

# Federal Register

Wednesday  
August 26, 1981

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## Highlights

- 43036 **Estate Taxes** Treasury/IRS modifies regulations on special use valuation of farm and closely held business real estate for Federal estate tax purposes.
- 43058 **Veteran's Credit** VA proposes to charge interest and administrative costs on delinquent debts and to charge interest on the unpaid balance of debts paid in installments.
- 43037 **Equal Employment Opportunity** EEOC finalizes procedural regulations on filing and deferral of charges of discrimination.
- 43068 **Administrative Practice and Procedure** FCC proposes awarding attorney's fees to qualified parties who prevail over the government in agency proceedings.
- 43057 **Air Transportation** CAB issues supplemental notice of proposed rulemaking on consumer protection notice requirements.
- 43114 **Motor Carriers** ICC issues notice of declaratory order proceeding on used pallet, container, and shipping devices exemption from the Motor Carrier Act of 1980.
- 43080 **Coal Exports** DOE issues notice of final results of the Interagency Coal Export Task Force inquiry.

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## Highlights

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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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# Rules and Regulations

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

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

## CIVIL AERONAUTICS BOARD

### 14 CFR Part 207

[Regulation ER-1238; Amdt. No. 31]

**Charter Trips and Special Services Revised Reporting Requirements; Approval by Office of Management and Budget**

**AGENCY:** Civil Aeronautics Board.

**ACTION:** Final rule.

**SUMMARY:** This final rule gives notice that on July 16, 1981, the Office of Management and Budget (OMB) approved the revised reporting requirements in Part 207 of the Board's Economic Regulations (ER-1221, 46 FR 28368) May 26, 1981, governing charter trips by U.S. certificated scheduled air carriers. OMB approval is required under the Paperwork Reduction Act of 1980.

**DATES:** Adopted: August 19, 1981.  
Effective: August 19, 1981.

**FOR FURTHER INFORMATION CONTACT:** Clifford M. Rand, Chief, Data Requirements Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-6042.

#### SUPPLEMENTARY INFORMATION:

#### PART 207—CHARTER TRIPS AND SPECIAL SERVICES

Accordingly, the Civil Aeronautics Board amends Part 207 of its Economic Regulations (14 CFR Part 207) by revising the note at the end of Part 207 to read:

**Note.**—The reporting and recordkeeping requirements contained in §§ 207.8, 207.10, 207.16, 207.17(a), 207.24, 207.25, 207.31, 207.41, 207.45, 207.46 and 207.47 have been approved by the Office of Management and Budget under number 3024-0011.

This amendment is issued by the undersigned pursuant to delegation of

authority from the Board to the Secretary in 14 CFR 385.24(b). (Sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324).

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-24885 Filed 8-25-81; 8:45 am]

BILLING CODE 6320-01-M

## 14 CFR Part 208

[Regulation ER-1239; Amdt. No. 31]

**Terms, Conditions, and Limitations of Certificates to Engage in Charter Transportation; Revised Reporting Requirements; Approval by Office of Management and Budget**

**AGENCY:** Civil Aeronautics Board.

**ACTION:** Final rule.

**SUMMARY:** This final rule gives notice that on July 16, 1981, the Office of Management and Budget (OMB) approved the revised reporting requirements in Part 208 of the Board's Economic Regulations (ER-1222, 46 FR 28378) May 26, 1981, governing charter trips by U.S. certificated charter air carriers. OMB approval is required under the Paperwork Reduction Act of 1980.

**DATES:** Adopted: August 19, 1981.  
Effective: August 19, 1981.

**FOR FURTHER INFORMATION CONTACT:** Clifford M. Rand, Chief, Data Requirements Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-6042.

#### SUPPLEMENTARY INFORMATION:

#### PART 208—TERMS, CONDITIONS, AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN CHARTER TRANSPORTATION

Accordingly, the Civil Aeronautics Board amends Part 208 of its Economic Regulations (14 CFR Part 208) by revising the note at the end of Part 208 to read:

**Note.**—The reporting and recordkeeping requirements contained in sections 208.3a, 208.5, 208.40, 208.202a, 208.202b, 208.204, 208.211 and 208.216 have been approved by the Office of Management and Budget under number 3024-0001.

This amendment is issued by the undersigned pursuant to delegation of authority from the Board to the

Secretary in 14 CFR 385.24(b). (Sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324).

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-24886 Filed 8-25-81; 8:45 am]

BILLING CODE 6320-01-M

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Parts 1 and 7

[T.D. 7758]

**Income Tax; Taxable Years Beginning After December 31, 1953 and Temporary Income Tax Regulations Under the Tax Reform Act of 1976; Election To Treat Outdoor Advertising Displays as Real Property; Correction**

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Correction to final rule.

**SUMMARY:** This document corrects a typographical error in the publication of Treasury decision 7758 relating to the election to treat outdoor advertising displays as real property.

**EFFECTIVE DATE:** This correction is effective as of the same date as Treasury decision 7758, which is taxable years beginning after December 31, 1970.

**FOR FURTHER INFORMATION CONTACT:** Douglas W. Charnas of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR:T, 202-566-3297.

#### SUPPLEMENTARY INFORMATION:

#### Background

On January 22, 1981, the Federal Register published Treasury decision 7758 (46 FR 6924). That Treasury decision adopted final regulations under section 1033 of the Internal Revenue Code of 1954, relating to the making of an election to treat property that constitutes certain outdoor advertising displays as real property for income tax purposes.

#### Need for Correction

A typographical error was made in the instructions to paragraph 5 as set forth

in the full text of the Treasury decision. This document corrects this error by changing "Paragraph (c)(6)" to "Paragraph (c)(5)".

#### Drafting Information

The principal author of this correction is Douglas W. Charnas of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service.

#### Correction of Treasury Decision

Accordingly, FR Doc. 81-2305 (46 FR 6924) is corrected as follows:

In Par. 5 on page 6926 "Paragraph (c)(6)" is changed to "Paragraph (c)(5)".

David E. Dickinson,

Director, Legislation and Regulations Division.

[FR Doc. 81-2405 Filed 8-25-81; 8:45 am]

BILLING CODE 4830-01-M

#### 26 CFR Part 15a

[T.D. 7768]

#### Temporary Income Tax Regulations; Installment Sales—General Rules; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations; correction.

**SUMMARY:** This document corrects a technical error in the publication of temporary regulations (Treasury Decision 7768) relating to the general rules for reporting gains from installment sales that were published at 46 FR 10708, February 4, 1981. The text of those temporary regulations also served as the text for a notice of proposed rulemaking.

**FOR FURTHER INFORMATION CONTACT:** Phoebe A. Mix of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR:T, 202-566-3297, not a toll-free call.

#### SUPPLEMENTARY INFORMATION:

##### Background

On February 4, 1981, the Federal Register published Treasury Decision 7768 (46 FR 10708) which prescribed temporary regulations relating to general rules for reporting gains from installment sales. The text of the temporary regulations also served as the text of the proposed regulations under 26 CFR Part 1 (46 FR 10749).

##### Need for Correction

Treasury Decision 7768 must be corrected to add the part heading and a

table of contents for Part 15a (Temporary Income Tax Regulations Under the Installment Sales Revision Act).

#### Drafting Information

The principal author of this correction notice is Phoebe A. Mix of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service.

#### Correction of Treasury Decision

Accordingly, FR Doc. 81-4141 (46 FR 10708) is corrected as follows:

1. On page 10709, in the second column, the amendatory language in the paragraph titled *Proposed amendments to the regulations* is removed and replaced with the following new amendatory language, part heading, table of contents, and authority cite:

##### *Amendments to the Regulations*

A new part, Part 15a, is added in the appropriate place to Title 26 of the Code of Federal Regulations:

#### PART 15a—TEMPORARY INCOME TAX REGULATIONS UNDER THE INSTALLMENT SALES REVISION ACT

Sec.

15a.453-0 Taxable years affected.

15a.453-1 Installment method reporting for sales of real property and casual sales of personal property.

15a.453-2 Installment obligations received as liquidating distribution. [Reserved]

Authority: Sections 453 and 7805 of the Internal Revenue Code of 1954 (94 Stat. 2251, 68A Stat. 917; 26 U.S.C. 453 (i), 7805).

##### §§ 15a.453-0, 15a.453-1 [Corrected]

2. On page 10709, correct "§ 15A.453-0" to read "§ 15a.453-0" and correct "§ 15A.453-1" to read "§ 15a.453-1" where ever they appear.

##### § 15a.453-2 [Corrected]

3. On page 10710, column two, correct § 15A.453-2" to read "§ 15a.453-2."

David E. Dickinson,

Director, Legislation and Regulations Division.

[FR Doc. 81-2405 Filed 8-25-81; 8:45 am]

BILLING CODE 4830-01-M

#### 26 CFR Part 20

[T.D. 7786]

#### Special Use Valuation of Certain Farm and Closely Held Business Real Property for Estate Tax Purposes

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final rule.

**SUMMARY:** This document modifies portions of the existing regulations relating to special use valuation of farms and closely held business real estate for Federal estate tax purposes. The document removes certain restrictive provisions from the regulations and affects estates consisting largely of farm and other closely held business interests and heirs receiving such property from the estates.

**DATES:** The regulations are effective for estates of decedents dying after December 31, 1976.

#### FOR FURTHER INFORMATION CONTACT:

Fred E. Grundeman of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention CC:LR:T 202-566-3287, not a toll-free number.

#### SUPPLEMENTARY INFORMATION:

##### Background

The regulations at § 20.2032A-3(b)(1) require (1) that a qualified heir receive or acquire a "present interest" in property before it may be considered qualified real property, and (2) that the decedent have an equity interest in the operation of the farm or other business.

It has been concluded that the present interest requirement should not apply if all the potential beneficiaries and remaindermen of a discretionary trust are members of the decedent's family and, therefore, would have been qualified heirs if the property passed to them directly. It has also been determined that the equity interest requirement may be satisfied by either the decedent or a member of the decedent's family. Thus, a passive rental of a farm by a decedent to a member of the decedent's family should not disqualify the property from special use valuation.

The purpose of this regulation is to implement these decisions.

Because this regulation is liberalizing in nature, it is found unnecessary to issue this Treasury decision with notice and public procedure. At a future date the regulations will be revised to provide guidance where the parties involved include persons other than qualified heirs and members of the decedent's family.

##### Regulatory Flexibility Act

The Internal Revenue Service has concluded that this Treasury decision is liberalizing in nature and publishable without public hearing and comment and, therefore, the notice and public procedure requirements of 5 U.S.C. 553

do not apply. Accordingly, these regulations do not constitute regulations subject to the Regulatory Flexibility Act [5 U.S.C. chapter 6].

#### Drafting Information

The principal author of these regulations is Fred E. Grundeman of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and the Treasury Department participated in developing the regulations, both on matters of substance and style.

#### Adoption of Amendments to the Regulations

### PART 20—ESTATE TAX; ESTATES OF DECEDENTS DYING AFTER AUGUST 16, 1954

Accordingly, 26 CFR Part 20 is amended as follows:

#### § 20.2032A-3 [Amended]

Paragraph 1. Section 20.2032A-3(b)(1) is revised by removing the third sentence; by inserting the phrase "to a party other than a member of the decedent's family" immediately after the word "property" in the ninth sentence; and by inserting the phrase "or a member of the decedent's family" immediately after the word "decedent" in the tenth sentence.

#### § 20.2032A-8 [Amended]

Par. 2. Section 20.2032A-8(a)(2) is revised by removing the last 2 sentences and inserting in lieu thereof the following.

\* \* \* Where successive interests in specially valued property are created, remainder interests are treated as being received by qualified heirs only if such remainder interests are not contingent upon surviving a nonfamily member or are not subject to divestment in favor of a nonfamily member.

Because this regulation is liberalizing in nature it is found unnecessary to issue it with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 [68A Stat. 917; 26 U.S.C. 7805].

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: July 7, 1981.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 81-24652 Filed 8-25-81; 8:45 am]

BILLING CODE 4830-01-M

## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

### 29 CFR Part 1601

#### Procedural Regulations on Filing and Deferral of Charges of Discrimination

**AGENCY:** Equal Employment Opportunity Commission.

**ACTION:** Final rule.

**SUMMARY:** The Equal Employment Opportunity Commission published an interim revision to its procedural regulation on the filing and deferral of charges of discrimination on December 9, 1980 (45 FR 81039). After consideration of all submitted comments and with appropriate modifications, the interim revision is republished in final form.

**EFFECTIVE DATE:** These regulations are effective August 26, 1981.

**FOR FURTHER INFORMATION CONTACT:** Anthony J. De Marco, Acting Associate General Counsel (tele: 202-634-6595) or Thomas J. Schlageter (tele: 202-653-5490), Legal Counsel Division, EEOC, 2401 E Street, N.W., Washington, D.C. 20506.

**SUPPLEMENTARY INFORMATION:** On December 9, 1980, the Equal Employment Opportunity Commission published a revision to its Title VII procedural regulation on filing and deferral located at 29 CFR 1601.13 (1979) (45 FR 81039, December 9, 1980). Although the revised regulation was effective immediately on an interim basis, comments were requested for consideration prior to republication of the revised regulation in final form.

The interim regulation was necessitated by the partial invalidation of former § 1601.13 by the Supreme Court in *Mohasco Corp. v. Silver*, 447 U.S. 807 (1980). The interim regulation provided that a deferred charge could not be filed with EEOC until after the expiration of the statutory deferral period unless there was an earlier termination of state proceedings or a waiver of the right to exclusive processing by the state. The interim regulation also provided, in reliance upon the language of *Mohasco* and *Oscar Mayer & Co. v. Evans*, 441 U.S. 750 (1979), that charges which arise in deferral jurisdictions and which are apparently untimely under state or local statutes of limitations may still be timely filed with the EEOC within 300 days after the date of the alleged violation. The remaining subsections were rearrangements, clarifications and editorial changes to the prior regulation. The Commission received 12 comments and carefully considered each one. The

major suggestions and objections are discussed below.

Several correspondents objected to revised subsection (a)(3) which provides that an apparently untimely state or local charge may be a timely federal charge if filed with EEOC within 300 days of the alleged violation. It is argued that this provision is not supported by *Mohasco* or *Oscar Mayer*, that it ignores caselaw to the contrary, that it encourages the bypassing of 706 agencies and that it fortuitously and unfairly confers upon persons in deferral jurisdictions a longer filing period than persons in nondeferral jurisdictions. After further consideration, the Commission has decided that interim (a)(3) correctly states the law.

In *Mohasco*, the Supreme Court rejected the Eighth Circuit's holding in *Olson v. Rembrandt Printing Co.*, 511 F.2d 1228 (8th Cir. 1975). The Eighth Circuit had held that a charging party must file with a 706 Agency within 180 days or within the state or local statute of limitations, whichever is longer, in order to receive the benefit of the 300 day federal filing period. The Supreme Court stated that Congress did not, in section 706(e), require that a charge be filed with a 706 Agency within any specific time after the alleged violation as a condition to invoking the 300-day limitations period for filing with EEOC in deferral jurisdictions and that courts should not read into that section a time limitation which Congress had not seen fit to include. *Mohasco Corp. v. Silver*, 447 U.S. 807, 814 n.16, 816 n.19 (1980). The Court at footnote 16 also rejected the First Circuit's holding in *Ciccione v. Textron, Inc.*, 616 F.2d 1216 (1st Cir. 1980) for employing the same approach under similar provisions in the Age Discrimination in Employment Act, 29 U.S.C. 621-634. In *Oscar Mayer*, the Court construed similar provisions in the Age Discrimination in Employment Act and approved the federal filing of an untimely state charge (the state charge was not filed within the 120 day state limit or within 180 days of the alleged violation). The court held that state or local limitations periods could not govern the efficacy of the federal remedy. *Id.* at 762. The court refused to attribute to Congress the intent to incorporate state and local statutes of limitations by implication or to consign federal lawsuits to the vagaries of diverse state limitations statutes. *Id.* at 763. *Mohasco* and *Oscar Mayer* indicate that complainants in deferral jurisdictions are entitled to the extended 300 day federal filing period even if they do not timely file with an appropriate 706 Agency.

The case law supports this view and any pre-Mohasco case law to the contrary is no longer valid. In *Bean v. Crocker National Bank*, 600 F.2d 754 (9th Cir. 1979), the Ninth Circuit held that an ADEA plaintiff in a deferral jurisdiction was entitled to the extended 300 day federal filing period even though he did not timely file with a 706 Agency (no state charge was filed within the 706 Agency's one year limitations period). In *Ewald v. Great Atlantic & Pacific Tea Co.*, 620 F.2d 1183 (6th Cir. 1980), the Sixth Circuit affirmed the dismissal of an ADEA claim on the grounds that the plaintiff failed to file a federal charge within 180 days. The court rejected the Ninth Circuit's conclusion in *Bean* and held that a complainant was not entitled to the 300 day period unless he had filed with a 706 Agency within 180 days of the alleged violation. *Accord Ciccone v. Textron, Inc.*, 616 F.2d 1216 (1st Cir. 1980); *Davis v. Calgon Corp.*, 627 F.2d 674, (3d Cir. 1980). The Supreme Court vacated the judgments in both *Ewald* and *Ciccone* and remanded the cases for further consideration in light of *Mohasco*. *Ewald v. Great Atlantic & Pacific Tea Co.*, 101 S.Ct. 311 (1980); *Ciccone v. Textron Corp.*, 101 S.Ct. 311 (1980). On remand, the Sixth Circuit reversed the district court's dismissal of the complaint as untimely. *Ewald v. Great Atlantic & Pacific Tea Co.*, Docket No. 77-1600 (6th Cir., Jan. 6, 1981). On remand, the First Circuit cited *Mohasco* for the proposition that in deferral jurisdictions, a claimant is allowed 300 days to file with EEOC even though he fails to file with a 706 Agency within 180 days of the alleged violation. *Ciccone v. Textron Corp.*, 25 EPD ¶ 31598 (1st Cir. 1981). The court held "on the authority of *Mohasco* that the longer period of 300 days is to be allowed for federal filing in deferral states." *Id.* at p. 19458. On a rehearing of *Davis*, the Third Circuit found that the Supreme Court's statements in *Mohasco* controlled disposition of the issue and held that a complainant in a deferral jurisdiction is entitled to the extended federal filing period regardless of whether he has filed with the appropriate 706 Agency within 180 days of the alleged violation. *Davis v. Calgon Corp.*, 627 F.2d 674, 677 (3d Cir. 1980). The Second Circuit has also adopted the position that the 300 days period is available to complainants in deferral jurisdictions even though no charge was filed with a 706 Agency within 180 days of the alleged violation. *Goodman v. Heublein Inc.*, Docket No. 567 (2d Cir., March 25, 1981). Most recently, the Fifth Circuit has relied on *Mohasco* for the proposition that complainants in deferral jurisdictions

are entitled to the 300 day federal filing limit and that the general rule requiring filing within 180 days is not applicable in such cases. *Friel v. Transamerica Airlines, Inc.*, Docket No. 80-7325 (5th Cir., April 28, 1981). Accordingly, the case law supports the availability of the extended filing period in deferral jurisdictions without regard to the timeliness of state or local filing.

This regulation will not encourage the deliberate bypass of state and local remedies. No reason suggests itself why an individual would wish to forego an available state or local remedy. Most persons would prefer two separate opportunities for administrative relief to one. It is our experience that most persons file charges as soon as they discover the discrimination or as soon as they learn of their rights to file a charge. A deliberate bypass of state or local remedies will not expedite a charging party's access to court. The charge must still be processed by the Commission and any time expended in waiting for the local limitations period to expire is likely to exceed the 60 day deferral period. The risk of bypass appears negligible. See *Oscar Mayer & Co. v. Evans*, 441 U.S. 750, 764 (1979).

This regulation does not confer a "fortuitous" benefit on persons who live in deferral jurisdictions. Any difference in treatment based upon geographic location is mandated by the statute which provides the two different filing periods. Our correspondents urge that the availability of the extended period should depend upon whether the charging party has complied with the applicable state or local statute of limitations. The timeliness of a state or local charge as the factor which determines the existence of a federal right under Title VII appears to have been firmly rejected by the Supreme Court in *Oscar Mayer* and *Mohasco* and by the Circuit courts cited above. The regulation does not create or confer any fortuitous benefits but rather follows from a plain, literal construction of the section. For the foregoing reasons, no change is made in subsection (a)(3).

Several correspondents have objected to the legality of 706 Agency waivers of the right to exclusive processing or to EEOC's filing of a charge after a waiver but before 60 days have passed in light of *Mohasco*. The factual situation in *Mohasco* did not involve such a waiver. A waiver of exclusive processing does not conflict with the *Mohasco* court's specific concerns that the 706 Agency be given a limited opportunity to redress employment grievances and that all charges be promptly processed. In a waiver situation, the 706 Agency has the

opportunity to process the charge if it so elects and those charges which the 706 Agency chooses not to pursue are promptly processed by the Commission. *Mohasco* does not cast doubt upon such a waiver. Waivers with the consent of the charging party and the consequent attaching of federal jurisdiction have been explicitly and implicitly approved by many courts. *Love v. Pullman Co.*, 404 U.S. 522, 526 (1972); *EEOC v. U.S. Fidelity & Guaranty Trust Co.*, 13 FEP Cases 990, 10 EPD ¶ 10549 (D. Md. 1975), *aff'd*, 538 F. 2d 324 (4th Cir.) *cert. denied*, 429 U.S. 1023 (1976); *White v. Dallas Independent School District*, 581 F. 2d 556, 561 n.7 (5th Cir. 1978); *Barela v. United Nuclear Corporation*, 462 F. 2d 149, 151-152 (10th Cir. 1972); *Waters v. Heublein Inc.*, 547 F. 2d 466, 469 (9th Cir. 1976), *cert. denied*, 433 U.S. 915 (1977).

Every court addressing the issue has held that when a 706 Agency has waived its authority to exclusively process a charge, state proceedings have terminated within the meaning of section 706(c) and the charge may be immediately filed with EEOC. *Yeung v. Lockheed Missiles & Space Co.*, 24 FEP Cases 1070 (N.D. Calif. 1980) (California's waiver of exclusive jurisdiction to process charges such as plaintiff's pursuant to work-sharing agreement with the EEOC, "terminates" its proceedings under section 706(c) for purpose of determining when charge is deemed filed with EEOC); *Cattell v. Bob Frenley Ford, Inc.*, 24 FEP Cases 1290, (M.D. Tenn. 1980) (Tennessee FEPC's deferral of initial consideration of complaint to EEOC, in accordance with work-sharing agreement, constitutes termination of proceedings under section 706(c); state agency effectively waived its jurisdiction); *EEOC v. Western States Machine Co.*, 17 FEP Cases 1356, 1357, 17 EPD ¶ 8435 at 6293-94 (S.D. Ohio 1978) (FEPC's agreement not to process charges which the EEOC wished to handle in accord with well-settled law that a state may waive its statutory "obligations" and the EEOC may then proceed); *Lombardi v. Margolis Wine & Spirits, Inc.*, 465 F. Supp. 99, 101 (E. D. Pa. 1979) ("Virtually anything the State agency does of its own initiative in order to be rid of a case may be sufficient to pass jurisdiction on to the EEOC via section 2000e-5(c)."); *Eldredge v. Carpenters Local 46*, 440 F. Supp. 506, 515 (N.D. Calif. 1977) ("Section 2000e-5(c) \* \* \* is satisfied by \* \* \* reference of the matter to the state agency by EEOC, followed by notification from the state agency that it will take no action."). The Commission is not aware of any conclusive case law to the contrary.

Therefore, after due consideration, no substantive change in this regard will be made in the regulation.

Three correspondents commented on the need for clarification of subsection (b)(1). One suggested that the term "institution of state proceedings" be defined. Another thought that filing 60 days after state proceedings have been instituted could be construed as only allowing a 59 day deferral period. (This comment is equally applicable to subsections (a)(5)(ii)(B) and (b)(2)(ii).) It is evident from these comments that the Commission's intent was not clearly stated. Subsection b(1) (as well as subsections (a)(5)(ii)(B) and (b)(2)(ii)) are revised to better express that intent and meet the correspondents' concerns. It was intended that charges will be deemed filed after the full 60 day period (unless there has been an earlier termination or waiver) and that the deferral period starts according to section 706(c) on the date that a written and signed statement of the facts upon which the charge is based is sent to the 706 Agency by registered mail or otherwise received by the 706 Agency. In addition, it was discovered that a phrase had been inadvertently omitted from subsections (b)(1) and (b)(2)(ii). Filing takes place after the deferral period, upon termination of 706 Agency proceedings or upon 706 Agency waiver of exclusive processing whichever occurs earliest. The waiver alternative had been omitted and is now added, along with the explanatory phrase "whichever is earliest" to clarify the provision.

One correspondent objected to the language of subsection (b)(1) which could deem a charge to be filed with the Commission even though it is not physically received by the Commission and cites *Chappell v. Emco Machine Works*, 601 F.2d 1295 (5th Cir. 1979) as disapproving such a deeming procedure. In *Chappell*, a divided panel ruled that the failure of a state employment agency to forward a charge to the EEOC as requested by the charging party and as promised by the state agency employee, did not equitably toll the running of the federal filing period. *Chappell* is factually distinguishable from the situation covered by subparagraph (b)(1) in that the state agency involved in *Chappell* was not a 706 Agency and was therefore not part of the statutory processing scheme envisaged by Title VII. The instant regulation pertains only to charges received by 706 Agencies. Secondly, the principal issue in *Chappell* was whether or not equitable tolling was available to the plaintiff whereas the regulation does not concern tolling.

Thirdly, the Commission has entered into Work Sharing contracts with almost all 706 Agencies. A standard contract clause in each of them is that the 706 Agency agrees to forward charges to EEOC upon the request of the charging party. The charging party is a third party beneficiary of this provision and the 706 Agency by entering into the contract assumes this duty on behalf of a complainant. Such a contract duty was not at issue in *Chappell*. Finally, the analysis which rejected the plaintiff's equitable arguments in *Chappell* was not subscribed to by a majority of the panel. For these reasons we do not find *Chappell* to be controlling on this issue. The Commission also notes the strong and well reasoned dissent by Justice Wisdom which would have found jurisdiction.

One correspondent requested that the regulation define the term "termination of state proceedings." The regulation does not define the term because of the variety of factual patterns which may constitute a termination. In most cases, the date of termination will be evident. In some cases, however, all of the circumstances must be examined prior to such a determination. The Commission has decided that a suitable general rule cannot be drafted at this time.

One correspondent objected to the use of the term "initial institution of proceedings" in the titles of subsections (a) and (b) and suggests the use of the term "initial presentation of charge" instead. The correspondent understands the term "institution" to be synonymous with "filing". The word "institution" as used in the statute and the regulation is not synonymous with filing. According to section 706(c), state or local proceedings can be instituted for purposes of Title VII by mailing a written and signed statement of facts even though this may not satisfy state or local filing requirements. Institution is synonymous with commencement. *Mohasco*, 447 U.S. at 818. Nevertheless, in the interest of clarity, the titles of the subsections are revised to read "initial presentation of a charge."

One correspondent objected to subsection (a)(5)(i)(B) deeming state or local proceedings to have commenced on the date EEOC mails or delivers notice of the charge to a 706 Agency as an attempt to interfere with or repeal state or local laws. The regulation does not purport to define as a matter of state or local law when a charge is filed with a 706 Agency. It merely deems state or local proceedings to have commenced for purposes of Title VII. This deeming is authorized by section 706(c) and has

been approved by the Supreme Court in *Mohasco Corp. v. Silver*, 447 U.S. 807, 816 (1980) and *Love v. Pullman Co.*, 404 U.S. 522, 525 (1972).

A new paragraph (b)(2)(i) has been added in order to provide explicit guidance for the situation in which a 706 Agency refuses to accept a charge initially presented to it. In such case, the charging party or the 706 Agency may present the charge to the Commission and it will be processed as an initial presentation to the Commission in accordance with paragraph (a). Interim paragraphs (b)(2)(i) and (b)(2)(ii) are renumbered (b)(2)(ii) and (b)(2)(iii) respectively. One sentence is also added to the latter paragraph. In order to avoid any ambiguity, the sentence repeats the holding of *Mohasco* that the filing must be effected within 300 days in order to be timely.

Several additional minor editorial changes are made to the revision. The phrase "state statute of limitations" is revised to read "state or local statute of limitations" in subsections (a)(3), (a)(4), (a)(5) and (a)(5)(ii). The phrase "state or local agency" is revised to read "706 Agency" in subsections (a)(5)(i)(B) and (a)(5)(i)(C). The phrase "state proceedings terminated" is revised to read "the 706 Agency terminated its proceedings" in subsection (a)(5)(ii)(B). The phrase "state proceedings" is revised to read "706 Agency proceedings" in subsections (b)(2)(i) and (b)(2)(ii).

This revised regulation has been reviewed pursuant to Executive Order 12291 (46 FR 13193 February 19, 1981), and has been determined not to be a major rule.

Section 1601.13 of Title 29 of the Code of Federal Regulations is revised as appears below.

Signed at Washington, D.C. this 28th day of July 1981.

For the Commission.

J. Clay Smith, Jr.,

Acting Chairman, Equal Employment Opportunity Commission.

## PART 1601—PROCEDURAL REGULATIONS

29 CFR 1601.13 is revised as follows:

### § 1601.13 Filing; deferrals to State and local agencies.

(a) *Initial presentation of a charge to the Commission.* (1) Charges arising in jurisdictions having no 706 Agency are filed with the Commission upon receipt. Such charges are timely filed if received by the Commission within 180 days from the date of the alleged violation.

(2) A jurisdiction having a 706 Agency without subject matter jurisdiction over a charge (e.g., and agency which does not cover sex discrimination or does not cover nonprofit organizations) is equivalent to a jurisdiction having no 706 Agency. Charges over which a 706 Agency has no subject matter jurisdiction are filed with the Commission upon receipt and are timely filed if received by the Commission within 180 days from the date of the alleged violation.

(3) Charges arising in jurisdictions having a 706 Agency but which charges are apparently untimely under the applicable state or local statute of limitations are filed with the Commission upon receipt. Such charges are timely filed if received by the Commission within 300 days from the date of the alleged violation. Copies of all such charges will be forwarded to the appropriate 706 Agency.

(4) Charges arising in jurisdictions having a 706 Agency and which charges are apparently timely under the applicable state or local statute of limitations, are to be processed in accordance with the Commission's deferral policy set forth below and the procedures in subparagraph (5).

(i) In order to give full weight to the policy of section 706(c) of the Act, which affords State and local fair employment practice agencies that come within the provisions of that section an opportunity to remedy alleged discrimination concurrently regulated by Title VII and State or local law, the Commission adopts the following procedures with respect to allegations of discrimination filed with the Commission. It is the intent of the Commission to thereby encourage the maximum degree of effectiveness in the State and local agencies. The Commission shall endeavor to maintain close communication with the State and local agencies with respect to all matters forwarded to such agencies and shall provide such assistance to State and local agencies as is permitted by law and as is practicable.

(ii) Section 706(c) of Title VII grants States and their political subdivisions the exclusive right to process allegations of discrimination filed by a person other than a Commissioner for a period of 60 days (or 120 days during the first year after the effective date of the qualifying State or local law). This right exists where, as set forth in § 1601.70, a State or local law prohibits the employment practice alleged to be unlawful and a State or local agency has been authorized to grant or seek relief. After

the expiration of the exclusive processing period, the Commission may commence processing the allegation of discrimination.

(iii) A 706 Agency may waive its right to the period of exclusive processing of charges provided under section 706(c) of Title VII with respect to any charge or category of charges. Copies of all such charges will be forwarded to the appropriate 706 Agency.

(5) The following procedures shall be followed with respect to charges which arise within the jurisdiction of a 706 Agency and which are apparently timely under the applicable state or local statute of limitations:

(i) Where any document, whether or not verified, is received by the Commission as provided in § 1601.8 which may constitute a charge cognizable under Title VII, and where the 706 Agency has not waived its right to the period of exclusive processing with respect to that document, that document shall be deferred to the appropriate 706 Agency as provided in the procedures set forth below:

(A) All such documents shall be dated and time stamped upon receipt.

(B) A copy of the original document, shall be transmitted by registered mail, return receipt requested, to the appropriate 706 Agency, or, where the 706 Agency has consented thereto, by certified mail, by regular mail or by hand delivery. State or local proceedings are deemed to have commenced on the date such document is mailed or hand delivered.

(C) The person claiming to be aggrieved and any person filing a charge on behalf of such person shall be notified, in writing, that the document which he or she sent to the Commission has been forwarded to the 706 Agency pursuant to the provisions of section 706(c).

(ii) Charges which arise within the jurisdiction of a 706 Agency and which are apparently timely under the applicable state or local statute of limitations are deemed to be filed with the Commission as follows:

(A) Where the document on its face constitutes a charge within a category of charges over which the 706 Agency has waived its rights to the period of exclusive processing referred to in paragraph (a)(4)(iii) of this section, the charge is deemed to be filed with the Commission upon receipt of the document. Such filing is timely if the charge is received within 300 days from the date of the alleged violation.

(B) Where the document on its face constitutes a charge which is not within

a category of charges over which the 706 Agency has waived its right to the period of exclusive processing referred to in paragraph (a)(4)(iii) of this section, the Commission shall process the document in accordance with paragraph (a)(5)(i) of this section. The charge shall be deemed to be filing with the Commission upon expiration of 60 (or where appropriate, 120) days after deferral, or upon the termination of 706 Agency proceedings, or upon waiver of the 706 Agency's right to exclusively process the charge, whichever is earliest. Where the 706 Agency earlier terminates its proceedings or waives its right to exclusive processing of a charge, the charge shall be deemed to be filed with the Commission on the date the 706 Agency terminated its proceedings or the 706 Agency waived its right to exclusive processing of the charge. Such filing is timely if effected within 300 days from the date of the alleged violation.

(b) *Initial presentation of a charge to a 706 Agency.* (1) When a charge is initially presented to a 706 Agency and the charging party requests that the charge be presented to the Commission, the charge will be deemed to be filed with the Commission upon expiration of 60 (or where appropriate, 120) days after a written and signed statement of facts upon which the charge is based was sent to the 706 Agency by registered mail or was otherwise received by the 706 Agency, or upon the termination of 706 Agency proceedings, or upon waiver of the 706 Agency's right to exclusively process the charge, whichever is earliest. Such filing is timely if effected within 300 days from the date of the alleged violation.

(2) When a charge is initially presented to a 706 Agency but the charging party does not request that the charge be presented to the Commission, the charging party may present the charge to the Commission as follows:

(i) If the 706 Agency has refused to accept a charge, a subsequent submission of the charge to the Commission will be processed as if it were an initial presentation in accordance with paragraph (a) of this section.

(ii) If the 706 Agency proceedings have terminated, the charge may be timely filed with the Commission within 30 days of receipt of notice that the 706 Agency proceedings have been terminated or within 30 days from the date of the alleged violation, whichever is earlier.

(iii) If the 706 Agency proceedings have not been terminated, the charge may be presented to the Commission within 300 days from the date of the alleged violation. Once presented, such a charge will be deemed to be filed with the Commission upon expiration of 60 (or where appropriate, 120) days after a written and signed statement of facts upon which the charge is based was sent to the 706 Agency by certified mail or was otherwise received by the 706 Agency, or upon the termination of the 706 Agency proceedings, or upon waiver of the 706 Agency's right to exclusively process the charge, whichever is earliest. To be timely, however, such filing must be effected within 300 days from the date of the alleged violation.

(c) *Agreements With Fair Employment Practice Agencies.* Pursuant to section 705(g)(1) and section 706(b) of Title VII, the Commission shall endeavor to enter into agreements with 706 Agencies and other fair employment practice agencies to establish effective and integrated resolution procedures. Such agreements may include, but need not be limited to, cooperative arrangements to provide for processing of certain charges by the Commission, rather than by the 706 Agency, during the period specified in section 706(c) and section 706(d) of Title VII.

(d) *Preliminary relief.* When a charge is filed with the Commission, the Commission may make a preliminary investigation and commence judicial action for immediate, temporary or preliminary relief pursuant to section 706(f)(2) of Title VII.

(e) *Commissioner charges.* A charge made by a member of the Commission shall be deemed filed upon receipt by the Commission office responsible for investigating the charge. The Commission will notify a 706 Agency when an allegation of discrimination is made by a member of the Commission concerning an employment practice occurring within the jurisdiction of the 706 Agency. The 706 Agency will be entitled to process the charge exclusively for a period of not less than 60 days if the 706 Agency makes a written request to the Commission within 10 days of receiving notice that the allegation has been filed. The 60-day period shall be extended to 120 days during the first year after the effective date of the qualifying State or local law.

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## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 900, 913, 914, 917, 935, and 942

### Surface Coal Mining and Reclamation Programs for Alabama, Illinois, Indiana, Kentucky, Ohio, Tennessee; General Statement of Policy

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** General statement of policy.

**SUMMARY:** The Secretary is announcing revised schedules for resubmission of State regulatory programs by Alabama, Illinois, Indiana, Kentucky, Ohio and Tennessee until the injunction against each terminates, but in no case for longer than one year after the injunction was first issued. In the meantime, regulation of surface exploration, mining and reclamation operations will be conducted pursuant to OSM's interim program.

**FOR FURTHER INFORMATION CONTACT:** Carl C. Close, Assistant Director, State and Federal Programs, Office of Surface Mining, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, Telephone: (202) 343-4225.

### SUPPLEMENTARY INFORMATION: General Background

Under the Surface Mining Control and Reclamation Act (SMCRA or the Act), a State which seeks to regulate surface coal mining and reclamation operations within its border must apply to the Secretary of the Interior for approval of its State program. In order for a program to be approved, a State must submit a program containing laws and regulations which are consistent with the Act and the regulations of the Secretary of the Interior. Section 503 of SMCRA provides that once a State submits a program, the Secretary of the Interior has six months in which to consider the State's application. Under it and 30 CFR 732.13 at the end of that six-month period the Secretary must decide whether to approve, conditionally approve, approve in part and disapprove in part, or completely disapprove the State program submission. If the Secretary partially approves or completely disapproves the State program submission, the State has 60 days to resubmit its program. SMCRA then gives the Secretary 60 days to review the resubmitted program and make a final decision. If, after the end of this 10 months period, the Secretary is unable to approve or conditionally approve the State program, he is

required to promulgate a Federal program.

The Secretary reviewed the initial program submissions of the States of Alabama, Illinois, Indiana, Kentucky, Ohio, and Tennessee and announced in the Federal Register his partial approval/partial disapproval or complete disapproval of each of those programs.

45 FR 68665 (Alabama, October 16, 1980)  
45 FR 69940 (Illinois, October 31, 1980)  
45 FR 78482 (Indiana, November 25, 1980)

45 FR 69940 (Kentucky, October 22, 1980)  
45 FR 64962 (Ohio, October 1, 1980)  
45 FR 67372 (Tennessee, October 10, 1980)

Following the Secretary's announcement, each State had 60 days within which to revise and resubmit its program. In each of those States, except for Indiana where an injunction had previously been issued, an injunction was entered enjoining the State from resubmitting its program within the 60 day period.

Section 503(d) of SMCRA provides:

... [T]he inability of a State to take any action, the purpose of which is to prepare, submit or enforce a State program, or any portion thereof, because the action is enjoined by the issuance of an injunction by any court of competent jurisdiction shall not result . . . in the imposition of a Federal program. Regulation of the surface coal mining and reclamation operations covered or to be covered by the State program subject to an injunction shall be conducted by the State pursuant to Section 502 of the Act, until such time as the injunction terminates or for one year, whichever is shorter, at which time the requirements of Sections 503 and 504 shall again be fully applicable.

### Previous Suspension Notices

Because the Secretary had completed all the actions that were possible without further participation by the States and because the States were enjoined from taking further formal action, the Secretary issued notices in the Federal Register for Alabama, Illinois, Indiana, Kentucky, Ohio and Tennessee temporarily suspending the State program resubmission schedules for those States and inviting public comment.

46 FR 1306 (Alabama, January 6, 1981)  
45 FR 78499 (Indiana, November 25, 1980, public comment period extended, 46 FR 1309, January 6, 1981)  
46 FR 4951 (Illinois, January 19, 1981)  
45 FR 3030 (Kentucky, January 13, 1981)  
45 FR 85797 (Ohio, December 30, 1980)  
46 FR 1309 (Tennessee, January 6, 1981)

Each of the six notices specified the period of time within which the State

would be required to resubmit its program following the lifting of the injunction or the expiration of one year as set in section 503(d). The resubmittal period for each State was designated as the number of days remaining in the initial 60 day resubmittal period at the time the injunction was imposed.

Each notice also invited public comment on:

(1) The applicability of Section 503(d) of SMCRA in the State, given the circumstances surrounding the injunction.

(2) The State's compliance with Section 502 of SMCRA. Section 503(d) of SMCRA requires a State which is subject to an injunction to continue regulation under the interim program.

(3) Suggestions on how the Secretary ought to adopt or modify the permanent program regulations to meet the local conditions in each State if implementation of a Federal program becomes necessary as a consequence of the State's inability ultimately to obtain approval of its program or because, as prescribed under Section 503(d), the term of the injunction exceeds one year.

#### Discussion of Public Comments

A total of 15 comments were received as a result of the six notices. The Indiana notice elicited the most comments, nine. The notice for the State of Tennessee, 46 FR 1309 (January 6, 1981), prompted four persons to comment, two of whom requested a public hearing. Separate single comments were received in response to the Kentucky and Illinois notices.

Generally, the comments were directed at the interpretation of section 503(d) of SMCRA. The Secretary had indicated that he was not bound to honor a State court injunction if the circumstances surrounding its issuance did not warrant doing so and that he had discretion to determine whether to give effect to the suspension provision of section 503(d). In response, industry and State representatives asserted that the Secretary had no such discretion and citizens and citizen groups urged investigating the reasons for issuance of the injunctions to determine whether they had been used as a dilatory tactic by industry and States.

In light of the final decisions announced here to give effect to the State court injunctions, reconsideration of the interpretation given the section in the earlier notices is unnecessary. The discretion to examine separately the circumstances surrounding issuance of the injunctions is not being exercised. A rebuttable presumption is made that each State exercised good faith in pursuing resubmission and that

injunctions were not sought by the States as a dilatory tactic. The responses to the earlier notices brought no information which would rebut this presumption.

The Environmental Policy Institute (EPI) urged that Indiana had actually sought the section 503(d) injunction to avoid the permanent program requirements of SMCRA. It asserted that section 503(d) was not intended, nor should be used, to extend the statutory periods for Secretarial decisions on State programs. Section 503(d) does not provide criteria for not giving effect to an injunction. It merely provides that issuance of an injunction by a court of competent jurisdiction preventing preparation, submission or enforcement of a program shall delay the process for State program approval or implementation of a Federal program until the injunction is lifted or for one year whichever is sooner. Consequently, the injunction in Indiana which prevents the State from resubmitting its program is sufficient to invoke 503(d).

Other comments were directed at the Secretary's announced decisions to begin the preparation of Federal programs. Commenters asserted that rather than undertake such an effort, initiatives ought to be directed at working with the involved States to achieve approvable programs. The point is well taken and the initial plan to begin preparation of Federal programs has been changed. No work will begin on a Federal program for any of the involved States unless it becomes clear that a State program will not be or has not been resubmitted or cannot or will not be approved. That point could come as early as the date the injunction in any of the States is lifted or after the expiration of one year. By deferring preparation of Federal programs, effort can be directed to working with the involved States to correct deficiencies in their programs.

One citizen requested a hearing be held in order to determine whether the State of Indiana had adequately complied with the interim program. The information submitted by the commenter was insufficient to make a case that a hearing was necessary. For this reason and in the interest of economy, the Secretary has decided to deny the request for a hearing, but to complete the record has asked the Regional Director to telephone to invite the commenter to meet and discuss with him his concern regarding Indiana's compliance. In addition, the one year period of the injunction in Indiana terminates on July 29, 1981, and the State's resubmission is due 60 days

thereafter. Comments on the Indiana program can be presented during the public comment period on the resubmission either in writing or at the hearing that will be held on it.

Of the four comments received on the notice for the State of Tennessee, two commenters requested public hearings. One commented extensively on the State's alleged failure to enforce adequately the interim program and suggested specific modifications to be made in a Federal program for the State. Another asserted that the injunction was merely a dilatory measure in which the State acquiesced in order to avoid failing to meet its resubmission deadline.

The Secretary has decided to deny the commenters' requests for a hearing, but has asked the Regional Director to invite the two persons who requested a hearing to meet with him to discuss their concerns. In addition, the one year period of the injunction in Tennessee will end on October 10, 1981, although the State's resubmission of its program for a final decision by the Secretary could come sooner than that date. Any relevant comments on the Tennessee program and its performance under the interim program can be presented during the public comment period on the resubmission either in writing or at the hearing that will be held on it.

#### Final Suspension Determinations

After reviewing the public comments received in response to the six Federal Register notices and after giving consideration to all the circumstances surrounding the State program approval process in each State, the Secretary has made the following determinations:

In the case of Alabama, Kentucky, Ohio, Illinois, Indiana, and Tennessee information has not been brought to light which casts sufficient doubt on the States' resubmission efforts. Accordingly, the injunctions issued by State courts in the States of Alabama, Illinois, Indiana, Kentucky, Ohio and Tennessee are determined to invoke validly the operation of Section 503(d) of SMCRA.

Therefore, the Secretary is suspending the schedule for resubmission of a State program in each of these six States until such time as the injunction is lifted or for one year from the date the injunction was issued, whichever is sooner.

The dates on which resubmission periods will begin running, unless the injunction is lifted sooner in the State involved, are as follows:

Alabama—November 12, 1981  
 Illinois—December 11, 1981  
 Indiana—July 30, 1981

Kentucky—October 31, 1981  
Ohio—November 24, 1981  
Tennessee—October 10, 1981

The Secretary expressly reserves the right to take appropriate action at any time if information is brought to light which sufficiently rebuts a presumption of good faith exercised in the resubmission process.

#### Reconsideration of Resubmittal Period

With regard to the rescheduling of the resubmission process for each State where it has been suspended, the Secretary has decided to allow each State 60 days after the lifting of the injunction to resubmit its State program. This decision supersedes the Secretary's earlier decision on this matter, as announced in each of the six suspension notices, that the allowable resubmittal period would be the number of days remaining in the initial 60 day resubmittal period at the time the injunction was imposed. Allowing a full 60 day resubmission period was initially rejected as excessive because (a) each State had already utilized part of the initial 60 days to develop its resubmission and (b) the operation of the injunction had already given each State considerably more time than the normal 60 days to develop an acceptable program.

The Secretary now believes that allowing a full 60 day resubmittal period is appropriate because States may need to modify their programs not only to correct the deficiencies noted in the Secretary's initial findings, but also to reflect changes which are being made in the Federal permanent program regulations since the Secretary's initial findings on a State program. This extended period is intended to afford the affected States the opportunity to continue to revise their programs so as to achieve readily approvable ones and to make adjustments needed to reflect local conditions.

#### Section 502 State Compliance

In each State in which an injunction prohibited resubmission of a State program, the Secretary has reviewed the State's compliance with the interim program provisions of SMCRA and the interim program regulations issued by the Secretary related to the interim program, 30 CFR Parts 701-719. For Alabama, Illinois, Indiana, Kentucky, Ohio and Tennessee the Secretary has not been made aware of information which would support a conclusion that the involved States have not been adequately enforcing the interim program. Therefore, it is determined that the States of Alabama, Illinois, Indiana, Kentucky, Ohio and Tennessee are

adequately enforcing the requirements of Section 502. These States will continue to enforce the interim program until the injunction is lifted or until one year from the date of its issuance, whichever occurs first.

#### Preparation of Federal Programs

For each State in which an injunction enjoined the State from resubmitting its program for approval, the Secretary has decided to defer preparation of a Federal program for that State. No Federal program will be prepared for a State until it appears that a State program will or has not been resubmitted, or that it is finally disapproved.

Every effort will be made to give States primary regulatory responsibility so that there will not be a need for a Federal program. The effort which would have been expended on Federal program development will be used instead to help the States in gaining primacy. Finally, preparation of Federal programs is premature in light of the complete review now underway of the permanent program regulations on which Federal programs are based.

#### Other Determinations

The decisions announced in this notice do not constitute a major Federal action which has a significant effect on the human environment. Therefore, an environmental impact statement, as required under the National Environmental Policy Act, 42, U.S.C. 4332(2)(C), has not been prepared.

The Department of the Interior has also analyzed the possible economic effects to small entities as specified in the Regulatory Flexibility Act.

In accordance with 43 CFR Part 14, the Department of the Interior has determined that the proposed rule will not have a significant effect on a substantial number of small entities.

Finally, publication of this notice announcing the decision to give effect to State court injunctions suspending the State program approval process is not a major rule under Executive Order 12291 of February 17, 1981 (46 FR 13193). The effect of the decisions will not add a cost to \$100 million or more to the economy, will not produce major cost or price increases for consumers, industries or governments and will not have significant adverse results for competition, employment, investment, productivity, innovation or foreign competition. A Regulatory Impact Analysis has therefore not been prepared.

Dated: July 27, 1981.

Daniel N. Miller, Jr.,  
Assistant Secretary, Energy and Minerals.  
[FR Doc. 81-24823 Filed 8-25-81; 8:45 am]  
BILLING CODE 4310-05-M

## DEPARTMENT OF DEFENSE

### Department of the Army, Corps of Engineers

#### 33 CFR Part 204

#### Danger Zone, Isle of Oahu, Hawaii

AGENCY: Army Corps of Engineers, DoD.  
ACTION: Final rule.

**SUMMARY:** The Department of the Army is establishing a danger zone in the navigable waters of the United States at the Marine Corps Air Station, (MCAS) Kaneohe Bay, Island of Oahu, Hawaii. The danger zone is needed to outline the affected area and provide formal notice of hazards due to potential ricochet rounds and accidental firings from the existing Ulupau Crater Weapons Training Range at the MCAS.

**EFFECTIVE DATE:** September 25, 1981.

**ADDRESS:** HQDA, DAEN-CWO-N, Washington, D.C. 20314.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Stanley T. Arakaki at (808) 438-9258 or Mr. Ralph T. Eppard at (202) 272-0199.

**SUPPLEMENTARY INFORMATION:** The Commanding Officer, Marine Corps Air Station, Kaneohe Bay, Hawaii has requested that danger zone regulations be established to designate an area considered unsafe for boaters when firing is in progress and provide formal notice of potential hazards associated with the existing tactical weapons training range in Ulupau Crater.

The Corps of Engineers published a proposed regulation in the Notice of Proposed Rulemaking section of the Federal Register on March 23, 1981 (46 FR 18050-18051) with the comment period expiring on April 30, 1981. One comment was received which recommended an established firing schedule and the installation of range marker navigational aids to mark the zone limits day and night. The marine Corps has previously rejected established schedules for the weapons firing as impractical for all concerned. In addition, the requirements as stated in the regulation for flashing red warning beacons, manned observation posts and extended clear visibility during weapons firing are sufficient to alert operators of vessels of the situation and to warn the Marine Corps of the presence of the

vessel. No other comments were received.

**Note.**—This regulation is issued with respect to a military function of the Defense Department and the provisions of Executive Order 12291 do not apply. The Department of the Army has determined that this regulation will not have a significant economic impact on a substantial number of entities and thus does not require preparation of a regulatory flexibility analysis.

#### PART 204—DANGER ZONE REGULATIONS

Accordingly, the Department of the Army is establishing a danger zone under 33 CFR 204.224c as set forth below:

##### § 204.224c Marine Corps Air Station, (MCAS) Kaneohe Bay, Island of Oahu, Hawaii—Ulupau Crater Weapons Training Range Danger Zone.

(a) *The Danger Zone.* The waters within a sector extending seaward a distance of 3,900 yards between radial lines bearing 352° true and 81° true, respectively, from a point on Mokapu Peninsula at latitude 21°27'17" N, longitude 157°43'51" W, exclusive of the existing 500 yard wide prohibited area. The interface between the existing 500 yard prohibited area and this danger zone is defined by three points having the following coordinates:

Point A: Latitude 21°27'59" N, Longitude 157°43'56" W

Point B: Latitude 21°27'52" N, Longitude 157°43'02" W

Point C: Latitude 21°27'38" N, Longitude 157°43'12" W

(b) *The regulations.* (1) Weapons firing at the Ulupau Crater Weapons Training Range may occur at any time between 6:00 a.m. and 11:00 p.m., Monday through Friday, and between 6:00 a.m. and 6:00 p.m., Saturday and/or Sunday, when required. Specific dates and hours for weapons firing, along with information regarding onshore warning signals, will be promulgated by the U.S. Coast Guard's Local Notice to Mariners. Information on weapons firing schedules may also be obtained by calling the Officer in Charge of the Range Training Facility, Headquarters and Headquarters Squadron, MCAS (telephone number 257-2067).

(2) Whenever hazardous weapons (machine guns) firing is scheduled and in progress during daylight hours, two large red triangular warning pennants will be flown at each of two highly visible and widely separated locations on the shore at Ulupau Crater.

(3) Whenever tactical weapons (exclusive of machine guns) firing is scheduled and in progress during daylight hours, a single large red

rectangular warning flag will be flown at the two separate locations on the shore.

(4) Whenever any weapons firing is scheduled and in progress during periods of darkness, flashing red warning beacons will be displayed on the shore at Ulupau Crater.

(5) Boaters will have complete access to the danger zone whenever there is no weapons firing scheduled, which will be indicated by the absence of any warning flags, pennants, or beacons displayed ashore.

(6) The danger zone is not considered safe for boaters whenever hazardous weapons (machine guns) firing is in progress. Hazardous weapons firing will usually be scheduled approximately twice per month, on nonconsecutive weekdays, for about eight hours on each occasion. Boaters shall expeditiously vacate the danger zone at best speed and by the most direct route whenever hazardous weapons firing is scheduled. Passage of vessels through the danger zone when hazardous weapons firing is in progress will be permitted, but boaters shall proceed directly through the area at best speed. Hazardous weapons firing will be suspended as long as there is a vessel in the danger zone. Whenever a boater disregards the publicized warning signals that hazardous weapons firing is scheduled, the boater will be personally requested to expeditiously vacate the danger zone by MCAS Kaneohe Bay military personnel utilizing a bull-horn from either a Marine helicopter or Navy crash boat.

(7) The danger zone may be occupied for extended periods and with caution at individual risk whenever tactical weapons (exclusive of machine guns) firing is scheduled and in progress because of the remote possibility of a rifle round from an accidental discharge impacting outside the limits of the existing prohibited area.

(8) Observation posts will be manned whenever any weapons firing is scheduled and in progress. Visibility will be sufficient to maintain visual surveillance of the entire danger zone and for an additional distance of 5 miles in all directions whenever weapons firing is in progress.

(c) *The Enforcing Agency.* The foregoing regulations shall be enforced by the Commanding Officer, MCAS Kaneohe Bay and such agencies as he/she may designate.

(33 U.S.C. 1&3).

Dated: July 28, 1981.

William R. Gianelli,

Assistant Secretary of the Army (Civil Works).

[FR Doc. 81-24642 Filed 8-25-81; 8:45 am]

BILLING CODE 3710-92-M

#### 33 CFR Part 207

#### Navigable Waters, Portsmouth Naval Shipyard

**AGENCY:** Army Corps of Engineers, DoD.

**ACTION:** Final rule.

**SUMMARY:** The Department of the Army is amending the regulations which establish a restricted area in the waters adjacent to the Portsmouth Naval Shipyard, Kittery, Maine. These amendments improve security of vessels and waterfront facilities and redesignate the agency responsible for enforcement of the regulations.

**EFFECTIVE DATE:** September 25, 1981.

**ADDRESS:** HQDA, DAEN-CWO-N, Washington, D.C. 20314.

**FOR FURTHER INFORMATION CONTACT:** Mr. Mark J. Otis (617) 894-2400 or Mr. Ralph T. Eppard (202) 272-0200.

**SUPPLEMENTARY INFORMATION:** The regulations in 33 CFR 207.6 which establish a restricted area in the waters around the Portsmouth Naval Shipyard, Kittery, Maine, are hereby amended to improve security of vessels and waterfront facilities and redesignate the enforcing agency. On February 5, 1981, the U.S. Army Corps of Engineers published the proposed amendment in the Notice of Proposed Rulemaking section of the *Federal Register* (46 FR 10923) with the comment period expiring on March 26, 1981. No comments were received. Further change is made, however, to the identification of the agency responsible for enforcing these regulations and an editorial change is also being made to number the areas No. 1 and No. 2: The Department of the Army is revising 33 CFR 207.6 as set forth below:

**Note.**—This regulation is issued with respect to a military function of the Defense Department and provisions of Executive Order 12291 do not apply. The Department of the Army has also determined that this rule will not have a significant economic impact on a substantial number of entities and thus does not require the preparation of a regulatory flexibility analysis.

## PART 207—NAVIGATION REGULATIONS

## § 207.6 Piscataqua River at Portsmouth Naval Shipyard, Kittery, Maine, restricted areas.

(a) *The areas.*

Area No. 1: The area bounded by a line beginning at a point on the easterly side of Seavey Island at latitude 43°04'37" N, longitude 70°43'44" W; thence to latitude 43°04'36" N, longitude 70°43'40" W; thence to the pier on the westerly side of Clark Island at latitude 43°04'36.5" N, longitude 70°43'34" W; thence along the northerly side of Clark Island to a point on the easterly side at latitude 43°04'37" N, longitude 70°43'25" W; thence northeasterly to the easterly side of Jamaica Island at latitude 43°04'47" N, longitude 70°43'24" W; thence along the southerly and westerly sides of Jamaica Island and thence generally along the easterly side of Seavey Island to the point of beginning.

Area No. 2: The area bounded by a line beginning at a point on the southerly side of Seavey Island at Henderson Point at latitude 43°04'29" N, longitude 70°44'14" W; thence to latitude 43°04'29.5" N, longitude 70°44'17.4" W; thence to latitude 43°04'36.6" N, longitude 70°44'22.6" W; thence to latitude 43°04'44.8" N, longitude 70°44'33.2" W; thence to latitude 43°04'47.4" N, longitude 70°44'42.1" W; thence to latitude 43°04'48" N, longitude 70°44'52" W; thence to latitude 43°04'49" N, longitude 70°44'54" W; thence to latitude 43°04'51" N, longitude 70°44'55" W; thence to latitude 43°04'53" N, longitude 70°44'53" W; thence to latitude 43°04'57" N, longitude 70°44'47" W; thence to latitude 43°04'58" N, longitude 70°44'46" W; thence to latitude 43°05'02" N, longitude 70°44'36" W; thence to latitude 43°05'04" N, longitude 70°44'31" W; thence along the westerly side of Seavey Island to the beginning point.

(b) *The regulations.* All vessels and other craft, except those under the supervision of or contract to local military or naval authority, are prohibited from entering the restricted areas without permission from the Commander, Portsmouth Naval Shipyard or his authorized representative.

(40 Stat. 266; 33 U.S.C. 1)

Dated: July 21, 1981.

Robert K. Dawson,

Deputy Assistant Secretary of the Army (Civil Works).

[FR Doc. 81-24841 Filed 8-25-81; 8:45 am]

BILLING CODE 3710-92-M

## DEPARTMENT OF THE INTERIOR

## National Park Service

## 36 CFR Chapters I and XII

## Redesignation of Chapter XII to Chapter I, Parts 60-72; Correction

AGENCY: National Park Service, Interior.

## ACTION: Correction.

**SUMMARY:** This document corrects FR 81-19586 on redesignation of Chapter XII, (Heritage Conservation and Recreation Service) to Chapter I, (National Park Service) Part 60-69 that appeared as page 34329 in the *Federal Register*, on Wednesday, July 1, 1981; reserves Parts 66 and 69 which were erroneously assigned; and also revises the amendatory language in the Supplementary Information section which is published in its entirety below, for clarity.

**EFFECTIVE DATE:** July 23, 1981.

**Authority:** This order was issued under the authority of Section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262).

**FOR FURTHER INFORMATION CONTACT:** Thelma D. Wood, Management Consulting Division, U.S. Department of the Interior, National Park Service, Washington, D.C. 20240, (202) 523-5133.

**SUPPLEMENTARY INFORMATION:** Title 36 of the Code of Federal Regulations is amended as follows:

A. Chapter XII is removed and its Parts 1201, 1202, 1204, 1205, 1207, 1208, 1212, 1226, 1227, and 1228 are redesignated as Parts 60 through 72 of Chapter 1 as follows:

Old part	New part
1201	61
1202	60
1204	63
1205	65
1207	68
1208	67
1212	62
1226	64
1227	71
1228	72

B. Whenever the name "Heritage Conservation and Recreation Service" appears within the new Parts 60 through 72 change it to read "National Park Service".

Dated: August 21, 1981.

Russell E. Dickenson,

Director, National Park Service.

[FR Doc. 81-24845 Filed 8-25-81; 8:45 am]

BILLING CODE 4310-70-M

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

[A-5-FRL 1910-6]

## Approval and Promulgation of Implementation Plans; Ohio

AGENCY: Environmental Protection Agency (EPA).

## ACTION: Final rulemaking.

**SUMMARY:** On April 4, 1980 (45 FR 22981) and May 9, 1980 (45 FR 30654), EPA proposed to approve as revisions to the federally promulgated Ohio State Implementation Plan (SIP) for sulfur dioxide (SO<sub>2</sub>) revised emission limitations for the Gulf Oil Company's Toledo Refinery and the Coulton Chemical Corporation, both located in Lucas County. EPA today takes final action to approve the revised emission limitations for Gulf Oil Company and Coulton Chemical Corporation. These emission limitations will be in effect until EPA approves a State SO<sub>2</sub> plan for Lucas County.

**EFFECTIVE DATE:** September 25, 1981.

**ADDRESSES:** Docket #5A-79-2 for the Gulf Oil Company and docket #5A-80-6 for the Coulton Chemical Corporation are available for inspection and copying during normal business hours at Region V, 230 South Dearborn Street, Chicago, Illinois 60604 and at EPA Central Docket Station, West Tower Lobby, Gallery 1, 401 M Street, SW., Washington, D.C. 20460. It is recommended that you telephone the contact person given below before visiting the Region V office.

## FOR FURTHER INFORMATION CONTACT:

Debra Marcantonio, Regulatory Analysis Section, USEPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 886-6088.

**SUPPLEMENTARY INFORMATION:** On August 27, 1976 (41 FR 36324), EPA promulgated regulations establishing the SIP for the control of SO<sub>2</sub> for the State of Ohio. The regulations were amended for Lucas County on May 31, 1977 (42 FR 27588).

On May 4, 1981 (46 FR 24966), EPA proposed to disapprove the Ohio SO<sub>2</sub> SIP for Lucas County as submitted by Ohio on September 12, 1979. The Ohio SIP is essentially identical to the existing Federal SIP for Lucas County. The proposed disapproval was based on a modeling analysis of Lucas County which predicted substantial violations of the NAAQS in Lucas County and demonstrated that neither the Federal nor the State plan for Lucas County ensures the attainment and maintenance of the NAAQS for SO<sub>2</sub>. For further details, see 46 FR 24966. Additionally, in the May 4, 1981 notice, EPA called upon the State of Ohio to reassess its SO<sub>2</sub> control strategy for Lucas County and adopt any additional regulations that may be needed to protect the NAAQS.

Although the Gulf Oil Company and the Coulton Chemical Company plants are located in Lucas County, further

analysis demonstrates that neither revision significantly exacerbates the nonattainment problem in Lucas County. Therefore, EPA today takes final action to approve the revised emission limitation for Coulton Chemical Company and the Gulf Oil Company until a revised plan is approved for Lucas County.

