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Thursday
August 27, 1981

Highlights

43338 **Postal Service** PS invites comments on proposal to sell advertising space to offset costs.

43187 PS proposes to permit inclusion of all-purpose envelopes as novelty pages in mailed copies of second-class publications.

43190 **Communications** FCC proposes to revise programming policies and reporting requirements for public broadcasting licensees.

43185 **Armed Forces** DOD proposes to clarify procedures for Discharge Review Boards to obtain copies of military records incident to discharge review.

43181 **Securities** SEC proposes to withdraw rule requiring disclosure in proxy statements of nonaudit services performed by accountants.

43156 **Water Pollution Control** EPA publishes technical amendments to requirements for Underground Injection Control Program.

43353 **Treasury Notes—Series U-1983** Treasury announces interest rate of 16¼ percent per annum.

43233 **Educational Research** ED invites applications for Student Research and Field Initiated Research Programs for FY 1982. (2 documents)

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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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43174 **Fishing** Commerce/NOAA reallocates entire reserve of *Illex* squid to foreign fishing.

43129 **Agriculture** USDA/AMS issues marketing rules on spearmint oil produced in the far west.

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Reg. 678; Valencia Orange Reg. 677, Amdt. 1]

Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period August 28–September 3, 1981, and increases the quantity of such oranges that may be so shipped during the period August 21–27, 1981. Such action is needed to provide for orderly marketing of fresh Valencia oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: This regulation becomes effective August 28, 1981, and the amendment is effective for the period August 21–27, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, (202) 447–5975.

SUPPLEMENTARY INFORMATION:

Findings

This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a non-major rule. This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81. The marketing policy was recommended by the committee following discussion at a public meeting on January 27, 1981. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–227–5975.

The committee met again publicly on August 25, 1981 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencia oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for Valencia oranges has improved.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of Valencia oranges. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Forms required for operation under this part are subject to clearance by the office of management and budget and are in the process of review.

1. § 908.978 is added as follows:

§ 908.978 Valencia Orange Regulation 678.

The quantities of Valencia oranges grown in Arizona and California which may be handled during the period August 28, 1981, through September 3, 1981, are established as follows:

(1) District 1: 350,000 cartons;
(2) District 2: 350,000 cartons;
(3) District 3: Unlimited cartons.

2. § 908.977 Valencia Orange Regulation 677 (46 FR 42243), is hereby amended by revising subparagraphs (1), (2), and (3) to read:

§ 908.977 Valencia Orange Regulation 677.

* * * * *

(1) District 1: 325,000 cartons;
(2) District 2: 325,000 cartons;
(3) District 3: Unlimited cartons.

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

Dated: August 26, 1981.

D. S. Kuryloski,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-25303 Filed 8-26-81; 8:45 am]
BILLING CODE 3410-02-M

7 CFR Part 985

Spearmint Oil Produced in the Far West; Amendment of Subpart—Administrative Rules and Regulations; Addition of Rules

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Sections 985.52, 985.54, and 985.55 of the order authorize the Spearmint Oil Administrative Committee to establish rules and regulations to implement those sections. The rules would facilitate issuance of annual allotments to producers by the Committee and provide a method of identifying spearmint oil. The Committee recommends regulations to the Department to make the program operational.

EFFECTIVE DATE: August 27, 1981.

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

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been determined to be a "nonmajor" rule.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic

impact on a substantial number of small entities because it would result in only minimal costs being incurred by the regulated 10 handlers.

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

It is found that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because: (1) Volume regulations are in effect for the 1981–82 marketing year which began June 1, 1981, and this action should be in effect promptly to achieve its purpose of facilitating the handling of the 1981 crop, (2) the harvesting and handling of the 1981 crop has already begun; and (3) no useful purpose would be served by delaying the effective date of this action.

Notice inviting written comments on this action was published in the **Federal Register** on January 30, 1981 (46 FR 9957). Comments were invited, but none was received.

This action amends Subpart—Administrative Rules and Regulations (7 CFR 985.156; 45 FR 71759) by adding §§ 985.152, 985.154, and 985.155. The subpart is established pursuant to Marketing Order No. 985, regulating the handling of spearmint oil produced in the Far West (hereinafter referred to as the "order"). The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Section 985.52 of the order provides for the issuance by the Committee of volume regulations for spearmint oil. In order to enable the Committee to determine whether handlers are complying with these regulations, new § 985.152 would prescribe procedures for handlers to provide information to the Committee regarding acquisitions of oil from producers of any class of oil for which a volume regulation has been established. Section 985.152 also would prescribe procedures giving each producer a record of how much of that producer's annual allotment remain unused after each acquistion.

Section 985.54 of the order pertains to the issuance of annual allotments by the Committee to producers. A new § 985.154 would prescribe a procedure for the issuance of an annual allotment to a producer, so long as the producer is a registered holder of an allotment base. In applying for the annual allotment, the producer would furnish certain information to the Committee to aid in the administration of the order.

Section 985.55 of the order pertains to the identification of oil. To carry out the requirements of § 985.55, new § 985.155 would prescribe procedures for identification. Under that section, a producer would record the distillation of each class of oil and submit this information to the Committee prior to delivery of the oil either to a handler for handling as salable oil or to the Committee or its designee for storage as excess oil. Producers who do not deliver their oil but retain it would have to furnish the information to the Committee within 15 days following completion of the distillation of any class of oil.

The provisions of §§ 985.152, 985.154, and 985.155 are the same as proposed, except for some minor editing to improve clarity and to make them more specific.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Committee, and other available information, it is further found that the addition of §§ 985.152, 985.154, and 985.155 to Subpart—Administrative Rules and Regulations (7 CFR 985.156; 45 FR 71759) will tend to effectuate the declared policy of the act.

PART 985—MARKETING ORDER REGULATING THE HANDLING OF SPEARMINT OIL PRODUCED IN THE FAR WEST

Therefore, that subpart is amended by adding new §§ 985.152, 985.154, and 985.155 as follows:

Subpart—Administrative Rules and Regulations

1. A new § 985.152 is added to read as follows:

§ 985.152 Handling report.

Whenever an allotment percentage has been established for a class of oil, each handler shall furnish to the Committee at least the following information for each lot of that class of oil acquired by the handler from a producer: (a) Name of producer; (b) name of handler; (c) class of oil acquired; (d) date of acquisition; (e) date when oil was produced; (f) net weight of oil in the lot; (g) quantity of that class of oil in the producer's annual allotment available for handler before this acquisition; and (h) quantity of oil remaining in the producer's annual allotment after this acquisition. This information shall be furnished in such manner as the Committee may prescribe. Upon acquisition the handler or the handler's agent also shall include the applicable information on the back of the producer's Annual Allotment Certificate, showing that the acquired oil was within the unused portion of the producer's annual allotment.

2. A new § 985.154 is added to read as follows:

§ 985.154 Issuance of annual allotments.

(a) Each producer who is a registered holder of an allotment base, and desiring an annual allotment for the ensuing marketing year, shall apply to the Committee for that allotment. The registered holder shall furnish at least the following information: (1) The number of acres of each species (Scotch or Native) of spearmint planted, or intended to be planted for harvest in the ensuing marketing year; (2) whether the spearmint to be harvested in the ensuing marketing year is baby mint (first year harvest) or mature mint (second year or older harvest); and (3) any changes in location or production as reported for the preceding year.

(b) In order to enable the Committee to insure compliance and verify furnished information, each producer requesting an annual allotment shall permit the Committee or its representatives, whenever necessary, to measure the producer's spearmint acreage.

3. A new § 985.155 is added to read as follows:

§ 985.155 Identification of oil by producer.

Following the distillation of oil and prior to delivery either to a handler for handling as salable oil or to the Committee or its designee for storage as excess oil, each producer shall furnish the following information to the Committee: *Provided*, That any class of oil retained by a producer shall be reported to the Committee within 15 days following the completion of its distillation.

(a) Producer's name and address; (b) date the oil was put into the drum; (c) class of oil in the drum; (d) drum identification number; (e) approximate net weight of the oil; (f) handler's pickup receipt number, when applicable; (g) destination of oil for storage; (h) name of the firm where the oil was distilled; and (i) name of the person submitting the information.

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

Dated: August 21, 1981.

D. S. Kuryloski,

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

[FR Doc. 81-25045 Filed 8-26-81; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 94

Change in Disease Status of the Channel Islands and Great Britain (England, Scotland, Wales, and Isle of Man), Because of Foot-and-Mouth Disease

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of final rule.

SUMMARY: This action affirms the final rule published in the **Federal Register** on April 1, 1981, which removed the Channel Islands and Great Britain (England, Scotland, Wales, and Isle of Man) from the list of countries which are declared to be free of rinderpest and foot-and-mouth disease. This document is necessary to announce that, having received one comment that was in agreement with the amendments of 9 CFR Part 94, the Department has decided the final rule, as published, should not be amended.

EFFECTIVE DATE: March 25, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. D. E. Herrick, USDA, APHIS, VS, Import/Export Animals and Products Staff, Room 821, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8530.

SUPPLEMENTARY INFORMATION: This final action has been reviewed in conformance with Executive Order 12291 and has been classified as not a "major rule." The Department has determined that this rule will not have an annual effect on the economy of $100 million or more, will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, and will not have any significant adverse effects on competition, employment, investment, productivity, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

A document published in the **Federal Register** on April 1, 1981, (46 FR 19817), removed the Channel Islands and Great Britain (England, Scotland, Wales, and Isle of Man) from the list of countries which are declared to be free of rinderpest and foot-and-mouth disease. The amendments imposed a prohibition on the importation of cattle, sheep, or other ruminants, or swine or fresh, chilled, or frozen meats of such animals into the United States from the Channel Islands and Great Britain (England, Scotland, Wales, and Isle of Man) because of the presence of foot-and-mouth disease in those areas.

19 U.S.C. 1306 directs this prohibition be enforced on the above items whenever the Secretary designates a country as an area affected with rinderpest or foot-and-mouth disease.

The only alternative would be to amend the Act to remove the prohibition. In that event, it is highly probable that the United States would become an affected area also. The direct cost of an outbreak has been estimated over $12,000,000,000. The total cost would be greater because of the effects on industries using animal products and the loss of the export market for ruminants, swine and their products.

These amendments were made effective immediately in order to restrict or prohibit the entry of certain animals and animal products from these areas into the United States as presently provided in the regulations for countries not free of foot-and-mouth disease.

