignment case of *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976).

³*San Francisco and San Mateo, California*, 68 F.C.C. 2d 860 (1978), *recons. denied*, 70 F.C.C. 2d 2013 (1979); *El Paso, Texas*, 45 F.R. 13152, (1980).

⁴326 U.S. 327 (1945).

⁵The case, cited by Scripps-Howard, *Albany, New York*, 23 F.C.C. 358 (1957), involved just such a situation. In that case Channel 2 was substituted for Channel 13 in Utica, New York, in order to facilitate the addition of a new VHF channel at Albany.

Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the Television Table of Assignments, Section 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

12. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a

station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-23382 Filed 8-11-81; 8:45 am.]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1201

[Docket No. 36988]

Alternative Method of Accounting for Railroad Track Structures

AGENCY: Interstate Commerce Commission.

ACTION: Proposed rule; extension of comment period.

SUMMARY: On June 22, 1981 (46 FR 32289) we published proposed rules which would adopt ratable depreciation accounting for track assets to replace the current retirement-replacement-betterment accounting method. As a result of letters received from the Association of American Railroads (AAR) and American Institute of Certified Public Accountants (AICPA) we are extending the period for filing comments 60 days until October 5, 1981.

DATE: Comment date: Comments are due October 5, 1981.

ADDRESS: Send comments with 10 copies if possible to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: William F. Moss III, (202) 275-7566 or Bryan Brown, Jr., (202) 275-7448.

SUPPLEMENTARY INFORMATION: The Association of American Railroads (AAR) and American Institute of Certified Public Accountants (AICPA) have requested an extension of the due date for filing comments in this proceeding. The current comment date in this proceeding is August 6, 1981 (46 FR 32289, June 22, 1981). The AAR requested the comment period be extended 60 days until October 5, 1981, while the AICPA requested a 90-day extension until November 4, 1981. We will grant a 60-day extension which we believe will allow all parties sufficient time to develop their position and file comments.

Decided: July 22, 1981.

By the Commission, Reese H. Taylor, Jr., Chairman.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-23402 Filed 8-11-81; 8:45 am.]

BILLING CODE 7035-01-M

Notices

Federal Register

Vol. 46, No. 155

Wednesday, August 12, 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

Packers and Stockyards Administration

Marvin Wages Auction, Leesburg, Florida, et al.; Deposting of Stockyards

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

Facility No., name, and location of stockyard	Date of posting
FL-128—Marvin Wages Auction, Leesburg, Florida.	Mar. 15, 1981
GA-101—Bacon County Stockyards, Inc., Alma, Georgia.	May 20, 1959
GA-173—Gordon County Livestock Commission, Calhoun, Georgia.	July 1, 1972
IL 102—Central Illinois Horse Auction, Arthur, Illinois.	Nov. 20, 1959
IN-126—Henry County Livestock Auction, New Castle, Indiana.	Nov. 15, 1965

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

The foregoing is in the nature of a change relieving a restriction and may be made effective in less than 30 days after publication in the **Federal Register**. This notice shall become effective August 12, 1981.

[42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.]

Done at Washington, D.C., this 4th day of August 1981.

Richard W. Bauermeister,

Acting Chief, Rates and Registrations Branch, Livestock Marketing Division.

[FR Doc. 81-23400 Filed 8-11-81; 8:45 am]

BILLING CODE 3410-02-M

Marvin Wages, d.b.a. Marvin Wages Auction, Lady Lake, Florida, et al.; Proposed Posting of Stockyards

The Chief, Rates and Registrations Branch, Packers and Stockyards Administration, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

- FL-129—Marvin Wages, d.b.a. Marvin Wages Auction, Lady Lake, Florida
 IL-168—Doug Komes Horse Auction, Batavia, Illinois
 OK-201—Cattlemans Livestock Auction, Sallisaw, Oklahoma
 SC-133—Homewood Stockyard, Inc., Conway, South Carolina
 TN-178—Shelbyville Livestock Market, Shelbyville, Tennessee
 WI-137—Great Northern Investments, Fond Du Lac, Wisconsin

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to designate the stockyards named above as posted stockyards subject to the provisions of the Act as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed designation, may do so by filing them with the Chief, Rates and Registrations Branch, Packers and Stockyards Administration, United States Department of Agriculture, Washington, D.C. 20250, by August 27, 1981.

All written submissions made pursuant to this notice shall be made available for public inspection in the Office of the Chief of the Rates and

Registrations Branch during normal business hours.

Done at Washington, D.C., this 4th day of August 1981.

Richard W. Bauermeister,

Acting Chief, Rates and Registrations Branch, Livestock Marketing Division.

[FR Doc. 81-23397 Filed 8-11-81; 8:45 am]

BILLING CODE 3410-02-M

Soil Conservation Service

Critical Area Treatment Measures in the Two Rivers RC&D Area, Illinois

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:

Warren J. Fitzgerald, State Conservationist, Soil Conservation Service, Springer Federal Building, 301 North Randolph Street, Champaign, Illinois 61820, telephone (217) 398-5267.

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 Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that environmental impact statements are not being prepared for the Critical Area Treatment Measures in the Two Rivers RC&D Area in Adams, Brown, Calhoun, Pike, and Schuyler Counties, Illinois.

The environmental assessment of these federally assisted actions indicates that the projects will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Warren J. Fitzgerald, State Conservationist, has determined that the preparation and review of environmental impact statements are not needed for these projects.

The measures concern plans for critical area treatment. Conservation practices include terraces, small grade stabilization structures, debris basins, fencing, diversions, grassed waterways, and seeding.

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 Warren J. Fitzgerald. 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 proposals 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 27, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-23388 Filed 8-11-81; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

Fitness Determination of Big Sky Airlines

AGENCY: Civil Aeronautics Board.

ACTION: Notice of commuter air carrier fitness determination—order 81-8-37, order to show-cause.

SUMMARY: The Board is proposing to find that Big Sky Transportation Co. d/b/a Big Sky Airlines is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended; that it is capable of providing essential air service, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available as noted below.

DATE: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than August 26, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESS: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-8-37.

FOR FURTHER INFORMATION CONTACT: Mr. Mark W. Atwood, Bureau of Domestic Aviation, Civil Aeronautics

Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5333.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-8-37 is available from the Distribution Section Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-8-37 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: August 6, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-23453 Filed 8-11-81; 8:45 am]

BILLING CODE 6320-01-M

Fitness Determination of Horizon Airlines, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of commuter air carrier fitness determination—order 81-8-38, order to show cause.

SUMMARY: The Board is proposing to find that Horizon Airlines, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATE: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than August 28, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESS: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-8-38.

FOR FURTHER INFORMATION CONTACT: Ms. Joyce Snovitch, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5074.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-8-38 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-8-38 to

the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By The civil Aeronautics Board: August 6, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-23452 Filed 8-11-81; 8:45 am]

BILLING CODE 6320-01-M

Order Concerning Mail Rates

Order 81-8-39, August 6, 1981, Docket 38983, proposes to amend the equalization provisions of Munz Northern's service mail rates.

Copies of the order are available from the Civil Aeronautics Board Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-23451 Filed 8-11-81; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Georgia Advisory Committee; Agenda and 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 conference of the Georgia Advisory Committee to the Commission will convene at 10:15a and will end at 7:00p, on August 21, 1981; they will also convene at 8:15a and will end at 4:30p on August 22, 1981, at Atlanta Biltmore Hotel, Seminar Theater, 817 West Peachtree Street, NW., Atlanta, Georgia 30308. The purpose of this meeting is to discuss voting rights abuses, legal problems of minority representation, "Bail Out" provisions under Section 5 of the bilingual language provisions, Section 5 preclearance procedures and reapportionment.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Clayton Sinclair, Jr., 5095 Dublin Drive, N.W., Atlanta, Georgia, (404) 349-3861, or the Southern Regional Office; Citizens Trust Bank Building, Rm. 362; 75 Piedmont Avenue, NE.; Atlanta, Georgia 30303; (404) 221-4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 6, 1981.
 John I. Binkley,
 Advisory Committee Management Officer.
 [FR Doc. 81-23429 Filed 8-11-81; 8:45 am]
 BILLING CODE 6355-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Certain Footwear From India; 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 certain footwear from India. The review covers the period from January 1, 1980, through December 31, 1980. The Government of India has declined to respond to our request for updated information regarding this merchandise; therefore, the Department has tentatively determined, by using data previously developed in this case as the best information available, that the *ad valorem* rates of net subsidy are 15.08 percent for leather footwear and 12.58 percent for leather uppers other than unlasted leather uppers. As a result of this review the Department has preliminarily determined to assess countervailing duties equal to those rates on the f.o.b. invoice price of the merchandise entered during the period of the review. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: August 12, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph A. Black, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Room 2803, Washington, D.C. 20230 (202-377-1774).

SUPPLEMENTARY INFORMATION:

Procedural Background

A notice of "Final Countervailing Duty Determination and Suspension of Liquidation," T.D. 79-275, was published in the Federal Register of October 28, 1979 (44 FR 61588). The notice stated that the Treasury Department had determined that the Government of India had given bounties or grants on the manufacture, production, or exportation of certain footwear, within the meaning of section 303 of the Tariff

Act of 1930 (19 U.S.C. 1303) ["the Tariff Act"].

Following the determination countervailing duties were levied on imports of leather footwear and certain leather uppers. The final Treasury affirmative determination also covered unlasted leather uppers entering the United States duty free under the Generalized System of Preferences. Under section 303(a)(2) of the Tariff Act, countervailing duties may be imposed on duty-free merchandise only if the International Trade Commission ("the ITC") makes an affirmative injury determination. Therefore, on the same date, Treasury suspended liquidation of entries of duty-free leather footwear uppers pending an ITC injury determination. On March 26, 1980, the ITC published a notice of no injury (45 FR 19678) regarding unlasted leather uppers which effectively terminated the proceeding for that merchandise.

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 31453) a notice of intent to conduct administrative reviews of all outstanding countervailing duty orders. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the order on certain footwear from India.

Scope of Review

The merchandise covered by this review is leather footwear (except sandals, slippers, huaraches and chappals) and leather uppers other than unlasted leather uppers. This merchandise is currently classifiable in the Tariff Schedules of the United States under item numbers 700.05 through 700.95 (except items 700.28, 700.51, 700.52, 700.53, 700.54, 700.60, 700.90, 791.27 and 791.28). Sandals are defined as footwear generally consisting of a sole held to the foot by uppers, composed of thongs or straps with heel height of not over one inch or without heels. The review covers the period January 1, 1980 through December 31, 1980 and is limited to the programs cited in T.D. 79-275. These programs are: (1) short term preferential financing, (2) a deduction from taxable income up to 133 percent of overseas business expenses, and (3) cash rebates on export, that is, "Cash Compensatory Support" ("CCS").

Analysis of Programs

The Government of India has officially declined to respond to our questionnaire requesting information on the status of benefits bestowed under these three programs on footwear during the review period. Therefore, the Department is using the data developed by Treasury in its investigation on this merchandise as the best information available.

As cited in T.D. 79-275 *ad valorem* benefits under the short term preferential financing program and the overseas business expense deduction program are 0.03 and 0.05 percent, respectively, for all merchandise covered by that order.

The rates of benefit found under the CCS program were 4.16 percent for leather footwear and 0.93 percent for leather uppers other than unlasted leather uppers; however, these rates were determined by applying offsets to a higher level of benefit. These offsets are no longer permitted under the Tariff Act, as amended by the TAA. The CCS program has a stated, though not exclusive, purpose of compensating exporters for various indirect taxes paid, and not otherwise rebated, on export. As explained in greater detail by the Department in other decisions regarding exports from India ("Certain Fasteners from India" (45 FR 48607) and "Certain Textiles and Textile Mill Products from India" (45 FR 64611)), the issue of whether the CCS payments are subsidies in general under the TAA depends on whether they are "reasonably calculated, are specifically provided as non-excessive rebates of indirect taxes . . . and are directly related to the merchandise exported." The Indian government's decision not to respond to our questionnaire does not allow the Department to make that judgment; therefore we hold that the CCS program is still a subsidy program and that the full amounts of the payments, 15 percent for leather footwear and 12.5 percent for leather uppers other than unlasted uppers, represent the benefits conferred under the CCS program.

Preliminary Results of Review

As a result of our review, we preliminarily determine that the total net subsidies conferred by the programs cited above are 15.08 and 12.58 percent *ad valorem*, respectively, for leather footwear and for leather uppers other than unlasted leather uppers. Accordingly, the Department intends to instruct the Customs Service to assess countervailing duties of 15.08 percent of

the f.o.b. invoice price for leather footwear and 12.58 percent of the f.o.b. invoice price for leather uppers other than unlasted leather uppers of entries entered, or withdrawn from warehouse, for consumption from January 1, 1980 through December 31, 1980. Further, the Department intends to instruct the Customs Service to collect a cash deposit of estimated countervailing duties at those rates on all shipments of the merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of the present administrative 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 countervailing duties shall continue to be required on each entry of the merchandise at the rates specified by T.D. 79-250. Those rates are 4.24 percent of the f.o.b. invoice price for leather footwear and 1.01 percent for leather uppers other than unlasted leather uppers.

The Department has received a request from the Government of India to review our clarification of the definition of sandals published in the *Federal Register* on January 15, 1981 (46 FR 3254). The proposed change in definition would remove the heel height limitation on sandals, thereby removing all sandals from the scope of the order.

Interested parties may submit written comments on these preliminary results on or before September 11, 1981 and may request disclosure and/or a hearing within 15 days of the date of publication. The Department will publish the final results of this administrative review after analysis of issues raised in written comments or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

August 6, 1981.

[FR Doc. 81-23996 Filed 8-11-81; 8:45 am]

BILLING CODE 3510-25-M

Telecommunications Equipment Technical Advisory Committee; Partially Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Telecommunications Equipment Technical Advisory

Committee was initially established on October 23, 1973, and rechartered on August 29, 1980 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to telecommunications equipment or technology, and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls which the United States establishes or in which it participates including proposed revisions of any such controls.

TIME AND PLACE: August 25, 1981, at 10:00 a.m. The meeting will take place at the Main Commerce Building, Room 7808, 14th Street and Constitution Avenue, NW, Washington, D.C.

This meeting is called on short notice because of the need to obtain and consider the Committee's advice in preparation for revising the multilateral COCOM control list.

AGENDA: General Session

(1) Opening remarks by the Acting Chairman.

(2) Presentation of papers or comments by the public.

(3) Discussion of critical technology relating to Time Division and Space Division switching systems, currently covered by CCL 1565A.

(4) Preliminary discussion on selecting an industry chairman for the Committee.

(5) Industry comments on CCL items needing revision. *Executive Session*

(6) Discussion of matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

PUBLIC PARTICIPATION: The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 16, 1980, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended

by Section 5(c) of the Government In The Sunshine Act, Pub. 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 listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive order 12065. A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, telephone: 202-377-4217.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT:

Mrs. Margaret Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202-377-2583.

Dated: August 7, 1981.

Saul Padwo,

Director of Licensing.

[FR Doc. 81-23421 Filed 8-11-81; 8:45 am]

BILLING CODE 3510-25-M

National Bureau of Standards

Federal Standard Cobol (FIPS PUB 21-1); Proposed Interpretations

Under the provisions of Public Law 89-306 (79 Stat. 1127; 40 U.S.C. 759(f)) and Executive Order 11717 (38 FR 12315, dated May 11, 1973), the Secretary of Commerce is authorized to establish uniform Federal automatic data processing standards. Interpretations 8, 9 and 10 are being recommended for Federal use. Interpretations 8 and 9 pertain to flagging of the Debugging Facility and interpretation 10 pertains to the level of syntax that must be diagnosed when the flagging facility is used.

These proposed interpretations are in accordance with the Interpretation Procedures for Federal Standard COBOL as contained in Federal Information Processing Standards Publication 29, dated June 30, 1974. The proposed interpretations, if adopted, will serve as additional specifications to Federal Standard COBOL, which is an adoption of the voluntary industry standard that has been developed by the American National Standards Institute.

Each proposed interpretation contains a definition of the problem, identification of the issues, recommended interpretation, supporting justification for the proposed

interpretation, necessary clarification to Federal Standard COBOL to effect the resolution, and the effective date of the interpretation.

Prior to approval of the proposed interpretations by the National Bureau of Standards, it is essential to assure that proper consideration is given to the needs and views of manufacturers, the public and State and local governments. The purpose of this notice is to solicit such views.

Interested parties may submit comments to the Center for Programming Science and Technology, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, not later than November 10, 1981.

Dated: August 6, 1981.

Ernest Ambler,
Director.

Federal Standard COBOL Interpretation No. 8—Monitoring of With Debugging Mode Clause

Problem: Compilers implementing the low-level of Federal Standard COBOL are not required to implement the Debugging Facility. Should the WITH DEBUGGING MODE clause coded in the SOURCE-COMPUTER paragraph of a program compiled by a low-level implementation be identified (flagged) as not being within Federal Standard COBOL, should it be identified as requiring low-intermediate Federal Standard COBOL, or can it be declared by the implementor as part of computer-name for documentation only and, hence, not flagged at all?

Issues: Compilers implementing low-level Federal Standard COBOL are not required to implement the Debugging Facility; however, when syntax that does not conform to a user-selected level of Federal Standard COBOL is present in a program (WITH DEBUGGING MODE), a diagnostic message must be generated by the compiler, at the user's option. At issue are the following questions:

(a) If the non-conforming syntax is nevertheless valid Federal Standard COBOL syntax but at a level higher than that implemented by the compiler, must the diagnostic message indicate the level of Federal Standard COBOL that supports the syntax?

(b) Can the diagnostic message simply indicate that the non-conforming syntax is non-standard COBOL if the syntax is not within the highest level of COBOL for which the compiler is implemented?

(c) Can the conforming syntax be ignored during compilation?

The entries in the SOURCE-COMPUTER paragraph are

implementor-defined. If the implementation defines the entries to be for documentation only, then is the check for non-conforming source code required?

Interpretation: This interpretation applies to American National Standard COBOL, X3.23-1974, as it has been adopted as Federal Standard COBOL, FIPS PUB 21-1. The interpretation is that the source code "WITH DEBUGGING MODE", when compiled on a low-level compiler, must be diagnosed either as requiring low-intermediate Federal Standard COBOL or as non-standard syntax.

Supporting Justification:

References:

(a) The following references are to American National Standard COBOL, X3.23-1974:

(1) Page II-5, paragraph 3.1.1.3, syntax rule 1, states: "Computer-name is a system-name."

(2) Page I-78, paragraph 5.3.2.2.1.2, states: "A system-name is a COBOL word . . . system-name are defined by the implementor . . ."

(b) The following reference is to FIPS PUB 21-1 (Federal Standard COBOL), Pages 3 and 4, paragraph 11.3, subparagraph c: "The implementation must provide a facility for the user to optionally specify a level of Federal Standard COBOL for monitoring his source program at compile time. The monitoring may be specified for any level of Federal Standard COBOL at or below the highest level for which the compiler is implemented. The monitoring will be an analysis of the syntax used in a source program against the syntax included in the specified level of Federal Standard COBOL. Any syntax used in the source program that does not conform to that allowed by the user selected level of Federal Standard COBOL will be diagnosed. The syntax diagnosed as not conforming to the specified level will be identified to the user through a diagnostic message on the source program listing. The diagnostic message will contain at least: (1) the identification of the source program line number in which the non-conforming syntax occurs, and (2) the identification of the level of Federal Standard COBOL that supports the syntax or that the syntax is non-standard COBOL."

Discussion: The monitoring of source programs required by reference (b) provides that syntax which does not conform to a given user-specified level of Federal Standard COBOL be diagnosed and that a diagnostic message be given on the source program listing. Reference (b) further states that the diagnostic message must identify the

level of Federal Standard COBOL that supports the syntax or identify that the syntax is non-standard COBOL.

Consider the following excerpt from a COBOL program:

Source-Computer. Computer-X With Debugging Mode

A compiler implementing low-level Federal Standard COBOL, by the requirements of reference (b), is required to give a diagnostic message identifying the level of Federal Standard COBOL that supports the WITH DEBUGGING MODE clause or identify that the clause is non-standard syntax.

References (a)(1) and (a)(2) state that the computer-name, COMPUTER-X, is implementor-defined. Because computer-name is implementor-defined, can an implementation consider the words "WITH DEBUGGING MODE" in the above program excerpt part of the computer-name? Reference (a)(2) restricts the computer-name to a single COBOL word. Therefore, to claim that WITH DEBUGGING MODE is considered part of the implementor-defined computer-name is not permissible.

Clarification of Federal Standard COBOL. None.

Effective Date of Interpretation. The effective date of this interpretation shall be 30 days after the date the approved interpretation is published in the Federal Register.

Federal Standard COBOL Interpretation No. 9—Monitoring of Debug Lines

Problem: FIPS PUB 21-1 requires COBOL compilers to include a capability to monitor source programs at compile time for nonconforming syntax. Is a compiler required to monitor and identify, through a diagnostic message, the presence of debug lines (lines coded by the programmer with a "D" in the indicator area) in a source program that is compiled on a low-level compiler?

Issues: Compilers implementing low-level Federal Standard COBOL are not required to implement the Debugging Facility; however, when syntax that does not conform to a user-selected level of Federal Standard COBOL is present in a program ("D lines"), a diagnostic message must be generated by the compiler, at the user's option. At issue is the following question:

Since Federal Standard COBOL specifies specific characters that can be placed in the indicator area in support of certain language facilities, can that implementation choose to recognize only the characters in the indicator area for the facilities included in the

implementation and, hence, ignore all other characters in the indicator area?

Interpretation: This interpretation applies to American National Standard COBOL, X3.23-1974, as it has been adopted as Federal Standard COBOL, FIPS PUB 21-1. A compiler which does not support the Debugging Facility but which compiles programs containing debug lines is required to monitor and identify, through a diagnostic message, the presence of debug lines in a program being monitor against the low level of Federal Standard COBOL.

Supporting Justification:

Reference: The following reference is to FIPS PUB 21-1 (Federal Standard COBOL), Pages 3 and 4, paragraph 11.3 subparagraph c:

"The implementation must provide a facility for the user to optionally specify a level of Federal Standard COBOL for monitoring his source program at compile time. The monitoring may be specified for any level of Federal Standard COBOL at or below the highest level for which the compiler is implemented. The monitoring will be an analysis of the syntax used in a source program against the syntax included in the specified level of Federal Standard COBOL. Any syntax used in the source program that does not conform to that allowed by the user selected level of Federal Standard COBOL will be diagnosed. The syntax diagnosed as not conforming to the specified level will be identified to the user through a diagnostic message on the source program listing. The diagnostic message will contain at least: (1) the identification of the source program line number in which the non-conforming syntax occurs, and (2) the identification of the level of Federal Standard COBOL that supports the syntax or that the syntax is non-standard COBOL."

Discussion: The monitoring of source programs required by the above reference provides that syntax which does not conform to a given user-specified level of Federal Standard COBOL be diagnosed and that a diagnostic message be given on the source program listing. The reference further states that the diagnostic message must identify the level of Federal Standard COBOL that supports the syntax or identify that the syntax is non-standard COBOL.

A compiler implementing low-level Federal Standard COBOL, by the requirements of the above reference, is required to give a diagnostic message identifying the level of Federal Standard COBOL that supports debug lines or identify that they are non-standard COBOL.

Clarification of Federal Standard COBOL. None.

Effective Date of Interpretation. The effective date of this interpretation shall be 30 days after the date the approved interpretation is published in the Federal Register.

Federal Standard Cobol Interpretation No. 10—Syntactic Level Required To Be Flagged

Problem: Compilers conforming to the specifications of Federal Standard COBOL must indicate in diagnostic messages the use of language features not included in a user-selected level of the standard. What program line numbers must be identified when non-included features are present in a program? Is there any prohibition against redundant diagnostic messages?

Issues: Compilers for Federal Standard COBOL must have the capability to analyze the syntax used in a source program compared with the syntax in specified levels of Federal Standard COBOL. When syntax is present which does not conform to a user-selected level of Federal Standard COBOL, a diagnostic message must be generated by the compiler, at the user's option. At issue are the following questions:

(a) What level of syntactic entity must be diagnosed as not conforming to a specified level? A source program character can be part of a character-string or separator within a phrase within a clause within a statement or entry within a paragraph within a section within a division within a program. It is the character, character-string or separator, phrase, clause entry or statement, paragraph, division, or program which contains the non-conforming syntax which is the subject of the diagnostic message?

(b) If the compiler implementor has discretion on the level of syntax diagnosed, must the implementation be consistent regarding the level of syntax used as the subject for all diagnostic messages?

(c) If there is not a requirement that the level of syntax be uniform for all diagnostic messages, is it permitted that there be redundant diagnostic messages? For example, is it allowed that some constituent parts of a language construct be diagnosed as not conforming to a specified level if a more inclusive syntactic element is also diagnosed as not conforming to that level?

Interpretation: This interpretation applies to American National Standard COBOL, X3.23-1974, as it has been adopted as Federal Standard COBOL, FIPS PUB 21-1. The interpretation is that

the level of syntax within an entry, statement, or header which is to be the subject of diagnostic messages on non-conforming syntax is undefined in FIPS PUB 21-1.

Supporting Justification:

References:

(a) The following reference is to FIPS PUB 21-1:

Pages 3 and 4, paragraph 11.3.c, states: "The implementation must provide a facility for the user to optionally specify a level of Federal Standard COBOL for monitoring his source program at compile time. The monitoring may be specified for any level of Federal Standard COBOL at or below the highest level for which the compiler is implemented. The monitoring will be an analysis of the syntax used in a source program against the syntax included in the specified level of Federal Standard COBOL. Any syntax used in the source program that does not conform to that allowed by the user selected level of Federal Standard COBOL will be diagnosed. The syntax diagnosed as not conforming to the specified level will be identified to the user through a diagnostic message on the source program listing. The diagnostic message will contain at least: (1) the identification of the source program line number in which the non-conforming syntax occurs, and (2) the identification of the level of Federal Standard COBOL that supports the syntax or that the syntax is non-standard COBOL."

(b) The following reference is to American National Standard COBOL, X3.23-1974:

Page I-72, paragraph 5.2.1.1, states in part: "Syntax rules are those rules that define or clarify the order in which words or elements are arranged to form larger elements such as phrases, clauses, or statements. Syntax rules also impose rules on individual words or elements."

Discussion: The word "syntax", as used in reference (a), is ambiguous with respect to whether individual words or elements or larger including elements are to be the subjects for analysis and diagnostic messages. The requirements that a diagnostic message contain the source program line number of the non-conforming syntax makes clear the intent that the element of syntax diagnosed must be reasonably localized. Diagnostic messages pertaining to individual entries, statements, or headers can be considered to be localized sufficiently to meet most needs of users of the diagnostic capability. Diagnostic messages pertaining to more inclusive syntactic elements such as paragraphs, sections, divisions, or whole

programs do not seem to meet the intent of reference (a). Diagnostic messages pertaining to syntactic elements subordinate to statements, entries, and headers (i.e., clauses, phrases, character-strings, and separators) also are permissible.

In the absence of any further specifications in FIPS PUB 21-1 other than those quoted in reference (a), it cannot be argued that diagnosis must be to any particular level of syntax other than that which can be reasonably localized by referring to a source program line number. The word "syntax" is used primarily to distinguish that type of analysis which can be done at the time of program compilation on the basis of arrangement of symbols in the source program (as described in reference (b)) as contrasted with analysis of conformance with other language rules.

Some degree of consistency in the level of syntax diagnosed by a given compiler is definitely desirable for the user. FIPS PUB 21-1, however, does not make any specifications explicitly on this matter. It can be noted that, at the time FIPS PUB 21-1 was being developed, there were no known cases of compilers with a "standards flagging" feature. The fact that the FIPS PUB 21-1 specifications are vague regarding the level of syntax to be diagnosed and the consistency of analysis and diagnosis need not be attributed to an oversight by its authors. It can more reasonably be explained as intended to give implementors wide latitude in implementing an untried feature in the interest of keeping the costs of compilers affordable.

There is also nothing within FIPS PUB 21-1 which explicitly prohibits redundant diagnostic messages. This might happen, for example, in the case where some clause within an entry causes the clause to be diagnosed as including elements in the high-intermediate level of Federal Standard COBOL. Another clause in the same entry might, depending on its contents, require features of either high-intermediate or high level. There is no obstacle to an implementation diagnosing the second clause, by itself, as requiring in a particular instance of the high-intermediate level even though the including entry has also been diagnosed as requiring this same level.

Clarification of Federal Standard COBOL: None.

Effective Date of Interpretation: The effective date of this interpretation shall be 30 days after the date the approved

interpretation is published in the **Federal Register**.

[FR Doc. 81-23410 Filed 8-11-81; 8:45 am]

BILLING CODE 3510-13-M

Office of the Secretary

Public Workshop on Laboratory Accreditation; Future Directions in the United States

A two-day public workshop concerning present status and future direction of laboratory accreditation activities in the United States will be held on November 16-17, 1981, at the National Bureau of Standards in Gaithersburg, Maryland. The purpose of the workshop is to provide a public forum for the expression of views upon which recommendations could be developed to bring about a desirable and effective distribution of responsibilities between the government and private sectors in the area of laboratory accreditation.

The Department of Commerce (DoC) has operated the National Voluntary Laboratory Accreditation Program (NVLAP) since publication of the original NVLAP procedures on February 25, 1976. The stated goal of NVLAP is "to provide in cooperation with the private sector a national voluntary system to examine upon request the professional and technical competence of private and public testing laboratories that serve regulatory and nonregulatory * * * needs" (15 CFR Part 7a).

The original NVLAP procedures were amended so that other Federal agencies could fulfill their laboratory accreditation needs through NVLAP. Another amendment streamlined private sector use of NVLAP by encouraging private sector organizations, through due process procedures, to make a determination of need for a specific laboratory accreditation program (LAP) and to submit criteria for laboratory accreditation in that LAP.

The DoC has received two requests to amend further the NVLAP procedures. The first request (Appendix 1), from Roger J. Amorosi, President of the American Council of Independent Laboratories (ACIL), advocates the transformation of NVLAP from a program which directly accredits laboratories to a program which would accredit private sector organizations that, in turn, would accredit the laboratories. The second request (Appendix 2), from Louis R. Rossi, Chairman of the American Association for Laboratory Accreditation (AALA), is similar to the ACIL request. AALA

advocates transferring NVLAP's laboratory accreditation activities to the private sector and limiting the Federal Government's role to that of an accreditor of accreditation systems.

The workshop has been scheduled in response to these requests and in consideration of the growing importance of laboratory accreditation to international trade. The workshop program has been developed around the following key issues:

—Whether the DoC should cease its present role and substitute in its place a program to accredit organizations which, in turn, would accredit private sector testing laboratories.

—What, if any, additional measures should be taken to assure that an effective U.S. presence remains in international laboratory accreditation activities, including bilateral arrangements.

—What action, if any, can be taken by the private sector and/or the government to reduce the proliferation of inspections and paperwork arising from duplicative accreditation activities within the United States.

A second **Federal Register** notice is expected to be published in about two months and will contain a detailed agenda for the November meeting. Persons wishing to attend this workshop are invited to contact Mr. James O. Bryson, Chief, Office of Testing Laboratory Evaluation Technology, National Bureau of Standards, Washington, D.C. 20234 (301-921-2368).

Papers on the subject from interested parties will be considered for publication in the proceedings of the workshop. Such papers should be submitted by December 18, 1981. Authors are invited to provide notice, of their intention to submit a paper, to Dr. Jack Williams, Office of Product Standards Policy, Room 3876, Department of Commerce, Washington, D.C. (202-377-4148) indicating the title and general content of the material to be submitted, by September 1, 1981, if possible.

Dated: August 6, 1981.

Robert B. Ellert,

Acting Assistant Secretary for Productivity, Technology and Innovation.

Appendix 1

May 13, 1981.

Dr. Howard I. Forman,

Deputy Assistant Secretary for Product Standard Policy, U.S. Department of Commerce, Washington, D.C. 20230

Dear Howard: This letter is written on behalf of American Council of Independent Laboratories (ACIL) to respond to your letter dated March 6, 1981 commenting on the ACIL

white paper entitled, "Independent Laboratories in 1981. Their Important Role, Their Critical Concerns." Your written comments were of great interest to ACIL and its members who share with you a common interest in an effective national program of laboratory accreditation. Because of the significant views expressed in your communication, the Executive Committee of ACIL has undertaken to review these points carefully in an effort to respond in a constructive manner. Inevitably, this process has delayed our response. In no way should this delay be interpreted as a lack of ACIL interest and concern about the problems which you have addressed.

There should be no misunderstanding about the respect which members of the independent laboratory community have for the efforts undertaken by the Department of Commerce to initiate a national voluntary laboratory accreditation program (NVLAP). While the program as initiated departed significantly from the original Department of Commerce plan, it nevertheless has made an effective contribution to a better understanding for the need for a *workable* national program. Additionally, it has served to resolve and address many of the technical aspects of how such a program must function to be credible. You will remember that the original plan envisioned by the Department of Commerce was to establish a quasi-public corporation which would administer a national program. A number of interested parties encouraged the Department to establish a program, whether quasi-public or wholly public, which was capable of recognizing in a coordinated procedural manner all aspects of a laboratory's capabilities. ACIL was disappointed when the Department failed to establish the NVLAP program on this basis. Nevertheless, ACIL has been consistently dedicated to trying to formulate a common approach which could meet the national and international needs for laboratory accreditation.

In 1977, Gene Rowland met with the Executive Committee of ACIL to confirm the specific procedure which the Department of Commerce intended to implement. As presented by Gene, this procedure required approximately 420 days to complete and covered only product categories. We expressed then and have expressed since our disagreement with a system which required so much time and placed such substantial burdens on the laboratory seeking accreditation. Almost five (5) years have passed and, as you report, only 5 programs have been initiated. To the best of our knowledge, only three have been implemented. We think that had the Department implemented its original plans more rapid progress would have been accomplished. It should be noted that very constructive measures have been taken by the Department to modify and improve the operation of the NVLAP program. Nevertheless, the Department has not, on its own initiative, determined that it is in a position to propose to recast substantially the NVLAP program to rely, to a maximum extent, on private sector organizations to administer such a program. We believe that

the goal of NVLAP and private sector organizations interested in accreditation should be to transform NVLAP from an agency accrediting individual laboratories to an accreditor of private sector accrediting organizations. Strong precedents for this kind of Federal role exist in other fields such as education.

In this spirit, ACIL has been clear in expressing its view that NVLAP should be phased out as it now exists. The NVLAP staff can and should play an important role in participating in a transition to this new approach and ultimately serving as the accreditor of private accrediting organizations. In turn, the private sector should continue to work hard to assure that there are broad capabilities in the private sector to discharge the need to accredit laboratories of all kinds.

ACIL looks forward to further Department initiatives to establish proper Federal reliance on the private sector in meeting international and national needs for laboratory accreditation and pledges its continued cooperation with all interested parties to this end.

Sincerely yours,
Roger J. Amorosi,
President.

Appendix 2

July 6, 1981.

Dr. Stanley I. Warshaw,
Director, Office of Engineering Standards,
National Bureau of Standards,
Department of Commerce, Washington,
D.C. 20234

Dear Dr. Warshaw: The American Association for Laboratory Accreditation (AALA) suggests that there is a need for the Department of Commerce, National Voluntary Laboratory Accreditation Program (NVLAP), to undertake to serve as the principal federal agency that would accredit private sector organizations as being competent to accredit testing laboratories and function as the U.S. government representative in the international laboratory accreditation community.

AALA is a non-profit organization formed in 1978 and chartered in the District of Columbia. Its purpose is to accredit the technical competence of laboratories performing testing service in various technical disciplines. It was patterned after the National Association of Testing Authorities—Australia (NATA) and was supported in its formation by contributions from diverse private sector sources. Its membership and participation is freely open to anyone. AALA is offering accreditation in the fields of acoustical and vibration measurement, biological (microbiological) testing, chemical testing, construction materials testing, electrical testing, thermal testing, mechanical testing, metrology, non-destructive testing, and optics and photometry. AALA currently has accredited five laboratories and has a number of additional applications in process. Its financial structure is designed to be self-supporting.

A large number of laboratory accreditation programs are in operation both nationally

and internationally. Information on these programs is contained in:

- "Principal Aspects of U.S. Laboratory Accreditation Program" by C. W. Hyer, prepared under contract to DOC which indicates that some 70 laboratory accreditation systems are now operational within the United States.
- "International Directory of National Laboratory Accreditation Systems" prepared by the International Laboratory Accreditation Conference (ILAC) which lists some 86 laboratory accreditation systems presently in operation throughout the world, and references nearly 20,000 laboratories having been accredited.

Because of the large number of laboratory accreditation programs, not all of the same competence and quality, and since many certification programs utilize laboratories to obtain test data as the basis for claims of conformity with standards, neither the manufacturer, consumer nor government have any basis to know if these laboratories are technically competent to provide the test data required to support these claims.

Industries and consumers require that laboratory results are reliable and are produced efficiently and with consistency. Accreditation of private accreditation systems will assure that a laboratory can perform competently and reliably to meet these needs.

International developments create a need for a unified public/private U.S. approach to the subject of laboratory accreditation. Under the General Agreement of Tariff and Trade (GATT), it is the obligation of the United States to "accept test results . . . issued by reliable bodies in the territories of other parts." This key position of GATT can be expected to have a significant impact on the United States. It is highly likely that the United States soon will be requested to accept test results produced by foreign laboratories.

To provide a uniform criteria for acceptance of the technical competence of laboratories, to facilitate the handling of these requests for approval of the results of tests conducted by foreign laboratories and to provide a basis whereby all laboratories, domestic or foreign, may compete equally, we suggest that the most effective means to accomplish these goals is to transform the current National Voluntary Laboratory Accreditation Program (NVLAP) into a program to accredit accreditation systems in the private sector.

The precedence for the establishment of a program to accredit accreditation systems is supported by procedures already in operation in the United States' Department of Education for the accreditation of systems that accredit educational institutions. This program has been operated successfully for a number of years and specifies criteria such as scope of operations; responsibility, to include clearly identified needs, responsiveness to the public interest, due process in accrediting procedures, and a willingness to foster ethical practices among the institutions and programs which it accredits; maintenance of program evaluation; reliability and autonomy.

The concept of accreditation by private sector organizations is consistent with the goals of the present administration to transfer certain federal programs to the private sector. It is apparent that laboratory accreditation programs can and should operate in the private sector since most private sector programs are designed to be financially self-sufficient. In so doing, this will tend to relieve the current burden on the federal budget. Transfer of the actual accreditation of laboratories to the private sector with the federal government performing in a different role as an accreditor of accreditation systems will act during a transition period to phase out existing NVLAP programs as private sector accreditation systems expand and refine their accreditation capabilities.

Once the concept of the government as an accreditor of accreditation systems is accepted, the criteria by which the government evaluates accreditation systems becomes of paramount importance. AALA has begun work to develop specific criteria that could be used in administering a government program to accredit private accrediting systems. It is our intent to make this criteria document available for comment by interested parties prior to the workshop which has been scheduled by the Department of Commerce on November 16-17, 1981.

Because of the general approach and organization of AALA, it is in a position to assume major responsibility for laboratory accreditation in the United States. It is understood, of course, that NVLAP in its function of accrediting accreditation systems will also be accrediting other systems whose purposes might be more highly directed to specific technical disciplines and products than is AALA's.

We look forward to the opportunity to work with the Department in developing this new approach further. Thank you for your consideration.

Sincerely,

Louis R. Rossi,
Chairman.

[FR Doc. 81-23422 Filed 8-11-81; 8:45 am]
BILLING CODE 3510-13-M

COPYRIGHT ROYALTY TRIBUNAL

[Docket No. 81-1]

Possible Declaration of Controversy Concerning Distribution of 1980 Cable Royalty Fees

August 7, 1981.

In accordance with 17 U.S.C. 111(d)(5)(B), the Copyright Royalty Tribunal (Tribunal) directs that claimants to royalty fees paid by cable operators for secondary transmissions during 1980 shall submit not later than September 10, 1981 any comments concerning whether a controversy exists concerning the distribution of the 1980 royalty fees. In accordance with the statute and the previous determinations of the Tribunal, the only subject on which comments are requested is

whether a controversy exists. If the Tribunal determines that there is a controversy, the Tribunal subsequently will request comments on proposals to permit the Tribunal, to the extent feasible, to reach its determinations on the distribution of the royalty fees on the basis of the record established in previous proceedings.

Comments shall be addressed to the Chairman, Copyright Royalty Tribunal, 1111 20th Street, NW, Washington, DC 20036.

Thomas C. Brennan,
Acting Chairman, Copyright Royalty
Tribunal.

[FR Doc. 81-23378 Filed 8-11-81; 8:45 am]

BILLING CODE 1410-01-M

DEPARTMENT OF DEFENSE

Defense Logistics Agency

Privacy Act of 1974; Amendment to System of Records Notices

AGENCY: Defense Logistics Agency.

ACTION: Amendment to system of records notices.

SUMMARY: The Defense Logistics Agency proposes to amend system of records S434.15 DLA-C entitled: "Automated Payroll Cost and Personal System (APCAPS)" to include as a system location the Defense Contract Administration Service Regions (DCSARs). The changes to the system notice are set forth below followed by the notice as changed.

DATE: This change shall be effective as proposed on September 11, 1981.

ADDRESSES: Send any comments to the system manager identified in the system notice.

FOR FURTHER INFORMATION CONTACT:

Mr. Preston B. Speed, Chief, Administrative Management Branch (DLA-XAM), Defense Logistics Agency, HQ DLA, Cameron Station, Alexandria, VA 22314. Telephone 202/274-6234.

SUPPLEMENTARY INFORMATION: The system notices for the Defense Logistics Agency system of records subject to the Privacy Act of 1974 Title 5, United States Code Section 552a (Pub. L. 93-579; 88 Stat. 1896 *et seq.*) were published at FR Doc. 81-897 [46 FR 6457] January 21, 1981. The entire system notice for system S434.15 DLA-C appears at 46 FR 6843.

This change does not fall within the purview of 5 U.S.C. 552a(o) of the

Privacy Act which requires an altered system report.

M. S. Healy,
OSD Federal Liaison Officer, Washington
Headquarters Services, Department of
Defense.

August 7, 1981.

CHANGES

S434.15 DLA-C

System Name:

434.15 Automated payroll Cost and Personnel System (APCAPS)

Changes:

System Location:

Add "Defense Contract Administration Services Regions (DCASRs)".

434.15 DLA-C

SYSTEM NAME:

434.15 Automated Payroll Cost and Personnel System (APCAPS)

SYSTEM LOCATION:

Records maintained at Defense Logistics Agency (DLA) Centers, Depots, and Defense Contract Administration Service Regions (DCASRs).

[FR Doc. 81-23481 Filed 8-11-81; 8:45 am]

BILLING CODE 3620-01-M

Privacy Act of 1974; Deletion of System Notices

AGENCY: Defense Logistics Agency.

ACTION: Deletion of System Notices.

SUMMARY: The Defense Logistics Agency proposes to delete the system notices for two systems of records formerly subject to the Privacy Act of 1974. These two systems are identified as S111.11 DESC-KER, entitled: "Civilian Personnel and Manpower Control System" and S434.20 DLA-C entitled "Mechanization of Contact Administrative Services—1B Payroll (MOCAS 1B)." Both systems are being deleted as the Defense Logistics Agency no longer maintains records under these systems.

DATES: These systems notices shall be deleted without further notice on September 11, 1981.

ADDRESSES: Send any comments to the system managers identified in the system notice.

FOR FURTHER INFORMATION CONTACT:

Mr. Preston B. Speed, Chief, Administrative Management Branch (DLA-XAM), Defense Logistics Agency, HQDLA, Cameron Station, Alexandria, VA 22314. Telephone 202/274-6231.

SUPPLEMENTARY INFORMATION: These two system notices were last published in the Federal Register as follows:

System ID and Publication Information

S111.11 DESC-KER—FR Doc. 79-37052 [44 FR 74722], December 17, 1979.

S434.20 DLA-C—FR Doc. 79-37052 [44 FR 74758], December 17, 1979.

M. S. HEALY,

OSD Federal Liaison Officer, Washington, Headquarters Services, Department of Defense.

August 7, 1981.

[FR Doc. 81-23480 Filed 8-11-81; 8:45 am]

BILLING CODE 3620-01-M

Office of the Secretary

Privacy Act of 1974; Notice of System of Records: Change

AGENCY: Office of the Secretary of Defense (OSD).

ACTION: Notice of change to system of records notice.

SUMMARY: The Office of the Secretary of Defense proposes to change the system notice for one system of records subject to the Privacy Act of 1974. The specific change is set forth below.

DATE: This notice shall be changed as proposed without further notice on September 11, 1981, unless comments are received which would result in a contrary determination.

ADDRESS: Send any comments to the System Manager identified in the system notice.

FOR FURTHER INFORMATION CONTACT:

Norma Cook, Privacy Act Officer, ODASD (A), Room 5C-315, Pentagon, Washington, D.C. 20301. Telephone: (202) 695-0970.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense (OSD) systems of records notices as prescribed by the Privacy Act have been published in the Federal Register.

FR. Doc. 81-897 (46 FR 6427) January 21, 1981

FR. Doc. 81-5568 (46 FR 12772) February 18, 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. 81-10722 (46 FR 21228) April 9, 1981

FR. Doc. 81-11473 (46 FR 22257) April 16, 1981

FR. Doc. 81-11765 (46 FR 22632) April 20, 1981

FR. Doc. 81-12892 (46 FR 23967) April 29, 1981

FR. Doc. 81-13225 (46 FR 24620) May 1, 1981

FR. Doc. 81-14226 (46 FR 26365) May 12, 1981

FR. Doc. 81-14406 (46 FR 26676) May 14, 1981

FR. Doc. 81-14909 (46 FR 27373) May 19, 1981

FR. Doc. 81-14975 (46 FR 277373) MAY 19, 1981

FR. Doc. 81-15770 (46 FR 28470) May 27, 1981

FR. Doc. 81-17763 (46 FR 31306) June 15, 1981

FR. Doc. 81-19042 (46 FR 33074) June 26, 1981

FR. Doc. 81-20404 (46 FR 35963) July 13, 1981

FR. Doc. 81-21228 (46 FR 37306) July 20, 1981

FR. Doc. 81-21498 (46 FR 37751) July 22, 1981

This proposed change is not within the purview of the provisions of 5 U.S.C. 552a(o) of the Act which requires the submission of new or altered system reports.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

August 7, 1981.

DMRA&L 19.0

System name:

Automated Career Management System (ACMS) DD-M(AR)1456 (46 FR 6520, January 21, 1981).

Changes:

System Location:

Delete the entry under the above heading, and insert:

"Primary System—DoD Centralized Referral Activity, 1507 Wilmington Pike, Dayton, Ohio 45444.

Decentralized System—Defense ADP Resources Office, Cameron Station, Alexandria, Virginia 22314."

DMRA&L 19.0

SYSTEM NAME:

Automated Career Management System (ACMS) DD-M (AR) 1456

SYSTEM LOCATION:

Primary System—DoD Centralized Referral Activity, 1507 Wilmington Pike, Dayton, OH 45444

Decentralized System—Defense ADP Resources Office, Cameron Station, Alexandria, VA 22314

* * * * *

[FR Doc. 81-23482 Filed 8-11-81; 8:45 am]

BILLING CODE 3810-01-M

Military Traffic Management Command; Tender Format Requirements To Move Military Freight

AGENCY: Military Traffic Management Command (MTMC), DOD.

ACTION: Notice on final ruling on mandatory use of Optional Form 280 (Uniform Tender of Rates And/Or Charges for Transportation Services).

SUMMARY: On June 10, 1981, (46 FR 30679), MTMC published request for public comments by July 15, 1981, on the mandatory use of new tender format,

Optional Form 280, to move military freight shipments (excluding personal property). Under revised procedure, MTMC will return to the issuing motor carrier or motor carrier rate bureau any military freight tender or quotation not submitted in the new format (Optional Form 280). After giving due consideration to public comments, MTMC has determined to require mandatory use of Optional Form 280, effective October 1, 1981, for the motor carrier industry. Negotiations continue for mandatory use of format by railroads.

FOR FURTHER INFORMATION CONTACT: Mr. Martin Cunningham, Headquarters, Military Traffic Management Command, Attention: MT-INNT, 5611 Columbia Pike, Falls Church, Virginia 22041. Telephone: (202) 756-1149.

SUPPLEMENTARY INFORMATION: In issuing tender or quotation under 49 U.S.C. 10721, motor carrier or rate bureau must comply with pertinent procedures in preparation instructions governing Optional Form 280. The following codes must be shown, as appropriate: Standard Point Location Code identifying place, state, or region (including county); National Motor Freight Classification item number to identify commodity.

Summary of Public Comments

No adverse comments were received from motor carriers. The railroad industry provided written comments. As a result of these comments, discussions will be held between MTMC and the railroad industry to devise a tender format for mandatory use by the rail carriers.

To enhance MTMC Tender Index System and support eventual freight rate automation system, MTMC will require mandatory use of new tender format (Optional Form 280), effective October 1, 1981, to move military freight shipments (excluding personal effects) by the motor carrier industry. After that date MTMC will return to the issuing carrier or rate bureau any military freight tender, quotation, or supplement not submitted in the new format. Existing tenders or supplements need not be reissued solely to use the new format.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

August 7, 1981.

[FR Doc. 81-23412 Filed 8-11-81; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION**Guaranteed Student Loan Program;
Special Allowance Rates for Quarter
Ending June 30, 1981**

The Secretary announces that for the free-month period ending June 30, 1981, except with respect to loans to which Section 438(b)(2)(D) of the Higher Education Act applies, a special allowance at an annual rate of 12 and 1/4 percent will be paid to holders of eligible Guaranteed Student Loan Program loans having an applicable annual interest rate of 7 percent and a special allowance at an annual rate of 10 and 1/4 percent will be paid to holders of eligible Guaranteed Student Loan Program loans having an applicable annual interest rate of 9 percent.

The two special allowance rates were computed under the statutory formula of section 438(b) of the Higher Education Act of 1965, as amended by the Education Amendments of 1980 (Pub. L. 96-374, October 3, 1980). Under this formula, the quarterly special allowance rates are computed by determining the average of the bond equivalent rates of the 91-day Treasury bills auctioned during this three-month period (15.64 percent), by subtracting from this average either 3.5 percent for 7 percent loans (12.14) or 5.5 percent for 9 percent loans (10.14), by rounding the remainders upward to the nearest one-eighth of 1 percent (12 1/4 percent and 10 1/4 percent, respectively), and by dividing the resultant percents by four (3.0625 percent and 2.5625 percent, respectively).

Thus, the special allowance to be paid for this period will be 3.0625 percent for loans with an applicable annual interest rate of 7 percent, and 2.5625 percent for loans with an applicable annual interest rate of 9 percent, computed on the average unpaid principal balance (not including unearned interest added to principal) of all eligible loans held by lenders.

(20 U.S.C. 1087-1(b))

(Catalog of Federal Domestic Assistance No. 84.032, Guaranteed Student Loan Program)

Dated: August 4, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-23414 Filed 8-11-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY**Economic Regulatory Administration
Bettis, Boyle & Stovall; Action Taken
on Consent Order**

AGENCY: Economic Regulatory
Administration, Energy.

ACTION: Notice of action taken and opportunity for comment on consent order

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.

EFFECTIVE DATE: July 27, 1981.
Comments By: September 11, 1981.

SEND COMMENTS TO: Wayne L. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, Phone: 214/767-7745.

FOR FURTHER INFORMATION CONTACT: Wayne L. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, phone: 214/767-7745.

SUPPLEMENTARY INFORMATION: On July 27, 1981 the Office of Enforcement of the ERA executed a Consent Order with Bettis, Boyle & Stovall (BB&S) of Graham, Texas. Under 10 CFR 205.199(b) a Consent Order which involves a sum of \$500,000 or less in the aggregate excluding penalties and interest, becomes effective upon its execution. Because the DOE and BB&S wish to expeditiously resolve this matter as agreed and to avoid delay in the payment of refunds, the DOE has determined that it is in the public interest to make the Consent Order with BB&S effective as of the date of its execution by the DOE and BB&S.

I. The Consent Order

Bettis, Boyle & Stovall (BB&S) is a firm engaged in the production of crude oil and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 212. To resolve certain civil actions which could be brought by Office of Enforcement of the Economic Regulatory Administration as a result of its audit of BB&S the Office of Enforcement, ERA and BB&S entered into a Consent Order, the significant terms of which are as follows:

1. During the period September 1, 1973 through December 31, 1974 BB&S allegedly sold crude oil above the allowable prices specified at 10 CFR Part 212, Subpart D.

2. BB&S and the DOE have agreed to a settlement of \$50,000. This amount will be refunded by BB&S within 30 days of the effective date of the Consent Order. The negotiated settlement was determined to be in the public interest as well as the best interest of the DOE and BB&S.

3. This Consent Order constitutes neither an admission by BB&S that ERA regulations have been violated nor a finding by the ERA that BB&S has violated ERA regulations.

4. The provisions of 10 CFR 205.199], including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, BB&S agrees to refund in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of \$50,000 in the manner specified in I.2. above. Refunded overcharges will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. The 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 Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a

claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not being required. Written notification of 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 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 your comments or written notification of a claim to Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767-7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation "Comments on the Bettis, Boyle & Stovall Consent Order". We will consider all comments we receive by 4:30 p.m., local time, September 11, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 31st day of July 1981.