#### Coulton Chemical Company

On October 9, 1979, the Coulton Chemical Corporation submitted a revision to the Ohio SO<sub>2</sub> SIP for its sulfuric acid plant in Lucas County, Ohio. In this submittal, Coulton requested EPA to revise the limitation of 1.1 pounds of sulfur dioxide per ton of 100% sulfuric acid produced for the sulfuric acid production units back to the originally promulgated 6.5 pounds limitation (41 FR 36324). The emission limitation had been revised to a more stringent limit because Coulton had initiated and installed a molecular sieve control system in its facility. At that time, performance test runs indicated the molecular sieve was capable of meeting a 1.1 limitation. Since that time, however, the molecular sieve system has proven to be an impractical and unreliable system for Coulton and has become a financial burden to the source due to corrosion problems and high replacement costs. Therefore, Coulton requested that EPA repromulgate the original emission limitation so it can install an efficient and reliable control system in its facility.

On May 9, 1980 (45 FR 30654), EPA proposed to approve this revision as an amendment to the Ohio SO<sub>2</sub> SIP. A 30 day public comment was provided. During that period, no comments were received.

Technical support for the revision is based on modeling performed by Coulton and by EPA. A discussion of the modeling analysis conducted by Coulton is contained in the notice of proposed rulemaking and the technical support document which are available in Docket 5A-80-6. EPA performed a screening analysis to approximate Coulton's significant impact area. The analysis showed that Coulton's significant area extends approximately 3 km downwind of the facility; much less than the distance where violations were predicted in the Lucas County modeling cited above. Since the Coulton modeling demonstrated attainment within Coulton's significant impact area and since the EPA analysis showed that Coulton does not impact the predicted nonattainment areas, EPA is approving this revision to the federally promulgated SO<sub>2</sub> SIP.

#### Gulf Oil Company

On October 31, 1978, the Gulf Oil Company requested a revision to the Ohio SO<sub>2</sub> SIP for its Toledo refinery. The revision accounts for physical changes to some of the refinery sources that have occurred since the original SIP was developed and alters the distribution of SO<sub>2</sub> emissions among the various refinery sources. On July 16, 1979 (44 FR 41264) and on April 4, 1980 (45 FR 22981), EPA proposed to approve this revision as an amendment to the Ohio SO<sub>2</sub> SIP. At that time, a 30 day public comment was provided. Only one comment was received, a correction of a sulfur recovery plant number from B005 to P005. This correction has been made in the Code of Federal Regulations. No other comments were received.

Technical support for the revision is based on modeling performed by Gulf Oil and by EPA. A discussion of the modeling analysis conducted by Gulf Oil and a discussion of the physical changes to the facility are contained in the notice of proposed rulemaking and the technical support document which are available in Docket 5A-79-2. EPA performed a screening analyses to approximate Gulf's impact in the known nonattainment area, under both the Federal and the revised control strategies. The analysis showed that the impacts under the new limits are not significantly greater than those under the existing EPA limits. That is, the revised control strategy does not significantly exacerbate any predicted violations in the County. Therefore, since Gulf Oil's contribution is minimal and is not the cause of the nonattainment problem in Lucas County, EPA is approving this revision to the federally promulgated SO<sub>2</sub> SIP.<sup>1</sup>

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a regulatory impact analysis. Today's action does not constitute a major regulation since it merely approves revised emission limitations requested by two facilities in Ohio. This action was submitted to the Office of Management and Budget (OMB) for review as required by the Order.

Under section 307(b)(1) of the Clean Air Act judicial review of this action is available only by the filing of a petition for review in the United States Court of

<sup>1</sup> This revision will result in an increase of maximum allowable SO<sub>2</sub> emissions from the Gulf facilities of 970 tons per year over the emissions allowed by the limits promulgated May 31, 1977 (42 FR 27590). However, compliance with the revised limit will result in a net decrease of over 2001 tons per year from the actual emissions.

Appeals for the appropriate circuit within 60 days of today. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(Sec. 110 of the Clean Air Act as amended 42 U.S.C. 7401)

Dated: August 20, 1981.

Anne Gorsuch,  
Administrator.

#### PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

##### Subpart KK—Ohio

1. Section 52.1881(b)(39) is amended by revising subdivision (vi) (A) and (B), revising subdivision (viii) (A) through (H), and adding subdivision (viii) (I) and (J) as follows:

##### § 52.1881 Control strategy; sulfur oxides (sulfur dioxide).

(b) Regulations for the control of sulfur dioxide in the State of Ohio

(39) In Lucas County \* \* \*

(vi) The Coulton Chemical Corporation \* \* \*

(A) 0.00 pounds of sulfur dioxide per million BTU actual heat input for fossil fuel fired steam generating units or process heaters.

(B) 6.50 pounds of sulfur dioxide per ton of 100 percent sulfuric acid produced for sulfuric acid production units.

(viii) Gulf Oil \* \* \*

(A) 0.90 pound of SO<sub>2</sub> per million BTU actual heat input for fossil fuel-fired steam generating units numbered B001, B002, B003 and B004.

(B) 1.03 pounds of SO<sub>2</sub> per million BTU actual heat input for process heaters or fossil fuel-fired steam generating units numbered B005, B006, and B013.

(C) 1.21 pounds of SO<sub>2</sub> per million BTU actual heat input for process heater numbered B009 and for the stack connecting process heaters numbered B007 and B008.

(D) 1.29 pounds of SO<sub>2</sub> per million BTU actual heat input for process heater number B014.

(E) 1.57 pounds of SO<sub>2</sub> per 1,000 pounds of charging stock for catalytic

cracking unit P003 and CO boiler B016 connected to the same stack.

(F) 200 pounds of SO<sub>2</sub> per 2,000 pounds of sulfur processed for sulfur recover plant P005.

(G) Gulf Oil or any subsequent owner or operator of these facilities located in Lucas County, Ohio, shall not cause or permit the combustion of refinery fuel gas at process heaters numbered B010, B011, B012, B015 and for the waste heat boiler stack connecting process heaters numbered B017, B018, B019 and B020 containing a total sulfur content expressed as hydrogen sulfide in excess of 10 grains of hydrogen sulfide per 100 dry standard cubic feet of refinery fuel gas or the emission of SO<sub>2</sub> from any stack of the above units in excess of 0.04 pound of SO<sub>2</sub> per million BTU actual heat input.

(H) Gulf Oil or any subsequent owner or operator of the Gulf Oil facilities located in Lucas County, Ohio shall operate only one of the units numbered B001, B002, B003, and B004 simultaneously with the 3 units numbered B005, B006 and B016.

(I) Gulf Oil or any subsequent owner or operator of the Gulf Oil facilities located in Lucas County, Ohio, shall not operate more than two of the units numbered B001, B002, B003, and B004 simultaneously with two of the units numbered B005, B006 and B016.

(J) Gulf Oil or any subsequent owner or operator of the Gulf Oil facilities located in Lucas County, Ohio shall limit the simultaneous operation of B001, B002, B003, and B004 to the operating configurations specified in paragraphs (b)(39)(viii) (H) and (I) of this section.

[FR Doc. 81-24978 Filed 8-25-81; 8:45 am]

BILLING CODE 6550-38-M

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Part 67

#### National Flood Insurance Program; Final Flood Elevation Determinations

**AGENCY:** Federal Insurance Administration, FIA.

**ACTION:** Final rule.

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

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

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

**ADDRESS:** See table below.

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

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

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-

4128, and 44 CFR Part 67). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not prescribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; for itself it has no economic impact.

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

#### Final Base (100-year) Flood Elevations

State	City/town/country (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Alabama	Unincorporated areas of Franklin County (FEMA-5027)	Cedar Creek	Just upstream of Jackson HWY (U.S. HWY 43)	*653
			Just downstream of Southern Railway	*655
		Mud Creek	Just upstream of Southern Railway	*654
			Just downstream of Military Road	*656
		Bear Creek	Just downstream of County Road II	*514
		Just upstream of State HWY 24	*525	
		Pain Creek	Just upstream of Dirt Road approximately 4,500 feet above Sloss Lake Spillway.	*718
Maps available for inspection at Franklin County Courthouse, North Jackson Street, Russellville, Alabama 35653.				
Alabama	Montgomery (City) Montgomery County (FEMA-5796)	Alabama River	Intersection of river and center of Interstate Highway 65.	*163
			At confluence with Gailbraith Mill Creek	*168
		Tallapoosa River	At confluence with Oliver Creek	*173
		Caloma Creek	Intersection of creek and Georgia Railroad	*159
			100 feet upstream from center of U.S. Highway 31 and 80.	*172
		100 feet upstream from center of Woodley Road	*202	
		Caney Branch	100 feet upstream from center of U.S. Highway 80	*169

## Final Base (100-year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. Elevation in feet (NGVD)
			Intersection of branch and center of Interstate Highway 65.	*195
		Genetta Ditch	Intersection of ditch and U.S. Highway 31 and 82	*173
			100 feet upstream from center of Seaboard Coast Line Railroad	*185
		Cloverland Ditch	100 feet upstream from center of Interstate Highway 65.	*179
			100 feet upstream from center of Court Street	*190
		Wiley Creek	At confluence with Catoma Creek	*176
			350 feet downstream from center of Teague Road	*195
		Audubon Ditch	Intersection of ditch and U.S. Highway 331	*185
			50 feet upstream from center of Augusta Drive	*212
		Baldwin Slough	100 feet upstream from center of Narrow Lane Road	*184
			100 feet upstream from center of Kingsbury Drive	*233
		Hannon Slough	100 feet upstream from center of Seabie Road	*182
			100 feet upstream from center of Wildwood Drive	*219
		Snowdoun Creek	At confluence with Catoma Creek	*187
		Whites Slough	100 feet upstream from center of Narrow Lane Road	*187
		Whites Slough	Intersection of slough and Vaughn Road	*242
		Ramer Creek	At confluence with Catoma Creek	*195
		West End Ditch	At confluence with Alabama River	*160
			350 feet upstream from center of Air Base Boulevard	*164
			50 feet upstream from center of Terminal Road	*166
		Three Mile Branch	Intersection of branch and Lower Wetumpka Road	*169
			Intersection of branch and Seaboard Coast Line Railroad.	*196
			150 feet upstream from center of Interstate Highway 85.	*237
		Sherwood Ditch	Intersection of ditch and East Haven Road	*219
			100 feet upstream from center of Fairwood Drive	*250
		Gelbraith Mill Creek	At confluence with Alabama River	*168
			Intersection of creek and U.S. Highway 231	*171
			Intersection of creek and Seaboard Coast Line Railroad.	*217
		Oliver Creek	Intersection of creek and Georgia Railroad	*174
			Intersection of creek and U.S. Highway 80.	*211
		Pintalla Creek	200 feet upstream from center of County Highway 26 (Wasden Road).	*183
		Pine Creek	300 feet upstream from center of U.S. Highways 31 and 82.	*160
			100 feet upstream from center of Doster Road	*221
		Mill Creek	350 feet downstream from center of Seaboard Coast Line of Atlanta.	*204
Maps available for inspection at City Hall, 124 N. Perry Street, Montgomery, Alabama.				
Alabama	City of Red Bay, Franklin County (FEMA 6027)	Bear Creek	Just upstream of State Hwy 24.	*525
			Just downstream of the southernmost crossing of the corporate limits.	*526
Maps available for inspection of City Hall, Second Avenue South, Red Bay, Alabama 35582				
Alabama	Tuscaloosa County (Unincorporated Areas) FEMA-6027	Big Creek	At confluence with Jay Creek	*146
		Black Warrior River	Intersection of River Road and Holt Road	*157
		Black Warrior River Tributary No. 2.	4,525 feet upstream from confluence with Black Warrior River.	*200
		Black Warrior River Tributary No. 3.	50 feet downstream from center of a Private Road (approximately 450 feet west of intersection with Rice Mine Road).	*292
		Black Warrior River Tributary No. 3A.	150 feet upstream from center of Twin Oaks Road	*220
		Cottontale Creek	50 feet upstream from center of Clements Road	*248
		Cottontale Creek Tributary No. 1	50 feet upstream from center of Buttermik Road	*250
		Cottontale Creek Tributary No. 1A.	50 feet upstream from center of Interstate Highway 59	*279
		Cottontale Creek Tributary No. 2	Cul-de-sac at the west end of 56th Street East	*263
		Cottontale Creek Tributary No. 3	Cul-de-sac at the west end of 56th Street East	*263
		Cribbs Mill Creek	50 feet upstream from center of Greensboro Avenue (State Highway 69).	*168
		Cribbs Mill Creek Tributary No. 5	1,200 feet upstream from center of 30th Avenue East.	*271
		Cribbs Mill Creek Tributary No. 6	100 feet upstream from center of Interstate Highway 59 East.	*243
		Cypress Creek	Intersection of Interstate Highway 359 and Illinois Central Gulf Railroad.	*162
		Hurricane Creek	Confluence with Cottontale Creek	*199
		Mill Creek	Intersection of creek and center of Illinois Central Gulf Railroad.	*149
		Mill Creek Tributary No. 1	50 feet upstream from center of 17th Street	*160
		Mill Creek Tributary No. 2	Intersection of tributary and center of 17th Street	*153
		Mill Creek Tributary No. 3	600 feet upstream from confluence with Mill Creek	*162
		Moody Swamp Tributary No. 1	100 feet upstream from center of Old Fosters Ferry Road.	*143
		Moody Swamp Tributary No. 2	100 feet upstream from center of Osment Road	*143
		Moody Swamp Tributary No. 3	Intersection of Southern Railroad and Interstate Highway 359.	*171
		North River	Intersection of 2 private roads approximately 1,500 feet south of North River dam.	*160
		Rum Creek	25 feet upstream from center of Illinois Central Gulf Railroad.	*242
		Rum Creek Tributary No. 1	1,800 feet upstream from confluence with Rum Creek	*209

## Final Base (100-year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. Elevation in feet (NGVD)
		Rum Creek Tributary No. 2	50 feet upstream from center of U.S. Highway 82	*251
		Tator Hill Creek	100 feet upstream from center of private road	*166
		Tator Hill Creek Tributary No. 1	Intersection of 34th Street and 68th Avenue	*172
		Twomile Creek	50 feet upstream from center of Old Barnes Road	*235
		Twomile Creek Tributary No. 1	150 feet upstream from confluence with Twomile Creek	*159
		Twomile Creek Tributary No. 2	100 feet upstream from center of Shirley Road	*232
		Twomile Creek Tributary No. 2A	50 feet downstream from center of Shirley Road	*265
		Twomile Creek Tributary No. 3	Confluence with Twomile Creek Tributary No. 3A	*193
		Twomile Creek Tributary No. 3A	Confluence with Twomile Creek Tributary No. 3	*193
		Twomile Creek Tributary No. 4	50 feet upstream from center of Hunter Creek Road	*191
		Twomile Creek Tributary No. 5	50 feet upstream from center of Twin Oaks Road	*216
		Twomile Creek Tributary No. 5A	300 feet upstream from confluence with Twomile Creek Tributary No. 5	*219
Maps available for inspection at Tuscaloosa County Courthouse, Tuscaloosa, Alabama.				
Arkansas	City of Alexander, Pulaski County, (FEMA 6033)	Crooked Creek	Just downstream of State Highway 111	*315
Maps available for inspection at City Hall, Main Street, Alexander, Arkansas 72202.				
Arkansas	City of Pocahontas, Randolph County (FEMA-6033)	Black River	Just downstream of U.S. Highway 67	*268
			Just upstream of St. Louis-San Francisco Railway	*269
		Mill Creek	At southern corporate limits and Mill Creek Road	*271
		Town Creek	Just upstream of U.S. Highway 67	*268
			Just upstream of South Marr St.	*269
		Mansker Creek	Just downstream of U.S. Highway 67	*270
			Just downstream of corporate limits	*279
Maps available for inspection at City Hall, 410 North Marr Street, Pocahontas, Arkansas 72455.				
California	Atascadero (City) San Luis Obispo County (FEMA-6027)	Atascadero Creek	Intersection of Atascadero Creek and center of Sycamore Road	*825
			20 feet upstream from center of Portola Road	*903
		Graves Creek	30 feet upstream from center of Del Rio Road	*811
			20 feet upstream from center of Santa Lucia Road	*956
			At confluence of Graves Creek and Paradise Valley Tributary	*1009
		North Fork Paloma Creek	20 feet upstream from center of El Camino Real	*898
		Paloma Creek	20 feet upstream from center of Viejo Camino	*894
			210 feet southwest of confluence of Paloma Creek and South Forks Paloma Creek	#1
		Salinas River	At confluence of Salinas River and Atascadero Creek	*816
Maps available for inspection at Department of Public Works, City Hall, Atascadero, California.				
California	Calexico (City), Imperial County (FEMA-6027)	New River	At the center of New River and downstream corporate limit	*-41
Maps available for inspection at Planning Department, 408 Heber Avenue, Calexico, California.				
California	California City (City), Kern County (FEMA-6027)	Tierra Del Sol Creek	Intersection of Bancroft Drive and Mendiburu Road	*2,324
		Cache Creek	Intersection of South College Boulevard and Princeton Avenue	*2,342
			Intersection of Cache Creek Drive and Tamarack Avenue	*2,362
			Rosewood Boulevard over the channel	*2,395
		Yerba Rushe Creek	Intersection of Sally Avenue and Neuraia Road	#1
			Intersection of 71st Street and Greenwood Avenue	#1
Maps available for inspection at City Manager, 21000 Hacienda Blvd., California City, California.				
California	Holtville (City), Imperial County (FEMA-6027)	Alamo River	100 feet upstream from center of U.S. Highway 80 Bridge	*-48
Maps available for inspection at City Clerk, 121 West 5th Street, Holtville, California.				
California	Weed (City), Siskiyou County (FEMA-5780)	Boles Creek	75 feet upstream from center of Southern Pacific Railroad Bridge	*3,405
			At culvert outlet approximately 500 feet downstream from center of Interstate Highway 5	*3,476
			At intersection of Main Street and Lake Avenue	#1
Maps available at City Hall, 780 South Davis, Weed, California.				
Idaho	Caldesac (City), Nez Perce County (FEMA-6027)	Lapwai Creek	55 feet upstream from the center of 3rd Street	*1,624
			80 feet upstream from the center of Finney Street	*1,679
Maps available for inspection at City Hall, Caldesac, Idaho.				
Idaho	Lewiston (City), Nez Perce County (FEMA-6027)	Lindsay Creek	Intersection of Lindsay Creek and center of Main Street	*758
			Intersection of Lindsay Creek and the upstream corporate limits	*827
			Intersection of Clearwater Avenue and 29th Avenue	#1
Maps available for inspection at City Hall, Drafting Department, 1134 F Street, Lewiston, Idaho.				
Idaho	Peck (City), Nez Perce County (FEMA-6027)	Big Canyon Creek	110 feet upstream from the center of Lulu Street	*1,049
Maps available for inspection at City Hall, Peck, Idaho.				
Illinois	(V) Andalusia Rock Island County (Docket No. FEMA-6027)	Mississippi River	About 2,400 feet downstream from the confluence of Hills Creek	*581

## Final Base (100-year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			About 2,300 feet upstream of the confluence of Hills Creek.	*562
Maps available for inspection at the Village Hall, 221 First Street, Andalusia, Illinois.				
Massachusetts	Oxford, Town, Worcester County (Docket No. FEMA-6015)	French River	Downstream Corporate Limits	*454
			Approximately 2,500' downstream of Clara Barton Road.	*506
			Upstream of Clara Barton Road	*531
			Upstream of Dam	*547
			Approximately 830' downstream of State Route 56 (downstream crossing).	*570
			Upstream of abandoned railroad	*591
			Upstream of Massachusetts Turnpike (Interstate Route 90).	*621
			Downstream of Allen Textile Company Dam	*637
			Downstream of State Route 56 (upstream crossing)	*652
			Upstream Corporate Limits	*667
		Lowes Brook	Confluence with French River	*457
			Upstream of Sunset Avenue	*466
			Downstream of Water Street	*481
Maps available for inspection at the Oxford Town Clerk's Office, Main Street, Oxford, Massachusetts.				
New Jersey	Delaware, Township, Hunterdon County (Docket No. FEMA-5643)	Delaware River	200' upstream of Corporate Limits and confluence of Alexauken Creek.	*73
			At crossing of U.S. Route 202	*74
			7,000' above Corporate Limits	*77
			Downstream Corporate Limits of Borough of Stockton (ANI)	*78
			Upstream Corporate Limits of Borough of Stockton (ANI)	*84
			6,000' upstream of confluence of Wickcheoke Creek	*90
			3,000' downstream of Bull's Island footbridge	*94
			Upstream Corporate Limits	*100
		Alexauken Creek	Conrail Bridge 600' upstream of confluence with Delaware River.	*73
			Conrail Bridge 6,700' above confluence with Delaware River.	*67
			8,000' above confluence with Delaware River and 2,300' downstream of Conrail Bridge.	*92
			Conrail Bridge 10,300' upstream of confluence with Delaware River.	*100
		Brookville Creek	New Jersey Route 29A 190' upstream from confluence with Delaware River.	*76
			100' downstream of concrete dam which is 720' upstream of confluence with Delaware River.	*65
			Concrete dam 720' upstream of confluence with Delaware River.	*91
			300' above concrete dam	*99
			600' above concrete dam	*109
			1,100' above concrete dam	*119
			100' downstream of stone dam (broken)	*129
			Immediately downstream of stone dam (broken)	*134
			380' upstream of stone dam (broken)	*144
			700' upstream of stone dam (broken)	*162
			1,200' upstream of stone dam (broken)	*163
			1,500' upstream of stone dam (broken)	*173
		Wickecheoke Creek	Conrail Bridge 80' upstream of confluence with Delaware and Raritan Canal.	*84
			1,600' above N.J. Route 29 bridge	*94
			2,400' above N.J. Route 29 bridge	*102
			1,200' downstream of Lower Creek Road	*113
			Lower Creek Road	*123
			1,600' above Lower Creek Road	*135
			3,600' upstream of Lower Creek Road	*149
			4,000' upstream of Lower Creek Road	*153
			4,800' downstream of Rosemont Ringoes Road	*163
			3,600' downstream of Rosemont Ringoes Road	*174
			Approximately 600' downstream of Rosemont Ringoes Road.	*186
			Approximately 800' downstream of Rosemont Ringoes Road.	*193
			Rosemont Ringoes Road	*202
		Third Neshanic River	Corporate Limits and Eastern-Trenton-Turnpike	*182
			Approximately 4,800' above Corporate Limits	*173
			Upstream Svoboda Road	*183
			Approximately 2,400' upstream of Svoboda Road	*192
			Upstream of Yard Road	*201
			Approximately 800' downstream of Briton Road (Downstream crossing).	*210
			Approximately 400' upstream of downstream crossing of Briton Road.	*220
			Approximately 1,600' upstream of downstream crossing of Briton Road.	*232
			Downstream Briton Road Upstream crossing	*241
			Approximately 1,600' downstream of Sandbrook Headquarters Road.	*250

## Final Base (100-year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. Elevation in feet (NGVD)
			Approximately 1,080' downstream of Sandbrook Headquarters Road.	*260
			Approximately 500' downstream of Sandbrook Headquarters Road.	*270
			Downstream Sandbrook Headquarters Road.	*281
			Approximately 300' upstream of Sandbrook Headquarters Road.	*291
			Stockton-Flemington Road and Route 523.	*305
Maps available for inspection at the Clerk's Office, Delaware, New Jersey.				
New Jersey	Millstone, Township, Monmouth County (Docket No. FEMA-6015).	Millstone River	Downstream Corporate Limits	*118
			Upstream side of Old State Route 33	*123
			Approximately 8,875' upstream of Old State Route 33	*136
			Upstream side of Baird Road	*142
			Upstream side of Roberts Road	*151
			Approximately 4,730' upstream of Roberts Road	*160
		Rocky Brook (Upstream portion)	Approximately 2,240' downstream of Perrineville Road	*142
			Downstream side of Perrineville Road	*148
			Downstream side of Sweetmans Lane	*157
		Rocky Brook (Downstream portion)	Disbrow Hill Road	*106
			Approximately 4,500' upstream of Disbrow Hill Road	*111
		Toms River	Monmouth Road (Downstream Corporate Limits)	*150
			Approximately 1,675' upstream of Squan Road	*158
Maps available for inspection at the Office of the Township Clerk, Millstone Road, Millstone, New Jersey.				
New Jersey	Monroe, Township, Gloucester County (Docket No. FEMA-6015).	Fourmile Branch	Confluence with Great Egg Harbor River	*104
			Approximately 325' upstream from Malaga-New Brooklyn Road	*108
			Upstream side of Sickerville Road Bridge (Fourmile Road Bridge)	*118
			Downstream side of Sickerville Road County Spur 536 (Williamstown New Freedom Road Bridge)	*121
			Corporate Limits	*131
		Hospitality Branch	Upstream side of Sharp Road Bridge	*86
			Upstream side of Access Road Bridge	*93
			Upstream side of Whitehouse Road Bridge	*100
			Upstream side of dam upstream of Whitehouse Road Bridge	*105
Maps available for inspection at the Office of the Township Clerk, 266 South Main Street, Monroe, New Jersey.				
New Jersey	Northvale, Borough, Bergen County (Docket No. FEMA-6005).	Sparkill Brook	400' upstream of confluence with Sparkill Creek	*31
			Paris Avenue	*32
		Sparkill Creek	Downstream Corporate Limits	*32
			Upstream Corporate Limits	*35
Maps available for inspection at the Borough Hall, Northvale, New Jersey.				
New Jersey	Winslow, Township, Camden County (Docket No. FEMA-6015).	Fourmile Branch	Confluence with Great Egg Harbor River	*104
			Upstream Fourmile Branch Road	*118
			Upstream Williamstown New Freedom Road	*122
			880' upstream Access Road	*132
		Great Egg Harbor River	Upstream New Brooklyn Cedar Brook Road	*108
			Upstream Williamstown New Freedom Road	*124
			Binker Avenue (extended)	*134
			Downstream Conrail	*139
		Pump Branch	Upstream Waterford Blue Anchor Road	*99
			Upstream Dam No. 2 upstream from Waterford-Blue Anchor Road	*104
			Upstream Barrett Avenue	*107
			Upstream State Route 73	*117
			Upstream Old Cedar Brook Road	*120
			Downstream Conrail (second crossing)	*125
Maps available for inspection at the Office of the Winslow Township Clerk, Municipal Building, Route 73, Braddock, New Jersey.				
New Jersey	Woodland, Township, Burlington County (Docket No. FEMA-6015).	Burr's Mill	7,200' upstream of downstream Corporate Limits	*77
			15,025' upstream of downstream Corporate Limits	*85
		Shons Branch	Confluence with Bisphams Mill Creek	*92
			2,670' upstream confluence with Bisphams Mill Creek	*94
		West Branch Wading River	Upstream State Route 532	*88
			Upstream State Route 563	*95
			Downstream Access Road	*106
			Downstream Lebanon State Forest Boundary	*117
		Bisphams Mill Creek	Downstream Corporate Limits	*86
			Downstream Coopers Road	*92
Maps available for inspection at the office of the Township Clerk, Third and Main Streets, Chatsworth, New Jersey 08019.				
New York	Leicester, Town, Livingston County (Docket No. FEMA-6012).	Genesee River	Downstream Corporate Limits	*559
			Confluence of Beards Creek	*561
			Downstream of State Route 36	*572
			Approximately 625' upstream of State Route 36	*587

## Final Base (100-year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. Elevation in feet (NGVD)
		Beards Creek.....	Confluence with Genesee River.....	*561
			Confluence of Tributary to Beards Creek.....	*566
			Approximately 150' upstream of River Road.....	*575
			Approximately 3,400' upstream of River Road.....	*581
		Tributary to Beards Creek.....	Confluence with Beards Creek.....	*566
			Approximately 1,500' upstream of Jones Bridge Road.....	*569
Maps available for inspection at the Town Hall, 132 Main Street, Leicester, New York.				
New York	Orchard Park, Village, Erie County (Docket No. FEMA-8061).	South Branch Smokes Creek.....	Downstream Corporate Limits.....	*804
			Downstream ECSD Road.....	*808
			Upstream ECSD Road.....	*814
			Approximately 560' upstream ECSD Road.....	*816
			Upstream Spillway.....	*846
			Upstream South Buffalo Street.....	*848
			Upstream Corporate Limits.....	*849
			Jewett-Holmwood Road.....	*863
		Northwest Branch Smokes Creek.....	Downstream Corporate Limits.....	*867
			Upstream Freeman Road and Spillway.....	*863
			Upstream Forest Drive.....	*867
			Downstream Highland Avenue.....	*869
			Upstream Corporate Limits.....	*870
Maps available for inspection at the Village Office, 4295 South Buffalo Street, Orchard Park, New York.				
New York	West Monroe, Town, Cayuga County (Docket No. FEMA-5912).	Lake Onelda.....	Entire shoreline.....	*373
		Solcum Creek.....	Old railroad grade.....	*391
			Downstream side of State Route 49.....	*395
			120' upstream of State Route 49.....	*398
			Foster Road.....	*406
			1,990' upstream of Foster Road.....	*414
			700' downstream of County Road 11.....	*422
			Downstream of County Road 11.....	*436
			90' upstream of County Road 11.....	*444
Maps available for inspection at the West Monroe Town Hall, West Monroe, New York.				
New York	York, Town, Livingston County (Docket No. FEMA-6005).	Genesee River.....	Downstream Corporate Limits.....	*540
			Upstream of Fowlerville Road.....	*545
			Confluence of Browns Creek.....	*549
			Downstream of State Route 63.....	*558
			Upstream Corporate Limits.....	*558
		Bidwells Creek.....	2,600' upstream of confluence with Salt Creek.....	*670
			Restoff Road.....	*687
			Upstream crossing Genesee and Wyoming Railroad.....	*697
			1,600' upstream of State Route 36.....	*754
		Browns Creek.....	4,000' downstream of Genesee and Wyoming Railroad.....	*623
			2,130' downstream of Genesee and Wyoming Railroad.....	*648
			1,150' downstream of Genesee and Wyoming Railroad.....	*660
			Upstream of Genesee and Wyoming Railroad.....	*689
			Upstream of State Route 36.....	*755
			Private Drive 875' upstream of State Route 36.....	*659
			4,200' upstream of State Route 36.....	*806
		Christie Creek.....	Confluence with Genesee River.....	*540
			Upstream of Batzing Road.....	*551
			Corporate Limits.....	*573
		Fowler Creek.....	Confluence with Genesee River.....	*545
			Upstream of Abandoned Railroad 550' above confluence with Genesee River.....	*554
			Upstream of Casey Road.....	*695
			Upstream of River Road.....	*608
			1,400' upstream of River Road.....	*621
			Downstream of Genesee and Wyoming Railroad.....	*685
			Upstream of Genesee and Wyoming Railroad.....	*694
			Confluence of Fowler Creek Tributary.....	*702
			Upstream of State Route 36.....	*725
			Upstream of State Route 20.....	*737
			Ellicott Road.....	*760
		Fowler Creek Tributary.....	Confluence with Fowler Creek.....	*702
			Upstream of State Route 36.....	*712
			Upstream of Anderson Road.....	*725
			690' upstream of Anderson Road.....	*727
Maps available for inspection at the York Town Hall, 2668 Main Street, York, New York.				
North Carolina	City of Hendersonville, Henderson Co. (FEMA-6027).	Mud Creek.....	Just upstream of Ball Park Road.....	*2,082
			Just downstream of North Main Street.....	*2,083
			Just upstream of U.S. HWY 64.....	*2,087
			Just upstream of Old Spartanburg Road.....	*2,089
			Just downstream of Erkwood Drive.....	*2,093
		Clear Creek.....	Just upstream of Clear Creek Road.....	*2,080
		Britton Creek.....	Just upstream of State HWY 191.....	*2,093
			Just upstream of Ridgewood Blvd.....	*2,096
			Approximately 100 feet at downstream of Blythe Street.....	*2,110
			Just upstream of Greenwood Drive.....	*2,139
		Devils Creek.....	At Diana Road.....	*2,089
		Battork Creek.....	Just upstream of U.S. HWY 64.....	*2,087
		Wash Creek.....	Just downstream of Caswell Street.....	*2,093

## Final Base (100-year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just upstream of Spring Street	*2,104
			Just upstream of Third Avenue	*2,133
		Shepherd Creek	Just upstream of Kanuga Road	*2,094
Maps available for inspection at City Hall, 145 Fifth Avenue East, Hendersonville, North Carolina 28739				
North Carolina	Town of Hookerton, Greene Co. (FEMA-6027)	Contentnea Creek	At Second Street (extended)	*39
		Rainbow Creek	At confluence with Contentnea Creek	*39
Maps available for inspection at City Hall, 227 East Main Street, Hookerton, North Carolina 29538				
North Carolina	Town of Snowhill, Greene Co. (FEMA-6027)	Contentnea Creek	Just upstream of the Southeasternmost crossing of Extraterritorial Jurisdiction Limits	*45
			Just upstream of U.S. HWY 13	*49
Maps available for inspection at Town Hall, 304 North Greene Street, Snowhill, North Carolina 28580				
Oklahoma	City of Nichols Hills, Oklahoma County (FEMA-6033)	Deep Fork Tributary 20	Just upstream of N.W. 63rd Street	*1,137
			Just upstream of Bedford Drive	*1,153
			Just upstream of Huntington Avenue	*1,162
Maps available for inspection at City Hall, 6407 Avondale Avenue, Nichols Hills, Oklahoma 73101				
Oklahoma	City of Poteau, LeFlore County (FEMA-6033)	Poteau River	Just upstream of Old Highway 112	*447
		Polk Creek	Just upstream of Tarby Road	*472
			Just downstream of U.S. Highways 59 and 271	*510
		Town Creek North	Just upstream of Industrial Road	*448
			Just downstream of U.S. Highways 59 and 271	*475
		Town Creek South	Just downstream of Roanoke Avenue	*448
			Just downstream of Dewey Avenue	*456
		McMurtry Creek	Just downstream of Airport Road	*455
			Just downstream of U.S. Highways 59 and 271	*514
		"C" Creek	Just upstream of West Boulevard	*467
Maps available for inspection at City Hall, 111 Off Front Street, Poteau, Oklahoma 74953				
Oklahoma	Town of Roland, Sequoyah County (FEMA-6033)	Stream A	Just upstream of U.S. Highway 64	*434
			Just upstream of Interstate Highway 40	*445
			Just upstream of Dorcus Street	*473
		Stream B	Just downstream of corporate limits	*450
Maps available for inspection at Town Hall, Roland Road, Roland, Oklahoma 74954				
Pennsylvania	Jackson, Township, Snyder County (Docket No. FEMA-6000)	Pennis Creek	Approximately 1,840' downstream of Township Route 486 (Extended)	*468
			Approximately 5,290' upstream of Township Route 486 (Extended)	*474
			Approximately 5,350' downstream of State Route 204	*489
			Approximately 3,340' upstream of State Route 204	*498
Maps available for inspection at the residence of Ms. Virginia Frantz, Township Secretary, R. D. 1, Winfield, Pennsylvania				
Pennsylvania	Trappe, Borough, Montgomery County (Docket No. FEMA-6027)	Dorcy Brook	Corporate Limits	*188
			Downstream of West First Avenue	*199
			Downstream of Clayhor Avenue	*214
			Upstream of West Third Avenue	*225
			Upstream of Bronson Circle extended	*235
			Borough Line Road	*252
		Buckwalter Tributary	Corporate Limits	*164
			Confluence of Bonnie Brook	*180
			Approximately 850 feet upstream of confluence of Bonnie Brook	*188
Maps available for inspection at the residence of Borough Secretary, J. Edwin Hartman, 23 First Avenue, Trappe, Pennsylvania				
Pennsylvania	Upper Hanover, Township, Montgomery County (Docket No. FEMA-6027)	Perkiomen Creek	Downstream Corporate Limits	*290
			Upstream Church Road	*297
			Upstream Fruitville Road	*313
			Upstream Povey Road	*321
			Confluence of Hosensack Creek	*333
			Upstream Palm Hill Road	*338
			Downstream Conner Road	*344
			Upstream Corporate Limits	*355
		Hosensack Creek	Confluence with Perkiomen Creek	*333
			Downstream Conrail	*337
			Approximately 3,800' upstream Conrail	*349
		Macoby Creek	Downstream Corporate Limits	*292
			Upstream Hendricks Road	*294
			Confluence of Stony Run	*297
			Upstream James Road	*309
			Upstream Saint Pauls Church Road	*310
			Upstream 11th Street	*317
			Upstream Buck Road	*328
			Downstream Otts Road	*335
			Upstream Otts Road	*340
			Confluence of Macoby Creek Branch	*340
			Approximately 1,450' upstream State Route 663	*350
			Upstream Tagart Road	*365
			Approximately 1,700' downstream Kraussdale Road	*375
			Upstream Kraussdale Road	*385
			Approximately 550' upstream Kraussdale Road	*386

## Final Base (100-year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground, *Elevation in feet (NGVD)
		Macoby Creek Branch	Confluence with Macoby Creek	*340
			Approximately 1,400' upstream State Route 663	*350
			Upstream Quakertown Road	*360
			Approximately 490' upstream Quakertown Road	*363
		Stony Run	Confluence with Macoby Creek	*297
			Approximately 1,600' upstream confluence with Macoby Creek	*307
			Approximately 860' downstream Gerryville Pike	*320
			Downstream Gerryville Pike	*329
			Approximately 540' upstream Gerryville Pike	*336
Maps available for inspection at the Upper Hanover Township Building, Pillsbury Road and State Street, East Greenville, Pennsylvania.				
Pennsylvania	Washington Township, Fayette County (Docket No. FEMA-6027)	Monongahela River	Downstream Corporate Limits	*763
			Upstream Corporate Limits	*765
		Downers Run	Corporate Limits	*769
			Footbridge (upstream)	*775
			Johnson Hollow Road (downstream)	*799
			Approximately 580 feet upstream of Johnson Hollow Road	*799
		Mill Run	Confluence with Lutz Run	*825
			First Private Drive (downstream)	*842
			Township Route 434 (downstream)	*864
			Culvert (upstream)	*873
			Second Private Drive (upstream)	*1,001
			Fourth Private Drive (downstream)	*1,015
			Corporate Limits	*1,020
		Lutz Run	Confluence with Mill Run	*925
			Legislative Route 26016 (upstream)	*930
			Approximately 2,100 feet upstream of Legislative Route 26016	*949
			Private Drive (downstream)	*972
			Approximately 600 feet upstream of Private Drive	*980
		Little Redstone Creek	Confluence with Monongahela River	*764
			Confluence of Tributary A	*770
			State Route 206 (upstream)	*772
			Approximately 760 feet downstream of upstream Corporate Limits	*782
			Upstream Corporate Limits	*787
		Tributary A	Confluence with Little Redstone Creek	*770
			State Route 201 upstream crossing (upstream)	*781
			Corporate Limits	*790
Maps available for inspection at the Washington Municipal Building, 1390 Fayette Avenue, Belle Vernon, Pennsylvania.				
Vermont	Fairfax Town, Franklin County (Docket No. FEMA-6015)	Lamoille River	Downstream Corporate Limits	*322
			Approximately 1,650' upstream of confluence with Swift Brook	*332
			Approximately 150' downstream of confluence with Browns River	*342
			Upstream of State Route 104	*347
			Approximately 600' downstream of Fairfax Falls Dam	*355
			Upstream of Fairfax Falls Dam	*431
			Upstream Corporate Limits	*442
Maps available for inspection at the Fairfax Town Clerk's Office, Fairfax, Vermont.				

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

Issued: August 7, 1981.

Donald L. Collins,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-24536 Filed 8-25-81; 8:45 am]

BILLING CODE 6718-03-M

## FEDERAL MARITIME COMMISSION

## 46 CFR Part 502

[General Order 16; Amdt. 39; Docket No. 81-38]

Rules of Practice and Procedure;  
Former Employees Wishing To  
Practice Before the Commission

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

**SUMMARY:** Present Rules of Practice suggest that a former FMC employee wishing to practice before the agency, with respect to a matter that was pending during the employee's tenure, is absolutely precluded from such activity if "associated" with a barred former FMC employee, by reason of current common employer. This amendment makes clear that a former employee may practice before the FMC under such

circumstances subject to certain conditions and restrictions.

**DATES:** Effective August 26, 1981.

**ADDRESS INQUIRIES TO:** Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573, (202) 523-5725.

**SUPPLEMENTARY INFORMATION:** 46 CFR 502.32(b)(2) currently requires a former employee wishing to appear or practice before the agency within one year of the termination of FMC employment on a

particular matter, which was pending during the employee's tenure, to file an affidavit attesting, among other things, that the affiant "is not associated with" nor will be associated with any other former member, employee, or officer who is precluded from practicing, appearing or representing anyone before the FMC in connection with that matter.

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

Section 502.32(b)(2) is intended to forbid a former employee intending to practice before the agency on a particular matter, that was pending during the employee's tenure, from obtaining an unfair or unethical advantage by conferring with or soliciting the assistance of another former FMC employee who is precluded from appearing before the Commission in connection with such matter. Interpreted in this manner, § 502.32(b)(2) is consistent with § 502.32(c), which permits a former employee's partners or associates to appear before the Commission, even if the former employee is precluded from so doing,

provided that such partners or associates do not discuss the matter with, utilize the services of, or share any fees with the former FMC employee. This is the standard the Commission intended to apply to associations among former employees rather than the absolute bar that could be implied from the existing language of § 502.32(b)(2).

In recognition of the foregoing the Commission on June 10, 1981 (46 FR 30666) published a proposed rule designed to clarify this matter. No comments were filed in response to the proposed rule. The Commission is of the belief that the rule as proposed should be adopted with one minor modification. As proposed, § 502.32(b)(ii) would have prohibited discussion by a former employee of "any" matter with an associated former employee. Our intention is to preclude only discussion of the particular matter for which permission to appear is sought. Accordingly, the words "any matter" have been changed in this final rule to read "the particular matter."

#### **PART 502—RULES OF PRACTICE AND PROCEDURE**

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

#### **§ 502.32 Former Employees.**

(b) \* \* \*

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

By the Commission.  
Francis C. Hurney,  
Secretary.

[FR Doc. 81-24906 Filed 8-25-81; 8:45 am]  
BILLING CODE 6730-01-M

# Proposed Rules

Federal Register

Vol. 46, No. 165

Wednesday, August 26, 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

#### Federal Grain Inspection Service<sup>1</sup>

##### 7 CFR Part 68

### Adjustment of Fees for Certain Federal Inspection Services

**AGENCY:** Federal Grain Inspection Service,<sup>1</sup> USDA.

**ACTION:** Proposed rule.

**SUMMARY:** The Federal Grain Inspection Service (FGIS) proposes to increase fees for hay, hop, miscellaneous processed commodity, pulse, and straw inspection services. These services are permissive services made available upon request of an applicant. This proposed rule also adds some new laboratory tests to the fee schedule and eliminates the cross-referencing of others. The cost of performing services exceeds revenue. These proposed changes in the fees are being made to equate fees as nearly as possible with costs of the services rendered.

**DATE:** Written comments must be submitted on or before September 25, 1981.

**ADDRESS:** Comments should be submitted in writing, in duplicate, to Lewis Lebakken, Jr., Director, Issuance and Coordination Staff, FGIS, USDA, room 1127 Auditors Building, 1400 Independence Avenue, S.W., Washington, D.C. 20250, telephone (202) 447-3910. All comments received will be made available for public inspection at the above office during regular business hours (7 CFR 1.27(b)).

<sup>1</sup> Authority to exercise the functions of the Secretary of Agriculture contained in the Agricultural Marketing Act of 1946 as amended (7 U.S.C. 1621-1627) concerning inspection and standardization activities related to grain and similar commodities and products thereof has been delegated to the Administrator, Federal Grain Inspection Service (7 U.S.C. 75a, 7 CFR 68.2).

#### FOR FURTHER INFORMATION CONTACT:

Lewis Lebakken, Jr., Telephone 202-447-3910.

**SUPPLEMENTARY INFORMATION:** This proposed rule has been reviewed under USDA procedures and Executive Order 12291 and has been determined to be nonmajor. This proposed increase in certain inspection services equates to an average increase in inspection cost to the commodity producer of approximately 1.6 cents per hundredweight and is considered not significant.

Kenneth A. Gilles, Administrator, FGIS, has determined that this proposed action will not have a significant economic impact on a substantial number of small entities because most users of these Federal inspection services do not meet the requirements for small entities as defined in the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164-1170).

Section 203(h) of the Agricultural Marketing Act of 1946, provides for the collection of such fees as will be reasonable and as nearly as possible cover the cost of the services rendered. The fees currently in effect do not cover FGIS' costs in providing the services. Accordingly, FGIS has determined that an increase in the inspection services fees (7 CFR 68.42a) is necessary to more closely equate with its costs in order to continue providing the services to applicants in FY 1982. Interested parties may comment on this proposed rule.

It is necessary that a final determination of this matter be made as soon as practicable so that such action would mitigate any further monetary losses in the program and would more closely cover the cost of the services rendered at the earliest possible date. FGIS intends to implement final rulemaking on the proposed adjustment of fees at the start of FY 1982 (October 1, 1981). Therefore, a 30-day comment period for all interested parties on this proposed rule is provided because of the time limitations involved herein.

#### Inspection Service Fees

In April 1977, FGIS increased the fees for the inspection services performed on hay, hops, miscellaneous processed commodities, pulses, and straw. The fees for these services have not been changed since that time.

Since 1977 there have been increases in Federal salaries totaling

approximately 32 percent of the 1977 base. These increases, coupled with substantial increases in costs charged FGIS by contract licenses, through the bidding process, and cooperator licenses, who perform inspection services for FGIS on a hourly rate basis together with increases in chemical, laboratory equipment, rent, utility, transportation and other miscellaneous costs have resulted in cost of services exceeding revenue. Consequently, there has been a continuous and accelerating decrease in the operating reserve maintained for contingencies when fees may not cover the costs of providing the services. At the present rate of loss, the operating reserve will be depleted by the end of calendar year 1981.

The percent of the proposed increase from the current fee schedule varies by type of service; for example, the rate for services charged by the hour is increased approximately 30 percent (from \$16.00 to \$20.80) whereas the fee for a Kjeldahl protein laboratory test is increased approximately 88 percent (from \$3.20 to \$6.00). The proposed fees are being set to more nearly reflect the costs incurred in providing each type of inspection service and will add, on the average, approximately 1.6 cents per hundredweight to the cost of inspection services. At sale prices in 1981 of approximately \$11.00 to \$22.00 per hundredweight, depending on the commodity, an increase in cost to producers and buyers would be not significant.

#### Miscellaneous Changes

This proposed rule states the conditions for contract services which previously only appeared in a contract itself, that is, applicants must agree to pay for 8 hours of service per day, per person, for at least 5 consecutive days per week in order to obtain an hourly rate of \$16.60, instead of \$20.80, for continuous inspection services.

This proposed rule also adds several new laboratory tests and corresponding fees to the fee schedule. It also eliminates the cross-referencing of other tests; that is, the listing of some tests twice under different names. For example, in the current fee schedule, Kjeldahl protein..... \$3.20 is also listed as Protein Kjeldahl.....\$3.20.

**PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF**

Accordingly, it is proposed that 7 CFR 68.42a be revised as follows:

**§ 68.42a Fees for certain Federal inspection services.**

The following fees apply to the Federal inspection services specified below:

Inspection Service	Fee
Appeal inspection:	
(a) Basis original or file sample	(1)(2)
(b) Basis new sample	(1)(2)
Bean, lentil, and pea inspection:	
(a) Lot inspection—	
(1) Field run (quality and dockage analysis), per lot	\$13.40
(2) Other than field run (grade, class, and quality) per lot	*10.00
(In addition to the fee for analysis or grading in (1) and (2), a fee for sampling, checkweighing, and checkloading, if any, will be assessed at the prescribed rate.)	
(b) Sample inspection—	
(1) Field run (quality and dockage analysis), per lot	\$13.40
(2) Other than field run (grade, class, and quality) per sample	*10.00
Checkloading, per man-hour <sup>1</sup>	20.80
Checkweighing, per man-hour <sup>1</sup>	20.80
Condition examination, per man-hour	20.80
Contract service, per man-hour: FGIS may enter into contracts with applicants to perform continuous inspection services or other types of services. Applicant agrees to pay for 8 hours of service per day, per person, for at least 5 consecutive days per week. All hours of service performed in excess of the contract shall be charged at the rate of \$20.80 per man-hour	16.80
Demonstration gradings—per request <sup>2</sup>	245.00
Extra copies of certificates—per copy	1.80
Factor analysis for nongraded, nonprocessed commodities—per factor	4.00
Factor fee, per factor	4.00
Grade factor analysis as defined in the applicable official U.S. Standards, per factor	4.00
Hay and straw inspection:	
(a) Lot inspection, sampling and grading, per man-hour	20.80
(b) Sample inspection—	
(1) Grade only, per sample	13.40
(2) Factor analysis, per man-hour	20.80
Hop inspection:	
(a) Lot inspection: Seed, leaf, and stem content—per lot	20.80
(In addition to the fee for analysis, a charge for sampling, if any, will be assessed at the prescribed rate.)	
(b) Sample inspection: Seed, leaf, and stem content—per sample	20.80
Laboratory report	1.80
Laboratory testing:	
(a) In addition to the fees, if any, for sampling or other requested service, a fee will be assessed for each laboratory test as follows:	
(1) Acidity—Greek	\$5.20
(2) Acid value—oil	5.20
(3) Aflatoxin (Minicolumn method)	15.80
(4) Aflatoxin (TLC)	36.40
(5) Appearance, flavor, and odor—oils	2.50
(6) Arachidic acid	10.00
(7) Ash	6.25
(8) Bacteria count	6.50
(9) Baking test—bread	15.80
(10) Baking test—cake	21.80
(11) Baking test—cookies	19.50
(12) Baumé	5.20
(13) Bostwick (cooked)	10.40
(14) Bostwick (uncooked)	5.20
(15) Calcium (AOAC)	6.50
(16) Calcium enrichment	6.50

**Inspection Service—Continued**

Inspection Service	Fee
(17) Carotenoid color	7.80
(18) Checked and broken macaroni units	5.20
(19) Clarity of oil involving heating	5.20
(20) Cold test—oil	5.20
(21) Coliform	15.80
(22) Color—bleached	7.80
(23) Color—gardner	2.60
(24) Color—lovibond	2.60
(25) Color—oil and shortening	2.60
(26) Congeal point	12.50
(27) Cooking test	5.20
(28) Crude fat	5.20
(29) Crude fiber	8.35
(30) Density	5.20
(31) Dextrose equivalent	14.85
(32) Diastatic activity of flour	15.80
(33) Enrichment—quick test	2.60
(34) Falling number	5.20
(35) Farinograph characteristics	19.50
(36) Fat—acid hydrolysis	10.40
(37) Fat acidity	7.80
(38) Fat stability—ADM	10.40
(39) Filth—heavy	12.90
(40) Filth—light	15.80
(41) Flash point—open and close cup	7.80
(42) Foam test	15.50
(43) Fools—heated and/or chilled	5.20
(44) Foreign material—processed grain products	7.80
(45) Free fatty acids	5.20
(46) Heating test—oil and shortening	5.20
(47) Hydrogen ion concentration—pH	7.80
(48) Insoluble bromides	5.20
(49) Insoluble impurities—oil and shortening	\$5.20
(50) Iodine number or value	7.80
(51) Iron enrichment	10.40
(52) Linolenic acid (fatty acid profile)	10.00
(53) Lipid phosphorous	39.00
(54) Loaf volume	15.80
(55) Lysine from fortification	19.10
(56) Lysine from hydrolysis of protein	10.00
(57) Maltose value—flour	15.80
(58) Marine oil in vegetable oil—qualitative	5.20
(59) Melting point—Wiley	10.40
(60) Moisture—distillation	7.80
(61) Moisture—oven	3.65
(62) Moisture and volatile matter—oil and shortening	5.20
(63) Neutral oil loss	15.80
(64) Nitrogen solubility index	13.00
(65) Oven leak test—oil can	7.80
(66) Oil content—oilseed	7.80
(67) Particle size—flour	12.35
(68) Performance test—prepared bakery mix	17.95
(69) Peroxid value	5.20
(70) Phosphorous	10.40
(71) Popping value—popcorn	15.80
(72) Potassium bromate—qualitative	2.60
(73) Potassium bromate—quantitative	7.80
(74) Protein dispersibility index	13.00
(75) Protein, Kjeldahl	6.00
(76) Purity—Monosodium glutamate	20.80
(77) Reducing sugars	15.80
(78) Refractive index	7.80
(79) Riboflavin	20.80
(80) Rope spore count	26.00
(81) Salmonella	30.55
(82) Salt content	7.80
(83) Saponification number	7.80
(84) Sedimentation	13.00
(85) Sieve test	3.65
(86) Smoke point	7.80
(87) Softening point	10.40
(88) Solid fat index	18.00
(89) Specific baking volume—cake mix	18.00
(90) Specific gravity—oils	10.40
(91) Starch damage—flour	12.35
(92) Staphylococcus aureus	20.25
(93) Sucrose	15.80
(94) Test weight per bushel—other than grain	2.15
(95) Tilletia contraversa Kuhn (TCK)	20.80
(96) Unsaponifiable matter	10.40
(97) Urease activity	7.80
(98) Viscosity	10.40
(99) Water soluble protein	13.00
(100) Xanthidrol test for rodent urine	10.40

**Inspection Service—Continued**

Inspection Service	Fee
(b) If a requested test is to be reported on a specified moisture basis, a fee for moisture test will also be assessed.	
Lentil inspection: (see Bean inspection)	
Minimum fee for services covered by the hourly rate—a minimum fee of 2 hours per individual, per service request, will be assessed at the applicable hourly rate.	
New inspection—fees based on service requested.	
Pea inspection: (see Bean inspection)	
Sampling, per man-hour	\$20.80
Special inspection service, per man-hour	20.80
Split pea inspection: (see Bean inspection)	
Standby time, per man-hour	20.80
Straw inspection: (see Hay inspection).	

<sup>1</sup> The applicable grading or laboratory testing fee. Minimum fee, if any, is \$20.80, subject to <sup>2</sup> below.

<sup>2</sup> Applicable sampling fee, if any, plus applicable grading or laboratory testing fee.

<sup>3</sup> No fees shall be assessed if a material error is found in the inspection from which an appeal is taken.

<sup>4</sup> When graded according to the applicable U.S. Standards. Factors requested in addition to those that are in the U.S. Standards will be charged the factor fee for each additional factor. See Factor fee.

<sup>5</sup> Only one fee will be assessed for this service whether performed singly or concurrently (but see minimum fee requirements).

<sup>6</sup> Plus all travel costs associated with the performance of the demonstration grading service.

(Sec. 203(h), Pub. L. 79-733, 60 Stat. 1087 (7 U.S.C. 1622))

Done in Washington, D.C., on August 13, 1981.

K. A. Gilles,  
Administrator.

[FR Doc. 81-24895 Filed 8-25-81; 8:45 am]

BILLING CODE 3410-EN-M

**CIVIL AERONAUTICS BOARD**

**14 CFR Parts 221 and 298**

[Economic Regulations Dockets 38348; EDR-404E]

**Elimination of Rules Tariffs Notice to Passengers of Conditions of Carriage**

Dated: August 20, 1981.

AGENCY: Civil Aeronautics Board.

ACTION: Supplemental notice of proposed rulemaking.

**SUMMARY:** The CAB is proposing to eliminate the requirement that air taxis post signs at all ticket counters stating their policy on baggage liability and denied boarding compensation. The Board had previously proposed to eliminate most Board prescribed notices for certificated carriers. The change would give evenhanded treatment to certificated and non-certificated carriers. This notice also corrects some inadvertent omissions in the amendatory language of EDR-404B. The proposed changes are at the CAB's initiative.

**DATE:** Comments by: September 28, 1981.

Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

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

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

**SUPPLEMENTARY INFORMATION:** On June 25, 1981, the Civil Aeronautics Board adopted EDR-404B, 46 FR 35936, July 13, 1981. That notice of proposed rulemaking added a two-part option to be considered along with other proposals set forth in EDR-396, 45 FR 25817, April 16, 1980, and EDR-404, 45 FR 42629, June 25, 1980. It proposed to eliminate passenger rules tariffs in interstate and overseas air transportation and most of the Board-prescribed notices to passengers in domestic and foreign air transportation. This supplemental notice of proposed rulemaking proposes to remove consumer protection notice requirements applicable to air taxis and corrects some inadvertent omissions in the amendatory language of EDR-404B.

EDR-404B proposed changes only in the requirements applicable to certificated carriers. Air taxis generally do not file tariffs, nor are they subject to detailed regulation of their consumer protection practices and notices. 14 CFR 298.30 requires, however, that every air taxi conspicuously post a sign stating its policy on baggage liability and denied boarding compensation. We now propose to eliminate that section so that neither certificated or non-certificated carriers would be required to post notices. In order to avoid liability and maintain good will, we expect each air taxi would provide actual notice to passengers of its practices.

In the Supplementary Information in EDR-404B, the Board proposed to eliminate all Board-prescribed consumer protection notices currently required in domestic and overseas air

transportation, and all but the overbooking notices in foreign air travel. It specifically mentioned that Board-mandated notices related to Warsaw Convention limitations for international travel would be removed under the proposed rule because they are unnecessary. The Warsaw Convention requires that notice of liability limits be given to passengers, and courts have refused to enforce the limitation if clear and detailed notice is not given. In addition, the Board proposed that there be no Board-prescribed baggage notices on counters or tickets, and that the sufficiency of the notice be as matter of ordinary contract law. Similarly, the requirement that each carrier post a sign stating that its tariffs are available for public inspection was intended to be eliminated. This notice corrects omissions made in the amendatory language by proposing to remove § 221.173, *Notice of tariff posting*, § 221.175, *Special notice of limited liability for death or injury under the Warsaw Convention*, and § 221.176, *Notice of limited liability for baggage; alternative consolidated notice of liability limitations*.

The comment closing date for this notice is the same as that for EDR-404B, which it supplements, so that the comprehensive rulemaking on passenger information systems may proceed as rapidly as possible. The closing date for reply comments was recently extended under delegated authority to September 28, 1981.

Accordingly, the Civil Aeronautics Board proposes to amend Part 221, *Tariffs*, and Part 298, *Classification of Air Taxi Operators*, as follows:

#### PART 221—TARIFFS

##### § 221.173 [Reserved]

1. Section 221.173, *Notice of tariff posting*, would be removed and reserved.

##### § 221.175 [Reserved]

2. Section 221.175, *Special notice of limited liability for death or injury under the Warsaw Convention*, would be removed and reserved.

##### § 221.176 [Reserved]

3. Section 221.176, *Notice of limited liability for baggage; alternative consolidated notice of liability limitations*, would be removed and reserved.

#### PART 298—CLASSIFICATION OF AIR TAXI OPERATORS

##### § 298.30 [Reserved]

4. Section 298.30, *Public disclosure of policy on consumer protection*, would be removed and reserved.

(Secs. 101, 102, 204, 401, 402, 403, 404, 411, 416, 418, 1001, 1002 of Pub. L. 85-726, as amended; 72 Stat. 737, 740, 743, 754, 757, 758, 760, 769, 771, 788, 91 Stat. 1284; 49 U.S.C. 1301, 1302, 1371, 1372, 1373, 1374, 1381, 1386, 1388, 1481, 1482, 1502)

By the Civil Aeronautics Board:  
Phyllis T. Kaylor,  
Secretary.

[FR Doc. 81-24887 Filed 8-25-81; 8:45 am]

BILLING CODE 6320-01-M

#### VETERANS ADMINISTRATION

##### 38 CFR Part 1

##### Interest on Debts

**AGENCY:** Veterans Administration.

**ACTION:** Proposed regulations.

**SUMMARY:** Pub. L. 96-466, "Veterans Rehabilitation and Education Amendments of 1980," requires the Veterans Administration to charge interest and administrative costs on delinquent debts and to charge interest on the unpaid balance of debts being paid in installments. The charging of interest has been prompted by the growing problem of collecting debts owed to the Government. It is believed that the charging of interest will motivate debtors to pay more promptly, improve the efficiency and effectiveness of agency collection programs, and reduce the need for referring uncollectible debts to the Department of Justice and District Counsels for suit.

Pub. L. 96-466 also allows the Veterans Administration to refer delinquent debts and related information to consumer reporting agencies. Consequently, a new regulation is created to comply with this legislation, as well as GAO regulations for such referral to consumer reporting agencies. This new VA regulation will improve the effectiveness of agency collection efforts.

**DATE:** Comments must be received on or before September 25, 1981. It is proposed to make these regulations effective upon final approval.

**ADDRESS:** Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420. Comments will be available for inspection at the above address only

between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday (except holidays) until October 9, 1981. Any person visiting Central Office for the purpose of inspecting such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any field station will be informed that records are available for inspection only in Central Office and furnished the above address and room number.

**FOR FURTHER INFORMATION CONTACT:**  
Peter T. Mulhern, (202) 389-3405.

**SUPPLEMENTARY INFORMATION:** The Administrator hereby certifies that these proposed rules will not, if promulgated, have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA) 5 U.S.C. 601-612. Pursuant to 5 U.S.C. 605(b), these proposed rules are therefore exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. The reason for this certification is that the proposed rules affect only those individuals indebted to the U.S. Government as a result of participation in the Veterans Administration benefits payment programs.

These regulations have also been reviewed under E.O. 12291, and have been determined to be non-major because they only affect individuals participating in VA benefit programs. There is no Catalog of Federal Domestic Assistance number.

Approved: August 11, 1981.

Robert P. Nimmo,  
Administrator.

## PART 1—GENERAL PROVISIONS

38 CFR Part 1 is amended as follows:

1. Section 1.916 is revised to update gender terminology and reads as follows:

### § 1.916 Liquidation of collateral.

The VA will exercise its rights to liquidate security or collateral and apply the proceeds to debts due it through use of a power of sale in the security instrument or a non-judicial foreclosure if the debtor fails to pay his or her debt, within a reasonable time after demand, unless the cost of disposing of the collateral will be disproportionate to its value or the particular circumstances require judicial foreclosure. Collection from other sources, including liquidation of security or collateral, is not a prerequisite to requiring payment by a surety or insurance company unless such action is expressly required by statute or contract.

2. Section 1.919 is revised to read as follows:

### § 1.919 Interest.

(a) Except as otherwise provided by statute, contract, or other regulation to the contrary, the VA shall assess: (1) Interest on all indebtedness to the United States arising as a result of VA benefit programs which are being paid in installments, and (2) interest and administrative costs of collection on debts where repayment has become delinquent.

(b) Every party entering into an agreement with the VA for repayment of indebtedness in installments shall be advised of the interest charges to be added to the debt. All debtors being provided notice of indebtedness, including those entering into repayment agreements, shall be advised that upon the debt becoming delinquent, or in the case of repayment of already delinquent debts, interest and the administrative costs of collection will be added to the principal amount of the debt.

(c) The rate of interest charged by the VA shall be equal to the rate paid by the United States for its borrowing as published in Volume I, Part 6, Section 8020.20 of the Treasury Fiscal Requirements Manual. The rate of interest shall be adjusted annually to reflect the rate being charged on the first day of the fiscal year. Once the rate of interest has been determined for a particular debt, the rate shall remain unchanged throughout the duration of repayment of that debt.

(d) Interest on amounts covered by § 1.919 shall accrue from the date the initial notice of the debt is mailed to the debtor. Notification shall be considered sufficient when effected by ordinary mail, addressed to the last known address, and such notice is not returned as undeliverable by postal authorities.