Comments were solicited for 60 days after publication of the amendments. One comment, that was in agreement with the amendments to 9 CFR Part 94, was received. The factual situation which was set forth in the document of April 1, 1981, still provides a basis for the amendment. Accordingly, it has been determined that the final rule amending 9 CFR 94.1 and 94.11 should remain effective as published in the **Federal Register** on April 1, 1981.

Done at Washington, D.C., this 21st day of August 1981.

Norvan L. Meyer,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 81-24689 Filed 8-26-81; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-NE-12; Amdt. 39-4195]

Airworthiness Directives; General Electric CT58 Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts an airworthiness directive (AD) which requires a repetitive inspection of the four screws attaching the lead lag servo housing to the main fuel control upper body on General Electric CT58 Engines, and which requires eventual replacement of these screws. The AD is to prevent screw failure which could result in hazardous fuel leakage in-flight.

DATES: Effective September 17, 1981.

Comments on the rule must be received on or before October 19, 1981.

Compliance schedule—Compliance required prior to the first flight of each day, beginning on the effective date of this AD, until the screws are replaced in accordance with this AD.

ADDRESSES: The applicable Service Bulletin may be obtained from General Electric Company, 1000 Western Avenue, Lynn, Massachusetts 01910.

Comments on the rule are to be sent to Federal Aviation Administration, Office of the Regional Counsel, New England Region, Attention: Rules Docket No. 81-NE-12, 12 New England Executive Park, Burlington, Massachusetts 01803. Comments may be examined in the Rules Docket weekdays, except federal holidays, between 8:00 a.m. and 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: Gordon Vertescher, Engine Projects Section (ANE-214E), Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7347.

SUPPLEMENTARY INFORMATION: There have been nine reports of broken screws, with two of these reports describing hazardous fuel leakage caused by screw breakage, necessitating in-flight engine shutdown. Since this condition is likely to exist or develop on other engines of the same type design, an AD is being issued which requires daily inspection of the screws to make sure that none are missing or broken. This daily inspection is applicable to the four screws which attach the lead lag servo housing to the main fuel control upper body on General Electric CT58 engines. Additionally, the AD requires replacement of these screws within 100 flight hours after the effective date of the AD. The nature of replacement divides the fuel control population into two groups, the first is fuel control S/N 28089 and below and the other for S/N 28090 and above. The former group requires removing the old screws and replacing them with new ones. The latter requires an intermediate check of

fuel controls that contain a counterbore on two of the screw holes, which require longer screws to insure proper screw engagement.

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves requirements affecting immediate flight safety and, thus, was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule

Adoption of the Amendment

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

General Electric: Applies to all fuel controls on General Electric CT58 turboshaft engines. Accomplish in accordance with General Electric Alert Service Bulletin CT58 (A73-71) CEB-261, Revision 1, dated January 9, 1981.

1. Compliance required prior to the first flight of each day or until paragraph 2 is accomplished.

a. Check lead lag servo housing attachment screws to make sure there are no signs of looseness and that none are missing or broken.

b. Check lock wire to make sure it is not loose.

c. Check lead lag servo housing to make sure it is secure.

d. If a screw is missing or broken, remove the fuel control and replace it with a serviceable fuel control prior to further flight.

Note.—Signs of lock wire, screw, or lead lag servo housing looseness may be an indication of screw breakage.

2. Compliance required within the next 100 hours time in service after the effective date of this AD.

a. For fuel control, S/N 28090 and above, replace screws P/Ns 69691A64, 69691A65, and 69691A69 with P/Ns NAS1352N3H10 and NAS1352N3H24.

b. For fuel control S/N 28089 and below, remove lead lag servo housing screws, perform a counter bore check and replace with the appropriate set of NAS1352N3H screws.

Note.—1. For fuel controls, S/N 28089 and below, that have previously complied with the original General Electric Service Bulletin, CT58 (A73-71) CEB-261, dated December 24, 1979, compliance with Part 2b of this AD is required.

2. Replace screws one at a time.

Later FAA approved revisions or equivalent means may be approved by the Chief, Engineering and Manufacturing Branch, New England Region.

Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, New England Region, may adjust the replacement interval specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to General Electric Company, 1000 Western Avenue, Lynn, Massachusetts 01910. These documents may also be examined at FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, and at FAA Headquarters, 800 Independence Avenue, S.W., Washington, D.C.

This amendment becomes effective September 17, 1981.

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

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 122291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 24, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contact with the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

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

Issued in Burlington, Massachusetts, on August 14, 1981.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 81-24832 Filed 8-26-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-EA-10; Amdt. 39-4198]

Piper PA-23; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule

SUMMARY: This amendment amends AD 80-26-04 applicable to Piper PA-23 type airplanes. AD 80-26-04 required a repetitive inspection of the cabin entrance step for cracks after reinforcement bracketry was installed. This amendment deletes the repetitive inspection.

EFFECTIVE DATE: August 28, 1981. Compliance is required as set forth in the AD.

ADDRESSES: Piper Service Bulletins may be acquired from the manufacturer at Piper Aircraft Corporation, 820 East Bald Eagle Street, Lock Haven, Pennsylvania 17745.

FOR FURTHER INFORMATION CONTACT: Z. Sherman, Airframe Section, AEA-212, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Tel. 212-995-2875.

SUPPLEMENTARY INFORMATION: AD 80-26-04 required the inspection and repair where necessary and reinforcement of the cabin step fuselage support structure. It also required a 100-hour repetitive inspection of the structure. Based on fatigue tests conducted by the manufacturer, it has been determined that the repetitive inspection is unnecessary and may be deleted. Since this amendment is relaxatory, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations, 14 CFR 39.13 is amended, by amending AD 80-26-04 as follows:

1. Amend the applicability statement for "PA-23-250 (6 places)" so as to delete the words "and up" and insert "thru 27-8054049."

2. Delete paragraph d. and reletter paragraphs e. and f. as d. and e. respectively.

3. In relettered paragraph e., delete the phrase "inspection intervals" and insert "compliance times."

4. Add the following note after paragraph e.

Note.—Since the cabin step is part of the approved type design, it must be in place. This includes those cases where temporary permission was granted for its removal.

Effective date: This amendment is effective August 28, 1981.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, 1423) 1431(b); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)), 14 CFR 11.89).

Note.—The Federal Aviation Administration has determined that this regulation involves a regulation which is not considerd to be major under Executive Order 12291 or significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979), and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final regulatory evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "For Further Information Contact."

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

Issued in Jamaica, New York, on August 14, 1981.

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 81-25031 Filed 8-26-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 22109; Amdt. 39-4205]

Airworthiness Directives; British Aerospace Viscount Model 744, 745D, and 810 Type Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the **Federal Register** and makes effective as to all persons an amendment adopting a new airworthiness directive (AD) which was previously made effective as to all known U.S. owners and operators of certain British Aerospace Viscount Model 744, 745D, and 810 type airplanes by individual telegrams. The AD establishes new, reduced life limits for the spigot fitting, which is a component part of the elevator torque tube assembly. In addition, it requires an inspection of the spigot fitting for cracks, and replacement as necessary; a check for security of the spring servo tab operating mechanism; and a one-time inspection of the right and left hand tailplane top root end fittings. The AD is necessary to prevent failure of the elevator control system, which could result in loss of control of the airplane.

DATES: Effective August 27, 1981, as to all persons except those persons to whom it was made immediately effective by telegraphic AD T80-21-51, issued October 2, 1980, which contained this amendment.

Compliance schedule—as prescribed in the body of the AD.

ADDRESSES: The applicable service literature may be obtained from: British Aerospace, Aircraft Group, Weybridge-Bristol Division, Brooklands Road, Weybridge, Surrey, England KT13 OSF.

A copy of the service literature is contained in the Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: C. Christie, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium: Telephone: 513.38.30, or C. Chapman, Chief, Technical Standards Branch, AWS-110, FAA, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone: (202) 426-8374.

SUPPLEMENTARY INFORMATION: On September 12, 1980, telegraphic AD T80-19-53 was issued and made effective immediately as to all known U.S. owners and operators of certain British Aerospace Viscount Model 744, 745D, and 810 type airplanes. The AD required, before further flight, an inspection of the spigot fitting, which is a component part of the elevator torque tube assembly, to determine if the spigot was within the 12,000 hours life limit, and replacement before further flight of those spigots found to be cracked, in excess of their service hour life limits, or if their service time was unknown. The AD also required a dye penetrant inspection of spigots with more than 3,000 hours time in service and a check for security of the spring servo tab operating mechanism. The AD was superseded on October 2, 1980, by telegraphic AD T80-21-51, which reduced the life limit of the spigot fitting from 12,000 to 3,000 hours time in service and required, for the Viscount Type 810 only, a one-time inspection of the right and left hand tailplane top root end fittings. The reduction of life limits and the new inspection were determined to be necessary as a result of the inspection report required by T80-19-53. AD action was necessary to prevent failure of the spigot fitting, which could result in loss of control of the airplane.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to the public interest, and good cause existed for making the AD effective immediately by individual telegrams issued October 2, 1980, to all known U.S. owners and operators of British Aerospace Viscount Model 744, 745D, and 810 type airplanes. These conditions still exist and the AD is hereby published in the **Federal Register** as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

Adoption of the Amendment

§ 39.13 [Amended]

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

British Aerospace (formerly Vickers-Armstrong Aircraft Limited). Applies to all Viscount Model 744, 745D and 810 airplanes, certificated in all categories.

Compliance required as indicated, unless already accomplished.

To prevent failure of the elevator control system, accomplish the following:

(a) Before further flight, determine the time in service on spigot fitting P/N 70120-367. Replace each spigot fitting with a serviceable part in accordance with the following schedule, and thereafter continue to replace the spigot fittings at intervals not to exceed 3,000 hours time in service:

(1) If spigot fitting has 12,000 hours or more time in service since new, or the total time in service is unknown, replace before further flight.

(2) If spigot fitting has less than 12,000 but more than 3,000 hours time in service on the effective date of this AD:

(i) Before further flight, unless already accomplished, inspect for cracks using the magnetic flaw detection saturation method and 5X magnification in accordance with item 4 of the British Aerospace Weybridge Bristol Division Campaign Wire REF SS/749/V, dated September 5, 1980, or an FAA-approved equivalent. If any crack or cracks are found, replace spigot fitting before further flight.

(ii) If no cracks are found, replace spigot fitting within 300 hours time in service after the effective date of this AD, or prior to the accumulation of 12,000 hours time in service, whichever occurs first, except as provided in paragraph (a)(4) of this AD.