Wayne I. Tucker,
Economic Regulatory Administration.

[FR Doc. 81-23388 Filed 8-11-81; 8:45 am]
BILLING CODE 6450-01-M

Centura, Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of action taken and opportunity for comment on consent order.

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.

EFFECTIVE DATE: July 20, 1981.

COMMENTS BY: September 11, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, Phone: 214/767-7745.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, Phone: 214/767-7745.

SUPPLEMENTARY INFORMATION: On July 20, 1981 the Office of Enforcement of the ERA executed a Consent Order with Centura, Incorporated of Houston, Texas. Under 10 CFR 199(b) a Consent Order which involves a sum of \$500,000 or less in the aggregate excluding penalties and interest, becomes effective upon its execution.

Because the DOE and Centura, Incorporated wish to expeditiously resolve this matter as agreed and to avoid delay in the payment of refunds, the DOE has determined that it is in the public interest to make the Consent Order with Centura effective as of the date of its execution by the DOE and Centura.

I. The Consent Order

Centura, Incorporated (Centura) is a firm engaged in the production of crude oil and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Centura the Office of Enforcement, ERA, and Centura entered into a Consent Order, the significant terms of which are as follows:

1. During the period September 1, 1973 through December 31, 1980, Centura allegedly sold crude oil above the allowable prices specified at 10 CFR Part 212, Subpart D.

2. Centura and the DOE have agreed to a settlement of \$115,000. This amount will be refunded by Centura on or before 30 days following the effective date of the Consent Order. The negotiated settlement was determined to be in the public interest as well as the best interest of the DOE and Centura.

3. This Consent Order constitutes neither an admission by Centura that ERA regulations have been violated nor a finding by the ERA that Centura has violated ERA regulations.

4. The provisions of 10 CFR 205.199], including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Centura agrees to refund in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of \$115,000 in the manner specified in I.2. above. Refunded overcharges will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. The 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 Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. Potential Claimants: Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not being required. Written notification of 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 your comments or written notification of a claim to Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767-7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation "Comments on the Centura, Incorporated Consent Order". We will consider all comments we receive by 4:30 p.m., local time, September 11, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 30 day of July, 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-23389 Filed 9-11-81; 8:45 am]

BILLING CODE 6450-01-M

Payne-Johnston and Byars Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of action taken and opportunity for comment on consent order.

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.

EFFECTIVE DATE: July 20, 1981.

COMMENTS BY: September 11, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, Phone: 214/767-7745.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, phone: 214/767-7745.

SUPPLEMENTARY INFORMATION: On July 20, 1981 the Office of Enforcement of the ERA executed a Consent Order with Payne-Johnston and Byars of Tyler,

Texas. Under 10 CFR 205.199(j)(b) a Consent Order which involves a sum of \$500,000 or less in the aggregate excluding penalties and interest, becomes effective upon its execution.

Because the DOE and Payne-Johnston and Byars wish to expeditiously resolve this matter as agreed and to avoid delay in the payment of refunds, the DOE has determined that it is in the public interest to make the Consent Order with Payne-Johnston and Byars effective as of the date of its execution by the DOE and Payne-Johnston and Byars.

I. The Consent Order

Payne-Johnston and Byars (P-J&B) is a firm engaged in the production of crude oil and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Part 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of P-J&B the Office of Enforcement, ERA, and P-J&B entered into a Consent Order, the significant terms of which are as follows:

1. During the period September 1, 1973 through June 30, 1980, P-J&B allegedly sold crude oil above the allowable prices specified at 10 CFR Part 212, Subpart D.

2. P-J&B and the DOE have agreed to a settlement of \$89,000. This amount will be refunded by P-J&B on or before 30 days following the effective date of the Consent Order. The negotiated settlement was determined to be in the public interest as well as the best interest of the DOE and P-J&B.

3. This Consent Order constitutes neither an admission by P-J&B that ERA regulations have been violated nor a finding by the ERA that P-J&B has violated ERA regulations.

4. The provisions of 10 CFR 205.199], including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, P-J&B agrees to refund in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1 above, the sum of \$89,000 in the manner specified in I.2. above. Refunded overcharges will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. The 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 Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.1991(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 being required. Written notification of 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 invited interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should send your comments or written notification of a claim to Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767-7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation "Comments on the Payne-Johnston and Byars Consent Order". We will consider all comments we received by 4:30 p.m., local time, September 11,

1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 30th day of July, 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-23390 Filed 8-11-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ES81-65-000]

Consumers Power Co.: Application

August 6, 1981.

Take notice that on July 30, 1981, Consumers Power Company (Applicant) filed an application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, seeking authorization to enter into a Construction Financing Agreement, with Oakway IV, Inc., for the purpose of financing on an interim basis, costs related to the acquisition and/or construction of certain items of property. Oakway will enter into a short-term note Revolving Credit Agreement in the amount of not more than \$200,000,000 with certain banks in order to finance advances to Consumers Power Company.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 28, 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. 81-23468 Filed 8-11-81; 8:45]

BILLING CODE 6450-85-M

[Docket No. QF80-20]

Hoffman-La Roche, Inc.: Application for Commission Certification of Qualifying Status of a Small Power Production Facility

August 6, 1981.

On August 26, 1980, Hoffman-La Roche, Inc., filed with the Federal Energy Regulatory Commission (Commission) an application for certification of qualifying status of a

cogeneration facility pursuant to § 292.207 of the Commission's rules. On September 26, 1980, the applicant notified the Commission of its desire to withhold ruling on the merits of the application until the Commission issued final rules concerning qualification of diesel cogeneration systems. On June 18, 1981, the Commission issued an amendment to its final rules which removed the interim exclusion from qualification for diesel cogeneration facilities contained in § 292.203 of its rules.¹ This amendment became effective on July 27, 1981.

The proposed system will be located at the Hoffman-La Roche Belvidere plant in Belvidere, New Jersey. Hoffman-La Roche states that the proposed cogeneration system for this plant utilizes a slow-speed, two-stroke 23,300 kilowatt diesel engine burning residual oil. It states that the engine type has the capability for burning SRC-II type coal-based synthetic fuels. The hot gases from the diesel engine, containing about 15 percent oxygen, are utilized as the source of combustion oxygen for a supplementary-fired waste heat boiler producing 160,000 lbs/hr of 225 psig steam for process. It further states that in addition to the energy recovery in the supplementary-fired boiler, about 22.9 x 10⁶ Btu/hr is recovered from the engine/turbocharger air cooler which is used to preheat feedwater. It states that the plant will utilize the entire thermal output of the cogeneration system, consuming 20,000-23,000 kilowatts of the 23,300 kilowatts generated, with the remaining amount exported into the utility grid. The cogeneration plant will operate continuously at full load for 8,400 hours per year. Hoffman-La Roche states that the net system heat rate is 3752 Btu (LVH)/KWhr and the overall efficiency of energy utilization is 87 percent. Hoffman-La Roche is the sole owner of the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed on or before August 24, 1981 and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party

¹Order No. 70-E, Docket No. RM 79-54, 46 FR 33025 (June 26, 1981).

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. 81-23469 Filed 8-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA81-49-000]

Hooker Chemicals & Plastics Corp.: Application for Adjustment and for Interim Relief

August 6, 1981.

Take notice that on July 7, 1981, Hooker Chemicals & Plastics Corp. (Applicant), 345 Third St., Box 728, Niagara Falls, New York, 14302, filed with the Federal Energy Regulatory Commission (Commission) an application for an adjustment pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) (15 U.S.C. §§ 3301-3432), and § 1.41 of the Commission's regulations (18 CFR 1.41). Applicant seeks relief from incremental pricing surcharges under NGPA Title II and Part 282 of the Commission's regulations.

Specifically, applicant states that its Columbus, Mississippi plant is an industrial boiler fuel facility that is subject to incremental pricing under Title II of the NGPA. Some of its natural gas uses are exempt from incremental pricing surcharges and some are non-exempt. Applicant alleges that the Columbus facility's total costs of sales and operating expenses, including incremental pricing surcharges, exceed the facility's net sales revenues. Applicant therefore seeks relief from surcharges on the basis of special financial hardship.

Applicant additionally requests interim relief pursuant to § 1.41(m) of the Commission's regulations.

The procedures applicable to the conduct of this adjustment proceeding are found in §§ 1.41 and 282.206(b) of the Commission's regulations. Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41(e). All petitions to intervene must be filed on or before August 27, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-23470 Filed 8-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-64-000]

**Montana-Dakota Utilities Co.;
Application**

August 6, 1981.

Take notice that on July 29, 1981, Montana-Dakota Utilities Co. (Applicant) filed an application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, seeking an order authorizing the issuance of up to \$25,000,000 of promissory notes pursuant to a revolving credit agreement. The notes will be dated as of the respective dates of their issue and will be due no later than December 31, 1984.

Any person desiring to be heard or to make any protest with reference to said Application should on or before August 28, 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. 81-23471 Filed 8-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP81-37-000]

**Northwest Pipeline Corp.; Petition for
Temporary Waiver of Rules
Concerning Well Category
Determination Filings**

August 6, 1981.

Take notice that on July 23, 1981, Northwest Pipeline Corporation (Northwest), P.O. Box 1526, Salt Lake City, Utah 84110, filed with the Commission pursuant to 18 CFR 1.7(b) a petition for temporary waiver of §§ 271.804, 271.805, 271.806 and 274.206 of the Commission's regulations. These regulations concern stripper well disqualification and requalification filings pursuant to section 108 of the Natural Gas Policy Act of 1978 (NGPA) (15 U.S.C. 3301-3432).

Northwest states that on May 28, 1981, a fire occurred at its Ignacio Gasoline Plant in Southwestern Colorado, resulting in the shut-in of all of the natural gas wells connected to Northwest's gathering system upstream of the plant. Northwest estimates that the plant will have been repaired and returned to full operation by July 25, 1981.

Northwest states that it has a purchase or leasehold interest in approximately 450 stripper wells which

fall within the group of wells shut-in by the fire. Northwest expects that pressure build-up during the prolonged shut-in will cause many of these wells temporarily to exceed the stripper well production limitation of 60 Mcf per production day. Northwest notes that under the above-cited regulations some of these wells will be disqualified and some will continue to qualify under the Commission's pressure build-up rule. 18 CFR 271.804, 281.805. In either case, however, individual filings for each well are required by the regulations to be made to the requisite jurisdictional agency and the Commission. 18 CFR 271.805, 271.806, 274.206. In addition, once a disqualified well's production drops to a point at which it requalifies, new well category determination filings are required to be made with the same entities.

Northwest requests that the Commission waive its individual well filing requirements to permit monthly blanket filings of lists governing: (1) wells which have ceased to qualify; (2) wells which exceed the 60 Mcf limit but continue to qualify under the pressure build-up rule; and (3) wells which eventually requalify for stripper well status. Northwest proposes to make such blanket filings on behalf of all affected operators of wells connected to the Ignacio Plant, excepting those who prefer to make separate reports. Northwest further proposes that the waiver and alternate procedures be permitted for a six-month period, through January 31, 1982.

A listing of affected wells and further details relevant to Northwest's request are set forth in its petition, which is available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C.

Any person desiring to be heard with reference to said petition should file a petition to intervene or a protest, in accord with § 1.8 or 1.10 of the Commission's Rules of Practice and Procedure, on or before August 27, 1981. All protests filed will be considered by the Commission in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party 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. 81-23472 Filed 8-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-124-000]

**Public Utility District No. 1 of
Snohomish County; Application for
Exemption**

August 6, 1981.

Take notice that Public Utility District No. 1 of Snohomish County (Snohomish), on June 29, 1981, filed an application for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file, on or before June 30, 1982, information on the costs of providing electric service as specified in Subparts B, C, D and E of Part 290.

In its application for exemption, Snohomish states that it should not be required to file the specified date for the following reasons:

1. An alternate program for compliance with the goals of PURPA is proposed.
2. Snohomish is a distribution system and purchases all wholesale energy from the Boneville Power Administration (BPA).
3. Snohomish does not operate generating plant.

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before September 28, 1981. Within that 45-day period such person must also serve a copy of such comments on: Public Utility District No. 1 of Snohomish County, 2320 California Street, P.O. Box 1107, Everett, Washington 98206.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-23473 Filed 8-11-81; 8:45]

BILLING CODE 6450-85-M

[Docket No. RE81-125-000]

**Public Utility District No. 1 of Benton
County; Application for Exemption**

August 6, 1981.

Take notice that Public Utility District No. 1 of Benton County (Benton), on July 7, 1981, filed an application for exemption from certain requirements of part 290 of the Commission's

Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file on or before June 30, 1982, information on the costs of providing electric service as specified in Subparts B, C, D and E of Part 290.

In its application for exemption, Franklin states that it should not be required to file the specified data for the following reasons:

1. An alternate program for compliance with the goals of PURPA is proposed.

2. Benton is a distribution system and purchases its wholesale energy from the Bonneville Power Administration (BPA).

3. Benton's system load is limited to three customer classes, namely residential, small commercial, and irrigation.

4. Benton's accounting records generally conform to the FERC Uniform System of Accounts and are readily available to the Public.

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before September 28, 1981. Within that 45-day period such person must also serve a copy of such comments on: Public Utility District No. 1 of Benton County, P.O. Box 8270, Kennewick, Washington 99336.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-23474 filed 8-11-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. RE81-118-000]

Public Utility District No. 1, Clark County; Application for Exemption

August 6, 1981.

Take notice that Public Utility District No. 1 of Clark County (Clark) filed an application for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under section 133 of the Public Utility Regulatory Policies Act, Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file, on or before June 30, 1982, information on the costs of

providing electric service as specified in Subparts B, C, D, and E of Part 290.

In its application for exemption, Clark states that it should not be required to file the specified data for the following reasons:

1. An alternate program for compliance with the goals of PURPA is proposed.

2. Clark is a distribution system and purchases all wholesale energy from Bonneville Power Administration (BPA).

3. Future major rate revisions will minimize the value of required load data.

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.W., Washington, D.C. 20426, on or before September 28, 1981. Within that 45-day period such person must also serve a copy of such comments on: Public Utility District No. 1 of Clark County, 1200 Fort Vancouver Way, Vancouver, Washington 98668.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-23475 Filed 8-11-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. QF81-36-000]

Watson Biogas Systems; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

August 6, 1981.

On June 4, 1981, Watson Biogas Systems of Carson, California filed with the Federal Energy Regulatory Commission an application to be certified as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility will be located in Carson, California and will have a power production capacity of approximately 1.7 megawatts. The primary energy source of the facility will be landfill gas, recovered and processed from a municipal solid waste landfill. The facility will use diesel oil for ignition fuel but its total usage will be less than 25 percent of the total energy input of the facility during any calendar year period. There is no other facility located within one mile of the facility owned by the applicant which uses the same energy source.

Any person desiring to be heard or objecting to the granting of qualifying

status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed on or before September 11, 1981 and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-23476 Filed 8-11-81; 8:45 am]
BILLING CODE 6450-85-M

Office of Hearings and Appeals

Issuance of Proposed Decisions and Orders; Period of June 29 Through July 17, 1981

During the period of June 29 through July 17, 1981, the proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

George B. Breznay,
Director, Office of Hearings and Appeals.
August 5, 1981.

Proposed Decision and Order Mini-Squib

Wallace Barnes, d.b.a. North Eastham
Exxon, East Orleans, Massachusetts,
BEE-1652, motor gasoline

Wallace Barnes d/b/a North Eastham Exxon filed an Application for Exception from the provisions of 10 CFR 212.93. The exception request, if granted, would excuse Barnes from the obligation to refund overcharges he made during the period August 1, 1979 through June 27, 1980, from selling motor gasoline at prices in excess of those permitted under former 10 CFR 212.93(a)(2). On July 13, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

Western Oil Sales Company, Seattle,
Washington, BEE-1667, No. 2 fuel oil

Western Oil Sales Co. filed an Application for Exception which if granted, would relieve Western Oil Sales of the requirement to prepare and submit Form EIA-9A. On July 17, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

[FR Doc. 81-23383 Filed 8-11-81; 8:45 am]

BILLING 6450-01-M

Issuance of Proposed Decisions and Orders; Week of July 20 Through July 24, 1981

During the week of July 20 through July 24, 1981, the proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will

be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except Federal holidays.

August 5, 1981.
George B. Breznay,
Director, Office of Hearings and Appeals.

Proposed Decision and Order Mini-Squib

Gene L. Bolin, d.b.a. Bolin's Chevron Station,
LaGrande, Oregon, BEE-1672 motor
gasoline

Gene L. Bolin d/b/a Gene Bolin's Chevron Station filed an Application for Exception from the provisions of 10 CFR 212.93. The exception request, if granted, would permit Bolin retroactively to increase his maximum lawful selling prices for motor gasoline during the period November 28, 1973 through February 28, 1977 in order to generate \$47,343.85 in additional revenues. On July 22, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

Farmland Industries, Inc., Kansas City,
Missouri, BEE-1492, crude oil

Farmland Industries, Inc. filed an Application for Exception from the provisions of 10 CFR 211.87 (the Entitlements Program). The exception request, if granted, would result in the issuance to Farmland of additional entitlements valued so as to substantially equalize Farmland's post-entitlements crude oil acquisition costs with those of other domestic refiners for periods prior to the decontrol of petroleum products. On July 20, 1981 the Department of Energy issued a Proposed Decision and Order that tentatively determined that the exception request be denied.

[FR Doc. 81-23384 Filed 8-11-81; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Decisions and Orders; Week of July 6 Through July 10, 1981.

During the week of July 6 through 10, 1981, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the

Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

Collier, Shannon, Rill & Scott, 7/10/81, BFA-0689

Collier, Shannon, Rill & Scott filed an Appeal from a denial by the Acting Director of the ERA Office of Enforcement Information of a Request for Information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that the denying official had failed to issue a proper response to the firm's initial request. The matter was therefore remanded for further consideration.

Mobil Oil Corporation, 7/8/81, BEA-0630

Mobil Oil Corporation appealed the issuance of the December 1980 Entitlements Notice. In its Appeal, Mobil alleged that the Economic Regulatory Administration acted in an arbitrary and capricious manner by issuing the December Entitlements Notice prior to adopting regulatory changes to account for each barrel of price-controlled crude oil that had been produced and sold between November 1, 1974 and January 27, 1981. In considering Mobil's Appeal, the Office of Hearings and Appeals determined that the relief sought by Mobil could only be effected through amendments to DOE regulations. The Office of Hearings and Appeals therefore concluded that the relief sought by Mobil could not be granted in the context of an appeal proceeding. Accordingly, Mobil's Appeal was denied.

Remedial Order

Sierra Petroleum Company, Inc., 7/7/81,
DRO-0351

Sierra Petroleum Company, Inc. filed a Statement of Objections to a Proposed Remedial Order which the ERA Central District Office of Enforcement issued to the firm on August 3, 1979. In the Proposed Remedial Order, the Office of Enforcement found that Sierra had sold crude oil at prices which exceeded the applicable ceiling prices. In considering the firm's objections to the Proposed Remedial Order, the DOE determined that Sierra had improperly treated a portion of its production as stripper well crude oil. The DOE therefore concluded that the Proposed Remedial Order should be issued as a final Order.

Requests for Exception

Benson-Montin-Greer Drilling Corporation,
7/8/81, BEE-1118

Benson-Montin-Greer Drilling Corporation (BMG) filed an Application for Exception from the provisions of 10 CFR 212.75 in which the firm sought permission to establish a base production control level (BPCL) pursuant to 10 CFR 212.72 by forming a single unit from a number of existing crude oil producing properties. BMG thereby sought to improve extraction operations in the East Puerto Chiquito Mancos Pool, located in Rio Arriba County, New Mexico. In considering BMG's request, the DOE concluded that the provisions of the DOE regulations concerning

untitized properties resulted in a gross inequity to the firm which warranted exception relief. Accordingly, exception relief was granted to permit BMG to establish the BPCL of the East Puerto Chiquito Mancos Unit by combining the BPCL's of all the properties comprising that Unit.

DeMartin Truck Lines, Inc., 7/10/81, DEE-1420

DeMartin Truck Lines, Inc. filed an Application for Exception from the provisions of 10 CFR 212.93 in which the firm sought relief from its obligation to refund overcharges pursuant to a revised Remedial Order. In considering the request, the DOE determined that the Remedial Order's refund and interest requirements would not impose a severe financial hardship upon the firm. The DOE also concluded that DeMartin was not entitled to relief on the basis of undue administrative delay. Accordingly, exception relief was denied.

Requests for Stay

Mobil Oil Corporation, 7/8/81, BES-0165

Mobil Oil Corporation filed an Application for Stay of the provisions of a Decision and Order issued to the Citronelle Unit on May 28, 1981. In that Decision, the DOE permitted the escrow agent established in the Citronelle case to disburse funds to the Unit's working interest owners in order to reimburse the ownership interest for expenditures incurred in undertaking a tertiary recovery project on the Citronelle Field. In considering Mobil's request, the DOE determined that the firm had failed to show that it would be irreparably injured in the absence of stay relief. Accordingly, Mobil's Application for Stay was denied.

Texaco, Inc., 7/6/81, BET-0018; BES-0156
Chevron U.S.A. Inc., 7/6/81, BET-0020; BES-0157

Little America Refining Company, Inc., 7/6/81, BET-0110; BES-0158

Amoco Oil Company, 7/6/81, BET-0022

Texaco, Inc., Chevron U.S.A. Inc., Little America Refining Company, Inc., and Amoco Oil Company (the Petitioners) filed Applications for Stay and Temporary Stay from the provisions of an April 27, 1981 Decision and Order which granted Asamera Oil (U.S.) Inc. discovery of the Petitioners' 1980 crude oil cost and purchase data. The Petitioners argued that the disclosure of their crude oil data in the manner set forth in the April 27 Order would cause them substantial competitive harm and is therefore prohibited by the Trade Secrets Act, 18 U.S.C. 1905. In

considering the requests for Stay, the Office of Hearings and Appeals concluded that (i) the data in question is not confidential within the meaning of the Trade Secrets Act, and (ii) the release of that data would not cause the Petitioners any competitive harm. Accordingly, the Petitioners' Applications were dismissed without prejudice. The Office of Hearings and Appeals also determined that Asamera had failed to demonstrate a need for the Petitioners' volumetric crude oil data and therefore modified the April 27 Order so that the Petitioners' crude oil data would be released on a percentage basis.

Request for Temporary Stay

Warrior Asphalt Company of Alabama, Inc., 7/9/81, BET-0026

Warrior Asphalt Company of Alabama, Inc., filed an Application for Temporary Stay with the Office of Hearings and Appeals of the Department of Energy. In its application, Warrior requested that the DOE suspend the firm's obligation, to be published in the January 1981 Entitlements Notice, to purchase an additional \$490,098 in entitlements. In considering the request, the DOE determined that Warrior had failed to substantiate its claim that the firm would suffer irreparable injury in the absence of temporary stay relief. Warrior's request for temporary stay was therefore denied.

Motion for Discovery

Oklahoma Refining Company, 7/8/81, BED-0626

Oklahoma Refining Company (ORC) filed a Motion for Discovery in connection with its Statement of Objections to a Proposed Decision and Order issued to the firm on April 22, 1981. In its discovery motion, ORC requested that it be provided with information about its eleven principal competitors' crude oil costs, crude oil supplies, and operating performances for the period June 1979 through March 1980. In considering the request, the DOE determined that the information which ORC requested would be relevant to the firm's exception application only if ORC were able to demonstrate that it had suffered a serious adverse financial impact during the period for which relief was sought. The DOE determined that ORC had failed in its Statement of Objections to make a preliminary showing that the DOE's assessment of its financial situation was incorrect. Accordingly, ORC's Motion for Discovery was denied.

Dismissals

The following submissions were dismissed without prejudice:

Name and Case No.

J. A. Nere Company, DEE-8091
La Gloria Oil & Gas Company, BEN-1653
Richard Pavia, d.b.a. Richard's Standard Service, BRW-0097

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

August 5, 1981.

[FR Doc. 81-23368 Filed 8-11-81; 8:45 am]

BILLING CODE 8450-01-M

Cases Filed; Week of July 24 Through July 31, 1981

During the week of July 24 through July 31, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

August 5, 1981.

Submission of Cases Received by the Office of Hearings and Appeals

[July 24 through July 31, 1981]

Date	Name and location of applicant	Case No.	Type of submission
July 24, 1981	Bettis, Boyle & Stovall, Graham, Texas	BEE-1679	Exception to the Reporting Requirements. If granted: Bettis, Boyle and Stovall would not be required to file Form EIA-23.
July 27, 1981	Champlin Petroleum Company, Washington, D.C.	BEE-1977, BEN-1977	Exception from the Entitlements Program; Request for Interim Relief. If granted: Champlin Petroleum Company would receive an exception from the provisions of 10 CFR § 211.67, which would modify the firm's entitlements purchase obligations. Exception relief would be granted on an interim basis pending a final determination on its Application for Exception.
Do	Dow Chemical, U.S.A., Houston, Texas	BEE-1980	Exception from the Entitlements Program. If granted: Dow Chemical, U.S.A. would receive an exception from the Entitlements Program clean up rule rule, 10 CFR § 211.69.

Submission of Cases Received by the Office of Hearings and Appeals—Continued

[July 24 through July 31, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Do	McDonald Oil Company, Fort Edward, New York	BEE-1678	Exception to the Reporting Requirements. If granted: McDonald Oil Company would not be required to file Form EIA-9A (No. 2 Distillate Price Monitoring Report).
July 28, 1981	Amoco Oil Co./Ashland Oil, Inc., Washington, D.C.	BEJ-0210	Request for Protective Order. If granted: Amoco Oil Company would enter into a protective order with Ashland Oil, Inc. regarding the release of proprietary information to Amoco Oil Company in connection with Ashland Oil, Inc.'s Application for Exception (Case No. BEE-0373).
Do	Emond Oil Company, Pawtucket, Rhode Island	BJX-0221	Supplemental Order. If granted: The September 27, 1976 Remedial Order issued to Emond Oil Company would be rescinded, and the firm would not be required to make refunds for overcharges on sales on No. 2 heating oil.
Do	Lawrence G. Spielvogel, Inc., Wyncote, Pennsylvania	BEG-0059	Petition for Special Redress. If granted: The DOE would review the proceedings involved and action taken in regard to Lawrence G. Spielvogel, Inc.'s request for information under Freedom of Information Request No. 03056020S.
Do	Masonite Corporation, Chicago, Illinois	BEX-0223	Supplemental Order. If granted: The June 12, 1981 Decision and Order (Case No. BES-0670) issued to Masonite Corporation by the Office of Hearings and Appeals would be rescinded.
Do	Newhall Refining Co., Inc., Dallas, Texas	BER-0152	Request for Modification/Rescission. If granted: The June 4, 1979 Decision and Order (Case No. DXE-1322) and the April 20, 1981 Decision and Order (Case No. DEX-0133) issued to Newhall Refining Co., Inc. by the Office of Hearings and Appeals regarding the firm's entitlements purchase obligations would be rescinded.
Do	Uncle Ben's Foods, Inc., Houston, Texas	BEX-0222	Request for Supplemental Order. If granted: The June 12, 1981 Decision and Order (Case No. BES-0672) issued to Uncle Ben's Foods, Inc. by the Office of Hearings and Appeals would be rescinded.
July 30, 1981	Colebrook School District, Colebrook, New Hampshire	BEA-0711	Appeal of State Order. If granted: The Colebrook School District I would receive funds pursuant to the provisions of 10 CFR Part 455, Subpart D, for an energy conservation project which it has already initiated.
Do	The 341 Tract Unit, Mobile, Alabama	BEX-0224	Supplemental Order. If granted: The DOE would establish the procedures governing the conduct of an evidentiary hearing scheduled in connection with the Statement of Objections submitted in response to the Proposed Decision and Order (Case No. DEE-7746).

[FR Doc. 81-23386 Filed 8-11-81; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Decisions and Orders; Week of June 22 Through June 26, 1981

During the week of June 22 through June 26, 1981, the decisions and orders summarized below were issued with respect to appeals and application for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published looseleaf reporter system.

George B. Breznay,
Director, Office of Hearings and Appeals.

August 5, 1981.

Appeals

Dunaway, McCarthy & Dye, 6/25/81, BFA-684

Dunaway, McCarthy & Dye filed an Appeal from a partial denial by the District Manager, Office of Enforcement—Northeast District (District Manager) of a Request for

Information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that the District Manager had conducted an adequate search for documents responsive to the firm's request. Therefore, the firm's Appeal was denied.

Freytag, Marshall, Beneke, LaForce,
Rubinstein & Stutzman, 6/23/81, BFA-0679

Freytag, Marshall, Beneke, LaForce, Rubinstein & Stutzman filed an Appeal from a denial by the District Manager of the DOE Southwest District Office of Enforcement of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE indicated that the Office of Enforcement may under certain circumstances properly withhold investigatory material pursuant to Exemption 7(A) based upon a finding that compliance with an FOIA request would impose an undue burden upon that Office. However, in this case, the DOE determined that the Manager's determination was not sufficiently specific to justify his finding that release of the documents responsive to Freytag's request would result in an undue burden on his Office. The DOE also found that the Manager had not prepared an index of the documents on the basis of the principles set forth in recent DOE cases. Accordingly, the matter was remanded to the Southwest District Office of Enforcement for further proceedings.

Lake Charles Refining Company, 6/25/81, BEA-0154, BEA-0113, BEA-0092

Lake Charles Refining Company filed three Appeals from the Entitlements Notices issued during the months of October, November, and

December 1979. In its Appeals, Lake Charles contends that the ERA should have reduced the firm's obligation to purchase entitlements during those months to compensate the firm for its acquisition of an initial inventory of crude oil. In the Decision and Order issued to the firm, the DOE determined that the ERA did not have the authority to grant the adjustments requested by Lake Charles. In addition, the DOE held that ERA's discontinuance of inventory adjustments was neither an abuse of agency discretion nor arbitrary or capricious. Finally, the DOE rejected the firm's claim that the agency was estopped in this case from discontinuing start-up inventory adjustments. Accordingly, the DOE denied the firm's Appeals.

Mackellar, Inc., 6/26/81; DRA-0201

On July 26, 1978, Mackellar, Inc. filed an Appeal of a Second Supplemental Remedial Order (SSRO) which Region VI of the DOE's Economic Regulatory Administration (ERA) issued to the firm on June 22, 1978. In the Second Supplemental Remedial Order, the ERA found that Mackellar had improperly treated the crude oil which it produced from certain Oklahoma properties as "stripper well" crude oil and had therefore sold that oil at prices in excess of the applicable ceiling price. The DOE concluded that the Second Supplemental Remedial Order, as modified in the Decision and Order, should be affirmed. The important issues discussed in the Decision and Order include (i) whether the evidence supported a finding that the wells on the Mackellar properties did not produce crude oil, (ii) the issue of burden of proof, and (iii) whether the Office of Enforcement's Motion to Modify the interest provisions of the SSRO should be granted.

Michelle Pailthorp, 6/23/81; BFA-0671

Michelle Pailthorp filed an Appeal from a partial denial by the Freedom of Information Officer of the Bonneville Power Administration of a Request for Information that she had submitted under the Freedom of Information Act (FOIA). In considering the Appeal, the DOE generally upheld the initial determination that the material requested was exempt from mandatory disclosure under Exemption 5 of the FOIA. However, the DOE remanded the matter to the Freedom of Information Officer for a determination whether portions of one document are exempt from disclosure under exemptions to the FOIA.

Remedial Orders*E. Dunlap, Jr., 6/26/81 DRO-0383*

E. Dunlap, Jr. filed a Statement of Objections to a Proposed Remedial Order issued to him by the Region IV Office of Enforcement on August 21, 1979. In the PRO, the Office of Enforcement found that Dunlap had improperly sold crude oil produced from several properties in Oklahoma at prices which exceeded the applicable ceiling price levels set forth in 10 CFR 212.73. In his Statement of Objections, Dunlap contested only the findings in the PRO concerning the Akers-Williams Property. Dunlap asserted that since the only well on that property produced from two separate reservoirs, it was a multiple completion well and should be counted as two wells when considering whether the property qualifies for the stripper well lease exemption. Dunlap also asserted that the DOE may not use the criteria set forth in Ruling 1075-12 because they had been declared invalid by a Federal district court. In considering Dunlap's Statement, the DOE found that the well was not a multiple completion well because there was only one tubing string in the well casing. The DOE also noted that Ruling 1075-12 has been upheld by the Temporary Emergency Court of Appeals. Finally, the DOE considered a motion filed by the Office of Enforcement requesting that the interest rates cited in the PRO be increased. In considering this request, the DOE found that the interest rates should be increased only prospectively from the date the Office of Enforcement filed its request.

Lebsack Oil Production, Inc., 6/23/81; DRO-0073

Lebsack Oil Production, Inc. objected to a Proposed Remedial Order which the Office of Enforcement issued to the firm on June 13, 1978. In the Proposed Remedial Order, the Office of Enforcement found that Lebsack had improperly classified and sold as stripper well crude oil, certain crude oil produced from two of its properties. In considering the firm's objections, the DOE rejected the firm's contention that two of its leases should be treated as a single property, since no formal utilization agreement had been executed. In addition, the DOE rejected Lebsack's contentions that (i) an injection well should be included in the well count for determining stripper well property status; (ii) as operator, Lebsack not be required to refund overcharges attributable to the other owners; and (iii) interest may not legally be assessed on overcharges made prior to September 2,

1975. The DOE also granted the Office of Enforcement's motion to modify the PRO with respect to the disposition of the overcharges, and the interest rates applied to the overcharges. The DOE therefore concluded that the Proposed Remedial Order as modified should be issued as a final Order.

Traders Oil and Royalty Co., 6/25/81, BRO-1312

Traders Oil and Royalty Co. filed a Statement of Objections to a Proposed Remedial Order issued to it by the Region VI Office of Enforcement on June 17, 1980. In the PRO, the Office of Enforcement found that during the period from September 1, 1973, through March 31, 1977, the operator of the Well Estate property had improperly sold crude oil produced from the property at prices which exceeded the applicable ceiling price levels set forth in 10 CFR 212.73. The majority of the overcharges resulted from the treatment of the five tracts which constitute the Well estate property as separate properties. In its Statement of Objections, Traders asserted that the five tracts had separate royalty owners, and that under Texas law the firm was required to account to the different royalty owners on a tract-by-tract basis. Traders therefore asserted that the five tracts qualified as separate properties under the separate royalty owner accountability exemption set forth in Ruling 1977-1. In considering Traders' Statement, the DOE found that the lease for the Well Estate property did not require Traders to account to the royalty owners on tract-by-tract basis and that Traders therefore did not meet the criteria set forth in Ruling 1977-1. The DOE also found that Traders had not historically treated the five tracts as separate properties. The DOE also noted that considerations of state law do not override the specific provisions of the DOE Mandatory Petroleum Price Regulations. However, the DOE did find that the PRO issued to Traders should be modified since the two reservoirs on the Well Estate property qualified as separate properties as of September 1, 1976. Accordingly, the PRO was modified and issued as a Remedial Order of the Department of Energy.

Remedial Orders

In the following case involving a proposed Remedial Order, Interim Remedial Orders for Immediate Compliance, no Statement of Objections were filed. The DOE therefore issued the proposed order in final form.

Company Name and Case No.

George Clements, d.b.a. George's Standard, BRW-0090

Requests for Exception*Herbert C. Bridges, 6/25/81, BEE-1659*

Herbert C. Bridges filed an Application for Exception in which he requested that he be relieved of the requirement to file Form EIA-9A, No. 2 distillate Price Monitoring Report. The DOE concluded that Bridges had failed to demonstrate that the Form EIA-9A reporting requirements impose an inordinate burden on his business or that the burden of providing the requested data exceeds the benefits which would be realized by access to the

information. Accordingly, Bridges' Application for Exception was denied.

Caribou Four Corners, Inc., 6/25/81, BEE-1478

Caribou Four Corners, Inc. filed an Application for Exception from the provisions of 10 CFR Part 211, in which the firm sought to be excused from fulfilling its obligations under the DOE Crude Oil Entitlements Program during the period December 1980 through May 1981. The request was granted, and the purchases of entitlements which the firm would otherwise be required to make were reduced by \$1,088,658 in the entitlement notices published each month from December 1980 through February 1981. However, it was determined that the firm would receive excessive benefits for the period ended January 27, 1981, and accordingly the firm will be required to purchase \$107,950 of additional entitlements in the "March 1981" notice.

Fields Field Company, 6/25/81, DEE-3706

Fields Field Company filed an Application for Exception from the provisions of 10 CFR 212, Subpart K in which the firm sought to increase the selling price of natural gas liquids it produces in connection with a natural gas cycling and condensate producing process used at the Wilcox B Sand Unit of the Fields Field in Beauregard Parish, Louisiana. In considering the request, the DOE found that exception relief was necessary to provide the firm with an economic incentive to produce additional volumes of natural gas liquids. The DOE therefore approved exception relief which permitted the firm to sell all of the natural gas liquids produced for the benefit of the working interest owners at a market price of \$5.65 per barrel.

Gulf Oil Corp., 6/25/81, BEE-1244

Gulf Oil Corporation filed an Application for Exception from the provisions of 10 CFR 212.83, in which the firm sought to be relieved of the requirement that it calculate certain unrecouped increased costs in accordance with the refiner price rule and the equal application rule. In considering the request, the DOE found that the Gulf request was moot for the time period beginning November 1, 1980, when the equal application rule was amended to eliminate its applicability to motor gasoline. The DOE also found that retroactive relief from the date of filing to November 1, 1980, should be denied. Accordingly, exception relief was denied.

Jedco, Inc., 6/26/81, DEO-0095

Jedco, Inc. filed an Application for Exception from the provisions of 10 CFR Part 212 in which the firm sought retroactive relief from the regulations which govern the establishment of base period prices for motor gasoline. In considering the request, the DOE found that the firm had failed to meet the standards which govern the approval of retroactive exceptions. Accordingly, exception relief was granted. The important issues discussed in the Decision and Order are (i) relationship between retroactive exceptions and past violations of the DOE price rules, and (ii) the circumstances under

which a Remedial Order may be modified in the context of an exception proceeding.

L. E. Jones Production Company, 6/24/81, BEE-0292

L. E. Jones Production Company filed an Application for Exception in which the firm sought to be relieved of the reporting requirements imposed by Schedule 1, Part II of Form EIA-23 (Annual Survey of Domestic Oil and Gas Reserves). In considering the request, the DOE found that in view of the bookkeeping methods employed by the firm and the firm's precarious financial position, full compliance with the reporting requirements could impose an inordinate burden on the firm. Accordingly, the DOE granted the firm's request for exception relief.

Prospect Auto Repair, 6/24/81, DEE-6383

Prospect Auto Repair filed an Application for Exception from the provisions of 10 CFR Part 211, in which the firm sought an increased allocation of motor gasoline. After the President decontrolled crude oil and refined petroleum products on January 28, 1981, the DOE sent a letter to the firm stating that further consideration of its submission appeared unnecessary. Prospect requested that a decision be reached regarding its Application since motor gasoline shortages may reoccur and gasoline allocations may again be imposed. The DOE determined that Prospect Auto Repair's concerns were purely speculative and did not form a proper basis for exception relief. Accordingly, the DOE dismissed the firm's Application for Exception.

Texaco, Inc., 6/25/81, DEE-0047

On March 21, 1978, Texaco, Inc. filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D, in which the firm sought permission to sell the crude oil produced during the period April through September 1978 from Platform A on Alaska State Lease ADL-17597 at prices in excess of applicable ceiling price levels. In considering the request, the DOE found that exception relief was necessary in order to provide the firm with a continued incentive to maintain its crude oil operations at Platform A. Accordingly, under the *Great Southern* standards, exception relief was granted to Texaco allowing the firm to sell 44.34 percent of the Platform A production during the April through September 1978 period at upper tier prices.

U.S. Oil and Refining Company, 6/25/81, BEE-1418

U.S. Oil and Refining Company filed an Application for Exception from the provisions of 10 CFR 211.67, in which the firm sought entitlement benefits to reduce the average cost to the firm of the light crude oil which it imports from Indonesia. In considering the request, the DOE found that the firm had not shown that it was suffering financial hardship or any significant post-entitlements crude oil cost disparity for its combined refining operations. Accordingly, exception relief was denied.

Motion for Discovery

Winston Refining Company, 6/25/81, BED-1284

Winston Refining Company filed a Motion for Discovery in connection with its Statement of Objections to a Proposed Decision and Order issued to the firm on March 24, 1981. In its discovery request, Winston sought data regarding first purchases of crude oil by refiners during the period January through October 1980 and information upon which the DOE based its conclusion in the Proposed Decision that Winston's crude oil cost disadvantage was caused primarily by the quality of the firm's oil feedstock, refinery location, and market forces. In considering the first portion of Winston's request, the DOE determined that while the method by which the DOE calculates average refiner access to price-controlled oil is an issue which might be examined in the exceptions process, the specific first purchase data requested by Winston ignores first purchases by resellers and would therefore not aid the firm in determining levels of unreported old oil. In considering the second portion of Winston's request, the DOE found that the explanations contained in the Proposed Decision regarding Winston's higher-than-average crude oil costs were based not upon documentary evidence but rather on an understanding of the market for crude oil and that such explanations did not constitute the logical underpinning for the Proposed Decision's central conclusion that Winston had failed to show that its difficulties were the result of the DOE regulatory program. Accordingly, Winston's Motion for Discovery was denied.

Request for Temporary Stay

San Joaquin Refining Company, 6/24/81, BET-0023

San Joaquin Refining Company filed an Application for Temporary Stay of the requirement that it respond to an NOPV until such time as the Office of Enforcement acts on its request to join additional parties to the enforcement proceeding, 10 CFR 202.191. In considering the Application, the DOE determined that the firm would not incur an irreparable injury if it is required to respond to the NOPV in a timely manner. The temporary stay request was therefore denied.

Interlocutory Orders

Atlantic Richfield Company, Gulf Oil Corporation, Marathon Oil Company, Standard Oil Company of California, The Standard Oil Company (Ohio), Texaco, Inc., Louisiana Land and Exploration Company, 6/25/81, BRZ-0038 through 0044

The petitioners in this proceeding filed Motions to compel discovery of all non-identical copies of a document known as the "Issues Paper" in connection with six enforcement proceedings brought by the DOE's Office of Special Counsel (OSC). In the course of the proceeding OSC released a single copy of the Issues Paper to the petitioners but declined to make all annotated versions available. In considering the request the DOE found that annotations to the Issues Paper may be relevant and are discoverable to the extent that they satisfy the criteria established earlier in the enforcement proceedings for delineating the appropriate scope of contemporaneous

construction discovery. The DOE further determined that, solely for purposes of discovery on non-identical copies of the Issues Paper, the time period limiting allowable discovery should be extended through February 6, 1979. Finally, the DOE found that a request for discovery of all documents which explain the meaning of the Issues Paper should be denied because it was not filed in a timely manner. Accordingly, the Motions to compel discovery were granted in part.

Office of Special Counsel, 6/26/81, BRZ-0105

Pursuant to Office of Special Counsel, 8 DOE ¶ (May 15, 1981), the Office of Hearings and Appeals entered an Order finding Texaco Inc. to have admitted specified factual findings to a Proposed Remedial Order issued to it on May 1, 1979, which it failed to controvert in its Statement of Factual Objections.

Dismissals

The following submissions were dismissed without prejudice:

Name and Case No.

Batzell, Nunn & Bode, BEG-0038 thru BEG-0052
Phillips Petroleum Co., DEE-5113, BED-0056
Rice-Lindquist, Inc., Rice Oil Company, BRO-1163, BRO-1164.

[FR Doc. 81-23367 Filed 6-11-81; 8:45 am]

BILLING CODE 6450-01-M

Western Area Power Administration

Floodplain/Wetlands Involvement Determination for the Craig-Rifle 230- to 345-Kilovolt Transmission Line Uprate in Moffat, Rio Blanco and Garfield Counties, Colorado

AGENCY: Western Area Power Administration, U.S. Department of Energy.

ACTION: Notice of floodplain/wetlands involvement and opportunity for comment.

SUMMARY: Western Area Power Administration (Western) proposes to uprate the existing Craig-Rifle 230-kilovolt (kV) transmission line to 345-kV. The existing line is located between Craig and Rifle in Moffat, Rio Blanco, and Garfield Counties, Colorado. Western proposes to uprate the line by adding an additional conductor to form a bundle configuration. Some towers may need to be replaced and/or increased in height where there are direction changes, longer spans, or deadends along the line.

Western has initiated an environmental assessment for the proposal. In addition to the proposal, the environmental assessment will consider the following location alternatives:

Alternate A—The southern portion of the line would be relocated to parallel

Colorado-Ute Electric Association's transmission line from Colorado-Ute Electric Association's Rifle Substation north to where Western's existing line crosses U.S. Highway 13.

Alternate B—The portion of the line between the U.S. Highway 13 crossing and Meeker, Colorado, would be relocated to parallel West Rifle Creek.

Alternate C—The portion of the line from Meeker north to the Craig Powerplant Switchyard would be relocated to parallel Colorado-Ute Association's transmission line.

Pursuant to the U.S. Department of Energy's procedures, Compliance with Floodplain/Wetlands Environmental Review Requirements, Part 1022 of Chapter X of Title 10 of the Code of Federal Regulations, Western has determined that the uprate may involve some activities with floodplain/wetlands at a few locations. Based on examination of the Federal Insurance Administration's Flood Hazard Boundary Maps for the area, the existing Craig-Rifle line crosses flood hazard zones in the following floodplains:

Floodplain and Location

Williams Fork—T5N, R90W, Section 27
Waddle Creek—T4N, R90W, Section 8
Herring Draw—T4N, R90W, Section 9
Morapos Creek—T4N, R91W, Section 32
Deer Creek—T4N, R91W, Section 29
Stinking Gulch—T3N, R91W, Section 5
Milk Creek—T3N, R92W, Section 24
Milk Creek—T2N, R92W, Section 5
Colorado River—T6S, R92W, Section 8

The maps also indicate that Alternate A would cross the flood hazard zone of the Colorado River in T6S, R92W, Section 18, and that Alternate C would cross the flood hazard zones of the Yampa River at two locations: T6N, R91W, Section 18, and T5N, R92W, Section 7.

Flood Hazard Boundary Maps are not available for portions of Garfield County and all of Rio Blanco County. Western therefore examined U.S. Geological Survey 7½ minute quadrangle maps for the area and determined that the existing line and the Alternates cross floodplains at the following locations:

Floodplain, Alternate and Location

Jeffery Gulch, Existing, T5N, R90W, Section 3
Pock Gulch, Existing, T5N, R90W, Section 23
Wilson Creek, C, T4N, R93W, Section 21
Peck Gulch, Existing, T4N, R90W, Section 13
McIlhatton Res., Existing, T1N, R93W, Section 9
White River, Existing, T1N, R93W, Section 30
White River, Existing, T1N, R94W, Section 32
Sheep Creek, Existing, T1S, R94W, Section 8
Fourteen Mile Creek, Existing, T3S, R94W, Section 8

Piceance Creek¹, B, T3S, R94W, Section 13
Piceance Creek¹, B, T3S, R94W, Section 24
Piceance Creek, Existing, T4S, R94W, Section 4

Piceance Creek, B, T4S, R94W, Section 35
Rifle Creek Canyon Ditch, Existing, T5S, R92W, Section 30

Rifle Creek Canyon Ditch, A, T5S, R92W, Section 31
Rifle Creek, A, T5S, R92W, Section 31
Government Creek, A, T5S, R93W, Section 25

Western will complete a floodplain/wetland assessment for the proposal in accordance with 10 CFR Part 1022.12. Comments or suggestions on the proposal's floodplain/wetland activities are encouraged and will be incorporated into the floodplain/wetland assessment.

Western has scheduled three public information meetings on the proposal as follows:

Date: August 17, 1981

Time: 7:30 p.m.

Location: Rifle City Council Chambers, Rifle City Hall, 337 East Ave., Rifle, CO

Date: August 18, 1981

Time: 7:30 p.m.

Location: Fairfield Center Building, 3rd Street and Main, Meeker, CO

Date: August 19, 1981

Time: 1:00 p.m.

Location: Courthouse Auditorium, 221 W. Victory Way, Craig, CO

Comments on floodplain/wetlands or on any other aspects of the proposal may be given at the public meetings or mailed to Western's Salt Lake City Area Manager. Maps and further information are available from Western at the addresses given below.

DATE: Any written comments are due by September 4, 1981.

ADDRESS: Send comments or suggestions to: Albert M. Gabiola, Area Manager, Salt Lake City Area Office, Western Area Power Administration, P.O. Box 11806, Salt Lake City, UT 84147.

FOR FURTHER INFORMATION CONTACT:

J. Kelley McBride, Environmental Specialist, Salt Lake City Area Office, Western Area Power Administration, 1800 S. Rio Grande Ave., Montrose, CO 81401. Telephone: (303) 249-4551, Extension 211.

Issued at Golden, Colorado, August 5, 1981.

William H. Claggett,

Deputy Administrator.

[FR Doc. 81-23600 Filed 8-11-81; 10:44 am]

BILLING CODE 6450-01-Mge

¹ Alternate parallels creek.

ENVIRONMENTAL PROTECTION AGENCY

[SWH-FRL 1906-1]

Availability of Interim Guidance on Removal Program

The Environmental Protection Agency (EPA) has published Interim Guidance on the Removal Program under the Comprehensive Environmental Response, Liability, and Compensation Act of 1980 (Pub. L. 96-510), also known as Superfund. This guidance provides procedures to be used by EPA On-Scene Coordinators when providing both immediate and planned removal actions at multi-media (air, land, ground water, and surface water) releases of hazardous substances. Topics discussed in the guidance include: approvals necessary to commence response actions, Fund obligation authority, limits of Fund expenditures, contracting and accounting procedures, reporting requirements, State role, and case histories. The guidance is interim pending final publication of the revised National Contingency Plan. Periodic revisions of and additions to the guidance will be made as the Agency gains more experience in the program operations. For copies contact: Beverly Dishner, Response Operations Branch (WH-548-B), Office of Emergency and Remedial Response, Environmental Protection Agency, Washington, D.C. 20460, Phone: (202) 245-3057.

Dated: August 8, 1981.

Michael B. Cook,

Director, Office of Emergency and Remedial Response.

[FR Doc. 81-23426 Filed 8-11-81; 8:45 am]

BILLING CODE 6560-30-M

[OPTS-51296; TSH-FRL-1906-6]

Certain Chemical; Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the Federal Register of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This

notice announces receipt of a PMN and provides a summary.

DATE: Written comments by: PMN 81-373, October 2, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-51296]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-755-5687).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81-373	Carrie Berlin	202-426-8615	E-222

Mail address of notice manager: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following is a summary of information provided by the manufacturer on the PMN received by EPA:

PMN 81-373

Close of Review Period. November 1, 1981.

Manufacturer's Identity. American Hoechst Corporation, Route 202/206 North, Somerville, NJ 09986.

Specific Chemical Identity. Benzendiazonium, 4,4'-bis(o-chloro)-dichloride.

Use. The manufacturer states that the PMN substance will be used as a site-limited use pigment intermediate.

Production Estimates

	Kilograms per year
1st year	52,000
2d year	52,000
3d year	52,000

Physical/Chemical Properties. No data were submitted.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that there will be essentially no exposure to this substance except by accidental spill or leak. It will be transferred between vessels by air pressure and connecting lines will be rinsed with water before disassembly.

Environmental Release/Disposal. The manufacturer states that the PMN substance is completely consumed by reaction.

Dated: August 4, 1981.

Denise F. Swink,

Acting Director for Management Support Division.

[FR Doc. 81-23424 Filed 8-11-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51295; TSH-FRL-1906-7]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the *Federal Register* of May 15, 1979 (44 FR 28556) and November 7, 1980 (45 FR 74378). This notice announces receipt of two PMN's and provides a summary of each.

DATES: Written comments by: PMN 81-369 and P-81-370, September 26, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-51295]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, D.C. 20460, (202-755-5687).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice Manager	Telephone	Room No.
81-369	Rachel Diamond	202-426-2601	E-222
81-370	George Bagley	202-426-2601	E-210

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN 81-369

Close of Review Period. October 26, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information.

Generic information provided: Aliphatic polyamide.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used as a hot-melt adhesive.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Acid Value—0.9
Amine Value—5.36
Softening Point—105° C
Density—0.916

Toxicity Data

Acute oral LD₅₀ (rats)—5.0 g/kg
Acute dermal LD₅₀ (rabbits)—2.0 g/kg
Skin irritation—Minimally irritating
Eye irritation—Moderately irritating

Exposure. The manufacturer states that during manufacture 2 workers may experience dermal and inhalation exposure approximately 5 hours per batch.

Environmental Release/Disposal. The manufacturer states that a small quantity of liquid waste will be generated during manufacture. This will be monitored for physical characteristics during process start-up and disposal of to a public-owned treatment works (POTW).

PMN 81-370

Close of Review Period. October 26, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Amine modified epoxy resin.

Use. Claimed confidential business information.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties.

Appearance—Solution
Sp. Gm.—1.095
Viscosity—50-60 stokes

Toxicity Data

Acute oral toxicity LD₅₀ (rats)—> 5 g/kg

Acute dermal toxicity LD₅₀ (rabbit)—> 2 g/kg

Acute inhalation 22.7 mg/l—No mortality

Eye irritation (rabbits)—Initial irritation cleared in 7 days

Exposure. The manufacturer states that workers will not be exposed to the chemical substance per se since the chemical substance is not isolated but is used as a solution in an organic solvent.