(e) Interest under § 1.919 shall not be charged if the debt is paid in full within 30 days of mailing of the initial notice described in paragraph (b) of this section. Once interest begins to accrue, and after expiration of the time period for payment of the debt in full to avoid assessment of interest and administrative costs, any amounts received toward the payment of such debt shall be first applied to payment of the accrued interest and/or costs, and then to principal, unless a different rule is prescribed by statute, contract, or other regulation.

(f) All or any part of the interest and administrative costs assessed under § 1.919 are subject to consideration for waiver under section 3102 of title 38, United States Code and appropriate administrative procedures.

(g) Administrative costs assessed under § 1.919 shall be the average costs of collection of similar debts, or actual collection costs as may be accurately determined in the particular case. No administrative costs of collection will be assessed under § 1.919 in any cases where the indebtedness is paid in full prior to the 30 day period specified in paragraph (e) of this section, or in any case where a repayment plan is proposed by the debtor and accepted by the VA within that period, unless such repayment agreement becomes delinquent. (38 U.S.C. 3115)

3. Section 1.920 is amended by changing the word "bases" to "basis" so that the revised material reads as follows:

### § 1.920 Documentation of collection action.

An appropriate file will be maintained for each claim completely documenting all VA collection action and the basis for any compromise or for suspension or termination of collection action.

4. A new § 1.922 is added to read as follows:

### § 1.922 Disclosure of debt information to consumer reporting agencies (CRA).

(a) The Veterans Administration may disclose all information determined to be necessary, including the name, address, VA file number, Social Security number, and date of birth, to consumer reporting agencies for the purpose of—

(1) Obtaining the location of an individual indebted to the United States as a result of participation in any benefits program administered by the Veterans Administration;

(2) Obtaining a consumer report in order to assess an individual's ability to repay a debt when such individual has failed to respond to the agency's demand for repayment or when such individual has notified the agency that he/she will not repay the indebtedness; or

(3) Obtaining the location of an individual in order to conduct program evaluation studies as required by 38 U.S.C. 219 or any other law.

(b) Information disclosed by the VA under paragraph (a) of this section to consumer reporting agencies shall neither expressly nor implicitly indicate that an individual is indebted to the United States nor shall such information be recorded by consumer reporting agencies in a manner that reflects adversely upon the individual. Prior to disclosing this information, the VA shall ascertain that consumer reporting agencies with which it contracts are able to comply with this requirement.

The VA shall also make reasonable efforts to insure compliance by its contractor with this requirement.

(c) Subject to the conditions set forth in paragraph (d) of this section, information concerning individuals may be disclosed to consumer reporting agencies for inclusion in consumer reports pertaining to the individual, or for the purpose of locating the individual. Disclosure of the fact of indebtedness will be made if the individual fails to respond in accordance with written demands for repayment, or refuses to repay a debt to the United States arising out of the individual's participation in any benefits program administered by the VA. In making any disclosure under § 1.922, the VA will provide consumer reporting agencies with sufficient information to identify the individual, including the individual's name, address, if known, date of birth, VA file number, and Social Security number.

(d)(1) Prior to releasing information under paragraph (c) of this section, the VA will send a notice to the individual. This notice will inform the individual that—

(i) The Veterans Administration has determined that he or she is indebted to the VA;

(ii) The debt is presently delinquent; and

(iii) The fact of delinquency may be reported to consumer reporting agencies after 30 days have elapsed from the date of the notice.

(2)(i) The VA will notify each individual of the right to dispute the existence or amount of any debt in accordance with §§ 3.103(e) and 19.109, and to request a waiver of the debt in accordance with §§ 1.955 through 1.970.

(ii) If the VA has not previously notified the individual of the rights described in paragraph (d)(2)(i) of this section, the VA will include this information in the notice described in paragraph (d)(1) of this section. The individual shall be afforded a minimum of 30 days from the date of the notice to respond to it before information is reported to consumer reporting agencies.

(3) The VA will defer reporting information to a consumer reporting agency if the individual disputes the existence or amount of any debt or requests waiver of the debt within the time limits set forth in paragraph (d)(2)(ii) of this section. The VA will review any dispute and notify the individual of its findings. If the original decision is determined to be correct, or if the individual's request for waiver is denied, the VA may report the fact of delinquency to a consumer reporting agency. However, the individual shall be

afforded 30 days from date of the notice of the agency's determination to repay the debt.

(4) Nothing in this section affects an individual's right to appeal an agency decision to the Board of Veterans Appeals. However, information concerning the debt may be disclosed while an appeal is pending before the Board of Veterans Appeals.

(5) Upon request, the VA will notify an individual—

(i) Whether information concerning a debt has been reported to consumer reporting agencies;

(ii) Of the name and address of each consumer reporting agency to which information has been released; and

(iii) Of the specific information released.

A notice of the right to request this information will be sent with the notice described in paragraph (d)(1) of this section.

(e) Subsequent to disclosure of information to consumer reporting agencies as described in paragraph (c) of this section, the VA shall:

(1) Notify on a monthly basis each consumer reporting agency concerned of any substantial change in the status or amount of indebtedness.

(2) Promptly verify any and all information disclosed if so requested by the consumer reporting agency concerned.

(f) In the absence of a different rule prescribed by statute, contract, or other regulation, an indebtedness is considered delinquent if not paid by the individual by the date due specified in the notice of indebtedness, unless satisfactory arrangements are made by such date.

(g) Notification shall be considered sufficient when effected by ordinary mail, addressed to the last known address, and such notice is not returned as undeliverable by postal authorities.

(h) The Privacy Act (5 U.S.C. 552a) does not apply to any contract between the VA and a consumer reporting agency, nor does it apply to a consumer reporting agency and its employees. See 38 U.S.C. 3301(i). This paragraph does not relieve the VA of its obligation to comply with the Privacy Act.

(i) The term "consumer reporting agency" means any person or agency which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties or to other consumer reporting agencies. The term "consumer

reporting agency" shall also mean any person or agency which serves as a marketing agent under arrangements enabling third parties to obtain such information from consumer reporting agencies, or which obtain such information for the purpose of furnishing it to consumer reporting agencies. (38 U.S.C. 3301 (g), (i); 31 U.S.C. 952)

5. Section 1.516 is amended to update gender terminology so that the revised material reads as follows:

**§ 1.516 Disclosure of information to undertaker concerning burial of a deceased veteran.**

When an undertaker requests information believed to be necessary in connection with the burial of a deceased veteran, such as the name and address of the beneficiary of the veteran's Government insurance policy, name and address of the next of kin, rank or grade of veteran and organization in which he or she served, character of the veteran's discharge, or date and place of birth of the veteran, and it appears that the undertaker is holding the body awaiting receipt of the information requested, the undertaker, in such instances, may be considered the duly authorized representative of the deceased veteran for the purpose of obtaining said information. In ordinary cases, however, the undertaker will be advised that information concerning the beneficiary of a Government insurance policy is confidential and cannot be disclosed; the beneficiary will be advised immediately of the inquiry, and the furnishing of the desired information will be discretionary with the beneficiary. In no case will the undertaker be informed of the net amount due under the policy or furnished information not specifically mentioned in this paragraph.

6. In § 1.518, paragraph (b)(1) is revised and a new paragraph (d) is added so that the revised and new material reads as follows:

**§ 1.518 Addresses of claimants.**

(b) The address of a VA claimant as shown by VA files may be furnished to:

(1) Duly constituted police or court officials upon official request and the submission of a certified copy either of the indictment returned against the claimant or of the warrant issued for his or her arrest.

(d) Subject to the conditions set forth in § 1.922, the VA may disclose to consumer reporting agencies information contained in a debtor's claims folder. Such information may

include the debtor's name and/or address, VA file number, Social Security number, and date of birth. (38 U.S.C. 3301(g))

7. In § 1.519, paragraphs (a)(4) and (f) are amended to correct citations and paragraphs (b) and (c) are amended to correct gender-specific terminology so that the revised material reads as follows:

**§ 1.519 Lists of names and addresses.**

(a) \* \* \*

(4) Contain a certification that the organization, and all members thereof who will have access to the list, are aware of the penalty provisions of 38 U.S.C. 3301(f) and will not use the list for any purpose other than that stated in the application.

(b) If the Director of the regional office concerned finds that the organization requesting the list of names and addresses of educationally disadvantaged veterans is a nonprofit organization and operates an approved program of special secondary, remedial, preparatory or other educational or supplementary assistance to veterans as provided under subchapter V, title 38, United States Code, then he or she may authorize the release of such names and addresses to the organization requesting them.

(c) The VA Controller, with the concurrence of the General Counsel, is authorized to release lists of names and addresses to organizations which have applied for such lists in accordance with paragraph (a) of this section if he or she finds that the purpose for which the organization desires the names and addresses is directly connected with the conduct of programs and the utilization of benefits under title 38, United States Code. Lists of names and addresses authorized to be released pursuant to this paragraph shall not duplicate lists released to other elements, segments, or chapters of the same organization.

(f) Section 3301(f), title 38, United States Code, provides that any organization, or member thereof, which uses the names and addresses furnished it for any purpose other than one directly connected with the conduct of programs and the utilization of benefits under title 38, United States Code, shall be fined not more than \$500 in the case of the first offense and not more than \$5,000 in the case of the subsequent offenses. Any instance in which there is evidence of a violation of these penal provisions will be reported in accordance with § 14.560.

8. Section 1.520 is amended to update gender specific terminology so that the revised material reads as follows:

**§ 1.520 Confidentiality of social data.**

Persons having access to social data will be conscious of the fact that the family, acquaintances, and even the veteran have been willing to reveal these data only on the promise that they will be held in complete confidence. There will be avoided direct, ill-considered references which may jeopardize the personal safety of these individuals and the relationship existing among them, the patient, and the social worker, or may destroy their mutual confidence and influence, rendering it impossible to secure further cooperation from these individuals and agencies. Physicians in talking with beneficiaries will not quote these data directly but will regard them as indicating possible directions toward which they may wish to guide the patient's self-revelations without reproaching the patient for his or her behavior or arousing natural curiosity or suspicion regarding any informant's statement. The representatives of service organizations and duly authorized representatives of veterans will be especially cautioned as to their grave responsibility in this connection.

(FR Doc. 24851 Filed 8-25-81; 8:45 am)

BILLING CODE 8320-01-M

**FEDERAL EMERGENCY  
MANAGEMENT AGENCY**

**44 CFR Part 67**

(Docket No. FEMA-6130)

**National Flood Insurance Program;  
Proposed Flood Elevation  
Determinations**

**AGENCY:** Federal Insurance Administration, FEMA.

**ACTION:** Proposed rule.

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

**DATES:** The period for comment will be ninety (90) days following the second publication of this proposed rule in a

newspaper of local circulation in each community.

**ADDRESSES:** See table below.

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

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

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

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

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

### Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
Minnesota	(C) Adrain, Nobles County	Tributary to Kanaranz Creek	Just downstream of Main Avenue	*1520	
			Just upstream of Main Avenue	*1525	
			About 200 feet upstream of Pearl Street	*1531	
			Just downstream of Eight Street	*1568	
Maps available for inspection at the City Hall, P.O. Box 187, Adrain, Minnesota. Send comments to Honorable David Edwards, Mayor, City of Adrain, City Hall, P.O. Box 187, Adrain, Minnesota 56110.					
Minnesota	(Unic.) Fairbault County	Blue Earth River	At Riverside Country Club Road	*1045	
			Just downstream of County Highway 8 (about 5250 feet downstream of Interstate 90 westbound)	*1056	
		East Fork Blue Earth River	Just downstream of County Highway 4	*1073	
			About 1100 feet downstream of East Street	*1062	
		Coon Creek	About 3900 feet upstream of 7th Street	*1065	
			At confluence of Blue Earth River	*1065	
		Badger Creek	Just upstream of U.S. Highway 169	*1072	
			Just downstream of County Highway 4	*1088	
		Little Badger Creek	At confluence with Blue Earth River	*1062	
			Just downstream of Township Road (about 3350 feet upstream of confluence of Little Badger Creek)	*1064	
Minnesota Lake	At confluence with Badger Creek	*1062			
	At Township Road	*1077			
		Shoreline	*1036		
Maps available for inspection at the Fairbault County Courthouse, Main Street, Blue Earth, Minnesota. Send comments to Honorable Paul Beyer, County Board Chairman, Fairbault County, Rural Route, Easton, Minnesota 56025.					
Minnesota	(C) Lino Lakes, Anoka County	Amelia Lake	Shoreline	*910	
			Bald Eagle Lake	Shoreline	*913
			Baldwin Lake	Shoreline	*885
			Centerville Lake	Shoreline	*886
			Forsham Lake	Shoreline	*886
			Otter Lake	Shoreline	*913
			Peltier Lake	Shoreline	*887
			Randau Lake	Shoreline	*888
			Reshansu Lake	Shoreline	*886
			Rice Lake	Shoreline	*886
Maps available for inspection at the City Hall, 1189 Main Street, Lino Lakes, Minnesota. Send comments to Honorable F. Kenneth Gourney, Mayor, City of Lino Lakes, City Hall, 1189 Main Street, Lino Lakes, Minnesota 55014.					
Minnesota	(C) Luverne, Rock County	Rock River	About 250 feet downstream of the confluence of Popular Creek	*1437	
			Just upstream of County Highway 4	*1443	
			About 2400 feet upstream of County Highway 4	*1445	
		Poplar Creek	Confluence with Rock River	*1437	
			Just upstream of Kniss Avenue	*1451	
			Just upstream of Main Street	*1472	
		Just downstream of Dodge Street	*1462		
Maps available for inspection at the City Hall, 203 East Main Street, Luverne, Minnesota. Send comments to Honorable Harold Deuschle, Mayor, City of Luverne, City Hall, 203 East Main Street, Luverne, Minnesota 56156.					
Missouri	(C) Lebanon, Laclede County	Holman Branch	About 1,900 feet downstream of St. Louis-San Francisco Railroad	*1186	
			Just downstream of Seminole Avenue	*1221	
			Just upstream of Seminole Avenue	*1229	
			Just downstream of Interstate 44	*1233	
		Dry Anglatze Creek	At downstream corporate limits	*1185	
			Just downstream of St. Louis-San Francisco Railroad	*1205	
			Just upstream of St. Louis-San Francisco Railroad	*1210	
			About 100 feet downstream of Elm Street	*1216	
		Radio Tower Branch	About 100 feet upstream of Elm Street	*1222	
			Just downstream of Interstate 44	*1251	
			At western corporate limits	*1195	
			Just downstream of State Route 32	*1226	
			Just upstream of St. Louis-San Francisco Railroad (downstream of Kansas Street)	*1236	
			Just downstream of West Elm Street	*1243	
Radio Tower Branch	About 800 feet upstream of West Elm Street	*1258			
	Just downstream of Interstate 44	*1258			
Maps available for inspection at the Planning and Zoning Department, City Hall, P.O. Box 111, Lebanon, Missouri. Send comments to Honorable Kenneth Cowan, Mayor, City of Lebanon, City Hall, P.O. Box 111, Lebanon, Missouri 65536.					
Missouri	Unincorporated Area of Pemiscot County	Mississippi River	Just downstream of Interstate Highway 155	*278	
			Clay Roost Bayou (Shallow Flooding Area)	*261	
		Ditch No. 72 (Shallow Flooding Area)	Just north of the intersection of State Highway A and the St. Louis-San Francisco Railway	*257	
			Just downstream of Main Street	*257	
		Ditch No. 21 (Shallow Flooding Area)	At west corporate limits of the City of Hayti Heights	*267	
			Approximately 1,000 feet downstream of Interstate Highway 155	*269	
Ditch No. 6 Lateral AA (Shallow Flooding Area)	Just upstream of the St. Louis-San Francisco Railway	*268			

## Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Ditch No. 4 (Shallow Flooding Area)	Just downstream of the St. Louis Southwestern Railway	*264
		Ditch No. 6 (Shallow Flooding Area)	Just downstream of Interstate Highway 55	*264
		Ditch No. 8 (Shallow Flooding Area)	Just downstream of Interstate Highway 55	*274
		Ditch No. 9 (Shallow Flooding Area)	Just upstream of State Highway M	*249
		Franklin Ditch (Shallow Flooding Area)	Just downstream of Interstate Highway 155	*266
			Approximately 4,500 feet upstream of State Highway 164	*264
		Pemiscot Bayou (Shallow Flooding Area)	Approximately 3,000 feet downstream of the St. Louis-San Francisco Railway	*257
		Little River (Shallow Flooding Area)	Just upstream of State Highway B	*267
		Ditch Nos. 81, 1, 66, 251, 258, 259 (Parallel Ditches, Shallow Flooding Area)	Just downstream of St. Louis-Southwestern Railway	*262
		Old Pemiscot (Shallow Flooding Area)	At State Route 164	*258
Maps available for inspection at County Clerk's Office, County Courthouse, Ward Avenue, Caruthersville, Missouri 63830.				
Send comments to Judge D. J. Meredith or Mr. John Alford, County Clerk, County Courthouse, Ward Avenue, Caruthersville, Missouri 63830.				
Nebraska	(V) Talmage Otoe County	Little Nemaha River	About 1.4 miles downstream of State Highway 67 About 1.4 miles upstream of State Highway 67	*970 *982
Maps available for inspection at the City Hall, Talmage, Nebraska.				
Send comments to the Honorable James Gerking, Chairman of the Board of Trustees, Village of Talmage, City Hall, Talmage, Nebraska 68448.				
Nevada	Caliente (City), Lincoln County	Meadow Valley Wash Dry Wash Runoff Clover Creek Antelope Canyon Wash	100 feet upstream from center of U.S. Highway 93 Intersection of Rowan Drive and Depot Avenue 100 feet upstream from center of Union Pacific Railroad 150 feet upstream from center of U.S. Highway 93	*4364 *4366 *4401 *4426
Maps available for inspection at the City Clerk's Office, City Hall, Caliente, Nevada.				
Send comments to the Honorable K. E. Larson, P.O. Box 158, Caliente, Nevada 89008				
New Hampshire	Exeter, Town, Rockingham County	Squamscott River Exeter River Little River	Entire shoreline Approximately 250' downstream Chestnut Hill Avenue Upstream Chestnut Hill Avenue Upstream Dam Confluence with Little River Upstream Court Street Upstream Linden Street Upstream Boston and Maine Railroad Upstream Kingston Road, (Route 111) Downstream Cross Road Upstream Dam Downstream Corporate Limits Confluence with Exeter River Upstream Linden Street Downstream Dam Upstream Dam	*8 *9 *12 *30 *32 *33 *35 *36 *42 *51 *66 *66 *32 *32 *42 *48
Maps available for inspection at the Exeter Planning Office, Exeter Town Office, 10 Front Street, Exeter, New Hampshire.				
Send comments to the Honorable Evelyn Zarnowski, Chairwoman of the Exeter Board of Selectmen, Town Offices, 10 Front Street, Exeter, New Hampshire 03833.				
New Jersey	Cranbury, Township, Middlesex County	Millstone River Cranbury Brook Cedar Brook Tributary to Millstone River Shallow Brook	Downstream Corporate Limits Upstream U.S. Route 130 Upstream Corporate Limits Downstream Corporate Limits Upstream Dam (4th Dam Crossing) Upstream U.S. Route 130 Upstream Corporate Limits Confluence with Cranbury Brook Upstream Warnon Petty Road Upstream North Main Street Upstream Washington Road Downstream New Jersey Turnpike Upstream Corporate Limits Confluence with Millstone River Approximately 3,450' upstream confluence with Millstone River Upstream U.S. Route 130 Upstream Corporate Limits	*74 *84 *96 *70 *82 *91 *95 *72 *81 *97 *101 *106 *110 *77 *89 *108 *110
Maps available for inspection at the Municipal Building, 23 North Main Street, Cranbury, New Jersey.				
Send comments to the Honorable Thomas Weidner, Mayor of Cranbury, Municipal Building, 23 North Main Street, Cranbury, New Jersey 08512.				
New York	Cicero, Town, Onondaga County	Oneida Lake Chittenango Creek Mud Creek	Entire shoreline within community Confluence with Oneida Lake Upstream State Route 31 Upstream Corporate Limits Downstream Corporate Limits Upstream Interstate 81 Downstream South Bay Road	*373 *373 *386 *392 *375 *384 *387
Maps available for inspection at the Town Hall, Main Street, Cicero, New York.				
Send comments to the Honorable Michael Hogan, Supervisor of Cicero, Town Hall, Main Street, Cicero, New York 13041.				

## Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. Elevation in feet (NGVD)
New York	Port Byron, Village, Cayuga County	Owasco Lake Outlet	Downstream Corporate Limits	*392
			Upstream side of Green Street	*394
			Downstream of Dam	*398
			Upstream of Dam	*404
			Upstream Corporate Limits	*405
		East Branch Owasco Lake Outlet	Downstream confluence with Owasco Lake Outlet	*397
			Downstream Dam	*398
			Upstream Dam	*404
			Upstream confluence with Owasco Lake Outlet	*404
Maps available for inspection at the Village Hall, 66-68 Utica Street, Port Byron, New York.				
Send comments to Honorable Frank Thomas, Mayor of Port Byron, Village Hall, 66-68 Utica Street, Port Byron, New York 13140.				
New York	Tioga, Town, Tioga County	Susquehanna River	Downstream Corporate Limits	*783
			State Route 282	*791
			Confluence with Pipe Creek	*799
			Confluence with Owego Creek	*814
			Confluence with Owego Creek	*824
		Catawng Creek	Glen Mary Drive	*838
			Upstream Corporate Limits	*846
		Owego Creek	Confluence with Susquehanna River	*814
			Talcott Street	*817
Maps available for inspection at the Tioga Town Hall, Tioga Center, New York.				
Send comments to Honorable Lawrence Brink, Supervisor of Tioga, Box 193, Tioga Center, New York 13845.				
Oregon	Dayton (City), Yamhill County	Yamhill River Palmer Creek	Intersection of Water Street and Ferry Street	*103
			Intersection of creek and Dayton-Salem Highway	*102
Maps available for inspection at City Recorder's Office, 416 Ferry Street, Dayton, Oregon.				
Send comments to Arthur J. Johnson, Box 388, Dayton, Oregon 97114.				
Oregon	Junction City (City), Lane County	Willamette River	Intersection of East 4th Avenue and Cedar Street	*327
			Intersection of East 14th Avenue and Elm Street	*323
Maps available for inspection at City Hall, 880 Greenwood Street, Junction City, Oregon.				
Send comments to the Honorable Chuck Ivoy, P.O. Box 245, Junction City, Oregon 97448.				
Pennsylvania	Neshannock, Township, Lawrence County	Neshannock Creek	Approximately 350' downstream of Maitland Road	*899
			Approximately 6,600' upstream of Maitland Road	*902
			Approximately 7,090' downstream of upstream Corporate Limits	*914
		Shenango River	Upstream Corporate Limits	*926
			Approximately 150' upstream of Downstream Corporate Limits	*816
			Upstream Corporate Limits	*819
Maps available for inspection at the Neshannock Township Municipal Building, 3131 Mercer Road, New Castle, Pennsylvania.				
Send comments to Honorable John E. Cater, Chairman of the Neshannock Board of Supervisors, 3131 Mercer Road, New Castle, Pennsylvania 16105.				
Tennessee	City of Mt. Juliet, Wilson County	Cedar Creek Stoners Creek	Just upstream of State Highway 70 (Lebanon Pike)	*477
			Just upstream of Old South Mt. Juliet Road. Approximately 300 feet north of intersection of Old South Mt. Juliet and Stoney Creek Roads.	*534
			Just downstream of South Mt. Juliet Road	*545
Maps available for inspection at City Manager's Office, Mt. Juliet Road, Mt. Juliet, Tennessee 37122.				
Send comments to Mayor Bill Staggs, or Mr. Roy McKuhen, City Manager, City Hall, P.O. Box 256, Mt. Juliet, Tennessee 37122.				
Tennessee	City of Nashville, and Davidson County, (Metropolitan Government).	Cumberland River	Just upstream of confluence of Overall Creek	*406
			Just upstream of confluence of Richland Creek	*408
			Just downstream of Hydes Ferry Bridge	*412
			Just upstream of I-265	*414
			Just upstream of confluence of Mill Creek	*417
			Just upstream of Brioy Parkway	*420
			Just upstream of Old Hickory Bridge	*427
			Just downstream of Old Hickory Dam	*430
			Just upstream of Old Hickory Dam	*450
			Just upstream of McCoy Lane	*538
		Harpoth River	Just upstream of Newsome Station Road	*544
			Just upstream of Interstate Highway 40	*549
			Just upstream of Harding Pike	*562
			Just downstream of Old State Highway 100	*565
			Just upstream of Highway 96	*567
		South Harpoth River	Just upstream of Highway 70 South	*560
			Just upstream of Todd Preis Drive	*564
		Buffalo Creek	Just upstream of Bellevue Road	*580
			Just downstream of Baugh Road Culvert	*600
		Flat Creek	Just downstream of Hicks Road	*619
Just upstream of Iroquois Apt Culvert	*643			
	Just downstream of U.S. Highway 70	*670		

## Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Trace Creek	Just upstream of Highway 100	*564
		Overall Creek	Just upstream of River Road Pike	*407
			Just upstream of Old Charlotte Pike	*415
			Just downstream of U.S. Highway 70	*451
		Tributary to Overall Creek	Just upstream of River Road Pike Culvert	*418
			Just upstream of Sawyer Brown Road Culvert	*444
		Richland Creek	Just downstream of Urbandale Avenue	*417
			Just downstream of Charlotte Avenue	*427
			Just upstream of Louisville and Nashville Railroad	*453
		Sugartree Creek	Just upstream of Sugartree Bridge	*475
			Just upstream of Estes Road	*492
			Just downstream of Cross Creek Road	*526
			Just downstream of YMCA Santa Drive	*547
			Just upstream of Hobbs Road	*559
		Jocelyn Hollow Branch	Just downstream of Sedbers Drive	*508
			Just upstream of West Meade Drive	*530
		Vaughns Gap Branch	Just downstream of Harding Place	*500
			Just upstream of Percy Warner Boulevard	*525
			Just downstream of Saint Henry Drive	*538
			Just downstream of Park Lane	*567
		Whites Creek	Just upstream of Hydes Ferry Pike	*414
			Just upstream of Clarksville Pike	*416
			Just downstream of Tucker Road	*420
			Just downstream of Whites Creek Pike	*450
			Just upstream of Knight Road	*462
			Just upstream of Old Hickory Boulevard	*479
			Just upstream of Interstate Highway 24	*507
		Eaton Creek	Just downstream of Hydes Ferry Pike	*415
			Just upstream of Sulphur Creek Road	*462
		Drake branch	Just upstream of Kings Lane	*436
		Ewing Creek	Just upstream of White Creek Pike	*444
			Just upstream of Knight Road	*449
			Just upstream of Brick Church Pike	*480
			Just upstream of Larkspur Drive	*511
		North fork Ewing Creek	Just upstream of Ramps to Interstate Highway 24	*480
			Just upstream of Brick Church Pike	*505
			Just downstream of Dickerson Road	*543
		Whoins Creek	Just downstream of Brick Church Pike	*507
		Earthman fork	Just downstream of Whites Creek Pike	*469
		Little Creek	Just upstream of Interstate Highway 24	*512
			Just upstream of Brick Church Pike	*536
		Pages Branch Creek	Just upstream of Interstate Highway 65 culvert	*417
			Just upstream of Trinity Lane culvert	*436
			Just upstream of Grizzard Avenue	*448
		Browns Creek	Just upstream of Lafayette Street	*424
			Just upstream of Louisville and Nashville Railroad	*443
			Just upstream of Craighead Avenue	*465
		West fork Browns Creek	Just downstream of old Glendale trolley line	*497
			Just downstream of Lealand Lane	*524
			Just downstream of Glendale Road	*552
		Middle fork Browns Creek	Just upstream of Park Terrace	*488
			Just upstream of Caldwell Lane	*509
		Mill Creek	Just downstream of Interstate Highway 40	*432
			Just upstream of Thompson Lane	*457
			Just upstream of Space Park South Drive	*471
			Just upstream of Franklin Limestone Road	*496
			Just upstream of Bell Road	*517
			Just upstream of Pettus Road	*525
			Just upstream of Nolensville Road	*550
		Sims branch	Just upstream of Elm Hill Pike	*429
			Just downstream of McGavock Pike	*431
		Sevenmile Creek	Just upstream of Paragon Mills Road	*480
			Just upstream of Nolensville Pike	*504
			Just upstream of Ellington Agricultural Center Road	*530
		Sorghum branch	Just upstream of Antioch Pike	*477
			Just upstream of Haywood Lane	*542
		Tributary 1 to Mill Creek	Just upstream of Franklin Limestone Road	*498
		Whittemore branch	Just downstream of Tusculum Road	*522
			Just upstream of Benzing Road	*551
			Just downstream of Bell Road	*553
			Just downstream of old Hickory Boulevard	*573
			Just upstream of Cedarmont Drive	*561
		Collins Creek	Just upstream of Interstate Highway 24 (entrance ramp)	*524
		Windomere branch	Just upstream of Driveway Bridge at station 0.70	*428
			Just upstream of Driveway Bridge at station 1.00	*443
		Gibson Creek	Just upstream of Gallatin Road	*445
			Just upstream of Norman Drive	*476
		Gibson Creek tributary	Just upstream of Madison Boulevard	*423
			Just downstream of Maple Street	*455
		Stones River	Just downstream of Louisville and Nashville Railroad	*426
			Just upstream of McCory Creek	*426
		Stoners Creek	Just downstream of old Lebanon dirt road	*425
			Just upstream of old Hickory Road	*434
			Just upstream of Tulip Grove Road	*444
			Just downstream of Chandler Road	*456
		Scotts Creek	Just upstream of confluence with Stoners Creek (flooding effected by backwater from Stoners Creek)	*443

## Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		McCoy Creek	Just upstream of Stewarts Ferry's Pike	*435
			Just upstream of Elm Hill Pike	*453
		Hurricane Creek	Just upstream of U.S. Highway 41 and 70 South	*544
		West branch Hurricane Creek	Just upstream of Firestone Parkway	*581
			Just upstream of Heil Quaker Boulevard	*587
		East Fort Hamilton Creek	Just upstream of Mossdale Drive	*527
		Tributary No. 1 to East Fork Hamilton Creek	Just upstream of Mossdale Drive	*524
			Just downstream of Anderson Road	*533
		Dry Creek	Just upstream of Interstate Highway 65	*488
			Just downstream of Dickerson Road	*495
		Mansker Creek	Just upstream of U.S. Highway 41	*481
Maps available for inspection at Public Works Department, Civil Engineering Division, 750 South Fifth Street, Nashville, Tennessee 37202.				
Send Comments to Mayor Richard Fulton, 107 Metro Courthouse, or Mr. Steven Halsey, Civil Engineering Division, Department of Public Works, 750 South Fifth Street, Nashville, Tennessee 37201.				
Texas	Unincorporated areas of Dallas County	Trinity River	Just downstream of Malloy Road	*370
			Just upstream of Belt Line Road	*380
			Just upstream of Dowdy Ferry Road	*395
		West Fork of Trinity River	Just downstream of loop 12	*425
		Elm Fork of Trinity River	Just downstream of State Highway 482	*424
			Just downstream of Belt Line Road (State Highway 1380)	*439
		Bear Creek	Just upstream of Uhl Road	*643
		Little Creek	Just upstream of Westmoreland Road	*629
			Just downstream of Cockrell Hill Road	*662
		Glenn branch	Just downstream of Bear Creek Road	*669
		Red Oak Creek	Just downstream of Cedar Hill eastern corporate limits	*702
		Stream 3B1	Just downstream of Little Creek Drive	*729
		Tenmile Creek	Just upstream of Darkinson Road	*375
			Just downstream of I-45 and U.S. 75	*396
			Just upstream of Ferris Road	*429
			Approximately 300 feet downstream of Nokomis Road	*460
		Keller branch	Approximately 300 feet downstream of Belt Line Road	*467
		Stream 3A1	Just upstream of Tenmile Road	*483
		Deep Branch	Approximately 250 feet downstream of Belt Line Road	*496
		Stream 3A13	Approximately 3,000 feet upstream of Wintergreen Road	*619
		Coltonwood Creek of Tenmile Creek	Just downstream of Malloy Bridge Road	*371
			Just upstream of Belt Line Road	*382
			Just downstream of Goode Road	*427
			Just downstream of Greene Road	*455
		Stream 4A1	Just upstream of Geller Road	*405
			Just downstream of Goode Road	*444
		Stream 4A4	Just upstream of Pleasant Run Road	*403
			Just downstream of Fulghum Road	*447
		Stream 4A5	Just upstream of Goode Road	*445
		Stream 4A2	Just downstream of Wilmer southern corporate limits	*468
		Hickory Creek	Just upstream of Beckett Road	*384
			Just upstream of Southern Pacific Railroad	*396
		Stream 4C3	Approximately 1,000 feet downstream of Kleberg Road	*400
		Stream 4C1	Just downstream of Cloverhill Road	*393
		Stream 4B2	Approximately 350 feet downstream of I-45	*452
		Stream 4B4	Approximately 2,000 feet downstream of Willow Grove Road	*396
		Hutchins Creek	Just upstream of Langdon Drive	*402
		Grapevine Creek	Approximately 100 feet upstream of I-635 (east bound)	*524
		Denton Creek	Just downstream of Denton Tap Road	*462
		Mountain Creek	Just upstream of I-30	*432
			Just upstream of Texas and Pacific Railroad	*433
		South Mesquite Creek	Just upstream of Lawson Road	*391
			Just upstream of Belt Line Road	*426
		Stream 2B1	Just upstream of Belt Line Road	*433
		North Mesquite Creek	Just upstream of I-20	*478
		Duck Creek	Just upstream of Barnes Bridge Road	*436
		Long branch of Duck Creek	Just upstream of La Prada Drive	*505
		Rowlett Creek	Just downstream of Pleasant Valley Road	*465
		Stream 2D13	Just upstream of Bunker Hill Road	*468
		Muddy Creek	Just upstream of Pleasant Valley Road	*464
			Just upstream of Sachse Road	*470
		Stream 2E8	Just upstream of Merritt Road	*486
		Long branch of Muddy Creek	Approximately 200 feet downstream of Merritt Road	*486
		Stream 2E3	Approximately 200 feet upstream of Merritt Road	*489
		Stream 2E4	Just upstream of confluence of stream 2E5	*502
		Stream 2E5	Just downstream of private dirt road	*469
		Stream 2E6	Just upstream of Elm Grove Road	*450
		Stream 2A3	Just downstream of Dalrock Road	*444
		Stream 2A4	Just upstream of Dalrock Road	*446
		Stream 2A5	Just upstream of Dalrock Road	*454
		Coltonwood Creek of Lake Ray Hubbard	Just upstream of Stonewall Road	*464
			Just upstream of Vinsor Road	*482
			Just upstream of Whitley Road	*482

## Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Floyd Branch	Just upstream of Valley View Road	*558
		Eagle Ford sump	Entire shoreline	*416
		Trinity-Portland sump	Entire shoreline	*413
Maps available for inspection at Department of Public Works, 161 Commerce Street, Dallas, Texas 75202.				
Send comments to Judge Garry Weber, Dallas County Administration Building, 411 Elm Street, or Mr. J. W. Bryan, Director, Department of Public Works, 161 Commerce Street, Dallas, Texas 75207.				
Texas	Town of Dalworthington Gardens, Tarrant County	Rush Creek	Approximately 950 feet upstream of Indian Trail	*543
			Approximately 100 feet downstream of Pleasant Ridge Road	*567
		Ryan's branch	Just upstream of Roosevelt Drive	*577
		Twins Springs draw	Just downstream of Bowen Road	*577
Maps available for inspection at Dalworthington Gardens City Hall, 2600 Roosevelt Drive, Arlington, Texas 76016.				
Send comments to Mayor Jean Gibbons or Ms. Cheryl Dickerson, City Secretary, Dalworthington Gardens City Hall, 2600 Roosevelt Drive, Arlington, Texas 76016.				
Texas	City of Laredo, Webb County	Chacon Creek	Approximately 760 feet upstream of the confluence of tributary 2	*388
			Just upstream of State Highway 359	*390
		Chacon Creek tributary 1	Just downstream of U.S. Highway 83	*394
			Just downstream of Canada Avenue	*418
			Just downstream of Vicente Street	*431
		Las Manadas Creek tributary 2	Just downstream of Missouri Pacific Railroad	*417
			Just upstream of Interstate Highway 35	*424
		Rio Grande River	Just upstream of International Bridge No. 2	*390
			Just upstream of Missouri Pacific Railroad Bridge	*391
		Zacate Creek	Just upstream of Washington Street	*395
			Just upstream of Hillside Road East	*402
			Just upstream of Park Street	*405
		Zacate Creek tributary 1	Approximately 1,190 feet downstream of West Calton Road	*422
			Just downstream of entrance ramp to Interstate Highway 35	*423
		Zacate Creek tributary 2	Approximately 480 feet upstream of confluence with Zacate Creek	*436
			Approximately 800 feet upstream of confluence with Zacate Creek	*438
Maps available for inspection at Mayor's Office, City Hall, 500 Florence Avenue, Laredo, Texas 78040.				
Send comments to Mayor Aldo Tatangelo, P.O. Box 579 or Mr. Larry Vetter, City Planner, P.O. Box 3090, Laredo, Texas 78040.				
Texas	Unincorporated areas of Webb County	Chacon Creek	Just upstream of the Texas and Mexican Railroad	*408
			Just downstream of U.S. Highway 59	*414
		Chacon Creek tributary 2	Just upstream of Loop 20	*404
			Approximately 130 feet upstream of Century Boulevard	*419
		Las Manadas	Just downstream of County Highway 1472	*406
			At the confluence of Las Manadas Creek tributary 3	*411
			Just downstream of Missouri Pacific Railroad	*429
		Las Manadas Creek Tributary 1	Just upstream of dirt road B	*413
			Just upstream of dirt road C	*419
		Las Manadas Creek tributary 2	Just upstream of Missouri Pacific Railroad	*417
		Las Manadas Creek tributary 3	Just downstream of unnamed road	*422
		Rio Grande River	Unnamed road "A" extended	*384
			Just downstream of unnamed road "B" extended	*406
Maps available for inspection at Road and Bridge Administration, Webb County Courthouse, 1000 Houston Street, Laredo, Texas 78040.				
Send comments to Judge Benavides or Mr. Oscar Medina, Road and Bridge Administrator, Webb County Courthouse, P.O. Drawer 29, Laredo, Texas 78040.				
Washington	Centralia (city), Lewis County	Chahalis River	100 feet downstream from center of Mellen Street	*173
		Skookumchuck River	Intersection of Denny Way and Alexander Street	*173
			Intersection of Eureka Avenue and Noel Avenue	*197
		Coffee Creek	200 feet upstream from center of Roanoke Street	*189
		China Creek	Intersection of Cedar Street and Plume Street	*173
		Salzer Creek	Intersection of Fair Street and Kresky Avenue	*176
Maps available for inspection at City Hall, Pearl & Maple, Centralia, Washington.				
Send comments to the Honorable William Moeller, P.O. Box 609, Centralia, Washington 98531.				
Wisconsin	(V) Twin Lakes, Kenosha County	Lake Mary	Within corporate limits	*795
		Lake Elizabeth	Within corporate limits	*795
		Bassett Creek tributary	At downstream corporate limits	*781
			About 2,900 feet upstream of corporate limits	*792
Maps available for inspection at the Office of the Clerk, Village Hall, 108 East Main Street, Twin Lakes, Wisconsin.				
Send comments to Honorable Larry Oberhofer, Village President, Village of Twin Lakes, Village Hall, 108 East Main Street, Twin Lakes, Wisconsin 53131.				

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

Issued: August 7, 1981.

Donald L. Collins,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-24537 Filed 8-25-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS  
COMMISSION

## 47 CFR Part 1

[Gen. Docket No. 81-499, FCC 81-336]

Proceeding Regarding Equal Access  
to Justice Act Rules; ImplementationAGENCY: Federal Communications  
Commission.

ACTION: Proposed rule.

**SUMMARY:** The FCC proposes rules to implement the Equal Access To Justice Act (EAJA). The EAJA provides for the award of attorney's fees to qualified parties who prevail over the government in certain administrative proceedings.

The EAJA requires each government agency to establish uniform procedures for implementing the Act.

The proposed rules will provide instructions to eligible parties who seek to recover attorney's fees from the Commission.

**DATES:** Comment deadlines: Comments must be submitted on or before September 15, 1981 and reply comments on or before September 25, 1981.

**ADDRESS:** Comments may be mailed to the Secretary, Federal Communications Commission, Washington, D.C. 20554, or delivered to Room 222, FCC, 1919 M St., N.W., Washington, D.C. 20554, between 8:00 a.m. and 5:30 p.m.

**FOR FURTHER INFORMATION CONTACT:** Sue Preskill, Office of General Counsel, Federal Communications Commission, Washington, D.C. 20554 (202) 632-6990.

**SUPPLEMENTARY INFORMATION:**

In the matter of Equal Access to Justice Act Rules.

Adopted: August 4, 1981.

Released: August 24, 1981.

By the Commission: Commissioner Jones absent.

1. The proposed rules set forth in the Appendix are designed to implement the Equal Access to Justice Act, (EAJA), Pub. L. 96-481, 94 Stat. 2325. The EAJA provides for the award of attorney's fees and other expenses to qualified parties who prevail over the federal government in certain administrative and court proceedings.

2. The EAJA requires each agency to establish uniform procedures for the submission and consideration of applications for an award of fees and other expenses. Our proposed rules largely follow the model rules recommended by the Administrative Conference of the United States. See 46 FR 32900 (June 25, 1981).

3. The proposed rules are issued pursuant to sections 4(i) and 303(r) of the Communications Act of 1947, 47 U.S.C. 154(i), 303(r); and the Equal Access to Justice Act, Pub. L. 96-481, 5 U.S.C. 504(c)(1).

4. In accordance with section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), we hereby certify that these rules will not have a significant economic impact upon a substantial number of small entities. The Equal Access to Justice Act itself may have such an impact, since it applies to individuals and small business entities. It represents a congressional determination that small entities should not bear the burden of litigation where the Government's position is not substantially justified. The rules simply implement the EAJA, carrying out Congressional intention, and do not, by themselves, impose significant economic burdens or benefits. We note the efforts of the Administrative Conference to "produce a scheme that is as clean, simple, and straightforward as possible \* \* \* 46 FR at 32900. The record-keeping requirements of the rules (see § 1.1513) appear to add little burden to small businesses, since such records should ordinarily be kept in the course of adjudication. Thus the rules will not have a significant negative impact on small businesses. This certification shall be provided to the Chief Counsel for Advocacy of the Small Business Administration.

5. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation: on the day of oral

presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's rules, 47 CFR 1.1231.

6. Pursuant to applicable procedures set forth in § 1.415 of the Commission's Rules, interested persons may file comments on or before September 15, 1981, and reply comments on or before September 25, 1981. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. Since the EAJA becomes effective on October 1, 1981, we do not anticipate granting extensions of time for filing comments or reply comments. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

7. In accordance with the provisions of § 1.419 of the Commission's Rules, an original and five copies of all statements, briefs or comments filed shall be furnished the Commission. Responses will be available for public inspection during business hours in the Commission's Public Reference room in its headquarters in Washington, D.C.

8. For further information about this rulemaking proceeding, contact Sue Preskill, (202) 632-6990. A summary of the Commission's procedures governing *ex parte* contacts in informal rulemaking is available from the Commission's Consumer Assistance Office, FCC, Washington, D.C. 20544, (202) 632-7000.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

**PART 1—PRACTICE AND PROCEDURE**

It is proposed to add a new subpart K (§ § 1.1501-1.1530) to Part 1 of title 47 of the Code of Federal Regulations as follows.

\* \* \* \* \*

## Subpart K—Implementation of the Equal Access to Justice Act (EAJA) in Agency Proceedings

### General Provisions

- Sec.
- 1.1501 Purpose of these rules.
  - 1.1502 When the EAJA applies.
  - 1.1503 Proceedings covered.
  - 1.1504 Eligibility of applicants.
  - 1.1505 Standards for awards.
  - 1.1506 Allowable fees and expenses.
  - 1.1507 Rulemaking on maximum rates for attorney fees.
  - 1.1508 Awards against other agencies.

### Information Required From Applicants

- 1.1511 Contents of application.
- 1.1512 Net worth exhibit.
- 1.1513 Documentation of fees and expenses.
- 1.1514 When application may be filed.

### Procedures for considering Applications

- 1.1521 Filing and service of documents.
- 1.1522 Answer to application.
- 1.1523 Reply.
- 1.1524 Comments by other parties.
- 1.1525 Settlement.
- 1.1526 Further proceedings.
- 1.1527 Decision.
- 1.1528 Commission review.
- 1.1529 Judicial review.
- 1.1530 Payment of award.

Authority: Sec. 203(a)(1), Pub. L. 96-481, 94 Stat. 2325 [5 U.S.C. 504(c)(1)].

## Subpart K—Implementation of the Equal Access to Justice Act (EAJA) in Agency Proceedings

### General Provisions

#### § 1.1501 Purpose of these rules.

The Equal Access to Justice Act, 5 U.S.C. 504 (called "the EADA" in this subpart), provides for the award of attorney's fees and other expenses to eligible individuals and entities who are parties to certain administrative proceedings (called "adversary adjudications") before the Commission. An eligible party may receive an award when it prevails over the Commission, unless the Commission's position in the proceeding was substantially justified or special circumstances make an award unjust. The rules in this part describe the parties eligible for awards and the proceedings that are covered. They also explain how to apply for awards, and the procedures and standards that the Commission will use to make them.

#### § 1.1502 When the EAJA applies.

The EAJA applies to any adversary adjudication pending before this agency at any time between October 1, 1981, and September 30, 1984. This includes proceedings begun before October 1, 1981, if final agency action has not been taken before that date, and proceedings pending on September 30, 1984,

regardless of when they were initiated or when final agency action occurs.

#### § 1.1503 Proceedings covered.

(a) The EAJA applies to adversary adjudications conducted by the Commission. These are adjudications under 5 U.S.C. 554 in which the position of this or any other agency of the United States, or any component of an agency, is presented by an attorney or other representative who enters an appearance and participates in the proceeding. Coverage of the EAJA begins at designation of a proceeding or issuance of a show cause order. Any proceeding in which the Commission may establish or fix a rate is not covered by the EAJA. Proceedings to grant or renew licenses are also excluded.

(b) The Commission may designate a proceeding as an adversary adjudication for purposes of the EAJA by so stating in an order initiating the proceeding or designating the matter for hearing. The Commission's failure to designate a proceeding as an adversary adjudication shall not preclude the filing of an application by a party who believes the proceeding is covered by the EAJA; whether the proceeding is covered will then be an issue for resolution in proceedings on the application.

(c) If a proceeding includes both matters covered by the EAJA and matters specifically excluded from coverage, any award made will include only fees and expenses related to covered issues.

#### § 1.1504 Eligibility of applicants.

(a) To be eligible for an award of attorney fees and other expenses under the EAJA, the applicant must be a party, as defined in 5 U.S.C. 551(3), to the adversary adjudication for which it seeks an award. The applicant must show that it meets all conditions of eligibility set out in this paragraph and in paragraph (b) of this section.

(b) The types of eligible applicants are as follows:

(1) An individual with a net worth of not more than \$1 million;

(2) The sole owner of an unincorporated business who has a net worth of not more than \$5 million, including both personal and business interests, and not more than 500 employees;

(3) A charitable association as defined in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) with not more than 500 employees;

(4) A cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C.

1141)(a)) with not more than 500 employees;

(5) Any other partnership, corporation, association, or public or private organization with a net worth of not more than \$5 million and not more than 500 employees.

(c) For the purpose of eligibility, the net worth and number of employees of an applicant shall be determined as of the date the proceeding was designated.

(d) An applicant who owns an unincorporated business will be considered as an "individual" rather than a "sole owner of an unincorporated business" if the issues on which the applicant prevails are related primarily to personal interests rather than to business interests.

(e) The number of employees of an applicant include all persons who regularly perform services for remuneration for the applicant, under the applicant's direction and control. Part-time employees shall be included on a proportional basis.

(f) The net worth and number of employees of the applicant and all of its affiliates shall be aggregated to determine eligibility. Any individual, corporation or other entity that directly or indirectly controls or owns a majority of the voting shares or other interest, will be considered an affiliate for purposes of this part, unless the Administrative Law Judge determines that such treatment would be unjust and contrary to the purposes of the EAJA in light of the actual relationship between the affiliated entities. In addition, the Administrative Law Judge may determine that financial relationships of the applicant other than those described in this paragraph constitute special circumstances that would make an award unjust.

(g) An applicant that participates in a proceeding primarily on behalf of one or more other persons or entities that would be ineligible is not itself eligible for an award.

#### § 1.1505 Standards for awards.

(a) An eligible prevailing applicant shall receive an award for fees and expenses incurred in connection with a proceeding, or in a significant and discrete substantive portion of the proceeding, unless the position of the Commission over which the applicant has prevailed was substantially justified. The burden of proof that an award should not be made to an eligible prevailing applicant is on the appropriate Bureau (see § 1.21 of this chapter) whose representative shall be called "Bureau counsel" in this subpart. The Bureau may avoid an award by

showing that its position was reasonable in law and fact.

(b) An award will be reduced or denied if the applicant has unduly or unreasonably protracted the proceeding or if special circumstances make the award sought unjust.

**§ 1.1506 Allowable fees and expenses.**

(a) Awards will be based on rates customarily charged by persons engaged in the business of acting as attorneys, agents and expert witnesses.

(b) No award for the fee of an attorney or agent under these rules may exceed \$75.00 per hour. No award to compensate an expert witness may exceed the highest rate at which the Commission pays expert witnesses. However, an award may also include the reasonable expenses of the attorney, agent, or witness as a separate item, if the attorney, agent or witness ordinarily charges its clients separately for such expenses.

(c) In determining the reasonableness of the fee sought for an attorney, agent or expert witness, the Administrative Law Judge shall consider the following:

(1) If the attorney, agent or witness is in private practice, his or her customary fee for similar services, or, if an employee of the applicant, the fully allocated cost of the services;

(2) The prevailing rate for similar services in the community in which the attorney, agent or witness ordinarily performs services;

(3) The time actually spent in the representation of the applicant;

(4) The time reasonably spent in light of the difficulty or complexity of the issues in the proceeding; and

(5) Such other factors as may bear on the value of the service provided.

(d) The reasonable cost of any study, analysis, engineering report, test, project or similar matter prepared on behalf of a party may be awarded, to the extent that the charge for the service does not exceed the prevailing rate for similar services, and the study or other matter was necessary for preparation of the applicant's case.

(e) Fees may be awarded only for work performed after designation of a proceeding or after issuance of a show cause order.

**§ 1.1507 Rulemaking on maximum rates for attorney fees.**

(a) If warranted by an increase in the cost of living or by special circumstances (such as limited availability of attorneys qualified to handle certain types of proceedings), the Commission may adopt regulations providing that attorney fees may be awarded at a rate higher than \$75 per

hour in some or all of the types of proceedings covered by this part. The Commission will conduct any rulemaking proceedings for this purpose under the informal rulemaking procedures of the Administrative Procedure Act.

(b) Any person may file with the Commission a petition for rulemaking to increase the maximum rate for attorney fees, in accordance with Subpart C of this chapter. The petition should identify the rate the petitioner believes this agency should establish and the types of proceedings in which the rate should be used. It should also explain fully the reasons why the higher rate is warranted. This agency will respond to the petition by initiating a rulemaking proceeding, denying the petition, or taking other appropriate action.

**§ 1.1508 Awards against other agencies.**

If an applicant is entitled to an award because it prevails over another agency of the United States that participates in a proceeding before the Commission and takes a position that is not substantially justified, the award for an appropriate portion of the award shall be made against that agency. Counsel for that agency shall be treated as Bureau counsel for the purpose of this subpart.

**Information Required From Applicants**

**§ 1.1511 Contents of application.**

(a) An application for an award of fees and expenses under EAJA shall identify the applicant and the proceeding for which an award is sought. The application shall show that the applicant has prevailed and identify the position of an agency or agencies in the proceeding that the applicant alleges was not substantially justified. Unless the applicant is an individual, the application shall also state the number of employees of the applicant and describe briefly the type and purpose of its organization or business.

(b) The application shall also include a statement that the applicant's net worth does not exceed \$1 million (if an individual) or \$5 million (for all other applicants, including their affiliates). However, an applicant may omit this statement if:

(1) It attaches a copy of a ruling by the Internal Revenue Service that it qualifies as an organization described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) or, in the case of a tax-exempt organization not required to obtain a ruling from the Internal Revenue Service on its exempt status, a statement that describes the basis for the applicant's belief that it qualifies under such section; or

(2) It states that it is a cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)).

(c) The application shall state the amount of fees and expenses for which an award is sought.

(d) The application may also include any other matters that the applicant wishes the Commission to consider in determining whether and in what amount an award should be made.

(e) The application shall be signed by the applicant or an authorized officer or attorney of the applicant. It shall also contain or be accompanied by a written verification under oath or under penalty of perjury that the information provided in the application is true and correct.

**§ 1.1512 Net worth exhibit.**

(a) Each applicant except a qualified tax-exempt organization or cooperative association must provide with its application a detailed exhibit showing the net worth of the application and any affiliates (as defined in § 1.1504(f) of this part) at the time the proceeding was designated. The exhibit may be in any form convenient to the applicant that provides full disclosure of the applicant's and its affiliates' assets and liabilities and is sufficient to determine whether the applicant qualifies under the standards in this subpart. The administrative Law Judge may require an applicant to file additional information to determine its eligibility for an award.

(b) Ordinarily, the net worth exhibit will be included in the public record of the proceeding. However, an applicant that objects to public disclosure of information in any portion of the exhibit and believes there are legal grounds for withholding it from disclosure may submit that portion of the exhibit directly to the Administrative Law Judge in a sealed envelope labeled "Confidential Financial Information", accompanied by a motion to withhold the information from public disclosure. The motion shall describe the information sought to be withheld and explain, in detail, why it falls within one or more of the specific exemptions from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. 552(b)(1)-(9), why public disclosure of the information would adversely affect the applicant, and why disclosure is not required in the public interest. The material in question shall be served on Bureau counsel, but need not be served on any other party to the proceeding. If the Administrative Law Judge finds that the information should not be withheld from disclosure, it shall be placed in the

public record of the proceeding. Otherwise, any request to inspect or copy the exhibit shall be disposed of in accordance with the Commission's established procedures under the Freedom of Information Act, §§ 0.441-0.466 of this chapter.

**§ 1.1513 Documentation of fees and expenses.**

The application shall be accompanied by full documentation of the fees and expenses, including the cost of any study, analysis, engineering report, test, project or similar matter, for which an award is sought. A separate itemized statement shall be submitted for each professional firm or individual whose services are covered by the application, showing hours spent in connection with the proceeding by each individual, a description of the specific services performed, the rate at which each fee has been computed, any expenses for which reimbursement is sought, the total amount claimed, and the total amount paid or payable by the applicant or by any other person or entity for the services provided. The Administrative Law Judge may require the applicant to provide vouchers, receipts, or other substantiation for any expenses claimed.

**§ 1.1514 When an application may be filed**

(a) An application may be filed whenever the applicant has prevailed in the proceeding or in a significant and discrete substantive portion of the proceeding, but in no case than 30 days after the Commission's final disposition of the proceeding.

(b) If review or reconsideration is sought or taken of a decision as to which an applicant believes it has prevailed, proceedings for the award of fees shall be stayed pending final disposition of the underlying controversy.

(c) For purposes of this rule, final disposition means the later of (1) The date on which an initial decision or other recommended disposition of the merits of the proceeding by an Administrative Law Judge or the Review Board becomes administratively final; (2) issuance of an order disposing of any applications for review or petitions for reconsideration of the Commission's order in the proceeding; (3) if no application for review or petition for reconsideration is filed, the last date on which such an application or petition could have been filed; (4) issuance of a final order by the Commission or any other final resolution of a proceeding, such as settlement or voluntary dismissal, which is not subject to a petition for reconsideration, or to a

petition for judicial review; or (5) completion of judicial action on the underlying controversy and any subsequent Commission action pursuant to judicial mandate.

**Procedures for Considering Applications**

**§ 1.1521 Filing and service of documents.**

Any application for an award or other pleading relating to an application shall be filed and served on all parties to the proceeding in the same manner as other pleadings in the proceeding, except as provided in § 1.1512(b) for confidential financial information.

**§ 1.1522 Answer to application.**

(a) Within 30 days after service of an application Bureau counsel may file an answer to the application. Unless Bureau counsel requests an extension of time for filing or files a statement of intent to negotiate under paragraph (b) of this section, failure to file an answer within the 30-day period may be treated as a consent to the award request.

(b) If Bureau counsel and the applicant believe that the issues in the fee application can be settled, they may jointly file a statement of their intent to negotiate a settlement. The filing of this statement shall extend the time for filing an answer for an additional 30 days, and further extensions may be granted by the Administrative Law Judge upon request by Bureau counsel and the applicant.

(c) The answer shall explain in detail any objections to the award requested and identify the facts relied on in support of Bureau counsel's position. If the answer is based on any alleged facts not already in the record of the proceeding, Bureau counsel shall include with the answer either supporting affidavits or a request for further proceedings under § 1.1526.

**§ 1.1523 Reply.**

Within 15 days after service of an answer, the applicant may file a reply. If the reply is based on any alleged facts not already in the record of the proceeding, the applicant shall include with the reply either supporting affidavits or a request for further proceedings under § 1.1526.

**§ 1.1524 Comments by other parties.**

Any party to a proceeding other than the applicant and Bureau counsel may file comments on an application within 30 days after it is served or an answer within 15 days after it is served. A commenting party may not participate further in proceedings on the application unless the Administrative Law Judge determines that the public interest requires such participation in order to

permit full exploration of matters raised in the comments.

**§ 1.1525 Settlement.**

The applicant and Bureau counsel may agree on a proposed settlement of the award before final action on the application, either in connection with a settlement of the underlying proceeding, or after the underlying proceeding has been concluded. If a prevailing party and Bureau counsel agree on a proposed settlement of an award before an application has been filed, the application shall be filed with the proposed settlement. If the Administrative Law Judge approves the proposed settlement, it shall be forwarded to the Commission for final approval.

**§ 1.1526 Further proceedings.**

(a) Ordinarily, the determination of an award will be made on the basis of the written record. However, on request of either the applicant or Bureau counsel, or on his or her own initiative, the Administrative Law Judge may order further proceedings, such as an informal conference, oral argument, additional written submissions or an evidentiary hearing. Such further proceedings shall be held only when necessary for full and fair resolution of the issues arising from the application, and shall be conducted as promptly as possible.

(b) A request that the Administrative Law Judge order further proceedings under this section shall specifically identify the information sought or the disputed issues and shall explain why the additional proceedings are necessary to resolve the issues.

**§ 1.1527 Decision.**

The Administrative Law Judge shall issue an initial decision on the application as soon as possible after completion of proceedings on the application. The decision shall include written findings and conclusions on the applicant's eligibility and status as a prevailing party, and an explanation of the reasons for any difference between the amount requested and the amount awarded. The decision shall also include, if at issue, findings on whether the Commission's position was substantially justified, whether the applicant unduly protracted the proceedings, or whether special circumstances make an award unjust. If the applicant has sought an award against more than one agency, the decision shall allocate responsibility for payment of any award made among the agencies, and shall explain the reasons for the allocation made.

**§ 1.1528 Commission review.**

Either the applicant or Bureau counsel may seek review of the initial decision on the fee application, or the Commission may decide to review the decision on its own initiative, in accordance with §§ 1.276-1.282 of this Chapter. If neither the applicant nor Bureau counsel seeks review and the Commission does not take review on its own initiative, the initial decision on the application shall become a final decision of the Commission 50 days after it is issued. Whether to review a decision is a matter within the

discretion of the Commission. If review is taken, the Commission will issue a final decision on the application or remand the application to the Administrative Law Judge for further proceedings.

**§ 1.1529 Judicial review.**

Judicial review of final agency decisions on awards may be sought as provided in 5 U.S.C. 504(c)(2).

**§ 1.1530 Payment of award.**

An applicant seeking payment of an award from the Commission shall submit to the Executive Director a copy

of the Commission's final decision granting the award, accompanied by a statement that the applicant will not seek review of the decision in the United States courts, or a copy of the court's order directing payment. The Commission will pay the amount awarded to the applicant within 60 days, unless judicial review of the award or the underlying decision of the adversary adjudication has been sought by the applicant or any other party to the proceeding.

[FR Doc. 81-25009 Filed 8-25-81; 8:45 am]

BILLING CODE 6712-01-M

## Notices

Federal Register

Vol. 48, No. 165

Wednesday, August 26, 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.

### ADVISORY COUNCIL ON HISTORIC PRESERVATION

#### Programmatic Agreement Regarding Application of the Highway Bridge Replacement and Rehabilitation Program in California

**AGENCY:** Advisory Council on Historic Preservation.

**ACTION:** Notice.

**SUMMARY:** The Advisory Council on Historic Preservation proposes to execute a Programmatic Memorandum of Agreement pursuant to Sec. 800.8 of the regulations for the "Protection of Historic and Cultural Properties" (36 CFR Part 800) with the U.S. Department of Transportation, Federal Highway Administration (California Division), and the California State Historic Preservation Officer concerning a procedure designed to streamline the Council's commenting process. The agreement establishes a system that will ensure that adequate consideration is given historic and cultural properties in the planning of individual actions under this program and in most instances will accelerate the time required in the Council's review process.

**COMMENTS DUE:** September 25, 1981.

**ADDRESS:** Comments should be addressed to Executive Director, Advisory Council on Historic Preservation, 1522 K Street, N.W., Washington, D.C. 20005.

**FOR FURTHER INFORMATION CONTACT:** Mr. Louis S. Wall, Chief, Western Division of Project Review, Advisory Council on Historic Preservation, 44 Union Boulevard, Suite 616, Lakewood, Colorado 80228, (303) 234-4946.

**SUPPLEMENTARY INFORMATION:** This notice of the proposed agreement invites comments from interested parties. Copies of the proposed agreement are available from the Council. The proposed agreement provides for the evaluations of alternatives to the

demolition of historic bridges, notification given the Council that no such alternative exists, and submission to the Council of supporting documentation and the concurrence of the California State Historic Preservation Officer. If after review of the documentation the Executive Director can concur with FHWA's findings, this will be done without preparation of a formal Memorandum of Agreement. If the Executive Director objects to FHWA's conclusion, the consultation process detailed at § 800.6 will be followed in obtaining Council comment.

John M. Fowler,

*Acting Executive Director.*

[FR Doc. 81-24813 Filed 8-25-81; 8:45 am]

**BILLING CODE 4310-10-M**

### DEPARTMENT OF AGRICULTURE

#### Forest Service

#### Anaconda Stillwater Project, Platinum Mine Development; Intent To Prepare an Environmental Impact Statement

Pursuant to the National Environmental Policy Act of 1969, and Montana Environmental Policy Act of 1971, the Forest Service, Department of Agriculture, and Montana Department of State Lands, will prepare a joint environmental impact statement for the development of the proposed Anaconda Stillwater platinum mine on the Beartooth Ranger District and adjoining private lands.

A range of alternatives for placement of facilities other than the mine site will be considered. Impacts and mitigation measures will be discussed. Lands in the area are open to mineral entry, and denial of the permit will not be considered if other State and Federal legal requirements are met.

Early in the environmental analysis, Federal, State and local agencies, the Anaconda Company, and other individuals or organizations who may be interested in or affected by the decision will be invited to participate in the process to define issues that will be addressed in the EIS.

A public meeting will be held at the Beartooth Ranch near Nye, Montana, on September 15, 1981.