(3) If spigot fitting has 3,000 hours time in service or less on the effective date of this AD, replace prior to the accumulation of 3,000 hours time in service, or within 300 hours time in service, whichever occurs later.

(4) Spigot fitting with more than 3,000 hours time in service on the effective date of this AD must be replaced prior to September 15, 1981.

(b) Before further flight, unless already accomplished, inspect the spring servo tab operating mechanism for security by examining the inboard tab on the LH elevator and its attachment to the elevator together with connecting linkage through to "bellcrank" lever, P/N 70133-567, and its associated spigot fitting, P/N 70120-367, on the inner end of the LH elevator torque tube. In addition, the control circuit must be checked from this point through to the adjustment spring located on the inner end of the subject torque tube. If defects are found, repair as necessary and return to service.

(c) When replacing spigot fitting, P/N 70120-367, insure that the twin centre bearing assembly in the control lever, P/N 70133-567, is free to move. If defects are found, repair as necessary and return to service.

(d) For Viscount Type 810, prior to the accumulation of 10,000 flights or within 50 hours time in service after the effective date of this AD, whichever occurs later, inspect the right and left hand tailplane top root end fittings, P/N's 81018-227 and 81018-228, in accordance with British Aerospace Technique AL/MAT/3713, dated September 26, 1980, or an FAA-approved equivalent. Cracked fittings must be replaced prior to further flight.

(e) If an FAA-approved equivalent is used in complying with this AD, that equivalent must be approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Office. Report defects found to the Chief, Aircraft Certification Staff, FAA, Europe, Africa and Middle East Office, c/o American Embassy, Brussels, Belgium. Reporting approved by the Office of Management and Budget OMB No. 04/R0174.

This amendment becomes effective August 27, 1981, as to all persons except those persons to whom it was made immediately effective by telegraphic AD T80-21-51, issued October 2, 1980, which contained this amendment.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to British Aerospace, Aircraft Group, Weybridge—Bristol Division, Brooklands Road, Weybridge, Surrey, England KT13 OSF. These documents may be examined at FAA Headquarters, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

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

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

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

Issued in Washington, D.C., on August 19, 1981.

George J. Pour,

Acting Director of Airworthiness.

[FR Doc. 81-25029 Filed 8-26-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-EA-15; Amdt. 39-4199]

Airworthiness Directives; Lycoming

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment issues a new airworthiness directive (A.D.) applicable to Lycoming engine oil pump impellers. The A.D. requires the replacement of driven and driving oil pump impellers on certain Lycoming type engines. There have been instances of failure of the oil pumps resulting in engine failure. These failures have led to a number of accidents.

EFFECTIVE DATE: August 28, 1981. Compliance is required as set forth in the A.D.

ADDRESSES: Lycoming Service Bulletins may be acquired from the manufacturer at Williamsport, Pennsylvania 17701.

FOR FURTHER INFORMATION CONTACT: I. Mankuta, Propulsion Section, AEA-214, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Tel. 212-995-2894.

SUPPLEMENTARY INFORMATION: There have been reports of oil pump failures which have resulted in several accidents the cause of which appears to be the sintered iron impellers which were produced prior to October, 1976. This A.D. will require replacement of those impellers. In view of the incidents, the deficiency affects air safety, and it is found that notice and public procedure would be contrary to the public interest and good cause exists for making the A.D. effective in less than 30 days.

Adoption of the Amendment

§ 39.13 [Amended]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations, 14 CFR 39.13 is amended, by issuing a new A.D. as follows:

AVCO Lycoming: Amendment 39-4199. Applies to all O-235, O-290-D, -D2, O-320, IO-320, AIO-320, AEIO-320, LIO-320, O-340, O-360, IO-360, AIO-360, AEIO-360, HO-360, HIO-360, LO-360, LIO-360, TIO-360, TO-360, VO-360, IVO-360, O-540 and IO-540 series engines.

Compliance required as indicated unless already accomplished.

To prevent failure of the engine oil pump, accomplish the following:

(a) Compliance is required within the next 25 hours in service after the effective date of this AD for all Lycoming HIO-360-D1A, -E1AD, -E1BD and -F1AD up to and including serial number L-22579-51A except the following: L-22311-51A thru L-22313-51A, L-22396-51A, L-22397-51A, L-22416-51A, L-22546-51A thru L-22549-51A, L-22563-51A, L-22568-51A thru L-22571-51A; any of the above engines that were overhauled in the field prior to April 1, 1981; all remanufactured engines of the above model shipped prior to April 1, 1981.

(1) Replace the oil pump driven impeller and shaft with hardened steel impeller and shaft P/N LW-18110 and replace the driving impeller with impeller P/N LW-18109 in accordance with the instructions set forth in AVCO Lycoming Service Bulletin No. 454 dated April 10, 1981, or later approved revision.

(b) Compliance is required within the next 25 hours in service after the effective date of this AD for Lycoming models O-360-A1LD S/Ns L-17555-36A thru L-22462-36A, O-360-A1F6D S/Ns L-16685-36A thru L-22582-36A, O-360-A5AD S/Ns L-17057-36A thru L-20038-36A, IO-360-A1B6D S/Ns L-9598-51A thru L-16595-51A, L-17273-51A, L-17312-51A thru L-17319-51A, L-17321-51A, L-17336-51A thru L-17340-51A, L-17347-51A thru L-17351-51A, L-17355-51A, L-17358-51A, L-17377-51A thru L-17380-51A, IO-360-C1E6D, S/N L-14527-51A, TO-360-C1A6D S/Ns L-101-69A thru L-243-69A; any of the above model engines overhauled in the field between April 7, 1970 and October 15, 1976; all the above remanufactured model engines shipped prior to April 1, 1981.

(1) Replace the existing drive and driven impellers with a steel driving impeller P/N 60746 and an aluminum impeller and shaft assembly P/N LW-13775 in accordance with AVCO Lycoming Service Bulletin No. 455 dated April 10, 1981, or later approved revision.

(c) For all other models in the subject applicability paragraph, comply with paragraph (b)(1) at the next overhaul or whenever the accessory section is removed, but not later than 2000 hours since new or last overhaul. An entry must be made in the engine logbook that compliance with this AD was accomplished.

Upon submission of substantiating data by an owner or operator through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, may adjust the compliance time specified in this AD.

In accordance with FAR 21.197 and 21.199, the aircraft may be flown to a location where the alterations required by this AD can be performed.

This AD is effective August 28, 1981.

(Sections 313(a), 601 and 603 Federal Aviation Act of 1958, as amended, 49 U.S.C. 1354(a), 1421, 1423, and 1431(b); Sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c) and 14 CFR 11.89)

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

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

Issued in Jamaica, New York, on August 14, 1981.

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 81-25030 Filed 8-26-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-SO-38]

Designation of Transition Area, Springfield, Tenn.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule designates the Springfield, Tennessee, Transition Area and lowers the base of controlled airspace from 1200 to 700 feet AGL in the vicinity of the Springfield Municipal Airport.

EFFECTIVE DATE: 0901 GMT, October 15, 1981.

FOR FURTHER INFORMATION CONTACT: Harlen D. Phillips, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

History

On Thursday, July 2, 1981, (46 FR 34597), the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate the Springfield, Tennessee, 700-foot Transition Area. This action adopts the proposal and thereby provides controlled airspace protection for aircraft instrument flight (IFR) operations at the Springfield Municipal Airport. The proposed Needmore NDB (nonfederal, nondirectional beacon) will support the NDB RWY 21 standard instrument approach procedure. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. In response to the Notice of Proposed Rulemaking, Mr. Eugene Aydelotte requested the Aydelotte Airport be excluded from the Transition Area. The exclusion would permit aerial spraying aircraft, primarily, to continue VFR operations (one mile visibility and clear of clouds) when IFR weather conditions exist in the Transition Area. The exclusion can be accomplished without adverse effects upon Springfield Municipal Airport operations. There were no other public responses.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations lowers the base of controlled airspace from 1200 to 700 feet AGL in the vicinity of Springfield Municipal Airport. The operating status of the airport is hereby changed from VFR to IFR.

Adoption of the Amendment

§ 71.181 [Amended]

Accordingly, pursuant to the authority delegated to me, § 71.181, Subpart G, of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (and amended) (46 FR 540) is further amended, effective 0901 GMT, October 15, 1981, by adding the following:

Springfield, Tennessee

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Springfield Municipal Airport (Lat. 36°32'20" W., Long., 86°55'10" W.); excluding the area within a 2.5-mile radius of Aydelotte Airport (Lat. 36°38'30" N., Long., 86°58'31" W.).

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

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

This action involves only a small alteration of navigable airspace and air traffic control procedures over a limited area.

Issued in East Point, Georgia, on August 18, 1981.

William J. McGill,

Acting Director, Southern Region.

[FR Doc. 81-25033 Filed 8-26-81; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C-3073]

Palm Beach Co.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a Cincinnati, Ohio manufacturer and seller of men's apparel and accessories

to cease attempting to fix the resale prices at which its products are advertised or sold, through coercion or otherwise. The order also prohibits respondent from withholding any earned advertising credit or benefit from recalcitrant dealers, and bars the firm from restricting the lawful use of its trademarks and brand names. Additionally, the firm is precluded from seeking the identity of dealers who deviate from suggested resale prices, and from disseminating suggested resale prices for a period of three years, unless such prices are accompanied by a specified disclosure statement.

DATES: Complaint and order issued August 4, 1981.[1]

FOR FURTHER INFORMATION CONTACT: FTC/CR, Robert B. Greenbaum, Washington, D.C. 20580. (202) 523-3522, or Judith D. Ford, Director, 9R, San Francisco Regional Office, Federal Trade Commission, 450 Golden Gate Ave., San Francisco, Calif. 94102, (415) 556-1270.

SUPPLEMENTARY INFORMATION: On Wednesday, May 27, 1981, there was published in the **Federal Register**, 46 FR 28444, a proposed consent agreement with analysis In the Matter of Palm Beach Company, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

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

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Coercing and Intimidating: § 13.350 Customers or prospective customers. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements, 13.533-20 Disclosures. Subpart—Cutting Off Supplies or Service: § 13.610 Cutting off supplies or service; § 13.635 Refusing sales to, or same terms and conditions. Subpart—Maintaining Resale Prices: § 13.1145 Discrimination, 13.1145-5 Against price cutters, 13.1145-45 In favor of price maintainers; § 13.1150 Penalties; § 13.1155 Price schedules and announcements; § 13.1160 Refusal to sell; § 13.1165-80 Requiring information of price cutting.