Environmental Release/Disposal. The manufacturer states that any released materials would be the result of accidental spills and would be in solution form. All spilled material will be absorbed by a chemical absorbent material and not released into any waterway or water treatment facility. Disposal of all residues is by approved disposal in a landfill operation or by burning.

Dated: August 3, 1981.

Denise F. Swink,

Acting Director for Management Support Division.

[FR Doc. 81-23425 Filed 8-11-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-59055A; TSH-FRL-1907-4]

Heterocyclic Quaternary Salt; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA received an application from a submitter who claimed its identity confidential for a test marketing exemption (TM-81-20) under section 5 of the Toxic Substances Control Act (TSCA) on June 18, 1981. The substance is identified generically as heterocyclic quaternary salt. The notice of receipt of the exemption application was published in the Federal Register of July 2, 1981 (46 FR 34696). EPA has granted the exemption.

EFFECTIVE DATE: This exemption is effective on August 5, 1981.

FOR FURTHER INFORMATION CONTACT: Robert W. Jones, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-208, 401 M St., SW., Washington, D.C. 20460 (202-426-2601).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirement of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements of certain new chemical substances.

Section 5(h), "Exemptions", contains

several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirements of section 5(a) or section 5(b), and to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of this disposition in the Federal Register. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On June 18, 1981, EPA received an application from a submitter for an exemption from the requirements of sections 5(a) and (5b) of TSCA to manufacture a substance for test marketing purposes. The submitter claimed its identity, chemical identity, use, physical properties, and process information as confidential. The substance for which the exemption application was submitted is identified generically as heterocyclic quaternary salt. The notice of receipt of the exemption application, requesting comment on the appropriateness of granting the exemption, was published in the Federal Register on July 2, 1981 (46 FR 34696). The Agency received no comment concerning the application.

In the application, the submitter states he will produce 30 kg of the substance and will test market the substance for a period not to exceed one year. Manufacturing will take place at one time and no more than 4 operators will (potentially) be exposed. Potential exposure (skin or eye contact) to the reactants and the substance will be for less than 8 hours. The substance is a precipitate from a reaction medium. It is filtered, water washed, air dried, and becomes an intermediate which is added within two hours to a reaction vessel for subsequent reaction. Unreacted byproducts will be incinerated and all workers will wear protective goggles, gloves, and garments and will observe industrial precautions. No customer outside the submitter's plant will be exposed in any way to the substance. None of the subject substances will be transported and none is expected to enter the environment.

Agency reviewers indicated some potential for oncogenic effects that may possibly be caused by chronic exposure to the new chemical. However, for test

marketing purposes there will be no chronic exposure to the substance and no consumer or environmental exposure. The submitter states that it takes precautions to protect workers from contact with the new chemical.

Because of the low level of concern regarding the acute toxicity of the substance, low human exposure, and no environmental release of the substance during test marketing, EPA has determined that the substance will not present an unreasonable risk of injury to health or the environment as a result of the test marketing activities described by the submitter. Accordingly, EPA grants the submitter an exemption from the premanufacture reporting requirements for purposes of test marketing the heterocyclic quaternary salt in the manner described in the exemption application.

This test market exemption is granted based on the facts and information obtain and reviewed, but is subject to all conditions set out in the exemption application and, in particular, those enumerated below:

1. This exemption is granted solely to this manufacturer.
2. The applicant must maintain records of the date(s) of production and the quantities produced in each batch and must make these records available to EPA upon request.
3. The production volume of the new substance may not exceed the quantity of 30 kg described to EPA in the test marketing exemption application.
4. The test marketing activity approved in this notice is limited to a one-year period commencing on the date of signature of this notice by the Administrator.
5. The number of workers exposed to the new chemical substance should not exceed that specified in the application and duration of exposure should not exceed that specified.
6. Workers should wear protective gloves, goggles, and garments and observe precautions to prevent contact with the chemical substance as cited in the application.

The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusion that the test marketing of this substance under the conditions specified in the application will not present an unreasonable, risk of injury to human health or the environment.

Dated: August 5, 1981.

Anne M. Gorsuch,
Administrator.

[FR Doc. 81-23427 Filed 8-11-81; 8:45 am]

BILLING CODE 6560-01-M

[OPTS-51298; TSH-FRL-1906-5]

**Poly(1,4 Butane/Neopentyl Adipate);
Premanufacture Notice**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the *Federal Register* of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of one PMN and provides a summary.

DATE: Written comments by: PMN 81-378, October 4, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-51298]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460 (202-755-5687).

FOR FURTHER INFORMATION CONTACT:

For PMN No., Notice Manager, Telephone, and Room No.

81-378—June Thompson (202-755-6660), E-529E

Mail address of notice manager: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following is a summary of information provided by the manufacturer on the PMN received by EPA:

PMN 81-378

Close of Review Period: November 3, 1981.

Manufacturer's Identity. American Can Company, Inolex Division, Jackson and Swanson Streets, Philadelphia, PA 19148.

Specific Chemical Identity. Poly(1,4 butane/neopentyl adipate).

Use. The manufacturer states that the

PMN substance will be used in industrial coatings, adhesives and elastomers.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	10,000	50,000
2d year	10,000	100,000
3d year	20,000	200,000

Physical/Chemical Properties

Vapor pressure (mm Hg.)—Negligible.
Solubility—Insoluble in water.

Appearance—Straw to light amber viscous liquid above 30° C, white paste below 25° C.

Toxicity Data

Skin irritation—Mild.

Eye irritation—Mild.

Exposure. No data were submitted.

Environmental Release/Disposal. No data were submitted.

Dated: August 6, 1981.

Denise F. Swink,

Acting Director for Management Support Division.

[FR Doc. 81-23423 Filed 8-11-81; 8:45 am]

BILLING CODE 6560-31-M

**FEDERAL COMMUNICATIONS
COMMISSION**

**Designating Applications for
Consolidated Hearing on Stated
Issues; Memorandum Opinion and
Order**

Adopted: July 24, 1981.

Released: August 7, 1981.

In re Applications of Alco Telephone Answer-Ring Service of Greenville, Miss., Inc., CC Docket No. 81-479 File No. 1489-CM-P-79; and Microband Corp. of America, CC Docket No. 81-480 File No. 3155-CM-P-79; For Construction Permits in the Multipoint Distribution Service for a New Station at Greenville, Mississippi.

By the Common Carrier Bureau:

1. For consideration are the above-reference applications.¹ These applications are for construction permits in the Multipoint Distribution Service and they propose operations on Channel 1 in Greenville, Mississippi. The applications are therefore mutually

¹ On August 18, 1980, Tymshare, Inc. (Tymshare) and Arthur Lipper Corporation (ALC) executed a contract whereby ALC agreed to transfer control of Microband to Tymshare. See Application for Transfer of Control Memorandum Opinion, Order and Authorization, File Nos. 11-76-CM-TC-(69)-80, 85 FCC 2d 1023 (1981).

exclusive and, under present procedures, require comparative consideration. These applications have been amended as result of informal requests for the Commission's staff for additional information. There are no petitions to deny or other objections under consideration.²

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the service which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

3. Accordingly, It is hereby ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e) and Section 0.291 of the Commission's Rules, 47 CFR 0.291, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered:³

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, That Alco Telephone Answer-Ring Service of Greenville, Miss., Inc., Microband Corporation of America and the Chief, Common Carrier Bureau, are made parties to this proceeding.

5. It is further ordered, That parties desiring to participate herein shall file their notices of appearance in

² By Memorandum Opinion and Order adopted June 26, 1981 and released July 2, 1981, Mimeo No. 001853, Microband was granted an exemption from the Commission's "cut-off" rules pursuant to Section 21.31 of the rules, 47 CFR 21.31, to preserve the status of its pending mutually exclusive application.

³ Consideration of these factors shall be in light of the Commission's discussion in *Frank K. Spain*, 77 FCC 2d 20 (1980).

accordance with the provisions of § 1.221 of the Commission's rules.

James R. Keegan,

Chief, Domestic Facilities Division
Common Carrier Bureau.

[FR. Doc. 81-2391 Filed 8-11-81; 9:45 am]

BILLING CODE 6712-01-M

Designating Applications for Consolidated Hearing on Stated Issues; Hearing Designation Order

Adopted: July 29, 1981.

Released: August 7, 1981.

In re applications of Bintz Enterprises, Inc. Breckenridge, Texas; Req. 93.5 MHz Channel 228A 3.0 kW (H&V), 300 feet, BC Docket No. 81-485 File No. BPH-800228AH; Richard L. Whitworth, James David Bullion and Owen D. Woodward, d.b.a. Breckenridge Broadcasting Co.; Req. 93.5 MHz, Channel 228A 3.0 kW (H&V), 298 feet, BC Docket No. 81-486 File No. BPH-800828AF; For Construction Permit for a New FM Station

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by Bintz Enterprises, Inc. (BEI) and Richard L. Whitworth, James David Bullion and Owen D. Woodward d.b.a. Breckenridge Broadcasting Company (BBC) and a Petition to Deny the application of BBC filed December 19, 1980 by BEI and related pleadings.¹

2. BEI Section 73.1125 of the Commission's Rules requires that the main studio of an FM station be located within the city of license, but that on a showing of good cause the main studio may be located outside that community. BEI proposes to locate its main studio at South Sunset Avenue, 1.4 miles Southwest of Breckenridge. However, it has not requested a waiver of § 73.1125. Under these circumstances, we believe that adequate justification has not been provided for the proposed studio location. Accordingly, an issue will be specified.

3. BBC proposes independent programming while BEI proposes to duplicate some of the programming of its commonly owned station KSTB(AM).

¹ Pursuant to the Commission's Report and Order in re Revised Procedures for the Processing of Contested Broadcast Applications; Amendments of Part 1 of the Commission's Rules, 72 FCC 2d 202, 45 RR 2d 1220 (1979), which directed the deletion of all issue pleadings in pending cases, the matters sought to be raised by Bintz in its pleadings have not been considered in this Order. Accordingly, an opportunity to raise any allegations contained in the Petition which have not been discussed herein will be afforded the parties post designation, pursuant to § 1.229.

Therefore, evidence regarding program duplication will be admissible under the standard comparative issue. When duplicated programming is proposed, the showing permitted will be limited to evidence concerning the benefits to be derived from the proposed duplication which would offset its inefficiency. Jones T. Sudbury, 8 FCC 2d 360, 10 RR 2d 114 (1967).

4. BBC. Analysis of the financial portion of BBC's application reveals that it will require \$25,335 to construct the proposed facility and operate for three months, itemized as follows:

Equipment	\$8,134
Miscellaneous and other costs	2,450
Operating costs (three months)	14,751
Total	25,335

Although BBC is represented by communications counsel, it has budgeted only \$1,200 for legal costs, an amount insufficient to cover the cost of a comparative hearing. To meet these expenses BBC intends to rely on new capital from one of the partners, Owen D. Woodward, for up to \$60,000. However, Mr. Woodward's balance sheet is more than 90 days old and thus fails to meet the requirement set forth in Paragraph 2(a) of Section III of Form 301, applicable to funds furnished by parties connected with the applicant. In any event, Mr. Woodward's balance sheet shows net liquid assets of only \$24,300, an amount insufficient to meet the commitment. Moreover, the Partnership Agreement stipulates that:

"Owen D. Woodward . . . has obligated himself to secure jointly with each of the parties to this Agreement such sums necessary for purchase of equipment and operations as may be necessary for the furtherance of the purpose of this Agreement up to a total sum of \$60,000. Each of the parties to this Agreement shall be personally obligated to pay their prorata share of any indebtedness of the partnership and shall personally endorse any notes guaranteed by Owen D. Woodward for the partnership."

Thus, each of the partners is committed to share the costs of construction and operation in proportion to his interest (33.33%), but only Mr. Woodward made any showing of ability to contribute to the financing of the proposed station. Therefore, a general financial issue will be specified.

5. Since no determination has been reached that the antenna proposed by BBC would not constitute a menace to air navigation, an issue regarding this matter is required.

6. Data submitted by the applicants indicate that there would be a

significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purpose of comparison, the areas and populations which would receive FM service of 1 mV/m of greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

8. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether the proposal of BEI to locate the main studio outside its community of license is in compliance with Section 73.1125 of the Commission's Rules with respect to location of the main studio and if not whether circumstances warrant a waiver of that Section.

2. To determine with respect to BBC: (a) the source and availability of funds to meet its expected costs, including the cost of a hearing; and (b) in light of the evidence adduced pursuant to (a) above, whether the applicant is financially qualified to construct and operate the proposed station.

3. To determine whether there is a reasonable possibility that the tower height and location proposed by BBC would constitute a hazard to air navigation.

4. To determine which of the proposals would, on a comparative basis, better serve the public interest.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

9. It is further ordered, That the FAA is made a party to the proceeding.

10. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to Section 1.221(c) of the Commission's rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission

in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

11. It is further ordered, That, the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594(g) of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

12. It is further ordered, That, in the event the application of BEI is granted, it is subject to the condition that if the Commission ultimately adopts a rule prohibiting commonly owned AM and FM stations in the same market, BEI will divest itself of either its AM station or FM station in accordance with the requirements established in such rulemaking proceeding.

Federal Communications Commission.

By: Larry D. Eads,

Acting Chief, Broadcast Facilities Division,
Broadcast Bureau.

[FR Doc. 81-23392 Filed 8-11-81; 8:45 am]

BILLING CODE 6712-01-M

Designating Applications for Consolidated Hearing on Stated Issues; Memorandum Opinion and Order

Adopted: July 24, 1981.

Released: August 7, 1981.

In re Applications of Unimel, Inc., CC Docket No. 81-477 File No. 5884-CM-P-80; and Microband Corporation of America, CC Docket No. 81-478 File No. 10491-CM-P-80; For Construction Permits in the Multipoint Distribution Service for a New Station at St. Cloud, Minnesota.

By the Common Carrier Bureau:

1. For consideration are the above-referenced applications.¹ These applications are for construction permits in the Multipoint Distribution Service and they propose operations on Channel 1 in St. Cloud, Minnesota. There are no petitions to deny or other objections under consideration.²

¹ On August 18, 1980, Tymshare, Inc. (Tymshare) and Arthur Lipper Corporation (ALC) executed a contract whereby ALC agreed to transfer control of Microband to Tymshare. See Application for the Transfer of Control Memorandum Opinion, Order and Authorization, File Nos. 11-76-CM-TY-(69)-(80), 85 FCC 2d 1023 (1981).

² By Memorandum Opinion and Order adopted June 26, 1981 and released July 2, 1981, Mimeo No. 001863, Microband was granted an exemption from the Commission's "cut-off" rules pursuant to § 21.31

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

3. Accordingly, it is hereby ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e) and Section 0.291 of the Commission's Rules, 47 CFR 0.291, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered:³

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities, and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, That Unimel, Inc., Microband Corporation of America and the Chief, Common Carrier Bureau, are made parties to this proceeding.

5. It is further ordered, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's rules.

James R. Keegan

Chief, Domestic Facilities Division, Common Carrier Bureau.

[FR Doc. 81-23393 Filed 8-11-81; 8:45 am]

BILLING CODE 6712-01-M

[FCC 81-399]

Closed Circuit Test of the Emergency Broadcast System During the Week of August 24, 1981

August 5, 1981.

A test of the Emergency Broadcast System (EBS) has been scheduled during

of the rules, 47 CFR 21.31, to preserve the status of its pending mutually exclusive application.

³ Consideration of these factors shall be in light of the Commission's discussion in Frank K. Spain, 77 FCC 2d 20 (1980).

the week of August 24, 1981. Only ABC, MBS, NPR, AP Radio, CBS, IMN, NBC and UPI Audio radio network affiliates will receive the Test Program for the Closed Circuit Test. AP and UPI wire service clients will receive activation and termination messages of the Closed Circuit Test. Television networks are not participating in the Test.

Network and press wire service affiliates will be notified of the test procedures via their network approximately 30 to 45 minutes prior to the test.

Final evaluation of the test is scheduled to be made about one month after the Test.

This is a closed circuit test and will not be broadcast over the air.

Action by the Commission August 4, 1981. Commissioners Fowler (Chairman), Quello, Washburn, Fogarty, Jones and Dawson.

William J. Tricarico

Secretary, Federal Communications Commission.

[FR Doc. 81-23455 Filed 8-11-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Federal Council on the Aging; Meeting

The Federal Council on the Aging was established by the 1973 Amendments to the Older Americans Act of 1965 (Pub. L. 93-29, 42 U.S.C. 305) for the purpose of advising the President, the Secretary of Health and Human Services, the Commissioner on Aging, and the Congress on matters relating to the special needs of older Americans.

Notice is hereby given pursuant to the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. app. 1, sec. 10, 1976) that the Council will hold a meeting August 31, 1981 from 9:30 a.m. to 5:30 p.m. and September 1, 1981 from 9:00 a.m. to 12:30 p.m. in Room 5542, HHS-North Building, 330 Independence Avenue, SW, Washington, D.C. 20201.

The agenda on the first day will include remarks from the new Commissioner on Aging, Dr. Lennie-Marie Tolliver; presentation by representatives of National Minority Aging organizations on public policy concerns of that segment of the economy; and, a discussion on the Federal Budget, its impact on entitlement programs, discretionary programs and social security proposals for the elderly. The second day's agenda will consist of a status report on the Reauthorization of the Older Americans Act, White House Conference on the

Aging and the World Assembly on Aging. The Council's future work plan and utilization of resources will also be discussed along with other items of importance to the well-being and quality of life of the elderly during this meeting.

Further information on the Council may be obtained from the Federal Council on the Aging, Washington, D.C. 20201 telephone (202) 245-0441.

FCA meetings are open for public observation.

Dated: July 31, 1981.

Rev. Msgr. Charles J. Fahey,
Chairman, Federal Council on the Aging.

[FR Doc. 81-23413 Filed 8-11-81; 8:45 am]

BILLING CODE 4110-92-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Fair Housing and Equal Opportunity

[Docket No. N-81-1065]

Availability of Funding Under the Fair Housing Assistance Program: Noncompetitive Solicitation

AGENCY: Department of Housing and Urban Development/Office of the Assistant Secretary for Fair Housing and Equal Opportunity.

ACTION: Notice—Announcement of noncompetitive solicitation for funding available under the fair housing assistance program.

SUMMARY: HUD is soliciting applications from eligible State and local fair housing agencies for funding under the Fair Housing Assistance Program (FHAP). Agencies must meet eligibility criteria and minimum funding standards in order to qualify for consideration under this program.

FOR FURTHER INFORMATION CONTACT: Steven J. Sacks, Director, Federal, State, and Local Programs Division, Office of Fair Housing Enforcement and Section 3 Compliance, Office of Fair Housing and Equal Opportunity, Room 5208, 451-7th Street, S.W., Washington, D.C. 20410. Telephone: (202) 426-3500. (This is not a toll-free number). Applications kits are available upon written or telephone request. To assure a prompt response, it is suggested that requests for application kits be made by telephone.

DATE: Applications for Type I, Non-Competitive funding must be submitted by agencies currently eligible to apply by September 28, 1981. Any application received after this time period will not be considered unless it meets one of the late application exceptions specified in the application kit.

SUPPLEMENTARY INFORMATION: This announcement of solicitation for non-competitive funding available under the FHAP is based on the relevant sections of the Interim Regulation published by the Department as 24 CFR Part 111 in the Federal Register on May 14, 1980 (45 FR 31880). These sections are referenced, *infra*, under method of Distribution. Interested Agencies are urged to review the referenced sections of that regulation and the information in this announcement in order to determine whether or not they should apply under this program. This program is described in the Catalog of Federal Domestic Assistance at 14.401, Fair Housing Assistance Program. Applications are not subject to State and areawide clearinghouses review pursuant to procedures in OMB Circular No. A-95 (revised).

The program has two types of available funding: Type I, Non-competitive Funding, and Type II, Competitive Funding. Type I, Non-competitive Funding encompasses the component of Contributions and the categories of Mandatory Training and Individualized Training Support in the component of Training and Technical Assistance. Type II, Competitive Funding, encompasses the Data and Information Component, the Innovative Projects Component, and the Technical Assistance Category of the Training and Technical Assistance Component. Eligible agencies can apply under this announcement for Type I funding only. Notice of Availability of Funding under Type II, Competitive, will be published at a later date.

Title VIII of the Civil Rights Act of 1968, as amended (Federal Fair Housing Law), prohibits discrimination in the sale, rental and financing of housing and in the provision of brokerage services. Section 810(c) of Title VIII provides that wherever a State or local fair housing law provides rights and remedies substantially equivalent to those in Title VIII, the Secretary is required to notify the appropriate State or local agency of any complaint filed under Title VIII that appears to constitute a violation of such State or local fair housing law. Section 816 of Title VIII provides that the Secretary may cooperate with State and local agencies charged with the administration of State and local fair housing laws and, with the consent of such agencies, may utilize their services and their employees and may reimburse such agencies for services rendered in carrying out Title VIII.

The Fair Housing Assistance Program was authorized by Congress to provide resources to the Department to enable it

to enhance the fair housing enforcement capabilities of State and local civil rights agencies in order to assure prompt and effective processing of fair housing complaints. The FHAP consists of four components: Contributions Training and Technical Assistance, Data and Information Systems and Innovative Projects. A sum of \$3.7 million has been appropriated for the program in fiscal year 1981.

Eligible Applicants

In order to be eligible to apply for funds under the program, an agency must first meet the following criteria prescribed in 24 CFR Section 111.106: (1) It must either be certified as a substantially equivalent agency pursuant to the standards enunciated at 24 CFR Part 115, or have been proposed for such recognition by the Assistant Secretary for Fair Housing and Equal Opportunity and (2) It must execute a written Memorandum of Understanding with the Department. Such a Memorandum must describe the working relationship to be in force between the agency and the appropriate HUD Regional Office of Fair Housing and Equal Opportunity. In the event, that an agency has, in fact, applied to the Department for recognition as a substantially equivalent entity, and has been found by the Department to have both statutory authority equivalent to Title VIII and an equivalent operational capability to that of the Department (as evidenced by a proposal in the Federal Register to add the jurisdiction as recognized), the fact that the agency has not yet been certified shall not prevent the agency from submitting funding proposals pursuant to the Fair Housing Assistance Program. In such circumstances, the agency may enter into negotiations with the Regional Office of Fair Housing and Equal Opportunity in order to develop a Memorandum of Understanding and may, at the same time, submit funding proposals. However, no funds will be obligated to any agency until such time as it has been officially recognized as substantially equivalent.

Method of Distribution

Applicants for Type I, Non-competitive Funding, must submit all information required in the Type I application kit along with their indication of the level of funding applied for under each category.

Maximum amounts available will be specified to each applicant at the time the kit is provided to the agency, in accordance with the distribution formula established in 24.CFR Section

111.102, Section 111.103(b) and Section 111.103(c). The distribution formula in Section 111.102 was based on the projected number of complaints expected to be referred to each State and local agency in FY-80, which reflected the number of complaints HUD received, by State or locality, in FY-79. Inasmuch as complaint referral activity pursuant to the FHAP did not begin until the end of FY-80, the formula will be the same, but will be based on the number of complaints HUD received in FY-80. The FY-1981 Appropriation earmarks \$2,200,000 for Contributions, and \$400,000 for Mandatory and Individualized Training. Additionally, there remains \$425,000 of unobligated Capacity Building funds from the FY-80 appropriation which is available for distribution. In order to be eligible to apply for and receive these funds, an agency must demonstrate in its application that it meets or will meet all of the criteria specified in Section 111.106, Section 111.107 and Section 111.108(a) and provide required information concerning the agency, its budget, and its need for capacity building funds.

Applicant Notification

All Applicants will be notified of the results of their Type I applications as soon as evaluation of their application is completed. No information will be available to applicants during the period of HUD evaluation except for notification in writing of those applicants that are determined ineligible. Awards for Type I applications are expected to be announced within four weeks of receipt of the application.

After submission of the application but prior to award, HUD may require applicants to participate in negotiations and to submit application revisions resulting from negotiations. It is expected that applicants will be funded in the form of fixed price Cooperative Agreements; however, HUD reserves the right to award the type of agreement most appropriate after negotiation. Applicants are advised that program administration will be consistent with 24 CFR 111.112.

Section 7(d) Department of HUD Act (42 U.S.C. 3535(d)); Title VIII of the Civil Rights Act of 1968, as amended (42 U.S.C. 3601)

Issued at Washington, D.C., August 6, 1981.

Antonio Monroig,

Assistant Secretary for Fair Housing and Equal Opportunity.

[FR Doc. 81-23416 Filed 8-11-81; 8:45am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Mobil Oil Exploration & Producing Southeast Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 2947, Block 73, Main Pass Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: August 3, 1981.

Lowell G. Hammons,
Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 23370 Filed 8-11-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that The Superior Oil Company has

submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 4557, Block 578, Brazos Area, offshore Texas.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT:

U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: August 3, 1981.

Lowell G. Hammons,
Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-23371 Filed 8-11-81; 8:45 am]

BILLING CODE 4310-31-M

Cache Creek-Bear Thrust; Availability of Draft Environmental Impact Statement—Proposed Oil and Gas Drilling Near Jackson, Teton County, Wyoming

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior, in cooperation with the Forest Service, has prepared a draft environmental impact statement on proposed oil and gas drilling by the National Cooperative Refinery Association (NCRA) and the Getty Oil Company (Getty) in the Bridger-Teton National Forest, Teton County, Wyoming. The draft statement, along with copies of all supplementary technical reports, assesses the environmental impacts of proposed exploration and conceptual development and production of oil and gas from leased Federal lands in the vicinity of Jackson, Wyoming.

The draft statement will be available for public review by August 17, 1981, in the U.S. Geological Survey Library, Denver; West Building No. 3, 1526 Cole Boulevard, Golden, Colorado; the U.S. Geological Survey Library, Room 4A100, National Center, Reston, Virginia; the National Agricultural Library, U.S. Department of Agriculture, 10301 Baltimore Boulevard, Beltsville, Maryland; Teton County Library, 320 South King Street, Jackson, Wyoming; U.S. Forest Service, 340 North Cache Street, Jackson, Wyoming; Rock Springs Public Library, 400 C Street, Rock Springs, Wyoming; Laramie County Library, 2800 Central Avenue, Cheyenne, Wyoming; and the Natrona County Library, Documents Department, Walcott and 2nd Streets, Casper, Wyoming.

A limited number of copies are available on request from John Matis, Task Force Leader, U.S. Geological Survey, Box 25046, MS 609, Federal Center, Denver, Colorado 80225; Reid Jackson, Forest Supervisor, Bridger-Teton National Forest, Box 1888, Jackson, Wyoming 83001; and, over the counter only, from the U.S. Geological Survey Public Inquiries Office, 169 Federal Building, 1961 Stout Street, Denver Colorado 80202.

Written comments on the draft statement will be accepted for a period of 60 days subsequent to August 17, 1981. All substantive comments received will be considered in preparing the final environmental impact statement on this proposal. Written comments should be addressed to John Matis, Task Force Leader, U.S. Geological Survey, Box 25046, Mail Stop 609, Federal Center, Denver 80225.

Notice is also given that oral and/or written comments will be received at public hearings to be held on September 21, 1981, from 7:00-10:00 p.m. and on September 22, 1981, from 9:00-11:30 a.m., 2:00-4:00 p.m., and 7:00-10:00 p.m. at the Snow King Resort in Jackson, Wyoming. The hearings will remain in session until all testimony has been given.

Anyone wishing to make oral presentations at the hearings should submit their requests in writing to John Matis of the U.S. Geological Survey, Denver, Colorado, or telephone (303) 234-4866 or 234-2855. Persons wishing to give oral comments are requested to limit their testimony to 10 minutes.

Copies of complete oral statements and written comments presented at the hearing will be made part of the official record.

Dated: August 6, 1981.

Gary W. Horton,

Acting Deputy Division Chief for Onshore Minerals Regulation, Conservation Division.

[FR Doc. 81-23399 Filed 8-11-81; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Land Management

[AA-6680-A and AA-6680-A2]

Alaska Native Claims Selection

On January 25, 1974, and December 10, 1975, Paug-Vik Incorporated, Limited, filed selection applications AA-6680-A and AA-6680-A2, respectively, under the provisions of Sec. 12 of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611 (1976)) (ANCSA), for the surface estate of certain lands in the Naknek area.

As to the lands described below, the applications submitted by Paug-Vik Incorporated, Limited, as amended, are properly filed and meet the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a) aggregating approximately 160 acres, and approximately 8,908 acres, selected pursuant to Sec. 12(b) of ANCSA, is considered proper for acquisition by Paug-Vik Incorporated, Limited, and is hereby approved for conveyance pursuant to Sec. 14(a) of the Alaska Native Claims Settlement Act:

Seward Meridian, Alaska (Unsurveyed)

T. 16 S., R. 45 W.,

Secs. 31, 32, and 33, all.

Containing approximately 1,919 acres.

T. 16 S., R. 48 W.,

Sec. 6 (fractional), excluding Native allotments A-062335 Parcel B and AA-7963.

Containing approximately 160 acres.

T. 16 S., R. 49 W.,

Sec. 1 (fractional), excluding Native allotment AA-5937 Parcel C;

Secs. 2 and 3, all;

Secs. 7 to 10, inclusive, all;

Secs. 11 and 12 (fractional), all;

Secs. 14, 15, 16, and 17 (fractional), all;

Sec. 18, all;

Secs. 19 and 20 (fractional), all.

Containing approximately 6,909 acres.

Aggregating approximately 9,068 acres.

The lands excluded in the above description are not being approved for conveyance at this time and have been excluded for one or more of the following reasons: Lands are no longer

under Federal jurisdiction; lands are under applications pending further adjudication; lands are underlying water bodies determined to be navigable and/or tidally influenced; lands are pending a determination under Section 3(e) of ANCSA; or lands were previously rejected by decision. Lands within U.S. Surveys which are excluded are described separately in this decision if they are available for conveyance. These exclusions *do not* constitute a rejection of the selection application, unless specifically so stated.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f)); and

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601 1616(b)), the following public easement, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file AA-6680-EE, is reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsleds, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

(EIN 33 C5) An easement for a proposed access trail, twenty-five (25) feet in width, from State lands in Sec. 1, T. 17 S., R. 45 W., Seward Meridian, northeasterly to isolated public lands in Sec. 34, T. 16 S., R. 45 W., Seward Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska

Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g)), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law; and

3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Paug-Vik Incorporated, Limited, is entitled to conveyance of 115,200 acres of land selected pursuant to Sec. 12(a) and the reallocation of approximately 9,528 acres of land pursuant to Sec. 12(b) of the Alaska Native Claims Settlement Act. To date, approximately 104,258 acres of the 12(a) entitlement and approximately 8,908 acres of the 12(b) reallocation have been approved for conveyance. The remaining 12(a) entitlement of approximately 10,942 acres and approximately 620 acres of the 12(b) reallocation will be conveyed at a later date.

Pursuant to Sec. 14(f) of the Alaska Native Claims Settlement Act, conveyance of the subsurface estate of the lands described above shall be granted to the Bristol Bay Native Corporation when conveyance is granted to Paug-Vik Incorporated, Limited, for the surface estate, and shall be subject to the same conditions as the surface conveyance.

There are no inland water bodies considered to be navigable within the above-described lands.

In accordance with Department regulation 43 CFR 2650.7(d), notice of this decision is being published once in the Federal Register and once a week, for four (4) consecutive weeks, in the *Anchorage Times*.

Any party claiming property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, provided, however, pursuant to Public Law 96-487, this decision constitutes the final administrative determination of the Department of the Interior concerning navigability of water bodies.

Appeals should be filed with the Alaska Native Claims Appeal Board,

P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until September 10, 1981 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the adverse parties to be served are:

State of Alaska, Department of Natural Resources, Division of Research and Development, 323 East Fourth Avenue, Anchorage, Alaska 99501
Paug-Vik Incorporated, Limited, P.O. Box 61, Naknek, Alaska 99633
Bristol Bay Native Corporation, P.O. Box 198, Dillingham, Alaska 99576.

Barbara A. Lange,

Acting Chief, Branch of Adjudication.

[FR Doc. 81-23406 Filed 8-11-81; 8:45 am]

BILLING CODE 4310-84-M

[AA-6686-A2]

Alaska Native Claims Selection

On December 12, 1975, Nondalton Native Corporation, for the Native village of Nondalton, filed selection application AA-6686-A2 under the provisions of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611 (1976))(ANCSA), for the surface estate of certain lands in the vicinity of Nondalton.

As to the lands described below, the application submitted by Nondalton Native Corporation, as amended, is properly filed, and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful

entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(b) of ANCSA, aggregating approximately 8,277 acres, is considered proper for acquisition by Nondalton Native Corporation and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA:

Seward Meridian, Alaska (Unsurveyed)

T. 2 S., R. 31 W.,

Secs. 23 to 35, inclusive, all.

Containing approximately 8,277 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing upon said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f)); and

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b)), the following public easement, referenced by easement identification number (EIN) on the easement map attached to this document, a copy of which will be found in case file AA-6686-EE, is reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsleds, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)). (EIN 6 D9) An easement for an existing access trail twenty-five (25) feet in width from Nondalton around the south end of Sixmile Lake, thence northeasterly and easterly to public lands in Sec. 36, T. 2 S., R. 31 W., Seward Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail.

The grant of lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease

issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g)), contract, permit, right-of-way or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges and benefits thereby granted to him. Further pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law; and

3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Nondalton Native Corporation has been reallocated 8,358 acres of land pursuant to Sec. 12(b) of the Alaska Native Claims Settlement Act. To date, approximately 8,277 acres of the Sec. 12(b) reallocation have been approved for conveyance. The remaining entitlement of approximately 81 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA, conveyance of the subsurface estate of the lands described above shall be granted to Bristol Bay Native Corporation when conveyance is granted to Nondalton Native Corporation for the surface estate, and shall be subject to the same conditions as the surface conveyance.

There are no inland water bodies considered to be navigable within the lands described.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the *Federal Register* and once a week, for four (4) consecutive weeks, in the *Anchorage Times*.

Any party claiming property interest in lands affected by this decision, an agency of the Federal Government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, provided, however, pursuant to Pub. L. 96-487, this decision constitutes the final administrative determination of the Department of the Interior concerning navigability of water bodies.

Appeals should be filed with Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408,

Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until September 11, 1981 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the adverse parties to be served are:

Nondalton Native Corporation,
Nondalton, Alaska 99640
Bristol Bay Native Corporation, P.O. Box
198, Dillingham, Alaska 99576

Barbara A. Lange,
Acting Chief, Branch of Adjudication.

[FR Doc. 81-23465 Filed 8-11-81; 8:45 am]

BILLING CODE 4310-84-M

[A 12038]

Realty Action; Sale of Public Lands in Apache County, Arizona

July 27, 1981.

The following described lands have been identified as suitable for disposal by sale under section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1713, at no less than the fair market value shown:

T. 21 N., R. 28 E., GSR Mer., Arizona,
sec. 22, NE $\frac{1}{4}$ SE $\frac{1}{4}$
Containing 40 acres.

The value of the land is \$9,200.00.

The sale will take place approximately September 8, 1981. The lands are being sold noncompetitively to Louis Scott, et al. owners of a ranch unit that encompasses this 40-acre parcel. This 40-acre parcel has been used as part of the ranch unit and the sale of this parcel will serve to re-establish an Indian family living within the Navajo-Hopi Joint Use lands. The land is difficult and uneconomical to manage by the Bureau and not suitable for management by another Federal agency. The sale is consistent with the Bureau's planning for the area and with local county planning and zoning regulations.

The public interest would be served by offering this land for sale.

The lands will be transferred into private ownership with the following reservations to the United States:

1. A right-of-way for ditches and canals. (Act of August 30, 1890, 43 U.S.C. 945);

2. All minerals;

3. Subject to such rights for railroad purposes as the Atchison, Topeka and Santa Fe Railway Company, successor-in-interest to the Atlantic and Pacific Railroad Company, may have under the Act of March 3, 1875 (43 U.S.C. 934-939). (Phx 086787)

Detailed information concerning the sale is available for review at the Arizona State Office, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073. (602-261-3706).

For a period of 30 days from date of publication, interested parties may submit comments to the Secretary of the Interior, LLM 320, Washington, D.C., 20240. Any adverse comments will be evaluated by the Secretary of the Interior who may vacate or modify this realty action and issue a final determination. In the absence of any action by the Secretary, this realty action will become the final determination of the Department. Payments of the above amount shall be made to the Bureau of Land Management in accordance with 43 CFR 1822.1-2.

First Publication: August 4, 1981.

Mario L. Lopez,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-23203 Filed 8-11-81; 8:45 am]

BILLING CODE 4310-84-M

Energy Transportation Systems, Inc., (ETSI), Environmental Impact Statement; Extension of Period of Comment

AGENCY: Bureau of Land Management, Interior.

ACTION: Following the publication of the final environmental impact statement (EIS) in July (46 FR 37091; July 17, 1981), a 30-day public comment period was established. The 30-day period has been extended another 30 days and will end on September 16, 1981.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a Final Environmental Impact Statement on ETSI's proposed coal slurry pipeline. The proposed pipeline would originate in the Eastern

Powder River region of Wyoming and cross Nebraska and Kansas to delivery points in Oklahoma, Arkansas, and Louisiana.

The proposed action would involve construction and operation of a 1828-mile coal slurry transportation project. The project would comprise three coal slurry preparation plants, a water supply system (Niobrara County, Wyoming, well field) a 1664-mile main slurry pipeline and slurry pump stations, nine dewatering plants, and ancillary facilities such as transmission lines microwave towers. The EIS also assesses the following alternatives: two pipeline routes (a route serving an alternative set of markets and a Colorado route bypassing Nebraska), three transportation modes (pipeline plus barge, all railroad, and railroad plus barge), four water sources (a well field in Crook County, a combined well field involving well fields in Niobrara and Crook Counties, treated wastewater from South Dakota, and the Oahe Reservoir in South Dakota), and two processing alternatives (coal cleaning and water discharge).

DATES: Written comments should be forwarded no later than September 16, 1981, to ETSI EIS Project Leader, Bureau of Land Management, Office of Special Projects, 555 Zang Street, 3rd Floor East, Denver, Colorado 80228.

Limited copies of the EIS may be obtained from the above address.

Copies of the EIS are available for public review at various libraries along the proposed project route and at the following Bureau of Land Management locations:

—Office of Information

—Office of Special Projects

Bureau of Land Management, Interior Building, 18th and C Streets NW., Washington, D.C. 20240

Wyoming State Office, Bureau of Land Management, 2515 Warren Avenue, Cheyenne, Wyoming 82001

Dated: August 6, 1981.

Ed Hastey,

Associate Director.

[FR Doc. 81-23332 Filed 8-11-81; 8:45 am]

BILLING CODE 3410-84-M

Office of Surface Mining Reclamation and Enforcement

Availability of Finding of No Significant Impact (FONSI) for Reclamation Activities Proposed for Loch Mary Abandoned Mine Land Reclamation Project, Hopkins County, Kentucky

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Availability for public review of finding of no significant impact (FONSI) for reclamation activities proposed for an abandoned mine land project.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement has determined that reclamation activities proposed for the Loch Mary Abandoned Mine Land Reclamation Project, Hopkins County, Kentucky, will not result in significant impacts on the quality of the human environment. Therefore, a more detailed and comprehensive analysis of the possible effects of the proposed reclamation, in the form of an environmental impact statement, will not be necessary.

ADDRESS: The FONSI, along with the Environmental Assessment (EA) from which this decision was made, will be made available for public inspection and review at the following location between the hours of 8:00 a.m. and 4:00 p.m.: Office of Surface Mining, Region II, 530 Gay Street, S.W., Suite 500, Knoxville, Tennessee 37902.

FOR FURTHER INFORMATION CONTACT: Ralph H. Cox, Assistant Regional Director, AML (Telephone: (615) 971-5287) at the location given in "ADDRESS." The Office is not soliciting comments on the FONSI or the EA. Persons wishing to submit statements may, however, forward their views to Mr. Cox at the above address.

Dated: August 6, 1981.

Charles A. Beasley,

Assistant Director, AML, Office of Surface Mining.

[FR Doc. 81-23411 Filed 8-11-81; 8:45 am]

BILLING CODE 4310-05-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 88771. 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 document will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier. (Member Fortier 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-2-145

Decided: August 3, 1981.

MC 152183 (Sub-2), filed July 24, 1981.
Applicant: FLAMINGO TRANSPORT, INC., P.O. Box 890, Adairsville, GA 30103. Representative: Frank Linn (same address as applicant), (404) 382-5852. Transporting *general commodities*, between Bancroft, Empire, Harts, Luthersville, Morris, Reids, Springvale, Suomi and Wire Bridge, GA, Pardee, ID, Cheneyville, Cutmer, Dakota, Darrow, Davis, Durand, Faithorn, Florence, Greer, Myron, North Hooper, Rock City, Shannon, Shirland, Stockland, Tallmadge and Webster, IL, Blocher, Bushrod, Commiskey, Deputy, Lewisville, Lexington, Lovett, Maxwell, Mohawk, Mt. Comfort, Otis, Paris, St., Bernice, Straughn, West Clinton and Wilders, IN, Alexander, IA, Cedarvale and Sedan, KS, Elgin, NE, Bunn, Clarendon, Garland, Mintz and Sikesdale, NC, Elmore and Lindsey, OH, Caddo, OK, Aquashicola, Bellfield, Brandonville, Brightwood, Dixonville, Eisaman, Elizabethville, Herminine, Lehmasters, Library, Little Gap, Madison, McMurray, Mercersburg, Reedsville, Ringtown, Snowden, South Bridgeville and Williamson, PA, Boykins, DeKalb, Ft. Lawn, Great Falls and Startex, SC, Roaring Springs and Lytle, TX, Leamington and Mills, UT and Lake Kapowsin, WA on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier service for abandoned rail service.

MC 155092 (Sub-1), filed June 17, 1981.
Applicant: KENTON TRANSFER CO., P.O. Box 388, Kenton, OH 43326.

Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215, 614-464-4103. Transporting *general commodities* (except classes A and B explosives), between Heath, OH and Newark and Licking Townships, OH, on the one hand, and, on the other, points in the U.S. The purpose of this application is to substitute motor carrier service for abandoned rail carrier service.

MC 156283 (Sub-1), filed July 14, 1981.
Applicant: RONALD L. MARQUARDT, Route 2, Rothsay, MN 56379.
Representative: Ronald L. Marquardt (same as applicant), (218) 867-2636. Transporting, (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials,

and sensitive weapons and munitions), and (2) *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

Volume No. OPI-225

Decided: August 5, 1981.

MC 156800, filed July 30, 1981.
Applicant: SEABOARD EXPRESS, INC., 565 Plank Rd., Waterbury, CT 06705. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517, (717) 344-8030. Transporting, for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 157420, filed July 29, 1981.
Applicant: SMOOT SAND & GRAVEL, INC., d.b.a. SMOOT TRUCKING, Route 3, Paragould, AR 72450, (501) 236-2953. Transporting *general commodities* (except classes A and B explosives), between Hamburg, AR, on the one hand, and, on the other, points in the U.S.

Note.—Applicant seeks to substitute motor carrier service for abandoned rail service.

MC 157451, filed July 31, 1981.
Applicant: BARTON L. ROBINSON, 2607 Diehn Avenue, No. 4, Davenport, IA 52802. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244-2329. 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.

[FR Doc. 81-23457 Filed 8-11-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated 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.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Fortier 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-2-144

Decided: August 5, 1981.

MC 2862(Sub-64), filed July 29, 1981.
Applicant: ARROW TRANSPORTATION CO. OF DELAWARE, d.b.a. ARROW TRANSPORTATION COMPANY, 3125 NW 35th Ave., Portland, OR 97210.
Representative: John A. Anderson, 1600 One Main Pl., 101 SW Main St., Portland, OR 97204, (503) 224-5525.
Transporting *commodities in bulk*, between points in WA, OR, CA, NV, ID, and MT.

MC 47142 (Sub-118), filed July 24, 1981.
Applicant: C. I. WHITTEN TRANSFER COMPANY, P.O. Box 1833, Huntington, WV 25719. Representative: W. R. Long, Jr., P.O. Box 1833, Huntington, WV 25719, (304) 522-7366. Transporting *general commodities* (except Classes A and B explosives), between points in the U.S.

MC 64732 (Sub-7), filed July 15, 1981.
Applicant: ARLEN RUDE, d.b.a. RUDE TRANSPORTATION COMPANY, P.O. Box 190, Redfield, SD 57469.
Representative: A. J. Swanson, P.O. Box 1103, 226 North Phillips Avenue, Sioux Falls, SD 57101, (605) 335-1777. Over regular routes transporting *general commodities* (except Classes A and B explosives) (1) Between Watertown, SD and Ft. Pierre, SD; from Watertown over U.S. Hwy 212 to junction U.S. Hwy 83, then over U.S. Hwy 83 to Ft. Pierre, and return over the same route, (2) Between Pierre, SD and Redfield, SD: from Pierre over U.S. Hwy 14 to junction SD Hwy 45, then over SD Hwy 45 to junction U.S. Hwy 212, then over U.S. Hwy 212 to Redfield, and return over the same route. (3) Between Jamestown, ND and Sioux Falls, SD: from Jamestown over U.S. Hwy 281 to junction U.S. Hwy 14, then over U.S. Hwy 14 to junction SD Hwy 37, then over SD Hwy 37 to junction Interstate Hwy 90, then over Interstate Hwy 90 to Sioux Falls, and return over the same route. (4) Serving in connection with routes (1) through (3), all intermediate points and points in Codington, Clark, Spink, Brown, Faulk, Potter, Sully, Hughes, Stanley, Hyde, Hand, Beadle, Sanborn, Davison, Hanson, McCook and Minnehaha Counties, SD as off-route points in connection with carrier's authorized regular route operations.

MC 134612 (Sub-7), filed July 28, 1981.
Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Rd., Brookfield, IL 60513. Representative: Albert A. Andrin, 180 North La Salle 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 Crown Cork & Seal Company, Inc., of Philadelphia, PA.

MC 134612 (Sub-8), filed July 29, 1981.
Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Rd., Brookfield, IL 60513. Representative: Albert A. Andrin, 180 North La Salle 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 Belden Corporation, of Geneva, IL.

MC 140852 (Sub-8), filed July 27, 1981.
Applicant: C. W. MITCHELL, INC., d.b.a. MITCHELL TRANSPORT, 4401 N. Westshore Blvd., Tampa, FL 33684.
Representative: Rudy Yessin, P.O. Drawer B, Frankfort, KY 40602, (502) 227-7326. Transporting *food and related products* between points in PA, NY, NJ, DE, MD and FL on the one hand, and, on the other, those points on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the United States and Canada.

MC 145042 (Sub-13), filed July 28, 1981.
Applicant: ZEELAND FARM SERVICES, INC., 2468 84th Ave., Zeeland, MI 49464.
Representative: James R. Neal, 1200 Bank of Lansing Bldg., Lansing, MI 48933, (517) 482-2400. Transporting *chemicals and related products*, between points in Vigo and Porter Counties, IN, on the one hand, and, on the other, points in the Lower Peninsula of MI.

MC 157423, filed July 30, 1981.
Applicant: JESSE W. ROBERTS, d.b.a., POWER TRANSPORT, East 302 30th Ave., Spokane, WA 99203.
Representative: George H. Hart, 1100 IBM Bldg., Seattle, WA 98101, (206) 624-7373. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of electrical transformers, between points in the U.S., under continuing contract(s) with Square D Company, Spokane Transformers, of Airway Heights, WA.

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Decided: August 3, 1981.

MC 70832 (Sub-35), filed July 20, 1981.
Applicant: NEW PENN MOTOR EXPRESS, INC., P.O. Box 630, Lebanon, PA 17042. Representative: Jeremy Kahn, Suite 733, Investment Bldg., 1511 K St., NW., Washington, DC 20005, (202) 783-3525. Over regular routes, transporting

general commodities (except classes A and B explosives), (1) between Roanoke, VA and Huntington, WV; from Roanoke over Interstate Hwy 81 to junction U.S. Hwy 460, then over U.S. Hwy 460 to junction Interstate Hwy 77, then over Interstate Hwy 77 to junction Interstate Hwy 64, then over Interstate Hwy 64 to Huntington, and return over the same route, serving as off-route points, all points in VA and WV, (2) between Staunton, VA and Charleston, WV; from Staunton over Interstate 64 to junction U.S. Hwy 60, then over U.S. Hwy 60 to Charleston, and return over the same route, serving as off-route points all points in VA and WV, (3) between Winchester, VA and Parkersburg, WV, over U.S. Hwy 50, serving as off-route points all points in VA, MD, and WV, (4) between Bluefield, WV and Erie, PA: from Bluefield over U.S. Hwy 460 to junction Interstate Hwy 77, then over Interstate Hwy 77 to junction U.S. Hwy 19, then over U.S. Hwy 19 to junction Interstate Hwy 79, then over Interstate Hwy 79 to Erie, and return over the same route, serving as off-route points all points in WV and PA, (5) between Milton, PA and junction Interstate Hwys 79 and 80: from Milton over U.S. Hwy 15 to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction Interstate Hwys 79 and 80 northwest of Grove City, PA, and return over the same route, serving as off-route points all points in PA, (6) between Erie, PA and Buffalo, NY: from Erie over PA Hwy 5 to the PA-NY State line, then over NY Hwy 5 to Buffalo, and return over the same route, serving as off-route points all points in PA and NY, (7) between Westfield and New York, NY: from Westfield over NY Hwy 17 to the NY-NJ State line, then over NJ Hwy 17 to junction NJ Hwy 3, then over NJ Hwy 3 to junction Interstate Hwy 495, then over Interstate Hwy 495 to New York, and return over the same route, serving as off-route points all points in NY and NJ, (8) between Buffalo and New York, NY: from Buffalo over Interstate Hwy 90 to junction Interstate Hwy 87, then over Interstate Hwy 87 to New York, and return over the same route, serving as off-route points all points in NY, (9) between Harrisburg, PA and Ogdensburg, NY: from Harrisburg over U.S. Hwy 22 to junction U.S. Hwy 11, then over U.S. Hwy 11 to junction Interstate Hwy 81, then over Interstate Hwy 81 to junction NY Hwy 12, then over NY Hwy 12 to junction NY Hwy 37, then over NY Hwy 37 to Ogdensburg, and return over the same route, serving as off-route points all points in PA and NY, (10) between New York, NY and the port of entry on the international

boundary line, between the U.S. and Canada, at or near Rouses Point, NY, over Interstate Hwy 87, serving as off-route points all points in NY, (11) between Springfield, MA and the port of entry on the international boundary line between the U.S. and Canada, at or near Derby Line, VT, over Interstate Hwy 91, serving as off-route points all points in MA and VT, (12) between Boston, MA and Burlington, VT: from Boston over Interstate Hwy 93 to junction Interstate Hwy 89, then over Interstate Hwy 89 to Burlington, and return over the same route, serving as off-route points all points in MA, NH, and VT, (13) between Boston, MA and Bangor, ME, over Interstate Hwy 95, serving as off-route points all points in MA, NH, and ME, and (14) serving all intermediate points on routes (1) through (13) above.

Note.—Applicant proposes to tack existing authority with authority sought in this application.

MC 98433 (Sub-3), filed July 15, 1981. Applicant: L. I. GRIFFIN, INC., 4920 S. Monroe St., P.O. Box 6158, Fort Wayne, IN 46896. Representative: Robert W. Losar, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204, 317-635-2339. Transporting *those commodities which because of their size or weight require special handling or equipment* (1) between points in IN, MI, OH, PA, IL, KY and NY; and (2) between points in IN, MI, OH, PA, IL and KY, on the one hand, and, on the other, points in the U.S.

MC 129872 (Sub-6), filed July 24, 1981. Applicant: SCHUSTER TRANSPORT, INC., Route 6, Menomonie, WI 54751. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Edina, MN 55424, (612) 927-8855. Transporting *metal products*, between Minneapolis, MN and points in Dunn County, WI, 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 or submit an affidavit indicating why such approval is unnecessary.

MC 135283 (Sub-73), filed July 20, 1981. Applicant: GRAND ISLAND EXPRESS, INC., 432 South Stuhr Road, P.O. Box 2122, Grand Island, NE 68802. Representative: Lloyd A. Mettenbrink, (same as applicant), (308) 384-8555. Transporting *fertilizer compounds* (1) between points in Cook County, IL, on the one hand, and, on the other, points in KS, MO and NE, and (2) between points in Ellis County, TX, on the one hand, and, on the other, points in CO, KS, MO, NE, OK and WY.

MC 136743 (Sub-1), filed July 22, 1981. Applicant: MARQUETTE BUS SERVICE, 1414 Garfield Avenue, Marquette, MI 49855. Representative: Peggy Braamse (same address as applicant), (906) 225-0294. Transporting *passengers and their baggage, in same vehicle with passengers*, in round trip special and charter operations, between points in the Upper Peninsula of MI, on the one hand, and, on the other, points in U.S.

MC 144513 (Sub-20F), filed July 14, 1981. Applicant: CONDOR CONTRACT CARRIERS, INC., 656 Wooster St., Lodi, OH 44254. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, (402) 475-8761. Transporting *clay, concrete, glass or stone products*, between points in Tippah County, MS, and Thomas County, GA, on the one hand, and, on the other, points in IN, OH, MI, OA, and NY.