James F. Mann, Forest Supervisor, Custer National Forest, is the responsible Federal official. Gareth

Moon, Commissioner of State Lands, is the responsible State official. Questions about the proposed action and environmental impact statement should be directed to John Inman, Resource Coordinator, in the Custer Forest Supervisor's Office (phone, 406-657-6361), or Ralph Driear, Montana Department of State Lands (phone, 406-587-2074).

The analysis is expected to take about nine months. The draft environmental impact statement should be available for public review by June 1982. The final environmental impact statement is scheduled to be completed in September 1982.

Written comments and suggestions concerning this analysis should be sent to James F. Mann, Forest Supervisor, Custer National Forest, Billings, Montana 59103, or Gareth Moon, Montana Department of State Lands, Capitol Station, Helena, Montana 59620, by October 1, 1981.

James F. Mann,  
*Forest Supervisor.*

August 14, 1981.

[FR Doc. 81-25139 Filed 8-25-81; 9:58 am]

**BILLING CODE 3410-11-M**

### Science and Education Administration

#### Joint Council on Food and Agricultural Sciences; Executive Committee; Meeting

According to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776), Science and Education announces the following meeting:

**NAME:** Executive Committee of the Joint Council on Food and Agricultural Sciences.

**DATE:** September 14, 1981.

**TIME AND PLACE:** 8:30 a.m.-4:00 p.m.; Room 330, GHI Bldg., 500 12th St., S.W., Washington, D.C. 20250.

**TYPE OF MEETING:** Open to public. Persons may participate in the meeting as time and space permit.

**COMMENTS:** The public may file written comments before or after the meeting with the contact person below.

**PURPOSE:** To discuss views on long-range planning in food and agriculture science and education with Congressman George Brown; review plans for Council's Long-Range

Assessment of Research Needs; review results of meeting of Joint Council Cochairmen and Secretary Block; consider outline for brochure to increase public understanding of agricultural science and education.

**CONTACT PERSON:** Susan G. Schram, Executive Secretary, Joint Council on Food and Agricultural Sciences, U.S. Department of Agriculture, Room 351-A, Administration Building, Washington, D.C. 20250, telephone (202) 447-6651.

Done at Washington, D.C., this 13th day of August, 1981.

John G. Stovall,

*Executive Director, Joint Council on Food and Agricultural Sciences.*

[FR Doc. 81-24867 Filed 8-25-81; 8:45 am]

BILLING CODE 3410-03-M

## CENTRAL INTELLIGENCE AGENCY

### Privacy Act of 1974; Annual Publication of Systems of Records

The Privacy Act of 1974 (5 U.S.C. 552a(e)(4)) requires agencies to publish annually in the *Federal Register* a notice of the existence and character of their systems of records. The Central Intelligence Agency last published the full text of its systems of records at 42 FR 48050, September 22, 1977. This was further updated by documents published at 44 FR 4518, January 22, 1979; 44 FR 21057, April 9, 1979; and 45 FR 6820, January 30, 1980. Since then, an amendment to a record system was adopted: CIA-10, June 8, 1981 (46 FR 22417). For convenience of the public, this system is republished below.

The full text of the Central Intelligence Agency systems of records also appears in Privacy Act Issuances, 1980 Compilation, Volume 4, page 83. This volume is available for inspection at Federal depository libraries and Federal information centers.

Harry E. Fitzwater,

*Deputy Director for Administration.*

CIA-10

#### SYSTEM NAME:

Language Qualifications Register and OTRTEST.

#### SYSTEM LOCATION:

Central Intelligence Agency,  
Washington, D.C. 20505

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees who claim a foreign language proficiency and applicants to the Agency who have taken one of the Agency's foreign language reading proficiency tests.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Employee claim of foreign language proficiency and identifying biographic data. Social Security number of employee or applicant (in OTRTEST subset only), language tested, and answers to each test question.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U.S.C., Chapter 41.  
Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110, Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

#### ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Used by Agency personnel for processing requests for foreign language training and for language proficiency cash awards. Tangential use to norm and validate reading proficiency and to verify reading test scores.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

Paper, magnetic tape, and magnetic disk.

#### RETRIEVABILITY:

Name and language. Within OTRTEST subset only, Social Security number, language, and date of test.

#### SAFEGUARDS:

Maintained in combination lock safes, magnetic tapes, and on password controlled disks. Access on a need to know basis.

#### RETENTION AND DISPOSAL:

Record updated semiannually. Outdated paper record is destroyed by reducing to pulp. Magnetic tapes are degaussed. OTRTEST subset updated weekly. Magnetic disk record is permanent.

#### SYSTEM MANAGER(S) AND ADDRESS:

Director of Training and Education,  
Central Intelligence Agency,  
Washington, D.C. 20505.

#### NOTIFICATION PROCEDURE:

Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator,  
Central Intelligence Agency,  
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the *Federal Register* (32 CFR 1901.13). Individuals must comply with these rules.

#### RECORD ACCESS PROCEDURES:

Request from individuals should be addressed as indicated in the notification section above.

#### CONTESTING RECORD PROCEDURES:

The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the *Federal Register*.

#### RECORD SOURCE CATEGORIES:

Employees and within the OTRTEST subset, only, employee and applicant's Social Security number.

[FR Doc. 81-24843 Filed 8-25-81; 8:45 am]

BILLING CODE 6310-02-M

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Computer Systems, Technical Advisory Committee; Partially Closed Meeting

**AGENCY:** International Trade Administration, Commerce.

**SUMMARY:** The Computer Systems Technical Advisory Committee was initially established on January 3, 1973, and rechartered on August 29, 1980 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer systems 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:** September 16, 1981 at 1:00 p.m. The meeting will take place at the Main Commerce Building, Room 3836, 14th Street and Constitution Ave., N.W., Washington, D.C.

#### Agenda: General Session

- (1) Opening remarks by the Chairman.
- (2) Presentation of papers or comments by the public.

(3) Report on the current work program of the subcommittees:

- (a) Technology Transfer;
- (b) Foreign Availability;
- (c) Hardware; and
- (d) Licensing Procedures.

**Executive Session:**

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

Dated: August 20, 1981.

Saul Padwo,

Director of Licensing, Office of Export Administration.

[FR Doc. 81-7488 Filed 8-25-81; 8:45 am]

BILLING CODE 3510-25-M

**Foreign Availability Subcommittee of the Computer Systems Technical Advisory Committee; Open Meeting**

**AGENCY:** International Trade Administration, Commerce.

**SUMMARY:** The Computer Systems Technical Advisory Committee was initially established on January 3, 1973, and rechartered on August 29, 1980 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was approved for continuation on September 19, 1980 pursuant to the charter of the Committee. The Foreign Availability Subcommittee was formed to ascertain if certain kinds of equipment are available in non-COCOM and Communist countries, and if such equipment is available, then to ascertain if it is technically the same or similar to that available elsewhere.

**Time and Place:** September 15, 1981, at 1:30 p.m. The meeting will take place at the Main Commerce Building, Room 3836, 14th Street and Constitution Ave., N.W., Washington, D.C.

**Agenda: General Session**

- (1) Opening remarks by the Subcommittee Chairman.
- (2) Presentation of papers or comments by the public.
- (3) Discussion of suggestions from the Subcommittee members regarding the approach to be taken by the Department of Commerce for Foreign availability consideration.
- (4) Discussion of the agenda for the remainder of the year.

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

**FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT:** Mrs. Margaret A. Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202-377-2583.

Dated: August 21, 1981.

Saul Padwo,

Director of Licensing, Office of Export Administration.

[FR Doc. 81-24869 Filed 8-25-81; 8:45 am]

BILLING CODE 3510-25-M

**Hardware Subcommittee of the Computer Systems Technical Advisory Committee; Partially Closed Meeting**

**AGENCY:** International Trade Administration, Commerce.

**SUMMARY:** The Computer Systems Technical Advisory Committee was initially established on January 3, 1973, and rechartered on August 29, 1980 in

accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was approved for continuation on September 19, 1980 pursuant to the charter of the Committee.

The Hardware Subcommittee was formed to continue the work of the Performance Characteristics and Performance Measurements Subcommittee, pertaining to (1) maintenance of the processor performance tables and further investigation of total systems performance; and (2) investigation of array processors in terms of establishing the significance of these devices and determining the differences in characteristics of various types of these devices.

**Time and Place**

September 16, 1981, at 9:00 a.m. The meeting will take place at the Main Commerce Building, Room 3836, 14th Street and Constitution Avenue, N.W., Washington, D.C.

**Agenda**

**General Session**

- (1) Opening remarks by the Chairman.
- (2) Presentation of papers or comments by the public.
- (3) Discussion of the definitions in IL 1565.

**Executive Session**

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

**Public Participation**

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

**SUPPLEMENTARY INFORMATION:** The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 16, 1980, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C.

552b(c)(1) and properly classified under Executive Order 12065. A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, Telephone: 202-377-4217.

**FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT:** Mrs. Margaret A. Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230.

Dated: August 20, 1981.

Saul Padwo,  
*Director of Licensing, Office of Export Administration.*

[FR Doc. 81-24870 Filed 8-25-81; 8:45 am]  
BILLING CODE 3510-25-M

### Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee; Open Meeting

**AGENCY:** International Trade Administration, Commerce.

**SUMMARY:** The Computer Systems Technical Advisory Committee was initially established on January 3, 1973, and rechartered on August 29, 1980 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was approved for continuation on September 19, 1980 pursuant to the charter of the Committee. The Licensing Procedures Subcommittee was formed to review the procedural aspects of export licensing and recommend areas where improvements can be made.

#### Time and Place

September 15, 1981, at 9:30 a.m. The meeting will take place at the Main Commerce Building, Room 3104, 14th Street and Constitution Ave., N.W., Washington, D.C.

#### Agenda

##### General Session

- (1) Opening remarks by the Subcommittee Chairman.
- (2) Presentation of papers or comments by the public.
- (3) Pending items of business.
  - a. Tech Data—Software revisions in the regulations.
  - b. Review of the Computer System Parameters form (ITA-6031P).
  - c. Licensing by precedent.
  - d. Other pending items, a review by the Chairman.

(4) Advanced computer definition, according to the Distribution License provisions.

(5) Reexport control; June 27, 1981 revision of the OEA regulations.

#### Public Participation

The meeting will be open for public observation and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

**FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT:** Mrs. Margaret A. Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202-377-2583.

Dated: August 21, 1981.

Saul Padwo,  
*Director of Licensing, Office of Export Administration.*

[FR Doc. 81-24871 Filed 8-25-81; 8:45 am]  
BILLING CODE 3510-25-M

## DEPARTMENT OF DEFENSE

### Department of the Army

#### U.S. Army Ad Hoc Cost Discipline Advisory Committee; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee meeting:

Name of Committee: U.S. Army Ad Hoc Cost Discipline Advisory Committee  
Date of Meeting: September 16-17, 1981  
Place: Room 2E687A, Pentagon, Washington, D.C.

Time: 0900-1700 each day

Proposed Agenda:

- Phase I—Where we are and what we have done.
- Background and history of cost growth in the Army
  - Some things that have contributed to the problem
  - Review several systems in detail to track those changes that drove cost
  - Corrective actions that have been started
  - Overview of previous study results
  - Scope of issues to follow
- Phase II—Things we are doing today
- Discussion of program management control and information reporting
  - Transition problems from R&D to production
  - Interface and control procedures in field-user-developer requirements loop
  - Program cost control system
- Phase III—Things we should be doing—where we should go
- Framing of specific issues for committee review

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. Persons desiring to attend, appear before, or file statements with the committee should contact Mary Minor, (202) 694-1264.

Jack E. Hobbs,  
*Executive Director, Cost Discipline Advisory Committee.*

[FR Doc. 81-24807 Filed 8-25-81; 8:45 am]  
BILLING CODE 3710-08-M

### Corps of Engineers, Department of the Army

#### National Waterways Study Recommended Plan for the Waterways and Ports of the United States; Intent To Prepare a Draft Environmental Statement

**AGENCY:** Army Corps of Engineers, Department of Defense.

**ACTION:** Notice of Intent to Prepare a Draft Programmatic Environmental Impact Statement (DPEIS).

#### SUMMARY:

In the matter of Intent to Prepare a Draft Programmatic Environmental Impact Statement (DPEIS) for the National Waterways Study Recommended Plan for the Waterways and Ports of the United States. This is a national management study of navigation needs on the U.S. Waterways transportation system to the year 2003.

1. The National Waterways Study is an analysis of the national water transportation system which:

- a. Describes current traffic and facilities;
- b. Projects future potential traffic by commodity types and routes; and
- c. Identifies capacity shortfalls, structural obsolescence and safety hazards by location and cause.

The study is a strategic analysis of four broad management options and a recommended composite which the Congress may consider in the setting of national water transportation policy to the turn of the century. The study makes no recommendations for construction authorization. It recommends solely for feasibility study the set of project-level actions entailed in the recommended management program.

2. The general management alternatives or strategies that were considered are as follows:

- a. Continue present trends in waterways investment with fixed real budgets;

- b. Refocus present resources on the present system;
- c. Refocus expanded resources on the present system;
- d. Improve the waterway system;
- e. Composite management strategy comprised of potentially feasible actions necessary to support a set of national objectives of economic growth; energy self sufficiency; export enhancement and national defense and security. This composite strategy, in order to meet these objectives, was established to:

- (1) Avoid physical shortfalls in lock capacities;
- (2) Avoid functional obsolescence of active service structures;
- (3) Avert deterioration of private water carrier operating efficiency;
- (4) Avoid deterioration of safety due to increased traffic; and
- (5) Enhance the national defense transportation capability

3. An extensive and continuous public involvement program has been sustained throughout the study process. Lists of publications, public meetings, progress briefings, and attendees or participants in all participatory activities are available upon request from the Study Director.

4. Significant issues to be described and discussed in the tiered DPEIS include beneficial and adverse effects of safety actions, actions to increase lock capacity and actions to reduce linehaul costs as these might eventually be considered after duly completed feasibility studies at a site-specific level in the future.

5. The scoping process has been a part of the intensive ongoing public participation and coordination programs.

6. The DPEIS is expected to be available to the public in October 1981.

7. Questions about the study recommendations and intended DPEIS will be answered by Mrs. Arlene Dietz, Institute for Water Resources, Water Resources Support Center, U.S. Army Corps of Engineers, Kingman Building, Fort Belvoir, Virginia, 22060. Mrs. Dietz's telephone number is (202) 325-7141.

Maximilian Imhoff,

Colonel, Corps of Engineers, Commander and Director.

[FR Doc. 81-24840 Filed 8-25-81; 8:45 am]

BILLING CODE 3710-98-M

#### Office of the Secretary Advisory Group on Electron Devices, Working Group A; Meeting

Working Group A (Mainly Microwave Devices) of the DoD Advisory Group on Electronic Devices (AGED) will meet in closed session on September 24 and 25,

1981 at the Advisory Group on Electron Devices, 201 Varick Street, New York, New York 10014.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. This microwave device area includes programs on developments and research related to microwave tubes, solid state microwave, electronic warfare devices, millimeter wave devices, and passive devices. The review will include classified program details throughout.

In accordance with 5 U.S.C. App. 1, 10(d) (1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552(b)(3)(1) (1976), and that accordingly, this meeting will be closed to the public.

Dated: August 21, 1981.

M. S. Healy,

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

[FR Doc. 81-24879 Filed 8-25-81; 8:45 am]

BILLING CODE 3810-01-M

#### Advisory Group on Electron Devices, Working Group B; Meeting

Working Group B (Mainly Low Power Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session on October 15, 1981, at the AGED, 1925 N. Lynn Street, Arlington, Virginia 22209.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group B meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. The low power device area includes such programs as integrated circuits, charge coupled devices and memories. The review will include classified programs details throughout.

In accordance with 5 U.S.C. App. 1, 10(d) (1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552(b)(3)(1) (1976), and that accordingly, this meeting will be closed to the public.

Dated: August 21, 1981.

M. S. Healy,

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

[FR Doc. 81-24880 Filed 8-25-81; 8:45 am]

BILLING CODE 3810-01-M

## DEPARTMENT OF EDUCATION

### Office of Elementary and Secondary Education

#### Title IV of the Elementary and Secondary Education Act; Notice of Intent To Waive a Statutory Requirement for the Commonwealth of the Northern Mariana Islands

AGENCY: Department of Education.

ACTION: Notice of Intent.

**SUMMARY:** Notice is given that, under Section 1003(a) of the Elementary and Secondary Education Act of 1965 (ESEA), the Secretary intends to waive the applicability of a Title IV ESEA, requirement pertaining to the Commonwealth of the Northern Mariana Islands.

**DATES:** Effective Date: The proposed waiver will not be granted until at least 30 days after publication of this notice in the Federal Register. All comments must be received on or before September 25, 1981.

**ADDRESS:** Submit written comments to Mr. Allen J. King, Acting Director, Division of State Educational Assistance, U.S. Department of Education, 400 Maryland Avenue, SW., (Room 3010, ROB-3), Washington, D.C. 20202.

**FOR FURTHER INFORMATION CONTACT:** Mr. Allen J. King, Telephone: (202) 245-2592.

#### SUPPLEMENTARY INFORMATION:

##### A. Authority for Granting a Waiver

The Elementary and Secondary Education Act of 1965 (ESEA) was amended by the Education Amendments of 1978 (Pub. L. 95-561), to authorize the Secretary to waive certain ESEA requirements for the Commonwealth of the Northern Mariana Islands. In particular, Section 1003(a)(1) of the Act states "(f) if the (Secretary) determines that compliance with any of the requirements of this Act by \* \* \* the Northern Mariana Islands \* \* \* is

impractical or inappropriate because of conditions or circumstances particular to (the Northern Mariana Islands), he may waive any of those requirements upon the request of (its) State educational agency \* \* \*."

#### B. Waiver Request

On April 8, 1981, the Acting Superintendent of Education of the Commonwealth of the Northern Mariana Islands requested the Secretary to waive the applicability of the Title IV, ESEA requirement in Section 432(b) of ESEA, 20 U.S.C. 3112(b).

This section requires that each jurisdiction participating in Title IV, ESEA allocate for activities "for improved school management and the coordinated use in schools of all available resources: (i) in fiscal year 1981 and in each succeeding fiscal year, not less than 10 percent of any amount by which the amount available for (Title IV, Part C, ESEA) in such year exceeds the amount so available in fiscal year 1979."

The April 8, 1981 waiver request describes why the Title IV, ESEA requirement that the Commonwealth of the Northern Mariana Islands establish a large set-aside for projects for improved school management and the coordinated use in schools of all available resources is impractical or inappropriate in light of conditions in the Northern Marianas. In general, the request is based on the very large increase in Title IV, Part C, ESEA, funds available to the Northern Marianas from the consolidation of grants under the provisions of Pub. L. 95-134, which caused the set-aside to be too large for the needs of the Northern Mariana Islands.

In fiscal year 1979 the Commonwealth of the Northern Mariana Islands received a grant of \$43,067 for Title IV, Part C, ESEA. In fiscal year 1981, after consolidating all eligible grants from the U.S. Department of Education into three programs, the Northern Marianas received a grant of \$1,256,230 for Title IV, Part C, ESEA, or an increase of \$1,213,163. Thus the mandatory set-aside for improved school management for fiscal year 1981 is \$121,316.

The purpose of the set-aside—the coordinated use in schools of all available resources—is not one that would require an annual expenditure of over \$121,000 in this jurisdiction. The Commonwealth of the Northern Mariana Islands is both a State and a local educational agency. There is a school population in both public and private schools of approximately 5,100 students. There are only 14 public schools. The three remotest islands each have a one-room school for grades 1 through 7.

Principals of all but the remotest schools can contact by telephone, or in person, the State educational agency staff, or the Superintendent, daily to coordinate resource use. Central office decisions are easily made for 14 schools.

In light of these facts, the requirement imposed by Section 432(b) of Title IV, ESEA, is impractical and inappropriate for the Commonwealth of the Northern Mariana Islands to implement.

#### C. Notice of the Secretary's Intent To Grant a Waiver

Section 1003(a)(1) of the ESEA requires that at least 30 days prior to approving such a request for a waiver, the Secretary shall "publish in the Federal Register a notice of his intent to grant such a waiver and the terms and conditions upon which such a waiver will be granted."

In accordance with this requirement, notice is hereby given that the Secretary intends to waive the requirement contained in Section 432(b) of Title IV, ESEA. If granted, this waiver would apply to funds received by the Northern Mariana Islands in fiscal years 1981 and 1982. As a condition, the Secretary is requiring a plan for the management of the Title IV, Part C, ESEA funds, as provided in Section 1003(a)(2) of the ESEA. This plan was contained in the April 8, 1981 waiver request.

#### D. Opportunity for Public Comment

Public comment is invited on this notice of intent to waive certain Title IV, ESEA requirements for the Commonwealth of the Northern Mariana Islands. Interested persons may send written comments to Mr. Allen J. King at the address at the beginning of this notice. All comments must be received on or before September 25, 1981. All comments will be considered before a final determination is made regarding this waiver request.

Dated: August 21, 1981.

(Catalog of Federal Domestic Assistance No. 84.036, Improvement in Local Educational Practices)

William C. Clohan,

Acting Secretary of Education.

(FR Doc. 81-24947 Filed 8-25-81; 8:45 am)

BILLING CODE 4000-01-M

#### Notice of Intent To Waive Applicability of Certain Title IV and Title V Elementary and Secondary Education Act Requirements for the Trust Territory of the Pacific Islands

AGENCY: Department of Education.

ACTION: Notice of intent.

**SUMMARY:** The Secretary gives notice of intent to grant the Trust Territory of the Pacific Islands a second waiver from statutory requirements related to its State plan. The waiver would continue to relieve the Trust Territory of the obligation to submit under its State plan a comprehensive design for the coordination of Federal and State funds for training educational personnel. The Secretary has determined that, because of circumstances particular to the Trust Territory, it would be inappropriate and impractical to implement these statutory requirements. This notice of intent provides advance notification of 30 days, as required by law.

**DATES:** Effective Date: The proposed waiver will not be granted until at least 30 days after publication of this notice in the Federal Register. All comments must be received on or before September 25, 1981.

**ADDRESS:** Submit written comments to Mr. Allen J. King, Acting Director Division of State Educational Assistance, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3010, ROB-3) Washington, D.C. 20202.

**FOR FURTHER INFORMATION CONTACT:** Mr. Allen J. King, telephone: (202) 245-2592.

#### SUPPLEMENTARY INFORMATION:

##### Authority for Granting a Waiver

Section 1003(a)(1) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Education Amendments of 1978 (Pub. L. 95-561) and renumbered by Pub. L. No. 96-46, authorizes the Secretary to waive ESEA requirements for the Trust Territory of the Pacific Islands if he determines that compliance with any of the requirements of the ESEA is impractical or inappropriate because of conditions or circumstances particular to the Trust Territory.

##### Previous Waiver Granted

On October 23, 1980, a Notice of Intent to waive certain Title IV and Title V, ESEA requirements for the Trust Territory of the Pacific Islands was published in the Federal Register (45 FR 70304). The specific requirements involved relate to the comprehensive plans for the coordination of Federal and State funds for training activities for educational personnel that are required to be developed and implemented under the State plan. The Secretary granted the waiver effective until June 30, 1981, in expectation of the imminent dissolution of the Trust Territory.

### Delay in Dissolution of the Trust Territory

The dissolution did not occur before July 1, 1981, as originally anticipated, and the reason for seeking the original waiver still exists. Consequently, on May 7, 1981, the Acting Chief of the Office of Education of the Trust Territory requested the Secretary to extend the waiver.

Since January 1980, the Trust Territory Government has continued its phase-out activities, and virtually all Territory-wide functions have been transferred to the three entities—the government of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau. Each entity is struggling to establish and strengthen its own governmental operating and system of social services, including education. In any event, there is no vehicle for cross-entity coordination, and it would be extremely difficult for the coordination requirement to be met. Consequently, the Secretary has determined that the statutory requirements are inappropriate and impractical for the Trust Territory Office of Education, serving as a State educational agency to implement.

### Notice of the Secretary's Intent to Grant a Waiver

The statute requires that at least 30 days prior to the approval of a request for waiver, the Secretary shall "publish in the Federal Register a notice of his intent to grant such a waiver and the terms and conditions upon which such a waiver will be granted." The Secretary gives notice that he intends to grant a second waiver of the ESEA requirements for the Trust Territory of the Pacific Islands effective through June 30, 1982. Because of the very limited nature of the proposed waiver and the unique circumstances which justify the waiver, the Secretary does not believe that it is appropriate or necessary to attach any additional terms or conditions to the waiver.

### Opportunity for Public Comment

Public comment is invited on this notice of intent. Interested persons may send written comments to Mr. Allen J. King at the address provided at the beginning of this notice. All comments received on or before September 25, 1981, will be considered before a final determination is made by the Secretary regarding this waiver request.

Dated: August 21, 1981.

(Catalog of Federal Domestic Assistance No. 84.043, Strengthening State Educational Agency Management; 84.083, Instructional Materials and School Library Resources; and

84.089, Improvement in Local Educational Practices)

William C. Clohan,

Acting Secretary of Education.

[FR Doc. 81-24948 Filed 8-25-81; 8:45 am]

BILLING CODE 4000-01-M

## DEPARTMENT OF ENERGY

### Economic Regulatory Administration

[Docket No. ERA-FC-81-017; ERA Case No. 65031-9208-21-22]

### City of North Little Rock Electric Department; Acceptance of Petition for Exemption

**AGENCY:** Economic Regulatory Administration, DOE.

**ACTION:** Notice of Acceptance of Petition for Exemption Pursuant to the Powerplant and Industrial Fuel Use Act of 1978.

**SUMMARY:** On July 13, 1981, the City of North Little Rock Electric Department (NLRED) petitioned the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for a permanent peakload powerplant exemption from the provisions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act), which prohibit the use of petroleum or natural gas as a primary energy source in new powerplants. A final rule setting forth the procedure for petitioning and the criteria for an exemption was published in the Federal Register on June 6, 1980 (45 FR 38276 and 45 FR 38302), 10 CFR Part 500. This rule became effective August 5, 1980.

The peakload powerplant for which the petition was filed is an oil- and/or natural gas-fired 39,055 kilowatt combustion turbine unit to be installed as NLRED's generating plant at North Little Rock, Arkansas. NLRED certifies that the unit will be operated solely as a peakload powerplant and will be operated only to meet peakload demand for the life of the plant. Under 10 CFR 503.41, NLRED has requested a permanent exemption to permit construction of the unit and operation using oil and/or natural gas a primary energy source. ERA's decision in this matter will determine whether the proposed powerplant qualifies for the requested exemption.

ERA has accepted this petition pursuant to 10 CFR 501.3 and 501.63. In accordance with § 701 (c) and (d) of FUA, and 10 CFR 501.31 and 501.33, interested persons are invited to submit written comments in regard to this matter, and any interested person may

submit a written request that ERA convene a public hearing.

**DATES:** Written comments are due on or before October 13, 1981. A request for public hearing must be made by any interested person within this same 45 day period.

**ADDRESSES:** Fifteen copies of written comments shall be submitted to: Department of Energy, Economic Regulatory Administration, Case Control Unit (FUA), Box 4629, Room 3214, 2000 M Street, N.W., Washington, D.C. 20461.

Docket Number ERA-FC-81-017 should be printed clearly on the outside of the envelope and the document contained therein.

**FOR FURTHER INFORMATION CONTACT:** Jack C. Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room B-110, Washington, D.C. 20461, Phone (202) 653-4055;

Louis T. Krezanosky, New Powerplants Branch, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room 3012B, Washington, D.C. 20461, Phone (202) 653-4208;

Christina Simmons, Office of General Counsel, Department of Energy, 6B-178 Forrestal Bldg., 1000 Independence Avenue, N.W., Washington, D.C. 20585, Phone (202) 252-2967.

**SUPPLEMENTARY INFORMATION:** FUA prohibits the use of natural gas or petroleum in certain new powerplants unless an exemption for such use has been granted by ERA. NLRED has filed a petition for a permanent peakload powerplant exemption to use petroleum or natural gas as a primary energy source in its proposed CT Unit No. 1 combustion turbine. The unit will have a fuel heat input rate of 436 MM Btu per hour at peak capacity.

To qualify for a peakload powerplant exemption under 10 CFR 503.41, a petitioner must certify to ERA that the powerplant will be operated solely as a peakload powerplant and to meet peakload demand for the life of the powerplant.

NLRED submitted a certified statement by a duly authorized officer, Mr. Robert E. Hogan, Manager of NLRED, to the effect that the proposed oil-and/or gas-fired combustion turbine will be operated solely as a peakload powerplant and will be operated only to meet peakload demand for the life of the plant.

Mr. Hogan also certified that the maximum design capacity of the powerplant is 39,055 kilowatts and that

the maximum generation that will be allowed during any 12-month period is the design capacity times 1,500 hours or 58,582,500 kwh.

On August 11, 1980, DOE published in the *Federal Register* (45 FR 53199) a notice of proposed amendments to guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). The grant or denial of certain FUA permanent exemptions, including the permanent exemption by certification for peakload powerplants, is among the classes of actions that DOE, pursuant to the guidelines, has proposed to be categorically excluded from the requirement to prepare an Environmental Impact Statement pursuant to NEPA. This classification raises a rebuttable presumption that the grant or denial of the exemption will not significantly affect the quality of the human environment. NLRED has certified that it will secure all applicable permits and approvals prior to commencement of operation of the new unit under exemption. DOE's Office of Environment, in consultation with the Office of the General Counsel, will review the completed Environmental checklist submitted by NLRED pursuant to 10 CFR 503.15(b)(2) together with other relevant information. Unless it appears during the proceeding on NLRED's exemption that the grant or denial of the exemption will significantly affect the quality of the human environment, it is expected that no additional environmental review will be required.

ERA hereby accepts the filing of the petition for a permanent peakload exemption as adequate for filing. ERA retains the right to request additional relevant information from NLRED at any time during the pendency of this proceeding. As set forth in 10 CFR 501.3(d), the acceptance of the petition by ERA does not constitute a determination that NLRED is entitled to the exemption requested.

The public file containing documents on these proceedings and supporting material is available for inspection upon request at: ERA, Room B-110, 2000 M Street, N.W., Washington, D.C. 20461, Monday-Friday, 8:00 a.m.-4:30 p.m.

Issued in Washington, D.C. on August 18, 1981.

Robert L. Davies,

*Director, Office of Fuels Conversion,  
Economic Regulatory Administration.*

[FR Doc. 81-24809 Filed 8-25-81; 9:45 am]

BILLING CODE 6450-01-M

## Office of the Secretary

### Interagency Coal Export Task Force; Final Results

**AGENCY:** Office of Fossil Energy Programs, DOE.

**ACTION:** Notice of final results of the interagency coal export task force.

**SUMMARY:** In response to a presidential request, the Department of Energy and 13 other departments and agencies participated in the Interagency Coal Export Task Force (ICE) to determine what the Federal Government's role should be in promoting coal exports. The task force was formed in the spring of 1980. In its six months of existence, it undertook a number of related activities including the assembly of existing data and the development of significant new information regarding the international coal market. In January, 1981 the task force published a draft report for public comment. The Department of Energy received 52 written comments on the report.

Although the comments addressed several areas worthy of continual concern, they did not indicate a need for an updated report. This *Federal Register* notice, therefore, constitutes the final activity of the ICE task force.

Persons interested in reviewing the 52 individual summaries can do so the DOE Freedom of Information Office located in Room 1E-090 of the Forrestal Building in Washington, D.C. 20585.

**FOR FURTHER INFORMATION CONTACT:** Mario Cardullo, Acting Director, Office of Energy Supply, Transportation and Coal Export, Office of Fossil Energy Programs, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 633-8959.

**SUPPLEMENTARY INFORMATION:** The draft report received mixed reviews concerning the projected coal export volumes contained in the report. Most comments suggested that two dominant factors will affect growth in U.S. coal exports. These two factors are price and dependability of supply. In this regard, most comments stressed that the U.S. should develop and pursue a coherent policy in support of coal exports or run the risk of losing a large share of the market to other coal-producing nations. The need to separate metallurgical and steam coal was often cited as necessary in order to project future demands, and to assess the adequacy of harbor and inland transportation systems.

Port dredging was another common issue. Seven out of nine responses on

port dredging depths stated that dredging depths of at least 55 feet would be necessary if the United States is to accommodate the larger, more competitive coal carriers expected to take over a percentage of the world coal trade in the 1980's. Nine out of ten comments on this issue maintained that dredging costs should be borne by the Federal Government. There was some support for user fees with the cost borne by all commodity port users. Seven of the respondents suggested that alternatives to port dredging should be studied. These alternatives include slurry, hydraulic transport of course coal, conveyors, use of shallow draft ocean-going barges, using "topping-off" ships, and locating loading facilities at an offshore (our of port) location. Three respondents mentioned the importance of dealing with the environmental concerns of dredge disposal and three respondents felt that port site selection should not be mandated federally.

Most of the comments dealing with land-side port development reflected the beliefs that: (1) financing could and should be handled by private enterprise; (2) port development should be fast tracked, and; (3) small producers should have access to terminals owned by larger producers.

Several comments noted the failure of the report to consider the role of the Great Lakes/St. Lawrence Seaway in coal export trade. The DOE Office of Energy Supply, Transportation and Coal Export, however, has made this one of its major issues for investigation.

Of the 17 responses that comment on the permitting and reviewing process, 16 indicated the need to streamline the permitting and review process. DOE together with other Federal agencies will actively pursue means by which the review and permitting process can be accelerated.

The study and utilization of coal slurry pipelines was endorsed by energy producers and opposed by the railroads. Of six comments that mentioned U.S. flagships, five called for developing methods of utilizing these ships in the movement of coal exports.

Other areas mentioned by the respondents include encouragement of foreign investors in financing port development and upgrading the transportation infrastructure. Four of five respondents who commented on the issue favored Federal financing for transportation infrastructure

improvements such as coal haul roads and grade crossings.

August 20, 1981.

Jan W. Mares,

*Assistant Secretary for Fossil Energy.*

[FR Doc. 81-24850 Filed 8-25-81; 8:45 am]

BILLING CODE 6450-01-M

## ENVIRONMENTAL PROTECTION AGENCY

[AD-FRL-1911-3]

### Control Techniques Document; Assessment and Control of Chrysotile Asbestos Emissions From Unpaved Roads

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Availability of Control Techniques Document.

**SUMMARY:** A control techniques document entitled "Assessment and Control of Chrysotile Asbestos Emissions from Unpaved Roads" has been published by EPA. This informational document has been prepared to assist local, State, and Federal agencies responsible for construction and maintenance of unpaved roads surfaced with crushed serpentinite rock or constructed on serpentinite outcrops to assess potential chrysotile asbestos emissions generated by vehicular traffic and to determine appropriate controls for these emissions.

**DATE:** This control techniques document will be available to the public by August 26, 1981.

#### CONTROL TECHNIQUES DOCUMENT:

Copies of this document may be obtained through the National Technical Information Service, Springfield, Virginia 22161.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Gilbert H. Wood; (919) 541-5595; Emission Standards and Engineering Division (MD-13); Environmental Protection Agency; Research Triangle Park, North Carolina 27711.

**SUPPLEMENTARY INFORMATION:** The relationship of airborne asbestos fibers to human disease, specifically pulmonary fibrosis, carcinoma, and pleural mesothelioma, is well documented. However, the quantification of the health risk associated with exposure to specific airborne concentrations, fiber dimensions, and chemical composition of the fibers is inexact. Researchers have been unable to determine if there is a safe level of exposure below which asbestos-induced cancer will not occur. Consequently, EPA believes that exposure to airborne asbestos should be

reduced to the greatest extent feasible. Chrysotile is one of the six types of asbestos. An asbestos national emission standard for hazardous air pollutants (NESHAP) currently exists for control of all commercial asbestos emissions sources. (See 40 CFR, Part 61, Subpart B.)

In early 1977, EPA tests indicated that dust sieved from the crushed stone produced by a Rockville, Maryland, serpentinite rock quarry contained from 0.25 to 0.70 weight percent chrysotile asbestos. Analyses of air samples taken near several sites in Montgomery County, Maryland, where unbound crushed serpentinite rock from this quarry was in use, revealed ambient air concentrations of chrysotile asbestos as high as 17 million fibers per cubic meter and 6400 nanograms per cubic meter, depending on distance from the road and prevailing traffic conditions. These fiber mass concentrations are as much as 1000 times higher than those usually found in urban and metropolitan areas.

Based on these analyses, EPA recommended that the State of Maryland and Montgomery County act to control asbestos emissions from sites at which crushed serpentinite rock was used and subject to abrasion. The Montgomery County government responded by paving all unpaved roads surfaced with crushed serpentinite rock (92 miles of roads) and by removing or covering all such stone in playgrounds or parks.

An analysis of geological survey maps prepared by the United States Geological Survey indicated that the Rockville, Maryland, rock quarry and a number of other rock quarries in the United States, produce crushed stone from serpentinite rock deposits. Geologists agree that most serpentinite rock deposits contain at least a small percentage of chrysotile asbestos. This led EPA to believe that a number of crushed stone plants in the United States may be producing chrysotile asbestos-containing crushed stone similar to that produced by the Rockville, Maryland, rock quarry. Other types of rock deposits may contain other types of asbestos; however, the correlation between other rock types and the presence of other types of asbestos is not as clear.

On November 10, 1977, EPA published in the Federal Register an Advance Notice of proposed Rulemaking regarding the development of a chrysotile asbestos standard for the production and use of crushed stone. In this notice, EPA announced the beginning of a study to determine the extent of the problem of chrysotile asbestos emissions that may exist from

the use of crushed stone produced from serpentinite rock. The purpose of the study was to determine whether a Federal standard to limit chrysotile asbestos emissions from this source was warranted.

This study has been concluded. Only 12 private quarries in the United States produce crushed stone from serpentinite rock. The chrysotile content of the stone from these quarries ranges from trace amounts to 2.7 percent by weight. Crushed serpentinite rock from five of these quarries is used to maintain about 400 miles of unpaved county roads in California, Virginia, North Carolina, and Maryland. An estimated 6,500 people reside within approximately 200 feet of these roads. Serpentinite rock from the remaining seven quarries is not used for surfacing unpaved roads.

Federal agencies reported approximately 30 quarries, located on Federal lands in California and Oregon, which produce crushed serpentinite rock on an intermittent basis. Production from any of these quarries depends upon relocation of portable crushing plants in order to be near specific surfacing projects. This stone is used primarily to maintain about 300 miles of logging roads on Federal forest lands. In the same general vicinities, approximately 1,000 miles of unpaved roads have been constructed over natural outcroppings of serpentinite rock deposits. Both types of unpaved roads, those surfaced with crushed serpentinite rock and those constructed on natural outcroppings of serpentinite rock, have a low usage rate, principally related to timber harvesting. A massive outcropping of serpentinite rock also occurs in San Benito County, California, where a 43,000 acre Federal recreation area is maintained by the Bureau of Land Management (BLM).

The United States Department of Agriculture's Forest Service (USFS) and BLM are in the process of assessing the situations in their respective areas and determining the most appropriate methods of control. For example, the BLM has prepared a draft environmental assessment and will conduct a series of public hearings this summer.

In order to assess chrysotile asbestos emissions from unpaved roads surfaced with crushed serpentinite stone, EPA conducted an extensive air quality sampling program. Air samples were also collected downwind of two serpentinite rock quarries. Analyses of the samples indicate that chrysotile concentrations downwind of unpaved roads surfaced with crushed serpentinite rock (containing less than one percent chrysotile) are significantly higher statistically than upwind

concentrations when light to moderate traffic occurs along the roadway. However, the data indicate that quarrying operations conducted in serpentinite rock deposits do not substantially raise ambient chrysotile asbestos levels when normal particulate matter controls are utilized.

Since chrysotile asbestos is a proven carcinogen with no known threshold of risk-free exposure, EPA believes that control of chrysotile asbestos emissions from unpaved roads, either constructed on serpentinite rock deposits or surfaced with crushed serpentinite rock, is prudent and should be reduced to the lowest practical extent. The results of the EPA study cited above, however, indicate that chrysotile asbestos emissions from unpaved roads surfaced with crushed serpentinite rock are limited to a few locations in the United States and may affect a very small segment of the general population. The level of chrysotile asbestos emissions as well as the most appropriate method to control these emissions varies with location. As a result, EPA believes that the local, State, and Federal agencies that maintain these roads are in the best position to assess the problem in detail and implement appropriate measures to reduce specific local chrysotile asbestos emissions.

To assist these agencies, EPA has developed a control techniques document to inform officials about the potential for chrysotile asbestos emissions from unpaved roads surfaced with crushed serpentinite rock and to provide information concerning various control techniques. The document also discusses the health effects of chrysotile asbestos inhalation, results of an extensive air quality sampling program carried out by EPA, and EPA's recommendations for controlling emissions of chrysotile asbestos from unpaved roads constructed on serpentinite rock or surfaced with crushed serpentinite rock.

Under Executive Order 12291, EPA must judge whether a regulation or rule is "major" or "minor." If "major," the regulation or rule is subject to a Regulatory Impact Analysis. Although the control techniques document entitled, "Assessment and Control of Chrysotile Asbestos Emissions from Unpaved Roads" is not actually a binding regulation issued under the authority of the Clean Air Act, the Executive Order 12291 definition of regulation or rule may include this document due to the document's general interpretations of EPA policy regarding control of asbestos and descriptions of EPA general procedures. In any case,

the document would be considered "minor."

This Federal Register notice and copies of the control techniques document were submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Dated: August 7, 1981.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81-24835 Filed 8-25-81; 8:45 am]

BILLING CODE 6560-26-M

#### [FRL 1911-7]

#### Extension of Time to Consider Application for a Fuel Waiver

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice.

**SUMMARY:** This notice extends, by 30 days, the time for the Administrator to act on an application for a fuel waiver submitted by Anafuel Unlimited.

**FOR FURTHER INFORMATION CONTACT:** Thomas E. Moore, Attorney-Advisor, Field Operations and Support Division (EN-397), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. Telephone number (202) 472-9367.

**SUPPLEMENTARY INFORMATION:** On February 20, 1981, EPA received from Anafuel Unlimited (Anafuel) an application for waiver of the prohibitions in section 211(f)(1) of the Clean Air Act (Act), 42 U.S.C. 7545(f)(1), for "Petrocoal," a fuel consisting of unleaded gasoline, up to 12 percent (by volume) methanol, and other substances. See 46 FR 21695 (April 13, 1981). Under section 211(f)(4) of the Act, the 180-day period for the Administrator to grant or deny the waiver expires August 19, 1981.

The Office of Management and Budget has requested additional time to review EPA's proposed action under Executive Order 12291. Anafuel and EPA have therefore agreed to extend the 180-day period by an additional 30 days, until September 18, 1981. Anafuel's letter addressing the extension has been placed in the public docket for the application. The docket, EN-81-8, is located at the Central Docket Section (A-130) of the Environmental Protection Agency, Gallery I—West Tower, 401 M Street, S.W., Washington, D.C. 20460, and is available for inspection between the hours of 8:00 a.m. and 4:00 p.m. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

If additional information is provided to EPA during the 30-day extension bearing upon Anafuel's application, it will be placed in the docket, as well.

Dated: August 18, 1981.

Anne M. Gorsuch,  
Administrator.

[FR Doc. 81-24834 Filed 8-25-81; 8:45 am]

BILLING CODE 6560-26-M

#### FEDERAL HOME LOAN BANK BOARD

[No. 81-483]

#### Privacy Act of 1974: Establishment of New Records System

**AGENCY:** Federal Home Loan Bank Board.

**ACTION:** Final action establishing new record system.

**SUMMARY:** The Board has established a new system of records to permit access and indexing to records collected by the Board's Office of Internal Evaluation and Compliance. The records will contain information related either to alleged irregularities including possible fraud and waste, or to alleged criminal misconduct.

**EFFECTIVE DATE:** August 21, 1981.

**FOR FURTHER INFORMATION CONTACT:** Richard Gordon, Office of Internal Evaluation and Compliance, Federal Home Loan Bank Board. Telephone number: (202) 377-6191.

**SUPPLEMENTAL INFORMATION:** By March 24, 1981, Resolution No. 81-174 March 24, 1981, (46 FR 19599, dated March 31, 1981), the Board proposed the establishment of a records system for the Office of Internal Evaluation and Compliance. No comments have been received relating to this proposal. After consideration of this matter, the Board has determined to establish the record system as proposed.

Accordingly, the Board hereby establishes a record system for the Office of Internal Evaluation and Compliance; as set forth below.

#### SYSTEM NAME:

Investigation files.

#### SYSTEM LOCATION:

Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Bank Board under investigation and such other persons involved in Bank System and FSLIC operations.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Files contain information concerning investigation of alleged irregularities in the operations of the Federal Home Loan Bank Board, the FSLIC, and FHLBs.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, 44 U.S.C. 3101.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

1. In the event that a system of records maintained by this agency 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 by regulation, rule or order issued pursuant thereto, the relevant 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.

2. A record from a system of records maintained by this agency may be disclosed as a routine use to a Federal, state, or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

3. A record from a system of records maintained by this agency 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, or 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.

4. Disclosures 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.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper documents in file folders.

**RETRIEVABILITY:**

Filed by name of person under investigation and by case number.

**SAFEGUARDS:**

Records are maintained in locked file cabinets in secured rooms with access limited to those persons whose duties, as approved by the Director, require access.

**RETENTION AND DISPOSAL:**

Retained in office for 1 year after administrative closing of file. Retained by Record Center for 14 additional years.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Office of Internal Evaluation and Compliance, 1700 G Street, N.W., Washington, D.C. 20552.

**NOTIFICATION PROCEDURE:**

Inquiries concerning the records shall be made to the system manager.

**RECORDS ACCESS PROCEDURES:**

Persons wishing to have access to their records or to have such records changed or updated (including modification, addition, and deletion) shall notify the system manager. Such notification shall include the information required to be furnished under "Notification", plus a brief resume or description of the information thought to be included in the record, a statement setting forth the desired access or changes, and the reasons for such changes.

**CONTESTING RECORD PROCEDURES:**

See access procedures.

**RECORD SOURCE CATEGORIES:**

Subject individuals, employees and officers of the Board and the FHLB's, employees and officers of insured S&LAs, and borrowers and other persons having transactions with insured S&LAs.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Pursuant to 5 U.S.C. 522a(k)(2) and (k)(5), all investigatory material in the record which meets the criteria of these sub-sections is exempt from the notice, access, and contest requirements (under 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and section 505a.12 of the agency regulations in order for the Board's staff to perform its functions properly.

(Privacy Act of 1974, 5 U.S.C. 552a)

Dated: August 21, 1981.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-24859 Filed 8-25-81; 8:45 am]

BILLING CODE 6720-01-M

**FEDERAL MARITIME COMMISSION****Agreements Filed**

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, NW, Room 10327; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before September 15, 1981. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreements Nos.: T-3785-A, as amended, T-3785-3 and T-3785-4.

Filing Party: Julio A. Nolla Amado, General Counsel, Puerto Rico Ports Authority, G.P.O. Box 2829, San Juan, Puerto 00936.

Summary: Agreements Nos. T-3785-A, as amended, T-3785-3 and T-3785-4, between Puerto Rico Ports Authority (Port) and International Shipping Agency, Inc. (ISA), modify the parties' basic agreement for exclusive use of mezzanine and office space and the preferential use of berth, platform, and open and warehouse space at Pier 11, San Juan.

Agreement No. T-3785-A, as amended, provides for the lease and preferential use of certain premises at the west court of the extension to Pier 12 for the parking of vans. As compensation, ISA will pay Port a minimum monthly rental of \$217.69. The term of the agreement is three years.

Agreement No. T-3785-3 provides for the addition to the basic agreement of 19,072.46 square feet of space at Pier 11 for the parking of containers. As compensation, ISA will pay Port an additional monthly rental of \$476.81. The term of the agreement is from date of approval through May 21, 1982.

Agreement No. T-3785-4 provides for the addition to the basic agreement of three office spaces at Pier 11. As compensation, ISA will pay Port an additional monthly rental of \$120.47. The term of the agreement is from date of approval through May 21, 1982.

Agreements Nos.: T-3988 and T-3988-A.

Filing Party: Timothy Trushel, Esquire, Kominers, Fort, Schlefer & Boyer, 1776 F. Street, N.W., Washington, D.C. 20006.

Summary: Agreement No. T-3988, between the Port of Longview (Port) and Yellowstone Sales Company and Yellowstone Molasses Services, Inc. (Yellowstone) provides for Yellowstone's exclusive right to have certain dry bulk products (enumerated in the agreement) handled through certain terminal facilities at the Port of Longview. Yellowstone will pay the Port usage charges based upon volume of tonnage moved, as set forth in the terms of the agreement. The initial term of the agreement is 10 years with renewal options for two successive additional 5-year periods.

Agreement No. T-3988-A is an operating agreement providing that the Port will maintain the facilities and will furnish all manpower and equipment necessary to handle Yellowstone's dry bulk cargoes from the time of receipt thereof at truck and rail dumps to the time of delivery of same to ships at the end of the bulk loading conveyor system and the end of the loading spout. Yellowstone's exclusive use of the facility is provided for in corresponding Agreement No. T-3988. Yellowstone will compensate the Port for these services based upon the volume of cargo handled formula set forth in the agreement. Agreement No. T-3988-A is coterminous with Agreement No. T-3988, i.e., 10 years with two 5-year renewal options.

Agreement No.: 7593-7.

Filing Party: Mr. H. G. Pouderoyn, Nedlloyd Inc., Suite 617, 5 World Trade Center, New York, New York 10048.

Summary: Agreement No. 7593-7 is a proposal by the parties to the Hoegh Lines Joint Service Agreement to add the following members to the basic agreement: Skibsaktieselskapet ALLIANCE and Skibsaktieselskapet ATLANTICA.

Agreement No.: 8260-20.

Filing Party: Jeffrey F. Lawrence, Esquire, Billig, Sher & Jones, P.C., 2033 K Street, N.W., Suite 300, Washington, D.C. 20006.

Summary: Agreement No. 8260-20 modifies the basic agreement of the Mediterranean—U.S.A. Great Lakes Westbound Freight Conference by authorizing both the conference Secretary and Counsel to execute agreement modifications on behalf of the Members.

Agreement No.: 10126-4.

Filing Party: Joseph J. Fanelli, Secretary, Florida/Curacao, Aruba & Bonaire Rate Agreement, Post Office Box 370988, Miami, Florida 33137.

Summary: Agreement No. 10126-4 modifies the basic agreement of the Florida/Curacao, Aruba & Bonaire Rate Agreement by providing that (1) service may be by direct vessel, or transshipment, by vessel or substituted barge or overland carriage; (2) member lines may discuss and establish uniform credit rules and regulations; (3) the Secretary will be responsible for filing and certifying all self-policing reports to the Commission; (4) agreement action will require a majority vote; and (5) action may be taken by telephone, telegraph poll and establishing a time requirement (72 working hours) in which to cast a vote on a proposed action.

Agreement No.: 10427.

Filing Party: Bengt L. Henriksen, President, The Woodside Consulting Group, 2925 Woodside Road, Woodside, California 94062.

Summary: Agreement No. 10427 is a proposed transshipment agreement between Aleut Alaska Shipping Co. and American President Lines, Ltd. applicable to the trade between Seattle, Washington and ports in Southwest Alaska. The agreement also permits the parties, among other things, to agree on rate levels in the trade and interchange equipment. The agreement is scheduled to remain in effect for an initial period of five years, to continue thereafter on a month to month basis until terminated by either party.

By Order of the Federal Maritime Commission.

Dated: August 19, 1981.

Francis C. Hurney,  
Secretary.

[FR Doc. 81-24819 Filed 8-25-81; 8:45 am]  
BILLING CODE 6730-01-M

[Docket No. 81-48]

**Intercorp Forwarders, Ltd.—  
Independent Ocean Freight Forwarder  
License Application and Possible  
Violation of Section 44, Shipping Act,  
1916, Order of Investigation and  
Hearing**

Intercorp Forwarders, Ltd. (Intercorp) has filed with the Commission an application for a license as an independent ocean freight forwarder. Section 44(b) of the Shipping Act, 1916, requires that the Commission find that an applicant for a freight forwarder license is fit, willing and able properly to carry on the business of forwarding and to conform to the provisions of the Shipping Act, 1916, and the requirements, rules and regulations of the Commission issued thereunder in order to be granted a freight forwarder license.

As a result of an investigation of the applicant, it is apparent that Intercorp performed certain ocean freight forwarding services on at least 24 ocean freight shipments and thus engaged in activities which may constitute carrying on the business of forwarding within the meaning of section 1 of the Shipping Act, 1916. It further appears that, on many of these shipments, Intercorp inflated the charges for certain ancillary services, including inland freight and insurance charges, on its invoices to its clients, and received a share of the forwarder compensation from ocean-going common carriers for these activities. The investigation also indicates that, for three of these shipments, Intercorp may have sent false insurance invoices to its client in order to support its inflated invoices.

The alleged violations described above could, if proven, reflect adversely upon Intercorp's fitness.

In view of the above the Commission notified Intercorp, by letter dated April 27, 1981, of its intent to deny its application for a license unless the applicant requested a hearing. In a letter dated May 8, 1981, the applicant requested that he be given an opportunity to show at a hearing that such a denial was not warranted.

Now therefore it is ordered, That pursuant to sections 22, 32 and 44 (46 U.S.C. 821, 831 and 841(b)) of the Shipping Act, 1916, and § 510.8 of the Commission's General Order 4 (46 CFR

510.8), a proceeding is hereby instituted to determine:

1. Whether Intercorp violated section 44(a) of the Shipping Act, 1916, by engaging in unlicensed forwarding activities;

2. Whether civil penalties should be assessed against Intercorp, pursuant to section 32 of the Shipping Act, 1916 and Part 505.3 of the Commission's regulations (46 CFR 505.3) for violations of the Shipping Act, 1916, and, if so, the amount of any such penalty which should be imposed; and

3. Whether in light of the evidence adduced pursuant to the first issue, together with any other evidence adduced, Intercorp possesses the requisite fitness, within the meaning of section 44(b), Shipping Act, 1916, to be licensed as an independent ocean freight forwarder;

It is further ordered, That Intercorp Forwarders, Ltd., be named Respondent in this proceeding;

It is further ordered, That a public hearing be held in this proceeding and that the matter be assigned for hearing and decision by an Administrative Law Judge of the Commission's Office of Administrative Law Judges at a date and place to be determined by the Presiding Administrative Law Judge, but no later than 180 days after service of this order;

The hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents, or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record;

It is further ordered, That in accordance with Rule 42 of the Commission's Rules of Practice and Procedure (46 CFR 502.42), the Bureau of Hearings and Field Operations shall be a party to this proceeding;

It is further ordered, That notice of this Order be published in the Federal Register, and a copy be served upon all parties of record;

It is further ordered, That any person other than parties of record having an interest and desiring to participate in this proceeding shall file a petition for leave to intervene in accordance with Rule 72 of the Commission's Rules of Practice and Procedure (46 CFR 502.72);

It is further ordered, That all future notices, orders, and/or decisions issued by or on behalf of the Commission in this proceeding, including notice of the time and place of hearing or prehearing

conference, shall be mailed directly to all parties of record; and

It is further ordered, That all documents submitted by any party of record in this proceeding shall be filed in accordance with Rule 118 of the Commission's Rules of Practice and Procedure (46 CFR 502.118), as well as being mailed directly to all parties of record.

By the Commission:  
Francis C. Hurney,  
Secretary.

[FR Doc. 81-24808 Filed 8-25-81; 8:45 am]  
BILLING CODE 6730-01-M

## FEDERAL TRADE COMMISSION

### Westinghouse Electric Corp.; Early Termination of the Waiting Period of the Premerger Notification Rules

**AGENCY:** Federal Trade Commission.

**ACTION:** Granting of request for early termination of the waiting period of the premerger notification rules.

**SUMMARY:** Westinghouse Electric Corporation is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Siliconix Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Westinghouse. Neither agency intends to take any action with respect to this acquisition during the waiting period.

**EFFECTIVE DATE:** August 11, 1981.

#### FOR FURTHER INFORMATION CONTACT:

Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

**SUPPLEMENTARY INFORMATION:** Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

By direction of the Commission.

James A. Tobin,  
Acting Secretary.

[FR Doc. 81-24844 Filed 8-25-81; 8:45 am]  
BILLING CODE 6750-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Care Financing Administration

#### National Professional Standards Review Council; Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), announcement is made of the following Council meeting:

Name: National Professional Standards Review Council

Date and Time: September 14, 1981 (10:00 a.m. to 5:00 p.m.); September 15, 1981 (9:00 a.m. to 1:00 p.m.)

Place: Sheraton-Palace Hotel, Raiston Room, 639 Market Street, San Francisco, California

#### Purpose of the Meeting

The Council was established to advise the Secretary of Health and Human Services on the administration of Professional Standards Review (Title XI, Part B, Social Security Act). Professional Standards Review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality health care. The Council's agenda will include discussion of a variety of issues relevant to the implementation of the PSRO program. On August 28, a tentative agenda will be made available to the public.

The meeting of the Council is open to the public. Public attendance is limited to space available.

Any member of the public may file a written statement with the council before, during, or after the meeting. To the extent that time permits, the Council Chairperson will allow public presentation of oral statements at the meeting.

All communications regarding this Council should be addressed to Cleo E. Hancock, Jr., Staff Director, National Professional Standards Review Council, Health Standards and Quality Bureau, Room 4520, Health and Human Services North Building, 330 Independence Avenue, S.W., Washington, D.C. 20201, (202) 245-6097.

Dated: August 20, 1981.

Cleo E. Hancock, Jr.,

National Professional Standards Review Council.

[FR Doc. 81-24876 Filed 8-25-81; 8:45 am]  
BILLING CODE 4110-35-M

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

## State of California; Call for Applications for Wind Energy Development in the San Geronio Pass

The San Geronio Pass area located in Southern California approximately eight (8) miles northwest of Palm Springs has been identified as one of the most promising wind energy development locations in California. In response to applications filed by private and public interests to develop the wind resource, the Bureau of Land Management (BLM) and the County of Riverside have entered into a joint Memorandum of Understanding to prepare an environmental document (EIR/EIS) assessing the impacts of development within the 200 square mile area.

The objectives of the Bureau are to:

- (1) Ensure timely and orderly development of this important resource in a manner compatible with the use of the public lands for other purposes;
- (2) Assure that wind exploration, development and production is conducted with maximum protection of the environment, and;
- (3) Assure the public a fair return for the use of public lands and the use of its renewable resources.

To assist the Director of the BLM in carrying out these objectives and pursuant to Pub. L. 94-579, Title V of the Federal Land Policy and Management Act of 1976 (FLPMA), and 43 CFR Part 2800, requests for applications in addition to those already filed, are now being solicited from interested individuals for the next 60 days for possible granting of rights-of-way for power generating facilities on public lands.

## Description of the Area

Applications will be considered within the area shown on the San Geronio Pass Wind Study Map available at the BLM California State Office, Sacramento, California. Public lands contained within the study area include: All or portions of Sections 15-36 inclusive, T.2S., R.3E. San Bernardino Meridian (SBM); Sections 2, 4, 10, 12, 14, 18, 20, 22, and 24, T.3S., R.3E., SBM; Sections 8, 10, 14, and 18, T.2S., R.4E., SBM; Sections 4, 18, 20, 22, 28, 30, 32, and 34, T.3S., R.4E., SBM; Section 34, T.2S., R.5E., SBM; Sections 2, 24, 26, 28, 30, 32, and 34, T.3S., R.5E., SBM; Sections 30 and 32, T.3S., R.6E., SBM; Section 6, T.4S., R.6E., SBM.

## Right-of-Way Applications

Applications must be submitted not later than 60 days from the date of this notice. No other applications will be accepted after this date for inclusion in the EIR/EIS. In accordance with 43 CFR Part 2800, Rights-of-Way Principles and Procedures, applicants will furnish BLM a project description detailing what is being proposed and the time period involved; a legal description of lands you wish to apply for with a map showing their location; a non-refundable check to cover processing fees as explained in part 2803.1-1; and a copy of the company's charter or articles of incorporation certified by the State. The project description shall be in sufficient detail to enable the authorized officer to determine:

- (1) Its impact to the environment,
- (2) Any benefits provided to the public,
- (3) Safety of the proposal, and
- (4) The specific public lands proposed to be occupied.

The EIR/EIS will be funded by the Bureau through appropriated funds.

To accomplish the above and to ensure that applications will be properly analyzed on both a site-specific and regional (cumulative) basis for the EIR/EIS, the project description accompanying the application must include all of the information provided below:

## Project Description

1. Applicant
2. Contact—include phone number of project coordinator and engineer:
3. Manufacturer:
4. Location—include a legal description, acreage compilation, and map for all public lands under application. Also indicate Indian lands and private or State lands which you have or may be applying for and the status of these applications, i.e., have lease arrangements been completed?
5. Wind Machine Model—if more than one machine is under consideration for deployment include specifications for all types. Describe under what conditions one type of machine would be used over another.
6. Physical Specifications:
  - Total height.
  - Tower height.
  - Rotor diameter.
  - Total weight.
  - Weight of blades.
  - Foundation construction (width, depth and height).
  - Material specifications including weight of foundation.
  - Tower construction—materials and components.

Blade construction—materials and components.

Structure designs for the tower and foundation should be supplied.

## 7. Performance Specifications:

Rotation speed (rotor RPM).

Speed of blade tips.

Power output.

Cut-in speed.

Noise generation.

Cut-out speed.

Rated wind speed.

Rotor orientation.

Generator RPM.

Generator type.

Gear box step-up ratio.

Gear box type.

## 8. Projected Annual Production:

Output based on annual average wind speed.

## 9. Additional Information:

Rotor, hardware specification, i.e., type, size.

Alternator, hardware specification, i.e., type, size.

## 10. Brake System:

Type.

## 11. Control Functions:

Automatic yaw.

Failsafe brake application and release.

Alternator voltage and phasing.

Circuit breakers for overcurrent control.

12. Variables Monitored—described your plans for monitoring the following items:

Alternator output.

Rotor speed.

Wind speed.

Wind direction.

## 13. Safety Features:

Electrical systems designed to comply with National Electrical Code.

Lightening protection on all circuits.

Blade throw and probability of occurrence.

## 14. Wind Machine Construction Activities:

Site preparation (both temporary and permanent).

Temporary use areas. Construction yards for material storage and equipment maintenance stations. Provide security arrangements. Equipment pads or leveled areas at each tower site to facilitate equipment operation should be identified. A table similar to that shown below can be used to summarize land areas occupied.

## Summary of Land Areas Temporarily and Permanently Occupied

Units	Acres temporarily occupied	Acres permanently occupied

**WTG.****Roads.**

New main roads.

New spur roads.

Existing roads.

**Work Areas.**

Construction yards.

Other.

Wind turbine installation. Describe installation procedures. Diagrams if available should be submitted.

Construction equipment. Provide specifications of equipment (i.e., pickup, 4 x 4, crane 5-ton, etc. including fuel use requirements and length of service over construction schedule.

Source and type of construction material.

Clean up.

Technical and construction personnel—describe workforce requirements for construction and maintenance activities.

Show workforce schedule for construction period and source of labor supply (local or regional).

Construction schedule.

15. Operation and Maintenance:

Patrols.

Routine maintenance requirements.

Equipment needs.

Access roads.

Other.

16. Abandonment (plans for).

17. Transmission System and

Substation:

Design

Construction

Operation and maintenance

Abandonment

18. Security of Facilities and

Equipment:

19. Construction Costs. Provide

summary costs using table below:

**Construction Costs**

WTG	Acres temporarily occupied	Acres permanently occupied
Transmission Lines		
Substations, transformers, switches		
Buildings and equipment		
Land and rights		
Remote control equipment		
Total		

Cost estimates for transmission lines and substations may be supplied by servicing utility.