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

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

James A. Tobin,

Acting Secretary.

[FR Doc. 81-25073 Filed 8-26-81; 8:45 am]

BILLING CODE 6750-01-M

16 CFR Part 13

[Docket No. 9144]

Sherman A. Hope, M.D., ET AL.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, that five individual Brownfield, Tex. physicians each cease, for the ten-year duration of the order, from taking any concerted action with another person or entity which would improperly restrict, impede or otherwise interfere with a hospital's physician recruitment program or contractual arrangement with a physician.

DATE: Complaint issued July 30, 1980. Order issued August 5, 1981.[1]

FOR FURTHER INFORMATION CONTACT: FTC/CS, Walter T. Winslow, Washington, D.C. 20580. (202) 724-1341.

SUPPLEMENTARY INFORMATION: On Friday, February 20, 1981, there was published in the **Federal Register**, 46 FR 13235, a proposed consent agreement with analysis In the Matter of Sherman A. Hope, M.D., Morris S. Knox, M.D., Carl R. Smith, M.D., Noah W. Stone, M.D., Harlan L. Willis, M.D., as individuals, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

A comment was filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Combining or Conspiring: § 13.384 Combining or conspiring § 13.497 To terminate or threaten to terminate contracts, dealings, franchises, etc.

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

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

James A. Tobin,

Acting Secretary.

[FR Doc. 81-25074 Filed 8-26-81; 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 201

[Release Nos. 33-6343; 34-18049; 35-22169; 39-652; IC-11914; IA-771]

Disposition of Initial Decisions on Administrative Review

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending its Rules of Practice to provide that in the event a majority of participating Commissioners are unable to reach a decision on the merits on review of an initial decision by an Administrative Law Judge the initial decision will be of no effect.

EFFECTIVE DATE: August 27, 1981.

FOR FURTHER INFORMATION CONTACT: Thomas P. Lemke, Esq., Office of the General Counsel, Securities and Exchange Commission, Room 741, 500 North Capitol Street, Washington, D.C. 20549, (202) 272-2493.

SUPPLEMENTARY INFORMATION: The rule is intended to deal solely with the effect of a split Commission vote on the initial decision of an Administrative Law Judge ("ALJ"). Thus, the rule provides in essence that the proceeding would stand in the same posture as if it had gone directly to the Commission without an initial decision by an ALJ. The rule is not intended to limit the flexibility of the Commission to decide the consequences which may flow from having treated an initial decision as having no effect in a particular proceeding or type of proceeding.

The Commission finds, in accordance with the Administrative Procedure Act ("APA"), 5 U.S.C. 553(b)(A) and 5 U.S.C. 553(d), that this amendment relates solely to agency organization, procedure or practice and does not relate to a substantive rule. Accordingly notice and opportunity for public comment pursuant to the APA is not necessary and the foregoing action becomes effective immmediately upon publication in the **Federal Register.**

Accordingly, Part 201 of Chapter II of Title 17 of the Code of Federal Regulations is amended by adding paragraph (g)(3) to § 201.17 to read as follows:

PART 201—RULES OF PRACTICE

§ 201.17 Review by the Commission of initial decision by hearing officers.

* * * * *

(g) * * *

(3) In the event a majority of participating Commissioners do not agree to a disposition on the merits, the initial decision shall be of no effect, and an order will be issued in accordance with this result.

(Sec. 19(a), 48 Stat. 85, 48 Stat. 908; Sec. 23(a), 48 Stat. 901; Sec. 20(a), 49 Stat. 833; Sec. 319(a), 53 Stat. 1173; Sec. 38(a), 54 Stat. 841; Sec. 211(a), 54 Stat. 855; (15 U.S.C. 77s(a), 78w(a), 79t(a), 77sss(a), 80a-37(a), 80b-11(a)))

By the Commission.

George A. Fitzsimmons,

Secretary.

August 20, 1981.

[FR Doc. 81-25009 Filed 8-26-81; 8:45 am]

BILLING CODE 8010-01-M

INTERNATIONAL TRADE COMMISSION

19 CFR Part 200

Amendment to Agency Ethics Rules; Correction

AGENCY: U.S. International Trade Commission.

ACTION: Final rule.

SUMMARY: The final rule published at 46 FR 41036 (August 14, 1981) relating to an amendment to agency ethics rules, contained no effective date. The effective date is the date of publication, August 14, 1981.

FOR FURTHER INFORMATION CONTACT: Michael H. Stein, Esq., General Counsel, USITC Ethics Counselor, 701 E Street, NW., Washington, D.C. 20436, 202-523-0350.

By order of the Commission.

Issued: August 18, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-24896 Filed 8-26-81; 8:45 am]

BILLING CODE 7020-02-M

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

29 CFR Part 2200

Extension of Simplified Proceedings Interim Rules for Four Months

AGENCY: Occupational Safety and Health Review Commission.

ACTION: Extension of interim rules.

SUMMARY: On December 5, 1979, the Occupational Safety and Health Review Commission (Review Commission) added a new subpart to its rules of procedure, Subpart M, entitled "Simplified Proceedings." 44 FR 70106-70113 (Dec. 5, 1979) (codified at 29 CFR 2200.200-2200.211). This subpart became effective March 1, 1980, on an experimental basis for a period of a year. The Review Commission subsequently extended the effective period of this subpart until September 1, 1981 (46 FR 14744 (Mar. 2, 1981)). The Review Commission now is extending the effective period of Subpart M for an additional four months to December 31, 1981.

During the extended effective period, the Review Commission will increase its experience in the practical application of the simplified proceedings rules. The extension of the effective period of Subpart M also will provide the new Chairman of the Review Commission an opportunity to observe this experiment in its existing form for a reasonable period of time.

DATE: As extended by this rulemaking, the rules providing for simplified proceedings are to terminate on December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Jonathan R. Ross, Assistant General Counsel, Occupational Safety and Health Review Commission, 1825 K Street, NW., Suite 601, Washington, D.C. 20006; telephone (202) 634-7965.

For the reasons stated in the summary, the Occupational Safety and Health Review Commission, under authority granted it by 29 U.S.C. 661(f), hereby adopts and retains in effect 29 CFR Part 2200, Subpart M, Simplified Proceedings, until December 31, 1981.

Signed this 21st day of August 1981.

Robert A. Rowland,

Chairman.

Timothy F. Cleary,

Commissioner.

Bertram Robert Cottine,

Commissioner.

[FR Doc. 81-25097 Filed 8-26-81; 8:45 am]

BILLING CODE 7600-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A4-FRL 1902-8]

Approval and Promulgation of Implementation Plans; North Carolina: Approval of Set II VOC Regulations

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA announces its approval of the RACT (Reasonably Available Control Technology) regulations which North Carolina, in fulfillment of a commitment made in its 1979 ozone revisions, has adopted for sources of volatile organic compounds (VOC) covered by the second set of Control Techniques Guidelines (CTGs), those issued by EPA between January 1978 and January 1979. These regulations provide for the control of VOC from sources which are located in ozone nonattainment areas and which have emissions before control of 100 tons per year or more. At present, the only ozone nonattainment area in the State is Mecklenburg County (Charlotte). The State did not adopt regulations applicable to petroleum refinery leaks or the manufacture of synthesized pharmaceuticals since there are no such sources in Mecklenburg County. The State has also made revisions in its existing VOC regulations, and EPA is approving these changes also. These approval actions were proposed in the **Federal Register** of December 2, 1980 (45 FR 79836); no comments were received. The State on April 29, 1981, submitted revisions in regulation 2D.0936, Graphic Arts, for which EPA had proposed conditional approval; the changes make this regulation consistent with the CTGs and, therefore, fully approvable.

DATE: These actions are effective September 28, 1981.

ADDRESSES: Copies of the materials submitted by North Carolina may be examined during normal business hours at the EPA Region IV library, at the Public Information Reference Unit of EPA's Washington, D.C. office at 401 M Street, S.W., at the Office of the Federal Register library, Room 8401, 1100 L Street, N.W., Washington, D.C. 20005, at the offices of the North Carolina Division of Environmental Management in Raleigh and elsewhere in the State, or at the Mecklenburg County Department of Environmental Health in Charlotte.

FOR FURTHER INFORMATION CONTACT: Walter Bishop, EPA, Region IV, Air Programs Branch, 404/881-3043 or FTS 257-3043.

SUPPLEMENTARY INFORMATION: On September 10, 1980 (45 FR 59578), EPA gave full approval to the implementation plan revisions which North Carolina had submitted for the Mecklenburg County (Charlotte) ozone nonattainment area. Included in the revisions were RACT (Reasonably Available Control Technology) regulations for the control of eleven categories of sources of volatile organic compounds (VOC) covered by EPA's Control Techniques Guidelines (CTGs). In the Mecklenburg County ozone plan, the State made a commitment to adopt regulations based on subsequently issued CTGs.

On June 12, 1980, following notice and public hearing in conformity with 40 CFR 51.4, the North Carolina Environmental Management Commission adopted revisions in its existing VOC regulations, 15 NCAC 2D.0900, and adopted regulations for the added source categories for which EPA had issued CTGs in the period January 1978 through January 1979 (Set II). These revisions were submitted for EPA's approval on June 23, 1980. The regulations added are in conformity with the CTGs and apply to the following nonattainment area sources which emit as much as 100 tons per year before control: (1) gasoline truck tanks and vapor collection systems, (2) petroleum liquid storage in external floating roof tanks, (3) coating of miscellaneous metal parts and products, (4) factory surface coating of flat wood paneling, (5) graphic arts, (6) manufacture of pneumatic rubber tires, and (7) perchloroethylene dry cleaning systems. The added regulations also provided for the determination of solvent in filter waste. By a letter dated July 31, 1980, the State certified that there are no petroleum refineries or manufacturers of synthesized pharmaceuticals in Mecklenburg County and thus no need for regulations applicable to these two remaining source categories in the Set II CTGs.

During EPA's review of the State's submitted regulations, it was noted that the automobile customizing exemption associated with regulations 2D.0934, Miscellaneous Metal Parts, and the emission limits associated with 2D.0937, Manufacture of Pneumatic Rubber Tires, deviate from the levels envisioned in the Agency's CTGs. The State has provided documentation that the allowed exemptions under 2D.0934 will not impact any potential 100 tons per year source. Also, the emission limits of 2D.0937 were developed after a plant-specific RACT review, and the stipulated emission limits are enforceable using existing test methods and evaluation techniques.