MC 146323 (Sub-3), filed July 16, 1981. Applicant: WILLIAM J. WIMETT and LUCILLE A. WIMETT, d.b.a. WIMETT TRUCKING, 3325 Ravenwood Lane, Missoula, MT 59801. Representative: Ross W. Cannon, 2031 Eleventh Avenue, Helena, MT 59601, (406) 442-9930. Transporting *ores and minerals* between points in MT, ID, UT, WY, WA, and ND.

MC 152163 (Sub-3), filed July 24, 1981. Applicant: DARTMOUTH CONTRACT CARRIERS, INC., 70 Jenkins St., New Bedford, MA 02740. Representative: Kenneth F. Braz (same as applicant), (617) 993-1704. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Northeast Brokers, of Plymouth, MA.

MC 152572F, filed July 27, 1981. Applicant: BILL J. BILLINGS, d.b.a. BILLINGS TRUCKING COMPANY, P.O. Box 393, Nocona, TX 76255. Representative: James R. Boyd, 1000 Perry Brooks Building, Austin, TX 78701, (512) 476-8066. Transporting *metal products*, between points in TX, on the one hand, and, on the other, points in the U.S.

MC 154942F, filed July 24, 1981. Applicant: MUSIC CITY TRANSPORT, INC., P.O. Box 100022, Nashville, TN 37210. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Building, 315 Union Street, Nashville, TN 37201, (615) 244-3740. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with General Electric Corporation, of Fort Wayne, IN.

MC 156762F, filed July 24, 1981. Applicant: DOUGLAS L. LAUER, d.b.a. DOUG LAUER TRUCKING, P.O. Box

108, Libby, MT 59923. Representative: William E. O'Leary, 4G Arcade Building, Helena, MT 59601, (406) 443-4010. Transporting *ores and minerals*, between points in the U.S., under continuing contract(s) with ASARCO, Inc., of Troy, MT.

MC 157142, filed July 13, 1981. Applicant: COLONY LUMBER CO., INC., 665 North Colony Rd., Wallingford, CT 06492. Representative: Leon Slomkowski, Jr. (same address as applicant), 203-269-1428. Transporting (1) *forest products*, (2) *lumber and wood products*, (3) *clay, concrete, glass or stone products* and (4) *building materials*, between points in CT, on the one hand, and, on the other, points in ME, VT, NH, MA, RI, NY, NJ and PA.

MC 157323F, filed July 24, 1981. Applicant: DELCHER FORWARDING SERVICE, INC., 4219 Central Avenue, St. Petersburg, FL 33733. Representative: Alan F. Wohstetter, 1700 K Street, N.W., Washington, DC 20006, (202) 833-8884. Transporting *used household goods* in containers and unaccompanied baggage, between points in the U.S.

MC 157142, filed July 13, 1981. Applicant: COLONY LUMBER CO., INC., 665 North Colony Rd., Wallingford, CT 06492. Representative: Leon Slomkowski, Jr. (same as applicant), 203-269-1428. Transporting (1) *forest products*, (2) *lumber and wood products*, (3) *clay, concrete, glass or stone products* and (4) *building materials*, between points in CT, on the one hand, and, on the other, points in ME, VT, NH, MA, RI, NY, NJ and PA.

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Decided: August 5, 1981.

MC 87231 (Sub-26), filed July 31, 1981. Applicant: BAY & BAY TRANSFER CO., INC., 7200 West 128th St., Savage, MN 55278. Representative: Pamela N. Merkle, 300 Roanoke Bldg., Minneapolis, MN 55402, (612) 339-9501. Transporting *silica sand*, between points in Pierce County, WI and Scott County, MN, on the one hand, and, on the other, points in MI, MO, OK, TX and WY.

MC 119800 (Sub-9), filed July 31, 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, natural gas and their products*, between points in OK, KS, TX, LA, AR, CO, NM, and MO. Condition: To the extent that this certificate authorizes the transportation of liquefied petroleum gas, it shall expire 5 years from the date of issuance.

MC 120910 (Sub-55), filed July 30, 1981. Applicant: SERVICE EXPRESS, INC., P.O. Box 1009, Tuscaloosa, AL 35401. Representative: Donald B. Sweeney, Jr., 512 Massey Bldg., Birmingham, AL 35203, (205) 254-3880. Transporting *general commodities* (except classes A and B explosives), between the facilities used by The B. F. Goodrich Company and its subsidiaries at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 142810 (Sub-6), filed July 13, 1981. Applicant: LEWIS TRANSPORT, INC., P.O. Box 385, Columbia, KY 42728. Representative: Rudy Yessin, P.O. Drawer B, Frankfort, KY 40602, (502) 227-7326. Transporting *petroleum, natural gas and their products*, (1) between points in Hamilton County, OH, on the one hand, and, on the other, those points in KY on and north of Interstate Hwy 64, and (2) between points in Kenton County, KY, on the one hand, and, on the other, points in Franklin County, OH, and those points in OH beginning at the IN-OH State line and extending along Interstate Hwy 70 to junction U.S. Hwy 23, then along U.S. Hwy 23 to the OH-MI State line. Condition: To the extent that this certificate authorizes the transportation of liquefied petroleum gas, it shall expire 5 years from the date of issuance.

MC 144261 (Sub-3), filed July 31, 1981. Applicant: JULIUS KOLESAR, INC., 1359 Milton, P.O. Box 1086, Benton Harbor, MI 49022. Representative: J. Joseph Daly, 610 Ship Street, P.O. Box 558, St. Joseph, MI 49085, (616) 983-0551. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Campbell Soup Company, of Camden, NJ.

MC 147521 (Sub-9), filed July 30, 1981. Applicant: J.S.I., 918 E. Vermont Ave., Anaheim, CA 92805. Representative: Miles L. Kavalier, 315 So. Beverly Dr., Suite 315 Beverly Hills, CA 90212, (213) 277-2323. Transporting (1) *food and related products*, between points in AZ, CA, CO, NM, OR, TX, UT and WA; and (2) *restaurant supplies*, (a) between points in ID, OR and WA, on the one hand, and, on the other, points in CA and TX; and (b) between points in Los Angeles and Orange Counties, CA, and Tarrant County, TX.

MC 149041 (Sub-3), filed July 30, 1981. Applicant: TANK TRANSPORT, INC., P.O. Box 315, Lannon, WI 53046. Representative: Richard A. Westley, 4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI 53705, (608) 238-3119. Transporting *petroleum, natural gas and their products*, between points in WI, on the one hand, and, on the other, points in IL, IN, IA, MI and MN. Condition: To

the extent that the certificate in this proceeding authorizes the transportation of liquefied petroleum gas, it will expire 5 years from the date of issuance.

MC 149100 (Sub-14), Filed July 31, 1981. Applicant: JIM PALMER TRUCKING, 9730 Derby Drive, Missoula, MT 59801. Representative: John T. Wirth, 717-17th St., Ste. 2600, Denver, CO 80202, (303)-892-6700. Transporting (1) *chemicals and related products*; (2) *plastic products*; and (3) *building materials*, between points in the U.S., under continuing contract(s) with Dow Chemical U.S.A., of Joliet, IL.

MC 150480 (Sub-4), Filed July 30, 1981. Applicant: YOWELL TRANSPORTATION SERVICES INC., 1840 Cardington Road, Dayton, OH 45409. Representative: William H. Cantillon (same address as applicant), (513) 294-5933. Transporting *machinery*, between points in the U.S., under continuing contract(s) with YTS Inc., of Dayton, OH, and Westinghouse Electric Corporation, of Coral Springs, FL.

MC 153411 (Sub-1), Filed July 28, 1981. Applicant: ALLRED TRUCKING COMPANY, a Corporation, 1339 E. Fifth Ave., Columbus, OH 43219. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, (614) 228-1541. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Ralston Purina Company and its subsidiaries at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 155281, Filed July 30, 1981. Applicant: ROBERT PARRY, 620 Powell Avenue, Clarks Summit, PA 18411. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517, (717) 344-8030. Transporting (1) *salt and salt products*, and (2) *containers*, between Scranton, PA and points in Schuyler and Livingston Counties, NY, on the one hand, and, on the other, points in MD, PA, KY, DE, VA, WV, NC, SC, GA, OH, IN, IL, MI, LA, NY, NJ, TN, AL, MS and TX.

MC 156381 (Sub-3), Filed July 31, 1981. Applicant: BIG O TRUCKING, INC., P.O. Box 668, Van Buren, AR 72958. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702. Transporting *such commodities* as are dealt in or used by hardware, appliance, sporting goods and floor covering distributors, between points in Sebastian County, AR, on the one hand, and, on the other, points in the U.S.

MC 157410, filed July 27, 1981. Applicant: LEALICE DEHONEY, d.b.a. HERITAGE TOURS, 1202 S. 3rd St., Suite 300, Louisville, KY 40203.

Representative: William W. Dehoney (same address as applicant), (502) 636-9211. As a *broker*, at Louisville, KY, in the transportation of *passengers and their baggage*, beginning and ending at Louisville, KY, and extending to points in the U.S.

MC 157430, filed July 31, 1981. Applicant: G.T. & T. TRANSPORTATION, INC., 280 Henderson Street, Store No. 9, Jersey City, NJ 07302. Representative: Jack L. Schiller, 502 Flatbush Avenue, Brooklyn, NY 11225, (212) 941-9291. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Artis Publishers, Inc., of New York, NY, Harcord Manufacturing Company, Inc., of Jersey City, NJ, Tru-Mask Products, Inc., of Lodi, NJ, and World Merchandising Co., Inc., of Sharon, MA.

MC 157440, filed July 30, 1981. Applicant: ECHO VALLEY FARM PRODUCT SALES, INC., 27522 South Hill Rd., New Hudson, MI 48165. Representative: Abraham Singer, 3221 W. Big Beaver Rd., Suite 222, Troy, MI 48064, (313) 643-8300. Transporting *new furniture*, between Detroit, MI, on the one hand, and, on the other, points in NC.

[FR Doc. 81-23460 Filed 8-11-81; 845 am]
BILLING CODE 7035-01-M

[Volume No. 139]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: August 7, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.
Agatha L. Mergenovich,
Secretary.

FF434 (Sub-7)X, filed July 29, 1981. Applicant: TRANSCONEX, INC., P.O. Box 524037, Miami, FL 33152. Representative: Alan F. Wohlstetter, 1700 K Street, NW., Washington, D.C. 20006. Applicant seeks to remove restrictions in its lead permit and Sub-Nos. 2, 3, 4, 5 and 6 to (A) broaden the commodity description from general commodities (with exceptions) to "general commodities [except classes A and B explosives and household goods]"; (B) replace one-way with radial authority; (C) remove the "subsequent movement by air or water" restrictions in the lead and Sub-Nos. 2 and 4; (D) remove the "import-export" restriction in Sub-No. 3; (E) remove the "in containers or trailers" restriction in the lead and Sub-Nos. 3 and 4; (F) replace authority to serve specified cities with county-wide authority as follows: Fort Lauderdale, Jacksonville, Miami and West Palm Beach, FL, with Dade, Broward, Palm Beach and Duval Counties, FL, in Sub-No. 2; Jacksonville and Miami, FL, with Duval and Dade Counties, FL, in Sub-No. 3; Atlanta, GA, and Savannah, GA, with Fulton, De Kalb, and Chatham Counties, GA, in Sub-No. 4.

MC 26396 (Sub-402)X, filed July 27, 1981. Applicant: THE WAGGONERS TRUCKING, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions in its Sub-Nos. 50, 55, 56, 155, 216, 265F, 269F, 277F, 352F, 359F, 375 and 382F certificates to (A) broaden the commodity descriptions as follows: from feed, feed ingredients, feed preservatives, dry animal and poultry feeds, fishmeal, soybean meal, feeding equipment supplies, etc. to "food and related products" in Sub-Nos. 50, 55, 56 (parts 1 and 2) and 265F; from bentonite to "clay, concrete, glass or stone products" in Sub-No. 56 (part 3); from plastic pipe fittings to "rubber and plastic products" in Sub-Nos. 155 and 375F; from iron and steel articles, metal buildings, steel buildings, etc. to "metal products" in Sub-Nos. 216 (part 1), 352F

and 359F; from grain elevator parts and accessories, grain handling equipment and irrigation systems and feeding equipment to "machinery" in Sub-Nos. 265F, 269F and 359F; from chemicals and chemical additives to "chemicals and related products" and from drilling mud and drilling mud additives to "Mercer commodities" in Sub-No. 382F; (B) remove lumber and lumber products exception in Sub-No. 216 (part 2); (C) remove liquid commodities exception in Sub-No. 50; (D) remove commodities in bulk, in tank vehicles restrictions in Sub-Nos. 55, 56 (part 1), 216 and 277F; (E) remove "originating at and destined to" restriction in Sub-No. 56; (F) remove plantsite restrictions in Sub-Nos. 55, 155, 269F and 352F; (G) remove AK and HI restrictions in Sub-Nos. 269F, 277F and 359F; (H) replace city with county authority as follows: Eagle Grove, IA with Wright County, IA in Sub-No. 50; Quincy, IL with Adams County, IL and Columbus, NE with Platte County, NE in Sub-No. 55; Stockton, CA with San Joaquin County, CA and Astoria, OR with Clatsop County, OR in Sub-No. 56 (part 1); Dawson, MN with Lac qui Parle County, MN in Sub-No. 56 (part 2); McPherson, KS with McPherson County, KS; Social Circle, GA with Walton County, GA and Williamsport, MD with Washington County, MD in Sub-No. 155; Livingston, MT with Park County, MT in Sub-No. 216 (part 1) Springfield, OH with Clark County, OH and West Point, NE with Cuming County, NE in Sub-No. 269F; Hannibal, MO with Marion County, MO in Sub-No. 352F; and Hastings, NE with Adams County, NE in Sub-No. 359F; and (I) authorize radial service between specified points located throughout the U.S. in all subnumbers except Sub-Nos. 375F and 382F.

MC 76677 (Sub-15)X filed July 30, 1981. Applicant: HALLAMORE MOTOR TRANSPORTATION INC., 795 Plymouth Street, Holbrook, MA 02343. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Applicant seeks to remove the restrictions in its lead in Sub-Nos. 8, 9, 10, 11, 12, 13F, letter notice E 1 (B) and (C), and that authority acquired and merged into applicant pursuant to MC-F-14455F as follows: (a) in the lead (1) delete the exceptions in its general commodities portion, except Classes A and B explosives; (2) authorize service to all intermediate points on its regular routes; (3) authorize county-wide service to off-route points: Rochester and Bourne, MA, to Plymouth and Barnstable Counties, MA; 26 cities in MA, to Plymouth, Norfolk, Bristol, Middlesex, and Suffolk Counties, MA; 4 cities in MA, to Suffolk, Middlesex,

Norfolk, and Essex Counties, MA; and Whitman, MA, to Plymouth County, MA; (4) authorize two-way operations in lieu of one-way operations; (5) broaden the commodity description in the irregular route portion of the certificate, from coke, to "coal and coal products"; (6) remove seasonal service restrictions; (7) broaden Providence, RI to Providence, Bristol, and Kent Counties, RI and Bristol Counties, MA; (8) broaden Whitman and Brockton, MA to Plymouth, Norfolk, and Bristol Counties, MA; (9) broaden the territorial authority of Brockton, MA and points in MA within 35 miles of Brockton to Plymouth, Barnstable, Norfolk, Suffolk, Bristol, Essex, Middlesex, and Worcester Counties, MA; (b) in Sub-No. 8 (1) broaden the commodity description from road-building machinery, contractor's equipment, road-building contractor's materials and supplies, with restrictions, to "machinery, metal products, those commodities which because of their size or weight require the use of special handling or equipment, and commodities in bulk", and (2) remove in bulk, in tank vehicle restriction; (c) in Sub-No. 9 (1) broaden the commodity description from such commodities as heavy machinery, vaults, safes, and articles requiring specialized handling or rigging because of size or weight, to "machinery, metal products, and those commodities which because of their size or weight require the use of special handling or equipment"; (2) broaden the territorial authority of Boston, MA and points in MA within 50 miles of Boston, to Suffolk, Norfolk, Middlesex, Essex, Plymouth, Worcester, Bristol, and Barnstable Counties, MA; (d) in Sub-No. 10 (1) broaden the commodity description from road-building machinery and contractor's equipment which because of size or weight require special handling or the use of special equipment and road-building contractor's materials and supplies, with restrictions, to "machinery, metal products, those commodities which because of their size or weight require the use of special handling or equipment, and commodities in bulk"; (e) in Sub-No. 11 (1) broaden the territorial authority from Syracuse, NY and points in New York within 75 miles of Syracuse to Fulton, Delaware, Otsego, Broome, Chenango, Madison, Cortland, Onondaga, Cayuga, Tompkins, Tioga, Chemung, Steuben, Schuyler, Livingston, Wyoming, Monroe, Wayne, Ontario, Yates, Seneca, Hamilton, Herkimer, Oneida, Lewis, Jefferson, and Oswego Counties, NY; (f) broaden the territorial authority from between Stratford, CT and points in CT within 75 miles of

Stratford to state-wide authority of between points in CT, (g) in Sub-No. 13F (1) broaden the commodity descriptions from coolers, heat exchangers, condensers, equalizers, and parts, accessories, and attachments related thereto, and materials, equipment, and supplies used in the manufacture, repair, distribution of said commodities, to "machinery, metal products, those commodities which because of their size or weight require the use of special handling or equipment"; (2) remove the in bulk restriction; and (3) remove facility restriction; and (4) authorize county-wide authority by substituting Cumberland County, ME in lieu of South Portland, ME; (h) in the authorities acquired in MC-F-14455F: (1) in Sub-No. 51 part (2), broaden the commodity descriptions from sand, gravel, crushed stone, haydite, and cement, to "clay, concrete, glass or stone products" (2) in Sub-No. 68, broaden the commodity description from self-propelled articles each weighing 15,000 lbs. or more and related machinery, tools, parts, and supplies, to "transportation equipment, machinery, metal products"; (3) in Sub-No. 70, broaden the commodity description from fly ash and fly ash pellets, to "clay, concrete, glass or stone products"; (4) in Sub-No. 79, broaden the commodity description from cryogenic tanks and parts, accessories, equipment, materials, and supplies, to "machinery, metal products, those commodities which because of their size or weight require the use of special handling or equipment," (5) in Sub-No. 81, broaden the commodity description from farm equipment and parts and accessories for farm equipment, farm machinery, and equipment, materials, and supplies to be used in the manufacture of farm equipment, to "machinery, metal products, transportation equipment"; (6) in Sub-No. 82, broaden the commodity description from chloride producing systems and parts and accessories, to "machinery and metal products"; (7) remove in bulk restrictions; (8) remove facility restrictions; (i) in its E-1 (B) and (C) to (1) broaden the commodity descriptions from road-building machinery and contractors' equipment, road-building contractors' materials and supplies when transported together with road-building contractors' machinery and equipment requiring specialized handling or rigging because of size or weight, to "machinery, metal products, those commodities which because of their size or weight require the use of special handling or equipment, and commodities in bulk"; and (2) remove "in bulk" restrictions.

MC 78947 (Sub-25)X, filed June 8, 1981 and previously noticed in the Federal Register of July 7, 1981, republished as corrected this issue. Applicant: ELLIOTT BROS. TRUCK LINE, INC., Dysart, IA 52224. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Applicant seeks to remove restrictions in its lead and Sub-Nos. 6, 7, 9, 11, 18, 17, 19, and 20 certificates as previously published, except that the territorial broadening in part (3)(b) applies to Sub-No. 6, not Sub-No. 7. Applicant further seeks to broaden the commodity description from foodstuffs to "food and related products" in Sub-No. 17, and to change its one-way authorities (wherever they appear in the above-named certificates) to radial authorities between various midwestern States. The purpose of this republication is to correct inadvertent errors and omissions.

MC 85970 (Sub-56)X, filed July 24, 1981. Applicant: SARTAIN TRUCK LINE, INC., 1625 Hornbrook St., Dyersburg, TN 38024. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Applicant seeks to remove restrictions in its Sub-Nos. 12F and 19F certificates to (1) broaden the commodity descriptions to (a) "chemicals and related products, rubber and plastic products and materials, equipment and supplies used in the manufacture, sale or distribution thereof" from carpet cushion, rubber compound, molded rubber products and products related thereto, and materials, equipment and supplies used in the manufacture of all of the above commodities, except commodities in bulk, in Sub-No. 12F, and (b) "machinery or equipment and associated supplies" from lighting fixtures, and parts, attachments and accessories for lighting fixtures, in Sub-No. 19F; and (2) eliminate the "AK and HI" restriction, in both certificates.

MC 91811 (Sub-16)X, filed July 30, 1981. Applicant: MILTON K. MORRIS, INC., 1111 Street Road, Southampton, PA 18966. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. Applicant seeks to remove restrictions in its lead and Sub-14 Permits to (1) broaden commodity descriptions: in the lead, from such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, to "such commodities, as are dealt in or used by grocery stores and food business houses"; from fruits, vegetables, farm products, poultry, and seafood in the respective seasons of their production to "food and related products and farm products"; from carbonated beverages,

canned goods, and non-alcoholic beverages, other than carbonated, to "food and related products"; from empty containers, supplies and materials used or dealt in by manufacturers of carbonated beverages, and empty beverage containers to "containers"; (2) eliminate "except commodities in bulk, fresh fruit and vegetables, and frozen foods" exception in Sub-No. 14, and (3) expand territorial descriptions to between points in the United States: (a) under continuing contract(s) with specified and unspecified classes of shippers in the lead, and (b) with a named shipper in Sub-14.

MC 102616 (Sub-1034)X, filed July 27, 1981. Applicant: COASTAL TANK LINES, INC., 250 North Cleveland Massoon Rd., P.O. Box 5555, Akron, OH 44313. Representative: Fred H. Daly, Suite 475, 2550 M Street, N.W., Washington, D.C. 20037. Applicant seeks to remove restrictions in its Sub-Nos. 834M2 (sheet No. 25), 866, 901, and 914 certificates to (1) eliminate the facilities restriction in Sub Nos. 866, 901 and 914; (2) remove the prior or subsequent movement by rail, water or motor carriers restrictions in Sub Nos. 834M2, 866, 901 and 914; (3) remove the "tank or hopper type vehicles" restriction in Sub No. 834M2, 866, 901 and 914; (4) delete the limitation "liquid" from commodities in bulk in Sub-No. 901; (5) remove the "destined to" restriction in Sub-No. 901; (6) remove the restriction against the transportation of cement, asphalt, asphaltic products, paving and surface tar, road oils, carbon, lard, fats, tallow, oils and greases in Sub Nos. 834M2, 901 and 914; (7) change the city to countywide authority as follows: Kalamazoo to Kalamazoo County, MI Cleveland to Cuyahoga County, OH and Owensboro to Daviess County, KY; and (8) change one-way authority to two-way radial authority in each certificate.

MC 109633 (Sub-55)X, filed July 30, 1981. Applicant: ARBET TRUCK LINES, INC., P.O. Box 697, Sheffield, IL 61361. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. Applicant seeks to remove restrictions in its Sub-Nos. 41, 45F, 46F, 47, and 49, certificates to: (1) broaden the commodity description from foodstuffs to "food and related products", and remove the "in bulk" restriction in Sub-No. 41; (2) remove the "in bulk and facilities" restrictions in Sub-No. 45; (3) broaden the City of Industry, CA, to Los Angeles County, CA, and Joliet, IL, to Will County, IL, and broaden the commodity description from cleaning and polishing compounds, textile softeners, disinfectants, lubricants,

hypochlorite solution, deodorants, paint, plastic bags, and filters, to "chemicals and related products" in Sub-No. 45; (4) broaden the commodity description from paper bags to "pulp, paper and paper products" in Sub-No. 46; (5) remove all exceptions from its general commodities authority except classes A and B explosives in Sub-Nos. 47 and 49; and (6) eliminate the "AK, HI and WI" exceptions in Sub-No. 41, and the "AK and HI" exceptions in Sub-Nos. 45F, 46F, and 49.

MC 110325 (Sub-178)X, filed July 13, 1981. Applicant: TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009. Representative: Jerome Biniasz (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 1, 3, 75, 86, 88, 122, 134, 162, 163, 164, 165, and 172 certificates to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)", in all subs wherever it appears; from dairy products to "food and related products", in Sub-No. 1; from government-owned compressed gas trailers, loaded with compressed gas (other than liquified petroleum gas) or empty to "government-owned trailers, loaded or empty", in Sub-No. 3. (2) authorize service at all intermediate points in its regular-route authority, (3) change facility limitations and service to named off-route points to provide countywide authority as follows: in Sub No. 1, Aurora, IL, with Kane and DuPage Counties, IL; Coal City, IL, with Grundy County, IL; Pekin, IL, with Peoria and Tazewell Counties, IL; Rockford, IL, with Winnebago County, IL; Atchison, KS, with Atchison County, KS; Linn, KS, with Washington County, KS; Sabetha, KS, with Brown and Nemaha Counties, KS; in Sub No. 75, Bound Brook, NJ with Somerset County, NJ; Dunellen, NJ, with Middlesex County, NJ; Clifton, NJ with Passaic County, NJ; Lodi, NJ, with Bergen County, NJ; Milltown, NJ, with Union County, NJ; Hightstown, NJ, with Mercer County, NJ; Beverly and Riverside, NJ, with Burlington County, NJ; Bristol, PA, with Bucks County, PA; Borough of Hatboro, PA, with Montgomery County, PA; Midland, NC, with Cabarus County, NC; Oakboro and Stanfield, NC, with Stanly County, NC; Cedar Falls, Central Falls, Franklinville and Worthville, NC, with Randolph County, NC; Winston-Salem, NC, with Davie County, NC; Elon College, NC, with Alamance County, NC; Gibsonville, NC, with Alamance and Guilford County, NC; McLeansville, NC, with Guilford County, NC; Mineral Springs and Waxhaw, NC, with Union County, NC; Newberry and Whitmire, SC with

Newberry County, SC; Great Falls, SC, with Chester County, SC; New Castle, DE, with New Castle County, DE; Homer, GA, with Banks County, GA; in Sub No. 122, Muskegon, MI, with Muskegon County, MI; in Sub No. 134, Corsicana, TX with Navarro County, TX; (4) in Sub-No. 3, replace named off-route points with county-wide authority as follows: Aurora, IL, with Kane and DuPage Counties, IL; Coal City, IL with Grundy County, IL; Rockford, IL, with Winnebago County, IL; Atchison, KS, with Atchison County, KS; Linn, KS, with Washington County, KS; Sabetha, KS, with Brown and Nemaha Counties, KS; Bartlesville, OK with Osage and Washington Counties, OK; Collinsville, OK, with Rogers and Tulsa Counties, OK; Enid, OK, with Garfield County, OK; Nowata, OK, with Nowata County, OK; points within 30 miles of Oklahoma City, OK, with Logan, Payne, Lincoln, Okfuskee, Seminole, Pottawatomie, Cleveland, McClain, Grady, Oklahoma, Caddo, Canadian, Blaine and Kingfisher Counties, OK; points within 30 miles of Los Angeles, CA, with Los Angeles, Orange, San Bernardino and Ventura Counties, CA; and (5) in Sub-No. 75, irregular-route portion, change points in GA lying on and east of US Hwy 221, within 100 miles of Greenville, to Columbia and Richmond Counties, GA, and otherwise remove all commodity, territorial, and service restrictions (except tacking and severability restrictions) involving the States of DE, GA, MD, NJ, NY, NC, PA, SC, and VA such as restrictions to pickup only of one-way movement of specified commodities, and radial movement of shipments between points north and south of the VA-NC State line; (6) in all subs, where applicable, remove restriction on off-route points to allow service in connection with any of the carriers regular routes and delete territorial and commodity restrictions such as to truckload shipments, and against service between any two points both of which are located in IL and IN, etc.

MC 126625 (Sub-17)X, filed July 27, 1981. Applicant: MURPHY SURF-AIR TRUCKING COMPANY, INC., 1059 South Broadway, Lexington, KY 40506. Representative: Robert H. Kinker, 314 West Main Street, P.O. Box 464, Frankfort, KY 40602. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1, 2, 3, 5, 8, 9 and 15 certificates and E1 letter notice to: (1) broaden the general commodity descriptions by deleting all exceptions except "classes A and B explosives"; (2) replace named airports with cities or counties as follows: (a) Lexington, KY for Bluegrass

Field; Cincinnati, OH for Greater Cincinnati Airport; and Louisville, KY for Standiford Field in the lead and Sub-Nos. 1, 2 and 5; (b) Indianapolis, IN for Weir-Cook Airport; Chicago, IL for O'Hare International Airport; and Dayton, OH for James Cox Municipal Airport in Sub-Nos. 3, 5, and E1; (c) Evansville, IN for Dress Memorial Airport; Owensboro, KY for Owensboro-Davies County Airport; Bowling Green, KY for Bowling Green-Warren County Municipal Airport; and Paducah, KY for Barkley Field in Sub-No. 5; (d) Dayton, OH for James Cox Municipal Airport; Indianapolis, IN for Weir-Cook Airport; Cincinnati, OH for Greater Cincinnati Airport; and Lexington, KY for Bluegrass Field in Sub-No. 8; (e) Nashville, TN for Metro Airport; and Knoxville, TN for McGee-Tyson Airport in Sub-No. 9; (f) Laurel County, KY for London-Corbin Field; Lexington, KY for Bluegrass Field; and Dayton, OH for James Cox Municipal Airport in Sub-No. 15; and (g) Louisville, KY for Standiford Field in Sub-No. E1; and (3) eliminate all restrictions limiting service to the transportation of traffic having a prior or subsequent movement by air.

MC 129219 (Sub-32)X, filed July 28, 1981. Applicant: CMD TRANSPORTATION, INC., 12340 S.E. Dumolt Road, Clackamas, OR 97015. Representative: Philip G. Skofstad, Logus Block, 529 S.E. Grand Avenue, Portland, OR 97214. Applicant seeks to remove restrictions in its Sub-Nos. 1, 4, 5, 8, 11, 12, 15F, 16F, 19F, 21F, 23F, 25F, 26F, 27F and 28F permits to (1) broaden the commodity description in Sub-No. 1 to "machinery" from electrical storage batteries and "waste and scrap materials not identified by industry producing" from used electrical storage batteries; in Sub-No. 4 to "machinery and related materials equipment and supplies" from electric storage batteries; in Sub-No. 5 to "machinery and related materials, equipment, and supplies" from electric storage batteries and components of electric storage batteries, and to "waste and scrap materials not identified by industry producing" from scrap electric storage batteries; in Sub-No. 8 to "waste and scrap materials not identified by industry producing" from waste paper products for recycling or reuse in furtherance of recognized pollution control programs; in Sub-No. 11 to "waste and scrap materials not identified by industry producing" from waste paper products and to "pulp, paper and related products" from newsprint paper in rolls; in Sub-No. 12 "machinery and related materials, equipment, and supplies" from electric storage batteries and components of

electric storage batteries and to "waste and scrap materials not identified by industry producing" from scrap batteries; in Sub-Nos. 15F and 16F to "pulp, paper and related products" from newsprint paper in rolls, paper toweling and paper towels; in Sub-No. 19F to "machinery and related materials, equipment, and supplies" from battery boxes, battery covers and battery vents; in Sub-No. 21F to "rubber and plastic products" from plastic roll film and plastic sheeting; in Sub-No. 23F to "machinery and related materials, equipment, and supplies" from electric storage batteries and equipment, materials and supplies used in the manufacture and distribution of electric storage batteries, and to "waste and scrap materials not identified by industry producing" from scrap electric storage batteries; in Sub-No. 25F part (1) "pulp, paper and related products" from paper and paper products and to "lumber and wood products" from lumber, hardboard, and particleboard; in Sub-No. 26F to "chemicals and related products and related materials, equipment and supplies" from paint, paint materials and materials, equipment and supplies used in the manufacture and sale of paint, and in Sub-No. 27F to "lumber and wood products" from compressed sawdust logs; (2) remove the commodities in bulk restriction in Sub-No. 28F; (3) broaden the territorial description in Subs 1, 4, 5, 8, 11, 12, 15F, 16F, 19F, 21F, 23F, 27F and 28F to between points in the U.S. and under continuing contract(s) with named shippers.

MC 133167 (Sub-6)X, filed August 3, 1981. Applicant: JOHN R. RAWLS TRUCKING CO., INC., P.O. Box 174, Capron, VA 23829. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229. Applicant seeks to remove restrictions in its Sub-Nos. 2F and 5F certificates to: (1) broaden the commodity description from (a) lumber to "lumber and wood products" in Sub-No. 2F; and (b) from wood residuals, lumber, lumber mill products, and particleboard, to "waste or scrap materials, lumber and wood products and building materials" in Sub-No. 5F; (2) remove facilities limitations in Sub-Nos. 2F and 5F; and (3) expand specific point authority to county-wide authority as follows: Waverly, VA to Sussex County, VA; Seaboard, NC to Northampton County, NC; and Smithfield, NC to Johnston County, NC.

MC 138123 (Sub-1)X, filed July 22, 1981. Applicant: NORTH HAVEN TRANSPORTATION, INC., 19 Montowese Avenue, North Haven, CT 06473. Representative: James M. Burns,

1383 Main Street, Suite 413, Springfield, MA 01103. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description from general commodities (with exceptions including an except in bulk exception) to "general commodities (except classes A and B explosives)," and (2) remove restriction limiting the transportation of traffic to that moving under bills of lading issued by freight forwarders.

MC 139434 (Sub-13)X, filed July 21, 1981. Applicant: MID-AMERICA EXPRESS, INC., P.O. Box 9, Nebraska City, NE 68410. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141. Applicant seeks to remove restrictions in its lead and Sub-Nos. 5, 7F, 8F, and 9F certificates and in authority issued pursuant to MC-F-13284, to (1) broaden the commodity descriptions to "food and related products" from meat, meat products, and meat byproducts and articles distributed by meat packinghouses in its lead and Sub-Nos. 5, 8F, and 9F, and MC-F-13284, and from beef in carcass form in Sub-No. 7F; (2) eliminate the "except hides and commodities in bulk" restrictions in its lead and Sub-Nos. 8F and 9F and MC-F-13284; (3) delete "in tank vehicles" in the lead; (4) remove all plant site, facilities and originating at and/or destined to restrictions wherever they appear in above named certificates and MC-F-13284; (5) replace cities with authority to serve the county: Phelps City with Atchison County, MO; Schuyler with Colfax County, NE; Omaha with Douglas County, NE; Madison with Madison County, NE; Sioux City with Woodbury County, IA; and St. Joseph with Buchanan County, MO; and (6) replace one-way authority with radial authority between points located mainly in the central and eastern portions of the U.S.

MC 147644 (Sub-10)X, filed June 26, 1981, and previously noticed in the Federal Register of July 15, 1981, republished as corrected this issue. Applicant: J.M.C. TRANSPORT, INC., 1719 Potters Ln., Jeffersonville, IN 47130. Representative: Gerald K. Gimmel, 4 Professional Dr., Suite 145, Gaithersburg, MD 20760. Applicant seeks to remove restrictions in its Sub-Nos. 5F, 6F, 7F, and 8 certificates as previously published and, in addition, to replace city-wide authority with county-wide authority as follows: (1) from Dundalk, MD to Baltimore and points in Anne Arundel and Baltimore Counties, MD, and (2) from Atlanta, GA to points in DeKalb, Clayton, Fulton, Cobb, Fayette, Douglas, Henry, and Gwinnett Counties,

GA. The purpose of this republication is to correct these inadvertent omissions.

[FR Doc. 81-23456 Filed 8-11-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29690, et al.]

Southern Railway Co., et al.; Applications; Decision

In the matter of Southern Railway Company—purchase—Kentucky & Indiana Terminal Railway Company (Finance Docket No. 29690); the Baltimore and Ohio Railroad Company, the Chesapeake and Ohio Railway Company, and Louisville and Nashville Railroad Company—trackage rights—over Southern Railway Company (Finance Docket No. 29691); Richard B. Ogilvie, trustee of the property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company, debtor—Joint use of Terminal Services and Properties of Southern Railway Company (Finance Docket No. 29692); Southern Railway Company—assumption of obligations and liabilities—relating to securities of Kentucky & Indiana Terminal Railroad Company (Finance Docket No. 29693).

AGENCY: Interstate Commerce Commission.

ACTION: Decision and Notice accepting applications for consideration.

SUMMARY: The proposed transaction involves the purchase and operation by Southern Railway Company (Southern) of all the properties of Kentucky & Indiana Railway Company (KIT) and the assumption of responsibility for performance of the railroad terminal, industrial, and interchange switching functions of KIT. As a result of this transaction, Southern will assume obligation for KIT's bonds and certain debts and liabilities. Authority for this assumption is sought in a related application. By other related applications, The Baltimore and Ohio Railroad Company (B&O), Louisville and Nashville Railroad Company (L&N), and The Chesapeake and Ohio Railway Co. (C&O) seek trackage rights over former KIT track and Chicago, Milwaukee, St. Paul and Pacific Railroad Co. (Milwaukee) seeks to continue its joint use of former KIT services and facilities. The applications are filed pursuant to 49 U.S.C. 11343-11345 and 49 U.S.C. 11301. The applications are described below.

All persons who wish to file comments pursuant to this decision and notice must identify specifically, by docket number, the application or applications which are the subjects of their comments.

DATE: Written comments must be filed by September 14, 1981.

FOR FURTHER INFORMATION CONTACT: Ellen Hanson (202) 275-7245 or Ernie B. Abbott (202) 275-3002.

ADDRESS: An original and 10 copies of all statements should be sent to: Section of Finance, Room 5414, Interstate Commerce Commission, Washington, D.C. 20423.

SUPPLEMENTARY INFORMATION:

(1) In Finance Docket No., 29690, SOUTHERN RAILWAY COMPANY (Southern) seeks authority pursuant to 49 U.S.C. 11343 *et. seq.* to purchase and operate all the properties of KENTUCKY & INDIANA TERMINAL RAILROAD COMPANY (KIT). Southern, a Class I railroad, operates, *inter alia*, a main line of railroad extending between Danville, KY, and East St. Louis, IL, a distance of approximately 355 miles. Southern's main line passes through Louisville using trackage of KIT. KIT is a Class III railroad performing industrial and terminal switching for line haul railroads in Louisville, KY, including movements over the Ohio River to New Albany, IN. Southern, The Baltimore and Ohio Railroad Company (B&O), and Louisville and Nashville Railroad Company (L&N) own an equal number of shares of all KIT's common stock. By agreement dated June 15, 1981, Southern, B&O, and L&N, agreed that KIT will be dissolved as a corporation and common carrier and that Southern will acquire all of the assets of KIT, assume its common carrier obligations, and become responsible for all KIT debt and certain liabilities. Southern has also filed a related application for approval of its proposed assumption of the obligations of KIT in Finance Docket No. 29693.

(2) In Finance Docket No. 29691, THE BALTIMORE AND OHIO RAILROAD COMPANY, THE CHESAPEAKE AND OHIO RAILWAY COMPANY (C&O), AND LOUISVILLE AND NASHVILLE RAILROAD COMPANY seeks authority pursuant to 49 U.S.C. 11343 *et. seq.* to acquire trackage rights over lines of the SOUTHERN RAILWAY COMPANY which are to be acquired from KIT upon approval of the directly related application in Finance Docket No. 29690. Specifically, B&O, C&O and L&N seek bridge trackage rights between L&N's connection with KIT tracks in the vicinity of 7th Street in Louisville, KY, milepost 6.13, via the KIT bridge over the Ohio River to the tracks of L&N and B&O in New Albany, IN, milepost 0, a total distance of approximately 6.13 miles; and between Conrail and KIT in the vicinity of 16th Street and Portland Avenue in Louisville, KY, milepost 2.81, via the bridge of KIT connecting L&N

and B&O tracks in New Albany, IN, milepost 0, a total distance of approximately 2.81 miles. B&O and L&N require trackage rights in order to maintain operations between Kentucky and Indiana C&O seeks to acquire trackage rights over the same lines in order to permit access to lines of B&O and L&N.

(3) In Finance Docket No. 29692, RICHARD B. OGILVIE, TRUSTEE OF THE PROPERTY OF CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY, DEBTOR, (Milwaukee)—pursuant to 49 U.S.C. 11343-11345 seeks approval of an application for continued joint use of the terminal services and properties of KENTUCKY & INDIANA TERMINAL RAILROAD COMPANY, including its main line between New Albany, IN, to Youngstown Yard and KIT's bridge and approaches, a distance of approximately 1.3 miles. By agreement dated March 1, 1973, Milwaukee was permitted use KIT facilities and services. See *Chicago, M., St. P. & P. R. Co.-Trackage Rights*, 342 I.C.C. 578 (1973). The revised agreement is required by the purchase and operation by Southern of the properties of KIT, for which approval and authorization is sought in the directly related application in Finance Docket No. 29690.

All of these applications have been consolidated for handling by the Commission.

These applications were filed under our current consolidation regulations, 49 CFR Part 1111, as modified in Ex Parte No. 282 (Sub-No. 3), *Railroad Consolidation Procedures*, 363 I.C.C. 200 (1980). The transactions are governed by 49 U.S.C. 11343 and the time limits of 49 U.S.C. 11345, as those sections are modified by section 228 of the Staggers Rail Act of 1980, Pub. L. 96-448, October 14, 1980.

We are accepting these applications for consideration because they substantially comply with our regulations.

The applications and exhibits are available for inspection in the Public Docket Room at the offices of the Interstate Commerce Commission in Washington, DC. In addition, they may be obtained from applicant's representatives upon request.

Statutory Standards

Under the Staggers Rail Act, if a proceeding does not involve the merger or control of at least two class I railroads, we must approve the application unless we find:

(1) As a result of the transaction there is likely to be a substantial lessening of competition creation of a monopoly, or

restraint of trade in freight surface transportation in any region of the United States; and

(2) The anticompetitive effects of the transaction outweigh the public interest in meeting significant transportation needs.

49 U.S.C. 11344(d). Parties filing comments are cautioned and urged to address these statutory criteria.

The Staggers Rail Act requires us, in the notice accepting an application involving a transaction under 49 U.S.C. 11343, to indicate whether the proposed transaction is of "regional or national transportation significance."¹ Our interim regulations state that a 11343 transaction between one or more Class I railroads, acting together with one or more Class I or Class II railroads is of regional or national transportation significance if it is a "control or merger" or if it is a "major market extension" resulting from, *inter alia*, trackage rights, 49 CFR 1111.5(a), as amended by Ex Parte No. 282 (Sub-No. 8), *supra*.

We find that the purchase and trackage rights transactions involved here are minor transactions which are not of regional or national transportation importance. KIT is a class III Railroad. Under our regulations, only transactions which involve Class I and Class II roads are major transactions. While all of the trackage rights applications involve two or more Class I railroads, none of the trackage rights transactions constitute major market extensions. The transactions do not give any applicant access to any new market, but rather are designed principally to increase the efficiency of the switching and terminal services provided now by KIT, and to align the ownership of KIT properties more closely with interest and use.

Furthermore, there is no provision for the filing of inconsistent application if the transaction is not of regional or national transportation significance. See Ex Parte No. 282 (Sub-No. 8), *Railroad Consolidation Procedures—Time Revisions*, (decided October 29, 1980), 45 FR 74488 (November 10, 1980).

Participation in the Proceedings: Comments

Any interested person may participate in this proceeding by submitting written comments regarding the applications. An original and 10 copies must be filed

¹ This finding determines the time frames applicable to the proceeding. If the transaction is not of regional or national transportation significance, we must issue a final decision within 150 days from the date of publication of the notice in the *Federal Register*; otherwise, we have 270 days in which to issue a final decision.

with the Section of Finance, Room 5414, Interstate Commerce Commission, Washington, DC 20423, no later than September 14, 1981. Written comments shall be concurrently served by first-class mail on the United States Secretary of Transportation, the Attorney General of the United States, and the applicants' representatives.

Nancy S. Fleischman, Southern Railway Company, P.O. Box 1808, Washington, DC 20013

Peter J. Shultz, 100 North Charles St., Baltimore, MD 21201

Raymond K. Merrill, Room 888, Chicago Union Station, 516 West Jackson Blvd., Chicago, IL 60606

Albert R. Reutlinger, 501 S. Second St., Louisville, KY 40202

R. Lyle Key, Jr., P.O. Box 32290, Louisville, KY 40232

Earl M. Schramm, P.O. Box 1808, Washington, DC 20013

All persons who file timely written comments may be considered as parties of record, but only if they so indicate in their comments. In this event no petition for leave to intervene need be filed.

Written comments must contain:

(1) The docket number and title of the proceeding;

(2) The name, address and telephone number of the commenting party and its representatives upon whom service shall be made;

(3) The commenting party's position, in support of or opposition to the proposed transaction;

(4) A statement of whether the commenting party intends to participate formally in any hearing or merely comment upon the proposal;

(5) A list of all information sought to be discovered from applicant carrier;

(6) An initial list of specific protective condition sought; and

(7) Any request for oral hearing that the commenting party will make with reasons supporting the request.

Particular attention should be given to Ex Parte No. 282 (Sub-No. 3A), *Railroad Consolidation Procedures*, 363 I.C.C. 767 (1980), 45 FR 84803 (December 23, 1980).

Preliminary comments from the Secretary of Transportation and the Attorney General must be filed with the Commission by September 29, 1981.

Responsive Applications

The Staggers Rail Act of 1980 contains no provision for inconsistent applications in connection with a transaction which is not of regional or national significance. Our interim regulations implementing the Act expressly prohibit such responsive applications. Ex Parte No. 282 (Sub-No. 8), *supra*. Thus, none will be entertained.

Procedural Information

Applicants are directed to respond no later than October 2, 1981, to any information requests contained in the written comments of other parties. We encourage responses to discovery requests as soon as possible in order to expedite the proceeding. Applicant's responses should indicate what information will be voluntarily supplied and the reason why the remainder will not be voluntarily supplied. We warn parties now that we not tolerate dilatory tactics in response to reasonable discovery requests designed to elicit relevant evidence. A refusal voluntarily to supply information will be treated as an objection to the request for discovery. Responses should be served upon all parties of record, and 10 copies of these responses should be concurrently filed with the Commission.

Oral hearings are not contemplated at this time. If oral hearings or other evidentiary proceedings are deemed necessary, we will issue a further order to that effect.

By statute, the evidentiary phase of the proceeding must be concluded by November 27, 1981. Service of an initial decision will be waived, and determination on the merits of the applications will be made in the first instance by the entire Commission, under 49 U.S.C. § 11345, no later than January 11, 1982.

It is ordered:

1. The applications in Finance Docket Nos. 29690, 29691, 29692, and 29693 are accepted for consideration.

2. The parties shall comply with all provisions as stated above.

3. This decision is effective on August 12, 1981.

Decided: August 6, 1981.

By the Commission, Chairman Taylor, Commissioners Gresham, Clapp, and Gilliam.
Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-23459 Filed 8-11-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 138]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: August 6, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the *Federal Register* of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any

application can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendment 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, Ewing, and Shaffer.
Agatha L. Mergenovich,
Secretary.

MC 23618 (Sub-69)X, filed July 27, 1981. Applicant: McALISTER TRUCKING COMPANY, d.b.a. MATCO, P.O. Box 2377, Abilene, TX 79604. Representative: Edwin M. Snyder, P.O. Box 4538, Dallas, TX 75245. Applicant seeks to remove restrictions in its Sub-Nos. 63F and 67F certificates to (1) broaden the commodity description from cooling equipment and materials, equipment, and supplies used in the manufacture, installation, maintenance, and distribution of cooling equipment to (a) "machinery and metal products and (2) materials, equipment, and supplies used in the manufacture, installation, maintenance and distribution of the commodities in (1)" in Sub-No. 67F (2) remove the "in bulk" restrictions, in Sub-Nos. 63F and 67F and the in tank vehicle restrictions in Sub-No. 63F and (3) remove the AK and HI exception, in Sub-No. 63F.

MC 35677 (Sub-7)X, filed July 10, 1981. Applicant: H. J. RUSSELL'S, INC., 2275 Old Vestal Road, Vestal, NY 13850. Representative: Donald C. Carmien, 501 Midtown Mall, P.O. Box 1922, Binghamton, NY 13902. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2 and 4F certificates to (1) broaden the commodity descriptions to "those commodities which because of their size or weight require the use of special handling or equipment" from road building machinery, equipment and supplies, in the lead; contractor's

excavation and construction equipment which because of unusual size or weight requires special handling or the use of special equipment, in Sub-No. 2; and contractor's excavation construction and road building equipment and supplies, in Sub-No. 4F, and (2) broaden the territorial description by substituting county-wide and city-wide authority for city-wide authority and facilities as follows: Broome County, NY (for Binghamton, Willow Point, and Chenango Bridge, NY, in the lead; Broome County, NY (for Binghamton, NY), in Sub-No. 2 and Syracuse, NY (for facilities at Syracuse, NY), Wake and Mecklenburg Counties, NC (for Raleigh and Charlotte, NC), and Richland, Charleston, Harry and Lexington Counties, SC (for Columbia, Cayce, Charleston and Conway, SC), in Sub-No. 4F, and (3) in Sub-No. 4F authorize radial operations in place of one-way operations.

MC 41951 (Sub-53)X, filed July 28, 1981. Applicant: WHEATLEY TRUCKING, INC., P.O. Box 458, Cambridge, MD 21613. Representative: Daniel B. Johnson, 4304 East-West Highway, Washington, DC 20014. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2, 3, 4, 6, 9, 10, 15, 18, 19, 21G, 29, 31, 33F, 35F, 37F, 38F, 40F, 41F, 43F, 48F, 51F, and 52F certificates and E-2 letter notice to (1) broaden the commodity description in (a) the lead, from agricultural commodities, canned goods, and tomato plants to "food and related products"; from empty cans, empty cartons, produce containers to "metal products, pulp paper and related products, and rubber and plastic products"; from fertilizer to "chemicals and related products"; from lumber to "lumber and wood products"; (b) Sub-No. 2, from canned food products to "food and related products", and from feed, roll paper, roofing paper, shingles, glass jars and such commodities as are dealt in by wholesale grocers to "food and related products, building materials, pulp, paper and related products, clay, concrete, glass or stone products and such commodities as are dealt in by wholesale grocers"; (c) Sub-No. 3, from foodstuffs to "food and related products", from empty foodstuff packages, containers and parts thereof to "pulp, paper and related products, rubber and plastic products, metal products and clay, concrete, glass or stone products"; (d) Sub-Nos. 4 and 6 from foodstuffs to "food and related products"; (e) Sub-Nos. 9 and 10, from pet foods to "food and related products"; (f) Sub-Nos. 15, 18 and 19, from foodstuffs, unfrozen foodstuffs and

animal and pet foods to "food and related products" (g) Sub-No. 21G, from canned foods to "food and related products"; (h) Sub-No. 29, from canned goods and sugar to "food and related products"; (i) Sub-No. 31, from foodstuffs to "food and related products"; (j) Sub-No. E2, from canned goods to "food and related products"; (k) Sub-Nos. 33F and 35F, from foodstuffs to "food and related products"; (l) Sub-No. 37F, from unfrozen foodstuffs to "food and related products"; (m) Sub-No. 38F, from frozen peppers to "food and related products"; (n) Sub-No. 40F, from canned goods to "food and related products"; (o) Sub-No. 41F, from canned goods to "food and related products"; (p) Sub-No. 43F, from foodstuffs to "food and related products"; (q) Sub-No. 48F, from salt to "minerals, food and related products and chemicals and related products"; (r) Sub-No. 51F from dry chemicals to "chemicals and related products"; and (s) Sub-No. 52F, from sugar to "food and related products"; (2) remove restrictions in (a) Sub-No. 3 against the transportation of frozen foods or foodstuffs in bulk, in tank vehicles; (b) Sub-No. 4 against the transportation of commodities in bulk, frozen foods and canned goods; (c) Sub-No. 6, against the transportation of frozen foods and commodities in bulk; (d) Sub-Nos. 9 and 10, in containers; (e) Sub-No. 15, not frozen, in containers; (f) Sub-Nos. 19 and 29, except commodities in bulk; (g) Sub-Nos. 19, 31, and 33F, originating at and destined to; (h) sub-Nos. 35F, 37F, 43F and 51F, except in bulk; (i) Sub-Nos. 4, 6, 10, 19, 37F, 38F, and 52F, the facilities limitations; (j) Sub-No. 48F, in containers; and (k) sub-No. 52F, in packages; (3) change cities to counties as follows: (a) in the lead from Vienna, Hurlock and Cambridge, MD, to Dorchester County, MD, from Bridgeville and Oak Grove, DE, to Sussex County, DE; from Wilmington, DE, to New Castle County, DE, from Chester and Lansdowne, PA, to Delaware County, PA, from Easton, PA, to Northampton County, PA, from Allentown, PA, to Northampton and Lehigh Counties, PA, from Wilkes-Barre and Hazelton, PA, to Luzerne County, PA, from Scranton, PA, to Lackawanna County, PA; from New Cumberland, PA, to Cumberland County, PA, from New Freedom, PA, to York County, PA, from Harrisburg, PA, to Dauphin, Perry, Cumberland and York Counties, PA, Elizabeth, NJ, to Union County, NJ, from Morristown, NJ, to Morris County, NJ; from Bayonne and Hoboken, NJ, to Hudson County, NJ, from Yonkers, Tarrytown, White Plains, NY, to Westchester County, NY, from

Newburgh, NY to Orange County, NY, from New Brunswick and Perth Amboy, NJ, to Middlesex County, NJ, from Orange and Newark, NJ, to Essex County, NJ, from Paterson to Passaic County, NJ, from Camden, NJ, to Camden County, NJ, from Jersey City, NJ to Hudson County, NJ, from Atlantic City, NJ, to Atlantic County, NJ, from Trenton, NJ, to Mercer County, NJ, from Newark and Laurel, DE, to New Castle and Sussex Counties, DE, from Hawthorne, FL, to Alachua County, FL and from Tifton, Cairo, Valdosta, Claxton and Pembroke, GA, to Tift, Grady, Lowndes, Evans and Bryan Counties, GA; (b) in Sub-No. 2, from off route points of Morgan and Monrovia, MD, to Frederick and Carroll Counties, MD, and allow service at all intermediate points between Frederick, MD and Petersburg, VA and provide for two-way authority on its regular-route authority; (c) in Sub-Nos. 3, 4, 6, 9, 10, 15, 18 and 21G, from Cambridge, MD, to Dorchester County, MD; (d) Sub-No. 15, from Plymouth, IN, to Marshall County, IN; (e) Sub-No. 18, from Highlands, TX, to Chambers and Harris County, TX, and from Haskell, OK, to Muskogee County, OK; (f) Sub-No. 19, from Logansport, IN, to Cass County, IN; (g) Sub-No. 29, from Aberdeen, Havre de Grace and Pocomoke City, MD, to Harford and Worcester Counties, MD; from Cambridge, Denton and Vienna, MD, to Dorchester and Caroline Counties, MD, from Newark, Laurel and Oak Grove, DE, to New Castle and Sussex Counties, DE, from Providence, RI, to Kent and Providence Counties, RI, and Bristol County, MA, from Boston, New Bedford, Fall River and Springfield, MA, to Bristol, Hampden, Plymouth, Norfolk, Middlesex, Essex and Suffolk Counties, MA, and from Exmore, VA, to Northampton County, VA, from Hurlock, MD, to Dorchester County, MD; (h) Sub-No. 31, from Hallwood, VA, to Accomack County, VA; (i) Sub-No. 33, from Hallwood, VA, to Accomack County, VA; (j) Sub-No. 35, from Cheriton, VA, and Queen Anne, MD, to Northampton County, VA, and Talbot County, MD; (k) Sub-No. 37 from a facility at or near Cambridge, MD, to Dorchester County, MD, from Kansas City, KS, to Wyandotte and Johnson Counties, KS, Platte, Clay and Jackson Counties, MO, from Houston and Garland, TX, to Harris, Ft. Bend, Brazoria, and Dallas Counties TX, from Kenner, LA, to St. Charles, Jefferson and Orleans Parishes, LA; (l) Sub-No. 38, from Kansas City, KS, to Wyandotte and Johnson Counties, KS, Platte, Clay and Jackson Counties, MO, from Cambridge, MD, to Dorchester County, MD, from

Jackson, OH, to Jackson County, OH; (m) Sub-No. 40, from Cheriton and Hopeton, VA, to Northampton and Accomack Counties, VA; (n) Sub-No. 43, from Hallwood, VA, to Accomack County, VA; (o) Sub-No. 48, from Ludlowville, Horseheads, Retsof, Watkins Glen and Silver Springs, NY, to Tompkin, Schuyler, Livingston, Chemung and Wyoming Counties, NY, from Cleveland, Akron, Rittman and Cincinnati, OH, to Cuyahoga, Lorain, Lake, Summit, Stark, Wayne, Medina, Portage, Clermont, Hamilton, and Butler Counties, OH, Boone, Kenton and Campbell Counties, KY; (p) Sub-No. 52, from a facility at or near Philadelphia, PA, to Philadelphia, PA; and (4) broaden its one-way to radial authority in the lead, and Sub-Nos. 2 (part 2), 3, 4, 6, 9, 10, 15, 18, 19, 21, 29, 31, sub-E2, 33F, 35F, 37F, 38F, 40F, 41F, 43F, 48F, 51F, and 52F.