20. Annual operation, maintenance, and replacement costs:

**OM&R Costs**

WTG	
Transmission lines	
Substations, transformers, switches	
Roads	
Buildings	
Remote control equipment	
Total	

Costs for transmission lines and substations may be supplied by servicing utility.

This information must be received no later than 60 days from the date of this notice in order to facilitate prompt initiation of site-specific analysis in the environmental document.

The authorized officer shall acknowledge in writing receipt of the application. The authorized officer may require the applicant for a right-of-way grant to submit such additional information as he deems necessary for review of the application. All requests for additional information will be in writing.

Where the authorized officer determines that information supplied by the applicant is incomplete or does not conform to FLPMA or 43 CFR Part 2800 regulations the authorized officer shall notify the applicant of these deficiencies and afford the applicant an opportunity to file a correction. Where a deficiency notice has not been adequately compiled with, the authorized officer may reject the application. All applications must be submitted to the State Director, Bureau of Land Management, California State Office, 2800 Cottage Way, E-2841, Sacramento, California 95825.

**Environmental Analysis and Decision Process**

Applications will be evaluated and used along with all applicable resource data pursuant to the National Environmental Policy Act of 1969 to determine what public lands may be available for wind development. The environmental analysis process, through the evaluation of alternatives and their effects (environmental, social and economic) will be used as a decision tool to sort out competing uses and potential uses of the public lands. This evaluation will be coordinated with Riverside County as a joint preparer of the EIR/EIS. In the event two or more applications for wind power facilities are received for the same site and the Bureau is unable to determine which proposal best serves the public need, a procedure such as competitive bidding may be utilized. In the later case, notice of any tracts selected for competitive bidding will be published in the Federal Register stating the conditions and

terms for leasing in compliance with established Departmental procedures.

Questions regarding submittal of applications should be directed to either William Payne, EIS Project Coordinator (916) 484-4541 or Joan Russell, Lands Section Chief, (916) 484-4431.

Dated: August 17, 1981.

James B. Ruch,

State Director, California State Office, Bureau of Land Management.

[FR Doc. 81-24814 Filed 8-25-81; 8:45 am]

BILLING CODE 4310-84-M

[Exchange—I-16998]

**Public Lands in Bear Lake County, Idaho; Realty Action**

The following described lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

T. 14 S., R. 45 E., B.M., Idaho

Section 23: NE $\frac{1}{4}$ NE $\frac{1}{4}$ , 40 acres.

In exchange for this land the Federal Government will acquire a 40-acre tract of non-Federal land in Bear Lake County from Kay and Joyce Rigby, described as follows:

T. 14 S., R. 45 E., B.M., Idaho

Section 13: SE $\frac{1}{4}$ SE $\frac{1}{4}$ , 40 acres

The purpose of the exchange is to:

1. Consolidate the public land in order to better manage it.

2. Allow authorized farming of the public land by transferring the subject parcel to a private party.

3. Provide long term benefits to the government, i.e., livestock forage, wildlife habitat.

This exchange is consistent with the Bureau's planning for the land involved and has been discussed with the Bear Lake County Commissioners. The public interest will be well served by making the exchange.

The value of the lands to be exchanged are approximately equal and money will be used to equalize the values upon completion of the final appraisal of the lands.

The terms and conditions applicable to the exchange are:

1. Both parties will reserve all minerals; only surface ownership will be exchanged.

2. Right-of-way granted to Idaho Power Company on the offered land and the Idaho Department of Highways on the selected lands will remain in effect.

Detailed information concerning the exchange, including the environmental analysis, is available for review at the Soda Springs Resource Area Office, 490

East 2nd South, Soda Springs, Idaho 83276.

For a period of 45 days interested parties may submit comments to the District Manager of the Idaho Falls District, 940 Lincoln Road, Idaho Falls, Idaho 83401. Any adverse comments will be evaluated by the District Manager, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

Dated: August 18, 1981.

O'dell A. Frandsen,  
District Manager.

[FR Doc. 81-24818 Filed 8-25-81; 8:45 am]

BILLING CODE 4310-84-M

[Exchange—I-16999]

**Public Lands in Caribou County, Idaho; Realty Action**

The following described lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

T. 7 S., R. 41 E., B.M., Idaho

Sec. 34: NW ¼ SE ¼

T. 8 S., R. 41 E., B.M., Idaho

Sec. 17: SW ¼ SW ¼ NE ¼ NW ¼,

NW ¼ NW ¼ NW ¼ NW ¼, S ½ NW ¼

NW ¼ NW ¼, S ½ NW ¼ NW ¼,

N ½ NW ¼ SW ¼ NW ¼ NE ¼ SW ¼ NW ¼,

E ½ SE ¼ SW ¼ NW ¼, W ½ SE ¼ NW ¼,

S ½ SE ¼ SE ¼ NW ¼, NW ¼ NE ¼ SW ¼,

E ½ NE ¼ SW ¼, 145 acres

In exchange for these lands the Federal Government will acquire 240 acres of non-Federal land in Caribou County from Harry Dean Ozburn described as follows:

T. 7 S., R. 40 E., B.M., Idaho

Sec. 34: E ½ SE ¼, SE ¼ NE ¼

Sec. 35: SW ¼ NW ¼

T. 8 S., R. 40 E., B.M., Idaho

Sec. 3: SE ¼ NW ¼, NE ¼ SW ¼, 240 acres

The purpose of the exchange is to:

1. Consolidate the public land in order to better manage it.

2. Allow authorized farming of the public land by transferring the subject parcel to a private party.

3. Provide long term benefits to the government, i.e., livestock forage, wildlife habitat.

This exchange is consistent with the Bureau's planning for the land involved and has been discussed with the Caribou County Commissioners. The public interest will be well served by making the exchange.

The value of the lands to be exchanged are approximately equal and

money will be used to equalize the values upon completion of the final appraisal of the lands.

The terms and conditions applicable to the exchange are:

1. Both parties will reserve all minerals; only surface ownership will be exchanged.

Detailed information concerning the exchange, including the environmental analysis, is available for review at the Soda Springs Resource Area Office, 490 East 2nd South, Soda Springs, Idaho 83276.

For a period of 45 days interested parties may submit comments to the District Manager of the Idaho Falls District Office, 940 Lincoln Road, Idaho Falls, Idaho 83401. Any adverse comments will be evaluated by the District Manager, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department.

Dated: August 18, 1981.

O'dell A. Frandsen,  
District Manager.

[FR Doc. 81-24817 Filed 8-25-81; 8:45 am]

BILLING CODE 4310-84-M

[Designation Order MT-070-8101]

**Montana Off-Road Vehicle Designations**

August 18, 1981.

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of interim off-road vehicle designation decision.

**DECISION:** Notice is hereby given relating to the use of off-road vehicles on public lands in accordance with the authority and requirements of Executive Orders 11644 and 11989 and regulations contained in 43 CFR 8340. The following described lands under administration of the Bureau of Land Management are designated as limited to specified types of off-road motorized vehicle use during specified times of the year pursuant to the provisions of 43 CFR 8342.1.

The area affected by this designation is a 14-mile section of the Garnet Range Road beginning approximately 30 miles east of Missoula, Montana, at the Greenough Post Office (T. 13 N., R. 15 W., Sec. 14) and ending at the Elk Creek Road Junction (T. 12 N., R. 14 W., Sec. 1). This designation is a result of land use decisions made with public involvement in the 1972 Blackfoot Management Framework Plan. The specific limitations were arrived at and analyzed in the 1977 "Garnet Range Snowmobile

Trails Management Plan," and the 1977 "Garnet Snowmobile Trails Environmental Assessment Record." This designation is published as final today. Under 43 CFR 4.21, an appeal may be filed within 30 days with the Interior Board of Land Appeals.

**LIMITED DESIGNATION:** Motorized vehicular travel on the Garnet Range Road from the Greenough Post Office to the Junction with the Elk Creek Road is limited to nonwheeled vehicles with over-snow capability for the period from January 1 through March 31 each year, to provide for recreation users safety and preclude use conflicts.

This designation becomes effective upon August 26, 1981 and will remain in effect until rescinded or modified by the authorized officer. An environmental assessment describing the impact of this designation is available for inspection at the offices listed below.

**ADDRESSES:** For further information about this designation, contact either of the following Bureau of Land Management Offices:

District Manager, Butte District Office,  
P.O. Box 3328, 106 N. Parkmont,  
Industrial Park, Butte, Montana 59702  
Area Manager, Garnet Resource Area  
Office, P.O. Box 4427, 715 Kensington,  
Missoula, Montana 59806

Michael J. Penfold,  
State Director.

[FR Doc. 81-24816 Filed 8-25-81; 8:45 am]

BILLING CODE 4310-84-M

[Designation Order MT-070-8102]

**Montana Off-Road Vehicle Designations**

August 18, 1981.

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of off-road vehicle designation decision.

**DECISION:** Notice is hereby given relating to the use of off-road vehicles on public land in accordance with the authority and requirements of Executive Orders 11644 and 11989, and regulations contained in 43 CFR 8340. The following described lands under the administration of the Bureau of Land Management are designated as open, limited, or closed to off-road motorized vehicle use pursuant to the provisions of 43 CFR 8342.1.

The 954,626-acre area affected by the designation is known as the Beaverhead and Madison Planning Units, which include all public lands in Beaverhead, Madison, Deer Lodge, and Silver Bow Counties, Montana. These designations

are a result of land use decisions made in the 1979 Dillon Management Framework Plan and the Dillon Off-Road Vehicle Travel Plan and Environmental Assessment dated June, 1981. Comments received from four public meetings, five open houses, and numerous written responses influenced these designation decisions. This designation order supersedes off-road vehicle designations made prior to the issuance of the 1981 Dillon Off-Road Vehicle Travel Plan and Environmental Assessment. These designations are published as final effective today. Under 43 CFR 4.21, an appeal may be filed within 30 days with Interior Board of Land Appeals.

**A. Open Designation**—Areas which are designated as open comprise approximately 688,169 acres.

**B. Limited Designation**—Areas which are designated as limited comprise approximately 256,555 acres. Limited designation was determined appropriate to protect the resources of the public lands, to promote the safety of all users of the public lands, and to minimize conflicts among various uses of the public lands. The following identifies the type of restriction on motorized vehicle travel, the specific area/areas where the restriction occurs, the affected acreage, and a brief rationale for each affected area.

1. Motorized travel limited to authorized users only.

a. *Bad Luck Creek* (640 acres)—To protect bighorn sheep, elk, and deer.

b. *Centennial Mountains* (38,424 acres)—To protect fragile soils and to provide primitive, nonmotorized recreation opportunities.

c. *Hidden Pasture* (6,625 acres)—To protect bighorn sheep.

2. Closed to all motorized vehicles from December 1 to May 15.

a. *Davey-Idaho-Jack Creeks*—(12,285 acres)—To protect wintering elk and deer.

b. *Wall Creek* (315 acres)—To protect wintering elk and deer.

c. *Dyce Creek* (11,969 acres)—To protect wintering elk and deer.

3. Closed to all motorized vehicles from December 1 to May 15 except the Jimmy New Road which is open to wheeled vehicles after April 15.

a. *Dickie Hills-Charcoal Gulch* (12,825 acres)—To protect wintering elk and deer.

4. Closed to all motorized vehicles from May 1 to June 30.

a. *Sheser-Bear Creek-Bear Gulch* (4,960 acres)—To protect calving elk.

b. *Gibbs Creek-Mill Gulch* (1,320 acres)—To protect calving elk.

5. All motorized vehicles except snowmobiles restricted to designated routes yearlong.

a. *Virginia City Municipal Watershed* (320 acres)—To protect municipal water supply.

b. *Sheridan Municipal Watershed* (505 acres)—To protect municipal water supply.

c. *Dillon Municipal Watershed* (5,944 acres)—To protect municipal water supply.

d. *Ruby Mountains* (26,357 acres)—To protect wilderness suitability.

e. *Bell-Limekiln* (9,588 acres)—To protect wilderness suitability.

f. *Henneberry Ridge* (9,756 acres)—To protect wilderness suitability.

g. *Bumby Mountain* (540 acres)—To protect wilderness suitability.

h. *Farlin Creek* (1,260 acres)—To protect wilderness suitability.

i. *Centennial Mountains Tack-on* (7,702 acres)—To protect wilderness suitability.

j. *Blacktail Ridge* (13,960 acres)—To protect elk summer/fall and calving habitats.

k. *Bannack* (305 acres)—To preserve the historic townsite of Montana's first territorial capital.

l. *McCartney Mountain/Sandy Hollow* (16,380 acres)—To protect wilderness suitability.

m. *Block Mountain* (6,700 acres)—To protect wilderness suitability.

n. *Lima Reservoir* (5,360 acres)—To protect wilderness suitability.

6. All motorized vehicles restricted to designated routes from May 16 to November 30—Closed to all vehicles from December 1 to May 15.

a. *Humbog Spire Periphery* (4,133 acres)—To protect bighorn sheep, elk, and mule deer, and to provide primitive nonmotorized recreation opportunities.

b. *Jake Canyon* (7,180 acres)—To protect elk summer, fall, and winter habitats.

c. *Dutch Hollow* (1,800 acres)—To protect elk summer, fall, and winter habitats.

d. *Muddy Creek* (13,797 acres)—To protect elk summer, fall, and winter habitats.

7. All motorized vehicles restricted to designated routes from October 15 to November 30—Closed to all vehicles from December 1 to May 15.

a. *Soap Gulch North* (4,881 acres)—To protect bighorn sheep and wintering elk and deer.

8. All motorized vehicles restricted to designated routes from October 15 to November 30.

a. *Soap Gulch South* (16,868 acres)—To protect bighorn sheep.

9. Closed to all wheeled motorized vehicles.

a. *Rock Creek* (1,390 acres)—To protect summering elk.

b. *Madison Tack-ons* (869 acres)—To protect wilderness suitability.

c. *Shakey Spring* (340 acres)—To protect wilderness suitability.

d. *Blacktail Mountains West* (2,130 acres)—To protect wilderness suitability.

10. Closed to all motorized vehicles from March 1 to June 30.

a. *Culver Spring* (40 acres)—To protect bald eagle habitat.

11. Closed to all motorized vehicles from September 1 to November 30.

a. *Clark Canyon* (2,280 acres)—To protect elk fall habitat and unstable soils.

12. All motorized vehicles restricted to designated routes except snowmobiles which are permitted off designated routes from December 1 to June 15. Designated routes are closed to wheeled vehicles from April 15 to June 15.

a. *Axolotl Lakes* (7,488 acres)—To protect fragile, unstable soils and to protect the axolotl salamander.

**C. Closed Designation**—All motorized vehicle use is prohibited in the 2,861 acre Bear Trap Canyon and 7,041 acre Humbog Spire to provide primitive, nonmotorized recreation opportunities. Only emergency vehicles will be authorized in these two areas.

The Dillon Off-Road Travel Plan and Environmental Assessment describing more fully the need for the designations and their impact as well as a detailed map describing their location is available from the offices listed below.

**ADDRESS:** For further information about these designations, contact either of the following Bureau of Land Management Offices:

District Manager, Butte District Office,  
P.O. Box 3388, Butte, Montana 59701  
(406) 723-6581

Area Manager, Dillon Resource Area,  
P.O. Box 1048, Dillon, Montana 59725,  
(406) 683-2337

Michael J. Penfold,  
State Director.

[FR Doc. 81-24815 Filed 8-25-81; 8:45 am]

BILLING CODE 4310-84-M

## Geological Survey

**Chevron U.S.A., Inc.; Oil and Gas and Sulphur Operations in the Outer Continental Shelf**

**AGENCY:** Geological Survey, Interior.

**ACTION:** Notice of the receipt of a proposed development and production plan.

**SUMMARY:** Notice is hereby given that Chevron U.S.A. Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 3148, Block 52, Eugene Island 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 Office 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 19, 1981.

Lowell G. Hammons,

*Conservation Manager, Gulf of Mexico OCS Region.*

[FR Doc. 81-24637 Filed 8-25-81; 8:25 am]

BILLING CODE 4310-31-M

### Tenneco Oil Exploration and Production; Oil and Gas and Sulphur Operations in the Outer Continental Shelf

**AGENCY:** Geological Survey, Interior.

**ACTION:** Notice of the receipt of a proposed development and production plan.

**SUMMARY:** Notice is hereby given that Tenneco Oil Exploration and Production has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 3807, Block 122, Vermilion 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 Office 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) 834-4702, 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 19, 1981.

Lowell G. Hammons,

*Conservation Manager, Gulf of Mexico OCS Region.*

[FR Doc. 81-24638 Filed 8-25-81; 8:45 am]

BILLING CODE 4310-31-M

### Union Oil Co., Oil and Gas and Sulphur Operations in the Outer Continental Shelf

**AGENCY:** Geological Survey, Interior.

**ACTION:** Notice of the receipt of a proposed development and production plan.

**SUMMARY:** Notice is hereby given that Union Oil Company of California has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 1475, Block 76, East Cameron 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 Office 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 18, 1981.

Lowell G. Hammons,  
*Conservation Manager, Gulf of Mexico OCS Region.*

[FR Doc. 81-24638 Filed 8-25-81; 8:45 am]

BILLING CODE 4310-31-M

### National Park Service

#### Lassen, Sequoia-Kings Canyon and Yosemite National Parks; Comments on Environmental Assessments

Notice is hereby given that the National Park Service will hold three public meetings in California during the latter part of September to hear comments on the Environmental Assessments that consider amending the regulations that prohibit snowmobiling in Lassen, Sequoia-Kings Canyon and Yosemite National Parks.

Each of the three meetings will begin promptly at 8:00 p.m. and they will be held in the locations as follows:

Monday, September 21, 1981, in the Centennial Rooms 2 and 3, Shasta Inn, 2180 Hilltop Drive, Redding.

Tuesday, September 22, 1981, in the all purpose room, McLane High School, 2727 North Cedar, Fresno.

Wednesday, September 23, 1981, Main Floor, California Room, Headquarters (Bldg. 201), Golden Gate Recreation Area, Fort Mason, San Francisco.

From 7:00 to 8:00 p.m., prior to each meeting, National Park officials will be available at the meeting sites to answer questions and explain details of the assessments for each of the three national parks.

Insofar as possible, all those who wish to present oral comments will be given an opportunity to do so. However, the presiding officer may limit the times for presentations depending upon the number of persons who wish to speak.

Written comments on the three assessments should be submitted before Oct. 15, 1981, when the record closes, to the Regional Director, Western Region, National Park Service, 450 Golden Gate Ave., San Francisco, Calif. 94102.

Copies of the Environmental Assessments are available from the Western Regional Office, at the address above, and from:

Superintendent, Lassen Volcanic National Park, Mineral, Calif. 96093;  
Superintendent, Sequoia-Kings Canyon National Parks, Three Rivers, Calif. 93271;

Superintendent, Yosemite National Park, P.O. Box 577, Yosemite, Calif. 95389.

Dated: August 18, 1981.

John H. Davis,

Deputy Regional Director, Western Region, National Park Service.

[FR Doc. 81-24858 Filed 8-25-81; 8:45 am]

BILLING CODE 4310-70-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* 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. OP1-236

Decided: August 19, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 52861 (Sub-91), filed August 10, 1981. Applicant: WILLS TRUCKING, INC., 3185 Columbia Rd., P.O. Box 256, Richfield, OH 44286. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215. Transporting *general commodities* (except classes A and B explosives), between points in Lucas County, OH, on the one hand, and, on the other, points in the U.S.

MC 59241 (Sub-15), filed August 11, 1981. Applicant: JOHN GIBBONS, INC., 1400 Industrial Wy., Eddystone, PA 19013. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St. N.W., Washington, DC 20005. (202) 783-7900. Transporting *pulp, paper and related products*, between points in the U.S.

MC 61231 (Sub-187), filed August 12, 1981. Applicant: EASTER ENTERPRISES, INC., d.b.a. ACE LINES, INC., P.O. Box 1351, Des Moines, IA 50305. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. (515) 282-3525. Transporting (1) *pulp, paper and related*, (2) *rubber and plastic products*, (3) *textile mill products*, and (4) *metal*

*products*, between points in Muskogee County, OK and Brown County, WI, on the one hand, and, on the other, points in CT, DE, MD, MA, NJ, NY, PA, RI, VA, WV, and DC.

MC 85970 (Sub-57), filed August 10, 1981. Applicant: SARTAIN TRUCK LINE, INC., 1625 Hornbrook Street, Dyersburg, TN 38024. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Over regular routes transporting *general commodities* (except classes A and B explosives), between points in Union City, TN and Jackson, TN, (a) from Union City, over U.S. Hwy 51 to junction U.S. Hwy 51 and TN Hwy 20, then over TN Hwy 20 to Jackson and return over the same route, serving all intermediate points, and (b) over U.S. Hwy 45W, serving all intermediate points.

MC 113861 (Sub-85), filed August 10, 1981. Applicant: WOOTEN TRANSPORTS, INC., 153 Gaston Ave., Memphis, TN 38106. Representative: Dale Woodall, 900 Memphis Bank Bldg., Memphis, TN 38103, (901) 525-6781. Transporting *petroleum products*, between points in Davidson County, TN, on the one hand, and, on the other, points in AL. Condition: To the extent that any certificate issued in this proceeding authorizing the transportation of liquefied petroleum gas, it shall expire 5 years from its date of issuance.

MC 138520 (Sub-4), filed August 10, 1981. Applicant: R. JOHNS TRANSFER, INC., 2206 Patterson Ave. S.W., Roanoke, VA 24016. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St. N.W., Washington, DC 20004. (202) 628-4600. Transporting *general commodities* (except classes A and B explosives), between points in VA, on the one hand, and, on the other, points in NC, WV, MD, DE, NJ, PA, and DC.

MC 142811 (Sub-10), filed August 10, 1981. Applicant: S.R.I. TRUCKING CO., a corporation, 1000 North Cindy Lane, Carpinteria, CA 93013. Representative: John C. Russell, 1545 Wilshire Blvd., Los Angeles, CA 90017. (213) 483-4700. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Farmer Bros. Co., of Torrance, CA.

MC 145021 (Sub-1), filed August 10, 1981. Applicant: EISENMAN TRANSPORT, INC., 312 E. 16th St., Greeley, CO 80632. Representative: Lee E. Lucero, 445 Capitol Life Center, Denver, CO 80203 (303) 861-8046. Transporting *chemical and related products, and ores and minerals*, between points in the U.S., under

continuing contract(s) with Eisenman Chemical Company, of Greeley, CO, and Vulcan Materials, of Wichita, KS.

MC 145481 (Sub-27), filed August 10, 1981. Applicant: HOOSIER TRANSPORTATION SYSTEM, INC., 501 Sam Ralston Road, Lebanon, IN 46052. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717-17th Street, Denver, CO 80202 (303) 892-6700. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Terminal Freight Cooperative Association, of Downers Grove, IL.

MC 148200 (Sub-7), filed August 10, 1981. Applicant: FREIGHT MASTERS, INC., 2828 Lafayette Road, Indianapolis, IN 46222. Representative: John R. Bagileo, 918 16th St., N.W., Washington, DC 20006 (202) 785-3700. Transporting *general commodities* (except classes A and B explosives), between points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, MD, MI, MN, MS, MO, NJ, NY, NC, OH, PA, SC, TN, VA, WV, WI, and DC, on the one hand, and, on the other, points in the U.S.

MC 150601 (Sub-2), filed August 13, 1981. Applicant: McBURNEY TRANSPORT LIMITED, Lot 16 Concession 3, Township of Oneida, Regional Municipality of Haldimand, Norfolk, P.O. Box 427, Hagersville, Ontario, CD NOA 1HO. Representative: William J. Hirsch, 43 Court Street, 1125 Convention Tower, Buffalo, NY 14202, (716) 853-0200. Transporting *clay, concrete, glass or stone products, and metal products*, between points in the U.S., under continuing contract(s) with Duo-Matic/Olsen Inc., of Tilbury, Ontario, CD.

MC 151270 (Sub-1), filed August 13, 1981. Applicant: BATESVILLE CASKET COMPANY, INC., Highway 46, Batesville, IN 47008. Representative: Steve A. Oldham (same address as applicant), (812) 934-7169. Transporting *rubber and plastic products and machinery*, between points in the U.S., under continuing contract(s) with Automatic Pool Covers, Inc., of Indianapolis, IN. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 1, Room 6358.

MC 151691 (Sub-2), filed August 10, 1981. Applicant: W. D. CLARK

TRUCKING, a corporation, P.O. Box 1269, Lakeside, AZ 85929.

Representative: Donald E. Fernays, 4040 E. McDowell Rd., Suite 320, Phoenix, AZ 85008 (602) 275-3124. Transporting *lumber and wood products, metal products, and rubber and plastic articles*, between those points in the U.S. in and west of WI, IL, MO, AR, and LA (including AK, but excluding HI).

MC 151941 (Sub-3), filed August 10, 1981. Applicant: DELMONT E. HARTT, INC., U.S. Route 2, Etna, ME 04355. Representative: John C. Lightbody, 30 Exchange Street, Portland, ME 04101, (207) 773-5651. Transporting *general commodities* (except classes A and B explosives), between the facilities of (a) Georgia Pacific Corporation and (b) International Paper Company at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 152390 (Sub-6), filed August 10, 1981. Applicant: MURRAY TRUCKING, INC., P.O. Box 2138—Calcutta Branch, East Liverpool, OH 43920. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215. Transporting (1) *general commodities* (except classes A and B explosives), between points in OH, WV, and PA, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, (2) *ores and minerals and metal products*, between Chicago, IL, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, (3) *metal products*, between Detroit and points in Saginaw and Wayne Counties, MI, and Porter County, IN, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, (4) *metal products, rubber and plastic products, pulp, paper and related products, food and related products, and lumber and wood products*, between points in Prince George County, VA, on the one hand, and, on the other, points in OK, TX, AR, LA, MS, GA, FL, SC, NC, KY, WV, OH, IN, IL, PA, NY, and NH, (5) *metal products*, between points in Boyd County, KY, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK and TX, and (6) *metal products*, between Buffalo and points in Niagara County, NY, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 152760, filed August 4, 1981. Applicant: FRANK RAPISARDA AND/ OR ROY DENNIS HINSON, d.b.a. RAPISARDA/HINSON TRUCKING COMPANY, 20643 Tulsa St., Chatsworth, CA 91311. Representative:

Roy Dennis Hinson (same address as applicant), (213) 998-4490. Transporting *ores and minerals, waste or scrap materials, and clay, concrete, glass or stone products*, between points in CA, AZ, and NV.

MC 153901 (Sub-1), filed August 7, 1981. Applicant: AIM INDUSTRIES, INC., 330 Manhattan Ave., Jersey City, NJ 07307. Representative: Zoe Ann Pace, Suite 2373, One World Trade Center, New York, NY 10048, (212) 432-0940. Transporting *general commodities* (except classes A and B explosives), between points in FL.

MC 155221 (Sub-1), filed August 10, 1981. Applicant: ALL SERVICE TRANSPORTATION, INC., 237 Ironwood, Hereford, TX 79405. Representative: Timothy Mashburn, 1806 Rio Grande, Austin, TX 78768, (512) 476-6391. Transporting (1) *food and related products*, between points in the U.S., and (2) *pulp, paper and related products*, between points in Dallas County, TX, on the one hand, and, on the other, points in the U.S.

MC 156100, filed August 12, 1981. Applicant: CHARLES RAYMOND POWELL, d.b.a. GOLDEN TRIAD CARRIERS, P.O. Box 4145, Archdale, NC 27263. Representative: Charles Raymond Powell (same address as applicant), (919) 434-4175. Transporting *new furniture*, between points in NC, on the one hand, and, on the other, points in the U.S.

MC 156881, filed June 30, 1981. Applicant: HAVELOCK TRUCKING, INC., 246 Convey Hill Street, Franklin Center, P.Q., Canada (J0S 1E0). Representative: Adrien R. Paquette, 200 St. James Street, Suite 900, Montreal, Province of Quebec, Canada H2Y. In foreign commerce only, transporting *food and related products*, between points along the international boundary line between the U.S. and Canada, on the one hand, and, on the other, Chicago, IL, Woburn, MA, Lima, OH, and Easton, PA.

MC 157681, filed August 10, 1981. Applicant: JUNIOR BUS TOURS, INC., 170 Spring Valley Road, Old Bridge, NJ 08857. Representative: Martin Abrams (same address as applicant), (201) 591-9700. As a *broker* at Old Bridge, NJ, in arranging for the transportation of *passengers and their baggage*, at New York, NY, and points in Middlesex, Monmouth, Essex, Union and Bergen Counties, NJ, and extending to points in the U.S. including HI.

MC 157691, filed August 13, 1981. Applicant: BLUE VELVET TRANSPORT, INC., 50 W. Broad St., Columbus, OH 43215. Representative: James W.

Muldoon (same address as applicant), (614) 464-4103. Transporting *such commodities as are dealt in or used by manufacturers and distributors of food and food products, between points in the U.S.*

**Volume No. OPY-2-160**

Decided: August 19, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 76993 (Sub-32), filed August 11, 1981. Applicant: EXPRESS FREIGHT LINES, INC., 4924 South 13th St., Milwaukee, WI 53221. Representative: Thomas H. Kritner (same as applicant), (414) 272-3500. Transporting *general commodities (except classes A and B explosives), between points in IL, IN, MI, MN, OH and WI.*

MC 94992 (Sub-3) (correction), filed June 10, 1981, published in the *Federal Register* issue of June 30, 1981, and republished, as corrected, this issue. Applicant: AUSTIN VERITY & SON, INC., 3685 Merrick Road, Seaford, NY 11783. Representative: Arthur J. Piken, Queens Office Tower, 95-25 Queens Boulevard, Rego Park, NY 11374, (212) 275-1000. Transporting (1) *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, and (2) 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.*

Note.—The purpose of this replication is add part (2) to this application, as originally filed.

MC 102623 (Sub-4), filed August 10, 1981. Applicant: LEE LINE, INC., 714 Bench St., Red Wing, MN 55343. Representative: Val M. Higgins, 1600 TCF Tower, 121 South 8th St., Minneapolis, MN 55402, (612) 333-1341. Transporting *passengers and their baggage, in the same vehicle with passengers, in charter and special operations, beginning and ending at (1) points in Anoka, Carver, Chicago, Dakota, Hennepin, Le Sueur, McLeod, Ramsey, Rice, Scott, Sibley, Wasca, Washington and Wright Counties, MN, and St. Croix, Pepin and Dunn Counties, WI, and extending to points in WA, OR, CA, ID, UT, AZ, NV, MT, WY, CO, NM, TX, AR, LA, KY, TN, MS, AL, GA, WV, VA, NC, SC, FL, ME, VT, NH and AK; and (2) points in Goodhue County, MN, and Pierce County, WI, and extending to points in AK.*

MC 116073 (Sub-385) (correction), filed July 2, 1981, republished in the *Federal Register*, issue of July 22, 1981, and

republished, as corrected, this issue. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Moorhead, MN 56560. Representative: Paul D. Borghesani, 421 So. Second St., Elkhart, IN 46515, (219) 293-3597. Transporting (1) *machinery and recycling equipment, and (2) such commodities as are dealt in or used in the manufacture and distribution of machinery and recycling equipment, between points in Faulkner County, AR, on the one hand, and, on the other, points in the U.S.*

Note.—The purpose of this replication is to correct the commodity description.

MC 129712 (Sub-54), filed August 11, 1981. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569, McDonough, GA 30253. Representative: Guy H. Postell, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326, (404) 237-6472. Transporting *such commodities as are dealt in or used by manufacturers and distributors of lumber and wood products and building materials, between points in the U.S., under continuing contract(s) with Howard A. Davidson Lumber Co., of Detroit, MI.*

MC 134783 (Sub-78), filed August 10, 1981. Applicant: DIRECT SERVICE, INC., 840 E. 66th St., P.O. Box 2491, Lubbock, TX 79408. Representative: Charles M. Williams, 665 Capitol Life Center, 1600 Sherman St., Denver, CO 80203, 806-763-5931. Transporting (1) *food and related products, between Kansas City, MO, points in Buchanan and Atchison Counties, MO, Hale, Parmer, Potter, Randall, and Lubbock Counties, TX, and those in KS, on the one hand, and, on the other, points in the U.S., and (2) clay, concrete, glass or stone products, between points in Milwaukee County, WI, on the one hand, and, on the other, points in TX.*

MC 135953 (Sub-25), filed August 10, 1981. Applicant: CHEROKEE LINES, INC., 1123 North Little St., Cushing, OK 74023. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Road, Omaha, NE 68106, (402) 392-1220. Transporting *food and related products, between points in the U.S., under continuing contract(s) with Barquet Foods Corporation, of St. Louis, MO.*

MC 138643 (Sub-7), filed August 7, 1981. Applicant: MAKOVSKY BROTHERS, INC., 5202 Spring Mill Rd., Whitehall, PA 18052. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966, (215) 357-7220. Transporting (1) *Clay, concrete, glass or stone products, between points in Northampton County, PA, on the one hand, and, on the other, points in NJ; and (2) ores and minerals, (a) between points in Sussex County, NJ, on the one*

hand, and, on the other, points in PA, and (b) between points in Lehigh and Northampton Counties, PA, on the one hand, and, on the other, points in DE, MD, NJ, and NY.

MC 139973 (Sub-93), filed August 12, 1981. Applicant: J. H. WARE TRUCKING, INC., 909 Brown St., P.O. Box 398, Fulton, MO 65251. Representative: Ronald R. Adams, 600 Hubbell Building, Des Moines, IA 50309, (515) 244-2329. Transporting (1) *electrical machinery, and (2) fabricated metal products, between points in Nassau County, NY, on the one hand, and, on the other, points in IA, MN, ND, SD, WI, NE, RI, MA, NJ, MI, OH, IN, IL, MD, DE, PA, KS, MO, CO, MT, CT, VA, WV and DC.*

MC 144572 (Sub-59), filed August 10, 1981. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. Box G, Greeley, CO 80632. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717 17th St., Denver, Co 80202 (303) 892-8700. Transporting *pulp, paper and related products between points in Humphreys County, TN, Vermillion County, IN, and Bibb and Floyd Counties, GA, on the one hand, and, on the other, points in Finney County, KS.*

MC 145943 (Sub-3), filed July 27, 1981. Applicant: BILLY BARNES ENTERPRISES, INC., P.O. Box 252, Monroeville, AL 36461. Representative: J. Douglas Harris, 200 South Lawrence St., Montgomery, AL 36104, (205) 265-0251. Transporting *lumber and wood products between points in MN, IA, WI, MI, KS, MO, IL, IN, OH, TX, OK, AR, KY, WV, VA, TN, NC, SC, MS, LA, AL, GA and FL.*

MC 152742, filed August 10, 1981. Applicant: M & C DISTRIBUTING COMPANY, INC., 402 East F Street, Lawton, OK 73502. Representative: Ray K. Babb, Jr., 1100 Classen Drive, Suite 221, Oklahoma City, OK 73103, (405) 521-0767. Transporting *malt beverages, between points in the U.S., under continuing contract(s) with Falls Distributing Company, Inc., of Wichita Falls, TX.*

MC 152772 (correction), filed July 1, 1981, published in the *Federal Register*, issue of July 20, 1981, and republished, as corrected, this issue. Applicant: EARTH INDUSTRIAL WASTE MANAGEMENT, INC., 1570 One Commerce Square, Memphis, TN 38103. Representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137, (901) 767-5600. Transporting *hazardous materials, waste or scrap materials not identified by industry producing, recyclable waste*

and materials, and products of the recycling of such waste and materials, between points in AL, AR, FL, GA, IL, IN, KS, KY, LA, MS, MO, NC, OH, OK, SC, TN, TX, VA and WV.

Note.—The purpose of this republication is to correct the commodity description.

MC 152953 (correction), filed June 3, 1981, published in the *Federal Register* issue of June 22, 1981, and republished, as corrected, this issue. Applicant: R-T-I, INC., 7019 S. Alameda St., Los Angeles, CA 90001. Representative: R. K. Davies (same address as applicant), (800) 372-6443, (213) 588-7258. Transporting *such commodities* as are dealt in by packing houses and retail and wholesale food stores, between Los Angeles, CA, on the one hand, and, on the other, points in AZ, NV, OR, UT, and WA. The purpose of this correction is to add the states of NV, or, UT, and WA which were inadvertently omitted from the first publication.

MC 153122 (Sub-2), filed August 11, 1981. Applicant: WESTERN WHOLESALE TRANSPORT DIVISION, INC., Route 9, Box 107, Idaho Falls, ID 83401. Representative: Irene Warr, 311 S. State St., Suite 280, Salt Lake City, UT 84111, (801) 531-1300. Transporting *food and related products* between points in the U.S., under continuing contract(s) with R. T. French Co., of Shelley, ID.

MC 157593, filed August 7, 1981. Applicant: MONTANA CHARTER FLIGHT & TRAVEL SERVICE, P.O. Box 1228, 611 N. Warren St., Helena, MT 59601. Representative: Joseph F. Kintli (same address as applicant), (406) 442-5606. As a *broker* at Helena, MT, in arranging for the transportation, by motor vehicle of *passengers and their baggage*, between points in MT, on the one hand, and, on the other, points in the U.S.

MC 157663F, filed August 10, 1981. Applicant: GRIFFIN TRANSPORT COMPANY, P.O. Box 537, London, KY 40741. Representative: Alan E. Serby, 3390 Peachtree Rd., N.E., 5th Floor, Lenox Towers South, Atlanta, GA 30326, (404) 282-7855. Transporting *such commodities* as are dealt in or used by bakeries, between points in the U.S., under continuing contract(s) with Griffin Pie Co., Inc., of London, KY, and Drake Bakeries, Food Division, Borden, Inc., of Wayne, NJ.

#### Volume No. OPY-3-145

Decided: August 17, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Carleton not participating.)

MC 2605 (Sub-22), filed August 3, 1981. Applicant: COMMERCIAL TRANSPORTATION, INC., 2300 E.

Adams Ave., Philadelphia, PA 19124. Representative: Donald J. Campanile (same address as applicant), (215) 342-3820. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with NL Industries, Inc., of Highstown, NJ.

MC 99775 (Sub-4), filed August 3, 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, (405) 521-9195. Over regular routes, transporting *general commodities* (except classes A and B explosives) (1) between Perry, OK and Wichita, KS, (a) from Perry over U.S. Hwy 64 to junction U.S. Hwy 177, then over U.S. Hwy 177 to junction U.S. Hwy 77, at or near Ponca City, OK, then over U.S. Hwy 77 to junction U.S. Hwy 54 at Augusta, KS, then over U.S. Hwy 54 to Wichita, and return over the same route, (b) from Perry over Interstate Hwy 35 to Wichita, and (2) between Pawnee, OK and Tulsa, OK over U.S. Hwy 64.

MC 105984 (Sub-33), filed August 3, 1981. Applicant: JOHN B. BARBOUR TRUCKING COMPANY, P.O. Box 577, Iowa Park, TX 76367. Representative: Bernard H. English, 6270 Firth Rd., Fort Worth, TX 76116, (817) 731-8431. Transporting *metal and metal products*, between points in the U.S., under continuing contract(s) with Howmet Turbine Components Corporation and its subsidiaries of Greenwich, CT.

MC 110144 (Sub-24), filed July 30, 1981. Applicant: ROBINSON FREIGHT LINES, P.O. Box 4126, Knoxville, TN 37921. Representative: Melissa Robinson (same address as applicant), (615) 525-8189. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Memphis, TN and Bristol, VA, from Memphis over Interstate Hwy 40 to junction Interstate Hwy 81, then over Interstate Hwy 81 to Bristol, and return over the same route, (2) between Selmer, TN and South Fulton, TN, over U.S. Hwys 45, 45E and 45W, (3) between Chattanooga, TN and Bristol, TN, over U.S. Hwys 11, 11E, and 11W, (4) between the Tennessee-Georgia State Line at or near Tennega, GA and Bristol, TN, over U.S. Hwy 411, (5) between Copperhill, TN and Madisonville, TN over TN Hwy 68, (6) between Chattanooga, TN and Nashville, TN over Interstate Hwy 24, and U.S. Hwy 41, (7) between Chattanooga, TN and Knoxville, TN, from Chattanooga over Interstate Hwy 75 to junction Interstate Hwy 40, at or near Eaton Crossroad, then over Interstate Hwys 75 and 40 to Knoxville, and return over the same

route, serving all points in TN as off-route points in connection with carrier's authorized regular routes.

MC 121044 (Sub-8), filed August 3, 1981. Applicant: ACTION EXPRESS, INC., P.O. Box 722, Boise, ID 83701. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, (208) 343-3071. Transporting *general commodities* (except classes A and B explosives), between points in ID, and those points in OR and WA on and east of U.S. Hwy 97.

MC 123445 (Sub-3), filed August 5, 1981. Applicant: FOURTEENTH AVENUE CARTAGE COMPANY, INC., 1038 21st Street, Detroit, MI 48216. Representative: John W. Ester, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI, (313) 645-9600. Transporting *general commodities* (except classes A and B explosives), between points in IL, IN, MI, and OH.

MC 128555 (Sub-89), filed August 3, 1981. Applicant: UNIVERSAL TRANSPORT, INC., Box 3000, Rapid City, SD 57709. Representative: James A. Beckwith, 1365 Logan St., Suite 100, Denver, CO 80203, (303) 861-4273. Transporting  *Bentonite clay, lignite coal, foundation water impedece boards and drilling mud additives*, between points in ND and SD, on the one hand, and, on the other, points in the U.S.

MC 136814 (Sub-6), filed August 5, 1981. Applicant: MATLOCK TRANSPORTATION, INC., 565 E. Redlands Blvd., San Bernardino, CA 92408. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633, (714) 738-3889. Transporting (1) *pulp, paper and related products* and (2) *printed matter*, between points in the U.S.

MC 138714 (Sub-11), filed August 5, 1981. Applicant: VIRGINIA TRANSPORTATION, INC., Box 26449, 1814 High Point Ave., Richmond, VA 23261. Representative: Eric Meierhofer, Suite 1000, 1029 Vermont Ave., NW., Washington, D.C. 20005, (202) 347-9332. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with General Products Company of Fredericksburg, VA.

MC 138805 (Sub-13), filed August 5, 1981. Applicant: S & I SERVICES, INC., RD No. 1, Milton, PA 17847. Representative: Terrence D. Jones, 2033 K St., NW., Washington, DC 20006, (202) 223-8270. Transporting *chemicals and related products*, between points in Northumberland County, PA, on the one hand, and, on the other, points in the U.S.

MC 139785 (Sub-4), filed August 3, 1981. Applicant: LIETZ TRANSPORTATION, INC., Rt. 1, Coloma, WI 54930. Representative; John L. Bruemmer, 121 W. Doty St., Madison, WI 53703, (608) 256-0606. Transporting (1) *food and related products*, (2) *lumber and wood products*, (3) *ores and minerals and ore and mineral products*, (4) *metal products*, (5) *pulp, paper and related products* and (6) *packaged oils and greases*, between points in WI, on the one hand, and, on the other, points in AL, AR, CA, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI and DC.

MC 140334 (Sub-10), filed August 3, 1981. Applicant: AM-CAN TRANSPORT SERVICE, INC., P.O. Box 859, Anderson, SC 29621. Representative: John T. Wirth, 717-17th St., Ste. 2600, Denver, CO 80202, (303) 892-6700. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Westinghouse Electric Corporation, of Hampton, SC.

MC 142855 (Sub-4), filed August 3, 1981. Applicant: BAKER TRANSPORT, INC., P.O. Box 678, Hartselle, AL 35640. Representative: M. Bruce Morgan, 100 Roesler Rd., Suite 200, Glen Burnie, MD 21061, (301) 761-2580. Transporting *general commodities*, between points in the U.S., under continuing contract(s) with Southwire Company, of Carrollton, GA.

MC 144094 (Sub-7), filed August 3, 1981. Applicant: ALADDIN, INC., 15 Scout Ave., Kearny, NJ 07032. Representative: Edward F. Bowes, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006, (201) 575-7700. Transporting *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with AGP Industries, Inc. of Brooklyn, NY.

MC 144225 (Sub-2), filed August 5, 1981. Applicant: JADEEL TRUCKING, INC., 8333 W. McNab Road, Tamarac, FL 33321. Representative: Raymond P. Keigher, 401 E. Jefferson St., Suite 102, Rockville, MD 20850, (301) 424-2420. Transporting *lumber and wood products*, between points in Hampden County, MA, on the one hand, and, on the other, points in CT, DE, MD, MA, NJ, NY, PA, VA, and DC.

MC 144344 (Sub-6), filed August 3, 1981. Applicant: DE ANZA DELIVERY SYSTEM, INC., P.O. BOX 1848, Fremont, CA 94538. Representative: James H. Gulseth, 100 Bush Street—21st Floor, San Francisco, CA 94104, (415) 986-5778. Transporting *such commodities* as are dealt in or used by department

stores and mail order houses, between points in CA, NV and AZ.

MC 145494 (Sub-12), filed August 3, 1981. Applicant: EDINA CARTAGE CO., P.O. Box 42, Mauricetown, NJ 08329. Representative: Laurence J. Distefano, Jr., 1101 Wheaton Ave., Millville, NJ 08332, (609) 825-1400. Transporting (1) *ores and minerals*, (2) *sand*, (3) *chemicals and related products*, (4) *glass products* and (5) *printed matter* (except classes A and B explosives), between Los Angeles and San Francisco, CA, Baltimore, MD, Tacoma, WA, St. Louis, MO, Kansas City, KS, Cleveland, OH, New York, NY, and Philadelphia, PA, and points in LaSalle County, IL, Wake County, NC, Brown County, TX, Richmond County, GA, Madison and Clark Counties, IN, and Morris and Essex Counties, NJ, on the one hand, and, on the other, points in the U.S.

MC 146075 (Sub-9), filed August 3, 1981. Applicant: TEXAS INTERMOUNTAIN TRANSPORTATION, INC., 6161 West 29th Place, Wheatridge, CO 80214. Representative: Delbert Ewing (same address as applicant), (303) 429-4065. Transporting *general commodities*, between the facilities of Chemical Sales Company, at Denver, CO, on the one hand, and, on the other, points in AL, AZ, CA, ID, KS, LA, MT, NV, NM, OK, OR, SD, TX, UT, WA, and WY.

Note.—To the extent the certificate granted in this proceeding authorizes the transportation of classes A and B explosives it shall expire 5 years from the date of issuance.

MC 149235 (Sub-8), filed August 5, 1981. Applicant: C. MAXWELL TRUCKING CO., INC., 9108 Reeds Drive, Overland Park, KS 66207. Representative: Alex M. Lewandowski, 1221 Baltimore Ave., Suite 600 Kansas City, MO 64105, (816) 221-1461. Transporting *bread making compounds and prepared edible flour*, between points in the U.S., under continuing contract(s) with Bredde Food Products Corporation, of Kansas City, KS.

MC 149535 (Sub-2), filed August 5, 1981. Applicant: ALL FREIGHT, INC., 238 Sheldon Rd., Berea, OH 44017. Representative: John L. Juskiewicz (same address as applicant) (216) 243-1010. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Bowman Distribution, Division of Barnes Group, Inc., of Cleveland, Ohio.

MC 150534, filed August 4, 1981. Applicant: ENERGY SALES, INC., Highway 181 South, P.O. Box 128, Cabool, MO 65689. Representative:

Daniel O. Hands, Suite 200-A, 205 West Touhy Ave., Park Ridge, IL 60068, (312) 698-2235. Transporting (1) *petroleum, natural gas and their products*, and (2) *Chemicals and related products*, (a) between points in Lyon County, KS and Texas County, MO, (b) between points in Green County, MO, on the one hand, and, on the other, points in IL, OH, TN, and TX, and (c) between point in AR, IA, KS, MO, and OK.

Mc 151364 (Sub-1), filed August 5, 1981. Applicant: SOUTHERN EXPRESS, INC., 1238 Meadowbrook Lane, P.O. Box 1088, Cape Girardeau, MO 63701. Representative: Frank D. Hall, Suite 202, 1750 Old Springhouse Lane, Atlanta, GA 30338, (404) 451-0401. Transporting *such commodities* as are dealt in or used by manufacturers of carpets, rugs, padding and cushioning, between points in the U.S., under continuing contract(s) with Recticel Foam Corporation of Buffalo, NY.

MC 152084 (Sub-2), filed August 3, 1981. Applicant: KNUTSON CARPET HUT, INC., 1900 Virginia Ave., North Bend, OR 97459. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210, (503) 226-3755. Transporting (1) *lumber and wood products* and (2) *building materials*, between points in OR, WA, CA, AZ, NV, CO and TX.

MC 152764 (Sub-1), filed August 4, 1981. Applicant: L. V. L., INC., P.O. Box 767, Jacksonville, AR 72076. Representative: Richard L. Vassar (same address as applicant), (501) 771-1780. Transporting *household goods*, between the facilities of the General Electric Company, in Little Rock, AR, on the one hand, and, on the other, Louisville, KY, Chicago, IL, Milwaukee, WI, Baltimore, MD, Portsmouth, VA, Columbia, TN, Decatur, AL, Bloomington, IL, and points in LA, MS, NM, OK and TX.

MC 152914 (Sub-1), filed August 6, 1981. Applicant: STATEWAY TRUCKING, INC., Suite 600, 612 N. Michigan Ave., Chicago, IL 60611. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Ave., NW., Washington, DC 20423, (202) 223-5900. Transporting *adhesives and decorative brick*, between Chicago, IL and Edison, NJ, on the one hand, and, on the other, points in the U.S.

MC 154265 (Sub-1), filed August 3, 1981. Applicant: MIKE WILLIAMS TRANSFER, INC., 2 Foxhurst Ct., Manhasset Hills, NY 11040. Representative: Kenneth M. Piken, Queens Office Tower, 95-25 Queens Blvd., Rego Park, NY 11374, (212) 275-1000. Transporting *machinery*, between points in the U.S.

MC 154364 (Sub-1), filed August 3, 1981. Applicant: QUALITY TRANSPORT, a corporation, 3124 North Boulevard, Raleigh, NC 27604. Representative: Eric Meierhofer, Suite 1000, 1029 Vermont Ave. NW., Washington, DC 20005, (202) 347-9332. Transporting *general commodities* except classes A and B explosives), between points in the U.S., under continuing contract(s) with Firestone Tire & Rubber Company, of Akron, OH.

MC 155715, filed August 3, 1981. Applicant: MARVIN L. BISHOP, d.b.a. MARV'S ROUSTABOUT SERVICE, Box 4, Williston, ND 58801. Representative: Charles E. Johnson, P.O. Box 2578, Bismark, ND 58502, (701) 258-8550. Transporting *general commodities* [except classes A and B explosives], between points in the U.S., under continuing contract(s) with Dover Corporation-Norris Division of Tulsa, OK.

MC 156395 (Sub-1), filed August 5, 1981. Applicant: PAUL J. THOMAS, d.b.a. THOMAS TRUCKING, Route 1, P.O. Box 3285, Oakland, MD 21550. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005, (202) 347-3987. Transporting (1) *Clay, concrete, glass or stone products*, between points in Washington and Frederick Counties, MD, Winchester and Manassas, VA, and points in Loudoun, Prince William, and Frederick Counties VA, on the one hand, and, on the other, points in MD, VA, WV, PA, and DC, and (2) *lumber and wood products*, between points in WV, VA, MD, PA, OH, NC, TN, and KY.

MC 156554 (Sub-1), filed August 3, 1981. Applicant: MIDWEST MOTOR FREIGHT, INC., 1221 McReynolds NW., Grand Rapids, MI 49504. Representative: Louis John Educato (same address as applicant), (616) 459-9287. Transporting *food and related products*, between points in the lower peninsula of MI and those in Dubuque County, IA, on the one hand, and, on the other, points in CO, IA, IL, KS, MI, MN, MO, NE, TX, and WI.

MC 157525, filed August 3, 1981. Applicant: INDUSTRIAL TILT TRUCK SERVICE, INC., 386 Central Ave., Pawtucket, RI 02861. Representative: Sanford H. Gorodetsky, 123 Dyer St., Suite 2B, Providence, RI (401) 331-5600. Transporting (1) *machinery*, and (2) *metal products*, between points in Providence County, RI, and points in ME, NH, VT, MA, CT, RI, NY, NJ, and PA.

MC 157585, filed August 3, 1981. Applicant: BUD MEYER TRUCK LINES, INC., P.O. Box 97, Theilman, MN 55867. Representative: John B. Van de North,

Jr., 2200 First National Bank Bldg., St. Paul, MN 55101, (612) 291-1215. Transporting *cleaning compounds and toilet preparations*, between points in Carver County, MN, on the one hand, and, on the other, points in the U.S.

MC 157574, filed August 1, 1981. Applicant: DENVER DELIVERY, INC., 6000 S. Ulster St., Suite 206, Englewood, CO 80111. Representative: Kenny Cunningham [same address as applicant], (303) 773-8883. Transporting *household appliances*, between points in the U.S., under continuing contract(s) with Steinbergs, Inc., of Cincinnati, OH.

MC 157575, filed August 6, 1981. Applicant: SANDAROSA TRUCKING, a corporation, 412 West 10th North, Logan, UT 84321. Representative: Irene Warr, 311 S. State St., Suite 280, Salt Lake City, UT 84111, (801) 531-1300. Transporting *building and construction materials, and metal products*, between points in the U.S., under continuing contract(s) with Imperial Wholesale Supply, Inc., of Salt Lake City, UT, and Tom Nichols Construction Company, Inc., of Burley, ID.

MC 26825 (Sub-65), filed June 30, 1981, previously noticed in the Federal Register on July 20, 1981. Applicant: ANDREWS VAN LINES, INC., P.O. Box 1609, Norfolk, NE 68701. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475-6761. Transporting *metal products*, between the facilities of Nucor Corporation, on the one hand, and, on the other, points in the U.S.

MC 121805 (Sub-17), filed July 20, 1981, previously published in the Federal Register issue of August 4, 1981. Applicant: ARKANSAS EXPRESS, INC., 1200 Arkansas Avenue, North Little Rock, AR 72114. Representative: James M. Duckett, 221 W. 2nd, Suite 411, Little Rock, AR 72201, (501) 375-9040. Transporting *general commodities* (except classes A and B explosives), between points in AR, OK, KS, NE, MO, KY, TN, TX, LA and MS.

Note.—This republication corrects the territorial description.

MC 149184 (Sub-1), filed June 29, 1981, previously published in the Federal Register issue of July 20, 1981. Applicant: FIFTH WHEEL TRUCKING, INC., Route 4, Box 26, Black River Falls, WI 54615. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722-2848. Transporting *metal products*, between points in Bergen County, NJ and Trumbull County, OH, on the one hand, and, on the other, points in the U.S.

Note.—This republication corrects the territorial description.

Volume No. OPY-3-146

Decided: August 18, 1981.

By the Commission, Review Board No. 2, Members Carleton, Kelly, and Williams.

FF 564, filed August 3, 1981. Applicant: YTS, INC., 1840 Cardington Rd., Dayton, OH 45409. Representative: Neil T. Yowell, III (same address as applicant), (513) 294-5933. As a *freight forwarder*, in interstate commerce, transporting *general commodities* (except classes A and B explosives), between points in Montgomery County, OH, on the one hand, and, on the other, points in the U.S.

MC 65475 (Sub-50), filed August 7, 1981. Applicant: JETCO, INC., 4701 Eisenhower Ave., Alexandria, VA 22304. Representative: J. G. Dail, Jr., P.O. Box 11, McLean, VA 22101, (703) 893-3050. Transporting (1) *lumber and wood products*, and (2) *metal and metal products*, between the facilities of L. B. Foster Company, in FL, GA, IL, IN, LA, OH, and TX, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 114194 (Sub-224), filed August 7, 1981. Applicant: KREIDER TRUCK SERVICE, INC., 1600 Collinsville Ave., P.O. Box 147, Madison, IL 62260. Representative: Marshall Kragen, 1919 Pennsylvania Ave., NW., Suite 300, Washington, DC 20006, (202) 466-3778. Transporting *commodities in bulk*, between points in the U.S.

MC 138625 (Sub-3), filed August 7, 1981. Applicant: WHITE CLOUD COMPANY, INC., 3200 Pan American Freeway, NE, Albuquerque, NM 87107. Representative: Larry D. Lucas, P.O. Box 26387, Albuquerque, NM 87125, (505) 243-9744. Transporting (1) *commodities* which because of their size or weight require the use of special equipment, (2) *chemicals*, and (3) *mining corrosives*, between points in NM, on the one hand, and, on the other, points in CA, ID, NE, AZ, UT, WY, CO, TX, OK, MI, GA, IN, and IL.

MC 145384 (Sub-58), filed August 6, 1981. Applicant: ROSE-WAY INC., 1914 E. Euclid Ave., Des Moines, IA 50306. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309, (515) 243-6164. Transporting *metal products*, between points in IN, on the one hand, and, on the other points in the U.S.

MC 149585 (Sub-5), filed August 6, 1981. Applicant: DOUBLE DD TRUCK LINE, INC., P.O. Box 230, Canby, OR 97013. Representative: Jerry R. Woods, 1600 One Main Pl., 101 SW Main Street Portland, OR 97204, (503) 224-5525. Transporting *building materials, metal*

products and machinery, between points in WA, OR, CA, ID, MT, CO, AZ, OH and GA, on the one hand, and, on the other, points in the U.S.

MC 147044 (Sub-3), filed August 7, 1981. Applicant: SOUHWEST TRAILS, INC., 6510 Cherry Avenue, Long Beach, CA 90805. Representative: John C. Russell, 1545 Wilshire Boulevard, Los Angeles, CA 90017, (213) 483-4700. Transporting furniture and fixtures, between points in the U.S., under continuing contract(s) with Universal Furniture Industries, Inc., of Whittier, CA.

MC 148175 (Sub-4), filed August 5, 1981. Applicant: ROBERT W. DENTON, d.b.a. SPIRIT TRUCKING, 8700 South Wolf Rd., Hinsdale, IL 60521. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603, (312) 782-8880. Transporting such commodities as are dealt in or used by mail order houses, retail department stores, and household and personal care products, between points in Kent County, MI, on the one hand, and, on the other, points in the U.S.

MC 152935 (Sub-3), filed August 6, 1981. Applicant: HILL-ROM COMPANY, INC., Highway 46, Batesville, IN 47006. Representative: Steve A. Oldham, (same address as applicant), (812) 934-7169. Transporting furniture and fixtures and lumber and wood products, between points in the U.S., under continuing contract(s) with Woodstiff Manufacturing, Inc., of Phoenix, AZ.

MC 155225, filed August 7, 1981. Applicant: PETER KARAGINES, d.b.a. FAST WAY FOODS, P.O. Box 1284, Brea, CA 92621. Representative: Donald R. Hedrick, P.O. Box 88, Norwalk, CA 90605, (213) 863-8863. Transporting food and related products, between points in the U.S., under continuing contract(s) with World Cirtus West, Inc., or Fullerton, CA.

MC 156814 (Sub-1), filed August 10, 1981. Applicant: ARCTIC AIR TRANSPORT, INC., 584 Parker Ave., Mondovi, WI 54755. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424. (612) 927-8855. Transporting general commodities (except classes A and B explosives), between points in MN and WI, on the one hand, and, on the other, points in the U.S.

MC 156885, filed August 7, 1981. Applicant: CHARLES E. FOULKE & SON, INC., 2215 Rochill Rd., Sellersville, PA 18960. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966, (215) 357-7220. Transporting ores and minerals, clay, concrete, glass or stone products, between points in

Bucks and Montgomery Counties, PA, on the one hand, and, on the other, points in CT, DE, MD, NJ, and NY.

MC 157204, filed August 10, 1981. Applicant: SUR-WAY TRANSPORT, INC., 1506 Springs Rd., Albany, GA 31705. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202, (904) 632-2300. Transporting general commodities (except classes A and B explosives), between points in GA, on the one hand, and, on the other, points in the U.S.

MC 157564, filed August 5, 1981. Applicant: COAST TO COAST TRANSPORTATION, INC., P.O. Box 412, Murrysville, PA 15668. Representative: Michael P. Zell, P.O. Box 2389, Grand Rapids, MI 49501, (616) 774-0400. Transporting general commodities (except classes A and B explosives), between points in the U.S. CONDITION: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit 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 3, Room 2158.

MC 157594, filed August 7, 1981. Applicant: DENNIS W. GABRIEL, P.O. Box 304, Northwood, ND 58267. Representative: Dennis W. Gabriel (same address as applicant), (701) 587-5738. Transporting (1) transportation equipment, (2) metal products, and (3) machinery, between points in Cook, DuPage, and Lake Counties, IL, and Lake County, IN, on the one hand, and, on the other, points in ND.

MC 157595, filed August 7, 1981. Applicant: PM TRANSPORT, INC., 2459 Campbell Ave., Lynchburg, VA 24501. Representative: Terrence D. Jones, 2033 K St., N.W., Washington, DC 20006, (202) 223-8270. Transporting (1)(a) petroleum, natural gas and their products, and (b) chemicals and related products, between Elizabeth, NJ, and points in Middlesex County, NJ, Westmoreland, Allegheny, and Cumberland, Counties, PA, and Brunswick County, NC, on the one hand, and, on the other, points in McDowell and Mercer Counties, WV, and points in VA.

MC 157624, filed August 10, 1981. Applicant: PITTSBURGH-JOHNSTOWN-ALTOONA EXPRESS, INC., 223 Maple Ave., Johnstown, PA 15901. Representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, PA 15219-2383, (412) 471-1800. Transporting metal products, between points in Allegheny County, PA, on the one hand, and, on

the other, points in IN, KY, MD, NY, OH, TN, VA, and WV.

#### Volume No. OPY-5-130

Decided: August 17, 1981.

By the Commission. Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 31389 (Sub-330), filed July 15, 1981. Originally published in the Federal Register on August 5, 1981. Applicant: McLEAN TRUCKING COMPANY, P.O. Box 213, Winston-Salem, NC 27154. Representative: Daniel R. Simmons (same address as applicant), (919) 721-2433. Transporting general commodities (except classes A and B explosives), serving points in AR, AZ, CA, CO, DE, IN, KY, LA, ME, MD, MI, MN, NV, NH, NM, NJ, NY, OH, OK, OR, PA, TN, VT, VA, WA, WI and WV as off-route points in connection with applicant's regular-route operations.

Note.—This application is republished to include points in NJ.

MC 52139 (Sub-9), filed August 4, 1981. Applicant: CHICAGO, MICHIGAN & EASTERN FREIGHT LINES, INC., 3777 Sparks Dr., Suite 224, Grand Rapids, MI 49506. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, (616) 459-6121. Transporting general commodities (except classes A and B explosives), (a) between points in IL, IN, MI, and OH.

MC 116319 (Sub-18), filed August 5, 1981. Applicant: WASHINGTON TRUCKING, INC., 2810 34th St., Everett, WA 98201. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055, (206) 228-3807. Transporting (1)(a) lumber and wood products, (b) construction materials, and (c) such commodities as are dealt in or used by manufacturers and distributors of culvert pipe, between points in Snohomish County, WA, on the one hand, and, on the other, points in OR, WA, ID, MT, CA, NV, AZ, UT, WY, CO, and NM, and (2)(a) heavy machinery, and (b) construction equipment, between points in OR, WA, ID, MT, CA, NV, AZ, UT, WY, CO, and NM.