Regulation 2D.0936, Graphic Arts, provides, in paragraph (c)(4), for a demonstration of compliance through the use of a mixture of waterborne and solvent based inks. Paragraph (c)(4) allows the bubbling of emission control levels between different print lines in a facility. This amounts to an internal plant bubble, and any use of the option will require a source-specific implementation plan revision. As originally submitted, the capture efficiencies required by this regulation were not as stringent as those set forth as RACT in the CTG. Accordingly, the December 2, 1980, notice proposed to approve regulation 2D.0936 on condition that the state make a demonstration that its regulation controlled emissions to within 5% of the expected emission reductions envisioned in the CTG. Alternatively, the state could modify the regulation to reflect RACT level control. The State on April 29, 1981, submitted a duly adopted revision in the regulation making its control requirements consistent with the CTG. Accordingly, this and the other North Carolina Set II VOC regulations are approved.

The following remarks apply to changes adopted in June 1979 in North Carolina's existing VOC regulations.

Regulation .0905, Petition for Alternative Controls, is amended to apply to the added source categories. An application of this regulation must be the subject of a plan revision submitted for EPA's approval.

Regulations .0907, .0908, and .0909, which provide compliance schedules for equipment installation or modification and for use of low solvent content coating technology are amended by adding schedules applicable to the newly added source categories. The schedules added are identical to the existing ones except that the increments of progress are later by one year.

Regulation .0910, Alternative Compliance Schedules, is amended by making its provisions applicable to the added source categories. In addition, provision is made for alternative schedules deferring final compliance for Set II sources beyond December 1982 and up until December 1987 provided the source's noncompliance does not interfere with attainment of the ozone standard by December 1982. Any application of this or other provisions of regulation .0910 must be the subject of a plan revision submitted for EPA's approval.

These changes in the existing VOC regulations are also approved.

These actions are effective September 28, 1981.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it merely ratifies State actions and imposes no new burden on sources.

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

Under Section 307(b)(1) of the Clean Air Act, judicial review of EPA's approval of this action is available only by the filing of a petition for review in the United States Court of Appeals of appropriate circuit within 60 days of today. Under 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.

Incorporation by reference of the State Implementation Plan for the State of North Carolina was approved by the Director of the Federal Register on July 1, 1981.

(Secs. 110 and 172 of the Clean Air Act, as amended (42 USC 7410 and 7502))

Dated: August 19, 1981.

Anne M. Gorsuch,

Administrator.

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

Subpart II—North Carolina

Section 52.1770(c) is amended by adding subparagraph (28) as follows:

§ 52.1770 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * *

(28) Revisions in VOC regulations 2D.0902, .0903, .0905, .0907-.0912, and new VOC regulations 2D.0932-.0942, submitted on June 23, 1980, and revised regulation 2D.0936, submitted on April 29, 1981, by the North Carolina Department of Natural Resources and Community Development.

[FR Doc. 81-24882 Filed 8-26-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A7-FRL 1909-8]

Approval and Promulgation of Implementation Plans: State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final rulemaking.

SUMMARY: In order to satisfy the requirements of Part D of the Clean Air Act, as amended, the State of Missouri revised its State Implementation Plan (SIP) in 1979. On April 9, 1980, EPA conditionally approved certain elements of Missouri's plan (45 FR 24140). On December 16, 1980, the state submitted documentation for the purpose of fulfilling one of these conditions. This condition involves a requirement that the state submit a report outlining an inspection/maintenance (I/M) program for vehicle emission control.

On January 8, 1981, EPA published a notice of receipt to advise the public that the State of Missouri had made a submission involving this condition. On April 3, 1981 (46 FR 20232), EPA proposed to approve the Missouri submission as meeting the applicable condition. EPA invited comments on its proposal at that time. No comments were received in response to this publication.

The purpose of this notice is to advise the public that EPA is taking final action to approve the submission as meeting the applicable condition on the SIP and to remove the applicable condition.

EFFECTIVE DATE: This promulgation is effective September 28, 1981.

ADDRESSES: Copies of the state submission are available for inspection during normal business hours at the following locations: Environmental Protection Agency, Air, Noise and Radiation Branch, 324 East 11th Street, Kansas City, Missouri 64106; Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460; and Missouri Department of Natural Resources, 2010 Missouri Boulevard, Jefferson City, Missouri 65101. A copy of the state submission is also available at the Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Wayne G. Leidwanger at (816) 374-3791; FTS 758-3791.

SUPPLEMENTARY INFORMATION: On April 9, 1980, EPA conditionally approved certain elements of Missouri's plan (45 FR 24140). On December 16, 1980, the state submitted documentation for the purpose of fulfilling one of these conditions. This condition involves a requirement that the state submit a report outlining an I/M program for vehicle emissions control. I/M is a program whereby motor vehicles receive periodic inspections to assess the functioning of their exhaust emission control systems. Vehicles which have excess emissions must then undergo mandatory maintenance.

On December 16, 1980, the state submitted the I/M report. This report was also submitted to the Missouri General Assembly in accordance with the enabling statute. The April 9, 1980 condition required that the state submit a report on the recommended type of I/M program, stringency factor, vehicle test mix, program resources, and justification. Further discussion of this condition is given in the April 9, 1980 **Federal Register** notice and in the proposed rulemaking published April 3, 1981 (46 FR 20232).

The state has raised some doubt about whether it has the ability to implement an I/M program. EPA continues to believe that the state has adequate legal authority to implement the program. In addition, the submission of an adopted schedule, and other information to date indicates that the state has the ability and commitment to proceed with I/M. Should the legal authority in fact prove to be deficient, the SIP would no longer satisfy the requirements of Section 172(b) (7) and (10) of the Clean Air Act.

The report has been submitted and thus the applicable condition on the SIP has been met. In the April 9, 1980 notice, EPA also approved an extension until December 31, 1987, for attainment of the carbon monoxide and ozone national ambient air quality standards in the St. Louis area. As a result, the state must submit a SIP revision in 1982 which demonstrates attainment of these standards by 1987. In today's notice EPA is taking no action on the contents of the Missouri I/M report with respect to the 1982 SIP requirements. If the state and EPA determine that changes in the report are necessary to meet the requirements of a 1982 SIP, appropriate changes in the report will be made. Any proposed EPA action on the content of the report will be discussed in a future **Federal Register** notice.

Action. EPA approves the I/M report as meeting the applicable condition on the SIP but is taking no action on the specific recommendations in the report.

There are other non-I/M related conditions promulgated by EPA which must be addressed by the state before the Missouri SIP can be fully approved. Until all conditions are met, conditional approval of the SIP will continue.

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

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

Pursuant to the provisions of 5 U.S.C. § 605(b) I certify that the SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. The attached rule if promulgated, constitutes a SIP approval under Sections 110 and 172 of the Clean Air Act. This action only approves state actions. It imposes no new requirements.

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

This notice of final rulemaking is issued under the authority of Sections 110 and 172 of the Clean Air Act, as amended.

Dated: August 20, 1981.

Anne M. Gorsuch,

Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Missouri was approved by the Director of Federal Register on July 1, 1981.

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

Subpart AA—Missouri

1. Section 52.1320 is amended by adding paragraph (c)(30) as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified:

* * * * *

(30) A report on the recommended type of I/M program, stringency factor, vehicle test mix, and program resources and justification, submitted on December 16, 1980, is approved as meeting the applicable condition on the SIP. No action is being taken with respect to the approvability of the specific recommendations in the report.

§ 52.1324 [Reserved]

2. Section 52.1324 is amended by removing paragraph (c)(1)(ii).

[FR Doc. 81-24884 Filed 8-26-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-3-FRL-1907-1]

Approval and Promulgation of Implementation Plans; Approval of Revision of the Commonwealth of Pennsylvania State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces the Administrator's approval of a revision to the Pennsylvania State Implementation Plan (SIP) which demonstrates attainment of the National Ambient Air Quality Standard (NAAQS) for ozone in the Scranton/Wilkes-Barre Metropolitan Region (Luzurne and Lackawanna Counties). The revision: (a) Demonstrates that the NAAQS for ozone can be achieved in the Scranton/Wilkes-Barre area prior to December 31, 1982, (b) deletes Pennsylvania's previous request for an extension of time beyond December 31, 1982 to attain the ozone standard, and (c) requests deletion of the portion of the 1979 SIP pertaining to implementation of an automobile emissions inspection and maintenance (I/M) program in the Scranton/Wilkes-Barre area.

EFFECTIVE DATE: September 28, 1981.

ADDRESSES: Copies of the revision and associated support materials are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, ATTN: Patricia Sheridan;

Pennsylvania Bureau of Air Quality Control, Fulton Building, 18th Floor, 200 North Third Street, Harrisburg, PA 17120, ATTN: Mr. Henry Alexander;

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

The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: Patricia Sheridan, Air Media & Energy Branch (3AH11), U.S. Environmental Protection Agency, Region III, Curtis Building, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, telephone (215) 597-8176.

SUPPLEMENTARY INFORMATION: The Secretary of the Department of Environmental Resources (DER) of the Commonwealth of Pennsylvania submitted for the Governor a proposed revision to the Commonwealth's State Implementation Plan on September 19, 1980.

The revision: (a) Demonstrates that the National Ambient Air Quality Standard (NAAQS) for ozone can be achieved in the Scranton/Wilkes-Barre area prior to December 31, 1982, (b) deletes Pennsylvania's previous request for an extension of time beyond December 31, 1982 to attain the ozone standard, and (c) requests deletion of the portion of the 1979 SIP pertaining to implementation of an automobile emissions inspection and maintenance (I/M) program in the Scranton/Wilkes-Barre area.

The ozone monitoring, modeling and the development of the hydrocarbon emission inventories used to support the revision were done in accordance with all applicable EPA policies and regulations.

For further information on the methods used to support the revision see EPA's **Federal Register** notice dated January 22, 1981, (46 FR 7005).

In order to expeditiously process the proposed revision, EPA proposed approval of the revision concurrently with DER. The EPA invited comments on the proposed approval in a notice published in the **Federal Register** on January 22, 1981, (46 FR 7005), and provided for a 30-day comment period ending February 21, 1981.

On March 3, 1981 the Commonwealth submitted the revision in final form after holding a public hearing on January 21, 1981 in Wilkes-Barre, Pennsylvania in accordance with the requirements of 40 CFR 51.4. The final submission does not differ from the revision originally proposed.

EPA received one comment supporting the proposed revision. DER received 5 comments in support of the revision. No comments opposing the revision were received. Since all comments supported the proposed revision, the final submission did not differ from the proposed revision.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action only approves State actions and imposes no new requirements.