MC 56553 (Sub-34)X, filed July 27, 1981. Applicant: PULASKI HIGHWAY EXPRESS, INC., 640 Hamilton Avenue, Nashville, TN 37203. Representative: A. O. Buck, 618 United American Bank Bldg., Nashville, TN 37219. Applicant seeks to remove restrictions in its lead and Sub-Nos. 15, 16, 20, 21, 22, 24, 26, 29, 32 and 33 certificates to (1) remove all exceptions except Classes A and B explosives from its general commodities authority; (2) allow service at all intermediate points; between Nashville, TN and Pulaski, TN in its lead, Lawrenceburg, TN and Columbia, TN in Sub-Nos. 15 and 24, Lawrenceburg, TN and Memphis, TN in Sub-No. 16, Tusculumbia, AL and Memphis, TN in Sub-No. 20, Memphis, TN and Russellville, KY in Sub-No. 21, Nashville, TN and Russellville, KY in Sub-No. 22, Sheffield, AL and Memphis, TN in Sub-No. 26, and Sheffield, AL and junction of US Hwy 43 and the TN-AL state line in Sub-No. 26; (3) remove joinder only restrictions in Sub-Nos. 15 and 16; (4) remove the facilities limitations in Sub-Nos. 16, 20, 26, and 29; (5) allow unrestricted service at Somerville, Whiteville, Bolivar and Selmer, TN in Sub-No. 16, between Florence, Sheffield and Tusculumbia, AL, on the one hand, and, on the other, points in TN on US Hwy 64 west of Lawrenceburg, TN in Sub-No. 16, between Nashville and Memphis, TN in Sub-Nos. 16, 20, 21, 22 and 26, to points in AR and MS within the Memphis, TN commercial zone in Sub-Nos. 20 and 21, to Guthrie and Hopkinsville, KY in Sub-No. 22, between Nashville, TN and Russellville, KY in Sub-No. 22, on traffic originating at points in KY in Sub-No. 22, and to Lewisburg, TN in Sub-No. 32.

MC 107006 (Sub-15)X, filed July 22, 1981. Applicant: THOMAS KAPPEL,

INC., 256 Linden Ave, Springfield, OH 45505. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its Permit No. MC-107006 and Sub-Nos. 7F, 8F, and 9F, and Certificate No. MC-107006 Sub-Nos. 10F, 12F, 13F, and 14F to (1) change commodity descriptions in MC-107006 (a) from iron and steel castings, forgings, steel bars, steel wire mesh, steel channels, and steel fence posts to "metal products," and (b) from internal combustion engines, clutches and universal joints, steel dumps, truck bodies, hoists, dumping devices, cabs, cowls and motor truck radiators to "transportation equipment and materials, equipment and supplies used in the manufacture and distribution thereof," in Sub-No. 8F from fabricated reinforcing steel and welded wire mesh, and materials, equipment and supplies used in the manufacture and distribution of fabricated steel, to "metal products and materials, equipment and supplies used in the manufacture and distribution of metal products;" in Sub-No. 9F from wood and wood products to "lumber and wood products;" in Sub-No. 14F, from welding equipment and supplies to "electrical machinery, equipment or supplies;" (2) delete "bulk" restrictions in Sub-Nos. 7F, 8F, 9F, 10F, 12F, and 13F; (3) authorize service between points in the U.S. in the lead; (4) authorize service between points in the U.S. under contract(s) with named shippers in Sub-Nos. 7F, 8F, and 9F; (5) delete exception to AK and HI wherever it appears in each certificate or permit; (6) remove facilities limitation in Sub-No. 14F; and (7) replace city-wide authority with county-wide authority as follows: Coshocton and Franklin with Coshocton and Warren Counties, OH; Florence with Florence County, SC; Urbana and Dayton with Champaign and Montgomery Counties, OH; and Troy with Miami County, OH.

MC 119103 (Sub-5)X, filed July 27, 1981. Applicant: J. E. FORTIN TRANSPORT, INC., 116 Fortin Boulevard, St. Bernard de Lacolle, Quebec, JOJ IVO, Canada. Representative: W. Norman Charles, P.O. Box 724, Glens Falls, NY 12801. Applicant seeks to remove restrictions in its Sub-Nos. 1, 3, and 4 certificates to (1) broaden the commodity descriptions from paragraph (1) trailers, semi-trailers, trailer and semi-trailer chassis (other than those designed to be drawn by passenger automobile), including component parts thereof when moving with such trailers of semi-trailers (except commodities requiring special equipment), and van bodies, in initial

movements, in truckaway service, and from paragraph (2), damaged shipments, to "transportation equipment and machinery, and parts thereof", in Sub-No. 1; (b) bananas, fruit juice and fruit juice concentrates to "food and related products" in Sub-Nos. 3 and 4 (2) remove the restrictions against transporting commodities designed to be drawn by passenger automobile and commodities requiring special equipment in Sub-No. 1; (3) remove the restriction limiting service to transportation in initial movements, in truckaway service in Sub-No. 1; (4) broaden the territorial scope to (a) replace city with county-wide authority as follows: Hazelton, PA, with Luzerne County, PA, in Sub-No. 1; Gulfport, MS, with Harrison County, MS, Albany, NY, with Albany County, NY, and New York, NY, Harbor Area, with New York, NY, in Sub-No. 3; (b) expand specified port of entry (at Champlain, NY) on the United States-Canada boundary line to authorize service at all ports of entry located in NY in Sub-Nos. 1, 3, and 4; (c) replace one-way with radial authority between points in Luzerne County, PA, and ports of entry on the United States-Canada boundary line located in NY, in Sub-No. 1, and between points in FL, Baltimore, MD, Harrison County, MS, Albany County and New York, NY, and ports of entry on the United States-Canada boundary line located in NY, in Sub-Nos. 3 and 4 and (D) remove the restriction limiting service to transportation in foreign commerce only in Sub-Nos. 1, 3, and 4.

MC 120788 (Sub-3)X, filed July 29, 1981. Applicant: FULSANG'S MOTOR SERVICE, INC., 7061 South Willow Springs Road, Countryside, IL 60525. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Applicant seeks to remove restrictions in its Sub-No. 2 certificate to (1) broaden the commodity descriptions from general commodities (with exceptions), to "general commodities, except classes A and B explosives"; (2) change one-way to radial authority; (3) eliminate the facilities restrictions (4) replace Dwight, IL, with Livingston County, IL; and (5) remove an in bulk restriction.

MC 121107 (Sub-25)X, filed February 19, 1981, previously noticed in the Federal Register of March 6, 1981, republished as follows: Applicant: PITT COUNTY TRANSPORTATION COMPANY, INC., Post Office Box 207, Farmville, NC 27828. Representative: Harry J. Jordan, Esq., Suite 502, Solar Building, 1000 16th St., N.W., Washington, DC 20036. Applicant seeks to remove restrictions in Sub-Nos. 2, 3, 5,

6, 7, 8, 9, 10, 12, 13, 15, 16, 19, 20F, 21F, 22, and 23F. This Board previously broadened these certificates by expanding the commodity descriptions, replacing cities or plantsites with county-wide authority, changing one-way authorities to radial operations, and eliminating vehicle and in bulk restrictions and a service limitation. Applicant also sought to broaden an authorized service area designated by a highway boundary to counties. The Board denied this request on the grounds that such a territory description was not unreasonably narrow under the guidelines of 49 CFR 1137.24(a). Following an appeal filed by applicant, an entire Commission decision, Pitt County Transportation Company, Inc.-Administrative Appeal, No. MC 121107 (Sub-No. 25)X (Not printed), served June 30, 1981, directed the Board to republish the application as filed. Notice is hereby given that applicant proposes to broaden authority in its Sub-No. 5 certificate from "that part of North Carolina on and east of U.S. Hwy 1" to "points in and east of Warren, Vance, Franklin, Wake, Chatham, Lee, Moore, and Richmond Counties, NC."

MC 121658 (Sub-39)X, filed July 9, 1981. Applicant: STEVE D. THOMPSON TRUCKING, INC., 710 Prairie St., Winnsboro, LA 71295. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. Applicant seeks to remove restrictions in its Sub-Nos. 2, 4, 7, 8, 9, 11F, 12F, 13F, 14F, 17F, 21F, 24F, 30F, 31F, 32F, 33F, 34F, 35F, and 36F, certificates to (1) broaden the commodity descriptions from (a) general commodities (with exceptions) to "general commodities (except classes A and B explosives)" in Sub-Nos. 2, 4, 7, 8, 9, 11F, 12F, 13F, 14F, 31F, 34F, 35F, and 36F; (b) petroleum, petroleum products, vehicle body sealer, sound deadener compounds, and filters to "petroleum, natural gas and their products, chemicals and related products and machinery" in Sub-No. 17; (c) insulated copper wire, empty reels, electric cord sets and insulated copper scrap to "metal products, clay, concrete, glass or stone products, rubber and plastic products and waste or scrap materials not identified by industry producing" in Sub-No. 21; (d) household appliances, and parts and accessories for household appliance to "such commodities as are dealt in by the manufacturers and distributors of household appliances" in Sub-No. 24; (e) paper and paper products to "pulp, paper and related products" in Sub-No. 30; (f) television sets, recorders (tape or wire) and accessories for television sets and recorders to "machinery" in Sub-No. 32;

and (g) power supply cords, electric cord sets, battery cables with terminals, and cable harnesses to "machinery, metal products, rubber and plastic products and clay, concrete, glass or stone products" in Sub-No. 33, (2) remove retrictions against service at intermediate points on its regular routes between: (a) Jackson, MS, and Delta, LA, Harrisonburg, LA, and Whitehall, LA, and Archibald, LA, and Rayville, LA, in Sub-No. 2; (b) Memphis, TN, and Mer Rouge, LA; a junction near Lake Village, AR and Lake Providence, LA; and a junction near Lake Village, AR and Oak Grove, LA in Sub-No. 9; (c) Shreveport, LA, and Dallas, TX, in Sub-No. 13F; (d) Little Rock, AR, and Junction City, LA, Little Rock, AR, and Mer Rouge, LA, and a junction near Dermott, AR, and Lake Providence, LA in Sub-No. 14F; (3) broaden service at off-route points to county-wide authority (a) in Sub-No. 7 Doyline, LA to Webster Parish, LA (b) in Sub-No. 8 Natchitoches, LA to Natchitoches Parish, LA, (c) in Sub-No. 11 Alexandria, LA to Rapides Parish, LA, (d) in Sub-No. 34 Oil City and Vivian, LA to Caddo Parish, LA, (e) in Sub-No. 31 Church Point, Fort Polk, and St. Martinsville, LA and facilities near Camel, LA to Acadia, Vernon, St. Martin and De Soto Parishs, LA, (4) remove the "originating at" named facilities restrictions in Sub-Nos. 17, 21 and 33, (5) remove facilities limitation (a) in Sub-Nos. 24 and 32(b) in Sub-No. 30 and replace West Monroe, LA with Ouachita Parish, LA (6) change city to county-wide authority (a) from Jena, LA and Clinton and Dumas, AR to LaSalle Parish, LA and Van Buren and Desha Counties, AR in Sub-No. 21, (b) from Jackson, Natchez and Vicksburg, MS to Hinds, Adams and Warren Counties, MS in Sub-No. 24 (c) from Conway, AR to Faulkner County, AR in Sub-No. 30, (d) from Clinton and Dumas, AR to Van Buren and Desha Counties, AR in Sub-No. 33, (7) remove the except commodities in bulk, in tank vehicles restriction in Sub-No. 17, (8) remove the restriction against service (a) moving from, to, or through Memphis, TN, and its commercial zone in Sub-No. 9; (b) Shreveport, LA, and Little Rock, AR, and Little Rock, AR, and Memphis, TN, in Sub-No. 14F, and (9) change one-way to radial authority in Sub-Nos. 17F, 21F, 24F, 30F, and 32F.

MC 121729 (Sub-3)X, filed July 29, 1981. Applicant: THERMO EXPRESS, INC., 17939 Lanson Rd., Castro Valley, CA 94546. Representative: Gerald K. Gimmel, 4 Professional Dr., Suite 145, Gaithersburg, MD 20879. Applicant seeks to remove restrictions in its Sub-No. 1 certificate to (1) broaden the

commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)", (2) replace one-way authority with radial authority and (3) broaden the territorial description by substituting county-wide authority for city-wide authority and facilities as follows: Alameda County, CA (for facilities at Hayward, CA) and Washoe and Pershing Counties, NV (for Reno, Sparks and Lovelock, NV).

MC 128521 (Sub-15)X, filed June 23, 1981, originally published July 24, 1981, republished this issue to include Sub-11, which was inadvertently omitted. Applicant: BIRMINGHAM-NASHVILLE EXPRESS, INC., P.O. Box 100417, Nashville, TN 37210. Representative: H. E. Miller, Jr., 806 Nashville Bank & Trust Bldg., Nashville, TN 37201. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2, 4, 6, 7, 10 and 11 certificates to (1) broaden the commodity descriptions from general commodities with the usual exceptions to general commodities except classes A and B explosives in all certificates except Sub-No. 11, (2) allow service at all intermediate points in connection with carriers regular routes between (a) Nashville and Birmingham, AL in the lead, (b) Nashville, TN and New Orleans, LA in Sub-No. 2, and (c) Huntsville, AL and Nashville, TN in part (7) and Nashville, TN and Florence, AL in part (8) of Sub-No. 7, (3) remove facilities limitation at off-route points and replace with county (a) in the lead and replace Brown's Ferry, AL with Limestone County, AL, (b) in Sub-No. 4, (c) in Sub-No. 6 and replace Nashville, TN with Rutherford County, TN, and (d) in Sub-No. 7 and replace Courtland, AL with Lawrence County, AL (4) remove restriction to servicing named junction near Brentwood and Elkton, TN for purpose of joinder only in the lead, sheet 2, (5) allow service at off-route points to be in connection with all the carriers underlying regular-routes in Sub-No. 4, (6) broaden city to county-wide authority in Sub-No. 11 from Paducah, KY, Lynchburg, TN and Lake Charles, LA to McCracken County, KY, Moore County, TN and Calcasieu Parish, LA, (7) remove "originating at or destined to" named points restriction in Sub-No. 11, and (8) remove the except in bulk, in tank vehicles restriction in Sub-No. 11.

MC 136782 (Sub-35)X, filed July 29, 1981. Applicant: R.A.N. TRUCKING COMPANY, P.O. Box 126, Eau Claire, PA 16030. Representative: Thomas M. O'Brien, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. Applicant seeks to remove restrictions in the irregular

route portion of its lead and Sub-No. 23F certificate to (1) broaden the commodity descriptions from general commodities (with exceptions) to "general commodities (except Classes A and B explosives)" in both the lead and Sub-No. 23F; (2) eliminate the restriction against radial service between Butler County, PA and a barge terminal near Freeport, PA from the lead; and (3) expand city-wide to county-wide authority from Wilmington, DE to new Castle County, DE; Williamsport, PA to Lycoming County, PA; Trenton, NJ to Mercer County, NJ; and, Bridgeton, NJ to Cumberland County, NJ, in Sub-No. 23F.

MC 141597 (Sub-15)X, filed July 20, 1981. Applicant: RIVERSIDE TRUCK LINE, INC., 919 4th Avenue, South, Denison, IA 51442. Representative: Ronald R. Adams, 600 Hubbell Building, Des Moines, IA 50309. Applicant seeks to remove restrictions in its Sub-Nos. 4F, 7, 8F, 9F, and 13F permits to (1) broaden the commodity description from meat, meat products and meat by-products, and articles distributed by meat packinghouses to "food and related products" in all subs, (2) remove the except hides and/or commodities in bulk restrictions in all subs, and (3) broaden the territorial description to between points in the U.S., under continuing contracts with shippers in all subs.

MC 142268 (Sub-49)X, filed July 23, 1981. Applicant: GORSKI BULK TRANSPORT, INC., R.R. #4, Harrow, Ontario, Canada NOR 1G0. Representative: William H. Shawn, 1730 M Street, N.W., Suite 501, Washington, DC 20036. Applicant seeks to remove restrictions in its No. MC-142268 Sub-Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 18, 24, 25, 27, 28, 29, 30, 33F, 39F, 40F, 43F, 44F, and 46 certificates to (1) broaden the commodity descriptions to (a) "food and related products" from alcoholic beverages in Sub-Nos. 1, 2, 3, 4, 10, 11, 12, 13, 24, 25, 29, and 30; from animal feed in Sub-No. 5; from corn blends and blends containing corn products in Sub-No. 7; from wine in Sub-Nos. 8 and 28; from alcohol and alcoholic beverages in Sub-Nos. 12 and 30; from neutral grain spirits in Sub-No. 13; from liquid corn syrup in Sub-No. 18; from ethyl alcohol, alcoholic liquors, neutral spirits, wine and brandies in Sub-No. 28; from frozen egg substitutes in Sub-No. 33F; from soybean and grain products in Sub-No. 39F; and from alcoholic liquors, alcohol distilled spirits, neutral spirits, brandy, cordials and wine in Sub-No. 43; (b) "chemicals and related products" from plastic resins, methylene disphenyl diisocyanate, synthetic rubber,

chemicals, toluene diisocyanate, and ammonium sulfide solution in Sub-No. 1; from liquid synthetic latex in Sub-No. 6; from chemicals in Sub-Nos. 14 and 16; and from liquid chemicals and additives in Sub-No. 44; (c) "rubber and plastic products" from plastics and plastic products in Sub-No. 14 and from tires, tubes and materials, articles and supplies used in the manufacture thereof in Sub-No. 40F; and (d) "petroleum or coal products" from petroleum products in Sub-No. 44; (e) "containers, carriers and shipping devices from empty bottles and barrels in Sub-No. 1; (2) remove the "in bulk", "in tank vehicles," and/or "except in bulk" restrictions from Sub-Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 18, 24, 25, 28, 29, and 30; (3) remove exceptions to general commodities in Sub-No. 27 except classes A and B explosives; (4) replace one-way with radial authority in Sub-Nos. 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 18, 24, 25, 28, 29, 30, 33F, 43F, and 44; (5) replace the specified ports of entry on the United States-Canada Boundary line in MI, NY, VT and NH with all ports of entry in those States in Sub-No. 25; (6) remove the restriction to traffic having a prior or subsequent movement by water in Sub-No. 30; (7) remove the specified Canadian origins and destinations in Sub-No. 25; (8) remove the restriction to points within 8 miles of Detroit, MI in Sub-No. 27; (9) remove the restrictions limiting service to the transportation of shipments originating at or destined to named facilities in Sub-Nos. 1, 2, 7, 10, 13, 14, 25, 30, and 43; and (10) remove facilities limitations and/or replace named points with counties: Hartford, CT, with Hartford, Tolland and Middlesex Counties, CT in Sub-No. 1; Allen Park, MI with Wayne County, MI in Sub-Nos. 1, 4, 8, and 13; Washington, WV with Wood County, WV in Sub-No. 1; Ottawa, IL with La Salle County, IL in Sub-No. 1; Geismar, LA with Ascension Parish, LA in Sub-No. 1; Detroit, MI with Oakland, Wayne, and Macomb Counties, MI in Sub-Nos. 1, 7, 16, 28, 43, and 46; Baton Rouge, East Baton Rouge, and Livingston Parishes, LA in Sub-No. 1; Painesville, OH with Lake County, OH in Sub-No. 1; Phillipsburg, NJ with Warren County, NJ and Northampton County, PA in Sub-No. 1; Peoria, IL with Peoria, Woodford, and Tazewell Counties, IL in Sub-Nos. 1 and 28; Hillsboro, IL with Montgomery County, IL in Sub-No. 1; Paducah, KY with McCracken and Livingston Counties, KY and Massac County, IL in Sub-Nos. 2 and 8; Bardstown, KY with Nelson County, KY in Sub-Nos. 3, 10 and 43; Sherburne, NY with Chenango County, NY in Sub-No. 5; Decatur, IL with

Macon, Platt, and Christian Counties, IL in Sub-No. 7; Montazuma, NY with Wayne, Cayuga, and Seneca Counties, NY in Sub-No. 7; Clinton, IA with Clinton and Scott Counties, IA and Whiteside County, IL in Sub-Nos. 7, 13, and 30; Boston, MA with Essex, Middlesex, Norfolk, Plymouth, and Suffolk Counties, MA in Sub-No. 9; Cleveland, OH with Cuyahoga, Lake, Loraine, Medina, Summit Counties, OH in Sub-No. 11 and 12; Pekin, IL with Tazewell County, IL in Sub-No. 12; Muscatine, IA with Muscatine County, IA and Rock County, IL in Sub-No. 13; Atchison, KS with Atchison County, KS and Buchanan County, MO in Sub-No. 13; Monaca, PA with Beaver County, PA in Sub-No. 14; Port Arthur, TX with Jefferson County, TX in Sub-No. 14; Chicago, IL with Cook, Du Page, and Lake Counties, IL and Lake and Porter Counties, IN in Sub-No. 18; Cincinnati, OH with Hamilton, Clermont, and Butler Counties, OH and Boone, Kenton, and Campbell Counties, KY in Sub-No. 24; Lawrenceburg, IN with Dearborn County, IN and Boone County, KY in Sub-No. 25 and 29; Scobeyville, NJ with Monmouth County, NJ in Sub-Nos. 28 and 43; Burlingame, CA with San Mateo County, CA in Sub-Nos. 28 and 43; Elizabeth, NJ with Union, Essex, Hudson, and Middlesex Counties, NJ, Richmond and Kings Counties, NY in Sub-No. 28; Plainfield, IL with Will County, IL in Sub-Nos. 30 and 43; Owensboro, KY with Daviess County, KY and Spencer County, IN in Sub-No. 30; Dayton, NJ with Middlesex County, NJ in Sub-No. 30; New Orleans, LA with Orleans, St. John the Baptist, St. Charles, St. Bernard, Parishes, LA in Sub-Nos. 30 and 43; St. Louis, MO with St. Louis, St. Charles, and Jefferson Counties, MO St. Louis, MO and Madison, St. Clair, and Monroe Counties, IL in Sub-No. 33; Lilverton, OH with Hamilton County, OH in Sub-No. 43; Ft. Smith, AR with Sebastian and Crawford Counties, AR and Sequoyia and Le Flore Counties, OK in Sub-No. 43; Roberta, GA with Crawford County, GA in Sub-No. 43; Auburnadale, FL with Polk County, FL in Sub-No. 43; and Lake Alfred, FL with Polk County, FL in Sub-No. 43.

MC 146314 (Sub-7)X, filed July 23, 1981. Applicant: G & T TRUCKING CO., Route #1, County Road 2 and I-35 So., Elko, MN 55020. Representative: Thomas Zwiers (same as above). Applicant seeks to remove restrictions from its Sub-No. 4 certificate by broadening the commodity description from construction equipment to "metal products and machinery."

MC 147433 (Sub-5)X, filed July 21, 1981. Applicant: LONG LEASING CORP., P.O. Box 587, East Jordan, MI 49727. Representative: William B. Elmer, 624 Third Street, Traverse City, MI 49684. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2F and 4 certificates to (1) broaden the commodity description castings and iron and steel products and materials and supplies used in the manufacture, distribution and installation of the above commodities to "metal products and machinery", in the lead; from culverts, snowplows and bulldozer blades, guard rails, and sign posts and materials and supplies used in the distribution, manufacture and installation of the commodities above to "metal products", in Sub-No. 2F, and from reproduction automobiles and materials and supplies used in the manufacture and distribution of reproduction automobiles to "transportation equipment", in Sub-No. 4, (2) replace one-way authority with radial authority, (3) broaden the territorial description by substituting county-wide authority for city-wide authority and facilities as follows: Charlevoix County, MI (for facilities at East Jordan, MI), in the lead; Eaton County, MI (for Charlotte, MI), in Sub-No. 2F and Calhoun County, MI (for Battle Creek, MI), in Sub-No. 4, and (4) remove the AK, HI and MI exceptions in Sub-Nos. 2F and 4.

MC 147874 (Sub-3)X, filed July 27, 1981. Applicant: ZILK ENTERPRISES, INC., 2807 S. Maple Street, Brookfield, IL 60513. Representative: James R. Madler, 120 W. Madison Street, Chicago, IL 60602. Applicant seeks to remove restrictions in its lead certificate to remove the originating at or destined to facilities restriction.

MC 149573 (Sub-2)X, filed July 27, 1981. Applicant: NTL, INC., 12681 Perimeter Drive, Dallas, TX 75228. Representative: J. Max Harding, P.O. Box 6645, Lincoln, NE 68506. Applicant seeks to remove restrictions in its Sub-No. 1 permit to broaden the commodity description from meats, meat products and meat by-products, and articles distributed by meat packinghouses, and such commodities as are used by meat packers in the conduct of their business, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and except meat in carcass form) to "food and related products" and to expand the territorial description to between points in the U.S., under a continuing contract(s) with a named shipper.

MC 151000 (Sub-1)X, filed July 27, 1981. Applicant: WILFORD P. DONNELLY, d.b.a. TUFFERNELL TRUCKING, P.O. Box 526, Chadron, NE 69337. Representative: Carol A. Donnelly (same address as applicant). Applicant seeks to remove restrictions in its lead permit to broaden its territorial authority to between points in the United States, under continuing contract(s) with a named shipper.

[FR Doc. 81-2377 Filed 8-11-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Decision-Notice; Finance Applications

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the *Federal Register*. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved

fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application or to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: August 6, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,
Secretary.

MC-F-14668, filed July 15, 1981, CRONE DEVELOPMENTS LIMITED (Crone) (P.O. Box 4830, Nisku Business Park, South Edmonton, AB, T6E 4T5)—Continuance in control—TOTRAN TRANSPORT, INC. (Totran, Inc.) (P.O. Box 217, Mills, WY 82644). Representative: Miss Irene Warr, 311 South State Street, Suite 280, Salt Lake City, UT 84111. Crone, a non-carrier, seeks authority to continue in control of Totran, Inc. upon institution by Totran, Inc. of operations in interstate and foreign commerce. By the same application, Reginald Crone seeks to acquire control of Totran, Inc. Crone also controls Totran Transport, Ltd., a motor common-carrier authorized to operate pursuant to certificates issued in MC-139084 and sub-numbers thereunder which authorize the transportation of

lumber and wood products, metal products, machinery, transportation equipment, Mercer commodities, clay, concrete, glass or stone products, fertilizer and commodities which because of their size and/or weight require the use of special handling or equipment, between the United States and Canada. By decision-notice published in the Federal Register on June 17, 1981, in MC-156276, Totran, Inc. was authorized to operate as a motor common transporting lumber and wood products, building materials, metal products, Mercer commodities, and those commodities which because of their size and weight require the use of special handling or equipment, between points in the United States in and west of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas.

[FR Doc. 81-23378 Filed 8-11-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. OP1-223]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: August 4, 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. 1, Members Parker, Chandler and Fortier (Fortier 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 143500 (Sub-18), filed July 29, 1981. Applicant: R. B. CARRIERS, INC., P.O. Box 92, Jeffersonville, IN 47130. Representative: Dean N. Wolfe, Suite 145, 4 Professional Dr., Gaithersburg, MD 20879 (301) 840-8565. 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 157391, filed July 24, 1981. Applicant: BARBARA HERMAN, d.b.a., KBK SERVICES, 305 South Lincoln Avenue, Cherry Hill, NJ 08002. Representative: Barbara Herman (same address as applicant) (609) 667-3970. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 157401, filed July 29, 1981. Applicant: INTERSTATE BROKERS, INC., 1311 Ludie St., Dalton, GA 30720. Representative: Frank D. Hall, Suite 202, 1750 Old Springhouse Lane, Atlanta, GA 30338 (404) 451-0401. As a *broker of general commodities* (except household goods), between points in the U.S.
[FR Doc. 81-23375 Filed 8-11-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. OPY-4-VOL-306]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: August 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 becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.
Agatha L. Mergenovich,
Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

MC 157356, filed July 27, 1981.
Applicant: INTER STATE EXPRESS, INC., 120 Apollo St., Brooklyn, NY 11222.
Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Ave., NW, Washington, DC 20036. As a *broker of general commodities* (except household goods) between points in the U.S.

MC 157366, filed July 27, 1981.
Applicant: KIT CONSTRUCTION CO., Rt. 1 B 238, Joseph, OR 97846.
Representative: Lawrence V. Smart, Jr., 419 NW 23d 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 157376, filed July 27, 1981.
Applicant: LEONARD GONCHAR, d.b.a. TRANSEARCH, 1722 Greenmeadow Ave., Tustin, CA 92680.
Representative: Leonard Gonchar (Same address as applicant) (714) 730-5665. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 157426, filed July 30, 1981.
Applicant: BRIAN W. SMITH TRANSPORTATION CO., South 702 Felts Rd., Spokane, WA 99206.
Representative: Russell A. Evans, 410 Maynard Bldg., 119 First Ave. South Seattle, WA 98104 (509) 924-3442. 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.

[FR Doc. 81-23406 Filed 8-11-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the *Federal Register* of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the *Federal Register* issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated 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.

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-3-133

Decided: July 30, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 1814 (Sub-1), filed July 20, 1981.
Applicant: HORSEMAN'S SHIPPING CORP., P.O. Box 411, Monticello, NY 12701. Representative: Alfred Desimone, Route 3, Box 511, Monticello, NY 12701 (914) 794-8445. Transporting *horses*, between points in Sullivan County, NY, and points in NC, SC, GA, and FL.

MC 1824 (Sub-133), filed July 17, 1981.
Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Charles S. Perry (same address as applicant), (301) 673-7151. Over regular routes, transporting *general commodities* (except classes A and B explosives), between Davenport, IA, and St. Louis, MO, from Davenport over U.S.

Hwy 61 to junction U.S. Hwy 40, and then over U.S. Hwy 40 to St. Louis, and return over the same route, serving points in Muscatine, Louisa, Des Moines, and Lee Counties, IA, Clark, Lewis, Marion, Ralls, Pike, Lincoln, St. Charles, and St. Louis Counties, MO, as off-route points.

MC 10115 (Sub-12), filed July 23, 1981. Applicant: C. D. ZIMMERMAN, INC., P.O. Box 293, R.D. No. 2, Mifflintown, PA 17059. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108, (717) 233-5731. Transporting *refractories and refractory materials*, between points in Baltimore and Cecil Counties, MD, on the one hand, and, on the other, points in PA.

MC 85934 (Sub-131), filed July 20, 1981. Applicant: MICHIGAN TRANSPORTATION COMPANY, 3601 Wyoming Ave., P.O. Box 248, Dearborn, MI 48120. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167, (313) 349-3980. Transporting *clay, concrete, glass, or stone products*, between points in MI and OH, on the one hand, and, on the other, points in IL.

MC 96825 (Sub-2), filed July 20, 1981. Applicant: CARPENTER TRUCKING COMPANY, INC., 1810 Milton Road, Charlotte, NC 28215. Representative: Nancy E. Foltz, 3250 NCNB Plaza, Charlotte, NC 28280, (704) 374-1550. Transporting *general commodities* (except classes A and B explosives), between Charlotte, NC, on the one hand, and, on the other, points in NC.

MC 102295 (Sub-46), filed July 17, 1981. Applicant: GUY HEAVENER, INC., 480 School Ln., Harleysville, PA 19438. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., NW., Washington, DC 20005, (202) 783-7900. Transporting *such commodities* as are usually transported in dump vehicles, between points in the U.S.

MC 113325 (Sub-168), filed July 20, 1981. Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh St., St. Louis, MO 63104. Representative: T. M. Tahan (same address as applicant), (314) 772-6666. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Monsanto Company and its subsidiaries, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 125254 (Sub-82), filed July 22, 1981. Applicant: MORGAN TRUCKING CO., a corporation, P.O. Box 714, Muscatine, IA 52761. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244-2329. Transporting *liquid foundry compounds*, in containers,

between points in Muscatine County, IA, on the one hand, and, on the other, those points in the U.S. in and east of WI, IL, KY, TN, and MS.

MC 135185 (Sub-63), filed July 20, 1981. Applicant: COLUMBINE CARRIERS, INC., P.O. Box 66, 52275 US Hwy 31 N, South Bend, IN 46624. Representative: Jack B. Wolfe, 1600 Sherman St., No. 665, Denver, CO 80203, (303) 839-5856. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Leggett & Platt, Inc. of Carthage, MO.

MC 136635 (Sub-64), filed July 20, 1981. Applicant: WHITEFORD TRUCK LINES, INC., P.O. Box 647, South Bend, IN 46680. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846-6655. Transporting *rubber and plastic products*, between points in Vanderburgh and Posey Counties, IN, on the one hand, and, on the other, points in the U.S.

MC 141094 (Sub-6), filed July 21, 1981. Applicant: ACME TRUCKING, INC., 109 E. Main St., Newark, OH 43055. Representative: Frank L. Calvary, 3066 No. Star Rd., Columbus, OH 43221, (614) 459-4248. Transporting *rubber and plastic products*, between points in FL, TX, CA, NV, NY, PA, MI, MA, CT, NJ, VA, IL, IN, KS, CO, IA, OH, OK, KY, MN, MO, WI, WV, AZ, NH, GA, OR, and MD.

MC 145385 (Sub-2), filed July 20, 1981. Applicant: SHADE TRANSPORTATION SYSTEMS INC., 800 Heritage Rd., DePere, WI 54115. Representative: David V. Purcell, 1330 Marine Plaza, 111 East Wisconsin Ave., Milwaukee, WI 53202, (414) 272-8550. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of paper, paper products, and plastic products, between points in the U.S., under continuing contract(s) with Little Rapids Corporation, of Green Bay, WI.

MC 146944 (Sub-4), filed July 23, 1981. Applicant: LYKES TRANSPORT, INC., P.O. Box 97, Dade City, FL 33525. Representative: Ansley Watson, Jr., P.O. Box 1531, Tampa, FL 33601, (813) 223-2411. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Lykes Pasco Packing Co. of Dade City, FL.

MC 148855 (Sub-2), filed July 23, 1981. Applicant: J.C. BROCK, CORP., 95 Kentucky St., Buffalo, NY 14202. Representative: Robert D. Gunderman, Can-Am Bldg., 101 Niagara St., Buffalo, NY 14202, (716) 854-5870. Transporting *bananas, pineapples, and coconuts, and exempt agricultural commodities when moving in mixed loads with bananas,*

pineapples, and coconuts, between points in DE, MD, NJ, NY, PA, on the one hand, and, on the other, points in NY and PA.

MC 152935 (Sub-2), filed July 23, 1981. Applicant: HILL-ROM COMPANY, INC., HIGHWAY 46, Batesville, IN 47006. Representative: Steve A. Oldham (same address as applicant). Transporting *furniture and fixtures*, between points in the U.S., under continuing contract(s) with Perma-Bilt Industries, Inc., of Torrance, CA.

MC 153114 (Sub-4), filed July 20, 1981. Applicant: OLYMPIC EXPRESS, INC., 2690 E. 81st St., Bloomington, MN 55420. Representative: Stanley C. Olse, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424, (612) 927-8855. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Bachman's, Inc. of Minneapolis, MN, Munsingwear, Inc. of Minneapolis, MN, The Cornelius Company of Anoka, MN, and Vincent Brass and Aluminum Co. of Minneapolis, MN.

MC 153895, filed July 20, 1981. Applicant: KENT V. COBB, P.O. Box 14514, Portland, OR 972144. Representative: Kent V. Cobb, 11018 N.E. 9th St., Vancouver, WA 98664, (206) 892-9336. Transporting *building materials, machinery and roofing tools*, between Portland and Salem, OR, and Seattle, WA, on the one hand, and, on the other, points in WA and CA.

MC 155395, filed July 20, 1981. Applicant: A. BETLEY CARTAGE, INC., 8906 South 83rd Court, Hickory Hills, IL 60457. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603, (312) 782-8880. Transporting *general commodities* (except classes A and B explosives), between Chicago, IL, on the one hand, and, on the other, points in IL, WI, MI, IA, KY, OH, IN, MO, and WV.

MC 155595, filed July 16, 1981. Applicant: WTR TRANSPORTATION, INC., 3023 Herbert St., Dallas, TX 75212. Representative: Daniel C. Sullivan, 10 South LaSalle St., Chicago, IL 60603, (312) 263-1600. Transporting (1) *general commodities* (except classes A and B explosives), between points in Lee and Madison Counties, AL, Marion County, IN, Douglas County, NE, Madison and Blount Counties, TN, and those in TN west of U.S. Hwy 27 and east of the Tennessee River, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, and DC; (2) *textile mill products*, between points in

Monroe, Trigg and Christian Counties, KY, Barrow County, GA, Lawrence County, MS, and Bell County, TX, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, and DC; (3) *leather and leather products*, between points in Benton, Carter and Lauderdale Counties, TN, Tishomingo, Tippah and Itawamba Counties, MS, Boyle County, KY, and Hall and Union Counties, GA, on the one hand, and, on the other, points in AL, AR, 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, SD, TN, TX, VT, VA, WV, WI, and DC; and (4) *Furniture*, between points in Dougherty County, GA, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, and DC.

MC 157214, filed July 20, 1981.
Applicant: AMI FOODS, INC., Preble Rd., P.O. Drawer E, Preble, NY 13141. Representative: Michael A. Wargula, 2550 Main Place Tower, Buffalo, NY 14202, (716) 845-6066. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Deli-Boy Provisions Inc. of Solway, NY.

MC 157225, filed July 20, 1981.
Applicant: SHIRLEY AG SERVICE, INC., P.O. Box 52, Percival, IA 51648. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106, (402) 392-1220. Transporting *fertilizer and fertilizer materials, and feed and feed ingredients*, between points in NE, IA, KS, MO, and IL.

MC 157245, filed July 21, 1981.
Applicant: WILSON BEVERAGE COMPANY, New Wharf Rd., Milford, DE 19963. Representative: Richard Wilson, 510 Heath Row, Milford, DE 19963, (302) 422-3822. Transporting *bottle caps*, between points in Lancaster and Schuylkill Counties, PA, on the one hand, and, on the other, Rochester, NY.

MC 157254, filed July 17, 1981.
Applicant: ANNE B. LYERLY, d.b.a. FUN "N" FUND TOURS, 1520 Cooper Ave., Kannapolis, NC 28081. Representative: (same as applicant) (704) 932-3131. As a *broker*, at Kannapolis, NC, in arranging for the transportation by motor vehicle, of *passengers and their baggage*, in special and charter operations, beginning and ending at points in Cabarrus County, NC, and extending to points in the U.S.

MC 157275, filed July 21, 1981.
Applicant: BREWSTER TRANSPORT

COMPANY LIMITED, 304 Caribou St., P.O. Box 1140, Banff, Alberta, Canada TOL OCO. Representative: David G. Morrison (same address as applicant) (403) 762-2241. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at ports of entry on the international boundary line between the U.S. and Canada, in WA, ID, and MT, and extending to points in WA, ID, MT, OR, WY, CA, NV, UT, CO, AZ, and NM.

MC 19945 (Sub-74), filed June 30, 1981, previously noticed in the Federal Register issue of July 22, 1981. Applicant: BEHNKEN TRUCK SERVICE, INC., Route 13, New Athens, IL 62264. Representative: Marshall Kragen, 1919 Pennsylvania Ave., NW., Suite 300, Washington, DC 20006, (202) 466-3778. Transporting *commodities in bulk and chemicals and related products*, (1) between points in Grundy County, IL, on the one hand, and, on the other, points in AR, IL, IN, IA, KY, MO, OH, IN, and WI, and (2) between points in Williamson County, IL, on the one hand, and, on the other, points in IA, IN, and KY.

Note.—This republication shows Grundy County, IL in lieu of La Salle County, IL in Part (1) of the route description.

MC 114965 (Sub-67), filed June 26, 1981, previously notice in the Federal Register on July 20, 1981. Applicant: CYRUS TRUCK LINE, INC., P.O. Box 327, Iola, KS 66749. Representative: Charles H. Apt, 104 South Washington, Iola, KS 66749, (316) 365-3161. Transporting *commodities in bulk*, between points in OK, MO, TN, TX, IL, IA, AR, NE, and KS.

Note.—This republication corrects the territorial description by including "KS".

Volume No. OPY-4-307

Decided: August 7, 1981.
By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 75406 (Sub-55), filed July 27, 1981. Applicant: SUPERIOR FORWARDING COMPANY, INC., 2600 South Fourth St., St. Louis, MO 63118. Representative: Joseph E. Rebman, 314 North Broadway, 13th Floor, St. Louis, MO 63102, (314) 421-0845. Transporting *general commodities* (except classes A and B explosives), serving points in St. Charles County, MO, as off-route points in connection with carrier's otherwise authorized regular-route operations.

MC 153136, filed July 20, 1981. Applicant: F.M. TAYLOR TRUCKING LIMITED, Debert, Nova Scotia, Canada B0M 1G0. Representative: Bruce S. Russell, P.O. Box 1128, 710 Prince St., Truro, Nova Scotia, Canada B2N 5H1,

(902) 895-1561. In foreign commerce only, transporting *ores and minerals*, between Westbury, NY, on the one hand, and, on the other, ports of entry on the international boundary line between the U.S. and Canada at Calais, Houlton, and Bar Harbor, ME.

MC 157316, filed July 24, 1981.
Applicant: J. COUGHLIN TRUCKING LTD., P.O. Box 5616 Station L, Edmonton, Alta., Can. T6C 4G1. Representative: Jerome Anderson, 100 Transportation Bldg., Billings, MT 59101, (406) 248-2611. Transporting *Mercer commodities*, between the ports of entry on the international boundary line between the U.S. and Canada in MT and ND, on the one hand, and, on the other, points in MT, ID, NV, WY, UT, OK, SD, TX, OR, NB, ND, CA, KS, AZ, NM, AR, and CO.

MC 157336, filed July 27, 1981.
Applicant: FLEMING TRANSPORTATION SERVICE, INC., 6601 North Broadway, Oklahoma City, OK 73126. Representative: Colin Barrett, 11764 Indian Ridge Rd., Reston, VA 22091, (703) 860-8521. Transporting *Such commodities* as are dealt in by food business houses, grocery, drug, and department stores, between points in the U.S.

Volume No. OPY-5-122

Decided: August 4, 1981.
By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 47149 (Sub-22), filed July 24, 1981. Applicant: C. D. AMBROSIA TRUCKING CO., Rural Delivery No. 1, Edinburg, PA 16116. Representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471-1800. Transporting *commodities in bulk*, between points in NY, OH, and PA.

MC 48958 (Sub-223), filed July 27, 1981. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Ave., Denver, CO 80216. Representative: Morris G. Cobb, P.O. Box 9050, Amarillo, TX 79189 (806) 374-1641. Transporting *fiberglass reinforcements*, between points in the U.S., under continuing contract(s) with CertainTeed Corporation, of Wichita Falls, TX.

MC 106088 (Sub-12), filed July 27, 1981. Applicant: WM. O. HOPKINS INC., Rural Route No. 1, Box 16A, Rensselaer, IN 47978. Representative: Edward G. Bazelon, 39 South La Salle St., Chicago, IL 60603 (312) 236-9375. Transporting *malt beverages*, between points in Jasper County, IN, on the one hand, and, on the other, Memphis, TN, and points in MO.

MC 118089 (Sub-47), filed July 13, 1981. Applicant: ROBERT HEATH

TRUCKING, INC., 2909 Avenue C, P.O. Box 2501, Lubbock, TX 79408.

Representative: Charles M. Williams, 665 Capitol Life Center, 1600 Sherman St., Denver, CO 80203, 303-839-5856. Transporting *food and related products*, between Kansas City, MO; points in Buchanan and Atchison, Counties, MO; points in Sedgwick, Ford and Wyandotte Counties, KS; and points in Hale, Parmer, Potter, Randall and Lubbock Counties, TX on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY.

MC 135678 (Sub-33), filed July 22, 1981. Applicant: MIDWESTERN TRANSPORTATION, INC., 20 S.W. 10th, Oklahoma City, OK 73125. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106 (405) 528-3884. Transporting *automobile parts, wheels, and tires*, between points in OK, TX, NM, CA, CO, AZ, and NV.

MC 136208 (Sub-15), filed July 21, 1981. Applicant: CREAGER TRUCKING CO., INC., P.O. Box 308, Yreka, CA 96097. Representative: O. L. Stidham (Same address as applicant.) (916) 842-4161. Transporting *hollow concrete poles or standards*, between points in Snohomish County, WA, on the one hand, and, on the other, points in CA.

MC 136228 (Sub-45), filed July 21, 1981. Applicant: LUISI TRUCK LINES, INC., P.O. Box "H", Milton-Freewater, OR 97862. Representative: Philip G. Skofstad, Logus Block, 529 S.E. Grand Ave., Portland, OR 97214 (503) 239-4157. Transporting *salt* between points in Alameda County, CA, and Salt Lake County, UT, on the one hand, and, on the other, points in OR and WA.

MC 141318 (Sub-11), filed July 27, 1981. Applicant: WEATHER SHIELD TRANSPORTATION, LTD., P.O. Box LTD, Medford, WI. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 South 8th St., Minneapolis, MN 55402 (612) 333-1341. Transporting *such commodities* as are dealt in or used by a manufacturer and distributor of millwork, between points in the U.S., under continuing contract(s), with Hurd Millwork Company, Division of Harlyn Industries, Incorporated of Medford, WI.

MC 141489 (Sub-17), filed July 23, 1981. Applicant: HUNTER TRUCKING, INC., 805 32nd Ave., Council Bluffs, IA 51501. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106 (402) 392-1220. Transporting *metal products*, between the facilities used by NUCOR Corporation at points in Box Elder County, UT, Madison County, NE, Houston and Leon Counties, TX, Florence and Darlington Counties, SC, De Kalb County, AL, and De Kalb

County, IN, on the one hand, and, on the other, points in the U.S.

MC 141899 (Sub-5), filed July 27, 1981. Applicant: BILL & GENE'S TRUCKING, INC., W. Hwy 34, Box 303, Madison, SD 57042. Representative: Thomas J. Simmons, 5301 North Cliff Ave., Box 480, Sioux Falls, SD 57101 (605) 339-3629. Transporting *fertilizer*, between points in IA, MN, NE, and SD.

MC 141958 (Sub-25), filed July 23, 1981. Applicant: FEDCO FREIGHTLINES, INC., P.O. Box 546 Effingham, IL 62401. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701 (217) 544-5468. Transporting *printed matter*, between points in Columbia County, GA, Cook, Du Page, Effingham, Jefferson, Randolph, and Marion Counties, IL, Lake and Marion Counties, IN, Fayette and Woodford Counties, KY, Muscatine County, IA, Bristol County, MA, Alcorn County, MS, Westchester County, NY, Davidson and Weakly Counties, TN, on the one hand, and, on the other, points in the U.S.

MC 142539 (Sub-10), filed July 20, 1981. Applicant: B.W.T. TRANSPORT, INC., 757 River Drive, Passaic, NJ 07055. Representative: Robert B. Pepper, 188 Woodbridge Ave., Highland Park, NJ 08904 (201) 572-5551. Transporting (1) *Chemicals and related products*, (2) *food and related products*, and (3) *petroleum and petroleum products*, between points in the U.S., under continuing contract(s) with Purex Corporation, of Bristol, PA, and Witco Chemicals Corp., of New York, NY.

MC 143259 (Sub-4), filed July 27, 1981. Applicant: TOM DURKIN TRUCKING, 38 East Chestnut St., Walla Walla, WA 99362. Representative: Steve Van Wyk, 12012 NE Lonetree, Poulsbo, WA 98370 (206) 779-5789. Transporting *floor coverings* between points in the U.S., under continuing contract(s) with Biscayne Decorative Products of Miami, FL.

MC 145088 (Sub-13), filed July 24, 1981. Applicant: S & T TRUCKLOAD, INC., 2527 N.E. 28th St., Fort Worth, TX 76106. Representative: M. Ward Bailey, 2412 Continental Life Bldg., Fort Worth, TX 76106 (817) 335-2505. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of sheet metal products, between points in Tarrant County, TX, on the one hand, and, on the other, points in WI, MN, CO, WY, UT, GA, AZ, and NM.

MC 145548 (Sub-6), filed July 24, 1981. Applicant: COMMUNITY TRANSIT LINES, INC., 315 Howe Ave., Passaic, NJ 07055. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101 (703) 893-3050. Transporting *passengers*, between

New York, NY, and Clifton, NJ, under continuing contract(s) with J. A. Preston Corp., of Clifton, NJ.

MC 150568 (Sub-4), filed July 17, 1981. Applicant: CASE CARRIAGE CO., 715 South Sugar St., Celina, OH 45822. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215 (614) 464-4103. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of foodstuffs, between Chicago, IL, Auburn and Ft. Wayne, IN, Cynthiana, KY, Kalamazoo, MI, Palmyra, PA, El Paso and Houston, TX, and points in Hillsdale County, MI, and Sandusky County, OH, on the one hand, and, on the other, points in the U.S.

MC 151118 (Sub-11), filed July 16, 1981. Applicant: M.D.R. CARTAGE, INC., 516 West Johnson St., Jonesboro, AR 72401. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701 (601) 335-3576. Transporting *chemicals and related products*, (except hazardous wastes and classes A and B explosives), between points in Desoto County, MS and San Bernardino County, CA, on the one hand, and, on the other, points in the U.S.

MC 151148 (Sub-1), filed July 21, 1981. Applicant: COHAGEN TRANSFER AND STORAGE CO., INC., 600 East Front, North Platte, NE 69101. Representative: M. A. Andrade, 445 Capitol Life Center, Denver, CO 80203 (303) 861-8046. Transporting *household goods* between points in NE, on the one hand, and, on the other, points in CO, IA, KS, SD, and WY.