MC 133189 (Sub-41), filed July 23, 1981. Applicant: VANT TRANSFER, INC., 1257 Osborne Road, Minneapolis, MN 55432. Representative: John B. Van de North, Jr., 2200 First National Bank Bldg., St. Paul, MN 55101, (612) 291-1215. Transporting (1) metal products, (a) between points in Muscatine, Linn, Woodbury, and Polk Counties, IA, Monroe County, MI, and points in MN, on the one hand, and, on the other, points in the U.S., (b) between points, in Cook, Lake, Dupage, Rock Island, Whiteside, and Will Counties, IL, Lake and Porter Counties, IN, on the one

hand, and, on the other, points in MN, IA, ND, SD, and WI, and (c) between points in Belmont County, OH, and Brooke County, WV, on the one hand, and, on the other, points in MN, (2) *roofing and insulating materials*, between the facilities of G.A.F. Corporation at points in the U.S., on the one hand, and, on the other, points in the U.S., (3) *cranes and excavators*, between points in Linn County, IA, on the one hand, and, on the other, points in the U.S., (4) *marine equipment*, between points in Ramsey County, MN, on the one hand, and, on the other, points in the U.S., (5) *crushed stone*, between points in Marinette County, WI, on the one hand, and, on the other, points in MN, IL, MI, IN, OH, ND, SD, CO, NE, and MT, (6) *lumber and wood products*, between points in Lawrence County, SD, Itasca County, MN, and Delta County, MI, on the one hand, and, on the other, points in the U.S., (7) *fireplace stoves*, between Minneapolis, MN, on the one hand, and, on the other, points in the U.S., and (8) *electrical equipment and supplies*, between points in Hennepin County, MN, on the one hand, and, on the other, points in the U.S.

MC 145468 (Sub-49), filed July 16, 1981, previously published (Republication) in Federal Register on August 4, 1981. Applicant: KSS TRANSPORTATION CORP., Rt. 1 and Adams Station, North Brunswick, NJ 08902. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114, (402) 397-7033. Transporting (1) *food and related products*, and (2) *such commodities* as are dealt in or used by restaurants (except those in (1)), between Los Angeles and San Francisco, CA, Chicago, IL, Dallas, TX, points in Wyandotte County, KS, Gloucester County, NJ, Orange County, FL, on the one hand, and, on the other, points in the U.S.

Note.—Purpose of republication is to include Chicago, IL.

MC 145679 (Sub-19), filed August 3, 1981. Applicant: A & A TRANSPORT, INC., Maple Tree Industrial Park, Boston Rd., P.O. Box 12, Palmer, MA 01069. Representative: Arlyn L. Westergren, 9202 W. Dodge Rd., Suite 201, Omaha, NE 68114, (402) 397-7033. Transporting *food and related products*, between Amarillo, TX, and points in Parmer, Hale, and Lubbock Counties, TX, Wichita, KS, and points in Ford, Finney, Wyandotte, and Johnson Counties, KS, Otoe County, NE, Kansas City, MO, and points in Buchanan, and Atchison Counties, MO, on the one hand, and, on the other, points in the U.S.

MC 146119 (Sub-1), filed August 3, 1981. Applicant: WINSTON COACH CORP., 1650 Sycamore Ave., Bohemia, NY 11716. Representative: Sidney J. Leshin, 575 Madison Ave., New York, NY 10022, (212) 759-3700. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at New York, NY, Greenwich, CT, Rutherford, NJ, and Danvers, MA, and extending to points in the U.S. (except AK and HI).

MC 150438 (Sub-2), filed July 24, 1981. Applicant: JAFCO INDUSTRIES, INC., 8015 N. Market St., Spokane, WA 99220. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055, (206) 235-1111. Transporting (1) *building materials*, between points in the U.S. under continuing contract(s) with Ampac and Cascade Empire Corporation, both of Portland, OR, and Layrite Products, of Spokane, WA; (2) *steel coil transformers and steel pipe and tubing*, between points in the U.S., under continuing contract(s) with Cook Electric, of Dearborn, MI; (3) *iron and steel articles*, between points in the U.S., under continuing contract(s) with Service Steel Company, of Tacoma, WA; (4) *chemical products*, between points in the U.S., under continuing contract(s) with Chemical Distributors, Inc., of Portland, OR; (5) *machinery*, between points in the U.S., under continuing contract(s) with Murray Equipment, of Priest River, ID; (6) *automobile accessories*, between points in the U.S., under continuing contract(s) with Auto Motive Electric, of Spokane, WA; and (7) *grain and grain products*, between points in the U.S., under continuing contract(s) with Nabisco, Incorporated, of East Hanover, NJ.

MC 150559 (Sub-3), filed August 4, 1981. Applicant: EMERSON EXPRESS CO., INC., 545 Lyell Ave., Rochester, NY 14606. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580, (716) 265-9510. Transporting (1) *metal and metal products*, (2) *waste or scrap materials*, (3) *batteries*, and (4) *machinery*, between points in OK and points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 150559 (Sub-4), filed August 6, 1981. Applicant: EMERSON EXPRESS CO., INC., 545 Lyell Ave., Rochester, NY 14606. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580, (716) 265-9510. Transporting *cellulose insulation and insulation blowing machines*, between points in the U.S., under continuing contract(s) with Forest Wool, Inc., of Rochester, NY, a subsidiary of Electra Manufacturing Corp., of Holland, OH.

MC 151118 (Sub-12), filed August 3, 1981. Applicant: MDR CARTAGE, INC., 516 West Johnson, Jonesboro, AR 72401. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701, (601) 335-3576. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of plastic insulated copper wire, between the facilities of Brand Rex Co., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 151339 (Sub-2), filed August 3, 1981. Applicant: LOCK TRUCK LEASING, INC., P.O. Box 274, Irving, TX 75060. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245, (214) 358-3341. Transporting *chemicals and related products* between the facilities of Zep Manufacturing Company at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 152249, filed July 28, 1981. Applicant: ARLEN ALBERTS, d.b.a. A & A TRANSPORTATION & SUPPLY, P.O. Box 2586, Martinez, CA 94553. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306, (805) 872-1106. Transporting *such commodities* as are dealt in or used by manufacturers of gypsum wallboard, between points in the U.S., under continuing contract(s) with Gold Bond Building Products, of Long Beach, CA.

MC 153119 (Sub-1), filed August 6, 1981. Applicant: FLEECE DISTRIBUTING CO., Box 273, Foley, MN 56329. Representative: Robert Fleege (same address as applicant), (612) 968-7741. Transporting (1) *such commodities* as are dealt in or used by manufacturers and distributors of bedroom furniture, and (2) *heaters*, between points in the U.S., under continuing contract(s) with Samson Custom Furniture Mfg. Inc., of St. Cloud, MN.

MC 155028, filed July 29, 1981. Applicant: H&R TRANSPORTATION CO., INC., 715 East Court St., P.O. Box 964, Marion, NC 28752. Representative: Eric Meierhofer, 1029 Vermont Ave., NW, Suite 1000, Washington, DC 20005, (202) 347-9332. Transporting (1) *textile mill products, and chemicals and related products* (a) between points in New Castle County, DE, and points in VA, NC, and SC, on the one hand, and, on the other, points in the U.S., and (b) between points in Los Angeles County, CA, on the one hand, and, on the other, points in NJ, GA, TN, ME, NH, VT, MA, RI, CT, NY, PA, OH, WV, MD, DE, KY, and DC; and (2) *gloves* between points in Avery and Catawba Counties, NC, Johnson County, TN, and Washington, Wythe, and Scott Counties, VA, on the

one hand, and, on the other, points in the U.S.

MC 155599 (Sub-1), filed August 3, 1981. Applicant: ROBERT STOCK, d.b.a. STOCK TRANSPORT, Route #2, Box 39, Lebanon, IL 62254. Representative: Edward D. McNamara, Jr., 907 South Fourth St., Springfield, IL 62703, (217) 528-8476. Transporting *heaters and grills*, between points in the U.S., under continuing contract(s) with Locke Stove Company, of Kansas City, MO.

MC 157048, filed July 28, 1981. Applicant: LAKEHEAD TRUCKING, INC., 6040 Lavaque Rd., Duluth, MN 55803. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542-1121. Transporting (1) *expandable polystyrene insulation board*, between points in the U.S., under continuing contract(s) with Polytherm Industries, Inc., of Superior, WI, and (2) *clay flue tiles*, between points in the U.S. under continuing contract(s) with Arrowhead Concrete Works, Inc., of Duluth, MN.

MC 157419, filed July 29, 1981. Applicant: JAMES HAFER, d.b.a. HAFER TRUCKING, P.O. Box 92, Geneva, PA 16316. Representative: Owen B. Katzman, 1828 L. St., N.W., Suite 1111, Washington, DC 20036, (202) 296-2728. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of industrial heat treating furnaces and commercial incinerators, between points in the U.S., under continuing contract(s) with Sunbeam Equipment Corporation, of Meadville, PA, and (2) *such commodities* as are dealt in or used by manufacturers and distributors of internal combustion engines, compressors, machine castings, and rough iron casting, between points in the U.S., under continuing contract(s) with Cooper Energy Services, Inc., of Grove City, PA.

MC 157529, filed August 5, 1981. Applicant: NOLEN SISTRUNK, INC., P.O. Box 169, Sebastopol, MS 39359. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205, (601) 948-8820. Transporting *such commodities* as are dealt in by manufacturers of feed, pesticides, animal and poultry health products, and feeders, between points in the U.S., under continuing contract(s) with Moorman Mfg. Co., of Quincy, IL.

#### Volume No. OPY-5-131

Decided: August 18, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 12839 (Sub-1), filed August 7, 1981. Applicant: WESTCHESTER TOURS,

INC., 1010 Nepperhan Ave., Yonkers, NY 10703. Representative: Samuel B. Zinder, 98 Cutter Mill Rd., Great Neck, NY 11021, (516) 482-0881. To operate as a *broker*, at White Plains and Yonkers, NY, in arranging for the transportation by motor vehicle, of *passengers and their baggage*, between points in the U.S.

MC 84428 (Sub-23), filed August 7, 1981. Applicant: CHESTER JACKSON COMPANY, 475 Schuyler Ave., Kearny, NJ 07032. Representative: Edward F. Bowes, 167 Fairfield Rd., P.O. Box 1409, Fairfield, NJ 07006, (202) 575-7700. Transporting *commodities in bulk*, between points in CT, DE, ME, ND, MA, NH, NJ, NY, PA, RI, VT, VA, WV, and DC, on the one hand, and, on the other, points in the U.S.

MC 136899 (Sub-57), filed July 31, 1981. Applicant: HIGGINS TRANSPORTATION LTD., P.O. Box 637, Richland Center, WI 53581. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703, 608-256-7444. Transporting *general commodities* (except classes A and B explosives), between points in IL, IN, IA, KS, MI, MN, MO, NE, ND, OH, SD, and WI, on the one hand, on the other, points in the U.S.

MC 141879 (Sub-3), filed July 30, 1981. Applicant: L. D. CHILDRESS TRUCKING COMPANY, P.O. Box 486, Briscoe, TX 79011. Representative: William D. Lynch, P.O. Box 912, Austin, TX 78767, (512) 472-1101. Transporting *such commodities* as are dealt in or used by manufacturer or distributor of millwork items, between points in the U.S., under continuing contract(s) with Canadian Millwork, Inc., of Canadian, TX.

MC 144449 (Sub-9), filed August 10, 1981. Applicant: A & A MOVING & STORAGE CO., d.b.a. A & A CONTRACT CARRIERS, 414 Blue Smoke Court West, Fort Worth, TX 76105. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103, (817) 332-4718. Transporting (1) *postal and communications systems, business machines, electronics*, and (2) *parts and components* for the commodities in (1), between points in the U.S., under continuing contract(s) with E-Systems, Inc., of Dallas, TX.

MC 147318 (Sub-10), filed August 3, 1981. Applicant: DEEP SOUTH TRUCKING, INC., P.O. Box 304, Purvis, MS 39475. Representative: Kent F. Hudson, P.O. Box 696, Purvis, MS 39475, (601) 794-8003. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of chemicals, film, plastics, and rubber,

between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 150939 (Sub-22), filed August 6, 1981. Applicant: GEMINI TRUCKING, INC., 1533 Broad St., Greensburg, PA 15601. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471-1800. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Capitol Products Corporation of Harrisburg, PA.

MC 154358 (Sub-1), filed August 5, 1981. Applicant: JAMES G. SHAW III, d.b.a. REFRIGERATED DISTRIBUTION SERVICES, 1218 South Allec St., Anaheim, CA 92805. Representative: Barry Weintraub, Suite 510, 8133 Leesburg Pike, Vienna, VA 22180, (703) 442-8330. Transporting (1) *instruments and photographic goods*, and (2) *chemicals and related products*, between points in the U.S., under continuing contract(s) with (a) Hyland Therapeutics, Division of Travenol Labs, Inc., of Glendale, CA, (b) Hyland Diagnostics, Division of Travenol Labs, Inc., of Round Lake, IL, (c) Lab Supply Corporation of California, Inc., of Anaheim, CA, (d) Alpha Therapeutic Corporation of Los Angeles, CA, (e) American National Red Cross, of Washington, DC, and (f) Cutter Laboratories, Inc., of Emeryville, CA.

MC 156838, filed August 5, 1981. Applicant: WILLIE RICHARD AND WALTER RICHARD, d.b.a. R & R TRUCKING COMPANY, 911 Parkview, Cleveland, MS 38732. Representative: John Paul Jones, P.O. Box 3140 Front Street Station, Memphis, TN 38103, (901) 527-2482. Transporting *metal products*, (a) between points in Bolivar County, MS, on the one hand, and, on the other, points in AK, AL, AR, AZ, CA, CO, FL, GA, IL, IN, IA, LA, MI, MD, MO, NC, NE, ND, NY, OH, OK, OR, PA, TN, TX, VA, WI, and WA, and (b) between the port of Rosedale, MS, on the one hand, and, on the other, points in Bolivar County, MS.

MC 157628, filed August 10, 1981. Applicant: ACTION EXPRESS, INC., P.O. Box 576, Natchez, MS 39120. Representative: Walter Brown, P.O. Box 1047, Natchez, MS 39120, (601) 446-6351. Transporting *rubber and plastic products*, between points in the U.S., under continuing contract(s) with Armstrong Rubber Company of Natchez, MS.

#### Volume No. OPY-5-133

Decided: August 19, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 5888 (Sub-67), filed August 10, 1981. Applicant: MID-AMERICAN LINES, INC., 127 West 10th St., Kansas City, MO 64105. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603, (312) 236-9375. Transporting *chemicals and related products*, between points in Cook County, IL, Washoe County, NV, Middlesex County, NJ, and Fulton County, GA, on the one hand, and, on the other, points in the U.S.

MC 31438 (Sub-18), filed August 10, 1981. Applicant: ROY O. WETZ, d.b.a. R. O. WETZ TRANSPORTATION, P.O. Box 566, Marietta, OH 45750. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, (614) 228-1541. Transporting *general commodities* (except classes A and B explosives), between points in Noble and Washington Counties, OH, on the one hand, and, on the other, points in the U.S.

MC 41098 (Sub-64), filed August 10, 1981. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 91803. Representative: Alan F. Wohlstetter, 1700 K Street, N.W., Washington, DC 20006, (202) 833-8884. Transporting *electrical data processing machines*, between points in the U.S., under continuing contract(s) with Northern Telecom Inc., of Minneapolis, MN. 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 115669 (Sub-209), filed August 10, 1981. Applicant: DAHLSTEN TRUCK LINE, INC., 101 W. Edgar St., P.O. Box 95, Clay Center, NE 68933. Representative: Vayle Hayes (same address as applicant), (402) 762-3511. Transporting *frozen foods*, between points in Hall and Lancaster Counties, NE, on the one hand, and, on the other, points in the U.S.

MC 133478 (Sub-28), filed August 10, 1981. Applicant: INTERSTATE TRANSPORT, INC., P.O. Box 23727, Portland, OR 97223. Representative: Peter H. Glade, One SW Columbia, Suite 555, Portland, OR 97258, (503) 227-1681. Transporting *lumber and lumber mill products*, between points in the U.S., under continuing contract(s) with The Dorris Lumber and Moulding Company, and Setzer Forest Products and McKuen Moulding Company, of Sacramento, CA.

MC 153879 (Sub-2), filed August 10, 1981. Applicant: CUMBERLAND FREIGHT LINES, INC., 201-25th Avenue North, Nashville, TN 37202. Representative: J. Greg Hardeman, 618 United American Bank Bldg., Nashville, TN 38219, (615) 244-8100. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (1) Robert Orr—Division of Sysco Corp., of Nashville, TN, and (2) Kenneth O. Lester Company, of Lebanon, TN.

MC 153858, filed August 10, 1981. Applicant: B J'S EXPRESS, INC., 3225 Swindell Rd., Lakeland, FL 33805. Representative: Elbert Brown, Jr., P.O. Box 1378, Altamonte Springs, FL 32701, (305) 869-5936. Transporting *meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, between Atlanta, GA, and points in Orange County, FL and Bibb County, GA, on the one hand, and, on the other, points in Linn and Cherokee Counties, IA, Freeborn County, MN, Saline County, MO, Warren County, IL, and Cass County, IN.

MC 154299, filed August 4, 1981. Applicant: ELLARS, INC., 10026 Karmont Ave., South Gate, CA 90280. Representative: Susan Lee Carder, (same address as applicant), (213) 537-2222. Transporting (1) *drums, barrels, and pails*, between points in the U.S., under continuing contract(s) with Greif Bros. Corp., of Morgan Hill, CA; (2) *decorating materials*, between points in the U.S., under continuing contract(s) with Greyhound Exposition Service, of Santa Fe Springs, CA and United Wesco, Inc., of Los Angeles, CA; (3) *machinery*, between points in the U.S., under continuing contract(s) with Culligan, USA, of San Bernardino, CA; (4) *meats, meat products, meat byproducts, and articles distributed by meat packing houses*, between points in the U.S., under continuing contract(s) with Youngs Market Company, of Santa Clara, CA, and Armour and Company, of So. San Francisco, CA; (5) *store fixtures*, between points in the U.S., under continuing contract(s) with Hussman Inc., of San Jose, CA; (6) *boxes*, between points in the U.S., under continuing contract(s) with Crown Zellerbach Corp., of Gilroy, CA; (7) *paint*, between points in the U.S., under continuing contract(s) with Ameritone Paint Corp., of Compton, CA; (8) *plastic film or sheeting*, between points in the U.S., under continuing contract(s) with Dixico, Inc., of Los Angeles, CA; (9) *lighting and electrical equipment*, between points in the U.S., under continuing contract(s) with Four Star Stage Lighting Company, of Los Angeles,

CA; (10) *diatomaceous earth*, between points in the U.S., under continuing contract(s) with Grefco Inc., of Mina, NV; and (11) *canned goods and dried fruit*, between points in the U.S., under continuing contract(s) with Del Monte Corp., of Los Angeles, CA.

MC 154509, filed August 10, 1981. Applicant: MEMPHIS COURIER DELIVERY, 3638 Old Getwell Road, Memphis, TN 38118. Representative: Ralph D. Golden, Suite 2348, 100 North Main Bldg., Memphis, TN 38103, (901) 526-1122. Transporting *toiletries and jewelry*, between points in the U.S., under continuing contract(s) with Amway Corporation, of Norcross, GA.

MC 157459, filed August 10, 1981. Applicant: LEWIS C. HOWARD, INC., Kalamazoo, MI 49001. Representative: Edward Malinsak, 900 Old Kent Bldg., Grand Rapids, MI 49503, (616) 459-6121. Transporting *general commodities* (except classes A and B explosives), between points in Kalamazoo County, MI, on the one hand, and, on the other, points in Elkhart County, IN.

MC 157499, filed August 3, 1981. Applicant: PATSY R. WASHINGTON, d.b.a. PATCO FREIGHT CARRIERS, 1000 South Lelia, P.O. Box 1187, Texarkana, TX 75504. Representative: Patsy R. Washington (same address as applicant), (214) 792-5961. Transporting (1) *wax*, between points in Amador County, CA, on the one, and, on the other, Atlanta, GA, Boston, MA, and points in Washington and Nacogdoches Counties, TX; (2) *foodstuffs* between Oklahoma City, OK, and points in Miller County, AR, Stone County, MS, Dade County, FL, DeKalb County, GA, Saline County, MO, and points in TX, on the one hand, and, on the other, points in the U.S.; (3) *petroleum and petroleum products, chemicals, and plastics*, between Kansas City, MO, Baton Rouge, LA, and points in McLennan, Jefferson and Tarrant Counties, TX, Caddo and Beville Parishes, LA, Shelby and Hamilton Counties, TN, Clark County, IL, Maricopa County, AZ, and Miller and Union Counties, AR, on the one hand, and, on the other, points in the U.S.; (4) *wood products*, between points in Columbia County, AR and Bowie County, TX, on the one hand, and, on the other, points in the U.S.; (5) *industrial protective products*, between points in Cass County, TX, on the one hand, and, on the other, points in the U.S.; (6) *carpets*, between points in Hempstead County, AR, on the one hand, and, on the other, points in the U.S.; and (7) *animal feed*, between points in Austin County, TX, and Tate

County, MS, on the one hand, and, on the other, points in the U.S.

MC 157578, filed August 6, 1981. Applicant: SANDRA L. SCHEITINGER AND GEORGE SCHEITINGER, d.b.a. GREAT CONNECTIONS, 2202 62 Ave. So, St. Petersburg, FL 33712. Representative: George Scheitinger (same address as above), (813) 867-0682. To operate as a broker, at St. Petersburg, FL, in arranging transportation for passengers and their baggage, in the same vehicle with passengers, between points in FL, on the one hand, and, on the other, points in the U.S.

MC 157598, filed August 7, 1981. Applicant: JACK BRACH, d.b.a. J. BRACH & SONS TRUCKING, Box 189, Loma, CO 81524. Representative: Nancy P. Bigbee, 1600 Sherman St., Denver, CO 80203, (303) 861-8046. Transporting iron and steel articles, between points in CO., NM, TX, UT, and WY.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 81-24328 Filed 8-25-81; 8:45 am]

BILLING CODE 7035-01-M

#### Motor Carrier; Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment

resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

#### Motor Carriers of Property

##### Notice No. F-148

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 147197 (Sub-II-2TA), filed August 17, 1981. Applicant: ANDY BELITSKY, d.b.a. ANDY B. TRUCKING, 270A Lincoln St., S.W., Hartsville, OH 44632. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. Such commodities as are dealt in or used by manufacturers of paper and plastic products, between the facilities of Chemtrol Adhesives, Inc., at or near Aurora, OH, on the one hand, and, on the other, points in the U.S. for 270 days. An underlying ETA seeks authority for 120 days. Supporting shipper(s): Chemtrol Adhesives, Inc., 180 Lena Dr., Aurora, OH 44202.

MC 63390 (Sub-II-1TA), filed August 13, 1981. Applicant: CARL R. BIEBER, INC., Vine & Baldy Sts, Kutztown, PA 19530. Representative: L. C. Major, Jr., Suite 400—Overlook Bldg., 6120 Lincolnia Rd., Alexandria, VA 22312. Passengers and their baggage, in the same vehicle with passengers, in special operations, from Quakertown, PA to Atlantic City, NJ, and return, for 270 days. Supporting shipper(s): There are 13 supporting shippers' statements attached to this application which may be examined at the Philadelphia Regional office.

MC 157616 (Sub-II-1TA), filed August 17, 1981. Applicant: WILLIAM T. CLARK, JR. & COMPANY, 611 S. Main St., Marion, VA 24354. Representative: Isaac St. Clair Freeman, P.O. Box 645, 111 N. Park St., Marion, VA 24354. Contract, irregular: Fabricated structural steel, paint and miscellaneous iron and steel articles, between Bristol, VA on the one hand, and, on the other, Bessemer, AL, Chattanooga, TN, Richmond, VA, Muncie, IN, Decatur, IL and Charleston, WV, under continuing contract with Bristol Steel and Ironworks, Inc., Bristol, VA, for 270 days. Applicant intends to tack. An underlying ETA seeks 120 days authority. Supporting shipper: Bristol Steel and Ironworks, Inc., P.O. Box 471, Bristol, VA 24203.

MC 150776 (Sub-II-3TA), filed August 17, 1981. Applicant: ALFRED DANIELS, INC., Route 1, P.O. Box 272-I, Jackson, OH 45640. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215. Food and related products between the facilities of Stouffer Foods Corporation located at or near Solon, OH, on the one hand, and, on the other, points in CA, CO, KS, MO, TX, and WA for 270 days. Supporting shipper: Stouffer Foods Corporation, 5750 Harper Rd., Solon, OH 44139.

MC 135381 (Sub-II-1TA), filed August 17, 1981. Applicant: DRUM TRANSPORTATION COMPANY, R.D. No. 1, Montgomery, PA 17752. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Contract, irregular: Treated wooden utility poles, between Pensacola, FL, Brunswick and Camilla, GA, and Brookhaven, MS, on the one hand, and, on the other, points in the U.S., under continuing contract(s) with Escambia Treating Co., Pensacola, FL, for 270 days. Supporting shipper: Escambia Treating Company, P.O. Box 17108, Pensacola, FL 32522.

MC 140889 (Sub-II-20TA), filed August 17, 1981. Applicant: FIVE STAR TRUCKING, INC., 4720 Beidler Rd., Willoughby, OH 44094. Representative: Ignatius B. Trombetta, 1220 Williamson Bldg., Cleveland, OH 44114. Contract, irregular: metal products from facilities located in St. Louis County, MO to facilities located in Cuyahoga County, OH under a continuing contract(s) with Cerro Copper Tube Co. of Cleveland, OH, for 270 Days. Supporting shipper: CERRO COPPER TUBE CO., 16600 St. Clair Ave., Cleveland, OH 44110.

MC 67198 (Sub-II-1TA), filed August 17, 1981. Applicant: MEADVILLE MOVING & STORAGE, INC., 129 Sycamore St., Meadville, PA 16335. Representative: John A. Vuono, 2310 Grant Building, Pittsburgh, PA 15219. Chemicals, paint, and adhesives, between the facilities of Hughson Chemicals, Div. of Lord Corp. at Saegertown, PA, on the one hand, and, on the other, points in the United States, under a continuing contract with Hughson Chemical, Div. of Lord Corp. for 270 days. Supporting shipper: Hughson Chemicals, Div., of Lord Corp., South St., Saegertown, PA 16433.

MC 157624 (Sub-II-1TA), filed August 17, 1981. Applicant: PITTSBURGH-JOHNSTOWN-ALTOONA EXPRESS, INC., 223 Maple Ave., Johnstown, PA 15901. Representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, PA 15219. Metal products, between points in Allegheny County, PA, on the one hand, and, on the other, points in IN, KY, MD,

NY, OH, TN, VA and WV for 270 days. Supporting shipper: The J. H. Service Co., Inc., No. 1 Shaft St., Indianola, PA 15051.

MC 113499 (Sub-II-2TA), filed August 17, 1981. Applicant: EDWARD M. RUDE CARRIER CORP., R.F.D. No. 1, Falling Waters, WV 25419. Representative: Francis J. Ortman, 4401 East West Highway, Suite 404, Bethesda, MD 20814. Glass, from Clarksburg, WV to points in CT, IL, IN, MA, MI, NC, OH, RI, and TN for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: West Virginia Flat Glass, Inc., 1628 Adams Ave., Clarksburg, WV 26301.

MC 157737 (Sub-II-1TA), filed August 17, 1981. Applicant: WOODFIN BROTHERS, INC., 9916 Jefferson Davis Hwy. Richmond, VA. Representative: Paul D. Collins, 7761 Lakeforest Dr., Richmond, VA 23235. *Wrecked, disabled, stolen, abandoned, repossessed, and surrendered motor vehicles, component parts and replacement thereof; and trailers, in truckaway service by wrecker service*, between points in VA, on the one hand, and, on the other, points in and east of MN, IA, MO, AR and LA, for 270 days. Supporting shipper: There are 21 supporting shippers. Their statements may be reviewed at the ICC Reg. Ofc., Phila., PA.

MC 145194 (Sub-II-1TA), filed August 17, 1981. Applicant: WOOSTER MOTOR WAYS, INC., 1357 Mechanicsburg Road, P.O. Box 436, Wooster, OH 44691. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. (1) *Plastic products and paper and related products and (2) materials, equipment and supplies used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk)* between Elizabeth, NJ and points in Nassau County, FL, Will County, IL and Fauquier County, VA, on the one hand, and, on the other, points in and east of WI, IL, KY, TN and AL for 270 days. Supporting shipper: Trinity Bag & Paper Company, Inc., 529 5th Ave., New York, NY 10017.

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 105774 (Sub-5-4TA), filed August 17, 1981. Applicant: JOHNSON TRUCK LINE, INC., P.O. Box 403, Osborne, KS 67473. Representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66601. *Farm Machinery*, from Albany, GA to AZ, AR, CA, CO, ID, IA, KS, LA, MN, MO, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA and WY. Supporting

shipper: Lilliston Corporation, P.O. Box 3930, Albany, GA 31708.

MC 115758 (Sub-5-1TA) filed August 17, 1981. Applicant: OTTAWA BUS SERVICE, INC., P.O. Box 129, Ottawa, KS 66067. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Passengers and their baggage in charter party service and in special operations in round trip sightseeing and pleasure tours that involve transportation by motor vehicle for the entire trip or by a combination of motor vehicle and other modes of transportation*. Between points in the U.S. including AK & HI, restricted to tours that begin and end in the State of KS. Supporting shippers: 17.

MC 123476 (Sub-5-10TA), filed August 17, 1981. Applicant: CURTIS TRANSPORT, INC., P.O. Box 388, Arnold, MO 63010. Representative: David G. Dimit (same address as applicant). *Plastic containers (except in bulk in tank vehicles)* from West Chicago, IL to St. Louis, MO. Supporting shipper: St. Louis Crystal Water, 704 S. Boyle, St. Louis, MO.

MC 124411 (Sub-5-3TA), filed August 17, 1981. Applicant: SULLY TRANSPORT, INC., Box 185, Sully, IA 50251. Representative: Arland Vander Leest, 601 8th St., Sully, IA 50251. *Asphalt and asphalt materials in Bulk, in tank vehicles*, from Des Moines, IA to Pts in WI. Supporting shipper: Bitucote Products Co., Des Moines, IA.

MC 138469 (Sub-5-45TA), filed August 17, 1981. Applicant: DUNCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73147. Representative: Daniel O. Hands, 205 W. Touhy Ave., Suite 200, Park Ridge, IL 60068. *Insulating material, aluminum, steel and vinyl siding and related articles*. Between Springfield, MO; Kansas City, MO; Wichita, KS on the one hand, and, on the other, points in OH, MI, KS, PA, Springfield, MO; Kansas City, MO and Wichita, KS. Supporting shipper: Springfield Better Homes, 1800 N. Prairie, Springfield, MO 65803.

MC 140665 (Sub-5-78TA), filed August 17, 1981. Applicant: PRIME, INC., P.O. Box 4208, Springfield, MO 65804. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. *General Commodities (except Classes A and B explosives and commodities in bulk)*, between points in the US (restricted to shipments moving to or from the facilities of United Ohio Corporation or associated members facilities). Supporting shipper: United Ohio Corporation, 35300 Lakeland Blvd., Eastlake, OH 44094.

MC 140665 (Sub-5-79TA), filed August 17, 1981. Applicant: PRIME, INC., P.O. Box 4208, Springfield, MO 65804. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. *General Commodities, (except Classes A and B explosives and hazardous materials)*, between the facilities of Gateway Shippers Association, Inc., and/its members at points in OK on the one hand, and, on the other points in the U.S. (except AK and HI). Supporting shipper: Gateway Shippers Association, Inc., P.O. box 57067, Dallas, TX 75207.

MC 143619 (Sub-5-1TA), filed August 17, 1981. Applicant: PALS BROS. TRUCKING, INC., RFD, Alexander, IA 50420. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. *Fertilizer compounds*, from the facilities of Eagle-Picher Industries, Inc. located at or near Fairbury, NE, Mineola, TX, and Cedartown, GA to pts. in AR, CO, IA, IL, IN, KS, MN, MO, NE and OK. Supporting shipper(s): Eagle-Picher Industries, Inc., P.O. Box 550, Joplin, MO 64801.

MC 147348 (Sub-5-8TA), filed August 17, 1981. SOUTHWEST FREIGHT DISTRIBUTORS, INC., 1320 Henderson, North Little Rock, AR 72114. Representative: James M. Duckett, 221 W. 2nd, Suite 411, Little Rock, AR 72201. *Such commodities as are dealt in or used by wholesale, retail, discount, variety and department stores (except in bulk)*, between the facilities of Target Stores, in Pulaski County, AR, and points in the U.S. Supporting shipper: Target Stores, Inc., 600 Carnahan Drive, Maumelle, AR 72118.

MC 147492 (Sub-5-4TA), filed August 17, 1981. Applicant: MEL MOTOR EXPRESS, INC., P.O. Box 29058, New Orleans, LA 70189-0058. Representative: James T. Harmon, III, P.O. Box 29058, New Orleans, LA 70189. Contract: *Irregular. Beer, in Cans and Bottles*. Between points in the States of LA and TX. Supporting shipper: Neal W. Kaye, Inc., Harahan, LA.

MC 150578 (Sub-5-33TA), filed August 17, 1981. Applicant: STEVENS TRANSPORT, A DIVISION OF STEVENS FOODS, INC., 2944 Motley Drive, Suite 302, Mesquite, TX 75150. Representative: Michael Richey (same as above). Contract, irregular; *General commodities* between points in the U.S. under continuing contract with distribution services of America, Inc., of Boston, MA, and United Freight, Inc., of Morrow, GA.

MC 151383 (Sub-5-10TA), filed August 17, 1981. Applicant: NICKELL TRUCKING CO., 4901 West 51st Street,

Tulsa, OK 74107. Representative: Fred Rahal, Jr., Rahal & Anderson, A Professional Corporation, Suite 305, Reunion Center, 9 East Fourth Street, Tulsa, OK 74103. Contract, Irregular: (1) *Iron and steel articles*, and (2) *materials and supplies used in the production and distribution of the commodities named in (1) above*, between points in the U.S. under continuing contract(s) with Auxier-Scott Supply Co. of Tulsa, OK. Supporting shipper: Auxier-Scott Supply Co., 1355 N. Louisville, Tulsa, OK 74151.

MC 154723 (Sub-5-4TA), filed August 17, 1981. Applicant: C. M. PENN & SONS, INC., Route 1, Box 349A, Greenwell Springs, LA 70739. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75245. *Hazardous and/or non-hazardous waste material* from Palaski County, AR to Livingston and Calcasieu Parishes, LA. Supporting shippers: Koppers Company, Inc., 850 Koppers Building, Pittsburgh, PA 15219.

MC 157729 Common (Sub-5-1TA), filed August 17, 1981. Applicant: RED RIDER, INC., 512 Custer St., Delphos, KS 67436. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Passengers and their baggage, in charter party service and in special operations in round trip sightseeing and pleasure tours that involve transportation by motor vehicle for the entire trip or a combination of motor vehicle and other modes of transportation*, between points in the United States including AK & HI, restricted to tours that begin and end in Smith, Osborne, Russell, Ellsworth, Lincoln, Mitchell, Jewell, Republic, Cloud, Ottawa, Saline, Dickinson, Clay, Washington, Marshall, Riley and Geary Counties, KS and restricted further to provide no transportation service to or from the states of AL; GA; FL; SC; NC; VA; WV; PA; MI; MD; NJ; DE; NY; MA; VT; NH and ME. Supporting shippers: 13.

MC 157741 (Sub-5-1TA), filed August 17, 1981. Applicant: IVY ESTILETTE, South Chataignier Road, Ville Platte, LA 70586. Representative: C. Brent Coreil, P.O. Drawer 450, Ville Platte, LA 70586. *Fertilizer, general farm and hardware commodities*, between Ville Platte, LA, Houston, TX, Nacogdoches, TX, Stutgard, AR, Little Rock, AR, Yazoo City, MS, and Jennings, LA. Supporting shipper: Evangeline Seed Company, 4 West Pine Street, Ville Platte, LA 70586. Agatha L. Mergenovich, Secretary.

[FR Doc. 81-24827 Filed 8-25-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP1-240]

### Motor Carriers; Permanent Authority Decision; Decision-Notice

Decided: August 21, 1981.

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 an 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 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.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier. Agatha L. Mergenovich, Secretary.

MC-F-14671, filed July 29, 1981. AMNACO, INC. (Amnaco) (P.O. Box 2298, Green Bay, WI 54306)—CONTINUANCE IN CONTROL—AMERICAN PACIFIC EXPRESS, INC. (American) (817 McDonald St., Green Bay, WI 54303). Representative: Charles W. Singer, P.O. Box 2298, Green Bay, WI 54306. Amnaco seeks to continue in control of American upon the institution by American of operations, in interstate or foreign commerce, as a motor common carrier. Al J. Schneider and Donald J. Schneider, the majority stockholders of Amnaco, seek authority to acquire control of said rights through the transaction. Amnaco, a non-carrier holding company controls National Transportation Systems, Inc. (MC-149145), National Bulk Transport, Inc. (MC-143594), Contract Distribution Systems, Inc. (MC-144232, 148139), WNI, Inc. (MC-141871), Trans-National Truck, Inc. (MC-133655), Distribution Service Systems, Inc. (MC-118159), Schneider Tank Lines, Inc. (MC-110988), and Schneider Transport, Inc. (MC-51146, 151110). Condition: So far as can be ascertained from the evidence of record in this proceeding, Amnaco, Inc. is a non-carrier with its investments and functions primarily related to transportation. Accordingly, concurrently with consummation of the transaction authorized in this proceeding, Amnaco, Inc., will be

considered a motor carrier within meaning of 49 U.S.C. 11348. It will, therefore, be subject to the applicable provisions of 49 U.S.C. Subtitle IV, subchapter III of Chapter III relating to reporting and accounting, and of 49 U.S.C. 11302 relating to the issuance of securities. Impediment: The operating rights of the applicants commonly controlled affiliates duplicate to a certain extent the operations authorized in American Pacific Express' certificate. Applicants are required to eliminate any duplicating authority that may result from this transaction in order to comply with the Commission's regulations at 49 CFR 1134.51. Approval and authorization of this transaction is, therefore, conditioned upon applicants setting forth all duplications and a plan for the elimination of such duplication.

**Note.**—A directly related application docketed MC-155070 was published in the Federal Register issue of June 17, 1981, which authorized (1) *pulp, paper and related products*, (2) *rubber and plastic products*, and (3) *food and related products*, between points in WI, on the one hand, and, on the other, points in El Paso and Houston, TX, and those in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY.

[FR Doc. 81-24863 Filed 8-25-81; 8:45 am]  
BILLING CODE 7035-01-M

#### Motor Carriers; Finance Applications; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

**We find:** Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the

notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

**It is ordered:** The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board Number 3, Krock, Joyce and Dowell.

MC-FC-78568 (Supplemental Publication). By decision of 8/6/81 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 granted reopening and approved the transfer to CONSOLIDATED CARRIERS INTERNATIONAL TRANSPORT CORPORATION of Charlotte, NC, of Certificates No. MC-146068 (Sub-Nos. 2, 3, 6, 7, and 9), and Permit No. MC-143926 (Sub-No. 3) issued to CONSOLIDATED CARRIERS CORPORATION, of Charlotte, NC, authorizing: *Chemicals* (except in bulk and except in tank and hopper containers) from points in California, Florida, Illinois, Indiana, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Tennessee, Texas, West Virginia, and Wyoming to facilities of Ace Chemical Corp. at or near Charlotte, NC; *aluminum billets*, from Harrisonburg, VA, to facilities of Victor Industries, at or near Chico, CA; *mobile home tires mounted on wheels, mobile home axles, and lug nuts for mobile home axles*, from the facilities of West Coast Mobile Tire Co., at Takoma, WA, Portland, OR, Tucson, AZ, Reno, NV, and Lodi, CA, to points in the United States (except Alaska and Hawaii); *general commodities* (except classes A and B explosives), between points in Alabama, Georgia, North Carolina, South Carolina, Tennessee, and Virginia, on the one hand, and, on the other, points in Arizona, California, Nevada, Oregon, Utah, and Washington; *synthetic fiber, textile waste, plastic pellets, plastic waste, wool, wool waste, and materials used in the manufacture thereof* (except in bulk, in tank vehicles), between Johnsonville, Hemingway,

Florence, and Charleston, SC, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under contract with Wellman, Inc., of Boston, MA. Applicants' representative: Robert B. Walker, 915 Penn. Bldg., 425 13th St., N.W., Washington, D.C.

**Note.**—Notice of this application was previously published in the May 23, 1980, Federal Register.

MC-FC-78904 (Supplemental)—California Eastern Express, Inc.—Transferee and Transcontinental Carriers-Transferor, published in the April 1, 1981 issue of the Federal Register at page 19,886. This supplemental notice reflects a decision of Review Board Number 3 as enumerated in its decision dated July 8, 1981 permitting applicants to amend their application. Under the amended application, transferee seeks to acquire additional authority authorizing in part the transportation as a common carrier of *chemicals*, (except commodities in bulk), *plastics*, and *laundry and kitchen appliances* between specified points in the United States.

MC-FC-79061. By decision of July 24, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to S & K TRANSPORTATION, INC. of Certificate No. MC-145135 (Sub-No. 2) issued June 29, 1979 to JOHN E. DILLON doing business as DILLON TRUCKING COMPANY authorizing operations as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) buildings knocked down, and parts and attachments for buildings and (2) materials and supplies used in the installation of buildings, from the facilities of Traditional Log Movers, Inc. at or near State Road, NC to points in Alabama, Georgia, Illinois, Indiana, Kentucky, Maryland, Mississippi, Ohio, South Carolina, Tennessee, Virginia, West Virginia and the District of Columbia. Applicants' representative: R. Peter Decato, Attorney, 23 Basil Street, Lebanon, NH 03766.

MC-FC-79096. By decision of August 22, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 5 approved the transfer to CTC VAN LINES, INC. of Certificate No. MC-139808 (Sub-E-3) issued to COASTAL VAN and STORAGE, INC. authorizing the transportation of Household goods as defined by the Commission between points in Pennsylvania (east of a line from New York south on Route 15 to the

Susquehanna River, and points east of the Susquehanna River), on the one hand, and, on the other, points in Florida (east of Route 75 and south of Route 24). Applicants representative: Bruce J. Robbins, Esq., 18 East 48th Street, New York, New York 10017.

Note.—This matter is directly related to a gateway elimination application in No. MC-78926 (Sub-No. 3), CTC Van Lines, Inc., Gateway Elimination.

MC-FC-79161. By decision of August 3, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to ROBERT M. YEAGER AND JOHN O. MILLS d.b.a. BIG VALLEY EXPRESS of 2455 Walton, P.O. Box 1454, Central Valley, CA 96019, of a portion of Certificate No. MC-98327 (Sub-Nos. 4 and 50) issued to System 99 of 8201 Edgewater Drive, Oakland, CA 94621, authorizing Regular Routes: *General commodities*, except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, motor vehicles, livestock, and commodities requiring special equipment, between points in California serving all intermediate points, as follows: from Alturas over U.S. Highway 299 to Salyer, and return over the same route. From Bartle over California Highway 89 to junction U.S. Highway 299, north of Burney, and return over the same route. Service is authorized at off-route points in the described portions of the following Counties: *Modoc*, except those (a) on U.S. Highway 395 north of Davis Creek, and (b) those on unnumbered highway north of Lake City; *Shasta*, except those (a) south of California Highway 36 and (b) on California Highway 3 north of Trinity Center. Applicant's representative: Allan N. Robinson, 8201 Edgewater Drive, Oakland, CA 94621. Transferee is not a carrier. This amends the Federal Register publication of June 19, 1981.

MC-FC-79251. By decision of July 21, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to RIGHTWAY TRANSPORTATION, LTD., of Hartland, New Brunswick, CA Certificate No. MC-134408 Sub No. 2 issued to Hunter Transportation, Ltd., of Hartland, New Brunswick, CA authorizing: *Fencing*. (1) From ports of entry on the United States-Canada Boundary line at or near Houlton, Calais and Vanceboro, Maine, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and Virginia, and the District of Columbia.

(2) (a) From ports of entry on the United States-Canada Boundary line located at or near Houlton, Calais, Vanceboro, and Madawasha, ME, to points in North Carolina, South Carolina, Georgia, Florida, West Virginia, and Ohio. (b) From ports of entry on the United States-Canada Boundary line at or near Madawasha, ME, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia. Applicant's representative: John C. Lightbody, 30 Exchange Street, Portland, ME 04101. TA lease is sought. Transferee is not a carrier.

MC-FC-79256. By decision of August 15, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to R. G. STINE TRUCKING, INC., of Visalia, CA, of Permit MC-150609 (Sub-No. 1F) issued June 5, 1981, to Ronald R. McIntyre, an individual, d.b.a. D & R TRANSPORT LEASING, of Visalia, CA, authorizing the transportation of *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *paper and paper products*, and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above between points in the United States under continuing contract(s) with Sassoon-Scherman Fibers Co., of Los Angeles, CA. Applicant's representative is: Donald R. Hendrick, Post Office Box 88, Norwalk, CA 90650, (213) 863-8883. TA application has not been filed. Transferee holds authority under MC-152357.

MC-FC-79263. By decision of July 17, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to L & I TRUCKING CO., INC. of Certificate No. MC-47227 issued January 20, 1956 to ANTON HOLLENDONNER, SR. AND ANTON HOLLENDONNER, JR., a partnership d.b.a. HOLLAND TRUCKING CO. authorizing the transportation of (1) *chinaware, porcelainware, tile, and machinery parts* (a) between Trenton, NJ, and New York, NY, over U.S. Hwy. 1 serving no intermediate points; (b) between Trenton, NJ and Philadelphia, PA, and (2) *China lamp bases*, from Manasquan, NJ, to Trenton, NJ. Applicant's representative: Anton J. Hollendonner, 1901 No. Olden Avenue Ext., Trenton, NJ.

Notes.—(1) Transferee is a non-carrier. (2) No application for temporary authority has been filed.

MC-FC-79269. By decision of 8/5/81, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to REGENCY AIR FREIGHT, INC., of Dearborn Heights, MI, of Certificate No. MC 119827, MC 119827 (Sub-2), MC 119827 (Sub-4), MC 119827 (Sub-6), and MC 119827 (Sub-7), issued 8/19/63, 12/23/63, 11/17/70, 11/19/70, and 11/8/76, respectively, to KEY LINE AIR FREIGHT, INC., of Dearborn Heights, MI, authorizing the transportation in MC 119827 of *General commodities*, between the Willow Run Airport, MI, and the Detroit Metropolitan Wayne County Airport, MI. Between Willow Run Airport and Detroit Metropolitan Wayne County Airport, on the one hand, and on the other, Toledo, OH, and points in Wayne, Washtenaw, Oakland, Livingston, Lenawee, and Monroe Counties, MI, and points in that portion of Macomb County, MI, which is within the Detroit, MI, Commercial Zone, as defined by the Commission. Restriction: The service authorized herein is subject to the following conditions: The operations authorized herein are restricted to shipments having an immediately prior or an immediately subsequent movement by aircraft. The authority granted herein, to the extent that it authorizes the transportation of Classes A and B explosives, shall be limited in point of time to a period expiring five years after February 2, 1962.

In MC 119827 (Sub-2) of *General commodities*, between Willow Run Airport, located in Wayne and Washtenaw Counties, MI, and Detroit Metropolitan Wayne County Airport located in Wayne County, MI, on the one hand, and, on the other, points in Lapeer County, MI, on and south of Michigan Highway 21, and on and east of Michigan Highway 24, points in St. Clair County, MI, on and south of Michigan Highway 21 and on and west of Michigan Highway 19, and points in Macomb County, MI, except points within the Detroit, MI, Commercial Zone, as defined by the Commission. Restriction: The service authorized herein is subject to the following conditions: Service is restricted to traffic having an immediately prior or immediately subsequent movement by aircraft. The authority granted herein, to the extent that it authorizes the transportation of Classes A and B explosives, shall be limited in point of time to a period expiring five years after December 23, 1963.

In MC 119827 (Sub-4) of Irregular routes: *General commodities*, except

articles of unusual value, classes A and B explosives, household goods, commodities in bulk, and those requiring special equipment, between Willow Run Airport, Wayne and Washtenaw Counties, MI, Detroit Metropolitan Wayne County Airport, Wayne County, MI, and Toledo Express Airport, Lucas County, OH, on the one hand, and, on the other, points in Lucas, Williams, Defiance, Fulton, and Henry Counties, OH. Restriction: The service authorized herein is restricted to shipments having an immediately prior or subsequent movement by air.

In MC 119827 (Sub-8) of *General commodities*, between Willow Run Airport (in Wayne and Washtenaw Counties), MI, Detroit Metropolitan Airport (in Wayne County), MI, and Toledo Express Airport (in Lucas County), OH, on the one hand, and, on the other, points in Ottawa County, OH. Restriction: The operations authorized herein are subject to the following conditions: Said operations are restricted to the transportation of traffic having a prior or subsequent movement by air. The authority granted herein, to the extent it authorizes the transportation of classes A and B explosives, shall be limited, in point of time, to a period expiring five years after September 22, 1970.

In MC 119827 (Sub-7) of *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Willow Run Airport, Ypsilanti, MI, Wayne Major Airport, Romulus, MI, and Detroit City Airport, Detroit, MI, on the one hand, and, on the other, points in Macomb, St. Clair, and Sanilac Counties, MI. Restriction: The authority granted herein above is restricted to traffic having an immediately prior or immediately subsequent movement by air. Between Willow Run Airport, at or near Ypsilanti, MI, on the one hand, and, on the other, points in Wayne County, Oakland County (except Auburn Heights, Commerce, Drayton Plains, Keego Harbor, Pontiac, Rochester, Waterford and Wixom), and Washtenaw County (except Saline and Ypsilanti), MI. Restriction: The authority granted in the route description next above is restricted to the transportation of traffic having a prior or subsequent movement by air. Representative is: Martin J. Leavitt, Attorney and Agent, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167, (313) 349-3980. Application for temporary authority has not been filed. Transferee presently holds no authority from the Commission.

MC-FC-79271. By decision of July 29, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to John H. Hanzelka d.b.a. John H. Hanzelka Trucking of Certificate MC 94704 (Sub-8) issued June 21, 1973 to Walter Neuroth d.b.a. Neuroth Truck Line authorizing the transportation of *meat, meat products, meat byproducts, and articles* distributed by meatpacking houses as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Tama Meat Packing Corporation at Tama, IA, to points in IL, IN, MI, MN, NE, OH, SD, and WI. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309.

Notes.—(1) Transferee presently holds no authority from the Commission. (2) An application for temporary authority has not been filed. (3) The certificate, MC-94704 (Sub-No. 8) was originally transferred to West Bros. Corp. in MC-FC-76509. West Bros. Corp. filed a voluntary petition in bankruptcy and failed to perform the terms and conditions of the transfer agreement existing between West Bros. Corp. and Walter Neuroth. The Bankruptcy Court authority authorized Walter Neuroth to reclaim the subject authority.

MC-FC-79275. By decision of August 3, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to Tom Borden, d.b.a. West Virginia Coach Company, of Ravinswood, WV, of Certificate No. MC 59238 (Sub-41) issued to Virginia Stage Lines, Inc., d.b.a. Virginia Trailways, of Washington, DC authorizing: *Passengers and their baggage, and express, mail and newspapers* in the same vehicle with passengers, over described regular routes, serving named intermediate points, (1) between Bluefield, WV, and Logan, WV, (2) between Huntington, WV, and Logan, WV; (3) between Charleston WV, and Logan WV. Representative: Lawrence E. Lindeman, 425 13th St., N.W., Suite 1032, Washington, D.C. 20004, TA lease is not sought.

Note.—This application was filed under 49 U.S.C. 11343, but was processed under 49 U.S.C. 10926 because transferee is not a carrier and is not affiliated with a carrier. Consequently, applicants' request to transfer intrastate certificates issued by the State of West Virginia was denied.

MC-FC-79278. By decision of August 3, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to CANNON BROTHERS TRUCKING CO., INC., of Mountain

Home, NC, of Permit MC-129026 (Sub-5F), issued September 13, 1979, to J.C.D. TRANSPORTATION CORP., of East Syracuse, NY, which authorizes the transportation of *such commodities* as are dealt in or used by grocery and food business houses (except commodities in bulk, in tank vehicles), between the facilities of Seneca-Lincoln Foods Division of Seneca Foods Corp., at or near Mountain Home, NC, on the one hand, and, on the other, points in AL, FL, GA, IN, KY, MD, MS, NC, OH, SC, TN, VA, WV, and DC, under continuing contract(s) with Seneca Foods Corp., of Dundee, NY. Representative: Robert L. Whitmire, Jr., Suite 2, Green Building, P.O. Box 928, Hendersonville, NC 28793; and Martin Werner, 888 Seventh Avenue, New York, NY 10106.

Notes.—TA application has not been filed. Transferee is a non-carrier.

#### Decision-Notice

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 247 of the Commission's general rules of practice (49 CFR 1100.247). Special rule 247 was published in the *Federal Register* of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

*Findings:* With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems), we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able

properly to perform the service proposed and to conform to the requirements of title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application or to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Dated: August 21, 1981.

By the Commission, Review Board Number 3, Members Krock, Taylor and Williams.

MC 78926 (Sub-3), filed March 23, 1981. Applicant: CTC VAN LINES, INC., 134-41 Springfield Boulevard, Springfield Gardens, NY 11413. Representative: Bruce Robbins, Jr., Robbins & Newman, P.C. 18 East 48th Street, New York, NY, 10017 (212) 755-9400. Transporting *household goods*, as defined by the Commission, between New York, NY, on the one hand, and, on the other, points in Florida, east of Route 75 and south of Route 24.

Note.—this is a matter directly related to the transfer application in No. MC-FC-79096, CTC Van Lines, Inc., Transferee and Coastal Van and Storage, Inc., of Transferee.

Agatha L. Merganovich,

Secretary.

[FR Doc. 81-24965 Filed 8-25-81; 8:45 am]

BILLING CODE 7035-01-M

#### Motor Carriers; Finance Applications; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:  
Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board Number 3, Krock, Joyce, and Dowell.

MC-FC-79231. By decision of August 11, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to Harbor Cartage, Inc., of Detroit, MI, of Certificate No. MC-149096 issued October 7, 1980, and Permit No. MC-50052 (Sub-No. 1) issued

January 22, 1981, to Seaport Transportation Company, of Detroit, MI, in No. MC-149096, authorizing the transportation of *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Chicago, IL, on the one hand, and, on the other, points in Michigan bounded by and including those points on and east of US Highway 127 commencing at the MI-OH State line and extending north to the intersection of US Hwy 127 and US Hwy 27, those points on and east of US Hwy 27 and extending from the intersection of US Hwys 127 and 27 to the intersection of US Hwy 27 and US Hwy 10, those points on and south of US Hwy 10 beginning at the intersection of US Hwy 27 and US Hwy 10 extending east to US Hwy 10 at Bay City, MI, to Saginaw Bay, and those points otherwise encompassed by the water boundaries of MI including the Saginaw Bay, Lake Huron, St. Clair River, Lake St. Clair, Detroit River and Lake Erie back to the MI-OH state lines, restricted to the transportation of traffic having prior or subsequent movement by rail in rail owned or operated trailers; and, in No. MC-150052 (Sub-No. 11), the transportation of *self contained room air conditioners*, between Jonesville and Detroit, MI, restricted to traffic having a prior or subsequent movement by rail, under continuing contract(s), with York Division, Borg Warner Corp. Applicants' representative: Alex J. Miller, 555 S. Woodward Ave., Suite 512, Birmingham, MI 48011, (313) 647-3350.

MC-FC-79235. By decision of August 14, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to Bremco Mills, Inc. of Permit No. MC-74598 and Certificate Nos. MC-109551 and No. MC-109551 (Sub-Nos. 3, 4 and 5) issued to Miller Trucking, Inc., authorizing in MC-74599 authorizing the transportation over irregular routes of *fertilizer* From Toledo, OH, to points in that port of Indiana east of Indiana Highway 43 and north of Indiana Highway 28, including points in the indicated portion of the highways specified, with no transportation for compensation in return except as otherwise authorized. *Machinery, iron and steel foundry products, metal and wooden patterns, scrap iron and steel*, and other iron and steel mill products, Between Morrison, IN, on the one hand, and, on the other, Detroit, Jackson, and Tecumseh, MI, Chicago, IL, and points in Ohio and Indiana. In No. MC-109551, authorizing

the transportation over irregular routes of glass containers and accessories therefor, plastic bottles, plastic jars and plastic rills. From Gas City, IN to Louisville and Frankfort, KY, St. Louis, MO points in Ohio and Illinois, and those in that part of Michigan in, south, and east of Michigan Highway 46, with no transportation for compensation in return except as otherwise authorized. In No. MC-109551 (Sub-No. 3), authorizing the transportation over irregular routes glass containers and closures for glass containers, From Gas City, IN to points in Kentucky, (except Covington, Bardstown, Oklahoma, Frankfort, Louisville, Clermont and Taylor, TX) with no transportation for compensation in return except as otherwise authorized. In No. MC-109551 (Sub-No. 4), authorizing the transportation over irregular routes of glass containers and closures therefor From the warehouse facilities of Owens-Illinois located at Jeffersonville, Madison, Muncie, Terre Haute, Swayzee, East Chicago, Fort Wayne, and South Bend, IN to St. Louis, MO, points in Kentucky (except Bardstown, Taylor and Clermont), OH and points in that point of Michigan on and south of Michigan Highway 46, with no transportation for compensation in return except as otherwise authorized. In No. MC-109551 (Sub-No. 5), authorizing the transportation over irregular routes of aluminum billets, aluminum pigs, and aluminum scrap, From Booneville, IN to Coldwater, MI, with no transportation for compensation in return except otherwise authorized. Because of duplicates, No. MC-109551 (Sub-No. 6) will be at the request of the applicant coincidental in the issuance of the certificate.

MC-FC-79273. By decision of July 16, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to Ridgefield Park Transport Co., Inc., of Ridgefield Park, NJ, of Permit No. MC-145277 (Sub-No. 3F), issued June 22, 1979, to P & P Trucking Company, Inc., of Ridgefield Park, NJ, authorizing the transportation of general commodities (except household goods as defined by the Commission and Classes A and B explosives), between points in the United States, under continuing contract(s) with Pepsi-Cola Manufacturing Company, Inc., of San Juan, Puerto Rico. Representative is: Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006.

Notes: (1) Application for TA has not been filed; (2) Transferee is a motor carrier operating under No. MC-150542 and sub-numbers thereunder; (3) Transferee and transferor are commonly controlled.

MC-FC-79281. By decision of August 11, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to Contract Systems, Inc. of Greenwood, IN 46142 of Permit No. MC-153028 issued to Daniel L. Bogard D/B/A Bogard Distributing of Greenwood, IN authorizing the transportation of general commodities (except A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the United States, under continuing contract(s) with Hoover Universal, Inc., of Georgetown, KY. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. TA lease is not sought. Transferee is not a carrier.

MC-FC-79294. By decision of August 13, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to Artim Transportation System, Inc. of Atlanta, GA of Certificate No. MC-41406 and sub-nos. thereof issued to Artim Transportation System, Inc. of Merrillville, IN authorizing general commodities and various specified commodities over regular and irregular routes between various points in the United States. Representative: Alki E. Scopelitis, 100 Merchants Plaza, Indianapolis, IN 46204. TA lease is not sought. Transferee is not a carrier.

MC-FC-79297. By decision of August 11, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to Jerry Newman and Son, Limited, of Cotton, Ontario, Canada, of Certificate No. MC-112991 (Sub-No. 4) issued to Livingston Transportation, Limited, of Tillsonburg, Ontario, Canada, authorizing: dry bulk commodities in dump vehicles between ports of entry on the International Boundary Line between the United States and Canada, on the one hand, and, on the other, points in Michigan and Ohio, restricted against the transportation of traffic originating at or destined to Niagara Falls, ON. Representative: Harold G. Hernly, Jr., 110 S. Columbus St., P.O. Box 1281, Alexandria, VA 22313. TA lease is not sought. Transferee is a carrier, holding authority under No. MC-149310.

MC-FC-79298. By decision of August 11, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to Jack N. Stont, Inc., d/b/a Through Transportation, of Glen Arm, MD of Permit No. MC-148471 (Sub-No. 2F) issued to Through Transportation, Inc., of Port Deposit, MD, authorizing:

metal fireplaces, and materials, equipment, and supplies used in the manufacture of metal fireplaces, between Baltimore, MD, and Union City, TN, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under continuing contract(s) with Superior Fireplace Company, of Baltimore, MD. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. TA lease is sought. Transferee is not a carrier.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 81-24894 Filed 8-25-81; 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 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.

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. OPI-237

Decided: August 19, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 157650, filed August 10, 1981.  
Applicant: PERRY D. MERKEL, RR 5269, Great Falls, MT 59401. Representative: Perry D. Merkel (same address as applicant) (406) 965-3137. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 157681, filed August 13, 1981.  
Applicant: DOUBLE E. REFRIGERATED TRUCK LINE, INC., 5905 Lamar, Kansas City, KS 66202. Representative: Tom B. Kretsinger, 20 East Franklin, P.O. Box 258, Liberty MO 64068 (816) 781-6000. Transporting, for or on behalf of the United States Government, *general commodities* (except used household

goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

#### Volume No. OPY-5-132

Decided: August 18, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 55889 (Sub-75), filed July 30, 1981.  
Applicant: AAA COOPER TRANSPORTATION, P.O. Box 8827, Dothan. Representative: Kim D. Mann, 7101 Wisconsin Ave., Washington, D.C. 20014 (301) 986-1410. Transporting *general commodities*, between Summerfield, NC, on the one hand, and, on the other, points in the U.S.

**Note.**—Applicant intends to tack this authority with its existing regular-route authority. The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

MC 143568 (Sub-5), filed July 28, 1981.  
Applicant: SIMMONS TRUCKING, INC., Glenwood, MO 63541. Representative: Donald R. Simmons (same address as applicant) (816) 457-3716. Transporting *general commodities* (except classes A and B explosives), between Brashear, Hurdland, Edina, Knox City, LaBelle, Lewistown, Tolona, Ewing, Maywood, Taylor, Unionville, Lemon, Pollock, Cora, Milan, Browning, Purdin, and Linneus, MO, Astoria, Bradford, Easton, Teheran, Mason City, and New Holland, IL, Shubert, NE, Keystone, SD, Downer and Varco, MN, Terril, Langdon, Ayrshire, Curlew, Kensett, and Northwood, IA, Drakesboro, Browder, Beechmont, Penrod, Dunmor, Diamond Springs, Lewisburg, Edwards, Epleys, and Danby, KY, and Clintonville, Big Falls, Marion, Split Rock, Tigerton, Whitcomb, and Wittenberg, WI, on the one hand, and, on the other, points in the U.S.

**Note.**—The sole purpose of this application is to substitute motor carrier service for completely abandoned rail service. Condition: Approval of this authority is conditioned upon applicant certifying to the Commission, prior to commencing operations, that all rail service has actually terminated at all of the involved points.

MC 157399, filed July 29, 1981.  
Applicant: CLAYTON W. & WAVERLY HARRIS, Box 125, Browning, MO 64630. Representative: Clayton W. Harris (same address as applicant) (816) 940-4533. Transporting *general commodities* (except classes A and B explosives) between Brashear, Hurdland, Edina, Knox City, LaBelle, Lewistown, Tolona, Ewing, Maywood, Taylor, Unionville, Lemon, Pollock, Cora, Milan, Browning, Purdin, and Linneus, MO, Bradford, Astoria, Easton, Teheran, Mason City, and New Holland, IL, Shubert, NE, Keystone, SD, Downer and Varco, MN,

Terril, Langdon, Ayrshire, Curlew, Mallard, Manley, Kensett, and Northwood, IA, Drakesboro, Browder, Beechmont, Penrod, Dunmor, Diamond Springs, Lewisburg, Edwards, Epleys, and Danby, KY, and Clintonville, Big Falls, Marion, Split Rock, Tigerton, Whitcomb, and Wittenberg, WI, on the one hand, and, on the other, points in the U.S.