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

Pursuant to the provisions of U.S.C. 605(b) I certify that the SIP approvals under sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. This action constitutes a SIP approval under Sections 110 and 172 of the Clean Air Act. This action only approves State actions. It imposes no new requirements.

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 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.

42 U.S.C. 7401-042.

Note.—Incorporation by reference of the State Implementation Plan for the Commonwealth of Pennsylvania was approved by the Director of the **Federal Register** on July 1, 1981.

Dated: August 19, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Title 40, Code of Federal Regulations is revised to read as follows:

§ 52.2020 [Amended]

Subpart NN—Pennsylvania

1. In § 52.2020 *Identification of Plan*, paragraph (c)(23) is revised as follows:

* * * * *

(c) * * *

(23) Transportation elements of the SIP for Philadelphia, Pittsburgh, Allentown-Bethlehem-Easton, and Scranton areas and commitment to implement vehicle inspection and maintenance in Lehigh and

Northampton Counties submitted on June 7, 1979, by the Governor.

* * * * *

§ 52.2022 [Amended]

2. In § 52.2022 *Extensions*, paragraph (d) is revised as follows:

* * * * *

(d) The Administrator hereby extends the attainment date for the national ambient air quality standard for ozone to December 31, 1987 for the following counties: Allegheny, Armstrong, Beaver, Butler, Washington, Westmoreland, Bucks, Chester, Delaware, Montgomery, Philadelphia, Lehigh, and Northampton.

* * * * *

3. In § 52.2034, the air quality control region shown below is revised as follows:

§ 52.2034 Attainment dates for National Standards.

The following table presents the latest dates by which the National Standards are to be attained. These dates reflect the information presented in the Pennsylvania plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Ozone (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
* * *	*	*	*	*	*		*
Northeast Pennsylvania Interstate:							
* * *	*	*	*	*	*		*
c. Scranton-Wilkes-Barre Air Basin	a[1]	g[1]	a[1]	b[1]	b[3]	b[3]	c[4]
* * *	*	*	*	*	*		*

[FR Doc. 81-24718 Filed 8-26-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-9-FRL 1902-7]

Nevada State Implementation Plan Revision

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) takes final action to approve and, where appropriate, disapprove or take no action on revisions to rules of the State of Nevada, and Clark and Washoe Counties submitted by the Governor of Nevada for incorporation into the Nevada State Implementation Plan (SIP). The intended effect of this action is to update rules and to correct certain deficiencies in the SIP.

EFFECTIVE DATE: September 28, 1981.

ADDRESS: A Copy of the revisions is located at: The Office of the Federal Register, 1100 "L" Street NW., Room 8401, Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: Louise P. Giersch, Director, Air and Hazardous Materials Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, California 94105, Attn.: Douglas Grano, (415) 556-2938.

SUPPLEMENTARY INFORMATION: On December 29, 1978, July 24 and September 18, 1979, and June 24 and November 11, 1980, the State of Nevada submitted to EPA revisions to the Nevada SIP. Revised rules which are being acted upon by this notice include the following subjects:

Definitions, Circumvention, Variances, Monitoring Requirements, Registration Certificates and Operating Permits, Visible Emissions, Open Burning, Incinerators, Particulate Matter, Sulfur Emissions, Ambient Air Quality Standards, Significant Source of Chlorides, Sulfur Oxides, Carbon Monoxide, Ozone, Non-methane Hydrocarbons, Nitrogen Dioxide, Lead, Measurement Methods, Air Pollution Control Board, Air Pollution Control Committee, Control Officer, Interference, Injunctive Relief, Hearing Board, Persons Liable for Penalties—Punishment (Defense), Fines, Permits, Permission to Disturb Topsoil, Exceptions, Information, Fuel Burning, General Provisions, Continuous Monitoring by Fossil Fuel-Fired Steam Generators, Reporting, Data Reduction, Sampling and Testing-Records and Reports, Malfunction, Emission Limitation, Sulfur Emission from Primary Non-Ferrous Smelters, Reduction of Animal Matter, Nuisance, Prohibitions of Fugitive Dust, Off-Road Vehicle and Motorcross Racing, Correction of Condition, Remedial Action, Costs, Odors, Emergency Procedures, Provisions of Regulations Severable, Public Notification, Confidential Information, Fees, Fee Schedules, Storage Tanks, Processes, Hazardous Materials Processes, and Equipments.

A list of the rules being considered by this action can be found in the Notice of Proposed Rulemaking published on February 11, 1981 (46 FR 11843). As described in the Notice of Proposed Rulemaking, the rules were evaluated and found consistent with 40 CFR Part 51 requirements, with certain exceptions. Public comments were invited on the proposed rulemaking. No comments were received. Therefore, it is the purpose of this notice to take final action on the rule revisions as described in the February 11 notice. Thus, all rules listed in the proposed notice are approved and incorporated into the Nevada SIP, with the following exceptions:

The following rules are disapproved as they are inconsistent with the requirements of the Clean Air Act: In Clark County, Rule 25.1 and Rule 12, (Upset, Breakdown or Sacheduled Maintenance), and Table 27.1, (Particulate Matter from Process Matter); Nevada State Rules 4.3.4 and 4.3.6 (Visible Emission from Stationary Sources).

No action is being taken on the following rules as they are not appropriate for incorporation into the SIP: In Clark County, Rule 1.79, *Significant Source of Total Chlorides*, Rule 1.94, *Total Chlorides*, Rule 30.8, (Incinerators), Rule 40.1, *Prohibitions of Nuisance Conditions*, Rule 41.5, *Costs*, Rule 42.2, (Open Burning), and Rule 43.1, *Odors in the Ambient Air;* in Washoe County, Rule 030.3105, *Hazardous Materials Processes*.

The State of Nevada has certified that the public hearing requirements of 40 CFR 51.4 have been satisfied.

Note.—Incorporation by reference of the State Implementation Plan for the State of Nevada was approved by the Director of the Federal Register on July 1, 1981.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. The miscellaneous SIP approvals announced today are not Major because they only approve state actions. They impose no new regulatory requirements. The disapprovals are also not Major because they preserve the status quo. Sources will remain subject to existing requirements that were previously adopted by the state and approved by EPA. In addition, each of these disapprovals involves only a minor change to the SIP which is not expected to have a major economic effect.

This regulation was submitted to the Office of Management and Budget for

review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements.

(Sec. 110, 301(a), Clean Air Act as amended (42 U.S.C. 7410 and 7601(a))

Dated: August 20, 1981.

Anne M. Gorsuch,

Administrotor.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart DD—Nevada

1. Section 52.1470 is amended by adding paragraphs (c)(14)(vii), (16)(viii) and (ix), (17)(ii), (19)(ii), and (20) to (22) as follows:

§ 52.1470 Identification of plan.

* * * * *

(c) * * *

(14) * * *

(vii) Amendments to the Nevada Air Quality Regulations: Article 1, Rules 1.44, 1.53, 1.60, 1.98.1; Article 2, Rules 2.2.2, 2.11.7, 2.17.3.2 a/b, 2.17.4, 2.17.4.1, 2.17.9.8, 2.17.10, 2.17.10.1; Article 3, Rules 3.1.1, 3.1.2, 3.1.3, 3.4.11; Article 4, Rule 4.3.[6]4; Article 5, Rule 5.2.4; Article 6, Rule 6.3; Article 7 Rules 7.1.[3]2, 7.3.3; Article 8, Rules 8.2.1.1, 8.2.1.2, 8.2.2, and Article 12, Rule 12.1.

* * * * *

(16) * * *

(viii) Amendments to the Clark County District Board of Health Air Pollution Control Regulations: Section 2, Rules 2.1, 2.2, 2.3; Section 3, Rule 3.1; Section 4, Rules 4.1–4.11; Section 5, Rule 5.1; Section 6, Rule 6.1; Section 7, Rules 7.1–7.19; Section 8, Rules 8.1, 8.2, 8.7 (deletion); Section 9, Rules 9.1–9.3; Section 10; Section 16, Rules 16.1–16.5, 16.6 (Operating Permits), 16.6 (Emission of Visible Air Contaminants) (deletion), 16.7–16.9; Section 17, Rules 17.1–17.8; Section 18, Rules 18.1–18.12; Section 23, Rules 23.1–23.5; Section 24, Rules 24.1–24.5; Section 25, Rules 25.1, 25.2, 25.4 (deletion); Section 26, Rules 26.1–26.3; Section 27, Rules 27.1, 27.2, 27.3, 27.4; Section 28, Rules 28.1, 28.2; Section 29; Section 30, Rules 30.1–30.7; Section 31; Section 32, Rules 32.1, 32.2; Section 40, Rule 40.1; Section 41, Rules 41.1–41.4; Section 42, Rules 42.1–42.4; Section 43, Rule 43.1; Section 70, Rules 70.1–70.6; Sections 80, and 81.

(ix) Amendments to the Washoe County District Board of Health Air Pollution Control Regulations: Sections 020.055, 030.300, 030.305, 030.310, 030.3101–030.3105, 030.3107, and 030.3106 and the following deletions: 010.115, 050.005, 050.010, 050.015, 050.020, 050.025, 050.030, and 050.035.

* * * * *

(17) * * *

(ii) Amendments to the Clark County District Board of Health Air Pollution Control Regulations: Section 1, Rules 1.79, 1.94; Section 11, Rules 11.1, 11.1.1–11.1.8, 11.2, 11.2.1–11.2.3, 11.3, 11.3.1, 11.3.2, 11.4, and Section 13, Rule 13.5 (deletion).

* * * * *

(19) * * *

(ii) Amendment to the Nevada Air Quality Regulations: Article 4, Rule 4.3.6.

* * * * *

(20)–(21) [Reserved]

(22) The following amendments to the plan were submitted on November 5, 1980, by the Governor.

(i) Amendments to the Clark County District Board of Health Air Pollution Control Regulations: Section 4, Rules 4.12, 4.12.1–4.12.3.

* * * * *

2. In § 52.1476, paragraph (c) is added as follows:

§ 52.1476 Control strategy: particulate matter.

* * * * *

(c) The following rules are disapproved because they relax the emission limitation on particulate matter.

(1) Clark County District Board of Health, Table 27.1, (Particulate Matter from Process Matter), submitted on July 24, 1979.

(2) Nevada Air Quality Regulations, Article 4, Rule 4.34, (Visible Emission from Stationary Sources), submitted on December 29, 1978, and Rule 4.3.6, (Visible Emission from Stationary Sources), submitted on June 24, 1980.