MC 153228, filed July 22, 1981. Applicant: Z TRUCKING & FORWARDERS, INC., 5440 West 5th Street, Jacksonville, FL 32205. Representative: O. C. Beakes, 836 Riverside avenue, Jacksonville, FL 32204 (904) 354-1590. Transporting *general commodities* (except classes A and B explosives) (1) between those points in FL on, east and south of a line beginning at the GA-FL state line and extending along Interstate Hwy 75 to its junction with FL Hwy 52, then west along FL Hwy 52 to the Gulf of Mexico, and (2) between Jacksonville, FL, and points in Camden, Charlton, Clinch, Echols, Lanier, Lowndes, Brooks, Thomas, Colquitt, Cook, Berrien, Atkinson, Ware, Brantley, Pierce, Glynn, McIntosh, Wayne, Bacon, Coffee, Irwin, Tift, Worth, Turner, Ben Hill, Telfair, Jeff Davis, Appling, Long, Liberty, Bryan, Chatham, Evans, Tattnall, Toombs, and Wheeler Counties, GA.

MC 153979 (Sub-2), filed July 24, 1981. Applicant: WEST POINT TRANSPORT, INC., 1700 Willis Road, Richmond, VA

23234. Representative: Paul D. Collins, 7761 Lakeforest Drive, Richmond, VA 23235 (804) 745-0446. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with International Paper Company, of New York, NY. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 5, Room 6370.

MC 154008 (Sub-2), filed July 23, 1981. Applicant: DAVID E. YOUNG AND JOYCE E. YOUNG d.b.a. YOUNG TRUCK LINES, Box 8, Lyle, MN 55953. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Ten South Fifth St., Minneapolis, MN 55402 (612) 340-0808. Transporting *metal products*, between points in the U.S., under continuing contract(s) with (1) B. L. Downey Company, of Cicero, IL, and (2) Quality Metals, Inc., of St. Paul, MN.

MC 154488 (Sub-1), filed July 13, 1981. Applicant: LASLEY TRUCKING COMPANY, INC., Highway 64 East, P.O. Box 1368, Conway, AR 72032. Representative: John B. Fowlkes, Jr. (same address as applicant), (501) 327-4477. Transporting *lumber and wood products* between points in the U.S., under continuing contract(s) with Cox Lumber Co., Inc., of Hot Springs, AR, and Pinecrest Lumber Company, of Plumerville, AR.

MC 154569 (Sub-1), filed July 23, 1981. Applicant: LEYDIG TRUCKING, INC., P.O. Box 217, Corriganville, MD 21524. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740 (301) 797-6060. Transporting *salt* between points in Allegany County, MD, on the one hand, and, on the other, points in PA, WV, and VA.

MC 154848, filed July 24, 1981. Applicant: A.T.L., INC., 2110 Lawrence St., East Point, GA 30344. Representative: Frank D. Hall, 3384 Peachtree Rd., NE, Atlanta, GA 30320 (404) 237-6472. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with World Bazaar, of East Point, GA, and Majik Market, of Atlanta, GA, both divisions of Munford, Inc.

MC 157188, filed July 17, 1981. Applicant: NELSON WEAVER & SON, P.O. Box 361, Littitz, PA 17543.

Representative: Richard N. Weaver (same address as applicant), (717) 626-8538. Transporting (1) *animal and poultry feeds and feed ingredients*, (2) *chemicals and related products*, and (3) *lignin pitch*, between points in Lancaster County, PA, on the one hand, and, on the other, points in NY, OH, WV, VA, MD, DE, NJ, and NC; and (4) *confectionery coating*, between points in Lancaster County, PA on the one hand, and, on the other, points in NY, VA, OH, NJ, DE, and PA.

MC 157209, filed July 24, 1981. Applicant: PHILLIPS LEASING CO., P.O. Box 932, Okmulgee, OK 74447. Representative: Michael H. Lennox, 531 N. Portland, Oklahoma City, OK 73147, (405) 943-2722. Transporting *containers and container ends*, between points in U.S., under continuing contract(s) with Ball Corporation of Muncie, IN.

MC 157279, filed July 23, 1981. Applicant: MILTRAC CORP., 108 South Green St., Teutopolis, IL 62467. Representative: Robert T. Lawley, 300 Reich Bldg., Springfield, IL 62701, (217) 544-5468. Transporting (1) *such commodities* as are dealt in by retail and wholesale farm, lawn and garden supply houses, between St. Louis, MO, and points in Effingham County, IL, on the one hand, and, on the other, points in MO, IA, WI, IN, IL, and KY, (2) *such commodities* as are dealt in or used by manufacturers and distributors of flour mill products, between those points in the U.S. in and east of MT, WY, CO, and NM, and (3) *food and feed ingredients*, between those points in the U.S., in and east of MT, WY, CO, and MN, on the one hand, and, on the other, points in IL.

MC 157338, filed July 27, 1981. Applicant: SHUTTLEJACK, INC., P.O. Box 5793, Santa Fe, NM 87501. Representative: Ray Sena (same address as applicant), (505) 982-4311. Transporting *passengers and their baggage*, in special and charter operations, between points in NM, on the one hand, and, on the other, points in the U.S.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-23408 Filed 8-11-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier; Temporary Authority Application

Important Notice

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two

(2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-144

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 152509 (Sub-II-18TA), filed August 3, 1981. Applicant: CONTRACT TRANSPORTATION SYSTEMS CO., 1370 Ontario St., P.O. Box 5856, Cleveland, OH 44101. Representative: J. L. Nedrich (same as applicant). Contract Irregular: *Food stuffs and related products* (cones, pancake syrup, cookies and corrugated boxes), (except in bulk), between Dayton, OH, on the one hand, and, Brooklyn, NY on the other, (2) from Brooklyn, NY to Springfield, MO, (3) from Dayton, OH, to Chicago, IL; Atlanta, GA; Philadelphia, PA; and Fairlawn, NJ, (4) from McComb, OH to Chicago, IL, under continuing contracts with Jack Meiderdrut & Associates for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Jack Meiderdrut & Associates, 1044 Woodcliff Drive, Franklin Sq., NY 11010.

MC 106002 (Sub-II-4TA), filed August 3, 1981. Applicant: JOHN F. HARRIS, d.b.a. HOGAN'S TRANSFER & STORAGE CO., 1122 S. Davis Ave., Elkins, WV 26241. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. Contract, irregular: *Wine and Malt Beverages*, between Elkins, WV, on the one hand, and on the other, pts. in the US in and east of WI, IA, MO, AR, and LA, under continuing contract with Elkins Distributing Co., Elkins, WV, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Elkins Distributing Co., 1001 S. Davis Ave., Elkins, WV 26241.

MC 145930 (Sub-II-7TA), filed August 3, 1981. Applicant: JONICK & CO., 4500 East Liberty Avenue, Vermillion, OH 44069. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. General commodities, except classes A and B explosives, between Lorain, OH, on the one hand, and, on the other, points in MI, IN, IL, KY, NY, PA, WV and OH, for 270 days. An underlying ETA seeks authority for 120 days. Supporting shipper(s): The Jonick Dock & Terminal Co., 4500 East Liberty Ave., Vermillion, OH 44069; Owl Corp., 4500 E. Liberty Ave., Vermillion, OH 44089.

MC 73533 (Sub-II-9TA), filed August 3, 1981. Applicant: KEY WAY TRANSPORT, INC., 820 S. Oldham St., Baltimore, MD 21224. Representative: W. F. Lamperelli, (same as applicant). Contract, irregular: *Bedding materials: wood frames, wood foundations, bed springs, foam rubber and materials and supplies used in the bedding industry*, from Portsmouth, VA to Baltimore, MD, New Castle, DE, Philadelphia, PA, and Brooklyn, NY, under continuing contract with Southern International Industries, Inc., Portsmouth, VA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Southern International Industries, Inc., Douglas Ave., Portsmouth, VA 23707.

MC 44913 (Sub-II-2TA), filed August 3, 1981. Applicant: KOSKI TRUCKING, INC., P.O. Box 116, Secretary, MD 21864. Representative: Walter T. Evans, 7961 Eastern Ave., Silver Springs, MD 20910. Contract, irregular: *Materials and supplies used by Black & Decker (U.S.) Inc. in the manufacture of its products*, between Easton, MD, on the one hand, and, on the other, Sanford, Seagrave, and Siler City, NC, New Lexington, OH and Chester, Richmond, and Winchester, VA and Harrisburg, PA under contract with Black & Decker (U.S.) Inc., Raleigh, NC, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Black &

Decker (U.S.), Inc., P.O. Box 58600, Raleigh, NC 27658.

MC 148859 (Sub-II-5TA), filed August 3, 1981. Applicant: MID-STATE TRADING CO., P.O. Box 3275, 2525 Trenton Ave., Williamsport, PA 17701. Representative: Sander M. Bieber, Fourth Floor, 1737 H Street, N.W., Washington, D.C. 20006. Contract, irregular: *Industrial chemical wastes*, between the facilities of Pennsylvania House, Lewisburg, PA, and pts. in PA, MD, NJ, NY, OH, and DE, for 270 days, under continuing contract(s) with Pennsylvania House, Lewisburg, PA. An underlying ETA seeks 120 days authority. Supporting shipper: Pennsylvania House, Lewisburg, PA 17837.

MC 124111 (Sub-II-15 TA), filed August 3, 1981. Applicant: OHIO EASTERN EXPRESS, INC., P.O. Box 2297, Sandusky, OH 44870. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. (1) *Metal products and (2) materials, equipment and supplies (except commodities in bulk) used in the manufacture and distribution of the commodities in (1) dbove* between East Palestine, OH, including pts in its Commercial Zone, on the one hand, and, on the other, pts in and East of MN, IA, MO, AR, and TX for 270 days. Supporting shipper: Roshel Division—Roth Steel Tube Co., 900 East Taggart, East Palestine, OH 44413.

MC 143208 (Sub-II-1 TA), filed August 3, 1981. Applicant: SHENANDOAH RECYCLING, INC., Rt. 3, Box 452, Staunton, VA 24401. Representative: Harry J. Jordan, Suite 502, Solar Bldg., 1000 16th St., N.W., Wash., DC 20036. *Hazardous materials and waste and scrap materials*, between all pts. in and east of ND, SD, NE, KS, OK, and TX, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: E. I. du Pont Co., Waynesboro, VA 22980; Oldover Corp., P.O. Box 27211, Richmond, VA 23281; General Electric Corp., General Electric Drive, Waynesboro, VA; Wayn-Lex, Inc., 901 S. Delphine Ave., Waynesboro, VA 22980.

MC 153432 (Sub-II-2 TA), filed August 3, 1981. Applicant: STEWART INTERMODAL TRANSPORT, INC., d.b.a. TRUCKLOAD EXPRESS, 1621 Elmore St., P.O. Box 14443, Cincinnati, OH 45214. Representative: James Duvall, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017. *General commodities*, between points in Allen County, IN, and St. Joseph County, MI, on the one hand, and, on the other, points in the US for 270 days. Applicant intends to tack the authority sought here in with authority held under MC 153432. Supporting

shipper: Essex Group, United Technologies Corporation, P.O. Box 1216, Ft. Wayne, IN 46801.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 149123 (Sub-3-2 TA), filed August 3, 1981. Applicant: BOAZ PRODUCE COMPANY, P.O. Box 220, Boaz, Alabama 35957. Representative: Eugene D. Anderson, 910 17th Street, N.W., Suite 428, Washington, D.C. 20006. *Margerine, Peanut Butter, and Shortening* from Birmingham, AL to points on and east of TX, OK, MO, and IL. Supporting shipper: Sunnlyland Refining Co., 3330 Tenth Avenue, North, Birmingham, AL 35234.

MC 146646 (Sub-3-45TA), filed August 5, 1981. Applicant: BRISTOW TRUCKING CO., INC., P.O. Box 6355-A, Birmingham, AL 35217. Representative: James W. Segrest (same address as applicant). *Contract Carrier; irregular routes; General commodities, except commodities in bulk and Classes A and B explosives*, between point in the U.S., under contract or continuing contracts with United Freight, Inc. of Morrow, GA. Supporting shipper: United Freight, Inc., 1260 Southern Road, Morrow, GA 30260.

MC 107934 (Sub-3-15TA), filed July 31, 1981. Applicant: BYRD MOTOR LINE, INC., P.O. Box 828, Lexington, NC 27292. Representative: John R. Sims, Jr., Dennis Dean Kirk, 915 Pennsylvania Bldg., 425-13th Street, N.W., Washington, DC 20004. *Machinery and machinery parts*, between Davidson County, NC, on the one hand, and, on the other, points in MN, ND, SD, NE, OK, PA, VA, and TX. Supporting shipper(s): Proctor & Schwartz, Inc., P.O. Box 458, Lexington, NC 27292.

MC 154861 (Sub-3-2TA), filed August 3, 1981. Applicant: CAROLINA MOTOR EXPRESS, INC., P.O. Box 550, Forest City, NC 28043. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue, N.W., Washington, DC 20005. *Textile mill products*, between points in Spartanburg County, SC, and New Castle County, DE, on the one hand, and, on the other, points in the U.S. Supporting shipper(s): Hoechst Fibers Industries (Division of American Hoechst Corporation), P.O. Box 5887, Spartanburg, SC 29304.

MC 115841 (Sub-3-57TA), filed August 4, 1981. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., McBride Lane, P.O. Box 22168, Knoxville, TN 37922. Representative: Chester G. Groebel, Commerce Manager (same as above). *Wallcoverings and materials and supplies used in the installation thereof*, from Jersey City, NJ

to Santa Clara and Hayward, CA. Supporting shipper: Goodmark Foods, P.O. Box 18300, Raleigh, NC 27619.

MC 140902 (Sub-3-8TA), filed August 3, 1981. Applicant: DPD, INC., 3600 N.W. 82d Avenue, Miami, FL 33166.

Representative: Dale A. Tibbets (same address as applicant). *Contract*: irregular: *Petroleum products, oils other than petroleum, plastic and plastic articles* between all points in the states of NY, PA, NJ and MA under continuing contract(s) with Mobil Oil Corporation. Supporting shipper: Mobil Oil Corporation, 3225 Gallow's Road, Fairfax, VA 22037.

MC 157368 (Sub-3-1TA), filed August 3, 1981. Applicant: DURA FREIGHT, INC., P.O. Box 278, Fulton, MS 38843. Representative: John Paul Jones, P.O. Box 3140, Front Street Station, 189 Jefferson Avenue, Memphis, TN 38103. *Such commodities as are dealt in by appliance manufacturers, and equipment, materials, and supplies used in the conduct of such business, (except commodities in bulk)*, (1) from Itawamba County, MS to Monroe County, IN, Cook County, IL, Jefferson County, KY, Howard County, MD, and Waukesha County, WI, and (2) from Monroe County, IN, Cook County, IL, Jefferson County, KY, Howard County, MD, and Waukesha County, WI, to AL, AR, GA, KY, MS, and TN, restricted to shipments which are destined to or originate at the facilities of the General Electric Company. Supporting shippers: The General Electric Company, Appliance Park, Building 4, Room 127-B, Louisville, KY 40225, and Dura-Containers Company, P.O. Box 278, Fulton, MS 38843.

MC 157453 (Sub-3-1TA), filed July 31, 1981. Applicant: EMERGENCY MOTOR FREIGHT, INC., Route 5, Box 452, Simpsonville, SC 29681. Representative: Mitchell King, Jr., Esq., P.O. Box 5711, Greenville, SC 29606. *Contract*: Irregular: *General commodities (except classes A and B explosives)* between points in the US (except AK and HI) under continuing contract(s) with Storage & Handling Equipment, Inc. and The Boiler Tube Co. of America. Supporting shippers: Storage & Handling Equipment, Inc., 1946A Augusta Street, Greenville, SC 29605 and The Boiler Tube Co. of America, P.O. Drawer 517, Lyman, SC 29365.

MC 157513 (Sub-3-1TA), filed August 5, 1981. Applicant: EVERREADY DRAYAGE SERVICE, INC., 3 Crutcher Street, Port Wentworth, GA 31407. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *General Commodities (except classes A & B explosives)* between

points in Charleston County, SC and Chatham County, GA on the one hand, and, on the other, points in GA and SC having a prior or subsequent movement by water. Supporting shippers: 7 statements on file which may be examined at the L.C.C. Regional Office in Atlanta, GA.

MC 148157 (Sub-3-4TA), filed August 4, 1981. Applicant: GREENVILLE XPRESS, INC., Rt. 5, Highway 14, Greer, SC 29651. Representative: Richard R. Bailey, Rt. 5, Highway 14, Greer, SC 29651. *Urethane insulating wallboard* from the facilities of Rmax, Inc. at or near Greer, SC to points in US (except AK and HI). Supporting shipper: Rmax, Inc., Pelham Industrial Park, Rt. 4, Greer, SC 29651.

MC 142225 (Sub-3-1TA), filed August 4, 1981. Applicant: GYPSUM TRUCKING COMPANY, Route 4, Tifton, GA 31794. Representative: William P. Jackson, Jr., Post Office Box 1240, Arlington, VA 22210. *Fertilizer, fertilizer materials, limestone, gypsum, and agricultural supplies, in bulk*, between points in AL, FL, and GA. Supporting shippers: Brownlee Farm Center, Post Office Box 296, Tifton, GA 31794; International Mineral and Chemical Corp., Post Office Box M, Tifton, GA 31794; Farmers Dolomite Lime Co., Post Office Box 1018, Moultrie, GA 31768.

MC 155028 (Sub-3-6TA), filed August 3, 1981. Applicant: H&R TRANSPORTATION CO., INC., 715 East Court Street, P.O. Box 964, Marion, NC 28752. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue NW., Washington, DC 20005. *Textile mill products*, between points in Spartanburg County, SC, and New Castle County, DE, on the one hand, and, on the other, points in the U.S. Supporting shipper(s): Hoechst Fibers Industries (Division of American Hoechst Corporation), P.O. Box 5887, Spartanburg, SC 29304.

MC 30446 (Sub-3-10TA), filed August 4, 1981. Applicant: BRUCE JOHNSON TRUCKING COMPANY, INC., 3408 North Graham Street, P.O. Box 5647, Charlotte, NC 28225. Representative: Leon Thompson (same address as above). *Contract Carrier*: Irregular: *Such merchandise as is dealt in by retail department stores, materials, equipment and supplies used in the conduct of such business* between points in AL, AR, FL, GA, IN, IL, KY, LA, MI, MO, MS, NC, OH, SC, TN, VA and WV, under continuing contract with the Cato Corporation. Supporting shipper(s): Cato Corporation, 8100 Denmark Road, Charlotte, NC 28234.

MC 138308 (Sub-3-24TA), filed August 4, 1981. Applicant: KLM, INC., P.O. Box 6098, Jackson, MS 39208. Representative:

Robert L. McAarty, P.O. Box 22628, Jackson, MS 39205. *Lumber casket parts*, from the facilities of Batesville Casket Company, Inc., at or near Vicksburg, MS, to Nashua, NH. Supporting shipper: Batesville Casket Company, Inc., 687 Warrenton Street, Vicksburg, MS 39180.

MC 157512 (Sub-3-1TA), filed August 5, 1981. Applicant: DONALD LANGLEY and GLEN WILLIAMS, d.b.a. L & W TRUCKING COMPANY, Rte. 3, Box 76, McKenzie, TN 38201. Representative: D. D. Maddox, 105 East Main Street, Huntingdon, TN 38344. *General commodities except those of unusual value, household goods, classes A and B explosives, commodities in bulk, intank vehicles, and commodities requiring specialized equipment*, between Carroll, Henry, and Weakley Counties, TN, and all points and places in the U.S. except AK and HI. Supporting shipper: Edwards Farm Supply, 438 East Cedar, McKenzie, TN 38201.

MC 156615 (Sub-3-2TA), filed July 13, 1981. Republication—originally published in Federal Register of July 27, 1981. Page 38427, volume 46, No. 143. Applicant: LAWSON LINES, INC., 170 Hillsdale Drive, Fayetteville, GA 30214. Representative: John E. Lee (same as above). *Contract Carrier*: Irregular: *Plastic film or sheeting, materials, equipment and supplies relating thereto and used in the sale, manufacture and distribution thereof* between the facilities of Alchem Plastics, a division of Spartan Manufacturing Corp., and its customers located in Maryville, Missouri; Asheboro, North Carolina; Johnson City and Memphis, Tennessee; Milwaukee, Wisconsin; Dallas, Texas; Fayette, Alabama; and Atlanta, Georgia. Supporting shipper: Alchem Plastics, Division of Spartan Manufacturing Corp., 20 Enterprise Blvd., SW., Altanta, Ga. 30336.

MC 157368 (Sub-3-1TA), filed August 4, 1981. Applicant: FLOYD O. RAGLAND and EMMA L. RAGLAND, d.b.a. E. L. MAY CO., 991 Molly Cove, Memphis, TN 38122. Representative: Thomas A. Buford, Attorney at Law, 502 Dermon Building, Memphis, TN 38103. *Bank letters and computer print-outs (non-negotiable packages each 100 pounds or less)* between points in TN, AR, MS, MO, and KY. Supporting shipper: First Tennessee Bank, Madison & Third, Memphis, TN 38103.

MC 157428 (Sub-3-1TA), filed August 4, 1981. Applicant: PIONEER WAREHOUSE CARRIERS, INC., P.O. Box 2087, Sebastian, FL 32958. Representative: Mr. Joseph T. Bambrick, Jr., P.O. Box 216, Douglassville, PA 19518. *Contract carrier, irregular routes*:

General commodities (except classes A and B explosives), between the facilities of Pioneer Warehouse Corporation located at Pennsauken, NJ, on the one hand and on the other points and places in AL, AR, CT, DE, DC, FL, GA, IL, IN, KS, KY, LA, ME, MD, MA, MI, MN, MS, ND, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, WI, under continuing contract with Pioneer Warehouse Corp of Pennsauken, NJ. Supporting shipper: Pioneer Warehouse Corp., 8301 National Highway, Pennsauken, NJ 08110.

MC 157482 (Sub-3-1TA), filed August 3, 1981. Applicant: CHARLES J. POTEAT, Route #9, Box 438, Morganton, NC 28655. Representative: Dwight L. Koerber, Jr., P.O. Box 1320, 110 N. 2nd St., Clearfield, PA 16830. *Beverages*, from Morganton, NC to Charleston, WV and Roanoke, VA, under contract with Nawa, Inc. Supporting Shipper: Nawa, Inc., 1500 Union St., Morganton, NC 28655.

MC 156227 (Sub-3-2TA), filed August 3, 1981. Applicant: STATELINE SYSTEMS, INC., P.O. Box 101020, Nashville, TN 37210. Representative: STEPHEN L. EDWARDS, 806 Nashville Bank & Trust Bldg., 315 Union Street, Nashville, TN 37201. *General commodities (except Classes A & B explosives) having a prior or subsequent movement by rail between Shelby County, TN, on the one hand, and, on the other, points in TN. Supporting shipper: World Wide Shippers Assoc., Inc., P.O. Box 21062, Los Angeles, CA 90021 and Century Shippers Assoc., Inc., 820 So. Alameda St., Los Angeles, CA 90021.*

MC 156886 (Sub-3-2TA), filed August 4, 1981. Applicant: J. O. STRAYHORN'S WRECKER SERVICE, INC., 1701 S. Miami Blvd., Durham, NC 27703. Representative: Archie W. Andrews, 617 F Lynrock Terrace, Eden, NC 27288. *Used building materials and restaurant fixtures*, between Wake County, NC, on the one hand, and, on the other, points in AL, GA, FL, SC and TN. Supporting shipper: Creative Dining, Inc., P.O. Box 31000, Raleigh, NC 27622.

MC 147080 (Sub-3-1TA), filed August 4, 1981. Applicant: WADE FARMS, INC., Rt. 3 Box 172, Franklin, KY 42134. Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101. *General Commodities (except classes A and B explosives and hazardous material)* between Simpson County, KY on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. Supporting shipper(s): There are 9 statements of support attached to this application which may

be examined at the I.C.C. Regional Office in Atlanta, GA.

MC 35807 (Sub-3-5TA), filed August 3, 1981. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, Atlanta, Georgia 30302. Representative: Francis J. Mulcahy (same address as Applicant). *Contract; irregular; coin, currency, securities and other valuables* between Little Rock, AR and points in Greene, Dade, Lawrence, Barry, Polk, Christian, Stone, Taney, Dallas, Webster, Wright, Douglas, Ozark, Texas and Howell, Counties, MO. Supporting shipper: Federal Reserve Bank of St. Louis, 411 Locust Street, St. Louis, Missouri 63102.

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 93840 (Sub-5-6TA), filed July 31, 1981. Applicant: GLESS BROS., INC., P.O. Box 219, Blue Grass, IA 52726. Representative: Ronald R. Adams, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Silica sand*, between pts in IA and IL, on the one hand, and, on the other, pts in MI, IN, MO, IL, and WI. Supporting shipper: The Marthens Company, 204 30th Street, Moline, IL 61265.

MC 99775 (Sub-5-1TA), filed July 31, 1981. Applicant: TRIANGLE EXPRESS, INC., 1015 S.W. 2nd, Oklahoma City, OK 73109. Representative: William P. Parker, 141 N.E. 38th Terrace, Oklahoma City, OK 73105. *Common; Regular. General commodities, (except Classes A & B Explosives) over regular routes, (1) between Wichita, KS and Perry, OK; from Perry, OK along U.S. Highway 64 to junction U.S. Highway 177, thence along U.S. Highway 177 to junction U.S. Highway 77 at or near Ponca City, OK; thence along U.S. Highway 77 to junction U.S. Highway 54 at Augusta, KS, thence along U.S. Highway 54 to Wichita, KS and return serving all intermediate points and from Perry, OK along U.S. Highway 84 to junction U.S. Highway I-35 West of Perry, OK, thence along U.S. Highway I-35 to Wichita, KS and return serving all intermediate points; (2) between Pawnee, OK and Tulsa, OK, from Pawnee, OK along U.S. Highway 64 to Tulsa, OK and return serving all intermediate points. Applicant intends to tack and interline. Supporting shippers: There are 10 supporting shippers.*

MC 105984 (Sub-5-2TA), filed July 30, 1981. Applicant: JOHN B. BARBOUR TRUCKING COMPANY, P.O. Box 577, Iowa Park, TX 76367. Representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. *Contract irregular;*

metal products, and related products, material and supplies used in the manufacture and distribution thereof, between points in the U.S. under continuing contract(s) with Howmet Turbine Components Corporation, its subsidiaries and affiliated companies.

MC 111740 (Sub-5-3TA), filed July 31, 1981. Applicant: OIL TRANSPORT COMPANY, P.O. Drawer 2879, Abilene, Texas 79604. Representative: Dan V. West (same as above). *Petroleum products in bulk in tank vehicles* from Lea County, NM to points in TX on and west of U.S. Highway 83. Supporting Shippers: Eddins-Walcher Company, P.O. Drawer 1920, Midland, Texas 79701.

MC 114284 (Sub-5-12TA), filed July 30, 1981. Applicant: FOX-SMYTHE TRANSPORTATION CO., P.O. Box 82307, Oklahoma City, OK 73148. Representative: M. W. Thompson (same as above). *Food and related products*, between Memphis, TN and points in AR. Supporting shipper: M & M Mars, Inc., High Street, Hackettstown, NJ 07840.

MC 144603 (Sub-5-45TA), filed July 30, 1981. Applicant: F.M.S. TRANSPORTATION, INC., 2564 Harley Drive, Maryland Heights, MO 63043. Representative: Laura C. Berry (same address as applicant). *Corrugated paper cartons, KDF, boots and shoes, NOI; boots and shoes factory supplies and equipment* from Chippewa Falls, WI and its commercial zone to Charleston, MO and Trenton, TN and their respective commercial zones. Supporting shipper: Brown Shoe Company, P.O. Box 354, St. Louis, MO 63166.

MC 145997 (Sub-5-10TA), filed July 31, 1981. Applicant: JEM EQUIPMENT, INC., Post Office Box 396, Alma, AR 72921. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72702. *Food and Related Products—* From the facilities of Landmark Beef Processors, Inc., at or near Los Angeles County, CA, on the one hand, and, on the other, points in the U.S. Supporting shipper: Landmark Beef Processors, Inc., 3163 East Vernon Avenue, Los Angeles, CA 90058.

MC 146853 (Sub-5-6TA), filed July 30, 1981. Applicant: FRANK F. SLOAN, d.b.a. HAWKEYE WOODSHAVINGS, Route 1, Runnells, IA 50327. Representative: Richard D. Howe, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *(1) Cabinets and vanities, and (2) materials, equipment, and supplies used in the manufacture, sale, and distribution of cabinets and vanities, (1) from Polk County, IA, to pts in CO, IL, KS, MN, MO, ND, NE, WI, and WY, and (2) from Winnebago County, IL; Pittsburgh*

County, OK; Schuylkill County, PA; and King County, WA, to pts in Polk County, IA. Supporting shipper: Francisco Cabinet Corp., Box AL Main Station, Des Moines, IA 50302.

MC 155036 (Sub-5-1TA), filed July 30, 1981. Applicant: J&K MERCER TRUCKING, INC., 204 Front Street, Sergeant Bluff, IA 51054. Representative: Edward A. O'Donnell, 1004 29th Street, Sioux City, IA 51104. Contract Irregular, *General Commodities (Except Class A&B Explosives, Household Goods as defined by the Commission and commodities in bulk)* between pts in the U.S. No hazardous waste involved. Supporting shippers: United Freight, Inc., 1260 Southern Rd., Morrow, GA 30260; Distribution Services of America, Inc., 666 Summer St., Boston, MA 02210.

MC 156381 (Sub-5-3TA), filed July 31, 1981. Applicant: BIG O TRUCKING, INC., Post Office Box 668, Van Buren, AR 72956. Representative: George Spencer, 7 North Block, Room 204, Fayetteville, AR 72701. *Such commodities as are dealt in or used by Hardware, Appliance, Sporting Goods and Floor Covering Distributors*—From points in the U.S. To Sebastian County, AR. Supporting shipper: Speer Hardware Company, Inc., Post Office Box 4290-Station B, Fort Smith, AR 72914.

MC 156647 (Sub-5-1TA), filed July 31, 1981. Applicant: BRUCE OAKLEY, INC., 3700 Lincoln Avenue, North Little Rock, AR 72114. Representative: Fletcher C. Lewis, Suite 750, Twin City Bank Building, North Little Rock, AR 72114. Contract Irregular; *roofing granules (in bulk)*, between the facilities of 3M Corporation in Little Rock, AR and from Bird and Son, Glenwood, AR on the one hand, and, on the other, Ennis, TX. Supporting shipper: Elk Corporation, P.O. Box 500, Ennis, TX 75119.

MC 157224 (Sub-5-1TA), filed July 30, 1981. Applicant: DEAN CHARLES PUTNAM, SR., d.b.a. PUTNAM TRUCKING, 2615 Ave. L., Council Bluffs, IA 51501. Representative: Dean Charles Putnam, Sr., 2615 Ave. L., Council Bluffs, IA 51501. (same as applicant). Contract Irregular, *Sand, Gravel, Rock, Dirt and Asphalt or other road maintenance material in bulk amounts*, from Lyman & Richey Sand & Gravel Corporation of Valley, NE to any pt within 200 mile radius in the State of NE and any pt within a 200 mile radius in the State of IA. Supporting shipper: Lyman-Richey Sand & Gravel Corp., Omaha, NE.

MC 157417 (Sub-5-1TA), filed July 30, 1981. Applicant: RONALD F. SHORES d.b.a. SIX S CONSTRUCTION CO., P.O. Box 142, Wilson, OK 73463. Representative: David B. Schneider, P.O.

Box 1540, Edmond, OK 73034. *Mercer commodities*, between points in OK, AR, TX, LA, MS, CO, WY, NM, and KS. There are five supporting shippers.

MC 157418 (Sub-5-1TA), filed July 30, 1981. Applicant: SOUTHWEST ENGINEERS OF LOUISIANA, INC., P.O. Box 2686, Natchitoches, LA 71457. Representative: Ronald N. Bodenhamer (same as above). *Polychlorinated—Biphenyls—(PCB's) in 55-gallon drums and crates* from Natchitoches, LA to El Dorado, AR. Supporting shipper: Valley Electric Membership Corp., P.O. Box 659, Natchitoches, LA.

MC 157436 (Sub-5-1TA), filed July 31, 1981. Applicant: W. W. TRANSPORT, INC., Buffalo Center, IA 50424. Representative: Ronald R. Adams, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Petroleum and petroleum products*, from Cerro Gordo County, IA, to Fairbault County, MN. Supporting shipper: Harold Hilpiper, d.b.a. Hilpiper's Oil Co., P.O. Box 216, Elmore, MN 56027.

MC 157437 (Sub-5-1TA), filed July 31, 1981. Applicant: PRIORITY AIR COURIER, INC., 417 Lou Holland Drive, Kansas City, MO 64116. Representative: Thomas F. Hutchison, Esq., 1125 Grand Avenue, Suite 811, Kansas City, MO 64106. *Printed Matter*, between Lawrence, KS, Topeka, KS, and Pittsburg, KS, on the one hand, and, on the other, Kansas City, MO. Supporting shippers: First National Bank of Lawrence, 900 Massachusetts St., Lawrence, KS 66044; The National Bank of Pittsburg, 3rd & Broadway, Pittsburg, KS 66762.

MC 157438 (Sub-5-1TA), filed July 31, 1981. Applicant: WILLIAM F. SWOYER d.b.a. SWOYER TRUCKING CO., 1915 West MacArthur No. 106, Wichita, KS 67135. Representative: Brad T. Murphree, 814 Century Plaza Building, Wichita, KS 67202. *Food and related products*, between points in KS on the one hand, and on the other, points in AZ, CA, CO, NM, NV & UT. Supporting shipper: DPM of Kansas, Inc., 800 East 37th Street North, Wichita, KS 67219.

MC 157439 (Sub-5-1TA), filed July 31, 1981. Applicant: STAN PHILLIPS d.b.a. HEAVY COMPANY, 3423 North 35th Street, P.O. Box 5728, Lincoln, NE 68505. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501 (402) 475-6761. *Machinery, those commodities which because of their size or weight require the use of special handling or equipment and building materials*, from Lincoln, NE to pts in AR, CO, IL, IA, KS, LA, MN, MO, ND, OH, OK, SD, TX, WI, and WY. Supporting shipper: GFRC, Inc., 6100 No. 56th St., Lincoln, NE 68504.

MC 157443 (Sub-5-1TA), filed July 31, 1981. Applicant: DWAYNE HOBBS d.b.a. HOBBS TRUCKING, P.O. Box 12, Ewing, NE 68735. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. *Such commodities as are used, dealt in, or distributed by manufacturers or distributors of fertilizer and fertilizer materials*, from Eddy County, NM and Nacogdoches and Tarrant Counties, TX, to Rock, Wheeler, Holt, and Antelope Counties, NE. Supporting shippers: Coash, Inc., P.O. Box 67, Bartlett, NE 68622; Emmet Fertilizer & Grain Co., Inc., Box 48, Emmet, NE 68734; Knievel's Inc., Ewing, NE 68735; and Farmers Cooperative Exchange, Box 159, Elgin, NE 68636.

MC 157446 (Sub-5-1TA), filed July 31, 1981. Applicant: FOUR LINE TRANSPORTATION, INC., Rural Route No. 2, Denison, IA 51442. Representative: James W. Mauk, Rural Route No. 2, Denison, IA 51442. *Bulk dry fertilizer and bulk liquid fertilizer*, in and from the State of IA, to all pts in the entire State of NE, the entire State of MN, the entire State of SD, and the entire State of MO and their commercial zones. Supporting shipper: (1) Chevron Chemical Company, P.O. Box 282, Ft. Madison, IA 52627. (2) Crawford County Industrial Development Corp., Denison, IA.

MC 79434 (Sub-5-1TA), filed August 3, 1981. Applicant: BENNETT TRUCK LINE, INC., 200 E. Walnut, Paragould, AR 72450. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103. Common Regular; *General commodities (with the usual exceptions) (A)* Between Paragould, AR, and Kennett, MO (1) From Paragould via Arkansas Highway 25 to Arkansas/Missouri state line, thence via Missouri Highway 25 to Kennett, MO, and return, serving the intermediate points of Senath and Arbyrd. (2) From Paragould via U.S. Highway 49 to Rector, AR, thence, Arkansas Highway 90 to Missouri/Arkansas state line, thence, Missouri Highway 84 to Kennett and return. (B) Between Blytheville, AR, and Kennett, MO (1) From Blytheville via U.S. Highway 61 and Interstate Highway 55 to Steele, MO, thence Missouri Highway 164 to Arbyrd, MO, thence, Missouri Highway 25 to Kennett and return serving the intermediate points of Arbyrd and Senath. (2) From Blytheville via U.S. Highway 61 and Interstate Highway 55 to Hayti, MO, thence, Missouri Highway 84 to Kennett and return. (C) Specific authority is applied for to serve the commercial zones of Kennett, Arbyrd and Senath, MO. (D)

Specific authority is applied for to tack the proposed authority with existing authority of applicant. (E) Specific authority is applied for to interline. There are 16 supporting shippers.

MC 80730 (Sub-5-3TA), filed August 3, 1981. Applicant: MAGNOLIA TRANSPORTATION CO., INC., 5121 Oates Rd., Houston, TX 77013. Representative: Toxie H. Courtney, 2575 Breaux Ave., Harvey, LA 70058.

Contract; irregular. *Oilfield equipment, and parts and accessories thereof, between MS and points in OK.* Supporting shipper: G & S Fabricators, P.O. Box 511, Poplarville, MS 39470.

MC 105774 (Sub-5-3TA), filed August 3, 1981. Applicant: JOHNSON TRUCK LINE, INC., Jct. US Hwy 281 and US Hwy 24, Osborne, KS 67473.

Representative: William B. Baker, 641 Harrison Street, P.O. Box 1979, Topeka, KS 66601. *Such commodities as are dealt in by producers of copper and copper products, between the facilities of Kennecott Minerals Company, at or near Garfield, Magna, Bingham Canyon and Lead Mine, UT; Hurley and Santa Rita, NM; Hayden and Ray, AZ; and McGill and Ruth, NV, on the one hand, and, on the other, points in the US.* Supporting shipper: Kennecott Minerals Company, 10 East South Temple, Salt Lake City, UT 84147.

MC 107496 (Sub-5-59TA), filed August 3, 1981. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. *Oil field materials and supplies, from pts in AR, MO, OK, and NE, to Nesho County, KS.* Supporting shipper: GEO Churchill, Inc.; 3701 Johnson Rd., Chanute, KS.

MC 133549 (Sub-5-1TA), filed August 3, 1981. Applicant: STANLEY L. BERVEN, Rural Route 2, Abilene, KS 67410. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Such merchandise as is dealt in by agricultural feed business houses, from the facilities of Ralston-Purina Company at or near Kansas City, MO to Abilene, KS.* Supporting shipper: Ralston-Purina Company, Checkerboard Sq, St. Louis, MO 63188.

MC 142672 (Sub-5-29TA), filed August 3, 1981. Applicant: DAVID BENEUX PRODUCE and TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: George Spencer, 7 North Block, No. 204, Fayetteville, AR 72701. *Retail Store Fixtures and Equipment, Materials and Supplies used in the manufacture thereof—Between the facilities of Lozier Store Fixtures, Inc., at or near Scottsboro, AL; Cucamonga,*

CA; Omaha, NE; and McClure, PA, on the one hand, and, on the other, points in the U.S. Supporting shipper: Lozier Store Fixtures, Inc., 4401 N. 21st Street, Omaha, NE 68110.

MC 145111 (Sub-5-1TA), filed August 3, 1981. Applicant: HASTINGS TRUCKING, INC., 907 Holland Ave., Galena Park, TX 77547. Representative: John W. Carlisle, P.O. Box 967, Missouri City, TX 77459. *Hydrate Lime, quick lime, lime slurry and crushed oyster shells for poultry feeding, in bulk from the Port of Houston, Houston, TX to points in TX within a 300 mile radius thereof. Restricted to traffic having a prior movement by water.* Supporting shipper: Radcliff Materials, Inc., Houston, TX.

MC 146717 (Sub-5-2TA), filed July 3, 1981. Applicant: MIDWEST VIKING, INC., Johnson, NE 68378. Representative: Richard D. Howe, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Metal Products, between Clinton County, IA, on the one hand, and, on the other, points in AZ, AR, CO, IL, IN, IA, KS, KY, LA, MI, MT, NE, NM, ND, OH, OK, SD, TX, WI, and WY.* Supporting shipper: Central Steel Tube Co., Box 551, Clinton, IA 52732.

MC 147156 (Sub-5-2TA), filed July 3, 1981. Applicant: MANUFACTURER'S MOBILE HOME TRANSPORT, INC., P.O. Box 1519, Athens, TX 75751. Representative: Thomas F. Sedberry, P.O. Box 2165, Austin, TX 78768. (1) *Buildings, in sections mounted on wheeled undercarriages from Ellis County, TX to points in AR, LA, OK and NM and (2) Trailers designed to be drawn by passenger automobiles, from Ellis County, TX to points in R, and NM.*

MC 154883 (Sub-5-4TA), filed July 3, 1981. Applicant: LOGGINS TRUCKING COMPANY, P.O. Box 6676, Tyler, TX 75711. Representative: Larry Loggins (Same as Applicant) Contract; Irregular. *Ice Cream, between Woodbridge, on the one hand, and, on the other, points TX including Dallas, Houston, Austin, and San Antonio.* Supporting shipper: Woodbridge Sweets, Amboy Ave., Woodbridge, NJ 07095.

MC 154883 (Sub-5-5TA), filed July 3, 1981. Applicant: LOGGINS TRUCKING COMPANY, P.O. Box 6676, Tyler, TX 75711. Representative: Larry Loggins (Same as Applicant) 214-593-0620. Contract; Irregular. *Frozen meat products, between Tyler, TX, on the one hand, and, on the other, points served by Loggins Meat Company, including Kansas City, MO; Chicago, IL; Nashville, TN; Birmingham, AL; Jacksonville, FL; and Tampa, FL.* Supporting shipper: Loggins Meat

Company, 1908 East Erwin, Tyler, Texas 75710.

MC 154995 (Sub-5-1TA), filed July 3, 1981. Applicant: HUSKER TRANSPORT, INC., 8400 Wirt Street, Omaha, NE 68134. Representative: Scott E. Daniel, 800 Nebraska Savings Building, 1623 Farnam, Omaha, NE 68102. *Food and related products, from the facilities of Prime Meat Processors, Inc., at Omaha, NE to pts in the U.S. Supporting shipper: Prime Meat Processors, Inc., 5146 North 90th Street, Omaha, NE 68134.*

MC 155595 (Sub-5-13TA), filed August 3, 1981. Applicant: WTR TRANSPORTATION, INC., 3023 Herbert Street, Dallas, TX 75212. Representative: Daniel C. Sullivan, Esq., Sullivan & Associates, Ltd., 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. *Textile mill products, between Warren, Taylor, Franklin and Russell County, KY; Cleveland, Stanly and Franklin County, NC; Lexington County, SC; Pontotoc and Panola County, MS; Iberia and St. Martin County, LA; and Marion, Fayette, Pickens, Calhoun and Pike County, AL, on the one hand, and, on the other, points in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KS, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV and WI.* Supporting shipper: Union Underwear Company, Inc., #1 Fruit of the Loom Drive, Bowling Green, KY 42101.

MC 157207 (Sub-5-1TA), filed August 3, 1981. Applicant: WAGONER OILFIELD TRANSPORTATION, INC., 531 N. Portland, Oklahoma City, OK 73147. Representative: Michael H. Lennox, 531 N. Portland, P.O. Box 75613, Oklahoma City, OK 73147. Contract; irregular. *Oilfield equipment, materials and supplies, between OK and TX.* Supporting shipper: J & B Pipe Supply, P.O. Box 94714, Oklahoma City, OK 73143.

MC 157461 (Sub-5-1TA), filed August 3, 1981. Applicant: CAWYER TRUCKING, P.O. Box 331, Gentry, AR 72734. Representative: George Spencer, 7 North Block, No. 204, Fayetteville, AR 72701. *Food and Related Products—(1) Between the facilities of DPM of Arkansas, at or near Booneville, AR, on the one hand, and, on the other, points in the U.S.; and, (2) Between the facilities of DPM of California, at or near Marysville, CA, on the one hand, and, on the other, points in the U.S.* Supporting shipper: DPM of Arkansas, Inc., P.O. Box 200, Booneville, AR 72927.

MC 157463 (Sub-5-1TA), filed August 3, 1981. Applicant: SOUTHERN MISSOURI TOWING SERVICE, INC., 2230 N. Packer Road, Springfield, MO

65803. Representative: Bruce McCurry, Dickey, Allemann & McCurry, 910 Plaza Towers, Springfield, MO 65804, 417-883-7311. *Wrecked, disabled and replacement vehicles and trailers, between points in the US. Supporting shippers: Six.*

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-23408 Filed 8-11-81; 8:45 am]
BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-99]

Certain Molded-In Sandwich Panel Inserts and Methods for Their Installation; Addition of Two Respondents

AGENCY: U.S. International Trade Commission.

ACTION: Addition of two parties respondent.

AUTHORITY: The authority for the Commission action in this matter is contained in section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, and 19 CFR § 210.22.

SUMMARY: Notice is hereby given that the Commission has granted the motion of complainant to amend the complaint and notice of investigation to add Kyoel Trading Corp. (Kyoel), of Osaka, Japan, and Hariki Metal Industries (Hariki), also of Osaka, Japan, as respondents in the subject investigation.

SUPPLEMENTARY INFORMATION: On April 29, 1981, the Commission, upon receipt of complaint filed by Shur-Lok Corp., of Los Angeles, California, published in the Federal Register (46 FR 24034); Wed., Apr. 29, 1981, notice of an investigation to determine whether there is a violation of section 337(a) of the Tariff Act of 1930 in the importation into the United States of certain molded-in sandwich panel inserts, or in their sale, by reason of (1) the alleged infringement by said molded-in sandwich panel inserts of the sole claim of U.S. Letters Patent 3,182,015, (2) the alleged infringement of claims 1-4 of U.S. Letters Patent 3,271,498 and all four claims of U.S. Letters Patent 3,392,225 and the inducement of and/or contribution to said infringement, and (3) the alleged misappropriation of complainant's trade secrets. The complaint alleges that the effect or tendency of the aforementioned unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

On June 15, 1981, complainant filed a motion to amend the complaint and notice of investigation to add Kyoel and Hariki as parties respondents. The administrative law judge certified the motion to the Commission and recommend that it be granted. There was no opposition to the proposed amendments.

Any party wishing reconsideration of the Commission's action must do so within fourteen (14) days of service of the Commission order. Any such petition must be in accord with the Commission's Rules of Practice and Procedure (19 CFR § 210.56).

Copies of the Commission's Action and Order and any other public documents in this investigation are available for inspection during official working hours (8:45 a.m. to 5:25 p.m.) in the Office of the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0181.

Notice of the institution of this investigation was published in the Federal Register of April 29, 1981 (46 FR 24034)

FOR FURTHER INFORMATION CONTACT: Clarease E. Mitchell, Esq., Office of the General Counsel, telephone 202-523-0148.

By order of the Commission.

Issued: August 3, 1981.

Kenneth R. Mason.

Secretary.

[FR Doc. 81-23448 Filed 8-11-81; 8:45 am]
BILLING CODE 7020-02-M

Request for Public Comment on Termination of Countervailing Duty Investigation Concerning Steel Welded Wire Mesh From Italy

AGENCY: U.S. International Trade Commission.

ACTION: Request for comments on proposed termination of countervailing duty investigation under section 704(a) of the Tariff Act of 1930.

FOR FURTHER INFORMATION CONTACT: Mr. Lynn Featherstone, Office of Investigations, telephone 202-523-0242.

SUPPLEMENTARY INFORMATION: The Trade Agreements Act of 1979, subsection 104(b)(1), requires the Commission in the case of a countervailing duty order issued under section 303 of the Tariff Act of 1930, upon the request of a government or group of exporters of merchandise covered by the order, to conduct an investigation to determine whether an industry in the United States would be materially injured, or threatened with

material injury, or whether the establishment of such industry would be materially retarded, if the order were to be revoked. On March 28, 1980, the Commission received a request from the Delegation of the Commission of the European Communities for the review of the countervailing duty order on steel welded wire mesh from Italy (T.D. 68-149).

The Commission received a letter on July 22, 1981 from Hurricane Industries, Inc., the firm which now holds the assets of the original petitioner for the countervailing duty order, stating that it "it does not wish to continue in this investigation and hereby withdraws the petition as it applies to our company."

The legislative history of section 704(a) indicates that the Commission should solicit public comment prior to termination of an investigation and approve the termination only if it is in the public interest. In light of the Commission's duty to consider the public interest, the Commission requests written comments from persons concerning the proposed termination of the investigation on steel welded wire mesh from Italy. These written comments must be filed with the Secretary to the Commission no later than 30 days after publication of this notice in the Federal Register.

By Order of the Commission.

Issued: August 4, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-23447 Filed 8-11-81; 8:45 am]
BILLING CODE 7020-02-M

Request for Public Comment on Termination of Countervailing Duty Investigation Concerning Certain Cap Screws From Italy

AGENCY: U.S. International Trade Commission.

ACTION: Request for comment on proposed termination of countervailing duty investigation under section 704(a) of the Tariff Act of 1930.

FOR FURTHER INFORMATION CONTACT: Mr. Lynn Featherstone, Office of Investigations, telephone 202-523-0242.

SUPPLEMENTARY INFORMATION: The Trade Agreements Act of 1979, subsection 104(b)(1), requires the Commission in the case of a countervailing duty order issued under section 303 of the Tariff Act of 1930, upon the request of a government or group of exporters of merchandise covered by the order, to conduct an investigation to determine whether an industry in the United States would be

materially injured, or threatened with material injury, or whether the establishment of such industry would be materially retarded, if the order were to be revoked. On March 28, 1980, the Commission received a request from the Delegation of the Commission of the European Communities for the review of the countervailing duty order on certain cap screws from Italy (T.D. 76-225).

The Commission received a letter on July 23, 1981 from Counsel for Russell, Burdsall, and Ward, Inc., the original petitioner for the countervailing duty order, withdrawing its petition for a countervailing duty order on cap screws, one quarter inch in diameter and over, of iron or steel, from Italy.

The legislative history of section 704(a) indicates that the Commission should solicit public comment prior to termination of an investigation and approve the termination only if it is in the public interest. In light of the Commission's duty to consider the public interest, the Commission requests written comments from persons concerning the proposed termination of the investigation on certain cap screws from Italy. These written comments must be filed with the Secretary to the Commission no later than 30 days after publication of this notice in the *Federal Register*.

By Order of the Commission.

Issued: August 4, 1981.

Kenneth R. Mason,
Secretary.

[FR Doc. 81-23446 Filed 8-11-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 701-TA-79
(Preliminary)]¹

Sodium Gluconate From the European Communities

Determination

Based on the record² developed in investigation No. 701-TA-79 (Preliminary), the Commission unanimously determines, pursuant to section 703(a) of the Tariff Act of 1930, that there is a reasonable indication that an industry in the United States is

¹ The ten preliminary investigations originally instituted were designated as Sodium Gluconate from Belgium (701-TA-69); Denmark (701-TA-70); the Federal Republic of Germany (701-TA-71); France (701-TA-72); Greece (701-TA-73); Ireland (701-TA-74); Italy (701-TA-75); Luxembourg (701-TA-76); the Netherlands (701-TA-77); and the United Kingdom (701-TA-78), and have been redesignated as Sodium Gluconate from the European Communities (Inv. No. 701-TA-79 (Preliminary)).

² The record is defined in sec. 207.2(j) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(j)).

materially injured or threatened with material injury³ by reason of imports from the European Communities (EC) of sodium gluconate, provided for in item 437.52 of the Tariff Schedules of the United States, which are allegedly being subsidized by the EC.

Background

On June 16, 1981, Pfizer, Inc. New York, N.Y., filed a petition with the United States International Trade Commission and the U.S. Department of Commerce (Commerce) alleging that the EC is providing subsidies for the production and exportation of sodium gluconate and that, by reason of imports of this allegedly subsidized merchandise, an industry in the United States is being materially injured or threatened with material injury. Accordingly, on June, 1981, the Commission instituted ten preliminary countervailing duty investigations under section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b) for each of the ten member states of the EC.⁴ Notice of the Commission's investigations and of the public conference to be held therewith was duly given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C. and by publishing the Notice in the *Federal Register* on June 25, 1981 (46 FR 32971). A public conference was held in Washington, D.C. on July 14, 1981, at which all interested parties were afforded the opportunity to present information for consideration by the Commission.

On July 8, 1981, Commerce issued a notice announcing that it had found the petition to be properly filed within the meaning of its rules and that it was instituting an investigation to determine whether the EC is subsidizing its manufacturers, producers or exporters of sodium gluconate. Notice to such effect was published in the *Federal Register* of July 14, 1981 (46 FR 36221).

On July 27, 1981, in view of Commerce's decision to institute a single investigation into alleged EC subsidies of sodium gluconate, the Commission determined that the ten individual investigations that had been instituted for each of the ten member states of the EC should be redesignated as one investigation (Investigation No. 701-TA-79 (Preliminary)), Sodium Gluconate from the European Communities.