**Note.**—The sole purpose of this application is to substitute motor carrier service for completely abandoned rail service. Condition: Approval of this authority is conditioned upon applicant certifying to the Commission, prior to commencing operations, that all rail service has actually terminated at all of the involved points.

MC 157589, filed August 5, 1981.  
Applicant: KINGS VALLEY MOVING & STORAGE, INC., d.b.a. VALLEY MOVING & STORAGE, 18369 Iona Ave., Lemoore, CA 93245. Representative: Frank Richard Homan (same address as applicant) (209) 924-9201. Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 157579, filed August 6, 1981.  
Applicant: WENDELL W. SPENCER, 128 Babcock, Owosso, MI 48867. Representative: Wendell W. Spencer (same address as applicant) (517) 723-5665/6984. 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. 81-24861 Filed 8-25-81; 8:45 am]  
BILLING CODE 7035-01-M

#### [Volume No. 149]

#### Motor Carriers; Permanent Authority Decisions; Restriction Removals Decision-Notice

Decided: August 21, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

#### Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer, Agatha L. Mergenovich, Secretary.

MC 119928 (Sub-13)X, filed August 6, 1981. Applicant: C & E TRUCKING CORPORATION, 1818 West Sample Street, South Bend, IN 46619. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Applicant seeks to remove restrictions from its lead and Sub-Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, and 12 certificates to: In its lead certificate, regular route portion, broaden the commodity description from paper cartons or boxes (other than corrugated to "pulp, paper and related products," from fresh fruits and vegetables to "food and related products"; expand the off-route point of La Porte, IN, to La Porte County, IN; authorize service at all intermediate points; replace existing one-way authority with a two-way movement; remove restrictions limiting service to or from warehouses, plants, or other facilities of meat packinghouses; in the irregular-route portion, broaden the commodity description from meats, meat products, and meat by-products, dairy products, and articles distributed by meat-packing houses, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, to "food and related products" from dairy products as described in section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, yeast and frozen foods to "food and related products" from packinghouse products as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, fresh meat, groceries, and fixtures used by retail butcher shops, to "food and related products, and fixtures

used by retail butcher shops"; wherever they appear in the irregular route portion of the lead, change Mishawaka to St. Joseph County, IN and South Bend, IN, and a plant site at South Bend to St. Joseph County, IN, and Berrien County, MI; Chicago, IL, to Cook, Lake, DuPage, Will, Counties, IL, and Lake and Porter Counties, IN; and Elkhart, IN, to Elkhart County, IN; remove restrictions limiting service to or from the warehouse, plants, or other facilities of meat packinghouses; and expand existing one-way authority to radial authority; In Sub-Nos. 1, 2, 3, 4, 5, 6, 8, 9, broaden the commodity description meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and various specified foodstuffs to "food and related products" in Sub-No. 7, broaden baby clothing and baby supplies when moving in mixed loads with groceries to "textile mill products, rubber, plastic and glass products, food and related products, and paper and related products"; in Sub-No. 12, foodstuffs to "food and related products"; replace facilities limitations with county-wide authority as follows: in Sub-No. 1, facilities at Rochelle with Ogle County, IL; in Sub-No. 2, facilities at Bradley and Kankakee with Kankakee County, IL; in Sub-No. 3, facilities at Momence with Kankakee County, IL; in Sub-No. 4, facilities at Sterling with Whiteside County, IL; in Sub-No. 5, facilities at Monmouth with Warren County, IL; in Sub-No. 8, facilities at Bureau with Bureau County, IL; in Sub-No. 9, facilities at Logansport with Cass County, IN; in Sub-No. 12, facilities at Elk Grove Village with Cook County, IL; in Sub-Nos. 6, and 7, replace city authority with county wide authority as follows: Chicago, IL, to Cook, Lake, Will Counties, IL, and Lake and Porter Counties, IN; Fremont with Sandusky County, OH; Fort Wayne with Allen County, IN; Kalamazoo with Kalamazoo County, MI; Fremont, MI, with Newaygo County, MI; eliminate the following restrictions where they exist: (a) in packages, (b) in bulk, in tank vehicles, (c) except hides, (d) size and weight, (e) in mixed loads and (f) "originating and/or destined to "restrictions; and replace existing one-way authority with radial authority. Applicant also seeks to remove a tacking restriction in its Sub-No. 4, which prevents it from performing a through service via Sterling, IL.

MC 121060 (Sub-13)X, filed August 3, 1981. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham,

AL 35201. Representative: Ronald F. Harris (same as applicant). Applicant seeks to remove restrictions in its Sub Nos. 100 and 125 certificates to (1) broaden the commodity description to "metal products and pipe" from iron and steel articles and pipe in part (1) and (2) of Sub-No. 125, and from materials, equipment, and supplies used in the manufacture and distribution of iron and steel articles and pipe to those used in the manufacture and distribution of metal products and pipe in part (2) of Sub-No. 125; (2) delete the restriction to traffic originating at or destined to named facilities in Sub-No. 100 (3) remove the facilities limitation in Sub-No. 100, (4) remove the "except commodities in bulk" restriction in Sub-Nos. 100 and 125, (5) remove the AK and HI restriction in Sub-No. 125, (6) remove restriction to traffic having a prior or subsequent movement by rail or water in Sub-No. 100, and authorize radial service in part (1) of Sub-No. 125F between points in Bay County, FL, and points in the U.S.

MC 127187 (Sub-57)X, filed June 22, 1981 and noticed in the *Federal Register* of July 16, 1981, republished as corrected in this issue. Applicant: FLOYD DUENOW, INC., P.O. Box 86, Savage, MN 55378. Representative: James B. Hovland, 525 Lumber Exchange Building, Ten South Fifth Street, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its Sub-Nos. 1, 12, 13, 15, 16, 19, 21, 23, 26, 29, 32, 33, 38, 39, 43, 46, 47, 48, 49, 50, and 53 certificates to (1) broaden its commodity descriptions (a) in portions of Sub 1 and portions of Sub-Nos. 16, 12, 23, 29, 38, 39, 50, from animal and poultry feeds, feed ingredients and animal and poultry feed ingredients, dry animal feed, dry poultry feed, dry animal feed ingredients and dry poultry feed ingredients to "farm products"; (b) in portions of Sub-Nos. 1, 13, 43, and 47 from dry fertilizer, dry fertilizer ingredients, dry urea, fertilizer, fertilizer ingredients, fertilizer materials to "farm products and chemicals and related products"; (c) in a portion of Sub 1, from grain augers, steel buildings, storage bins, grain dryers and corn cribs, knocked down and in sections and component parts, materials and supplies, fixtures and accessories used in the construction and erection thereof to "farm products, machinery and metal products"; (d) in Sub-No. 15, from limestone and dicalcium phosphate to "farm products"; (e) in a portion of Sub-No. 16 from dog and cat food and milk replacer and dried molasses to "farm products and food and related products"; (f) in Sub-No. 19, 21, 46, 49, and 53 from agricultural chemicals to

"chemicals and related products"; (g) in Sub-No. 26 from lumber to "lumber and wood products"; (h) in Sub-No. 32 from dolomite and dolomite products to "ores and minerals, and clay, concrete, glass and stone products"; and (j) in Sub-No. 33 from dry corn and soybean products to "farm products and food and related products"; (2) remove restrictions in Sub-Nos. 1, 12, 16, 19, 21, 33, 38, 39, 46, 49, 50 and 53 against the transportation of commodities in bulk, in tank vehicles; liquid commodities in bulk, in tank vehicles; in bulk; and liquids in bulk, in tank or hopper type vehicles; (3) replace facilities restrictions with city-wide and/or county-wide authority (a) in Sub-No. 1, part (D), Sioux City, IA with Woodbury and Plymouth Counties, IA, (b) in Sub-No. 1, part (E), Omaha, NE with Douglas, Sarpy and Washington Counties, NE; (c) in Sub-No. 1, part (F) York and Columbus, NE, Sioux Falls, SD and Hull, IA with York and Platte Counties, NE, Minnehaha County, SD and Sioux County, IA, (d) in Sub-No. 12 East Grand Forks, Crookston, Moorhead and Renville, MN with Polk, Clay and Renville Counties, MN; (e) in Sub-No. 15, Weeping Water, NE with Cass County, NE; (f) in Sub-No. 16, part (1), Belmond, IA with Wright County, IA and in Sub-No. 16, part (3), Owatonna, MN with Steele County, MN; (g) in Sub-No. 21, Des Moines, Clinton, Fort Dodge, Clarence, Muscatine, Sergeant Bluff, Sheldon and Mason City, IA with Polk, Warren, Madison, Dallas, Clinton, Webster, Cedar, Muscatine, Woodbury, Sioux, O'Brien and Cerro Gordo Counties, IA; (h) in Sub-No. 23, Emporia, KS with Lyon County, KS; (i) in Sub-No. 29, Culbertson, MT with Roosevelt County, MT; (j) in Sub-No. 33, North Kansas City, MO with Clay County, MO; (k) in Sub-No. 43, Mason City, IA with Cerro Gordo County, IA; (4) remove the facilities restrictions (a) in Sub-No. 1, paragraph (I) restricting service against the transportation of traffic from Port Cargill, MN; (b) in Sub-No. 19 restricting service from Muscatine, IA to the facilities of the Monsanto Company; (c) in Sub-No. 33 restricting service from the Archer Daniels Midland Company facilities in North Kansas, MO, (d) in Sub-No. 43, restricting service from the Land O'Lakes Agricultural Services Division facilities at or near Mason City, IA; (5) remove originating at or destined to restrictions in Sub-Nos. 1, 19, 26, 33, 38F and 53F; (6) replace a specified port of entry on the International Boundary line between the U.S. and Canada in MN with all ports of entry in MN; (7) remove a restriction to interstate commerce only in Sub-No. 1; (8) remove restriction in Sub-No. 19 limiting service

to points in the provinces of Alberta, Saskatchewan and Manitoba, Canada; and (9) remove the restriction in Sub-No. 21 against the transportation of traffic originating at points in IL and NE within the commercial zone of the named IA points in that certificate. The purpose of this republication is to correct certain proposed territorial modifications.

MC 129742 (Sub-15)X, filed May 20, 1981, previously notice in the Federal Register of June 9, 1981, republished as follows: Applicant: PUROLATOR COURIER LTD., Valhalla Executive Center, 304 The East Mall, Islington, Ontario, Canada M9B 6C7. Representative: Peter A. Greene, 1920 N Street, NW., Suite 700, Washington, DC 20036. Applicant seeks to remove restrictions in its Sub-Nos. This Board previously broadened these certificates by (1) removing all exceptions to the general commodities authority except classes A and B explosives, (2) eliminating size and weight restrictions, and replacing authority to serve specific ports of entry with authority to serve any port of entry in 6 states. Applicant also sought to remove a dual operating imposed restriction precluding service to banks and a restriction against providing service to persons served under contract by applicant or its affiliates. This was proper under the restriction removal rules, but through administrative oversight the Board failed to include these restrictions among those to be removed in its federal register caption summary. The Restriction Removal Board has decided to renotice the application with respect to removal of the dual operating type restrictions. Notice is hereby given that applicant seeks to remove the above-noted restrictions wherever these restriction appear in the above-referenced certificates.

MC 133095 (Sub-306)X, filed July 22, 1981, previously noticed in the Federal Register of August 7, 1981, republished as follows: Applicant: TEXAS CONTINENTAL EXPRESS INC., 2002 Continental Life Building, Fort Worth, TX 76102. Representative: Marshall Krage, 1919 Pennsylvania Ave. NW., Suite 300, Washington, DC 20006. Applicant seeks to remove restrictions in its Sub-Nos. 304X certificate to broaden authority to serve (1) Houston, TX to Harris, Ft. Bend, Montgomery and Chambers Counties, TX; (2) El Paso, TX to El Paso County, TX and Dona Ana and Otero Counties, NM (3) Louisville, KY to Jefferson County, KY and Floyd, Clark, and Harrison Counties, IN; (4) Minneapolis, MN to Hennepin, Ramsey, Anoka, Washington, Dakota, Carver, and Scott Counties, MN; (5) Fort Worth,

TX to Denton, Tarrant, Johnson, Dallas and Parker Counties (6) Toledo, OH to Lucas, Wood, and Ottawa Counties, OH, and Monroe and Lenawee Counties, MI (7) Dallas, TX to Dallas, Denton, Tarrant, Rockwall, Kaufman, Collin, and Ellis Counties, TX; (8) Buffalo, NY to Erie and Niagara Counties, NY; (9) Atlanta, GA to Gwinnett, Douglas, DeKalb, Clayton, and Cobb, (10) Memphis, TN to Shelby and Tipton Counties, TN, Crittenden County, AR, and Desoto County, MS; (11) Detroit, MI to Wayne, Macomb, Washtenaw, Oakland, and Monroe, Counties, MI, (12) Birmingham, AL to Jefferson, Shelby, and St. Clair, Counties, AL; (13) Portland, OR to Multnomah, Clark, Washington, Clackamas, and Yamhill Counties, OR; (14) Fort Wayne, IN to Evansville, IN to Allen, Webb, Adams, Whitley, DeKalb, Noble, Vanderburgh, Warrick, Posey, and Spencer Counties, IN and Henderson and Davies Counties, KY; (15) Alexandria, New Orleans, Lafayette, and Baton Rouge, LA to Rapides, LaSalle, Grant, Avoyelles, Orleans, St. Bernard, Plaquemines, St. John the Baptist, St. Charles, Jefferson, West Baton Rouge, East Baton Rouge, Ascension, Iberville, Livingston, Lafayette, St. Martin, and Acadia Parishes, LA and Hancock County, MS, (16) New Orleans, LA to St. Bernard, Plaquemines, Orleans, St. John the Baptist, St. Charles and Jefferson Parishes, LA, and Hancock County, MS, (17) Indianapolis, IN to Marion, Hancock, Shelby, Johnson, Hamilton, Boone, Hendricks, and Morgan Counties, IN; (18) Nashville, IN to Davidson, and Williamson, Counties, TN; (19) Mobile, AL to Mobile County, AL; (20) South Texarkana, TX to Bowie County, TX and Miller County, AR; (21) Grand Rapids, MI to Muskegon, Ottawa, and Kent Counties, MI; and (22) Jackson, MS to Rankin, Madison and Hinds Counties, MS; (23) Peoria, IL to Peoria, Tazewell, Marshall, and Woodford Counties, IL. The purpose of this republication is to include additional counties in the territorial expansion of named points as follows: (1) include Denton County, TX (Fort Worth, TX); (2) include Gwinnett and Douglas Counties, GA (Atlanta, GA); (3) include Washtenaw County, MI (Detroit, MI); and (4) include Hancock County, MS (New Orleans, LA).

MC 134790 (Sub-9)X, filed July 31, 1981. Applicant: DANIEL C. HAFFNER, d.b.a. TRUCKING SERVICE, Rural Route 1, Farmington, IA 52626. Representative: Ronald R. Adams, 600 Hubbell Building, Des Moines, IA 50309. Applicant seeks to remove restrictions in its Sub-Nos. 2, 6F, and 7F certificates

to (A) broaden the commodity description to (1) "metal products, machinery and lumber and wood products" from (a) steel grain bins and livestock buildings, steel grain handling equipment, steel buildings, steel trusses and buildings frames, and lumber, and parts and accessories for each of the commodities described above and materials, equipment, and supplies (except commodities in bulk) used in the manufacture, processing, sale and distribution of commodities described above, in Sub-No. 2; and (2) "transportation equipment" from iron and steel railway car and locomotive wheels, in Sub-Nos. 6F and 7F; (B) remove the "except commodities in bulk" restriction, in Sub-No. 2 (part 2); (C) remove the restriction (1) limiting service to the transportation of traffic originating at or destined to named points and (2) prohibiting service to AK and HI, in Sub-Nos. 2 and 6F; (D) authorize county-wide authority to replace existing facilities or city-wide authority: (1) Lee and Henry Counties, IA, for Houghton, IA, in Sub-No. 2; and (2) Lee County, IA, Clark County, MO and Hancock County, IL, for Keokuk, IA, in Sub-Nos. 6F and 7F; and (E) authorize radial authority to replace existing one-way authority between points in States throughout the U.S., in all certificates.

MC 142935 (Sub-24)X, filed August 3, 1981. Applicant: PLASTIC EXPRESS, 2301 Francis Street, Ontario, CA 91761. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633. Applicant seeks to remove restrictions in its Sub-Nos. 9F, 12F, and 15F certificates to (1) broaden the commodity description in Sub-No. 9F from petroleum products to "petroleum, natural gas and their products"; and (2) broaden the territorial description from one-way to radial authority in Sub-Nos. 9F, 12F and 15F.

MC 144069 (Sub-31)X, filed July 31, 1981. Applicant: FREIGHTWAYS, INC., P.O. Box 5204, Charlotte, NC 28225. Representative: W. T. Towbridge (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 1F, 3F, 5F, 9F, 11F, 19F, 20F, 22F and 24F certificates to (1) broaden the commodity descriptions (a) from prestressed concrete building members in Sub-No. 1F to "building materials"; (b) from prestressed concrete building members, materials required in the manufacture of prestressed concrete building members (except commodities in bulk), and equipment employed in the erection and transportation of prestressed concrete building members in Sub-No. 3F, to "building materials, materials required in the manufacture of building materials,

and equipment employed in the erection of building materials"; (c) from iron and steel articles in Sub-Nos. 5F, 9F, and 24F, to "metal products"; (d) from iron and steel articles, aluminum articles and plastic articles, in Sub-No. 19F, to "metal products, and rubber and plastic products"; (e) from precast and prestressed structural concrete products and materials, supplies, and equipment used in the manufacture and erection of structural concrete products (except commodities in bulk), in Sub-No. 20F, to "building materials, and materials, supplies and equipment used in the manufacture and erection of building materials"; and (f) from iron and steel articles, machinery, and machinery parts in Sub-No. 22F, to "metal products, machinery products, and machinery parts"; (2) remove facilities limitations at and/or replace (a) Charlotte, NC, with Mecklenburg County, NC, in Sub-Nos. 1F and 3F; (b) Charlotte and Raleigh, NC, with Mecklenburg and Wake Counties, NC, Aiken and Seneca, SC, with Aiken and Oconee Counties, SC, and Bristol, TN, with Sullivan Counties, TN in Sub-No. 5F; (c) Muirkirk, MD, with Prince Georges County, MD in Sub-No. 11F; (d) Hickory, Charlotte, Winston Salem, Greensboro, Colfax, Wilson, Wilmington, and Burlington, NC, with Catawba, Mecklenburg, Forsyth, Guilford, Wilson, New Hanover, Brunswick, and Alamance Counties, NC, Augusta, Duluth, and Savannah, GA, with Richmond, Gwinnett and Chatham Counties, GA, Columbia, Taylor, Charleston, and North Charleston, SC, with Richland, Lexington, Greenville, Dorchester, Charleston, Beaufort, and Jasper Counties, SC, and Jacksonville, FL, with Duval and Clay Counties, FL, in Sub-No. 19; (e) Greensboro, Hoffman, Colfax, Morganton, Wilmington, and Raleigh, NC, with Guilford, Richmond, Burke, New Hanover, Brunswick and Wake Counties, NC, Columbia, Charleston, Sumter, and Georgetown, SC, with Richland, Lexington, Charleston, Sumter, Georgetown and Charleston Counties, SC, in Sub-No. 20; and (f) Niles, OH, with Trumbull County, OH, Pulaski and Pittsburgh, PA, with Lawrence and Allegheny Counties, PA, Youngstown and Hicksville, OH, with Mahoning and Defiance Counties, OH, Bedford Park, IL, with Cook County, IL, Butler, IN, with DeKalb County, IN, Berkley Springs, WV, with Morgan County, WV, Hagerstown, MD with Washington County, MD, Benton, AR, with Saline County, AR, and Kings Mountain, NC, with Cleveland County, NC, in Sub-No. 22F; and (3) replace one-way radial authority in Sub-No. 1F.

MC 146303 (Sub-10)X, filed August 3, 1981. Applicant: COLO-TEX INDUSTRIES, INC., 1325 West Quincy Avenue, Englewood, CO 80110. Representative: William J. Lippman, Steele Park, Suite 330, 50 South Steele Street, Denver, CO 80209. Applicant seeks to remove restrictions in its Sub-Nos. 7, 8 and 9 certificates to (1) broaden the commodity description to "food and related products" from (a) alcoholic beverages (except in bulk), in Sub-No. 7, (b) foodstuffs (except in bulk, in tank vehicles) and alcoholic beverages, and wines, in Sub-No. 8, and (c) meats, meat byproducts and articles distributed by meat packinghouses (except hides and commodities in bulk, in tank vehicles), in Sub-No. 9; (2) authorize county-wide authority to replace existing facilities or city-wide authority: (a) Salt Lake County, UT, and Laramie County, WY, for facilities at Salt Lake City, UT, and Cheyenne, WY, in Sub-No. 7, (b) Denver, Adams, Douglas, Arapahoe and Jefferson Counties, CO, for Denver, CO, in Sub-Nos. 8 and 9, and (c) Laramie County, WY, for Cheyenne, WY, in Sub-No. 8; and (3) authorize radial authority to replace existing one-way authority.

MC 146709 (Sub-4)X, filed July 31, 1981. Applicant: BILLY M. EDMONDSON d.b.a. EDMONDSON SWIFT MEAT TRANSPORT, P.O. Box 86, Georgetown, GA 31754. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. Applicant seeks to remove restrictions in its MC-146709F and Sub-Nos. 1F and 3F certificates, and MC-144461F and Sub-Nos. 3F and 4F permits, to (1) broaden commodity descriptions (a) from insulators and insulator parts in the lead certificate, from electrical lighting fixtures and equipment, and parts and accessories thereof in Sub-1F certificate, and from electrical lighting fixtures and equipment and parts and accessories thereof, in Sub-No. 3F certificate, to "machinery and electrical equipment" and (b) from meat, meat products, and articles distributed by meat-packinghouses in the lead permit, from foodstuffs in Sub-No. 3F permit, and from meats, meat products, and meat by-products, and articles distributed by meat-packinghouses, in Sub-4F permit, to "food and related products"; (2) change city to county-wide authority (a) in lead certificate from Sandersville, GA, to Baldwin and Washington Counties, GA, (3) in Sub-Nos. 1F and 3F certificates remove facilities limitation and replace Eufaula, AL, and Americus, GA, with Barbour County, AL, and Sumter County, GA; and (4) broaden territorial description to between points in the United States

under continuing contracts with named shippers in all permits; (5) change one-way to radial in all certificates; (6) remove restrictions against commodities in bulk in Sub-3F certificate and in lead and Sub-No. 4F permits; (7) remove restrictions against hides in lead and Sub-4F permits; and (8) remove limitation to vehicles equipped with mechanical refrigeration in Sub-3F permit.

MC 147524 (Sub-8)X, filed August 11, 1981. Applicant: SINED LEASING, INC., 106 High Street, Mount Holly, New Jersey 08060. Representative: Daniel J. Sweeney and Steven J. Kalish, 1750 Pennsylvania Avenue, NW, Washington, D.C. 20006. Applicant seeks to remove restrictions in its Sub-No. 2 M1 permit to broaden the territorial descriptions to between points in the US under continuing contract(s) with named shippers.

MC 148971 (Sub-5)X, filed July 30, 1981, previously noticed in the Federal Register August 18, 1981, republished as follows: Applicant: YOUNG'S EXPRESS, INC., 1501 N. Warwick Ave., Baltimore, MD 21216. Representative: Brian S. Stern, 5411-D Backlick Rd., Springfield, VA 22151. Applicant seeks to remove restrictions in its MC-134280 Sub-Nos. 1F, 4F, 6F, and 8F permits and MC-148971F certificate to (1) broaden the commodity description from meats, packinghouse products, and commodities used by packinghouse (except commodities in bulk in tank vehicles), as described in Section A of Appendix I to the report in descriptions in Motor Carrier Certificates, 67 M.C.C. 209 and 766, seasoning or spices, advertising matter, forms, racks, signs and store displays, and commodities used in the manufacture, sale, or distribution of meats and packinghouse products as described above, to "such commodities as are dealt in or used by manufacturers or distributors of food and related products" in Sub-No. 1; from such commodities as are dealt in by manufacturers of power tools to "such commodities as are dealt in or used by manufacturers or distributors of machinery" and from empty used containers, used trailers, and used trailer chassis, to "containers, trailers and trailer chassis" in Sub-No. 4; from ferrous scrap metals to "waste or scrap materials not identified by industry producing" in Sub-No. 6; from cold rolled and galvanized steel, in coils, rolled and galvanized steel, in sheets and in coils, and rolled steel to "metal products" in Sub-No. 8; (2) remove "except in bulk" in Sub-No. 4; (3) remove a requirement of a prior or subsequent movement by water or rail

in Sub-No. 4 and MC-148971F; and (4) broaden the territory descriptions in each permit to between points in the U.S. under continuing contract(s) with named shippers. The purpose of this republication to correct a commodity description for Sub-No. 4 which was omitted in the original publication.

MC. 150127 (Sub-4)X, filed August 3, 1981. Applicant: COMMANCHE EXPRESS LINES, INC., P.O. Box 451, Jeffersonville, IN 47130. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Applicant seeks to remove restrictions in its Sub-No. 1F certificate to broaden the commodity description to "clay, concrete, glass or stone products" from agricultural gypsum, limestone, and decorative stone (except commodities in bulk).

MC. 150767 (Sub-1)X, filed August 18, 1981. Applicant: SMITH & CALDWELL TRUCKING, INC., 404 Wayne Ave., Pine Beach, NJ 08741. Representative: Ronald I. Shaps, 450 Seventh Ave., New York, NY 10123. 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. 81-24962 Filed 8-25-81; 8:45 am]

BILLING CODE 7035-01-M

#### Long-and-Short-Haul Application for Relief (Formerly Fourth Section Application)

August 21, 1981.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. within 15 days of the date of publication of the notice.

No. 43933, Southwest Freight Bureau, Agent, (B-130), rates on sand, industrial, etc., from Guion and Van Buren, AR, Crystal City, Ludwig and Pacific, MO, Mill Creek and Roff, OK, and Kosse and Marquez, TX to stations in Southern Freight Association Territory. Rates are published in Supplement 197, ICC SWFB 4319, effective September 14, 1981. Grounds for relief: Additional revenue to offset increased operating costs.

By the Commission,  
Agatha L. Mergenovich,  
Secretary.

[FR Doc. 81-24960 Filed 8-25-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 21511]

#### Norfolk & Western Railway Co.—Lease etc. Wabash Railroad Co., et al.; Sixth Supplemental Decision and Notice of Exemption

By our decision served August 19, 1980, we authorized Norfolk and Western Railway Company (N&W) to extend the period of its lease of the property of Wabash Railroad Company for a third eight-year term to commence on October 16, 1980.

Upon examination of the record in this proceeding, it has come to our attention that the Commission inadvertently failed to give proper notice of N&W's proposal. Moreover, N&W did not certify to the Commission that it served copies of its proposal on the Governor and other designated state officials of each state in which the rail properties subject to the transaction are situated pursuant to 49 U.S.C. 11344(a). Because the required notices were not given, we have decided to reopen this proceeding pursuant to 49 U.S.C. 10327(g).

Subsequent to our August 1980 decision, our revised Railroad, Acquisition, Control, Merger, Consolidation Project, Trackage Rights and Lease Procedures, 49 CFR 1111 took effect (on October 23, 1980). Those rules exempt from our prior review the renewal of leases previously approved by the Commission, and transactions within a corporate family that do not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family. See 49 CFR 1111.5(c) (3) and (4).

Because N&W's petition appears to seek only the renewal of a lease previously approved and within a corporate family, N&W's petition should be processed under the revised rules. Accordingly, we are treating N&W's proposal as a notice of exemption on our own motion. See 49 U.S.C. 10505(b). Naturally, as with all exemptions, we have the authority to revoke the exemption at any time pursuant to 49 U.S.C. 10505(d) and 49 CFR 1111.4(g)(3).

It is ordered:

1. This proceeding is reopened for further consideration.
2. This decision shall be effective on the date of publication in the Federal Register.

Decided: August 18, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham,

and Gilliam, Commissioner Gresham did not participate.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 81-24826 Filed 8-25-81; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-C-10800]

**Petition for Declaratory Order—  
Interpretation of Used Pallet,  
Container, and Shipping Devices  
Exemption**

**AGENCY:** Interstate Commerce  
Commission.

**ACTION:** Notice of declaratory order  
proceeding.

**SUMMARY:** Petitioners seek a ruling to determine the effect of Section 7(c) of the Motor Carrier Act of 1980 [48 U.S.C. 10526(a)(11)] on the following matters:

1. Whether tariff provisions which provide for the free return of pallets as incidental to the outbound movement of the involved commodities remain subject to regulation by the Commission?

2. Whether the terms "used empty shipping containers (including intermodal cargo containers) and other used shipping devices" embrace bogies, chassis, trailers, vehicles or vans, whether detached or attached?

3. Whether used electric cable reels are exempt?

4. Whether tariff rules may provide for inclusion of exempt commodities in determining the applicable weight on the regulated commodity in a mixed shipment?

**DATE:** Comments are due October 13, 1981.

**ADDRESS:** Send an original and, if possible, 15 copies of comments to: MC-C-10800, Room 5416, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423.

Send one copy of comments to petitioners' representatives: William E. Kenworthy, Robert G. Gawley, and Sherman D. Schwartzberg, 4045 Pecos, Denver, Colorado 80217.

**FOR FURTHER INFORMATION CONTACT:** Nancy Hurley, (202) 275-7907, or Donald J. Shaw, Jr., (202) 275-7292.

**SUPPLEMENTARY INFORMATION:** Section 7(c) of the Motor Carrier Act of 1980 (Pub. L. 96-296, 94 Stat. 797) amended 49 U.S.C. 10526(a), by the following new paragraph, which exempts motor vehicle transportation of:

(11) used pallets and used empty shipping containers (including intermodal cargo containers), and other used shipping devices (other than containers or devices used in the transportation of motor vehicles or parts of motor vehicles).

Petitioners represent four motor carrier rate bureau and have requested us to interpret the scope of the new exemption and its impact upon certain rate and operating rights matters.

Petitioners submit that it is unclear in light of the new exemption whether rates applicable to the movement of regulated commodities may continue to provide for the free return of pallets or, conversely, whether these provisions should be removed from all existing rate items. Correspondingly, they contend that the cancellation of these tariff provisions would have a substantial impact upon the quality, quantity, and value of service offered under existing rate items. They further question whether carriers may lawfully file new tariffs which contain provisions for the free return of pallets or shipping devices.

Petitioners likewise suggest that, without additional clarification, the relationship of the exempt to the "mixed load" provisions (section 21 of the Motor Carrier Act) is ambiguous, and carriers are unsure whether they may compute rates according to aggregate commodity weights or solely on regulated commodity volumes.

Finally, petitioners submit that the exemption remains open to varying interpretations of what instrumentalities come within the definition of "used empty shipping containers and other used shipping devices" and that additional guidance on these matters is necessary to achieve uniform applicability and construction. Issues raised in this context involve the following: (1) whether such items as "bogies, chassis, trailers, vehicles, or vans" are covered by the exemption; (2) whether the nature of the under-carriage as attached or detached changes an instrumentality's qualification; (3) whether a trailer, moving as an article of commerce, is included; and (4) whether certain items like trailer bogies and electric cable reels, which may serve as multi-purpose items (both as a shipping device or as part of a shipping device) are subject to regulation. Petitioners take the position that bogies and cable reels should remain subject to regulation.

For clarification of these issues, it is important to consider the foundation upon which the exemption has evolved. This is especially true, since there is very little guidance available on the legislative intent behind the exemption. The available legislative language on section 7(c) is contained in the House Committee on Public Works and Transportation Report on H.R. 6418, H.

Rep. 96-1069, 96th Cong., 2 Sess., at pages 19 and 20.<sup>1</sup>

In the early days of regulation, the Commission found that the movement of used empty trailers and shipping devices required authority. Beginning about 1960, the Commission began a process of reversing that view. In Ex Parte No. MC-53, *Interpretation of Operating Rights—Returned Containers*, 82 M.C.C. 677 (1960), the Commission interpreted all certificates and permits as impliedly authorizing the return transportation of such items as empty boxes, crates, pallets, other containers and shipping devices of a similar nature, and dunnage, which were used in the outbound transportation of an authorized commodity. This determination resulted from the Commission's view that the return movement of these commodities was incidental to the original commodity movement.

Even prior to this determination, however, exceptions to the requirement for specific authority for return movements of containers and shipping devices already applied to transporters of iron and steel articles and transporters of exempt commodities. See, for example, *Aetna Freight Lines, Inc., Extension—Empty Containers*, 66 M.C.C. 36 (1955); *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (1952); *Settle Common Carrier Application*, 46 M.C.C. 227 (1946). The Commission's willingness to change the exception into the general rule stemmed from its view that requiring separate authority for these items placed an unnecessary burden on shippers and carriers. The Commission also pointed out certain industry changes favoring this policy shift. Traffic had generally moved in containers and dunnage of a disposable nature. With the development of improved handling materials, shippers made increasing use of returnable containers and other reuseable shipping devices.

In *P.B.—Muthrie Motor Transportation, Inc., Extension—Benzyl Chloride, In Bulk*,

<sup>1</sup> Finally, this section expands the statute's exemption to "the transportation of 'used pallets, used empty containers (including intermodal cargo containers), and other used shipping devices'." Currently, the Commission does not require specific authority for the "return transportation" of these shipping devices. That authority is implied in certificates and permits. This provision goes beyond the Commission's determination by not restricting the exemption to return transportation. The exemption is intended to encourage the use of existing shipping devices by allowing greater flexibility in their shipment. Recently, the Commission determined that used empty intermodal containers are instrumentalities of commerce and, therefore, are not regulated commodities. This provision confirms that determination.

83 M.C.C. 123 (1980), the Commission examined the question of whether specific authority was required by a motor carrier to return an empty shipper-owned trailer when such transportation was performed in connection with an authorized outbound movement. The Commission reversed its previous policy of requiring authority for the return trailer movement, noting that the former policy was now undesirable from an economic standpoint and not in the interest of sound motor-carrier regulation. Additionally, the Commission found that, as long as the return of the empty trailer was part of a preconceived plan at the time the outbound transportation was performed, the authorized carrier which performed, the outbound service should also be allowed to return the empty trailer.

However, an anomalous situation persisted between the extremes of the large trailer and relatively small shipping devices. Although implied authority existed at the extremes, it was established Commission policy until 1980 that the movement of an empty intermodal cargo container by motor carrier constituted the for-hire transportation of a regulated commodity, which was separate and distinct from the movement of an empty vehicle. The continuing assumption that the movement of used intermodal containers by motor carrier was subject to ordinary licensing requirements is evidenced in *Brown Transport Corp. Ext.—Containers*, 126 M.C.C. 684 (1977). That case followed several efforts in defining basic container operating rights. Especially noteworthy were the precedents established in *Berry Transport Inc., Ext.—Containers*, 124 M.C.C. 328, 352-53 (1976) and *AAA Transfer Inc., Ext.—Cargo Containers*, 120 M.C.C. 803, 822 (1974). In conjunction with defining container operating rights, the Commission also focused attention on distinguishing between "in container" and "in trailer movements." In the *Berry* case, the Commission found that to the extent service is performed in containers attached to removable chassis, the movements are considered as being in trailers.

In February 1979, the Commission reaffirmed its position that empty intermodal cargo containers required specific service authorization. See *Petition For Declaratory Order—Empty Containers*, 131 M.C.C. 269 (1979). It was noted that the frequency with which operating rights authority was being issued to motor carriers to handle these empty containers demonstrated that, for the purpose of regulation, such

movements were distinguishable from the movements of empty vehicles by motor or rail carriers. The Commission rejected the argument that the method of handling intermodal cargo containers had the effect of transforming those regulated commodities into "instrumentalities of commerce", as that position ignored the substance of the transportation service being performed.

In 1980, however, the Commission reversed the line of cases making a distinction between trailers and intermodal cargo containers for operating rights purposes. See *Petition For Declaratory Order—Empty Containers*, 132 M.C.C. 30, (1980). There, we concluded essentially that used empty intermodal containers being moved for repositioning represented pieces of equipment qualifying as instrumentalities of commerce, while new containers being transported prior to their first loaded movement or old containers being shipped for sale or scrap were property and remained subject to regulation. In reviewing the characteristics of these intermodal units, it became apparent that inconsistencies resulted from labelling a large shipping box without an undercarriage as a container and the same shipping box with an undercarriage as a trailer. The Commission found that intermodal cargo containers, when interlocked with a chassis or flat-bed trailer were carrier equipment; that their movement was outside the scope of normal licensing requirements; and that such empty intermodal containers were no different from empty van trailers.

The Commission's prior findings on the status of these commodities was not that they were exempt from regulation, but rather that the normal licensing requirements did not apply. Their transportation was still subject to rate regulation. The Motor Carrier Act of 1980 makes these items wholly exempt commodities, and much of the subject matter of the instant petition relates to ratemaking.

We invite comments on the question petitioners raise concerning whether the movement of used bogies, chassis, trailers, vehicles, or vans, with affixed or detachable undercarriages are embraced by the exemption. Specific examples of industry use of such equipment would be most helpful to our determination here.

Next, because of the differentiation between movements under the repositioning theory of *Transportation of Empty Intermodal Cargo Containers*, *supra*, it is especially important to receive public comments before considering whether to exempt further initial or final movements of used

containers or any of the above-listed items. One reason for adhering to the continued exclusion of both initial and final movements is that it would maintain the parallel position applied in the handling of railroad box cars. In *General American Transp. Corp. v. Indiana Harbor 357 I.C.C. 102, 126* (1977), *aff'd 577 F.2d 394* (7th Cir. 1978), the status of empty cars moving over a rail carrier's lines for ordinary repairs was the central issue. There, the Commission stated that a railcar does not automatically maintain a permanent status as an instrumentality of transportation throughout its useful life. Rather, it may be "property" at one point in its life and an "instrumentality of transportation" at another. In other words, its status as an "instrumentality of transportation" remains contingent upon its entrance to and continuation in the national car fleet; and accordingly initial and final movements would be outside the qualifying parameters. Thus, for consistency with other policy areas and to avoid incongruous results in the container area, no deviations from the established practice involving initial and final movements may be warranted.

On the other hand, there is clearly room for divergent interpretations of the terms "used containers" and "used shipping devices" and those arguably could include any movement whether or not qualified under prior caselaw or handled under the "instrumentality of commerce" theory. Other bases for extending the repositioning theory to encompass all movements of these items are practical considerations and the inherent difficulty for carriers as well as the Commission in monitoring initial or final movements.

Finally, used empty electric cable reels, would seem to fall squarely within the exemption, since their return has already been determined to be exempt. See *Maas Transport Inc., Ext.—North Dakota Missile Sites*, 92 M.C.C. 581, 585 (1963). We presume that the Congress did not intend that the statutory exemption should be any narrower than the Commission's own interpretation under the old law.

As to the issue of whether tariff provisions providing for the free return of pallets [and other items named in section 10528(a)(11)] remain subject to Commission regulation, we believe a negative answer is required given the mandatory language of 49 U.S.C. 10526. Once a determination of exempt status is made, it extends to all aspects of the commodity's movement. The amendments to 49 U.S.C. 10526 in the Motor Carrier Act of 1980 leave intact the principle that carriers handling

exempt commodities under the section need comply only with the safety and hours-of-service regulations of the Department of Transportation. Rates for exempt service, including those with respect to the free return of pallets, represents a contractual matter to be agreed upon between shippers and carriers when the transportation is undertaken.

There is no statutory provision or regulation prohibiting the publication of tariff provisions concerning exempt traffic. Whatever confusion may be caused by the inclusion of free return provisions in an otherwise binding rate tariff is more than outweighed by the aspect of their promoting the free flow of commerce. These provisions may remain in existing tariffs and new provisions which include the return of empty pallets or containers in the outbound rate may be established, although those provisions should be distinguished as applying for "information only." Carriers need not modify existing tariffs to exclude those provisions, but are free to cancel them if they choose to do so. Alternatively, we would require that future provisions of this kind be automatically qualified as for "information only" as in the case of portions of the Railway Equipment Register.

The remaining tariff matter raised by petitioners involves the propriety of including the weight of exempt commodities in computing rates based on total mixed shipment weights. We believe that it would be proper to do so, provided a charge is made for the exempt commodities. For guidance in this area we have considered case law which dealt with an analogous situation, namely the commingling of intrastate and interstate traffic in establishing minimum shipment weights. In *W. T. Grant Co. v. Frederickson Motor Exp.*, 350 I.C.C. 486, 490 (1975), *aff'd sub nom. Frederickson Motor Express Corp. v. I.C.C.* 546 F.2d 104 (5th Cir. 1977), the Commission approved that practice and stated that the calculation of charges on the basis of jurisdictional limitations does not alter the physical facts of the transportation. A single shipment is transported, even though it may be comprised of traffic in different forms of commerce. There, the Commission found that the situation was governed by tariff principles applicable to single shipments. It concluded that the applicable and reasonable method of assessing interstate charges on shipments commingling interstate and intrastate traffic was to apply the rate at

the level appropriate for the total weight of the shipment to the actual weight of the interstate portion of the shipment.

Petitioners' reference to a recently proposed (unidentified) tariff rule which would allow the carrier to apply the lowest applicable rate to the regulated portion of a mixed shipment movement is directly on point with the principles set forth above. Petitioners present a hypothetical situation in which we are asked to assume the following: (1) that a shipper tenders to a carrier in one shipment, 20,000 pounds of a regulated commodity and 20,000 pounds of an exempt commodity (such as pallets) moving to a site of agricultural production and (2) that motor carrier rates for the regulated commodities are \$4.00 per hundredweight at minimum weight of 20,000 pounds and \$3.00 per hundredweight at a minimum weight of 40,000 pounds. Assuming further that a charge is made by the carrier for hauling the pallets in this mixed shipment context, that inclined to conclude that the carrier's application of the \$3.00 rate to the 20,000 pounds of regulated commodities moving in the total 40,000 pound shipment would be entirely proper. Our position on such rate adjustments is permissive only. Carriers would remain free to employ the higher rate figure if they so desired, but competitive factors would probably make the latter course objectionable.

Although, the weight of exempt commodities may be included to employ an aggregate weight basis on mixed shipments when a charge is made for the exempt commodities, it is less clear where no specific charge is made for the movement of pallets or shipping containers with regulated freight. The situation may arise when a consignor ships a manufactured article to a destination on pallets, and the rate includes the return of the pallets at no additional charge. At destination, the carrier picks up a partial load of regulated raw materials, equipment, or supplies destined to the manufacturing point of the outbound article and a partial load of returning pallets tendered on the same bill of lading.

Two possible arguments apply to the above-described situation. First, the inbound transportation costs of the pallets have already been assessed, since the rate on the manufactured article includes the return of the pallets. Consequently, they are not really a part of the raw materials shipment, and the weight of the pallets should not be used to make up the minimum weight of the raw materials. Second, it is also tenable to maintain that, as the carrier has

already been paid for the return of the pallets, it would be required to return them irrespective of whether it could combine them with another load to the same destination. Consequently, it is not unreasonable to use the weight of the pallets to make up the minimum weight of the raw materials. We particularly desire public comments on this issue to help in further defining the relevant considerations and in outlining the factors upon which a clear determination can be based.

Collaterally, petitioners have questioned whether it is permissible for carriers of exempt commodities to engage in collective ratemaking. However, the law and the policy considerations on this matter are vastly different from the more practical aspects of the scope of the exemption from regulation. In addition, the magnitude of the problem cannot be ascertained until the scope of the exemption has been interpreted. Thus, we will not solicit or consider comments by petitioners on this topic in the course of this proceeding. Instead, we suggest that petitioners and other interested parties file separate pleadings at a later date requesting clarification on this point.

We believe that petitioners have identified the need to obtain a uniform interpretation of the involved exemption and its impact upon several important areas which warrants the initiation of a declaratory proceeding. A rulemaking is unnecessary.

No oral hearing is contemplated. Any person (including petitioners) desiring to participate in this proceeding shall file with the Commission an original and, if possible, 15 copies of written representations, views, or arguments. A copy of each representation also must be filed on petitioners' representatives.

This action does not appear to affect significantly either the quality of the human environment or the conservation of energy resources.

*It is ordered:*

Pursuant to 5 U.S.C. 554(e), and in the sound exercise of our discretion, a declaratory proceeding is instituted.

Decided: August 14, 1981.

By the Commission, Chairman Taylor,  
Commissioners Gresham, Clapp, and Gilliam.  
Agatha L. Mergenovich,  
Secretary.

[FR Doc. 81-24820 Filed 8-25-81; 8:45 am]  
BILLING CODE 7035-01-M

**INTERNATIONAL TRADE COMMISSION**

[Investigation No. 337-TA-101]

**Certain Hot Air Corn Poppers and Components Thereof; Intervention and Amendment of Notice of Investigation To Include Intervenor as an Additional Party Respondent****AGENCY:** International Trade Commission.**ACTION:** Granting of motion to intervene and amendment of notice of investigation to include—General Electric Company, Housewares & Audio Business Division, 1285 Boston Ave., Bridgeport, Conn. 06602, as an additional party respondent.**Authority**

This investigation is being conducted under the authority of subsection (b) of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337(b)). Section 210.6 of the Commission's Rules of Practice and Procedure (19 CFR 210.6) requires any person desiring to intervene in an investigation to file a motion setting forth a sufficient basis for such intervention. It also provides that, upon a showing of good cause, any interested person may be designated as party. Amendment of the notice of investigation is governed by § 210.22 of the Commission's rules (19 CFR 210.22) (incorporating § 210.20(d) (19 CFR 210.20(d))).

**SUPPLEMENTARY INFORMATION:** The Commission is conducting investigation No. 337-TA-101 in order to determine whether there is a violation of section 337 in the importation of certain hot air corn poppers and components thereof into the United States, or in the sale of such articles, which are alleged to infringe claims 1, 2, 3, and 5 of U.S. Letters Patent 4,176,843 with the effect or tendency to destroy or substantially injure an industry, efficiently and economically operated, in the United States. These proceedings were initiated on the basis of an amended complaint filed on behalf of the assignee of the patent, Wear-Ever Aluminum, Inc. (Wear-Ever), a wholly-owned subsidiary of the Aluminum Company of America (ALCOA).

The notice instituting the investigation and defining its scope was published in the *Federal Register* on May 22, 1981 (46 FR 28043). The parties named as respondents included Yamada Electric Industries, Ltd. (Yamada) of Tokyo, Japan and Chiap Hua Clocks and Watches Ltd. (Chiap Hua) of Hong Kong—two foreign firms which produce the allegedly infringing apparatus and

supply it to domestic distributors. The other respondents named included five domestic firms which the complainant has accused of importing and selling the subject merchandise—The West Bend Company, A Division of Dart Industries Inc. (West Bend),<sup>1</sup> Sunbeam Corp. (Sunbeam), Maxim Associates Corp. (Maxim), K Mart Corp. (K Mart), and the Stop & Shop Companies, Inc. (Stop & Shop).

On June 25, 1981, the General Electric Company (General Electric) filed a motion to intervene as a respondent in the investigation (motion No. 101-4) by reason of the fact that, through its Housewares and Audio Business Division, General Electric has imported the allegedly infringing corn poppers produced by respondent Yamada and has sold such apparatus to respondents K Mart and Stop & Shop. Respondents Chiap Hua and West Bend subsequently filed responses indicating that they did not oppose the motion. On July 14, 1981, the presiding officer issued an order recommending that General Electric be added as a respondent.

Upon consideration of the motion to intervene (No. 101-4), the movant's proposed response to the complaint and notice of investigation, the recommendation of the presiding officer, and all other documents on the record developed in this investigation, on August 14, 1981, the Commission decided to grant Motion No. 101-4 and to deem the previously-issued notice of investigation amended to include the intervenor, General Electric, as an additional party respondent.

Copies of the Commission's Action and Order, as well as all other nonconfidential documents on the record of this investigation, are available for public inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E St., NW., Room 156, Washington, D.C. 20436, telephone 202-523-0471.

**FOR FURTHER INFORMATION CONTACT:**

P. N. Smithey, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E St., NW., Room 224, Washington, D.C. 20436, telephone 202-523-0350.

By order of the Commission.

<sup>1</sup> The notice listed West Bend as "The West Bend Co., Inc." However, by a letter dated July 28, 1981, in-house patent counsel advised the Commission that West Bend is a Division of Dart Industries Inc., and not a corporation. For that reason, the previous notation is incorrect.

Issued: August 17, 1981.

Kenneth R. Mason,  
Secretary.

[FR Doc. 81-34872 Filed 8-25-81; 9:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 731-TA-46 and 47 (Preliminary)]

**Certain Steel Wire Nails From the Republic of Korea and Yugoslavia; Determination**

On the basis of the record<sup>1</sup> developed in investigation No. 731-TA-46 (Preliminary), the Commission determines that there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury,<sup>2</sup> by reason of imports from Korea of steel wire nails, provided for in items 646.25 and 646.26 of the Tariff Schedules of the United States (TSUS) which are possibly being sold in the United States at less than fair value (LTFV).<sup>3</sup>

On the basis of the record<sup>1</sup> developed in investigation No. 731-TA-47 (Preliminary), the Commission unanimously determines that there is no reasonable indication that an industry in the United States is materially injured, or is threatened with material injury by reason of imports from Yugoslavia of steel wire nails, provided for in items 646.25 and 646.26 of the TSUS, which are possibly being sold in the United States at LTFV.<sup>3</sup>

**Background**

On July 2, 1981, the U.S. International Trade Commission received advice from the U.S. Department of Commerce that it was initiating antidumping investigations on its own accord concerning imports of certain steel wire nails from Korea and Yugoslavia which it found to be sold in the United States below trigger prices and, therefore, possibly at less than fair value. Accordingly, the Commission instituted preliminary antidumping investigations under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is

<sup>1</sup> The record is defined in sec. 297.2(j) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(j)).

<sup>2</sup> Chairman Alberger and Commissioner Bedell determine that an industry in the United States is materially injured by reason of imports from Korea of steel wire nails, provided for in items 646.25 and 646.26 of the Tariff Schedules of the United States, which are possibly being sold in the United States at less than fair value.

<sup>3</sup> Reasonable indication that the establishment of an industry in the United States is materially retarded is not an issue in this investigation.

materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded by reason of the imports of such merchandise into the United States. The statute directs that the Commission make its determination within 45 days of its receipt of such advice, or in this case by August 17, 1981.

Notice of the institution of the Commission's investigations and of a public conference to be held in connection 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 July 8, 1981 (46 FR 35394). The public conference was held in Washington, D.C., on July 23, 1981, and all persons who requested the opportunity were permitted to appear in person or by counsel.

#### Views of the Commission

The deteriorating condition of the domestic industry, the large and apparently growing market share of Korean nails, and the possibility of price suppression caused by such sales from the principal bases for our finding that there is a reasonable indication that they have caused<sup>4</sup> or threaten to cause material injury.<sup>5</sup> We have found, however, that imports from Yugoslavia are too significant in volume and too different in quality to have materially injured the U.S. industry.

Shortly before our scheduled vote of August 11, 1981, Commerce informed us by letter and in a draft *Federal Register* notice<sup>6</sup> that it was terminating the investigation of Japan pursuant to section 734(a) of the Tariff Act of 1930 based on assurances provided by the Japanese nail manufacturers. We therefore ended Commission investigation No. 731-TA-45 (Preliminary) without making a determination as to imports from Japan.

Our determinations are based on the considerations set forth below.

<sup>4</sup> 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 imports from Korea and do not find it necessary to address the question of threat of material injury.

<sup>5</sup> Vice-Chairman Calhoun's conclusion here is reached after also taking into account the generally depressed condition of the domestic industry owing to the circumstances of the building industry.

<sup>6</sup> Staff report in investigations Nos. 731-TA-45, 46, and 47 (Preliminary). Certain Steel Wire Nails from Japan, the Republic of Korea, and Yugoslavia, p. A-1. (hereinafter "Staff report").

#### Domestic Industry

Our first task in reaching a determination is to define the domestic industry. Section 771(3)(A) of the Tariff Act of 1930 provides that the domestic industry consists of the domestic producers as a whole of a like product or those producers whose collective output of the like product constitutes a major proportion of the total domestic production of that product.<sup>7</sup> A like product is a product which is like or in the absence of like, most similar in characteristics and uses with, the article under investigation.<sup>8</sup>

The subject of these investigations is certain steel wire nails imported from Korea and Yugoslavia. For purposes of these preliminary determinations, we adopt the like product analysis of our earlier investigation, *Certain Steel Wire Nail from the Republic of Korea*,<sup>9</sup> and find that there are seven like products, each consisting of a separate nail coating.<sup>10</sup> The industry therefore consists of the producers of one or more of the like products.<sup>11</sup>

A breakdown in terms of types of coatings is particularly useful here because it highlights the complexity of the nail market and the differences in the product mix of nails sold in the United States by Korean, Yugoslav, and domestic manufacturers. The bulk of imported Korean and Yugoslav nails consist of particular types of coated nails. Electro-galvanized (31.3 percent), bright (21.8 percent), vinyl-coated (17.4 percent), and cement-coated (10.5 percent) account for a large portion of imports from Korea.<sup>12</sup> Hot-galvanized

percent), and blued nails (1.0 percent) are imported to a much lesser extent. Nearly all imports from Yugoslavia consist of bright nails.<sup>13</sup>

Approximately 50 U.S. firms manufacture steel wire nails. U.S. production is heavily concentrated in the manufacture of bright (45.3 percent), cement-coated (24.4 percent) and hot-galvanized (21.2 percent) nails.<sup>14</sup> Vinyl-coated and electro-galvanized nails account for a lesser portion of U.S. production.<sup>15</sup> These types of domestically-produced nails are for all intents and purposes the same as Korean and Yugoslav nails of a particular variety.

Some importers and producers have suggested that for purposes of defining the domestic industry, other classifications of nails may be appropriate, such as dividing nails into regular, semi-regular, and specialty nail categories. While we will not adopt such an analysis here, we do not preclude use of such an analysis in our final determination, if its usefulness can be demonstrated.

In addition, having found a reasonable indication of injury on a national scale, we need not resort to a regional industry analysis at this preliminary stage in our investigation. This does not, of course, preclude use of a regional industry approach in our final determination, if it is shown to be appropriate.

#### Reasonable Indication of Material Injury or Threat of Material Injury

Section 733(a) of the Tariff Act of 1930 provides that the Commission shall make a determination, based on the best information available to it at the time of the determination, of whether there is a reasonable indication that the imports under investigation have caused or threaten to cause material injury to a U.S. industry. The Act further specifies in section 771(7) that the Commission shall consider, among other factors, (1) the volume of imports of the merchandise under investigation, (2) the effect of imports of that merchandise on prices in the United States for like products, and (3) the impact of imports of such merchandise on domestic producers of like products.

*Volume of imports.*—The Department of Commerce has found that 99 percent of imports from Korea were sold in the United States below trigger prices during October 21, 1980 through March 31, 1981, and therefore are possibly being sold at less than fair value. The

<sup>7</sup> 19 U.S.C. § 1677(4) (Supp. III, 1980).

<sup>8</sup> 19 U.S.C. § 1677(10) (Supp. III, 1980).

<sup>9</sup> Inv. No. 731-TA-26 (Final), USITC Pub. No. 1088 (1980). Suggestions, however, that our determination here is controlled by our earlier negative determination are misplaced. This investigation differs from *Certain Steel Wire Nails from the Republic of Korea*, Inv. No. 731-TA-26 (Final), USITC Pub. No. 1088 (1980) in several important respects. In our 1980 investigation, the Department of Commerce excluded 17 Korean firms, either because their prices were above trigger or because their sales, while below trigger, were at fair value. The investigation therefore focused on the remaining 12 companies and in particular on 5 companies operating in the Masan free trade zone. These companies accounted for approximately 25 percent of overall U.S. imports from Korea to the U.S. Imports from these companies were declining sharply in volume and market share, and were heavily concentrated in certain nail types produced to a limited degree in the United States. The present investigation concerns all Korean producers, a broader product mix and a different showing—that of a "reasonable indication" of material injury.

<sup>10</sup> *Id.* at 7.

<sup>11</sup> When data along product lines are unavailable, the effect of the dumped imports will be assessed in terms of the narrowest group of products for which information is available, i.e. all nail producers. 19 U.S.C. § 1677(4)(D) (Supp. III 1980).

<sup>12</sup> Staff report at A-13.

<sup>13</sup> *Id.* at A-16.

<sup>14</sup> *Id.* at A-17.

<sup>15</sup> *Id.*

volume of imports of steel wire nails from Korea has shown dramatic fluctuations during the past. Imports increased sharply from 1973-78, rising from less than 0.5 percent of apparent U.S. consumption to 109,000 tons or 12 percent of consumption in 1978.<sup>16</sup> In 1979 imports from Korea entered a period of steep decline, falling to 92,000 tons in 1979 and 76,000 tons in 1980.<sup>17</sup> This decrease can be attributed in part to a decline in overall U.S. consumption resulting from a sharp decrease in housing construction.<sup>18</sup> Although the volume of imports from Korea decreased in 1979-80, the market share of Korean producers remained stable at 11 percent of apparent U.S. consumption.<sup>19</sup> Many Korean nails are of types produced only to a limited degree in the United States. Nevertheless, the overall volume and market share of imports from Korea are plainly significant and deserve further inquiry.<sup>20</sup>

During January-May 1981, imports from Korea rose 32 percent when compared with import volume during the same period of 1980.<sup>21</sup> Domestic shipments, as reported by questionnaire respondents, rose by 9 percent over the same period. Thus, while figures for apparent domestic consumption during January-May 1981 are lacking, it is likely that the ratio of imports from Korea to consumption rose during this period. In addition, the Korean nail producers conceded at the conference that their production capacity exceeds Korean demand, and thus that a large quantity of their production is necessarily directed at export markets.<sup>22</sup>

The Department of Commerce found that 100 percent of imports from Yugoslavia during October 21, 1980-March 31, 1981 were sold below the relevant trigger price. Nevertheless, imports from Yugoslavia accounted for a minimal share of apparent U.S. consumption of nails during 1973-80, remaining consistently at 1 or 2 percent of apparent U.S. consumption. In addition, they are generally considered to be of lower quality than American nails.<sup>23</sup> In 1980, such imports accounted for 1 percent of consumption. The small volume and reputed low quality of these

nails are such that they could not have had any appreciable impact upon the U.S. nail industry. It is reported that the Yugoslav producer, Zelazarna, which accounts for a large share of the exports of nails from Yugoslavia to the United States, has been operating at full capacity for the past few years and has no plans to expand its capacity. Thus, we conclude that there is no reasonable indication of injury or threat of injury by reason of continued imports from Yugoslavia.<sup>24</sup>

**Effect of imports on prices.**—At the public conference held in connection with this investigation, U.S. producers repeatedly alleged that Korea is the price leader and has encouraged a destructive round of price-cutting.<sup>25</sup> This allegation is supported by a preliminary analysis of data collected by the Commission which shows that the average net selling price for nails imported from Korea generally declined during January 1979-June 1981.<sup>26</sup> The information available indicates that the average net selling prices of nails from Korea may have been lower than those of comparable U.S.-produced nails. Domestic prices have apparently not increased commensurate with inflation and rising costs. These preliminary indications of price suppression merit further inquiry, particularly with a view

<sup>24</sup> The domestic producers have argued that the Commission should cumulate imports from Korea and Yugoslavia. We determine, however, that cumulation is inappropriate on the facts presented here.

In determining whether to cumulate imports from various sources, we have looked to a number of factors, including whether:

- (1) The imports of the same class or kind of merchandise are generally comparable and compete in the same markets.
- (2) The factors and conditions of trade show the relevance of such cumulative consideration to the determination of injury.

These criteria are, however subject to one important qualification. The imports from a particular country must be contributing to the material injury caused by LTFV sales. See e.g., *Carbon Steel Products from Belgium, the Federal Republic of Germany, France, Italy, Luxembourg, the Netherlands and the United Kingdom*, Invs. Nos. 731-TA-18-24 (Preliminary), USITC Pub. No. 1064, pp. 14, 18, 20 (Views of Vice-Chairman Alberger) pp. 64-66 (Views of Commissioner Stern) (1980); *Menthol from Japan and the People's Republic of China*, Invs. Nos. 731-TA-27 and 28 (Preliminary), 45 F.R. 52273, 52274 (Views of Chairman Alberger, Vice Chairman Calhoun, Commissioner Bedell and Commissioner Moore) (August 6, 1980).

Imports from Yugoslavia are apparently of a lower quality, sold on different payment terms, and limited to the East Coast market. See Transcript at 102-08 (Remarks of Mr. Silverman). Their market share has remained steady at the insignificant level of 1 or 2 percent of apparent U.S. consumption over the past 8 years. Staff report at A-31. We can find no indication that Yugoslav imports have contributed to material injury to the U.S. industry, and conclude that cumulation is inappropriate.

<sup>25</sup> Transcript at 16, 28-30, and 51-54.

<sup>26</sup> Staff report at A-36, table 23.

to assessing the extent to which imports from Korea have been a factor.

**Impact of imports on the domestic industry.**—There are strong indications that the condition of the domestic industry is deteriorating.<sup>27</sup> From 1978 to 1980, U.S. producers' shipments of steel wire nails decreased by 18 percent.<sup>28</sup> During the same period, U.S. producers' utilization of productive capacity decreased irregularly from 75 percent to 70 percent.<sup>29</sup> As a result of the declining production and shipments, the number of workers engaged in the production of steel wire nails declined by 21 percent during this period.

Profit-and-loss data submitted to the Commission reveal a steady decline in the profitability of the domestic industry. Of the 14 firms reporting profit-and-loss data, 2 reported losses at the gross profit level in 1978 and 8 reported such losses in 1980.<sup>30</sup> Since 1979, seven U.S. nail producing plants have closed or have filed for reorganization under chapter 11 of the Federal Bankruptcy Act.

The distressed condition of the U.S. nail producers described above can, in part, be attributed to declining housing starts. In addition, the entry of new and efficient U.S. producers has created problems for the industry, and especially for the older production facilities, since a larger number of firms are competing in a shrinking market. Nevertheless, we conclude that there is a reasonable indication that the large and increasing volume of low-priced imports from Korea materially exacerbates this condition.

#### Reasonable Indication of Threat of Material Injury<sup>31</sup>

Noting the large volume and market penetration of imports from Korea, the recent spurt in their volume, and the export orientation of the Korean industry, Commissioner Stern also finds

<sup>27</sup> Vice Chairman Calhoun is of the view, consistent with the legislative history, that such a circumstance makes the domestic industry more vulnerable to the adverse effects of LTFV imports than would be the case if construction levels were nearer to normal.

<sup>28</sup> *Id.* at A-19.

<sup>29</sup> Staff report at A-18.

<sup>30</sup> Staff report at A-26, table 16.

<sup>31</sup> Vice Chairman Calhoun, in voting material injury or threat, does not mean to suggest having difficulty deciding between the two. In his view, except in unusual circumstances, data collected in preliminary investigations are not normally suitable for use in reaching especially precise conclusions such as whether injury is threatened or is extant. Nor, in his view, is such precision required. Consequently, in most preliminary investigations his vote is in the alternative pending more definitive data from the final investigation.