* * * * *

3. Subpart DD of Part 52 is amended by adding § 52.1478, reading as follows:

§ 52.1478 Rules and regulations.

(a) The following rules are disapproved because they lack adequate provisions to assure that the NAAQS will not be exceeded while equipment breakdown periods are in effect.

(1) Clark County District Board of Health.

(i) Rule 25.1, (Upset, Breakdown or Scheduled Maintenance), submitted on July 24, 1979, and previously approved Rule 12, (Upset, Breakdown or Scheduled Maintenance), submitted on January 19, 1973.

* * * * *

[FR Doc. 81-24929 Filed 8-26-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-10-FRL 1899-8]

Approval and Promulgation of Implementation Plans; Oregon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA today approves revised operating permits and a consent order affecting three sources of volatile organic compound emissions for inclusion in the State of Oregon's State Implementation Plan. The permits and the consent order were submitted to meet the requirements for new source emission offsets under EPA's Emission Offset Interpretive Ruling.

DATE: August 27, 1981.

ADDRESSES: Copies of the materials submitted to EPA may be examined during normal business hours at:

Central Docket Section (10A–81–3), West Tower Lobby, Gallery I, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460

Air Program Branch, Environmental Protection Agency, 1200 Sixth Avenue Seattle, Washington 98101

State of Oregon, Department of Environmental Quality, 522 S.W. Fifth, Yeon Bldg., Portland Oregon 97207

The Office of Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Richard F. White, Air Programs Branch, M/S 625, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101 Telephone No. (206) 442–1226, (FTS) 399–1226.

SUPPLEMENTARY INFORMATION: On December 31, 1980 the Oregon Department of Environmental Quality (DEQ) submitted a request to EPA to revise the Oregon State Implementation Plan (SIP) to include revised operating permits and a consent order affecting three sources of volatile organic compound (VOC) emissions. The permits and the consent order were submitted to meet the requirements for new source emission offsets under EPA's Emission Offset Interpretive Ruling (found at 40 CFR Part 51, Appendix S). On April 28, 1981, EPA proposed in the **Federal Register** (46 FR

23772) to approve these revised operating permits and the consent order as a SIP revision. EPA received no comments on this proposed action. Therefore, EPA is today approving this revision to the Oregon SIP. Readers are directed to the April 28, 1981, **Federal Register** for additional information.

EPA finds that good cause exists for making the action in this Notice immediately effective for the following reasons: (1) The public has had adequate notice of the guidelines for preparation of State Implementation Plans and has had several opportunities to comment on those guidelines, and (2) the impact of this rulemaking is limited only to the State of Oregon.

Pursuant to the provisions of 5 U.S.C. Section 605(b) I certify that the SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. This action constitutes a SIP approval under Sections 110 and 172 of the Clean Air Act. This action only approves State action and imposes no new requirement.

Under Executive Order 12291, EPA must judge whether or not a regulation is "major" and therefore subject to this requirement of regulatory impact analysis. This regulation is not judged to be major, since it merely approves an action taken by the State and does not establish any new requirements.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart MM—Oregon

1. In § 52.1970 paragraph (c)(35) is added as set forth below:

§ 52.1970 Identification of plan.

* * * * *

(c) * * *

(35) On December 31, 1980, the State Department of Environmental Quality submitted an Oregon Air Containment Discharge Permit No. 36–6041 Addendum No. 1 issued to Spaulding Pulp and Paper Company on December 11, 1980; Oregon Air Discharge Containment Discharge Permit No. 26–3025, issued to Industrial Laundry Dry Cleaners, Inc., on December 1980 and Oregon Environmental Quality Commission Stipulation and Consent Final Order concerning Vanply, Inc., dated December 30, 1980.

Note.—Incorporation by reference of the State Implementation Plan for the State of Oregon was approved by the Director of the Federal Register on July 1, 1981.

(Sec. 110 and 172, Clean Air Act (42 U.S.C. 7410 and 7502))

Dated: August 19, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 81-24681 Filed 8-26-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[AH300cWV; A-3-FRL 1906-2]

Approval of Revision of the West Virginia State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces the Administrator's approval of three revisions of the West Virginia State Implementation Plan (SIP). These revisions consist of amendments to West Virginia's Regulations VI and VII, and of an analysis of the Impact of the 1979 West Virginia State Implementation Plan.

West Virginia's Regulation VI controls air pollution from the combustion of refuse and Regulation VII controls particulate air pollution from manufacturing processing operations. EPA is approving West Virginia's revisions of Regulation's VI and VII and its analysis of its State Implementation Plan's effects since EPA has determined that they meet the requirements of section 110 and Part D of the Clean Air Act.

EFFECTIVE DATE: September 28, 1981.

ADDRESSES: Copies of the revisions and accompanying support material are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Air Media and Energy Branch, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, Attn.: Ms. Patricia Sheridan

West Virginia Air Pollution Control Commission, 1558 Washington Street, East, Charleston, West Virginia, Attn.: Mr. Carl G. Beard

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460

The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Raymond Chalmers (3AH13) at the address for EPA Region III given above, telephone 215/597–8309.

SUPPLEMENTARY INFORMATION: On June 13, 1980, John D. Rockefeller IV, Governor of the State of West Virginia, submitted several revisions of the West Virginia State Implementation Plan (SIP) to EPA for approval. These revisions include:

1. An amended version of Regulation VI; a regulation which controls air pollution from the combustion of refuse,
2. An amended version of Regulation VII; a regulation which controls particulate air pollution from manufacturing process operations, and
3. A document entitled "Identification and Analysis of the Impact of the 1979 West Virginia State Implementation Plan."

The Governor's submittal was accompanied by a certification, signed by Carl G. Beard II, Director of the West Virginia Air Pollution Control Commission, stating that West Virginia adhered to both the U.S. EPA's public hearing requirements and the requirements of the West Virginia Code during the process of adopting the revisions.

EPA proposed the revisions submitted by West Virginia in the **Federal Register** on December 12, 1980 at 45 FR 81793. West Virginia's revisions of Regulations VI and VII and the State's analysis of its SIP's effects were explained in detail in that notice. Those wishing a complete description of West Virginia's revisions are referred to the proposal notice.

When EPA conditionally approves West Virginia's Part D SIP, 45 FR 54042, August 14, 1980, EPA required West Virginia to revise Regulation VII to ensure that it requires iron and steel sources to use reasonably available control technology (RACT) to control particulate emissions. West Virginia has not yet submitted the required changes; the revisions approved today deal with other aspects of the regulations. West Virginia will revise Regulation VII again shortly to correct its remaining deficiencies.

EPA solicited public comment on West Virginia's requested revisions in the proposal notice. EPA received no public comments on the revisions.

EPA has reviewed West Virginia's proposed changes in Regulations VI and VII and West Virginia's analysis of its SIP effects. The EPA has found that these revisions meet the requirements

for approval of Section 110 and Part D of the Clean Air Act and of 40 CFR Part 51. Accordingly, EPA is approving these revisions.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action only approves State actions and imposes no new requirements.

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

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 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.

(42 U.S.C. 7401–642)

Dated: August 19, 1981.

Anne M. Gorsuch,

Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of West Virginia was approved by the Director of the Federal Register on July 1, 1981.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart XX—West Virginia

1. Section 52.2520, paragraph (c) is amended by adding subparagraph (14) as follows:

§ 52.2520 Identification of plan.

* * * * *

(c) * * *

(14) Amended Regulations VI and VII, and an Identification and Analysis of the Impact of the 1979 West Virginia State Implementation Plan, submitted by the Governor of West Virginia on June 13, 1980.

§ 52.2530 [Removed]

2. *Section 52.2530 General Requirements* is removed.

[FR Doc. 81-24916 Filed 8-26-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[Docket Nos. AH026/027VA; A-3-FRL 1897-6]

Approval of Revisions of the Commonwealth of Virginia State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces the Administrator's approval of revisions of the Virginia State Implementation Plan. The revisions to the Virginia State Implementation Plan (SIP) were submitted to the Environmental Protection Agency (EPA) by the Governor on June 19 and August 19, 1980 to satisfy certain requirements of the Clean Air Act. This notice provides a description of the proposed SIP revisions, indicates the results of EPA's review, and approves the revisions as submitted.

EFFECTIVE DATE: September 28, 1981.

ADDRESSES: Copies of the amendments and associated support material are available for public inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Air Media & Energy Branch, Curtis Building, 6th & Walnut Streets, Philadelphia, PA 19106, ATTN: Eileen M. Glen;

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460;

Virginia State Air Pollution Control Board, Ninth Street Office Building, Room 1106, Richmond, VA 23219, ATTN: John M. Daniel, Jr.

FOR FURTHER INFORMATION CONTACT: Ms. Eileen M. Glen (3AH13), Air Media & Energy Branch, U.S. Environmental Protection Agency, Region III, 6th & Walnut Streets, Philadelphia, PA 19106, Phone: (215) 597–8187.

SUPPLEMENTARY INFORMATION: The June 19, 1980 submittal consists of a 1979 amendment to the provisions of Section 10–17.12 (Qualifications of members of Board) of the Virginia Air Pollution Control Law and was submitted to satisfy the requirements of Section 128 of the Clean Air Act regarding the composition of State Boards. EPA has reviewed the proposed revisions and has determined that § 10–17.12 as amended, in conjunction with the Virginia Conflict of Interest Act, satisfies the requirements of Section 128 of the Clean Air Act.

No public hearing was held relative to Section 10–17.12 as it is a statutory rather than regulatory revision, debated and acted upon by the Virginia legislature.

The August 19, 1980 submittal deals with revisions to §§ 1.02, 4.10, 4.11, 4.12, 4.13 and 4.102; Rule NS–3; and Appendices I, C, and O.

The Commonwealth provided proof that after adequate public notice, a public hearing was held regarding the proposed revisions on January 22, 1980 in Richmond, Abingdon, Roanoke, Lynchburg, Fredericksburg, Virginia Beach, and Falls Church.

As a result of EPA's review, we are approving the revisions listed below:

Regulation	Brief description
1.02	Terms Defined—added definitions of garbage, household refuse, refuse, and urban area.
4.10	Miscellaneous wording changes and the addition of § 4.10(g) prohibiting the burning of toxic or hazardous materials.
4.11	Miscellaneous wording changes, addition of provisions affecting AQCR 7, and the addition of a provision regarding forest management and agriculture practices.
4.12	Deleted. This provision related to AQCR 7 and has been rewritten and relocated to § 4.11(g).
4.13	Miscellaneous wording changes and the addition of a provision permitting burning of leaves where permitted by local law.
4.102	Addition of provisions regarding the export and import of motor vehicles.
App. C	Listing of urban areas defined geographically.