³ Chairman Alberger and Commissioner Bedell determine only that there is a reasonable indication of material injury to the domestic industry. Vice Chairman Calhoun and Commissioner Stern determine that there is a reasonable indication of material injury or the threat thereof to the domestic industry.

⁴ See footnote 1 above.

The Commission determination on the question of material injury or threat thereof by reason of the allegedly subsidized merchandise was also made on July 27, 1981. In arriving at its determination, the Commission has given due consideration to information provided by the Department of Commerce, to all written submissions from interested parties, and to information adduced at the conference and obtained by the Commission's staff from questionnaires, documented personal interviews, and other sources, all of which have been placed on the administrative record of the preliminary investigation.

Views of the Commission

Our determination is based on the following considerations.

The Domestic Industry

Industry is defined in section 771(4)(A) to mean the domestic producers of a product which is like that being imported. "Like product," in turn, is defined in section 771(10) as "a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation * * *".

The imported product is sodium gluconate. Sodium gluconate is a chemical which is used primarily by commercial and industrial users for cleaning and metal finishing purposes. It is also used in textile processing, as an additive to concrete mixes and in diet beverages. Sodium gluconate is classified into two grades according to the specifications it meets for purity: FCC grade (Food Chemicals Code), the higher grade, and technical grade. Packaging and labeling sodium gluconate as being of a certain grade means that the product is guaranteed by the manufacture to meet the specifications of no less than that grade. Both grades have the same chemical formula. End users demanding no less than FCC grade, primarily for use in diet beverages, amount to only 5 percent of U.S. consumption. Both grades may be produced in the same establishments with the same production equipment.

Both grades are imported from the European Communities (EC). However, all imports from West Germany are guaranteed by the manufacturer to meet no less than FCC standards, while all imports from the Netherlands are guaranteed to meet no less than technical grade standards. The equipment and raw materials used to produce the product in West Germany are such that nearly all sodium gluconate produced there is guaranteed

by the manufacturer to meet FCC specifications.

Both grades are also produced in the United States. No special effort, however, is made to produce either grade; rather, the production of the different grades is largely a consequence of the natural variability of the production process and the purity of the raw materials.

Except for the 5 percent of U.S. consumers that require the higher grade, the FCC grade and the technical grade may be sold interchangeably. Most purchasers only require that the sodium gluconate meet no less than technical grade standards and indicate that any additional effectiveness due to the FCC grade because of higher purity is inconsequential. Price and availability are the primary considerations. Thus, except for the 5 percent of U.S.

consumers that require the FCC grade, both the U.S.-produced and imported product are sold to similar customers in similar markets for similar uses. Since the characteristics of the two grades are basically the same, *i.e.*, they have the same chemical formula, and since both the FCC grade and the technical grade in the majority of cases are interchangeable and compete against each other, we believe that the one like product in this case is all sodium gluconate produced in the United States.⁵

We, therefore, believe that the product like that being imported is sodium gluconate, and the domestic industry is composed of the one U.S. producer of sodium gluconate, Pfizer.

*Reasonable Indication of Material Injury by Reason of Imports*⁶

In making a determination of material injury or threat of material injury by reason of imports of allegedly subsidized sodium gluconate, the Commission is directed to consider, among other factors: (1) the volume of imports of the subject merchandise; (2) the effect of these imports on the price of like products in the United States; and (3) the impact of imports on the affected domestic industry.⁷ The following discussion applies this

⁵ Staff Report at A-2. One chemical, sodium glucoheptonate, may be substituted for sodium gluconate. This chemical, however, has a different formula from that of sodium gluconate. Furthermore, preliminary indications are that the two chemicals have different properties, and depending upon those properties, an end user will prefer one chemical to the other. Thus on the best information available, we conclude that sodium glucoheptonate is not like sodium gluconate.

⁶ Because all the data in this investigation are of a confidential nature, most of the specific figures cannot be cited in this opinion.

⁷ 19 U.S.C. 1677(7)(B).

standard to the facts of this investigation.

Volume of Imports

The EC is the largest source of sodium gluconate imported into the United States, and imports from the EC have increased since 1978. Between 1978 and 1980, imports from the EC increased by 30 percent, and imports further increased by 64 percent between January-April 1980 and January-April 1981.⁸

As imports of sodium gluconate from the EC increased in volume, they increased relative to the U.S. market. Imports from the EC, as a share of U.S. consumption of sodium gluconate, increased substantially between 1978 and 1980, and increased again between January-April 1980 and January-April 1981.⁹

Effects of Imports on Prices

Weighted average prices for sodium gluconate have declined since 1980, even though unit production costs increased.¹⁰ Price data gathered by the Commission show that imports from the EC have undersold the U.S.-produced product in a significant number of instances. The margins of underselling are significant and appear to be the reason most purchasers preferred the EC-produced product.¹¹

Effects of Imports on the Domestic Product

The fact that the increase in market penetration was at the expense of the U.S. producer is attested to by a significant amount of sales lost by the U.S. producer to imports from the EC. The Commission confirmed that several customers purchased large quantities of the EC-produced product in lieu of the U.S. product and that the primary reason for doing so was price.¹²

Coinciding with a period of increasing imports, the domestic industry from 1978 to 1980 experienced significant declines in production, shipments, in hours worked by production and related workers, and in profitability. Declining sales volume and increasing production costs resulted in severe declines in gross profit, net operating profit, and the ratio of net operating profit to sales. Pfizer's shipments and profitability on its U.S. sodium gluconate operation continued to decline in 1981.¹³ While shipments and profitability declined, inventories increased. Since 1978, Pfizer's

⁸ Staff Report at A-7.

⁹ *Id.* at A-12, 14.

¹⁰ *Id.* at A-15-16.

¹¹ *Id.* at A-15-16, 18.

¹² *Id.* at A-17.

¹³ *Id.* at A-8, 10, 11.

inventories of sodium gluconate also increased substantially, both absolutely and relative to sales.¹⁴

In view of these adverse trends in the economic indicators, the large volume of imports, significant underselling, indications of price suppression and substantial lost sales, we conclude that there is a reasonable indication of material injury and this injury is by reason of the subject imports.

*Reasonable Indication of Threat of Material Injury*¹⁵

Since 1978 imports from the EC have increased both absolutely and relative to U.S. production, and the imported product has undersold the U.S. product resulting in a significant decline in prices after 1979.¹⁶ Because there are no indications at this juncture that these trends will reverse in the future, Vice Chairman Calhoun and Commissioner Stern Also find that there is a reasonable indication that the domestic industry is threatened with material injury. Should this case return for a final determination, we would wish to have more data on this question, particularly capacity and export plans of the foreign producers.

Definition of Country

Under section 701(a) the Commerce Department determines whether "a country under the Agreement" is providing a subsidy with respect to "a class or kind of merchandise imported into the United States",¹⁷ and the Commission determines whether a domestic industry is injured by imports of that merchandise. The definition of "country" is provided in section 771(3) as follows:

The term "country" means a foreign country * * * and, except for the purpose of antidumping proceedings, may include an association of 2 or more foreign countries * * * into a customs union outside the United States.

Thus under section 771(3), the Commerce Department may decide that a customs union, such as the European Communities, is the country for the

¹⁴ *Id.* at A-9.

¹⁵ Chairman Alberger and Commissioner Bedell determine that there is a reasonable indication that an industry in the United States is materially injured by reason of such imports and do not find it necessary to address the question of threat of material injury.

¹⁶ *Id.* at A-7-8, 12-17.

¹⁷ The Commerce Department's responsibility to determine the country is underscored in the Senate Finance Committee Report which states that: The administering authority will determine, on the basis of the facts in each case, what entity or entities will be considered the "country" for the purposes of a title VII proceeding. S. Rep. No. 96-240, 96th Cong. 1st Sess. 81 (1979).

purposes of countervailing duty proceedings. In addition, the legislative history of the Trade Agreements Acts of 1979 states that the European Communities should be treated as the country in a countervailing duty proceeding:

In countervailing duty proceedings, a subsidy granted * * * by an institution of a customs union, will be considered to be granted by a "country." Thus, the European Communities, as well as each of its member states, is a country for purposes of countervailing duty proceedings.¹⁸

Since the Commerce Department in its notice of institution determined that the EC is the country for this investigation,¹⁹ the Commission does not have the discretion to make a country-by-country determination in regard to the member states of the EC and must follow the Commerce Department's determination of the country in this case.²⁰

Conclusion

On the basis of the best information available, we determine that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of imports from the European Communities of sodium gluconate, which are allegedly being subsidized by the European Communities.

Issued: July 31, 1981.

By Order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 81-23449 Filed 8-11-81; 8:45 am]

BILLING CODE 7020-62

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Museum Panel; Catalogue and Utilization Section; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Catalogue and Utilization Section of the Museum Advisory Panel will be held on

¹⁸ *Id.*

¹⁹ 46 FR 36221 (1981).

²⁰ A Commission decision to treat the entire EC as the country in a countervailing duty case is consistent with the vast majority of past Commission decisions. See Canned Hams and Shoulders from Belgium, Denmark, The Federal Republic of Germany, France, Ireland, Italy, Luxembourg, The Netherlands, and The United Kingdom, Inv. Nos. 701-TA-31-39 (Final); Tomato Products from the EC (Final), Inv. Nos. 701-TA-42-50; Certain Nonquota Cheese from Belgium, Denmark, The Federal Republic of Germany, France, Ireland, Italy, Luxembourg, The Netherlands, and The United Kingdom (Final), Inv. Nos. 701-TA-52-60.

September 2-3, 1981, from 9:00 a.m.-5:30 p.m. in Room 1422 of the Columbia Plaza Office Complex, 2401 E Street, N.W., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 81-23435 Filed 8-11-81; 8:45 am]

BILLING CODE 7537-01-M

Museum Panel; Conservation Section; Meeting

Pursuant to Section 10 (a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Conservation Section of the Museum Advisory Panel will be held on September 1, 1981, from 9:00 a.m.-5:30 p.m., in Room 1422 of the Columbia Plaza Office Complex, 2401 E Street, N.W., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

Dated: August 5, 1981.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 81-23434 Filed 8-11-81; 8:45 am]

BILLING CODE 7537-01-M

RAILROAD RETIREMENT BOARD

Privacy Act of 1974; Annual Notice of Systems of Records

AGENCY: Railroad Retirement Board.

ACTION: Annual notice of Privacy Act systems of records.

SUMMARY: The primary purpose of this document is to give notice of the Privacy Act systems of records maintained by the Railroad Retirement Board.

FOR FURTHER INFORMATION CONTACT: Ms. Pauline Lohens, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, Telephone 312-751-4692.

SUPPLEMENTARY INFORMATION: Federal agencies are required by the Privacy Act of 1974 to publish in the Federal Register at least annually a notice of the existence and character of the records they maintain from which information can be retrieved by name or other personal identifier. The Railroad Retirement Board last published its systems of records in their entirety on September 20, 1977, at 42 FR 47469-491.

The following is a chronology of notices published in the Federal Register since then:

- 43 FR 27267-270 (June 23, 1978)—Changes to systems RRB-5, RRB-16, RRB-22
- 43 FR 43642-651 (September 26, 1978)—Annual publication; changes to systems RRB-1, RRB-3, RRB-5, RRB-6, RRB-7, RRB-9, RRB-16, RRB-19, RRB-20, RRB-21, RRB-22, and RRB-33
- 45 FR 16370-382 (March 13, 1980)—Annual publication; changes to systems RRB-1, RRB-11, RRB-19, RRB-20, RRB-21, RRB-22, RRB-37; new system, RRB-39
- 45 FR 75824-825 (November 17, 1980)—Change to system RRB-1
- 45 FR 80391-395 (December 4, 1980)—Changes to systems RRB-22 and RRB-39
- 46 FR 12379 (February 13, 1981)—Deletion of systems RRB-30, RRB-31, and RRB-32

The purposes of this notice are to:

(1) Comply with Section 552(e)(4) of Title 5, United States Code, as added by Section 3 of the Privacy Act of 1974, which requires agencies to give annual notice to their systems of records.

(2) Provide, for public convenience, a current listing of addresses of the Railroad Retirement Board's field offices and the addresses and telephone numbers of the MEDICARE, Part B, regional payment offices. These two listings of offices are shown in

Appendix I and II, respectively, and are published below, and

(3) Provide, for public convenience, a current listing of the systems of records the Railroad Retirement Board maintains under the Privacy Act.

We are publishing in their entirety the three systems of records amended since the last annual publication (March 13, 1980), RRB-1, RRB-22, RRB-39. No changes to any systems of records are being proposed. Hence, no public comments are being solicited.

Availability of 1979 Compilation

The Board's systems of records as amended through December 31, 1979, were compiled by the Office of the Federal Register into "Privacy Act Issuances—1979 Compilation," Vol IV, pp. 3258-3279. This publication is available from Regional Depository Libraries at 50 locations around the country and can be examined at these libraries free of charge. It is also available for purchase from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The price is \$10.00.

Dated: July 27, 1981.

By authority of the Board.

R. F. Butler,
Secretary.

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Systems of Records

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RRB-1

SYSTEM NAME:

Social Security Benefit Vouchering System—RRB

SYSTEM LOCATION:

U.S. Railroad Retirement Board, 844
Rush Street, Chicago, Illinois 60611

CATEGORIES OF INDIVIDUAL COVERED BY THE SYSTEM:

Applicants after December 31, 1974, for benefits under Title II of the Social Security Act who have completed ten years of creditable service in the railroad industry, the spouse or survivor of such an individual.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, social security number, type and amount of benefit, suspension and termination information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 7(b)(2) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(b)(2)).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. Benefit rate information may be disclosed to primary beneficiaries regarding secondary beneficiaries (or vice versa) when the addition of such beneficiary affects either the entitlement or benefit payment.

b. In the event the Board has determined to designate a person to be the representative payee of an incompetent beneficiary, disclosure of information concerning the benefit amount and other similar information may be made to the representative payee from the record of the individual.

c. Benefit rates, names and addresses may be released to the Treasury Department to control for reclamation and return of outstanding benefit checks, to issue benefit checks, act on reports of non-delivery, and to insure delivery of check to the correct address of the beneficiary or representative payee.

d. Beneficiary's name, address, check rate and date plus supporting evidence may be released to the U.S. Postal Service for investigation of alleged forgery or theft of railroad retirement or social security benefit checks.

e. Beneficiary's name, effective date, benefit rate and months paid may be disclosed to the Veterans Administration to verify continued entitlement to benefits.

r. Benefit rates and effective dates may be disclosed to the Social Security Administration, Bureau of Supplemental Security Income, to Federal, State and local welfare or public aid agencies to assist them in processing applications for benefits under their respective programs.

g. Last addresses information may be disclosed to the Department of Health, and Human Services in conjunction with the Parent Locator Service.

h. Benefit rates, entitlement and other necessary information may be released to the Department of Labor in conjunction with payment of benefits under the Federal Coal Mine and Safety Act.

i. Pursuant to a request from an employer covered by the Railroad Retirement Act or the Railroad Unemployment Insurance Act or from an organization under contract to an employer or employers, information regarding the Board's payment of benefits, the methods by which such benefits are calculated, entitlement data and present address may be released to the requesting employer or the organization under contract to the employer or employers for the purposes

of determining entitlement to and the rates of private supplemental pension benefits and to calculate estimated benefits due.

j. If a request for information pertaining to an individual is made by an official of a labor organization of which the individual is a member and the request is made on behalf of the individual, information from the record of the individual concerning his benefit or anticipated benefit and concerning the method of calculating that benefit may be disclosed to the labor organization official.

k. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

l. Information may be released to contractors to fulfill contract requirements pertaining to specific activities related to the Railroad Retirement Act.

m. Records may be disclosed to the General Accounting Office for auditing purposes and for collection of debts arising from overpayments under Title II of the Social Security Act, as amended.

n. Records may be disclosed in a court proceeding relating to any claims for benefits by the beneficiary under the Railroad Retirement Act and may be disclosed during the course of an administrative appeal hearing in which such records are relevant to the issue.

o. In the event that this system of records, maintained by the Railroad Retirement Board to carry out its functions, indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in this system of record may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

p. Information in this system of records may be released to the attorney representing an individual in connection with that individual's claim for benefits under the Railroad Retirement Act or Title II of the Social Security Act, as amended, upon receipt of a written letter or declaration stating the fact of representation subject to the same procedures and regulatory prohibitions as the subject individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper, magnetic tape and microforms.

RETRIEVABILITY:

Social security account number, full name.

SAFEGUARDS:

Records are maintained in areas not accessible to the public; buildings are secured (guard service).

RETENTION AND DISPOSAL:

Paper: Individual claim folders with records of all actions pertaining to the payment of claims are transferred to the Federal Records Center, Chicago, Illinois, 5 years after the date of last payment or denial activity if all benefits have been paid, no future eligibility is apparent and no erroneous payments are outstanding. The claim folder is destroyed 25 years after the date it is received in the center. Accounts receivable listings and checkwriting operations daily activity listings are transferred to the Federal Records Center 1 year after date of issue and are destroyed 6 years and 3 months after receipt at the center. Other paper listings are destroyed 1 year after date of issue. Magnetic tape: Tapes are updated at least monthly, writing over obsolete data. Microforms: Originals are kept for 3 years, transferred to the Federal Records Center, and destroyed 3 years and 3 months after receipt at the center. One duplicate copy is kept 2 years and destroyed by shredding. All other duplicate copies are kept 1 year and destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Retirement Claims, U.S. Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611

NOTIFICATION PROCEDURE:

Requests for information regarding an individual's records should be in writing addressed to the System Manager identified above, including full name and social security number of the individual. Before any information about any record will be released, the System Manager may require the individual to provide proof of identity or require the requester to furnish an authorization from the individual to permit release of information.

RECORD ACCESS PROCEDURES:

See Notification section above.

CONTESTING RECORD PROCEDURES:

See Notification section above.

RECORD SOURCE CATEGORIES:

Individual applicant or his or her authorized representative, the Social Security Administration, other record systems maintained by the Railroad Retirement Board.

RRB-22

SYSTEM NAME:

Railroad Retirement, Survivor, and Pensioner Benefit System—RRB.

SYSTEM LOCATION:

U.S. Railroad Retirement Board
844 Rush Street
Chicago, Illinois 60611

Regional and District Offices: See Appendix I for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for retirement and survivor benefits, their dependents (spouses, children, parents, grandchildren), individuals who filed for lump-sum death benefits and/or residual payments.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information pertaining to the payment or denial of an individual's claim for benefits under the Railroad Retirement Act: name, address, social security number, claim number, proofs of age, marriage, relationship, and military service, creditable earnings and service months (including military service), entitlement to benefits under the Social Security Act, Veterans Administration or other benefit systems; rates, effective dates, medical reports, correspondence and telephone inquiries to and about the beneficiary, record of determination and appeal by beneficiary, suspension and termination dates, health insurance effective date, option premium rate and deduction, direct deposit data and employer pension information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 7(b)(6) of the Railroad Retirement Act of 1974 (U.S.C. 231f(b)(6)).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. Beneficiary identifying information may be disclosed to third party contacts to determine if incapacity of the beneficiary or potential beneficiary to understand or use benefits exists, and to determine the suitability of a proposed representative payee.

b. In the event the Board has determined to designate a person to be the representative payee of an

incompetent beneficiary, disclosure of information concerning the benefit amount and other similar information may be made to the representative payee from the record of the individual.

c. Entitlement and benefit rates may be released to primary beneficiaries regarding secondary beneficiaries (or vice versa) when the addition of such beneficiary affects either the entitlement or benefit payment.

d. Identifying information such as full name, address, date of birth, social security number, employee identification number, and date last worked, may be released to any last employer to verify entitlement for benefits under the Railroad Retirement Act.

e. Beneficiary identifying information, address, check rate, number and date may be released to the Treasury Department to control for reclamation and return of outstanding benefit checks, to issue benefit checks, to reconcile reports on non-delivery, and to insure delivery of check to the correct address of the beneficiary or representative payee.

f. Beneficiary identifying information, address, check rate, date, number and other supporting evidence may be released to the U.S. Postal Service for investigation of alleged forgery or theft of railroad retirement or social security benefit checks.

g. Beneficiary identifying information, entitlement data, medical evidence and related evaluatory data and benefit rate may be released to the Social Security Administration and the Health Care Financing Administration to correlate actions with the administration of Title II and Title XVIII of the Social Security Act, as amended.

h. Beneficiary identifying information, including social security account number, and supplemental annuity amounts may be released to the Internal Revenue Service, State and local taxing authorities for tax purposes (Form G-1099, for those annuitants receiving supplemental annuities).

i. Beneficiary identifying information, entitlement, benefit rates, medical evidence and related evaluatory data and months paid may be released to the Veterans Administration to verify continued entitlement to benefits.

j. Beneficiary identifying information, entitlement data and benefit rates may be released to the Department of State and embassy and consular officials, to the American Institute on Taiwan, and to the Veterans Administration Regional Office, Philippines, to aid in the development of applications, supporting evidence, and the continued eligibility of

beneficiaries and potential beneficiaries living abroad.

k. Beneficiary identifying information, entitlement, benefit rates and months paid may be released to the Social Security Administration, Bureau of Supplemental Security Income, Health Care Financing Administration, to federal, state and local welfare or public aid agencies to assist them in processing applications for benefits under their respective programs.

l. The last addresses and employer information may be released to the Department of Health and Human Services in conjunction with the Parent Locator Service.

m. Beneficiary identifying information, entitlement, rate and other pertinent data may be released to the Department of Labor in conjunction with payment of benefits under the Federal Coal Mine and Safety Act.

n. Beneficiary identifying information and medical evidence may be released to State or local agencies required by State or local law to be informed of the existence of a legally reportable medical condition, when discovered in connection with an application for a disability annuity.

o. Medical evidence may be released to Board-appointed medical examiners to carry out their functions.

p. Information obtained in the administration of Title XVIII (Medicare) which may indicate unethical or unprofessional conduct of a physician or practitioner providing services to beneficiaries may be released to Professional Standards Review Organizations and State Licensing Boards.

q. Information necessary to study the relationship between benefits paid by the Railroad Retirement Board and civil service annuities may be released to the Office of Personnel Management.

r. Records may be disclosed to the General Accounting Office for auditing purposes and for collection of debts arising from overpayments under Title II and Title XVIII of the Social Security Act, as amended, or the Railroad Retirement Act.

s. Records may be released to contractors to fulfill contract requirements pertaining to specific activities related to the Railroad Retirement Act.

t. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

u. Pursuant to a request from an employer covered by the Railroad Retirement Act or the Railroad Unemployment Insurance Act, or from

an organization under contract to an employer or employers, information regarding the Board's payment of retirement benefits, the methods by which such benefits are calculated, entitlement data and present address may be released to the requesting employer or the organization under contract to an employer or employers for the purposes of determining entitlement to and rates of private supplemental pension, sickness or unemployment benefits and to calculate estimated benefits due.

v. If a request for information pertaining to an individual is made by an official of a labor organization of which the individual is a member and the request is made on behalf of the individual, information from the record of the individual concerning his benefit or anticipated benefit and concerning the method of calculating that benefit may be disclosed to the labor organization official.

w. Records may be disclosed in a court proceeding relating to any claims for benefits by the beneficiary under the Railroad Retirement Act, and may be disclosed during the course of an administrative appeal hearing in which such records are relevant to the issue.

x. In the event that this system of records, maintained by the Railroad Retirement Board to carry out its functions, indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

y. Information in this system of records may be released to the attorney representing such individual in connection with the individual's claim for benefits under the Railroad Retirement Act, upon receipt of a written letter or declaration stating the fact of representation, subject to the same procedures and regulatory prohibitions as the subject individual.

z. The amount of a residual lump-sum payment and the identity of the payee may be released to the Internal Revenue Service for tax audit purposes.

aa. The amount of any death benefit or annuities accrued but unpaid at death and the identity of such payee may be

released to the appropriate state taxing authorities for tax assessment and auditing purposes.

bb. Beneficiary identifying information, including but not limited to name, address, social security account number, payroll number and occupation, the fact of entitlement and benefit rate may be released to the Pension Benefit Guaranty Corporation to enable that agency to determine and pay supplemental pensions to qualified railroad retirees.

cc. Medical records may be disclosed to vocational consultants in administrative proceedings.

dd. Date employee filed application for annuity to the last employer under the Railroad Retirement Act for use in determining entitlement to continued major medical benefits under insurance programs negotiated with labor organizations.

ee. Information regarding the determination and recovery of an overpayment made to an individual may be released to any other individual from whom any portion of the overpayment is being recovered.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper, microforms, magnetic tape and magnetic disk.

RETRIEVABILITY:

Claim number, social security number and full name.

SAFEGUARDS:

Papers and microforms: maintained in areas not accessible to the public, offices are locked during non-business hours. Magnetic tape and magnetic disk: computer and computer storage rooms are restricted to authorized personnel; on-line query safeguards include a lock/unlock password system, a terminal oriented transaction matrix and an audit trail; for computerized records electronically transmitted between headquarters and field office locations, system securities are established in accordance with National Bureau of Standards guidelines. In addition to the on-line query safeguards, they include encryption of all data transmitted and exclusive use of leased telephone lines.

RETENTION AND DISPOSAL:

Paper: Individual claim folders with records of all actions pertaining to the payment of claims are transferred to the Federal Records Center, Chicago, Illinois, 5 years after the date of last payment or denial activity if all benefits have been paid, no future eligibility is

apparent and no erroneous payments are outstanding. The claim folder is destroyed 25 years after the date it is received in the center. Accounts receivable listings and checkwriting operations daily activity listings are transferred to the Federal Records Center 1 year after the date of issue and are destroyed 6 years and 3 months after receipt at the center. Other paper listings are destroyed 1 year after date of issue. Microforms: Originals are kept for 3 years, transferred to the Federal Records Center, and destroyed 3 years and 3 months after receipt at the center. One duplicate copy is kept 2 years and destroyed by shredding. All other duplicate copies are kept 1 year and destroyed by shredding. Magnetic tape: Magnetic tape records are used to daily update the disk file, are retained for 90 days and then written over. Magnetic disk: Continually updated and permanently retained.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Retirement Claims, U.S. Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611

NOTIFICATION PROCEDURE:

Requests for information regarding an individual's records should be in writing addressed to the System Manager identified above, including the full name and social security number and claim number of the individual. Before information about any records will be released, the System Manager may require the individual to provide proof of identity or require the requester to furnish an authorization from the individual to permit release of information.

RECORD ACCESS PROCEDURES:

See Notification section above.

CONTESTING RECORD PROCEDURES:

See Notification section above.

RECORD SOURCE CATEGORIES:

Individual applicants or their representatives, railroad employers, other employers, physicians, labor organizations, federal, state and local government agencies, attorneys, funeral homes, congressmen, schools, foreign government.

SYSTEM NAME:

Milwaukee Railroad Restructuring Act Benefit System.

SYSTEM LOCATION:

U.S. Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any employee of the Milwaukee Railroad who may be eligible for supplementary unemployment insurance, new career training assistance, or employee protection benefits under the Milwaukee Railroad Restructuring Act (45 U.S.C. 901-922).

CATEGORIES OF RECORDS IN THE SYSTEM:

Identifying information includes the name of the employee, his social security account number, his address, his date of birth, his occupation code, and employer code. For individuals eligible for supplementary unemployment insurance benefits, information as to qualifications for benefits; railroad earnings during the period from June 1977 through November 1979; monthly benefit rate; month and year of benefit claim; reason not working; amounts deducted for Railroad Unemployment Insurance Act benefits, state unemployment benefits, earnings from all employment and self-employment; amounts paid and dates of payments for benefit claims; verifying information from employers and governmental agencies; amounts owed and the reasons for the indebtedness; amounts recovered and the sources of repayments. For individuals eligible for new career training assistance, information as to qualifications for benefits; schools attended and courses taken; proof of payment for tuition, room, board, fees, and educational materials; amounts paid and dates of payments; amounts owed and the reasons for the indebtedness; amounts recovered and the sources of repayments. For individuals eligible for employee protection payments, information as to the amount of relocation incentive compensation, interim employee assistance, separation allowance, and moving expenses to be paid by the employer to the employee and, if applicable, the period for which payment is to be made; Railroad Unemployment Insurance Act benefits, state unemployment benefits, earnings from employment; if applicable, market value of home, sale price of home, moving and related expenses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 9, 10, 11, and 12 of the Milwaukee Railroad Restructuring Act (45 U.S.C. 908-11).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES.

- a. Information received from the employee may be released to his employer, the Social Security Administration, the Department of Labor, the Veterans Administration, state unemployment compensation agencies, and other similar governmental agencies to the extent needed to verify the employee's claim and to resolve conflicts in information.
- b. Identifying information, address and check amount may be released to the Treasury Department or the Milwaukee Railroad, if applicable, to issue benefit checks, to control for reclamation and return of checks to respond to the reports of non-delivery of checks, and to ensure delivery of checks to the correct address of the beneficiary.
- c. Identifying information, address, check amount, and necessary supporting evidence may be released to the U.S. Postal Service or the Treasury Department for investigation of alleged forgery or theft of benefit checks.
- d. Records may be referred to the General Accounting Office for auditing purposes and for collection of debts arising under the Milwaukee Railroad Restructuring Act.
- e. Records may be disclosed in a court proceeding relating to any claims for benefits under the Milwaukee Railroad Restructuring Act and may be disclosed during the course of an administrative appeal hearing in which such records are relevant to the issue.
- f. Disclosure may be made to a congressional office from the individual's record in response to an inquiry from the congressional office made at the request of the individual.
- g. Disclosure may be made to an official of a labor organization of which the individual is a member in response to an inquiry from the labor organization official on behalf of or at the request of the individual.
- h. Disclosure may be made to the attorney representing such individual upon receipt of a letter or written declaration stating the fact of representation, subject to the same procedures and regulatory prohibitions as the subject individual.
- i. A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to

the requesting agency's decision on the matter.

- j. Records may be disclosed to contractors to fulfill contract requirements pertaining to specific activities related to the Milwaukee Railroad Restructuring Act.
- k. The last addresses and employer information may be released to Department of Health and Human Services in conjunction with the Parent Locator Service.
- l. Benefit rate, entitlement, and periods paid may be disclosed to the Social Security Administration, Bureau of Supplemental Security Income, and to federal, state, and local welfare or public aid agencies to assist them in processing applications for benefits under their respective programs.
- m. Beneficiary identifying information, entitlement, rate and other pertinent data may be released to the Department of Labor in conjunction with payment of benefits under the Federal Coal Mine and Safety Act.
- n. In the event that this system of records, maintained by the Railroad Retirement Board to carry out its function, indicates a violation, or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charges with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.
- o. Information may be released to the Department of Justice and to courts of competent jurisdiction in response to properly issued subpoenas.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper, magnetic tape, magnetic disk and microforms.

RETRIEVABILITY:

Social security number and name.

SAFEGUARDS:

Paper and microforms; maintained in areas not accessible to the public; offices are locked during the non-business hours. Magnetic tape and magnetic disks: computer and computer storage rooms are restricted to authorized personnel; on-line query safeguards include a lock/unlock

password system, a terminal oriented transaction matrix and an audit trail. For computerized records electronically transmitted between headquarters and field office locations, systems securities are established in accordance with National Bureau of Standards guidelines. In addition to the on-lien query safeguards, they include encryption of all data transmitted and exclusive use of leased telephone lines.

RETENTION AND DISPOSAL:

All records will be retained until January 1990, which is 5 years after the end of the benefit programs.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Unemployment and Sickness Insurance, U.S. Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611

NOTIFICATION PROCEDURE:

Requests for information regarding an individual's record should be in writing addressed to the System Manager identified above, including the full name and social security number. Before information about any record will be released, the System Manager may require the individual to provide proof of identity or require the requester to furnish an authorization from the individual to permit release of information.

RECORD ACCESS PROCEDURES:

See Notification section above.

CONTESTING RECORD PROCEDURES:

See Notification section above.

RECORD SOURCE CATEGORIES:

Employee or his representative, employers, labor organizations, governmental agencies, real estate appraisers, and all Railroad Retirement Board files.

Appendix I.—Offices of the U.S. Railroad Retirement Board

A. Regional Offices

- Region 1—101 Marietta Street, Suite 2304, Atlanta, Georgia 30303
 Region 2—Federal Building, Room 3415, 26 Federal Plaza, New York, New York 10278
 Region 3—Anthony J. Celebrezze Federal Building, Room 493, 1240 E. 9th Street, Cleveland, Ohio 44199
 Region 4—Federal Building, Room 257, 601 East 12th Street, Kansas City, Missouri 64106
 Region 5—Federal Building, Room 7419, 450 Golden Gate Avenue, Box 36043, San Francisco, California 94102

B. District Offices

Alabama

- 2121 Building, Room 1532, 2121—8th Avenue North, Birmingham, Alabama 35203
951 Government Street, Room 122, Mobile, Alabama 36604
- Arizona—301 West Congress, Room 4—M, Box FB—40, Tucson, Arizona 85701
- Arkansas—Gannett Communications Center, Room 308, 201 West 3rd Street, Little Rock, Arkansas 72201
- California
Bank of California Building, 2110 Merced Street, Box 752, Fresno, California 93712
U.S. Courthouse Building, Room 1507, 312 North Spring Street, Los Angeles, California 90012
George P. Miller Federal Building, 1515 Clay Street, Oakland, California 94612
Federal Building, Room E-1821, 2800 Cottage Way, Sacramento, California 95825
568 N. Mountain View, San Bernardino, California 92401
Federal Building, Room 1423, 450 Golden Gate Avenue, Box 36045, San Francisco, California 94102
- Colorado—183 Custom House, 20th & Stout Streets, P.O. Box 8869, Denver, Colorado 80201
- Connecticut—Federal Building, 150 Court Street, New Haven, Connecticut 06510
- District of Columbia—1925 L. Street, N.W., Washington, D.C. 20036
- Florida
299 E. Broward Blvd., Room 304, Fort Lauderdale, Florida 33301
400 West Bay Street, Room 244, Box 35026, Jacksonville, Florida 32202
700 Twiggs Street, Room 707, Tampa, Florida 33602
- Georgia
101 Marietta Street, Suite 2306, Atlanta, Georgia 30303
415 W. Broughton Street, Suite 101, Savannah, Georgia 31401
- Idaho—Federal Building, U.S. Courthouse, Room 179, 250 South 4th Avenue, Pocatello, Idaho 83201
- Illinois
Federal Building, Room 3182, 230 South Dearborn, Chicago, Illinois 60604
132 South Water Street, Suite 517, P.O. Box 1291, Decatur, Illinois 62525
Des Plaines Civic Center, 1420 Miner Street, Des Plaines, Illinois 60016
1310 21st Street, Granite City, Illinois 62040
101 North Joliet Street, Joliet, Illinois 60431
U.S.P.S. Building, 211 Nineteenth, Rock Island, Illinois 61201
- Indiana
Federal Building and Courthouse, Room 333, 1300 S. Harrison Street, Fort Wayne, Indiana 46802
Federal Building, Room 105, 575 North Pennsylvania Street, Indianapolis, Indiana 46204
- Iowa—Federal Building, Room 709, 210 Walnut Street, Des Moines, Iowa 50309
- Kansas
Federal Building, Room 303, 444 S.E. Quincy, Topeka, Kansas 66683
The Litwin Building, Suite 100—A, 110 North Market Street, Wichita, Kansas 67202
- Kentucky—Federal Building, Room 377A, 600 Federal Place, P.O. Box 3702, Louisville, Kentucky 40201
- Louisiana
Hale Boggs Federal Building, Room 925, 500 Camp Street, New Orleans, Louisiana 70130
Federal Building, U.S. Courthouse, 500 Fannin Street, Room 3B04, Shreveport, Louisiana 71101
- Maine—Federal Building, P.O. Box 3590, Room 2041, 151 Forest Avenue, Portland, Maine 04101
- Maryland—George H. Fallon Federal Office Building, Room 1029, 31 Hopkins Plaza, Baltimore, Maryland 21201
- Massachusetts
U.S. Post Office and Courthouse Building, Room 408, P.O. Box 2448, Boston, Massachusetts 02208
Federal Building and Courthouse, Room 411, 436 Dwight Street, Springfield, Massachusetts 01103
- Michigan
2805 North Lincoln Road, P.O. Box 692, Escanaba, Michigan 49829
P. V. McNamara Federal Building, 477 West Michigan Avenue, Suite 1990, Detroit, Michigan 48226
Riverview Center Building, Room 420, 678 Front Street, N.W., Grand Rapids, Michigan 49504
- Minnesota
Federal Building, Room 135, 515 West First Street, Duluth, Minnesota 55802
910 Bremer Towers, 82 East 7th Street, St. Paul, Minnesota 55101
- Mississippi—Federal Building, Room 1007, 100 W. Capital Street, Jackson, Mississippi 39201
- Missouri
Federal Building, Room 258, 601 East 12th Street, Kansas City, Missouri 64106
Federal Building, Room 204, 201 East 4th Street, Sedalia, Missouri 65301
1430 Olive Street, Room 203, St. Louis, Missouri 63103
Bank of Springfield Office Center, Room 612, 300 South Jefferson, Springfield, Missouri 65806
- Montana—Federal Building, Room 1445, 316 North 26th Street, P.O. Box 1351, Billings, Montana 59103
- Nebraska
U.S.P.O. Courthouse, 300 East Third Street, P.O. Box 1103, North Platte, Nebraska 69101
Federal Office Building, Room 1011, 106 South 15th, Omaha, Nebraska 68102
- New Jersey—New Federal Building, Room 707, 970 Broad Street, Newark, New Jersey 07102
- New Mexico
Rosenwald Building, Suite 13, 320 Central, S.W., Albuquerque, New Mexico 87102
Federal Building, Hill Avenue, and Third Street, Room 130, P.O. Box 910, Gallup, New Mexico 87301
- New York
Leo W. O'Brien Federal Building, Room 264, Clinton Avenue and North Pearl Streets, Albany, New York 12207
Federal Building, Room 1108, 111 West Huron Street, Buffalo, New York 14202
Mark Twain Building, 168 North Main Street, Elmira, New York 14901
183 South Broadway, Third Floor, Room 310, Hicksville, New York 11801
Federal Building, Room 3404, 26 Federal Plaza, New York, New York 10278
- U.S. Courthouse and Federal Building, 100 South Clinton Street, Room 525, Syracuse, New York 13260
- North Carolina
Mart Office Building, Room BB-503, 800 Briar Creek Road (at Independence), Charlotte, North Carolina 28205
Federal Building, Room 238, 310 New Bern Avenue, Raleigh, North Carolina 27611
- North Dakota—U.S.P.O. Building, Room 219, 657 Second Avenue, North, P.O. Box 383, Fargo, North Dakota 58107
- Ohio
Federal Building, Room 1030, 550 Main Street, Cincinnati, Ohio 45202
Anthony J. Celebrezze Federal Building, Room 401, 1240 East 9th Street, Cleveland, Ohio 44199
Federal Building, U.S. Courthouse, Room 216, 85 Marconi Boulevard, Columbus, Ohio 43215
Federal Building, Room 321, 234 Summit Street, Toledo, Ohio 43604
Dollar Bank Building, Room 601, Central Square, Youngstown, Ohio 44503
- Oklahoma
148 Post Office Building, North Robinson and Dean A. McGee Avenue, Oklahoma City, Oklahoma 73102
333 West Fourth Street, Room 3339, Tulsa, Oklahoma 74103
- Oregon—Suite 650, 111 S.W. Columbia, Portland, Oregon 97201
- Pennsylvania
615 Howard Avenue, Room 10, P.O. Box 990, Altoona, Pennsylvania 16603
Federal Building, Room 504, 228 Walnut Street, Box B, Harrisburg, Pennsylvania 17108
William J. Green, Jr. Federal Building, Room 7224, 600 Arch Street, Philadelphia, Pennsylvania 19106
Park Building, Room 1327, 355 Fifth Avenue, Pittsburgh, Pennsylvania 15222
U.S.P.O. and Courthouse, Washington Avenue and Linden Street, Room 301, Scranton, Pennsylvania 18503
- Tennessee
1111 Northshore Drive, Building 1, Room 237, Drawer 139, Knoxville, Tennessee 37919
Clifford Davis Federal Building, Room 9, 167 North Main Street, Memphis, Tennessee 38103
108 Federal Building, U.S. Courthouse, 801 Broadway, Nashville, Tennessee 37203
- Texas
Federal Building and U.S. Courthouse, Room 118, 205 East 5th Street, Amarillo, Texas 79101
1100 Commerce Street, Room 3 D 14, Dallas, Texas 75242
First National Building, 109 North Oregon, Room 815, P.O. Box 5311, El Paso, Texas 79954
819 Taylor Street, Room 10 A 36, Fort Worth, Texas 76102
Federal Office Building, Room 2615, 515 Rusk Street, P.O. Box 61166, Houston, Texas 77208
Federal Building, Room A 417, 727 East Durango, San Antonio, Texas 78206
- Utah—IRS Building, Suite 102, 469 South 400 East, Salt Lake City, Utah 84111
- Virginia

Federal Building, Room 801, 200 Granby
Mall, Norfolk, Virginia 23510

Federal Office Building, Room 1207, 400
North Eighth Street, P.O. Box 10006,
Richmond, Virginia 23240

Richard Poff Federal Building, Room 739,
210 Franklin Road, S.W., P.O. Box 270,
Roanoke, Virginia 24011

Washington

Federal Building, Room 3210, 915 Second
Avenue, Seattle, Washington 98174

U.S. Courthouse, Room 492, West 920
Riverside Avenue, Spokane, Washington
99201

West Virginia—1415 6th Avenue, P.O. Box
2153, Huntington, West Virginia 25721

Wisconsin

Federal Building, Room 19, 500 South
Barstow Street, Eau Claire, Wisconsin
54701

Lewis Center Building, Room 410, 615 East
Michigan Street, Milwaukee, Wisconsin
53202

Appendix II.—Medicare Part B Field Offices

Southeastern—P.O. Box 10066, Augusta,
Georgia 30999

Northeastern—P.O. Box 395, Albany, New
York 12201

North Central—220 East 170th Street,
Lansing, Illinois 60438

South Central—P.O. Box 225493, Dallas,
Texas 75265

Western—P.O. Box 30050, Salt Lake City,
Utah 84130

[FR Doc. 81-23396 Filed 8-11-81; 8:45 am]

BILLING CODE 7905-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 11887; 812-4897]

General Money Market Fund, Inc., Application for Exemption

August 5, 1981

Notice Is Hereby Given that The General Money Market Fund, Inc., 600 Madison Avenue, New York, NY 10022, ("Applicant"), an open-end, diversified, management investment company, filed an application on June 18, 1981, and an amendment thereto on June 24, 1981, requesting an order of the Commission, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder, permitting Applicant to compute its net asset value per share, for the purpose of effecting sales and redemptions of its shares, using the amortized cost method of valuation. 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 corporation which was organized under the laws of Maryland on May 15, 1981.

Applicant has filed a Notification of Registration under the Act and a registration statement under the Act and the Securities Act of 1933, as amended. The registration statement has not yet been declared effective. Applicant represents that it is a "money market" fund designed as an investment vehicle for investors who desire to place assets in money market investments where the primary considerations are safety, liquidity and, to the extent consistent with the foregoing, a high rate of return. According to the application, Applicant's portfolio may be invested exclusively in a variety of short-term money market instruments consisting of marketable securities issued or guaranteed by the United States Government or its agencies or instrumentalities (whether or not subject to repurchase agreements); time deposits; certificates of deposit issued by domestic banks or London branches of domestic banks; bankers acceptances; and high-grade commercial paper. All investments by the Applicant will consist of obligations maturing within one year from the date of acquisition, and the average maturity of all its investments (on a dollar-weighted basis) will be 120 days or less.

As here pertinent, 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 an investment company's board of directors.

Rule 22c-1 provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable 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 to 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 purpose of distribution and redemption shall be an amount which reflects calculations 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 that other securities and assets shall be valued at fair value as determined in good faith by an

investment company's board of directors. Prior to the filing of the application, the Commission expressed its view that, among other things, Rule 2a-4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and 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 31, 1977).

In support of the relief requested, Applicant states its belief, based upon its adviser's experience in advising other funds, that two qualities are helpful in attracting investment, namely, stability of principal and a steady flow of investment income. Applicant maintains that investors are concerned that the daily income declared by the Applicant reflect income as earned and that the sales and redemption prices not change. By utilizing high quality money market instruments of short maturities combined with a stable net asset value, preferably \$1.00 per share, Applicant asserts that it would be possible to provide those features to a variety of investors. Applicant further believes, based upon the experience of its adviser, that there will normally be a relatively negligible discrepancy between market value and the value determined by using the amortized cost valuation method.

On the basis of the foregoing, Applicant believes that the valuation of its portfolio securities on the amortized cost basis will benefit shareholders by enabling the Applicant to maintain more effectively a stable price per share while providing shareholders with the opportunity to receive a flow of investment income less subject to fluctuation than under procedures whereby dividends would be adjusted by unrealized gains and losses on its portfolio securities. Applicant's board of directors has determined in good faith that in light of the characteristics of the Applicant as described above, absent unusual or extraordinary circumstances, the amortized cost method of valuing portfolio securities is appropriate and preferable for the Applicant and will reflect the fair value of such securities.

Applicant states that the requested relief is 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. Accordingly, Applicant requests that the Commission issue an order 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 thereunder to the extent necessary to permit Applicant to compute its net asset value per share for the purposes of effecting sales and redemptions of its shares, using the amortized cost method. The request for exemption is made based on the existing management policies of the Applicant set forth above. The Applicant agrees that the following conditions may be imposed in any order granting the exemptions requested:

1. In supervising the operations of Applicant and delegating special responsibilities involving portfolio management to the investment adviser of Applicant, the board of directors of Applicant 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 objective, to stabilize Applicant's net asset value per share, computed for the purpose of distribution and redemption, at \$1.00 per share.

2. Included within the procedures to be adopted by the board of directors shall be the following:

(a) Review by the board of directors, 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. To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by the board of directors in the exercise of its discretion to be appropriate indicators of value, which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

(b) In the event such deviation from Applicant's \$1.00 amortized cost price per share exceeds $\frac{1}{2}$ of 1 percent, a requirement that the board of directors will promptly consider what action, if any, should be initiated.

(c) If the board of directors believes 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: selling portfolio instruments prior to maturity to realize capital gains or losses or to shorten Applicant's average portfolio maturity; withholding dividends; redemption of shares in kind; 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 not (a) purchase any instrument with a remaining maturity of greater than one year or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days. If the disposition of a portfolio instrument should result 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 such average maturity to 120 days or less as soon as reasonably practicable.

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 paragraph 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 directors' 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 directors' 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 its board of directors 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 its board of directors.

6. Applicant will include in each quarterly report, as an attachment to Form N-1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the proceeding 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 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. 81-23461 Filed 8-11-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18015; File No. SR-OCC-81-2]

Options Clearing Corp. ("OCC"); Order Approving Proposed Rule Change

August 6, 1981.

On February 20, 1981, OCC 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, a proposed rule change that would empower OCC to issue options on Government National Mortgage Association (GNMA) securities, to clear and settle GNMA options transactions, and to process and settle GNMA options exercises. OCC's filing is designed to facilitate the trading of options on GNMA securities on OCC participating exchanges.¹

¹ On February 26, 1981, the Commission approved proposed rule changes filed by the Chicago Board Options Exchange Incorporated ("CBOE") to enable the trading of GNMA options. See Securities Exchange Act Release No. 17577 (February 26, 1981) 46 FR 15242 (March 4, 1981).

Notice of the proposed rule change together with its terms of substance was provided by publication of a Commission Release (Securities Exchange Act Release No. 17598, March 4, 1981) and by publication in the Federal Register (46 FR 16013, March 12, 1981). On May 8, 1981, OCC filed various technical clarifying amendments. Two letters of comment were received by the Commission.²

Description of the Proposed Rule Change

To the greatest extent feasible, OCC will use its existing procedures for processing equity options to process GNMA options. In certain areas, however, OCC's proposed procedures for processing GNMA options vary in important respects from its procedures for equity options. Because OCC's proposed system contains some major rule changes, and because OCC's proposed rule changes are extensive and detailed, the Commission believes it important to discuss in this approval order the more significant features of OCC's proposal. Before discussing those specific features, however, it seems useful to describe generally OCC's proposed GNMA options system.

Procedurally, under OCC's proposal, before clearing members may clear transactions in GNMA options, they will have to receive special authorization from OCC. To receive such authorization, at least two key operations employees from each clearing member firm will have to attend OCC readiness review sessions and successfully complete OCC's

operational and financial examinations relating to GNMA options. OCC believes that such special training is necessary in view of the differences between the proposed system for GNMA options and the system used for stock options.

Operationally, under OCC's proposal, as in its stock options program, OCC will issue and process GNMA options each trading day. After it receives tapes of compared transactions from the CBOE and other participating exchanges, OCC will tabulate the appropriate long and short options positions in clearing members' accounts by creating automated book entries.³ OCC will update those positions daily as dictated by members' trading activity, and it will provide procedures to effect money settlement among OCC members.

Also as in its stock options program, OCC will process exercise notices for GNMA options. On receipt of exercise instructions from clearing members, OCC will randomly assign an exercise notice to a clearing member that has a corresponding short position (*i.e.*, a clearing member that previously sold such an option). Unlike the stock options system, however, OCC will not forward information concerning exercises and assignments to various correspondent clearing corporations for netting and settlement of exercised and assigned positions. Rather, OCC itself will net those positions for each OCC member and oversees physical settlement of exercised and assigned GNMA options, in accordance with OCC's settlement rules.

Settlement for all GNMA option contracts exercised during the monthly settlement cycle will occur on the third Wednesday of each month. To facilitate settlement, OCC has proposed a "cut-off day"—the second Friday preceding the settlement date—by which clearing members must ordinarily exercise their GNMA options if those options are to settle during that month's cycle. During the weekend following the cut-off day OCC will net each clearing member's short and long obligations in each type of GNMA option having the same exercise price. The following Monday OCC will issue to clearing members net receive or deliver orders, which will instruct one clearing member to deliver, and another to receive, \$100,000 worth of GNMA per contract at the exercise price (subject to a permitted 2.5%

variance). Upon receipt of those settlement instructions, the delivering clearing member will have one week (*i.e.*, until the Monday preceding the Wednesday settlement day) to determine which GNMA's it will deliver, and to notify the receiving clearing member. The parties then will agree on the precise exercise price as calculated in accordance with OCC's exercise price rules, with OCC resolving any disputes.

Settlement will occur in New York City once a month on exercise day. Under the proposal, a delivering clearing member could fail to make delivery without penalty until the third business day prior to the end of the month. OCC refers to this hiatus as the "grace period", which OCC provided so that members would have a reasonable degree of flexibility in settling exercised GNMA options. If the clearing members have not honored their settlement obligations by the end of the grace period, however, the receiving clearing member would be required to buy-in, or the delivering clearing member would be required to sell-out, its position. In that event, the party failing to discharge its obligations (and, in the event of the insolvency of an assigned party, OCC),⁴ would be liable for any loss suffered as a result of the buy-in or sell-out.

To help ensure that OCC members will satisfy the obligations that arise from their GNMA options positions, OCC will impose financial responsibility requirements substantially similar to those it imposes in its stock options program. First, OCC will impose its own net capital requirements on clearing members. Second, OCC will require clearing members with short positions to maintain margin with OCC with respect to the short positions.⁵ That margin requirement will be adjusted daily by OCC, as necessary, and can be satisfied by the deposit of cash or can be secured by government securities or bank letters of credit.⁶ Finally, so that OCC and its

² Letters dated March 25, 1981 from Robert K. Wilmouth, President, Chicago Board of Trade ("CBT"), to George A. Fitzsimmons, Secretary of the Commission, and March 31, 1981 from Mahlon M. Frankhauser, Kirkland and Ellis, to George A. Fitzsimmons, Secretary, Securities and Exchange Commission. In general, the commenters argued that (i) the Commission generally lacks jurisdiction to regulate the issuance and trading of all options; (ii) the Commission specifically lacks jurisdiction to regulate the issuance and trading of the proposed GNMA options; and (iii) the proposed GNMA options are within the jurisdiction of the Commodity Futures Trading Commission and, therefore, the current proscription of commodity options, pursuant to the Commodities Exchange Act (CEA), 7 U.S.C. 1 *et seq.*, and the rules and regulations thereunder, apply to the OCC proposal. The Commission disagrees with those contentions. The Commission has concluded that it has jurisdiction under the Federal securities laws to consider a proposed rule change of a registered clearing agency, acting pursuant to the Act, to issue options and clear and settle transactions with respect to options on GNMA's. Moreover, the Commission does not believe the CEA is applicable to the issuance, clearance and settlement of transactions with respect to options on GNMA securities, particularly when processed through the facilities of a registered clearing agency. *Cf.* Securities Exchange Act Release No. 17577, February 26, 1981, 46 FR 15242 (March 4, 1981).

³ As an issuer of GNMA options, OCC will register the GNMA options that it issues with the Commission pursuant to Section 12 of the Act. OCC further will disseminate a supplement discussing standardized GNMA options in addition to its detailed prospectus for standardized stock options.

⁴ As is true of OCC's stock option system, OCC guarantees the obligations of writers of options contracts. As a result, under its rules OCC remains liable to purchasing clearing members for defaults by assigned clearing members.

⁵ Proposed amendment to OCC Rule 601.