<sup>16</sup> Staff report at A-30, table 18, A-31, table 19.

<sup>17</sup> *Id.* at A-30.

<sup>18</sup> *Id.* at A-40.

<sup>19</sup> *Id.* at A-31, table 19.

<sup>20</sup> Vice-Chairman Calhoun notes that the volume and market share of imports from Korea are significant because of the heightened vulnerability of the industry to LTFV imports due to the housing slump.

<sup>21</sup> *Id.* at A-30, table 18.

<sup>22</sup> Transcript at 82.

<sup>23</sup> Transcript at 102-08 (Remarks of Mr. Silverman).

that the domestic industry is threatened with material injury.<sup>32</sup>

#### Conclusion

On the basis of the best information at this time, we find that there is a reasonable indication of material injury, or threat thereof<sup>33</sup> to the domestic industry by reason of imports of possibly dumped steel wire nails from Korea, and therefore, that this proceeding should continue. In addition, we find that there is no reasonable indication of material injury, or threat thereof to the domestic industry by reason of imports of possibly dumped steel wire nails from Yugoslavia.

#### Additional Views of Chairman Alberger

While the differentiation of like products according to nail coating is still valid on the facts of this preliminary investigation and the Commission's prior investigation (Inv. 731-TA-26), I believe a word of caution regarding our industry analysis is appropriate. There are indications from the present record that the seemingly endless number of combinations of nail coatings, heads, points, and shanks may make this case an appropriate one for application of the "continuum" principle at the final stage. This principle, articulated in my views in Certain Portable Electric Nibblers, Inv. 731-TA-35, simply holds that for the purpose of establishing the relevant class of domestic producers under Section 771(4)(A) of the Tariff Act, the "like product" may be defined to include a continuum of slightly distinguishable products among which no clear dividing lines can be drawn. In other words, it may be appropriate to define the like product as all steel wire nails, and therefore to consider profits, production, employment, and sales data for the U.S. nails industry as a whole. Such a definition of like product would not alter this determination or our prior ruling on Korean wire nails for two reasons. First, the Commission was compelled in both of these cases to examine data for U.S. nails manufacturers as a whole, rather than for each category of like products, because of the lack of separable data and the requirements of Section 771(7). Second, the fact that we define a particular class (i.e. all nails manufacturers) as the relevant industry under Section 771(4)(A), and therefore

base our injury finding on aggregate data for that industry, does not preclude us from considering the implications of competitive relationships among various subcategories within that class. In the prior determination on Korean wire nails, for example, the Commission noted that:

"The largest price differences were on the electro-galvanized and green vinyl nails, which were not produced in any meaningful volume in the United States until 1979 . . . Thus we do not find a causal relationship between the LTFV imports and any restraint on the upward movement of prices for nails."

In other words, the Commission took cognizance of competitive relationships between different categories of nails even though the industry we were examining included the entire U.S. nails sector. There may be different demand factors at play within a particular like product category, because each customer requires a slightly different nail to meet its particular needs and specifications. Since the possible combinations of lengths, points, shanks, and coatings may be almost infinite, this could lead to a perplexing dilemma for the Commission. On the one hand, it may prove impossible to divide the entire nails manufacturing sector into rational industry groupings because of the continuum problem. On the other hand, anyone in the industry will tell you that different nails have different uses and constitute different competitive submarkets. Under these circumstances, the only logical approach would be to accept for the purposes of Section 771(4)(A) that the domestic industry consists of all nails production in the United States, but then to consider any reliable information which suggests that our examination of injury and causation should be affected by variations in the type and size of nail. If information presented in our final investigation compels this conclusion, I would thus be forced to change my analysis regarding the like product. In the interim, I believe the present subdivision according to the seven different nail coatings is adequate.

By Order of the Commission.

Issued: August 17, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-24673 Filed 8-25-81; 8:45 am]

BILLING CODE 7020-02-M

#### [Investigation No. 337-TA-68]

#### Certain Surveying Devices; Issuance of Advisory Opinion

AGENCY: International Trade Commission.

**ACTION:** Issuance of an advisory opinion regarding scope of exclusion order.

**SUMMARY:** At the conclusion of the original investigation, the Commission determined that certain imported surveying devices infringed a United States patent in violation of 19 U.S.C. § 1337 and issued an order excluding infringing surveying devices. John Woods Survey Equipment, Ltd., the respondent in the original investigation, subsequently requested that the Commission issue an advisory opinion to the effect that Woods' recently modified device does not infringe the patent in question and is therefore not subject to the Commission's exclusion order. After receiving submissions from Woods and from Gammon Reel, the complainant in the original investigation, the Commission determined that an advisory opinion is appropriate, but the Woods' modified surveying device continues to infringe the patent in question and therefore remains subject to the Commission's exclusion order.

Copies of all non-confidential documents filed in connection with this request for an advisory opinion are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E. Street NW., Washington, D.C. 20436, telephone 202-523-0161.

**FOR FURTHER INFORMATION CONTACT:** Scott Daniels, Esq., Office of the General Counsel, telephone 202-523-0480.

Issued: August 18, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-24674 Filed 8-25-81; 8:45 am]

BILLING CODE 7020-02-M

#### [TA-503(a)-9 and 332-130]

#### President's List of Articles Which May Be Designated as Eligible Articles for Purposes of the Generalized System of Preferences

AGENCY: International Trade Commission.

**ACTION:** In accordance with the provisions of sections 503(a) and 131(b) of the Trade Act of 1974 (19 U.S.C. 2463(a) and 2151(b)) (hereinafter referred to as "the Act") and section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)), the Commission has instituted investigation Nos. TA-503(a)-9 and 332-130 for the purpose of obtaining, to the extent practicable, information of the kind described in section 131(d) of the

<sup>32</sup> Chairman Alberger and Commissioner Bedell determine that an industry in the United States is materially injured by reason of imports from Korea of steel wire nails which are possibly being sold in the United States at less than fair value.

<sup>33</sup> Material retardation of the establishment of an industry is not an issue. Chairman Alberger and Commissioner Bedell determine only that there is a reasonable indication of material injury.

Act. This information is for use in connection with the preparation of advice requested by the U.S. Trade Representative (USTR) with respect to certain listed articles as to the probable economic effect on U.S. industries producing like or directly competitive articles and on consumers of the elimination of U.S. import duties under the United States Generalized System of Preferences (GSP), set forth in Title V of the Act.

**EFFECTIVE DATE:** August 14, 1981.

**FOR FURTHER INFORMATION CONTACT:**

- (1) Agricultural products, Mr. Edward Furlow (202-724-0068).
- (2) Textile products, Mr. Reuben Schwartz (202-523-0114).
- (3) Chemical products, Dr. Aimison Jonnard (202-523-0423).
- (4) Minerals and metals, Mr. Larry Brookhart (202-523-0275).
- (5) Machinery and equipment, Mr. Aaron Chesser (202-523-0353).
- (6) Miscellaneous manufactures, Mr. Walter Trezevant (202-724-1719).

All of the above are in the Commission's Office of Industries. For information on legal aspects of the investigation contact Mr. William Gearhart of the Commission's Office of the General Counsel at 202-523-0487.

**SUPPLEMENTARY INFORMATION:** On July 30, 1981, in accordance with sections 503(a) and 131(a) of the Act and pursuant to the authority of the President delegated to the USTR by Executive Order 11846, as amended by Executive Order 11947, the USTR furnished the United States International Trade Commission a list of items which may be designated as eligible articles for purposes of the GSP (see Annex I).

In providing its advice, the USTR requested the Commission to assume that benefits of the GSP would not apply to imports that would be excluded from receiving such benefits by virtue of the "competitive need" limitations specified in section 504(c) of the Act.

Section 504(d) of the Act exempts from one of the competitive-need limits in section 504(c) articles for which no like or directly competitive article was being produced in the United States on the date of enactment of the Act. Accordingly, pursuant to the authority of section 332(g) of the Tariff Act of 1930, and in conformity with the delegation of authority from the President to him of Executive Order 11846 as amended by Executive Order 11947, the USTR requested that the Commission also provide advice with respect to whether products like or directly competitive with any articles contained in the TSUS(A) items in Annex I and also

TSUS item 791.28 were being produced in the United States on January 3, 1975. A list giving detailed descriptions of the articles contained in the TSUS(A) items identified in Annex I is available upon request from the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436 (202-523-5178).

The USTR announced the items which have been sent to the Commission for probable effects advice in the July 17, 1981 Federal Register (46 FR 37115).

**Public Hearing**

A public hearing in connection with the investigation will be held in the Commission Hearing Room, 701 E Street NW., Washington, D.C. 20436, beginning at 10:00 a.m., e.s.t., on November 3, 1981, to be continued on November 4, 1981, if required. All persons shall have the right to appear by counsel or in person, to present information, and to be heard. Requests to appear at the public hearing should be filed with the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, not later than noon, October 28, 1981.

**Written Submissions**

In lieu of or in addition to appearances at the public hearing, interested persons are invited to submit written statements concerning the investigation. Commercial or financial information which a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. To be ensured of consideration by the Commission, written statements should be submitted at the earliest practicable date, but no later than November 11, 1981. All submissions should be addressed to the Secretary at the Commission's office in Washington, D.C.

Issued: August 17, 1981.

By order of the Commission.

**Kenneth R. Mason,**  
Secretary.

**Annex I.—Articles Being Considered for Designation as Eligible for Purposes of the GSP**

| TSUS or TSUSA item |
|--------------------|--------------------|--------------------|--------------------|
| 114.20             | 146.76             | 360.4645           | 452.34             |
| 121.40             | 148.00             | 363.90             | 452.44             |
| 121.61             | 148.17             | *364.07(pt.)       | 455.04             |
| 121.63             | 148.60             | *387.35(pt.)       | 522.61             |
| 135.12             | 148.93             | 402.56             | 606.22             |
| 135.14             | 148.98             | 402.80             | 606.42             |
| 135.16             | 148.9820           | 402.80(pt.)        | 642.1110           |
| *135.92(pt.)       | 150.02             | 403.45             | 652.94             |
| 136.20             | 152.30             | 403.45(pt.)        | 652.95             |
| 136.22             | 152.7640           | *403.56(pt.)       | 652.96             |
| 136.60             | 153.0420           | *405.08(pt.)       | 685.27             |
| 136.61             | 154.90             | *405.60(pt.)       | 685.36             |
| 137.10             | 161.57             | 406.28             | 706.13             |
| 137.50             | 161.84             | 406.36             | 706.17(pt.)        |
| 137.83             | 161.88             | 406.64             | 706.2045           |
| 137.89             | 168.78             | 406.84             | 706.6235           |
| *138.4250(pt.)     | 169.04             | 411.64             | 737.2205           |
| 140.40             | 183.01             | 412.34             | 737.2240           |
| 140.65             | 190.85             | *412.34(pt.)       | 760.0520           |
| *140.75(pt.)       | 222.50             | 432.25             | 772.48             |
| 141.82             | 355.85             | 436.00             | 772.57             |
| 141.87             | 355.6510           | 437.47             |                    |
| 144.12             | 360.4640           | 452.28             |                    |

- \*Only cucumbers entered during the period from March 1 to April 30, inclusive, in any year.  
 \*Only mixtures of pea pods and sliced water chestnuts.  
 \*Only other vegetables, reduced to flour, except tomato flour.  
 \*Only certified and hand-loomed jacquard-figured cotton tapestries.  
 \*Only sisal baskets.  
 \*Only tetrabromobisphenol A.  
 \*Only Di-(1)-para-hydroxyphenylglycine.  
 \*Only benzene acetoneitrile.  
 \*Only flat goods of rattan or of palm leaf.

[FR Doc. 81-24975 Filed 8-25-81; 8:45 am]

BILLING CODE 7020-02-M

**[TA-131(b)-7]**

**Probable Economic Effects of Possible Tariff Reductions Under Section 123 of the Trade Act of 1974**

**AGENCY:** International Trade Commission.

**ACTION:** In accordance with the provisions of section 131(b) of the Trade Act of 1974 (hereinafter referred to as "the Act"), the Commission has instituted investigation No. TA-131(b)-7 for the purpose of obtaining, to the extent practicable, information of the kind described in section 131(d) of the Act. This information is for use in connection with the preparation of advice requested by the U.S. Trade Representative (USTR) with respect to certain articles as to the probable economic effect on U.S. industries producing like or directly competitive articles, and on consumers, of the temporary reduction of U.S. duties by the maximum amount permissible under the authority of section 123 of the Act. The investigation covers the following list of items of the Tariff Schedules of the United States:

TUSU ITEM	TSUS ITEM	TSUS ITEM	TSUS ITEM
112.03	252.36	543.11	685.60
112.40	256.10	544.51	708.23
112.62	308.66	632.34	710.65
112.94	316.50	644.11	722.04
124.30	374.15	649.67	722.72
124.40	385.90	649.93	723.32
124.80	420.06	650.21	725.05
145.52	425.94	651.23	725.07
154.50	426.82	653.37	730.05
161.07	437.70	653.45	745.34
161.71	450.20	635.80	750.60
220.36	456.02	654.20	750.70
220.47	460.15	656.25	773.05
220.48	473.40	656.30	
222.20	518.11	657.70	
222.25	512.41	676.20	

**EFFECTIVE DATE:** August 12, 1981.

**FOR FURTHER INFORMATION CONTACT:**

- (1) Agricultural products, Mr. Edward Furlow (202-724-0068).
- (2) Textile products, Mr. Reuben Schwartz, (202-523-0114).
- (3) Chemical products, Dr. Aimison Jonnard (202-523-0423).
- (4) Minerals and metals, Mr. Larry Brookhart (202-523-0275).
- (5) Machinery and equipment, Mr. Aaron Chesser (202-523-0353).
- (6) Miscellaneous manufactures, Mr. Walter Trezevant (202-724-1719).

All of the above are in the Commission's Office of Industries. For information on legal aspects of the investigation contact Mr. William Gearhart of the Commission's Office of the General Counsel at 202-523-0487.

**SUPPLEMENTARY INFORMATION:** On July 30, 1981, in accordance with section 131(a) of the Act and pursuant to the authority of the President delegated to the USTR by Executive Order 11846, as amended by Executive Order 11947, the USTR furnished the United States International Trade Commission with a list of articles which may be considered in international trade negotiations for the purpose of granting new temporary concessions as compensation for U.S. actions pursuant to Article XIX of the General Agreement on Tariffs and Trade (GATT). The USTR published the list of articles in the August 5, 1981, Federal Register (46 FR 39926).

**Public Hearing**

A public hearing in connection with the investigation will be held in the Commission Hearing Room, 701 E Street NW., Washington, D.C. 20436, beginning at 10:00 a.m., e.d.t., on September 23, 1981, to be continued on September 24, 1981, if required. All persons shall have the right to appear by counsel or in person, to present information, and to be heard. Requests to appear at the public hearing should be filed with the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, not later than noon, September 17, 1981.

**Written Submissions**

In lieu of or in addition to appearances at the public hearing, interested persons are invited to submit written statements concerning the investigation. Commercial or financial information which a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons.

To be assured of consideration by the Commission, written statements should be submitted at the earliest practicable date, but no later than October 2, 1981. All submissions should be addressed to the Secretary at the Commission's office in Washington, D.C.

Issued: August 17, 1981.

By order of the Commission.

**Kenneth R. Mason,**  
Secretary.

[FR Doc. 81-24960 Filed 8-25-81; 8:45 am]  
BILLING CODE 7020-02-M

**NUCLEAR REGULATORY COMMISSION**

[Docket No. 50-471]

August 20, 1981.

**Boston Edison Co., et al., Pilgrim Nuclear Power Station, Unit 2; Order Cancelling a Prehearing Conference**

The final prehearing conference on emergency planning issues scheduled for September 1, 1981 is hereby cancelled. The final prehearing conference will be held on October 14, 1981 immediately prior to the commencement of evidentiary hearings on emergency planning. The date for beginning hearings on emergency planning is changed from October 9, 1981 to October 14, 1981. The exact time and place will be the subject of a later order.

It is so ordered.

Dated at Bethesda, MD, this 20th day of August, 1981.

For the Atomic Safety and Licensing Board.  
**Andrew C. Goodhope,**  
Chairman, Administrative Judge.

[FR Doc. 81-24856 Filed 8-25-81; 8:45 am]  
BILLING CODE 7590-01-M

[Docket No. 50-255 SP]

**Consumers Power Co., (Palisades Nuclear Power Facility): Assignment of Atomic Safety and Licensing Appeal Board**

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this special proceeding:

Alan S. Rosenthal, Chairman,  
Thomas S. Moore,  
Christine N. Kohl.

Dated: August 20, 1981.

**C. Jean Bishop,**  
Secretary to the Appeal Board.

[FR Doc. 81-24857 Filed 8-25-81; 8:45 am]  
BILLING CODE 7590-01-M

**OFFICE OF THE FEDERAL INSPECTOR FOR THE ALASKA NATURAL GAS TRANSPORTATION SYSTEM**

**Establishment of Agency Senior Executive Service Performance Review Board**

**AGENCY:** Office of the Federal Inspector for the Alaska Natural Gas Transportation System.

**ACTION:** Notice of appointment of agency performance review board publication of board membership.

**SUMMARY:** The Executive Resources Board of the Office of the Federal Inspector for the Alaska Natural Gas Transportation System (OFI), with the concurrence of the Federal Inspector, has appointed the following individuals to the agency's Performance Review Board standing register: Jeremiah J. Barrett, Richard J. Berman, William T. Black, Earl N. Kari, David C. Rector, William M. Toskey, Jerry B. Vance. Notice of these appointments are published in accordance with 5 U.S.C. 4314(c)(4).

**FOR FURTHER INFORMATION CONTACT:** Mr. William G. Laxton, Director of Personnel, Office of the Federal Inspector (ANGTS), Room 2413, Post Office Building, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20044, (202) 275-1157.

Dated: August 21, 1981.  
**Ned Hengeler,**  
Acting Federal Inspector.

[FR Doc. 81-24831 Filed 8-25-81; 8:45 am]  
BILLING CODE 6820-AW-M

## SECURITIES AND EXCHANGE COMMISSION

### Central Power and Light Company, 4% Preferred Stock, \$100 Par Value; Application To Terminate Unlisted Trading Privileges and of Opportunity for Hearing

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(4) of the Securities Exchange Act of 1934 and Rule 12f-3 thereunder, to terminate unlisted trading privileges in the specified security on the American Stock Exchange, Inc. ("Amex").

The reasons stated in the application for terminating the unlisted trading privileges for this security include the following:

The annual volume of public trading of Central Power and Light Company's ("Company") preferred stock has been inadequate since 1977. Therefore, the Company has determined that because of the infrequent trading of its stock, the annual expense of maintaining unlisted trading privileges is not justified.

Any interested person may, on or before September 9, 1981, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

August 19, 1981.

[FR Doc. 81-24621 Filed 8-25-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22165; 70-6622]

### WEPCO, Inc.; Proposed Acquisition of Public Utility Companies

In the Matter of WEPCO, Inc., 231 West Michigan, Milwaukee, Wisconsin 53201; Proposed acquisition of public utility companies. (70-6622)

Notice is hereby given that WEPCO, Inc. ("WEPCO"), a Wisconsin corporation, has filed with the Commission an application pursuant to the Public Utility Holding Company Act

of 1935 ("Act"), designating section 9(a)(2) and 10 of the Act as applicable to the proposed transaction. All interested persons referred to the application, which is summarized below, for a complete statement of the proposed transaction.

WEPCO is a newly-organized corporation, a wholly-owned subsidiary of Wisconsin Electric Power Company ("Wisconsin Electric"), a Wisconsin corporation, and was created to accomplish a proposed merger and reorganization of Wisconsin Electric. Wisconsin Electric is an electric utility company and is also a holding company as defined in section 2(a)(7) of the Act. Wisconsin Electric owns all of the outstanding common stock of Wisconsin Natural Gas Company ("WNG"), a Wisconsin corporation and a gas utility company as defined in section 2(a)(4). Wisconsin Electric is an exempt holding company under section 3(a)(2) of the Act pursuant to order dated June 3, 1955 (HCAR No. 12917).

The proposed merger and reorganization involves the following: (1) a subsidiary of WEPCO will be merged into Wisconsin Electric, with Wisconsin Electric as the surviving corporation; (2) the common stock of the subsidiary owned by WEPCO will be converted into common stock of Wisconsin Electric; (3) each publicly-held share of common stock of Wisconsin Electric, \$10 par value per share, will be converted into one share of common stock of WEPCO, par value \$1 per share; (4) Wisconsin Electric will become a wholly-owned subsidiary of WEPCO; and (5) WNG and two non-utility subsidiaries of Wisconsin Electric will, be means of a non-cash dividend from Wisconsin Electric to WEPCO, become wholly-owned subsidiaries of WEPCO. The outstanding securities of Wisconsin Electric and WNG, other than the shares of their common stock, will not be affected by the merger and reorganization, and following consummation WEPCO will have no securities outstanding other than common stock.

WEPCO's proposal will not result in any substantial change in to operation of the utility properties of the parties, or in any expansion of Wisconsin Electric's present holding company system. The shareholders of Wisconsin Electric will be asked to vote on the merger and related matters at a special meeting to be held on or about November 3, 1981. It is stated that the objective of the proposed merger and reorganization is to provide a corporate structure that will facilitate WEPCO's taking advantage of opportunities to develop or acquire

other business, and that WEPCO is looking at a variety of diversification opportunities, including but not limited to coal exploration and development, transportation of fuels, environmental and laboratory services, cable television, home information services and real estate development.

Wisconsin Electric is an electric utility company engaged in the generation, transmission and sale of electric energy to approximately 800,000 electric customers in a territory of approximately 12,600 square miles in southeastern, east central and northern Wisconsin and in the Upper Peninsula of Michigan. It also provides steam service to certain customers in Milwaukee, Wisconsin. At December 31, 1980, Wisconsin Electric had total gross utility plant of \$2,027,080,000 and for the twelve months then ended reported \$761,051,000 of electric operating revenues (and \$8,162,000 of steam revenue) and \$68,968,000 of net income (on a consolidated basis). WNG is a gas utility company engaged in the purchase, distribution and sale of natural gas to approximately 200,000 customers in two service areas in Wisconsin, one located south and west of Milwaukee and the other in the area of Appleton, Wisconsin. At December 31, 1980, WNG had gross utility plant of approximately \$198,000,000 and the twelve months then ended reported \$237,932,000 of operating revenues and \$5,323,000 of net income.

Wisconsin Electric's non-utility subsidiaries include Badger Service Company, a Wisconsin corporation, which holds rights to some coal lands in Indiana and operates certain parking lots in Wisconsin for Wisconsin Electric, and Wisconsin Michigan Power Company, Inc., an inactive subsidiary. Wisconsin Electric carries on its books its investments in these subsidiaries at approximately \$756,000 and \$500, respectively.

WEPCO is not now a holding company, and it does not intend to register as such if the acquisition is approved and the merger and reorganization consummated. WEPCO states that it will be entitled to an exemption under Section 3(a)(1) on the basis that it and its public utility subsidiaries "are predominantly intrastate in character and carry on their business substantially in a single state in which such holding company and every such subsidiary thereof are organized."<sup>1</sup> WEPCO intends to claim

<sup>1</sup> Applicant claims that Wisconsin Electric's utility operations in Michigan are *de minimis* and

such exemption by appropriate filing pursuant to Rule. 2.

The fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment. It is stated that the Wisconsin Public Service Commission has jurisdiction over the proposed transaction and that no other State Commission and no Federal Commission, other than this Commission, has jurisdiction thereover.

The application and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested person wishing to comment or request a hearing should submit their views in writing by September 28, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on this applicant at the address specified above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any notice or order issued in this matter. After said date, the application, as filed or as it may be amended, may be granted.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

August 19, 1981.

[FR Doc. 81-24820 Filed 8-25-81; 8:45 am]

BILLING CODE 8010-01-M

that Wisconsin Electric carries on its business substantially in Wisconsin. In support thereof it is stated that the following were the percentages of the Michigan operations to Wisconsin Electric's total operation for these criteria for the two most recent years ending December 31:

	Percent of Michigan to Operations Total	
	Dec. 31, 1979	Dec. 31, 1980
Electric customers	2.78	2.75
Generating plants:		
Capacity	1.93	1.68
Output	2.93	2.53
Book value of net property	3.30	2.75
Electric sales:		
kWh	3.47	3.38
Dollars	3.32	3.17
Net operating income	1.85	0.87

## SMALL BUSINESS ADMINISTRATION

[License No. 03/03-5141]

### Albright Venture Capital, Inc.; Filing of Application for Approval of Conflict of Interest Transaction

Notice is hereby given that Albright Venture Capital, Inc. (Albright), 8005 Rappanhanock Avenue, Jessup, Maryland 20794, a Federal Licensee under the Small Business Investment Act of 1958, as amended (Act), has filed an application with the Small Business Administration (SBA) pursuant to section 312 of the Act and covered by § 107.1004 of the SBA rules and regulations, governing Small Business Investment Companies (13 CFR 107.1004 (1981)) for approval of conflict of interest transaction falling within the scope of the above section of the Act and regulations.

Subject to such approval, Albright proposes to purchase an equity interest in Prince George's State Bank, Glenarden, MD, for the purpose of working capital.

The proposed financing is brought within the purview of § 107.1004(b)(1) of the regulations because Mr. William A. Albright sole stockholder of Albright, is a member of the Board of Directors of Prince George's State Bank which therefore makes Prince George's State Bank an Associate of Albright as defined by § 107.3 of the regulations.

Notice is hereby given that any interested person may, not later than September 8, 1981, submit written comments on the proposed transaction to the Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: August 20, 1981.

Peter F. McNeish,  
Acting Associate Administrator for Investment.

[FR Doc. 81-24855 Filed 8-25-81; 8:45 am]

BILLING CODE 8025-01-M

[SBLC No. 06/B-0016]

### Southwestern Commercial Capital, Inc.; Filing of Application for Eligibility Determination as a Small Business Lending Company

An application for Eligibility Determination as a Small Business Lending Company has been filed by Southwestern Commercial Capital, Inc. (Applicant), 113 South River St., Seguin, Texas 78155, with the Small Business Administration pursuant to § 120.4(b) of

SBA regulations (13 CFR 120.4(b) (1980)), promulgated under the Small Business Act.

As a Small Business Lending Company (SBLC), under Subsection (b) mentioned above, the Applicant will be engaged solely in the making of loans to small business concerns in participation with SBA, and in accordance with applicable SBA regulations. It will be subject to supervision and examination by the SBA.

The Applicant is incorporated under the laws of the State of Texas and will commence operation with a minimum capitalization of \$1,000,000, which will be raised by an offering of common stock to a limited number of investors. The only holder of 10 percent or more of the outstanding stock will be:

John Byron McKean, Rt. 4, Box 338, Seguin, Texas 78155.

The Applicant intends to conduct its operations in the areas of South and South Central Texas and to sell in the Secondary Market the SBA's guaranteed portion of loans made to small business concerns.

The Officers and Directors of the Applicant are:

#### Name and Title

James A. Bettersworth, 186 Spyglass Road, McQueeney, Texas 78123; President and Director.

Joe A. Mueller, Treasure Island, McQueeney, Texas 78123; Vice President, Secretary, Treasurer and Director.

John Byron McKean, Rt. 4, Box 338, Seguin, Texas 78155; Director.

Matters involved in SBA's consideration of the application include the general business reputation and character of management, and the probability of successful operation of the company under their management, including adequate profitability and financial soundness, in accordance with the Small Business Act and regulations promulgated thereunder.

Notice is hereby given that all interested parties may, not later than September 10, 1981, submit to SBA written comments on the proposed Applicant and/or its management. Any such communication should be addressed to:

Wayne S. Foren, Director, Office of Lender Relations and Certification, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in San Antonio and Seguin, Texas, as well as in the regional edition of the *Wall Street Journal* serving the area of operation of the Applicant.

(Catalog of Federal Domestic Assistance  
Program No. 59.012 Small Business Loans)

Dated: August 20, 1981.

Michael Cardenas,  
Administrator.

[FR Doc. 81-24854 Filed 8-25-81; 8:45 am]

BILLING CODE 8025-01-M

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

[Dept. Circular Public Debt Series—No. 27-81]

### Treasury Notes of November 15, 1986; Series F-1986

#### 1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately \$3,250,000,000 of United States securities, designated Treasury Notes of November 15, 1986, Series F-1986 (CUSIP No. 912827 MG 4). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

#### 2. Description of Securities

2.1. The securities will be dated September 8, 1981, and will bear interest from that date, payable on a semiannual basis on May 15, 1982, and each subsequent 6 months on November 15 and May 15 until the principal becomes payable. They will mature November 15, 1986, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000, and \$1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

#### 3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Thursday, August 27, 1981. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Wednesday, August 26, 1981.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is \$1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed \$1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign

central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a  $\frac{1}{8}$  of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 98.750. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

#### 4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section

1. and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

#### 5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Tuesday, September 8, 1981. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Thursday, September 3, 1981. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer

identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date,

purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

#### 6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Paul H. Taylor,

*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. 81-24824 Filed 8-21-81; 11:34 am]

BILLING CODE 4810-40-M

# Sunshine Act Meetings

Federal Register

Vol. 46, No. 165

Wednesday, August 26, 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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### COMMODITY FUTURES TRADING COMMISSION.

**TIME AND DATE:** 11 a.m., Friday, September 4, 1981

**PLACE:** 2033 K Street, N.W., Washington, D.C. Eighth floor conference room.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:**  
Surveillance Briefing.

**TIME AND DATE:** 10 a.m. Tuesday, September 1, 1981.

**PLACE:** 2033 K Street, N.W., Washington D.C., Fifth floor hearing room.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:**

Proposed Contract Market Designation—  
NAME Leaded Gasoline—New York Market  
Proposed Contract Market Designation—  
NAME Unleaded Gasoline—New York Harbor

**CONTACT PERSON FOR MORE**

**INFORMATION:** Jane Stuckey, 254-6314.

[S-1267-81 Filed 8-24-81; 10:33 am]

BILLING CODE 6351-01-M

2

### FEDERAL DEPOSIT INSURANCE CORPORATION.

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 9:40 a.m. on Friday, August 21, 1981, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider a settlement proposal received in connection with certain litigation to which the Corporation is a party.

In calling the meeting, the Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting by authority of subsections (c)(9)(B) and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(9)(B) and (c)(10)).

Dated: August 21, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

*Executive Secretary.*

[S-1268-81 Filed 8-24-81; 11:37 am]

BILLING CODE 6714-01-M

3

### FEDERAL DEPOSIT INSURANCE CORPORATION.

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, August 31, 1981, to consider the following matters:

**Summary Agenda:** No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Application for consent to establish a branch:

The Howard Savings Bank, Newark, New Jersey, for consent to establish a branch on the northwest corner of Pascack Road and Washington Avenue, Washington Township, New Jersey.

Application for consent to merge and establish branches:

Farmers First Bank, Lititz, Pennsylvania, for consent to merge, under its charter and title, with Elizabethtown Trust Company, Elizabethtown, Pennsylvania, and to

establish the three officers of Elizabethtown Trust Company as branches of the resultant bank.

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Memorandum and Resolution re: The Drovers' National Bank of Chicago, Chicago, Illinois

Recommendation with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Sullivan & Worcester, Boston, Massachusetts, in connection with the receivership of Surety Bank and Trust Company, Wakefield, Massachusetts.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Report of the Director, Division of Liquidation:

Memorandum re: Reports Required Under Delegated Authority Sale of Lots

Report of the General Counsel:

Memorandum re: Reports of Actions Approved Under Delegated Authority: Settlements of Claims and New Employment of Counsel

Reports of the Director, Office of Corporate Audits:

Audit Report re: Data Base Access by Non-FDIC Users, dated April 30, 1981.

Audit Report re: Liquidation Audits—Summary of Ten, dated May 26, 1981.

Discussion Agenda:

Memorandum and Resolution re: Interpretation of NOW Account Eligibility Requirements

Memorandum and Resolution re: Paperwork-Regulation Control Program.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: August 24, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,  
Executive Secretary.

[S-1280-81 Filed 8-24-81; 12:21 pm]

BILLING CODE 6714-01-M

4

**FEDERAL DEPOSIT INSURANCE CORPORATION.**

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, August 31, 1981, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

**Discussion Agenda:**

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550-17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: August 24, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,  
Executive Secretary.

[S-1280-81 Filed 8-24-81; 12:21 pm]

BILLING CODE 6714-01-M

5

**NEIGHBORHOOD REINVESTMENT CORPORATION.**

Special Meeting of the Board

**TIME AND DATE:** 2:30 p.m., August 31, 1981.

**PLACE:** Board Room, sixth floor, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C.

**STATUS:** Open meeting and closed meeting.

**CONTACT PERSON FOR MORE**

**INFORMATION:** Timothy McCarthy, Associate Director, Communications (202) 377-6815.

**AGENDA:** Open meeting:

- I. Call to Order and Remarks of the Chairman
- II. Approval of Minutes, April 22, 1981
- III. Amendment to Bylaws: Dates of Annual and Regular Meetings of the Board
- IV. Resolution: Annual Meeting of the Board of Directors
- V. Resolution: Regular Meetings of the Board of Directors
- VI. Resolution: Appointment of Executive Committee
- VII. Resolution: Appointment of Personnel Committee
- VIII. Resolution: Appointment of Audit Committee
- IX. Report of the Audit Committee
- X. Report of the Personnel Committee
- XI. Executive Director's Report
- XII. Resolution: Election of Deputy Executive Director
- XIII. Resolution: Election of Director, Field Services
- XIV. Treasurer's Report
- XV. Report of Fiscal Year 1981 Results and Discussion of Fiscal Year 1982 Budgetary Needs
- XVI. Resolution: Approval of Fiscal Year 1982 Budget

*Closed Meeting*

- XVII. Discussion of Fiscal Year 1983 Budgetary Needs
- XVIII. Resolution: Approval of Fiscal Year 1983 Budget Submission

No. 19 August 24, 1981.

Donnie L. Bryant,

Secretary.

[S-1291-81 Filed 8-24-81; 1:46 pm]

6

**NUCLEAR REGULATORY COMMISSION.**

**DATE:** Thursday, August 27, 1981 (revised).

**PLACE:** Commissioner's Conference Room, 1717 H Street, N.W., Washington, D.C.

**STATUS:** Open/closed.

**MATTERS TO BE CONSIDERED:** Thursday, August 27:

10:00 a.m.:

1. Discussion of Implementation of Early Notification Systems (public meeting) (as announced)

2:00 p.m.:

1. Discussion of Diablo Canyon Low-Power Operating License (open/closed meeting) (3:30 p.m.):

2. Affirmation/Discussion Session (public meeting) Items to be affirmed and/or discussed:
  - a. Policy on Proceeding with Pending Construction Permit and Manufacturing License Applications (rescheduled from August 20)
  - b. Protection of Unclassified Safeguards Information (rescheduled from August 20)
  - c. Proposed Rulemaking to Implement the Age Discrimination Act of 1975, as Amended, to Prevent Discrimination on the Basis of Age in Federally Assisted Commission Programs
  - d. Implementation of Early Notification Systems (Tentative)

**ADDITIONAL INFORMATION:** Affirmation of Review of Director's Denial (In the Matter of Commonwealth Edison), scheduled for August 20, was cancelled. By a vote of 5-0 on August 20, the Commission determined pursuant to 5 U.S.C. 552b(e) and § 9.107(a) of the Commission's Rules that Commission business required that affirmation of Order in TMI-1 Restart, held that day, be held on less than one week's notice. Discussion of this item was held in closed session since it involved a proposed order in a matter under adjudication.

**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.

August 20, 1981.

Walter Magee,

Office of the Secretary.

[S-1286-81 Filed 8-24-81; 4:01 pm]

BILLING CODE 7590-01-M

# Reader Aids

Federal Register

Vol. 46, No. 165

Wednesday, August 26, 1981

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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/FSIS		DOT/FAA	USDA/FSIS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/MA	MSPB/OPM		DOT/MA	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 30 through September 5, 1981

AGRICULTURE DEPARTMENT	
Agricultural Marketing Service—	
39438	8-3-81 / Allocation of tobacco inspection service; eligibility for price support; comments by 9-2-81
40027	8-6-81 / Information on marketing orders for fruits, vegetables, and specialty crops; extension of time; comments by 9-1-81 [See also 46 FR 37054, 7-17-81]
Animal and Plant Health Inspection Service—	
34805	7-6-81 / Payment of indemnity for breeding swine destroyed because of brucellosis; comments by 9-4-81
Commodity Credit Corporation—	
41521	8-17-81 / General regulations governing 1979 and subsequent peanut crop; storage loans and handler operations; comments by 9-3-81
Food and Nutrition Service—	
39153	7-31-81 / Food Stamp Program; AFDC/Food Stamp Consolidation Demonstration Project; comments by 8-31-81
Forest Service—	
33533	6-30-81 / National forest timber sales, advertisement and bids; comments by 8-31-81
Rural Electrification Administration—	
39164	7-31-81 / Equipment and construction contract requirements; proposed revision to REA Forms 198 and 200; comments by 8-31-81
CIVIL AERONAUTICS BOARD	
42075	8-19-81 / Statements of General Policy; joint fares; reply comments by 9-3-81

## COMMERCE DEPARTMENT

International Trade Administration—

29662 6-2-81 / Establishment of the defense priorities and allocations system and superseding the existing defense materials system and defense priorities system regulations; comments by 8-31-81

National Oceanic and Atmospheric Administration—

37059 7-17-81 / Ocean salmon fisheries off the coasts of Calif., Ore. and Wash.; comments by 8-31-81

37716 7-22-81 / The St. Thomas National Marine Sanctuary; comments by 8-30-81

## CONSUMER PRODUCT SAFETY COMMISSION

38931 7-30-81 / Flammability of clothing textiles and vinyl plastic film; interpretation, clarifications, and exemptions; comments by 8-31-81

## DEFENSE DEPARTMENT

Office of the Secretary—

38538 7-28-81 / Implementation of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); comments by 9-1-81

38167 7-31-81 / Implementation of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); comments by 8-31-81

## ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

39846 8-5-81 / Establishment of fees relating to Freedom of Information Act requests; comments by 8-31-81

42075 8-19-81 / Fees applicable to natural gas pipelines; comments by 9-4-81

40044 8-6-81 / High cost gas produced from tight formations; Texas; comments by 8-31-81

40043 8-6-81 / High cost gas produced from tight formations; Virginia; comments by 8-31-81

## ENVIRONMENTAL PROTECTION AGENCY

39168 7-31-81 / Air programs; delayed compliance order for Holyoke Water Power Company, Mass.; comments by 9-4-81

- 38939 7-30-81 / Air programs, energy-related authority; delayed compliance orders; Department of the Navy, Naval Ordnance Station, Indian Head, Md., Goddard Power Plant; comments by 8-31-81
- 39612 8-4-81 / Approval and promulgation of New York State Implementation Plan; comments by 9-3-81
- 37057 7-17-81 / Approval and promulgation of implementation plans; Ohio; comments extended to 9-3-81  
[See also 46 FR 24966, 5-4-81; and 46 FR 30116, 6-5-81]
- 39456 8-3-81 / Coal mining point source category effluent limitations guidelines; pretreatment standards and new source performance standards; comments by 9-3-81
- 30300 6-5-81 / Dichloromethane, Nitrobenzene and 1,1,1-Trichloroethane; Proposed test rule; comments by 8-31-81
- 40058 8-6-81 / Hazardous waste management; extension of comment period; comments by 9-3-81  
[See also 46 FR 27363, 5-19-81]
- 39863 8-5-81 / Proposed approval of revision to Vermont State Implementation Plan; comments by 9-4-81
- 39864 8-5-81 / Proposed rulemaking and solicitation of public comment on portions of Illinois' State Implementation Plan; comments by 9-4-81
- 39865 8-5-81 / Proposed tolerances for *N,N*-diethyl-2-(1-naphthalenyloxy) propionamide; comments by 9-4-81
- FARM CREDIT ADMINISTRATION**
- 35117 7-7-81 / Funding and fiscal affairs, loan policies and operations, and funding operations; comments by 8-31-81
- 35110 7-7-81 / Loan policies and operations; comments by 8-31-81
- FEDERAL COMMUNICATIONS COMMISSION**
- 30150 6-5-81 / Deregulation of customer premises inside wiring; reply comments by 8-31-81
- 35534 7-9-81 / FM broadcast station in Martin and Salyersville, Ky.; proposed changes in table of assignments; comments by 8-31-81
- 41535 8-17-81 / Licensing of nonprofit corporations and associations of eligible users in the business users in the business and special industrial radio services; comments by 9-8-81
- 31693 6-17-81 / National implementation of Final Acts of 1979 World Administrative Radio Conference; reply comments by 8-30-81  
[See also 46 FR 3060, 1-13-81]
- 40536 8-10-81 / Reallocation of UHF-TV broadcast Channel 17 for common carrier fixed relay and control operations in the State of Hawaii; comments by 8-31-81
- FEDERAL RESERVE SYSTEM**
- 32594 6-24-81 / Bank holding companies nonbanking activities; issuance of travelers checks; comments by 8-31-81
- GENERAL SERVICES ADMINISTRATION**
- 39593 8-4-81 / Licensing of Federally owned inventions; temporary regulations; comments by 9-3-81
- INTERIOR DEPARTMENT**
- Geological Survey—
- 36212 7-14-81 / Exploration activities within the coastal plain of the Arctic National Wildlife Refuge; intent to propose regulations and prepare an environmental impact statement; comments by 9-1-81
- Surface Mining Reclamation and Enforcement Office—
- 39854 8-5-81 / General requirements for backfilling and grading; comments by 9-4-81
- 34784 7-2-81 / Permanent and Interim Regulatory Programs; effluent limitations and sedimentation pond design criteria; comments by 9-3-81
- 41525 8-17-81 / Proposed approval of resubmitted Virginia Permanent Regulatory program; comments by 9-4-81

**JUSTICE DEPARTMENT**

- Drug Enforcement Administration—
- 39848 8-5-81 / Placement of alpha-methylfentanyl in Schedule I of the Controlled Substances Act; comments by 9-4-81
- Parole Commission—
- 35635 7-10-81 / Paroling, recommitting, and supervising Federal prisoners (2 documents); comments by 8-31-81

**MANAGEMENT AND BUDGET OFFICE**

- Federal Procurement Policy Office—
- 35943 7-13-81 / Contract cost principles and procedures; contract administration; availability of draft Federal Acquisition Regulation; comments by 9-4-81

**SECURITIES AND EXCHANGE COMMISSION**

- 25638 5-8-81 / Environmental proceedings disclosure (Regulation S-K); comments by 9-1-81
- 26789 5-15-81 / Proxy rules and shareholder communications provisions; comments by 9-1-81
- 33287 6-29-81 / Regulatory Flexibility Act; plan for periodic review of Commission rules; comments by 8-31-81

**STUDENT FINANCIAL ASSISTANCE NATIONAL COMMISSION**

- 38923 7-30-81 / Privacy Act; implementation; comments by 8-30-81

**TRANSPORTATION DEPARTMENT**

- Federal Aviation Administration—
- 36032 7-13-81 / Metropolitan Washington Airports; policy to guide future operation and development and improvement of the quality of the environment; comments by 8-31-81

**TREASURY DEPARTMENT**

- Internal Revenue Service—
- 34348 7-1-81 / Income tax provisions relating to mortgage subsidy bonds; comments by 8-31-81

**Deadlines for Comments on Proposed Rules for the Week of September 6 through September 12, 1981****AGRICULTURE DEPARTMENT**

- Animal and Plant Health Inspection Service—
- 35907 7-13-81 / Gypsy moth; hazardous recreational vehicle sites; comments by 9-11-81
- 35912 7-13-81 / Inspection and handling of livestock for exportation; deletion and addition to ports of embarkation of animals; comments by 9-11-81
- Food and Nutrition Service—
- 35658 7-10-81 / Food Stamp Program; Wage matching; comments by 9-8-81
- Food Safety and Inspection Service—
- 35660 7-10-81 / Definitions and standards of identity or composition; Braunschweiger, Liver Sausage, and Liverwurst; comments by 9-8-81

**CIVIL AERONAUTICS BOARD**

- 35664 7-10-81 / Proposal to allow foreign indirect air carriers to organize charters and consolidate freight in interstate and overseas markets; comments by 9-8-81

**COMMERCE DEPARTMENT**

- National Oceanic and Atmospheric Administration—
- 40518 8-10-81 / High Seas Salmon off Alaska; comments by 9-9-81

**CONSUMER PRODUCT SAFETY COMMISSION**

- 35296 7-8-81 / Exemption from child-resistant packaging of all unit-dose forms of potassium supplements containing not more than 50 milliequivalents of potassium per unit-dose; comments by 9-8-81

- DEPOSITORY INSTITUTIONS DEREGULATION COMMITTEE**  
 40893 8-13-81 / Interstate rate ceilings on money market certificates and small savers certificates; comments by 9-9-81
- EDUCATION DEPARTMENT**  
 38880, 7-29-81 / College housing program; comments by 9-14-81  
 38889 (2 documents)
- ENVIRONMENTAL PROTECTION AGENCY**  
 40218 8-7-81 / Air quality implementation plans; Commonwealth of Pennsylvania; comments by 9-8-81  
 40220 8-7-81 / Chlorothalonil; proposed tolerance; comments by 9-8-81  
 40774 8-12-81 / Texas; proposed revision to State Implementation Plan; comments by 9-11-81
- FEDERAL COMMUNICATIONS COMMISSION**  
 39630 8-4-81 / Automatic aviation weather reporting systems at certain airports; reply comments by 9-11-81  
 37058 7-17-81 / FM broadcast station in Natchitoches, La.; proposed changes in table of assignments; comments by 9-8-81  
 35131 7-7-81 / FM broadcast station in North Muskegon, Mich.; changes in table of assignments; reply comments by 9-8-81  
 37921 7-23-81 / FM broadcast station in Redmond, Oregon; changes in table of assignments; comments by 9-8-81  
 40536 8-10-81 / Frequency allocations and radio treaty matters general rules and regulations; comments by 9-8-81  
 38390 7-27-81 / Regulatory and deregulatory requirements for medical services radio systems operating in the 450-400 MHz band in the Special Emergency Radio Service; comments by 9-8-81
- FEDERAL EMERGENCY MANAGEMENT AGENCY**  
 35921 7-13-81 / Consultation with appropriate local officials when undertaking a study of flood elevations; comments by 9-11-81
- FEDERAL TRADE COMMISSION**  
 38105 7-24-81 / Inclusion of furnaces in category of appliances requiring energy efficiency labeling provisions; comments by 9-8-81  
 35668 7-10-81 / Proprietary vocational and home study schools; comments by 9-8-81
- HEALTH AND HUMAN SERVICES DEPARTMENT**  
 Food and Drug Administration—  
 35122 7-7-81 / Blood grouping serum, amendment of additional standards to permit use of chemically modified antisera; comments by 9-8-81  
 35121 7-7-81 / Hepatitis requirements, amendment of restrictions on use as injectable biological products; comments by 9-8-81
- HOUSING AND URBAN DEVELOPMENT DEPARTMENT**  
 Neighborhoods, Voluntary Associations and Consumer Protection, Office of Assistant Secretary—  
 40498 8-7-81 / Mobile home construction and safety standards, procedural and enforcement regulations and consumer manual requirements; comments by 9-8-81  
 40496 8-7-81 / Mobile home procedural and enforcement regulations; comments by 9-8-81
- INTERIOR DEPARTMENT**  
 Fish and Wildlife Service—  
 26464 5-12-81 / Petition submitted by the International Council for Bird Preservation, U.S. Section, Inc. to list 77 birds as endangered or threatened under the Endangered Species Act of 1973; comments by 9-9-81  
 Land Management Bureau—  
 37725 7-22-81 / Oil and gas leasing—National Petroleum Reserve—Alaska; Proposed rulemaking authorizing oil and gas leasing; comments by 9-8-81
- Surface Mining Reclamation and Enforcement Office—  
 40047, 8-6-81 / Abandoned mine lands reclamation program; comments by 9-8-81  
 40049  
 2043 1-8-81 / Surface Coal Mining and reclamation enforcement operations; permanent regulatory program reporting and recordkeeping requirements; exemption for coal extraction incident to Government-financed highway or other construction; comment period extended to 9-10-81 [See also 44 FR 35192, 6-18-79]
- INTERSTATE COMMERCE COMMISSION**  
 40221 8-7-81 / Modification of the Motor Carrier Fuel Surcharge Program; comments by 9-8-81
- JUSTICE DEPARTMENT**  
 Drug Enforcement Administration—  
 35529 7-9-81 / Schedules of controlled substances; proposed placement of Tiletamine and Zolazepam into Schedule I and the proposed placement of certain preparations which contain both Tiletamine and Zolazepam into Schedule III, comments by 9-8-81
- MERIT SYSTEMS PROTECTION BOARD**  
 40702 8-11-81 / Practices and procedures provisions; comments by 9-8-81
- NATIONAL CREDIT UNION ADMINISTRATION**  
 36862 7-16-81 / Organization and operation of Federal Credit Unions; Share, Share Draft, and Share Certificate of Accounts; comments by 9-7-81
- NUCLEAR REGULATORY COMMISSION**  
 38374 7-27-81 / Codes and standards for Nuclear Power Plants; comments by 9-10-81  
 35662 7-10-81 / Receipt of petition for rulemaking from the National Bureau of Standards, Commerce, to exempt certain radioactive material from certain specific license application requirements; comments by 9-8-81  
 34595 7-2-81 / Reporting of changes to the Quality Assurance Program; comments by 9-8-81
- PERSONNEL MANAGEMENT OFFICE**  
 35658 7-10-81 / Retirement; Health Care Employees; comments by 9-8-81  
 35108 7-7-81 / Temporary and term employment; noncompetitive career appointments; former employees of legislative or judicial branch; comments by 9-8-81
- TRANSPORTATION DEPARTMENT**  
 Coast Guard—  
 38378 7-27-81 / COLREGS demarcation lines, Savannah River, GA, to Amelia Island, FL; comments by 9-10-81  
 Federal Aviation Administration—  
 40527 8-10-81 / Advisory material for flight attendant seats; comments by 9-9-81  
 Research and Special Programs Administration—  
 40540 8-10-81 / Carriage of tear gas devices aboard aircraft; comments by 9-9-81
- TREASURY DEPARTMENT**  
 Customs Service—  
 35682 7-10-81 / Changes in field organization; Saginaw-Bay City, Flint, Mich., et al; comments by 9-8-81
- Next Week's Meetings**  
**AGRICULTURE DEPARTMENT**  
 Forest Service—  
 39636 8-4-81 / Coconino National Forest Grazing Advisory Board, Flagstaff, Ariz. [open], 9-4-81

- 40234 8-7-81 / Malheur National Forest Grazing Advisory Board, John Day, Oreg. (open), 9-4-81
- ARTS AND HUMANITIES, NATIONAL FOUNDATION**
- 40109 8-6-81 / Humanities Panel, Washington, D.C. (closed), 8-31-81
- 40109 8-6-81 / Humanities Panel, Washington, D.C. (closed), 9-1-81
- 40358 8-7-81 / Humanities Panel, Washington, D.C. (closed), 9-2-81
- 39255 7-31-81 / Media Arts Panel (Services to the Field), Washington, D.C. (closed), 8-31 and 9-1-81
- 40841 8-12-81 / Museum Panel (Catalogue and Utilization Section), Washington, D.C. (closed), 9-2 and 9-3-81
- 40841 8-12-81 / Museum Panel (Conservation Section), Washington, D.C. (closed), 9-1-81
- 40746 8-11-81 / Partnership Office (State Programs Section), Washington, D.C. (closed), 8-31-81
- CIVIL RIGHTS COMMISSION**
- 40908 8-13-81 / Alaska Advisory Committee, Anchorage, Alaska (open), 8-31-81
- 41539 8-17-81 / Connecticut Advisory Committee, Cromwell, Conn. (open), 9-1-81
- 41540 8-17-81 / New Hampshire Advisory Committee, Manchester, N.H. (open), 9-3-81
- 40549 8-10-81 / Washington Advisory Committee, Seattle, Wash. (open), 9-2-81
- COMMERCE DEPARTMENT**
- National Oceanic and Atmospheric Administration—
- 40915 8-13-81 / Caribbean Fishery Management Council, Scientific and Statistical Committee, Advisory Panel and Administrative Subcommittee, Santurce, Puerto Rico (open), 9-2 and 9-3-81
- 40720 8-11-81 / Gulf of Mexico Fishery Management Council and its Scientific and Statistical Committee, Tampa, Fla. (open), 8-31 through 9-2-81
- 40916 8-13-81 / Gulf of Mexico and South Atlantic Fishery Management Council, Advisory Panel, Tampa, Fla. (open), 9-2 and 9-3-81
- DEFENSE DEPARTMENT**
- Air Force Department—
- 39639 8-4-81 / USAF Scientific Advisory Board, Arnold Engineering Development Center Advisory Group, Arnold Air Force Station, Tenn. (closed), 9-1 and 9-2-81
- Office of the Secretary—
- 40068 8-6-81 / Defense Advisory Committee on Women in the Services, Washington, D.C. (open), 9-3 and 9-4-81
- 37541 7-21-81 / Wage Committee, Washington, D.C. (closed), 9-1-81
- ENERGY DEPARTMENT**
- Office of the Secretary—
- 40720 8-11-81 / National Petroleum Council's Arctic Oil and Gas Resources Committee, Coordinating Subcommittee, Fairbanks, Alaska (open), 9-1 and 9-2-81
- Energy Research Office—
- 41843 8-18-81 / Energy Research Advisory Board, Washington, D.C., (open), 9-2 and 9-3-81
- FEDERAL PREVAILING RATE ADVISORY COMMITTEE**
- 41207 8-14-81 / Meeting, Washington, D.C. (open), 9-3 and 9-24-81
- HEALTH AND HUMAN SERVICES DEPARTMENT**
- Centers for Disease Control—
- 40727 8-11-81 / In Vitro Tests for Workplace Cocarcinogens, Cincinnati, Ohio (open), 9-2-81
- Food and Drug Administration—
- 41212 8-14-81 / Cardiovascular and Renal Drugs Advisory Committee, Bethesda, Md. (open), 8-31 and 9-1-81
- 40330 8-7-81 / Consumer participation; Chattanooga, Tenn. (open), 8-31-81
- 40330 8-7-81 / Consumer participation; Nashville, Tenn. (open), 9-2-81
- National Institutes of Health—
- 41565 8-17-81 / Large Bowel and Pancreatic Cancer Review Committee, Large Bowel Cancer Review Subcommittee, Boston, Mass. (partially open), 9-3-81
- HISTORIC PRESERVATION ADVISORY COUNCIL**
- 42091 8-19-81 / Phase II of the Canal Place development, New Orleans, La., 9-1 and 9-2-81
- INTERIOR DEPARTMENT**
- Geological Survey—
- 36212 7-14-81 / Arctic National Wildlife Refuge oil and gas exploration, (open), Washington, D.C., 9-1-81
- Land Management Bureau—
- 38145 7-24-81 / Idaho Falls District Grazing Advisory Board, Idaho Falls, Idaho (open), 9-1-81
- 37981 7-23-81 / Miles City District Grazing Advisory Board, Miles City, Mont. (open), 9-2-81
- 39043 7-30-81 / New Mexico & Colorado San Juan River Regional Coal Team, Albuquerque, N. Mex. (open), 9-2-81
- 42358 8-20-81 / Salmon District Advisory Council, Salmon, Idaho, (open), 9-1 and 9-2-81 (2 documents)
- NUCLEAR REGULATORY COMMISSION**
- 39921 8-5-81 / Decontamination of Three Mile Island, Unit 2, Advisory Panel, Harrisburg, Pa. (open), 9-1-81
- 32354 8-22-81 / Medical Uses of Isotopes Advisory Committee, Chicago, Ill. (open), 8-31-81
- 41888 8-18-81 / Reactor Safeguards Advisory Committee, Waste Management Subcommittee, Washington, D.C. (open), 9-2 and 9-3-81
- STATE DEPARTMENT**
- Office of the Secretary—
- 39261 7-31-81 / Shipping Coordinating Committee, Safety of Life at Sea Subcommittee, Bulk Chemicals Working Group, Washington, D.C. (open), 8-31-81
- 41894 8-18-81 / Shipping Coordinating Committee, Safety of Life at Sea Subcommittee, Containers and Cargoes Working Group, Bulk Cargoes Panel, Washington, D.C. (open), 9-2-81
- 41895 8-18-81 / U.S. Organization for the International Radio Consultative Committee, Study Group CMTT, Washington, D.C. (open), 9-2-81
- 41895 8-18-81 / U.S. Organization for the International Telegraph and Telephone Consultative Committee, Study Group A, Washington, D.C. (open), 9-3-81
- VETERANS ADMINISTRATION**
- 30020 8-4-81 / Wage Committee, Washington, D.C. (closed), 9-3-81

### Next Week's Public Hearings

#### AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service—

- 38331 7-27-81 / Khapra Beetle Interim Regulations, Hyattsville, Md., 9-2-81

#### ENVIRONMENTAL PROTECTION AGENCY

- 39175 7-31-81 / Air programs: delayed compliance order for New England Power Company, Salem Harbor Generating Station, Mass., Salem, Mass., 9-2-81

#### INTERIOR DEPARTMENT

Surface Mining Reclamation and Enforcement Office—

- 41525 8-17-81 / Resubmitted Virginia Permanent Regulatory Program, Wise, Va., 9-3-81

## TRANSPORTATION DEPARTMENT

Coast Guard—

- 33341 8-29-81 / Lifesaving Equipment; improved standards for inflatable liferafts, Washington, D.C., 9-1-81

## List of Public Laws

Last Listing August 21, 1981

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the Federal Register but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

- S.J. Res. 87 / Pub. L. 97-43 To authorize and request the President to designate September 13, 1981, as "Commodore John Barry Day", (Aug. 20, 1981; 95 Stat. 947) Price: \$1.50

## 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:

- 42472 8-21-81 / EPA—Municipal wastewater treatment works; construction grants; draft availability; comments by 9-15-81

## APPLICATIONS DEADLINES:

- 42498 8-21-81 / Commerce/MBDA—Two New York Region projects; apply by 9-14-81

## MEETINGS

- 42091 8-19-81 / ACHP—Meeting, Washington, D.C. (open), 8-25-81
- 42091 8-19-81 / ACHP—Phase II of Canal Place development in New Orleans, La., 9-1 and 9-2-81 (Contact Executive Director for place and time)
- 41563 8-17-81 / HHS/NIH—Bladder and Prostatic Cancer Review Committee, Bladder Cancer Review Subcommittee, Boston, Mass. (partially open), 9-14 through 9-16-81
- 41567 8-17-81 / HHS/NIH—Behavioral and Neurosciences Study Section 1, Bethesda, Md., (partially open), 9-25-81
- 41567 8-17-81 / HHS/NIH—Behavioral and Neurosciences Study Section 2, Washington, D.C. (partially open), 10-5 through 10-6-81
- 41567 8-17-81 / HHS/NIH—Biomedical Sciences and Study Section 1, Bethesda, Md. (partially open), 10-1 and 10-2-81
- 41567 8-17-81 / HHS/NIH—Biomedical Sciences Study Section 2, Bethesda, Md. (partially open), 9-14 and 9-15-81
- 41567 8-17-81 / HHS/NIH—Biomedical Sciences Study Section 3, Bethesda, Md. (partially open), 9-24 and 9-25-81
- 41563 8-17-81 / HHS/NIH—Bladder and Prostatic Cancer Review Committee, Prostatic Cancer Review Subcommittee, Buffalo, N.Y. (partially open), 9-23 and 9-24-81
- 41564 8-17-81 / HHS/NIH—Cancer Cause and Prevention Division, Board of Scientific Counselors, Bethesda, Md. (open), 9-17 and 9-18-81
- 41564 8-17-81 / HHS/NIH—Cancer Control Grant Review Committee, Bethesda, Md. (partially open), 10-19 and 10-20-81
- 41567 8-17-81 / HHS/NIH—Clinical Sciences Study Section 1, Bethesda, Md. (partially open), 9-14-81
- 41567 8-17-81 / HHS/NIH—Clinical Sciences Study Section 2, Bethesda, Md. (partially open), 9-18-81
- 41567 8-17-81 / HHS/NIH—Clinical Sciences Study Section 3, Bethesda, Md. (partially open), 9-10-81
- 41567 8-17-81 / HHS/NIH—Clinical Sciences Study Section 4, Chevy Chase, Md. (partially open), 9-25-81
- 41565 8-17-81 / HHS/NIH—Communicative Disorders Review Committee, Rockville, Md. (partially open), 11-6 through 11-7-81
- 41566 8-17-81 / HHS/NIH—Eye National Advisory Council, Bethesda, Md. (partially open), 9-21 through 9-23-81
- 41565 8-17-81 / HHS/NIH—Large Bowel and Pancreatic Cancer Review Committee, Large Bowel Cancer Review Subcommittee, Boston, Mass. (partially open), 9-3-81
- 41567 8-17-81 / HHS/NIH—Neurological Disorders Program—Project Review A Committee, Bethesda, Md. (partially open), 11-5 through 11-7-81
- 41565 8-17-81 / HHS/NIH—Neurological Disorders Program—Project Review B Committee, Bethesda, Md. (partially open), 10-16 through 10-18-81
- 41644 8-17-81 / NFAH—Humanities Panel, Washington, D.C. (closed), 9-8 through 9-11, 9-24 and 9-25-81
- 42225 8-19-81 / NFAH—Music Panel (Chamber Music Section), Washington, D.C. (partially open), 9-21 through 9-24-81
- 42225 8-19-81 / NFAH—Music Panel (Jazz Organization Section), Washington, D.C. (partially open), 9-14 through 9-19-81
- 42225 8-19-81 / NFAH—Music Panel (Joint meeting of New Music Performance and Chamber), Washington, D.C. (closed), 9-25-81
- 42226 8-19-81 / NFAH—Music Panel (New Music Performance Section), Washington, D.C. (partially open), 9-8 through 9-11-81
- 42226 8-19-81 / NFAH—Music Panel (Solo Recitalists Section), Washington, D.C. (partially open), 9-14 through 9-15-81

## OTHER ITEMS OF INTEREST

- 42426 8-20-81 / ACHP—Urban development action grant program, historic preservation requirement
- 42271 8-20-81 / CSA—Grantee lobbying prohibitions; interpretive ruling and waiver of special conditions; rescission
- 42266 8-20-81 / DOT/FHWA—Economic growth center development highways; deletion of special studies preparation requirement
- 41887 8-18-81 / LSC—Grant application submitted by Northwestern Legal Services in Erie, Pa. to serve Mercer Co.
- 41833 8-18-81 / USDA/FNS—National School Lunch Program and School Breakfast Program; national average payments; effective 7-1-81
- 41834 8-18-81 / USDA/FNS—Reimbursement rate for half-pint milk in the Special Milk Program for Children; effective 7-1-81



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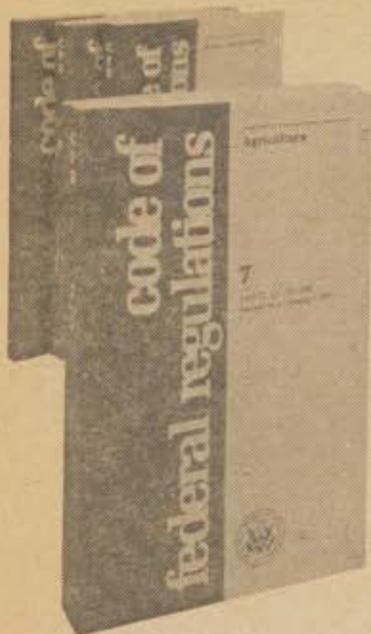
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