⁶ In OCC's GNMA margin program, unlike its margin program for stock options, clearing members will not be permitted to deposit GNMA certificates underlying short call positions in lieu of margin. That is, OCC will not allow members to maintain "covered" call positions at OCC. In its filing OCC explained its decision to preclude the use of covered call positions at OCC by noting that the monthly pay-down of principal on deposited GNMA's could cause a certificate's principal balance to drop below \$97,500, the minimum deliverable amount. In addition, a decline in the GNMA production rate (*i.e.* the rate of interest .50% below the stated rate of interest on residential

Continued

members are protected even if the margin deposit proves insufficient to cover a loss, OCC will maintain a clearing fund for debt securities options.

Determinations regarding OCC's Proposed GNMA Options Clearing Rules

Under Section 19(b)(2) of the Act, the Commission must approve OCC's proposed rule change if the Commission finds that it is consistent with the requirements of the Act and the rules thereunder applicable to registered clearing agencies. The principal provisions of the Act applicable to clearing agencies are contained in Section 17A. Paragraph (b)(3) of that Section requires that the rules of a clearing agency, among other things, be designed: (i) "to promote the prompt and accurate clearance and settlement of securities transactions," (ii) "to assure the safeguarding of funds and securities which are in the custody or control of the clearing agency," (iii) "to foster cooperation and coordination with persons engaged in the clearance and settlement of securities transactions," and (iv) "to remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transaction, and, in general, to protect investors and the public interest."

OCC Margin Requirements for Debt Securities Option

Generally, the margin requirement on short positions at OCC will be equal to the current asked price of the options carried in short positions, plus a "cushion" of no more than \$1,500 per contract, and will be adjusted daily based upon changes in each clearing member's aggregate short options positions. OCC anticipates that, by requiring the deposit of the price of the option plus a fixed-dollar cushion to cover the risk of market movement, the margin will be sufficient to close out short positions of any clearing member that fails to satisfy its obligations to OCC.

Under its GNMA option proposal, as with its current stock options program, OCC would continue to require daily margin for all short options positions, including GNMA options positions. It would use a different formula, however, to calculate the GNMA options margin requirement. With respect to short stock option positions, OCC currently requires participants to deposit 130 percent of the

market price of an offsetting long contract. That margin deposit has proved effective in the past, by providing OCC with a 30 percent cushion to guard against adverse daily market movement. In contrast, OCC would require margin on short GNMA positions equal to the current market price of an offsetting long GNMA option⁷ plus a "minimum margin amount."⁸ Thus, OCC's "protective cushion" for debt securities options would include a specific dollar amount, rather than a specified percentage of the market price of the option.⁹

Also, OCC's proposal provides OCC with authority to prescribe greater amounts of margin as circumstances

⁷For purposes of calculating margin on a clearing member's net short positions in GNMA options, however, OCC will require margin for assigned short positions based on their intrinsic (in-the-money) value, rather than on the basis of the market price of the option.

⁸The minimum margin for each short position will be set contract-by-contract at a point between \$250 and \$1500 (or whatever higher limit OCC selects as necessary, from time to time) depending on the degree to which the contract is out-of-the-money. In its filing, OCC indicated that it selected the initial \$1500 ceiling for in-the-money contracts as a conservative precaution and would review the need for a different upper limit in light of experience.

OCC's selection of a \$1500 ceiling was predicated on sample calculation runs performed by OCC during several periods of active trading in GNMA securities. The results of those runs revealed that, using a \$1500 cushion for prospective standardized GNMA contracts, OCC would be fully protected against a one-day market movement on more than 95 percent of the days. In those instances in which the \$1500 margin would be inadequate, OCC would invoke a same-day variation margin call pursuant to OCC's existing rules.

⁹In its filing, OCC indicated that it selected the minimum margin approach for debt securities options for two reasons. First, OCC contends that the degree of protection afforded OCC by tying the margin amounts to a percentage of the premium depends on the relationship between the premium levels and the price of the underlying security. When premium levels are relatively high, as OCC contends is true of stock options, the cushion tends to be sufficient. However, when premium levels are low, as OCC anticipates will be true of GNMA options, a modest fixed percentage of the premium may prove insufficient in some instances.

Second, OCC indicated that, as a general matter, a "fixed cushion" margin approach is preferable whenever feasible, since the percentage-of-market-value approach can produce excessive margin for deep-in-the-money positions. According to OCC, the "fixed cushion" margin approach has not been feasible for stock options, however, because the varying volatility of stock options on different underlying securities would result in different minimum amounts for different classes of options, which would make margin calculations prohibitively complex to administer. In contrast, OCC continues, debt securities options tend to display fairly uniform volatility characteristics because prices tend to be controlled by a single factor—interest rates. Moreover, because there is only one class of GNMA options, all GNMA options will have the same volatility characteristic. Accordingly, OCC concludes, and the Commission has no reason to disagree, that a minimum margin approach seems both desirable and feasible for GNMA options.

require. Toward that end, OCC plans to review its margin levels periodically in light of its experience and will use its authority to adjust margin levels as necessary.

Finally, OCC proposes to amend existing OCC Rule 602 concerning margin on exercised contracts to enable OCC to apply its current rules respecting exercised stock options positions to exercised debt securities options positions. Currently, Rule 602 provides that OCC may impose margin on exercised positions that are out-of-the-money, *i.e.*, positions that carry an exercise price that (i) exceeds (in the case of calls) or (ii) is less than (in the case of puts) the market price of the underlying security. While OCC has not imposed this margin in the past for stock options,¹⁰ it anticipates that it will do so with respect to GNMA options. Since exercised GNMA options may not settle for as much as six weeks under OCC's rules and industry practice, some exercised GNMA positions may fall out-of-the-money during the clearing cycle. In that event, OCC will impose margin under its proposed rules equal to 100 percent of the difference between the market value of the underlying GNMA and the aggregate exercise price, plus a minimum margin of \$1,500 for each contract carried in a net long exercise position.

The Commission believes that OCC's proposed minimum margin approach, as well as the selected minimum levels, are appropriate to protect the interest of OCC and its members and accordingly finds those rules consistent with the requirements of the Act. Those rules are either similar to the margin rules OCC uses effectively for equity options or they incorporate features reasonably designed to accommodate special characteristics of GNMA options.

Separate Debt Securities Clearing Fund

In addition to maintaining a clearing fund¹¹ for options on stock (the "Stock Clearing Fund"), OCC proposes to amend Article VIII of its By-Laws to establish a separate clearing fund for operations on debt securities (the "Debt Securities Clearing Fund"). That separate clearing fund would help to protect OCC against losses sustained in connection with GNMA or government

¹⁰OCC has not used this margin in the past because out-of-the-money positions rarely get exercised, and few in-the-money positions fall out-of-the-money during the brief five day lag between exercise and settlement of stock options.

¹¹A "clearing fund" is a fund maintained by a clearing agency to which clearing members contribute collateral to safeguard the clearing agency against certain losses resulting from a member's default.

mortgages issued by the Federal Housing Administration or guaranteed by the Veterans Administration) could render the deposited GNMA's undeliverable.

securities options. Several aspects of both funds will be nearly identical, including the purposes for the funds, the formula for determining the required contributions, and the method for charging losses to the fund.

In its filing, OCC explained that it decided to propose a separate Debt Securities Clearing Fund because some clearing members that clear transactions in stock options may not elect to clear transactions in debt securities options. Accordingly, OCC would separate, though not completely, the stock clearing fund and the debt securities clearing fund. To help preserve the ultimate solvency of OCC, however, OCC's proposal provides that the Stock Clearing Fund would serve as a "last-resort back-up" to the Debt Securities Clearing Fund in the event the latter fund was insufficient to cover a loss.¹²

The Commission believes that OCC's proposed clearing fund arrangements are appropriate in the interest of OCC and its members. In this instance, the rules respecting each fund appear to be reasonably designed to achieve their objectives, and an added dimension of safety exists because each separate clearing fund will back-up the other. Finally, at least for the present, OCC's proposed clearing fund formula appears to be reasonably related to the likely levels of exposure. It is based on OCC's extensive experience with suitable requirements for the stock options clearing fund, and, absent further experience with GNMA options activity, should be a suitable initial requirement.

Procedures for Settlement of GNMA Options Exercises

OCC's system for the settlement of exercises in GNMA options differs significantly from its settlement system for equity options. As noted, settlement of exercises in equity options is effected through correspondent clearing corporations. Those clearing corporations process options exercises along with other transactions in the underlying securities. Currently, however, the bulk of GNMA processing is handled on a broker-to-broker basis. Therefore, under OCC's proposed GNMA settlement rules and procedures, settlement will be conducted directly by clearing members, without OCC's intervention, substantially in accordance with current practices in the existing GNMA markets.

Functionally, OCC has adopted a type

of balance order settlement system.¹³ On a monthly basis OCC will net each clearing member's long and short obligations in each type of GNMA option having the same exercise price. After deriving net positions OCC will conduct an "allocation" process in which those clearing members whose settlement obligations did not net out fully are paired with reciprocal obligations of other members. Those clearing members then will settle with each other through the physical exchange of GNMA's and money. To minimize the number of separate settlements that clearing members must make, OCC will attempt to match clearing members that are obligated to make deliveries of block size with clearing members that have the right to receive block-size deliveries. In addition, OCC's requirement that all options exercises be settled in New York City, unless the parties agree otherwise, reflects the current practice in cash market transactions and should facilitate turn-around deliveries.

OCC's proposed system for settling exercises in GNMA options appears reasonably well designed to operate efficiently and accurately. Moreover, the Commission recognizes that OCC's rules for physical settlement are based on industry custom and historically have worked well. Consistent with that tradition, OCC's proposed role in the settlement process provides broker-dealers with significant flexibility in completing GNMA options transactions. Nonetheless, in view of the experimental nature of OCC's role, the Commission directs OCC to inform it of any problems in settlement processing that develop and any responses OCC makes to those problems.

Procedures for Resolving Fails

As noted previously, in the event that clearing members fail to meet their settlement obligations, OCC's proposed rules provide for "buy-ins" and "sell-outs" similar to the close-out procedures used with respect to equity options. More specifically, if a delivering clearing member fails to deliver the underlying GNMA's by the end of the grace period, the clearing member due to receive GNMA's must buy the GNMA's in the cash market, holding the defaulting party liable for any loss on the buy-in transaction. Similarly, if the receiving clearing member refuses to accept the tender of the underlying GNMA's, the

delivering clearing member must sell those securities in the cash market, with the defaulting party again responsible for any loss.¹⁴ These provisions are intended to discourage fails, to provide remedies for nonfailing clearing members, and to impose a fixed deadline by which settlement must be made, either in the normal fashion or through buy-ins or sell-outs.

OCC's proposal generally does not provide rules or procedures for resolving disputes between clearing members that arise during the settlement cycle. Similarly, OCC has not provided a mechanism for determining whether, in particular cases, a clearing member has failed to discharge its settlement obligations, thereby justifying a buy-in or sell-out. However, OCC indicated in its filing that such disputes may be resolved through means already available, such as negotiation, arbitration or litigation. Moreover, OCC notes, disputes in existing GNMA markets commonly are resolved by broker-dealers through informal negotiation. Thus, because OCC believes that most, if not all, disputes will be settled through informal negotiation, OCC believes it is unnecessary at this time to develop a complex dispute-resolution system at OCC. Nonetheless, the Commission expects that if problems arise in the settlement of options, OCC will develop, or help another entity develop, an effective system to resolve such disputes. In any event, at the present time OCC's proposed rules respecting exercise and settlement appear reasonably designed to promote safety, promptness, and accuracy in the clearance and settlement of GNMA options transactions.

Conclusion

In accordance with the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies, and, in particular, the requirements of Section 17A of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change be, and it hereby is, approved.

¹⁴ In keeping with OCC's flexibly designed settlement procedures, OCC can direct that a buy-in or sell-out be deferred if OCC has reason to believe that the default will be cured before the last business day of the month.

¹² Conversely, the Debt Securities Clearing Fund would serve as "last-resort back-up" to the Stock Clearing Fund.

¹³ OCC's proposed balance order system is substantially similar to balance order systems currently operated by other registered clearing agencies.

By the Commission.
George A. Fitzsimmons,
Secretary.

[FR Doc. 81-23402 Filed 8-11-81; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 34-18005; File No. SR-CBOE-81-14]

Chicago Board Options Exchange, Inc.; Proposed Rule Change by Self-Regulatory Organization

In the matter of proposed rule change relating to other restrictions on options transactions and exercises; comments requested on or before September 2, 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 24, 1981, the Chicago Board Options Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Additions are italicized; deletions are bracketed.

Other Restrictions on Options Transactions and Exercises Rule 4.16. No Change.

* * * Interpretations and Policies:
.01 Whenever the issuer of a security underlying a call option traded on the Exchange is engaged or proposes to engage in a public underwritten distribution ("public distribution") of such underlying security or securities exchangeable for or convertible into such underlying security, [then the board shall] *the underwriters may request that the Exchange impose restrictions upon all opening writing transactions in such options at a "discount" (as defined below in .02) where the resulting short position will be uncovered ("uncovered opening writing transactions"). Upon receipt of such a request, the Exchange shall impose the requested restrictions [for the period commencing] as promptly as possible [at the time the Exchange is advised by such issuer or the representative of the underwriters for such distribution ("representative") or the Secretary of the Exchange is otherwise notified that the underwriters have placed or transmitted a stabilizing bid for or effected a stabilizing transaction in the underlying security on*

a national securities exchange in accordance with the Rules under the Securities Exchange Act of 1934, as amended (] but no earlier than 15 minutes after it has been announced on the floor of the Exchange]) and terminating] *and shall terminate such restrictions upon request of the underwriters or when the Exchange otherwise discovers that the stabilizing transaction by the underwriters has been terminated.* [upon termination of the stabilizing transaction by the underwriters provided that the following conditions are met:] *In addition to a request, the following conditions are necessary for the imposition of restrictions:*

- (1) Less than a majority of the securities to be publicly distributed in such distribution are being sold by existing security holders;
- (2) The [representative] underwriters agree[s] to notify the Exchange upon the termination of the [underwriters'] *their* stabilizing activities; and
- (3) The underwriters initiate stabilizing activities in such underlying security on a national securities exchange when the price of such security is either at a "minus" or "zero minus" tick..
.02 No change.

II. (A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The change in Interpretation and Policy .01 of Rule 4.16 is a realistic approach to restrictions on options at a discount in connection with a public distribution. At present the Exchange imposes restrictions when (1) the Exchange is advised by an issuer or representative of the underwriters or (2) the Secretary of the Exchange is otherwise notified that the underwriters have placed a stabilizing bid for or effected a stabilizing transaction in a security underlying an Exchange option. This approach is unrealistic because typically the Exchange does not know about stabilizing activities. Only an issuer or underwriter that desires restrictions contacts the Exchange. Consequently, the proposed change does not require the Exchange to act until it receives a request from the underwriters.

The basis under the Securities Exchange Act of 1934 for the proposed rule change is Section 6(b)(5). The change facilitates transactions in securities, while protecting investors and the public interest. It recognizes that underwriters have no motivation for contacting the Exchange about their stabilizing activities unless they desire

restrictions, which is probably when such restrictions will be the most effective in protecting the public.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe the proposed rule change will impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No comments on the proposed rule change were solicited or were received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying 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 September 2, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

August 5, 1981.

[FR Doc. 81-23464 Filed 8-11-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18006; File No. SR-NASD-81-18]

National Association of Securities Dealers, Inc.; Proposed Rule Change by Self-Regulatory Organization

In the matter of proposed rule change relating to options transactions and reports by market makers in listed securities; comments requested on or before September 2, 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 31, 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 purpose of the proposed rule is to provide for regular reporting of all option positions in securities listed on a national securities exchange by market makers in the underlying security.

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. 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 rule change, which was promulgated pursuant to a request by the Commission staff, is to provide the Association with information which

will enable it to evaluate certain aspects of off-board trading and to monitor options positions of off-board market makers in the underlying security. Section 15A(b)(6) of the Act which applies to registered securities associations, requires that "[t]he rules of the association [be] designed to prohibit fraudulent and manipulative acts and practices, to promote just and equitable principles of trade . . . [and] to remove impediments to and perfect the mechanism of a free and open market and a national market system." The Association believes that the proposed rule which is similar to those promulgated by various registered securities exchanges will allow monitoring of transactions in furtherance of this end.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will not result in a burden on competition except insofar as it imposes an additional reporting requirement upon Association members. The Association believes that any burden upon the membership is outweighed by the regulatory benefits of gathering such information to monitor potential improper trading practices.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

The Association's Rules of Fair Practice provide that Appendix E may be amended by the Board without recourse to the membership. Thus, no comments on the proposed change were solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the *Federal Register* or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing.

Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, 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 filings 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 September 2, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: August 5, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-23463 Filed 8-11-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Region VIII Advisory Council; Public Meeting

The U.S. Small Business Administration Region VIII Advisory Council, located in the geographical area of Denver, Colorado, will hold a public meeting at 9:00 a.m. on Tuesday, September 15, 1981, in the Governor's Court Hotel (formerly the Radisson Hotel), 1776 Grant Street, Denver, Colorado, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Chester B. Leedom, District Director, U.S. Small Business Administration, 721—19th Street, Room 426a, Denver, Colorado 80202; (303) 837-3673.

Dated: August 5, 1981.

Robert P. O'Malley,

Acting Director, Office of Advisory Councils.

[FR Doc. 81-23454 Filed 8-11-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY**Internal Revenue Service****1982 Tax Counseling for the Elderly Program; Availability of Application Packages**

AGENCY: Internal Revenue Service, Treasury.

ACTION: Availability of application packages.

SUMMARY: This document provides notice of the availability of Application Packages for the 1982 Tax Counseling for the Elderly program.

DATES: Application Packages are available from IRS at this time. The deadline for submitting an application package to the IRS for the 1982 Tax Counseling for the Elderly program is September 18, 1981.

ADDRESS: Application Packages may be requested by contacting: Internal Revenue Service, Tax Counseling for the Elderly Program, Taxpayer Service Division TX:T.I, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Michael J. Chovonec of the Taxpayer Service Division, Internal Revenue Service, 1111 Constitution Avenue NW.,

Washington, DC 20224, (202) 566-4904, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Authority for the Tax Counseling for the Elderly program is contained in Section 163 of the Revenue Act of 1978 (92 Stat. 2810). Regulations were published in the Federal Register at (44 FR 72113) on December 13, 1979. Section 163 gives the Internal Revenue Service authority to enter into cooperative agreements with private or public non-profit agencies or organizations to establish a network of trained volunteers to provide free tax information and return preparation assistance to elderly individuals. Elderly individuals are defined as individuals age 60 and over at the close of their taxable year.

Volunteers may receive reimbursement for expenses incurred in training and in providing tax return assistance, and sponsoring agencies and organizations may receive reimbursement for administrative expenses. Cooperative agreements will be entered into based upon competition among eligible agencies and organizations. Applications are being solicited before 1982 program funds have been appropriated by Congress, and cooperative agreements will not be

entered into unless and until funds are appropriated.

Walter M. Alt,

Director, Taxpayer Service Division.

[FR Doc. 81-23372 Filed 8-11-81; 8:45 am]

BILLING CODE 4830-01-M

Office of the Secretary

[Department Circular; Public Debt Series—No. 25-81]

Notes of B-1991; Interest Rate

August 6, 1981.

The Secretary announced on August 5, 1981, that the interest rate on the notes designated Series B-1991, described in Department Circular—Public Debt Series—No. 25-81 dated August 4, 1981, will be 14 3/4 percent. Interest on the notes will be payable at the rate of 14 3/4 percent per annum.

Gerald Murphy

Acting Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81-23464 Filed 8-11-81; 8:45 am]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register

Vol. 46, No. 155

Wednesday, August 12, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

[M-327; Aug. 10, 1981]

CIVIL AERONAUTICS BOARD.

Short notice of closed meeting.

TIME AND DATE: 2 p.m., August 11, 1981.

PLACE: Room 1012, 1825 Connecticut Avenue, NW., Washington, D.C. 20482.

SUBJECT:

1. Recent ECAC Meetings and European Negotiations. (BIA)
2. Transpacific Low Fare Case. (BIA)
3. Overview of recent international aviation developments in Argentina, Peru and Poland. (BIA)

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

[S-1218-81 Filed 8-10-81; 3:00 pm]

BILLING CODE 6320-01-M

2

[M-326,G21 Amdt. 1; Aug. 10, 1981]

CIVIL AERONAUTICS BOARD.

Notice of Addition of Items to the August 13, 1981 meeting.

TIME AND DATE: 9:30 a.m., August 13, 1981.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

- 10a. Docket 34808, Petition of Cochise Airlines for establishment of subsidy mail rates under section 406; and Docket 35035, Application of Cochise for elimination of the

*The meeting announcement M-325 dated 8/6/81 for the August 13th meeting should be M-326.

subsidy ceiling in its 401 certificate. (Memo 209-B, BDA, OCCR, OC, OGC)

10b. Dockets 36243 and 39042, Removal of a restriction on Sky West's certificate on payment of subsidy, and establishment of a final subsidy rate for service to Cedar City, Utah, and Page, Arizona. (Memo 662, BDA, OCCR, OC)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, (202) 673-5068.

[S 1219-81, Filed 8-10-81; 3:07 pm]

BILLING CODE 6320-01-M

3

[M-325; Aug. 6, 1981]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 9:30 a.m., August 13, 1981.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.
2. Request of International Weekend's Value Vacations for a waiver of certain provisions of the Board's Special Regulations. (Memo 677, 677-A, BDA, OGC, BCCP)
3. Docket 37470, *Alaska International Air, Inc., Acquisition of Control of Great Northern Airlines, Inc.*, Petition of Great Northern Pilots for Exercise of Jurisdiction. (Memo 663-A, BDA, OGC, BCCP)
4. Dockets 39820 and EAS656, Thirty Day Notice of AeroMech to suspend service between Parkersburg, West Virginia and Columbus, Ohio. (Memo 701, BDA, OCCR)
5. Dockets 39252 and 39253—Republic's notice of intent to suspend service at Marinette, Wisconsin/Menominee, Michigan and Manitowoc, Wisconsin. (BDA, OCCR)
6. Commuter carrier fitness determination of Mountain Home Air Service, Inc. d.b.a. Arkansas Traveler Airline. (Memo 698, BDA)
7. Commuter carrier fitness determination of Valley Flying Services, Inc. d.b.a. Valley Airlines. (Memo 695, BDA)
8. (1) Docket 37442, Additional Northeast/Ohio Valley-Florida Show-Cause Proceeding; (2) Docket 34291, Revised certificates for various carriers issued according to Part 203 of the Board's Economic Regulations. (Memo 700, BDA)
9. Docket 39395—*Yukon Air Service Additional Points Show-Cause Proceeding*. (Memo 513-A, BDA)
10. (1) Docket 39486—*Carrier Specific Restriction Removal Show-Cause Proceeding*; (2) Docket EAS-304—*Essential Air Transportation Determination of Tatitiek, Alaska*. (BDA)
11. Docket 38623, IATA agreements proposing revisions to international fare construction rules, passenger fares,

installment sale procedures and currency provisions. (BIA)

STATUS:

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

[S-1220-81 Filed 8-10-81; 3:07 pm]

BILLING CODE 6320-01-M

4

[M-324, Amdt. 3; Aug. 6, 1981]

CIVIL AERONAUTICS BOARD.

Notice of addition of item to the August 6, 1981 meeting.

TIME AND DATE: 9:30 a.m., August 6, 1981.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT: 1a. Dockets 35084, 39715, 39722, and 39872, Emergency Air Transportation Requirements; Application of Trans World Airlines; Application of Transamerica Airlines; Application of United Air Lines. (Memo 335-B, BDA, OGC, BCCP)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

[S-1221-81 Filed 8-10-81; 3:00 pm]

BILLING CODE 6320-01-M

5

[M-324, Amdt. 2; Aug. 5, 1981]

CIVIL AERONAUTICS BOARD.

Notice of deletion of item from the August 6, 1981 board meeting.

TIME AND DATE: 9:30 a.m., August 6, 1981.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT: 27. Request of International Weekends' Value Vacations, Inc. for waiver of certain provisions of the Board's Special Regulations. (Memo 677, 677-A, BDA, OGC, BCCP)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202-673-5068).

[S-1222-81 Filed 8-10-81; 3:09 pm]

BILLING CODE 6320-01-M

6

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Change in Date and Time of Agency Meeting.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that the open meeting of the Corporation's Board of Directors scheduled for 2:00 p.m. on Thursday, August 13, 1981, will be held instead at 2:00 p.m. on Monday, August 10, 1981, in the Board Room on the sixth floor of the FDIC Building located at 550-17th Street, N.W., Washington, D.C. No earlier notice of the change in the date and time of the meeting was practicable.

Dated: August 10, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

[S-1215-81 Filed 8-10-81; 11:20 am]

BILLING CODE 6714-01-M

7

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Change in Date and Time of Agency Meeting.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that the closed meeting of the Corporation's Board of Directors scheduled for 2:30 p.m. on Thursday, August 13, 1981, will be held instead at 2:30 p.m. on Monday, August 10, 1981, in the Board Room on the sixth floor of the FDIC Building located at 550-17th Street, N.W., Washington, D.C. No earlier notice of the change in the date and time of the meeting was practicable.

Dated: August 10, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

[S-1216-81 Filed 8-10-81; 11:22 am]

BILLING CODE 6714-01-M

8

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Agency Meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 11:00 a.m. on Friday, August 7, 1981, the Board of Directors of the Federal Deposit Insurance Corporation met in open session, by telephone conference call, to consider certain personnel matters which it determined, on motion of Chairman William M. Isaac, seconded by Mr. H. Joe Selby, acting in the place and stead of Director Charles E. Lord (Acting Comptroller of the Currency),

required its consideration on less than seven days' notice to the public.

The Board further determined, by the same majority vote, that no earlier notice of the meeting was practicable.

Dated: August 7, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

[S-1214-81 Filed 8-10-81; 11:19 am]

BILLING CODE 6714-01-M

9

FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Monday, August 17, 1981.

PLACE: 20th Street and Constitution Avenue, NW, Washington D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed acquisition of real property by a Federal Reserve Bank.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, (202) 452-3204.

Dated: August 7, 1981.

William W. Wiles,
Secretary of the Board.

[S-1212-81 Filed 8-10-81; 8:45 am]

BILLING CODE 6210-01-M

10

INTERNATIONAL BROADCASTING BOARD.

TIME AND DATE: 9:30 a.m., August 19, 1981.

PLACE: Board for International Broadcasting Conference Room, Suite 430, 1030 15th Street, N.W., Washington, D.C. 20005

STATUS: Closed, pursuant to 5 U.S.C. 552b(c)(1) 22 CFR 1302.4 (c) and (h) of the Board's rules (42 FR 9388, Feb. 16, 1977).

MATTERS TO BE CONSIDERED: Matters concerning the broad foreign policy objectives of the United States Government.

CONTACT PERSON FOR ADDITIONAL

INFORMATION: Arthur D. Levin, Budget and Administrative Officer, Board for International Broadcasting, Suite 430, 1030 15th Street, N.W., Washington, D.C. 20005, 202-254 8040.

[S 1217-81 Filed 8-10-81; 2:59 pm]

BILLING CODE 6155-01-M

11

NATIONAL SCIENCE FOUNDATION.

DATE AND TIME:

August 20, 1981

9:00 a.m., Open session.
10:30 a.m., Closed session.

August 21, 1981

9:00., Open session.
10:30 a.m., Closed session.

PLACE: National Science Foundation, 1800 G Street, N.W., Washington, D.C.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED AT THE OPEN SESSIONS:

Thursday, August 20, 9:00 a.m.

1. Minutes—Open session—227th Meeting.
2. Chairman's items.
3. Director's report.
 - a. Report on Grant and Contract Activity—June 17, 1981—August 19, 1981.
 - b. Organizational and Staff Changes.
 - c. Congressional and Legislative Matters.
 - d. NSF Budgets for Fiscal Years 1981 and 1982.
 - e. Status Report on Ocean Margin Drilling.
 - f. Status Report on International Institute for Applied Systems Analysis.
 - g. Procedural Change Regarding Provision of Peer Reviews.
 - h. Changes in Federal Government Patent Policy.
 - i. Other Items.
4. NSF Advisory Groups and Other Events.
5. Program Review—Astronomical Sciences.

Friday, August 21, 9:00 a.m.

6. Reports on Meetings of Board Committees.
7. Continuation of Discussion of NSF's Role in International Scientific Activities—Report of NSF Advisory Committee on International Programs.
8. Other Business.
9. Next Meeting—National Science Board—September 17-18, 1981.

MATTERS TO BE CONSIDERED AT THE CLOSED SESSION:

Thursday, August 20, 10:30 a.m.

- A. Minutes—Closed Session—227th Meeting.
- B. NSB Annual Reports.
- C. Alan T. Waterman Award Committee.
- D. Export of Technological Data.
- E. Draft Report of Congressional Research Service, Library of Congress, to House Committee on Science and Technology.

Friday, August 21, 10:30 a.m.

- F. Grants, Contracts, and Programs
- G. NSF Budget Requests for Fiscal Year 1983 and Subsequent Years
 1. Report on and Conclusion of June Discussion of NSF Position on Science and Engineering Education and Social and Behavioral Sciences.
 2. NSB Role in National Science Policy.

- 3. Request for Fiscal Year 1983 and Beyond.
- 4. Other.
- H. NSB and NSF Staff Nominees.

CONTACT PERSON FOR MORE

INFORMATION: Miss Vernice Anderson, Executive Secretary, (202) 357-9582.

[S-1224-81 Filed 8-10-81; 3:32 pm]

BILLING CODE 7555-01-M

12

NUCLEAR REGULATORY COMMISSION.

DATE: Week of August 10, 1981 (Revised).

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open/Closed.

MATTERS TO BE CONSIDERED:

Monday, August 10

10 a.m.—Briefing by Staff on Uncontested Issues for Diablo Canyon Low-Power Operating License. (Public meeting, as announced)

2 p.m.—Discussion of Contested Issues for Diablo Canyon Low-Power Operating License. (Closed meeting, as announced)

Tuesday, August 11

9 a.m.—Discussion of Management-Organization and Internal Personnel Matters. (Closed meeting, additional item)

10:30 a.m.—Discussion of Enforcement Action on Implementation of Plant Early

Notification Systems. (Closed meeting, as announced, but time changed)

Thursday, August 13

3:30 p.m.—Affirmation/Discussion Session. (Public meeting)

Items to be affirmed and/or discussed:
a. NRC Jurisdiction over Activities in Certain Offshore Waters.

b. Issuance of Order in TMI-1 Restart Proceeding.

c. Proposed Order: Petition to Intervene in Export to Philippines.

ADDITIONAL INFORMATION: Affirmation of Review of Director's Denial (Commonwealth Edison), scheduled for Thursday, August 6, was cancelled. Affirmations of Advance Notification of PRM to Reform MC&A Regulation of Fuel Fabrication Facilities Involving Formula Quantities of SSNM and Modifications to Immediate Effectiveness Rule with Regard to Fuel Loading and Low-Power Operating Licenses, announced for Thursday, August 13, have been cancelled.

Automatic telephone answering service for schedule update: (202) 634-1498.

Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE

INFORMATION: Walter Magee (202) 634-1410

Walter Magee,

Office of the Secretary

[S-1223-81 Filed 8-10-81; 3:24 pm]

BILLING CODE 7590-01-M

13

RAILROAD RETIREMENT BOARD.

TIME AND DATE: 10 a.m., August 18, 1981.

PLACE: Board's meeting room on the 8th floor of its headquarters building at 844 Rush Street, Chicago, Illinois 60611.

STATUS: Part of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portion open to the public

- (1) Functions and structure of the field service.
- (2) National Managers Meeting agenda.
- (3) Appeal of Excelsior Truck Leasing, Inc.

Portion closed to the public

(A) Appeal from referee's denial of disability annuity, Joseph Saputo, Jr.

CONTACT PERSON FOR MORE

INFORMATION: R. F. Butler, Secretary of the Board, COM No. 312-751-4920, FTS No. 387-4920.

[S-1213-81 Filed 8-10-81; 10:27 am]

BILLING CODE 7905-01-M

Reader Aids

Federal Register

Vol. 46, No. 155

Wednesday, August 12, 1981

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Incorporation by reference	523-4534
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United States Government Manual

	523-5230
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Automation	523-3408
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Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
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Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
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At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited. Comments should be submitted to the

Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

The "reminders" below identify documents that appeared in issues of the Federal Register 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Deadlines for Comments on Proposed Rules for the Week of August 16 through August 22, 1981

- | | | | |
|--|--|---|---|
| AGRICULTURE DEPARTMENT | | | |
| Federal Grain Inspection Service— | | | |
| 37511 | 7-21-81 / Adjustment of fees for Federal Rice Inspection Service; comments by 8-20-81 | | |
| CIVIL AERONAUTICS BOARD | | | |
| 29719 | 6-3-81 / "Joint fares" for flight using two or more carriers; statement of general policy; reply comments by 8-20-81 | | |
| COMMERCE DEPARTMENT | | | |
| National Oceanic and Atmospheric Administration— | | | |
| 37533 | 7-21-81 / Foreign fishing fees; comments by 8-20-81 [Corrected at 46 FR 38394, 7-27-81] | | |
| 40233 | 8-7-81 / Gulf of Mexico Fishery Management Council, Marathon, Fla. 8-21-81 | | |
| DEFENSE DEPARTMENT | | | |
| Office of the Secretary— | | | |
| 31663 | 6-17-81 / Enlisted administrative separations; procedures; comments by 8-17-81 | | |
| ENVIRONMENTAL PROTECTION AGENCY | | | |
| 37723 | 7-22-81 / Approval and promulgation of implementation plans; Alabama; prevention of significant deterioration regulations; comments by 8-21-81 | 37722 | 7-22-81 / Approval and promulgation of implementation plans; Wisconsin; comments by 8-21-81 |
| 36869 | 7-16-81 / Approval and promulgation of State Implementation Plan; Idaho; comments by 8-17-81 | 37057 | 7-17-81 / Proposed delayed Compliance Order for The Andersons, Toledo, Ohio; comments by 8-17-81 |
| 37525 | 7-21-81 / Approval and promulgation of Massachusetts implementation plans; comments by 8-20-81 | 31904 | 6-18-81 / Standards of performance for new stationary sources, Appendix A—reference methods; comments by 8-17-81 |
| | | FEDERAL COMMUNICATIONS COMMISSION | |
| | | 32888 | 6-25-81 / Amateur radio service provisions; comment period extended to 8-21-81 [See also 46 FR 83592, 12-19-80] |
| | | 35131 | 7-7-81 / FM broadcast station in North Muskegon, Mich.; changes in table of assignments; comments by 8-18-81 |
| | | 28681 | 5-28-81 / Operation of TV stations by remote control; reply comments by 8-19-81 |
| | | 30516 | 6-9-81 / Overseas communications services; reply comments period extended to 8-21-81 [See also 45 FR 76498, 11-19-80] |
| | | 83592 | 12-19-80 / Revision of Amateur Radio Service Rules into plain English; reply comments by 8-19-81 |
| | | 36217 | 7-14-81 / Use of subsidiary communications authorization for utility load management; reply to comments extended to 8-22-81 [See also 46 FR 31290, 6-15-81] |
| | | FEDERAL HOME LOAN BANK BOARD | |
| | | 37714 | 7-22-81 / Balloon payment mortgage loans and reverse annuity mortgage loans; comments by 8-21-81 |
| | | 37056 | 7-17-81 / Payment of interest on member deposits; comments by 8-17-81 |
| | | FEDERAL MARITIME COMMISSION | |
| | | 37739 | 7-22-81 / Financial reports of common carriers by water in the Domestic Offshore Trades; comments by 8-21-81 |
| | | HEALTH AND HUMAN SERVICES DEPARTMENT | |
| | | Food and Drug Administration— | |
| | | 38536 | 7-28-81 / Erythromycin Estolate; Extension of comment period on proposal to revoke provisions for certification of adult dosage forms; comments by 8-18-81 |
| | | 37042 | 7-17-81 / Indirect food additives; polymers; textile and textile fibers; objections by 8-17-81 |

- INTERIOR DEPARTMENT**
Fish and Wildlife Service—
- 37059 7-17-81 / Endangered and threatened wildlife and plants; proposed revision of special rule for the African elephant; comments by 8-20-81
- JUSTICE DEPARTMENT**
Attorney General—
- 36865 7-16-81 / Standards for inmate grievance procedures; comments by 8-17-81
- TRANSPORTATION DEPARTMENT**
Research and Special Programs Administration—
- 25491 5-7-81 / Definition of flammable solid; comments by 8-20-81
- TREASURY DEPARTMENT**
Revenue Sharing Office—
- 37717 7-22-81 / Fiscal assistance to State and local governments (Revenue sharing regulations); Technical amendments; comments by 8-21-81
- Deadlines for Comments on Proposed Rules for the Week of August 23 through August 29, 1981**
- AGRICULTURE DEPARTMENT**
Agricultural Marketing Service—
- 39440 6-3-81 / Milk in the Tennessee Valley Marketing Area; extension of time for filing exceptions to the recommended decision on proposed amendments to tentative marketing agreement and to order; exceptions by 8-28-81
- Animal and Plant Health Inspection Service—
- 38080 7-24-81 / Reduction in quarantine period for animals entering the U.S. through the Harry S Truman Animal Import Center; comments by 8-24-81
- Farmers Home Administration—
- 33020 6-26-81 / Energy Impacted Area Development Assistance Program; eligibility; procedural changes; comments by 8-27-81
- CIVIL AERONAUTICS BOARD**
- 35936 7-13-81 / Elimination of rules tariffs and notice to passengers of conditions of carriage; comments by 8-24-81
- COMMERCE DEPARTMENT**
International Trade Administration—
- 32431 6-23-81 / Petroleum products under short supply export controls; interim regulations to increase efficiency of controls and administration of exports; comments by 8-24-81
- National Oceanic and Atmospheric Administration—
- 35536 7-9-81 / Groundfish of the Gulf of Alaska; comments by 8-24-81
- ENERGY DEPARTMENT**
Federal Energy Regulatory Commission—
- 38935 7-30-81 / High-cost gas from tight formations; Texas; Travis Peak Formation; comments by 8-24-81
- 38934 7-30-81 / High-cost gas from tight formations; Texas; Wilcox Formation; comments by 8-24-81
- ENVIRONMENTAL PROTECTION AGENCY**
- 38937 7-30-81 / Air quality implementation plans; approval and promulgation; Illinois; comments by 8-23-81
- 38383 7-27-81 / Approval and promulgation of implementation plans—Connecticut; comments by 8-26-81
- 38365 7-27-81 / Approval and promulgation of implementation plans; Illinois plan for controlling sulfuric acid mist emissions from existing contact process sulfuric acid production plans; comments by 8-26-81
- 38381 7-27-81 / Approval and promulgation of State implementation plans; Colorado; sulfur dioxide emission limitations for oil shale production; comments by 8-26-81
- 37911 7-23-81 / California; approval and promulgation of implementation plans for Imperial County and Monterey Bay Area; comments by 8-24-81
- 37912 7-23-81 / Colorado; approval and promulgation of State Implementation Plans, nonattainment area plans; comments by 8-24-81
- 38386 7-27-81 / Designation of areas for air quality planning purposes; attainment States designations, Ohio; comments by 8-26-81
- 38387 7-27-81 / Designation of areas for air quality planning purposes; Michigan; comments by 8-26-81
- 33502 6-29-81 / Disposal of certain containerized liquid ignitable wastes in landfills until 11-19-81; interim final rule; comments by 8-28-81
- 37913 7-23-81 / Florida, Georgia, Kentucky, South Carolina, and Tennessee; Set II volatile organic compounds regulations; comments by 8-24-81
- 28680 5-28-81 / Hazardous waste disposal facilities, availability of information; comments by 8-26-81
- 33058 6-26-81 / Kansas State implementation plan for lead; comments by 8-25-81
- 38730 7-29-81 / Maryland; proposed revision of State implementation plan; comments by 8-28-81
- 38731 7-29-81 / Pennsylvania; volatile organic compound (VOC) regulations; comments by 8-28-81
- 38386 7-27-81 / Proposed approval of two administrative orders issued by Michigan Department of Natural Resources to Sand & Stone, Inc., Bay Asphalt Paving Division and Valley Asphalt Co.; comments by 8-26-81
- 32457 6-23-81 / Pyrethrins and Synergist Piperonyl Butoxide; Proposed tolerances; comments by 7-23-81
- 37915 7-23-81 / South Carolina; proposed plan revision for volatile organic compounds (VOC) compliance schedules; comments by 8-24-81
- 32456 6-23-81 / Virginia State implementation plan; proposed revision; comments by 7-23-81
- ENVIRONMENTAL QUALITY COUNCIL**
- 38389 7-27-81 / Public meeting procedures; comments by 8-26-81
- FARM CREDIT ADMINISTRATION**
- 32450 6-23-81 / Funding and fiscal affairs, loan policies and operations, funding operations; comments by 8-24-81
- 40027 8-6-81 / Loan policies and operations; comments by 8-26-81
- FEDERAL COMMUNICATIONS COMMISSION**
- 39630 8-4-81 / Automatic aviation weather reporting systems at certain airports; comments by 8-27-81
- 32281 6-22-81 / Federal-State Joint Board; Order Inviting Comments and Suggested Information Requests, Appendix A; reply comments by 8-26-81
- 34609 7-2-81 / FM broadcast station in Canton, Ill.; proposed changes in table of assignments; comments by 8-25-81
- 34608 7-2-81 / FM broadcast station in DeRidder, La.; proposed changes in table of assignments; comments by 8-25-81
- 35130 7-7-81 / FM Broadcast station in Emporia, Kansas; changes in table of assignments; reply comments by 8-27-81
- 35129 7-7-81 / FM broadcast station in Eureka Springs, Ark.; proposed changes in table of assignments; reply comments by 8-27-81
- 34605 7-2-81 / FM broadcast station in Leone, American Samoa; proposed changes in table of assignments; comments by 8-25-81

- 35132 7-7-81 / FM broadcast station in Lowville, N.Y.; changes in table of assignments; comments by 8-28-81
- 35133 7-7-81 / FM broadcast station in Midland, Texas; changes in table of assignments; comments by 8-28-81
- 34606 7-2-81 / FM broadcast station in Petal, Miss.; proposed changes in table of assignments; comments by 8-25-81
- 34603 7-2-81 / FM broadcast station in St. Johns, Arizona; proposed changes in table of assignments; comments by 8-25-81
- 34607 7-2-81 / FM broadcast station in Sidney, N.Y.; proposed changes in table of assignments; comments by 8-25-81
- 31695 6-17-81 / FM Broadcast Station, Madison, Minn.; changes in table of assignments; reply comments by 8-28-81
- 35127 7-7-81 / FM broadcast stations in Yuma, Ariz.; proposed changes in table of assignments; comments by 8-28-81
- 39682 8-4-81 / Transmission of call signs by stations in the radiolocation service, reply comments by 8-28-81
- HEALTH AND HUMAN SERVICES DEPARTMENT**
Food and Drug Administration—
- 38503 7-28-81 / Antibiotic drugs; cephalothin sodium; comments by 8-27-81
- 38500 7-28-81 / Caramel color additive for general use in cosmetics; objections by 8-27-81
- 33053 6-26-81 / Reduced calorie labeling for bread; comments by 8-25-81
- HISTORIC PRESERVATION ADVISORY COUNCIL**
- 38379 7-27-81 / Freedom of Information Act; implementation regulations; comments by 8-26-81
- INTERIOR DEPARTMENT**
Fish and Wildlife Service—
- 18666 3-25-81 / Proposed 1981-82 migratory game bird hunting regulations (preliminary); comments for late season proposals by 8-24-81
- 36058 7-13-81 / Supplemental proposals for early season migratory bird hunting regulations frameworks (late season); comments by 8-24-81
- INTERSTATE COMMERCE COMMISSION**
- 38488 7-27-81 / Motor carriers of property; minimum amounts of bodily injury and property damage liability insurance; comments by 8-26-81
- NUCLEAR REGULATORY COMMISSION**
- 35522 7-9-81 / Ionizing radiation measuring instruments exemption; Americium-241; comments by 8-24-81
- TRANSPORTATION DEPARTMENT**
Federal Aviation Administration—
- 39444 8-3-81 / Control zone; proposed alteration; Champaign, Ill.; comments by 8-27-81
- 38062 7-23-81 / Parts manufacturer approval; falsification of airworthiness certification documents; initial comments by 8-24-81
[See also 46 FR 3776, 1-15-81]
- 39444 8-3-81 / Transition area; Proposed alteration, Hillsboro, Wisc.; comments by 8-27-81
- 39443 8-3-81 / Transition area; proposed designation; Grand Ledge, Mich.; comments by 8-27-81
National Highway Traffic Safety Administration—
- 37952 7-23-81 / Motor vehicle safety standards; deletion of requirement for separate reservoir capable of releasing parking brakes; comments by 8-24-81
- TREASURY DEPARTMENT**
Internal Revenue Service—
- 32598 6-24-81 / Estate taxes; transfer certificates in nonresident estates; comments by 8-24-81
- 27968 5-22-81 / Income tax; consolidated return regulations; comments by 8-26-81
- VETERANS ADMINISTRATION**
- 38547 7-28-81 / Educational benefits; effective date for increase in educational assistance allowance; comments by 8-26-81
- 38540 7-28-81 / Health Services Review Organization; comments by 8-27-81
- 38539 7-28-81 / Income and net worth questionnaires; comments by 8-26-81
- Next Weeks Meetings:**
- ARTS AND HUMANITIES, NATIONAL FOUNDATION**
- 39255 7-31-81 / Design Arts Panel (Design Demonstration Section), Washington, D.C. (closed), 8-19 and 8-20-81
- 39255 7-31-81 / Design Arts panel (Fellowship Section), Washington, D.C. (closed), 8-17 and 8-18-81
- 39259 7-31-81 / Humanities Panel, Washington, D.C. (closed), 8-21 and 8-25-81
- 38794 7-29-81 / Media Arts Panel (Media Art Centers), Washington, D.C. (closed), 8-19 and 8-20-81
- 38191 7-24-81 / Musical Advisory Panel, Opera-Musical Theatre Section, Washington, D.C. (closed) 8-19 through 8-21-81
- CIVIL RIGHTS COMMISSION**
- 34612 7-2-81 / Massachusetts Advisory Committee, Boston, Mass. (open), 8-20-81
See also Room and time charge, 46 FR 39637.
- 39637 8-4-81 / Massachusetts Advisory Committee, Boston, Mass. (open), 8-20-81, room and time charge
- 38113 7-24-81 / Minnesota Advisory Committee, St. Paul Minn. (open), 8-21-81
- 37066 7-17-81 / Missouri Advisory Committee, St. Joseph, Missouri (open), 8-17-81
- 38941 7-30-81 / Wyoming Advisory Committee, Casper, Wyo., (open), 8-22-81
- COMMERCE DEPARTMENT**
- 35139 International Trade Administration—
- 7-7-81 / Numerically Controlled Machine Tool Technical Advisory Committee, Washington, D.C. (open), 8-19-81
- National Oceanic and Atmospheric Administration—
- 35953 7-13-81 / Pacific Fishery Management Council, Scientific and Statistical Committee and Salmon Subpanel, Tacoma, Wash. (open), 8-21 and 8-22-81
- DEFENSE DEPARTMENT**
- 32303 6-22-81 / National Hydropower Study, Fort Belvoir, Va. (open), 8-16 through 8-22-81
Navy Department—
- 38950 7-30-81 / Chief of Naval Operations Executive Panel Advisory Committee, San Diego, Calif. (closed), 8-17 and 8-18-81
Office of the Secretary—
- 31918 6-18-81 / Wage Committee, Washington, D.C. (closed), 8-18-81
- EDUCATION DEPARTMENT**
- 39197 7-31-81 / Financing Elementary and Secondary Education Advisory Panel, Washington, D.C. (open), 8-18 and 8-19-81
- ENVIRONMENTAL PROTECTION AGENCY**
- 35783 7-10-81 / Twin Oak Steam Electric Station, Robertson County, Tex., draft environmental impact statement; Franklin, Tex., (open), 8-18-81
- FEDERAL COMMUNICATIONS COMMISSION**
- 39215 7-31-81 / Marine Services Radio Technical Commission, Washington, D.C. (open), 8-19 and 8-20-81
- FEDERAL PREVAILING RATE ADVISORY COMMITTEE**
- 36245 7-14-81 / Wash., D.C. (open), 8-20-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

- 40328 8-7-81 / Miscellaneous Internal Drug Products Panel, Rockville, Md. (open), 8-21 through 8-23-81 and 8-24-81 if necessary

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

- 39039 7-30-81 / President's Commission on Housing, Washington, DC. (open), 8-18-81
Office of the Secretary—
- 37566 7-21-81/President's Commission on Housing, Washington, D.C. (open), 8-18-81

INTERIOR DEPARTMENT

Geological Survey—

- 36212 7-14-81/Arctic National Wildlife Refuge oil and gas exploration, (open), 8-17-81, Fairbanks Alaska, and 8-19-81, Kaktovik, Alaska

Land Management Bureau—

- 39042 7-30-81/Baker District Advisory Council, Baker, Oreg. (open), 8-19-81
- 36761 7-15-81/Cedar City District Multiple Use Advisory Council, Cedar City, Utah (open), 8-18-81
- 38760 7-29-81/Roswell District Grazing Advisory Board, Roswell, N. Mex. (open), 8-19-81

JUSTICE DEPARTMENT

- 40108 8-6-81 / Attorney General's Task Force on Violent Crime, Washington, D.C. (open), 8-17 and 8-18-81

NUCLEAR REGULATORY COMMISSION

- 39920 8-5-81 / Reactor Safeguards Advisory Committee, Tokyo, Japan (closed), 8-22 through 8-28-81

OCEANS AND ATMOSPHERE, NATIONAL ADVISORY COMMITTEE

- 40108 8-6-81 / Meeting, Washington, D.C. (open), 8-17 through 8-21-81

VETERANS ADMINISTRATION

- 35241 7-7-81 / Health-Related Effects of Herbicides Advisory Committee, Washington, D.C. (open), 8-19-81
- 36984 7-18-81 / Station Committee on Educational Allowances, Muskogee, Okla. (open), 8-13-81; and Nashville, Tenn. (open), 8-18-81 (2 documents)

Next Week's Public Hearings**FEDERAL PAY ADVISORY COMMITTEE**

- 38549 7-28-81 / Meeting, Washington, D.C., 8-20-81

INTERIOR DEPARTMENT

Land Management Bureau—

- 38147 7-24-81 / Land in Wyoming and Montana, draft environmental impact statement, Casper, Wyo., 7-30-81; Billings Mont., 8-19-81 and Broadus, Mont., 8-20-81

VETERANS ADMINISTRATION

- 38617 7-28-81 / Station Committee on Education Allowances, Nashville, Tenn., 8-21-81

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

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Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the Federal Register during the previous week.

DEADLINES FOR COMMENTS ON PROPOSED RULES

- 39976 8-5-81 / HHS/PHS—Obligated service for mental health traineeships; comments by 11-3-81

APPLICATIONS DEADLINES

- 39640 8-4-81 / ED—Consumers Education Program; cancellation of grant awards for Fiscal Year 1981
- 40068 8-6-81 / ED Office of Elementary and Secondary Education—Follow through program; continued funding for resource centers; apply by 9-4-81

MEETINGS

- 39475 8-3-81 / HHS/NIH—National Advisory Allergy and Infectious Diseases Council, Allergy and Immunology Subcommittee, Microbiology and Infectious Diseases Subcommittee, Bethesda, Md. (partially open), 9-24 and 9-25-81
- 39476 8-3-81 / HHS/NIH—National Advisory Child Health and Human Development Council, Bethesda, Md. (partially open), 10-5 and 10-6-81
- 39476 8-3-81 / HHS/NIH—Population Research Committee, National Institute of Child Health and Human Development, Bethesda, Md. (partially open), 11-12 and 11-13-81
- 39770 8-4-81 / HHS/NIH—Recombinant DNA Advisory Committee, Bethesda, Md. (partially open), 9-9 through 9-11-81
- 39920 8-5-81 / NFAH—Arts and Humanities, Presidential Task Force, Los Angeles, Calif. (open), 8-16 and 8-17-81
- 40109 8-6-81 / NFAH—Humanities Panel, Washington, D.C. (closed), August and September 1981
- 39709 8-4-81 / NFAH—Music Panel (Jazz Section), Washington, D.C., 8-24 through 8-29-81

OTHER ITEMS OF INTEREST

- 40067 8-6-81 / CSA—Decision to fund 7 conduit migrant and seasonal farmworker community food and nutrition programs
- 40170 8-6-81/DOT/FHA Urban Transportation Planning; effective date 7-30-81
- 40170 8-6-81/DOT/UMTA Urban Transportation Planning; effective date 7-30-81
- 39804 8-4-81/ED—Cooperation education, supplemental funds program
- 39784 8-4-81/ED—Cooperative education program
- 39778 8-4-81/ED—Veterans' cost-of-instruction payments program
- 39590 8-4-81/EPA—State and local assistance; program grants class deviation
- 39770 8-4-81/HHS/NIH—Recombinant DNA Research; Proposed Actions under guidelines; comments by 9-3-81
- 39976 8-5-81/HHS/PHS—Obligated service for mental health traineeships; interim rule effective 8-5-81
- 39901 8-5-81/ICA—Invitation to consult on development of international exchange program concepts
- 39481 8-3-81/Interior/NPS—Urban Park and Recreation Recovery Program; Grant round cancellation

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