Evaluation

The definitions listed above have been reviewed by EPA and found to be approvable as written.

Sections 4.10 (a) thru (f) contain miscellaneous wording changes which are approvable to EPA. The addition of Section 4.10(g) prohibiting the open burning of toxic or hazardous materials is also approvable.

Sections 4.11 (a) thru (f) contain miscellaneous wording changes which are approvable to EPA. Sections 4.11 (g) and (h) deal with open burning procedures in Air Quality Control Region (AQCR) 7 and replaces Section 4.12 which has been deleted. The addition of Sections 4.11 (g) and (h) and deletion of Section 4.12 is approvable.

Section 4.11(i) has been added to permit open burning for forest management and agriculture practices approved by the Board provided certain specified conditions are met. This section is approvable.

Section 4.13 deals with the exclusion of certain open burning activities to this Rule. Section 4.13(a) contains minor wording changes and now requires an on-site inspection prior to the installation and operation of devices or methods used to conduct the burning.

Section 4.13(b) has been added to allow the burning of leaves on residential property where permitted by local law. These changes are approvable.

Sections 4.102 (b) and (c) have been added to Rule EX-10 and deal with the export and import of used motor vehicles. While EPA recommends removal of the emission control device no more than five days prior to export, there is no objection to the Commonwealth permitting removal of the device up to ten days prior to shipment. This is a reasonably short period of time and, therefore, approvable.

Appendix C is a listing of urban areas defined geographically and is acceptable to EPA.

The balance of the August 19, 1980 submittal deals with the New Source Performance Standards (Rule NS-3 and Appendix I) and is not reviewable under Section 110 of the Clean Air Act as a SIP revision. The appropriate law and regulations covering these standards are contained at Section 111(c) of the Clean Air Act and at 40 CFR Part 60, Subpart B. This portion of the submittal will be reviewed in accordance with the above regulations and the Delegation of Authority and no further rulemaking is necessary.

Appendix O was submitted for information purposes only and is not part of the proposed rulemaking.

Public Comments

EPA proposed approval of these revisions on May 7, 1981 at 46 FR 25485. No comments were received during the thirty day public comment period.

Conclusion

As a result of EPA's evaluation, it has been determined that the proposed revisions satisfy the requirements of Section 110(a)(2) of the Clean Air Act, as amended and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans. Therefore, the Administrator hereby approves the above-cited revisions to the Virginia Implementation Plan.

In conjunction with the Administrator's approval, 40 CFR 52.2420 (Identification of Plan) of Subpart VV (Virginia) is being amended to incorporate these amendments.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action only approves State actions and imposes no new requirements.

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

Pursuant to the provisions of 5 U.S.C. Section 605(b), I certify that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. This action constitutes a SIP approval under Sections 110 and 172 of the Clean Air Act. This action only approves State actions. It imposes no new requirements.

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 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.

(42 U.S.C. 7401-7642)

Dated: August 18, 1981.

Anne M. Gorsuch,

Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the Commonwealth of Virginia was approved by the Director of the Federal Register on July 1, 1981.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart VV—Virginia

1. In § 52.2420 (Identification of Plan), (c) is amended by adding subparagraphs (44) and (45) to read as follows:

§ 52.2420 Identification of Plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * *

(44) A revision submitted by the Commonwealth of Virginia on June 19, 1980 consists of a 1979 Amendment to the provisions of Section 10-17.12 (Qualifications of members of Board) of the Virginia Air Pollution Control Law.

(45) A revision submitted by the Commonwealth of Virginia on August 19, 1980 consisting of amendments to Section 1.02, 4.10, 4.11, 4.12, 4.13, and 4.102; and Appendix C of the Virginia Air Pollution Control Board Regulations.

[FR Doc. 81-24720 Filed 8-26-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-6-FRL 1888-4]

Revisions to Arkansas Regulations Pertaining to Malfunctions/Upsets and Continuous Emission Monitoring

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: The purpose of this notice is to approve two (2) revisions to the Arkansas State Implementation Plan (SIP). These revisions were submitted by the Governor on July 11, 1979 to fulfill the requirements of Section 110 of the Clean Air Act, as amended in August 1977. The revisions being acted on today relate to the State regulation (Section 6(a)) pertaining to malfunctions or upsets and the State regulation (Section 7(e)) pertaining to continuous emissions monitoring. This document also makes a technical correction to a document published at 45 FR 54336, Aug. 15, 1980.

EFFECTIVE DATE: Effective on September 28, 1981.

ADDRESSES: Incorporation by reference material is available for inspection during normal business hours at the following locations:

The Office of the Federal Register, 1100 L St., NW., Washington, D.C. Rm. 8401;

Environmental Protection Agency, Public Information Reference Unit, EPA Library, 401 "M" Street, NW., Washington, D.C. Rm. 2922.

FOR FURTHER INFORMATION CONTACT: Estela S. Wackerbarth, Chief, Implementation Plan Section, Air Programs Branch, Air and Hazardous Materials Division, U.S. EPA Region 6, 1201 Elm Street, Dallas, Texas 75270, (214) 767-1518.

SUPPLEMENTARY INFORMATION: On October 10, 1980 (45 FR 67397), EPA published a notice of proposed rulemaking on two (2) revisions to the Arkansas SIP which had been submitted by the Governor on July 11, 1979. Comments were solicited from the public but none were received. EPA is therefore approving these two regulations.

Arkansas' amended malfunction/upsets regulation places responsibility for exceedance of emission limits directly on the source and requires them to identify processes or control equipment causing the malfunction/upset. The regulation also requires the source to give a description of steps to be taken to prevent a recurrence.

Arkansas' amended continuous emissions monitoring regulation requires

continuous monitoring of those sources listed in 40 CFR Part 51 Appendix P. It meets the requirements of 40 CFR 51.19(e) by requiring that stationary sources included in categories listed in 40 CFR Part 51 Appendix P adhere to all applicable provisions of Appendix P including the installation, calibration, maintenance, and operation of equipment for continuously monitoring and recording emissions.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final rulemaking is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of August 27, 1981. 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.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it is merely approving a State action. It will impose no new regulatory burden.

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

Incorporation by reference of the State Implementation Plan for the State of Arkansas was approved by the Director of the Federal Register on July 1, 1981.

This notice of final rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended, 42 U.S.C. 7410.

Dated: August 18, 1981.

Anne M. 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 E—Arkansas

1. In FR Doc. 80-24691 appearing at 45 FR 54336, August 15, 1980, in the third column, the amendatory paragraph number 1 is corrected to read as follows:

"1. Section 52.170(c) (9) and (10) is added as follows:".

2. In § 52.170, paragraph (c), is amended by adding subparagraph (11), which reads as follows:

§ 52.170 Identification of plan.

* * * * *

(c) * * *

(11) On July 11, 1979, the Governor submitted revisions to Section 6(a) malfunction or upset and Section 7(e) continuous emission monitoring of the Arkansas Regulations.

[FR Doc. 81-24721 Filed 8-26-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-5-FRL 1891-2]

Approval and Promulgation of State Implementation Plans: Arkansas Submission of Volatile Organic Compound (VOC) Regulations for Set II Control Technique Guideline Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: This action approves revisions to the Arkansas State Implementation Plan (SIP) which were submitted by the Governor on October 10, 1980, and proposed for approval by EPA in the May 11, 1981 issue of the **Federal Register** (at 46 FR 26074). Specifically, the State revised Sections 3, 4 and 5 of the Arkansas Regulations for the Control of Volatile Organic Compounds to include new definitions, legally enforceable regulations for several of the source categories addressed in the EPA Control Technique Guideline (CTG) documents issued between January 1978 and January 1979 (Set II CTGs), and applicable, effective, and final compliance dates and testing and reporting requirements for these source categories. These revisions had been submitted in response to the Clean Air Act Amendments of 1977.

EFFECTIVE DATE: Effective on September 28, 1981.

ADDRESSES: Incorporation by reference material is available for inspection during normal business hours at the following locations:

The Office of the Federal Register, 1100 L St., NW., Rm. 8401, Washington, D.C. 20460;

Environmental Protection Agency, Public Information Reference Unit, Room 2922, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Donna M. Ascenzi, Implementation Plan Section, Air Programs Branch, Air and Hazardous Materials Division, U.S. EPA Region 6, 1201 Elm Street, Dallas, Texas 75270, (214) 767-1518.

SUPPLEMENTARY INFORMATION: On October 10, 1980, the Governor of Arkansas submitted revisions to Sections 3, 4, and 5 of the Arkansas Regulations for the Control of Volatile Organic Compounds (VOCs). These revisions had been submitted in response to the requirement that, for the stationary source portion of an approvable ozone SIP, States provide for the adoption and submittal of legally enforceable regulations that reflect the application of reasonably available control technology (RACT) for VOC sources covered by the Set II CTGs. The revisions to Section 5 consisted of legally enforceable regulations for the following Set II CTG source categories: gasoline tank trucks and vapor collection systems, and surface coating of miscellaneous metal parts and products. The revisions to Section 3 included definitions for new terms used in conjunction with the above mentioned source categories, and the revisions to Section 4 incorporated applicable, effective and final compliance dates, and compliance testing and reporting requirements for these source categories.

In the May 11, 1981 issue of the **Federal Register**, EPA proposed to approve the revisions to Sections 3, 4, and 5, solicited public comment on the Agency's proposed action, and notified the public of the availability of EPA's evaluation report [1] which discussed the technical aspects of the revisions in detail.

In that notice, under the discussion of Section 4, EPA noted that the State had provided an exemption for several VOCs, among them, methyl chloroform and methylene chloride. On May 16, 1980 (at 45 FR 32424), EPA published a clarification of Agency policy concerning the control of these compounds in ozone SIPs. EPA explained that it cannot approve or enforce controls on either of these compounds as part of a federally enforceable ozone SIP because current information indicates that neither compound is an ozone precursor. Consequently EPA is not disapproving these exemptions. In addition, on July 22, 1980 (at 45 FR 48941) EPA expanded the list of VOCs having negligible photochemical reactivity to include the chlorofluorcarbons or fluorocarbons exempted by Arkansas. Therefore, EPA is also not disapproving these exemptions.

This policy is in no way an expression of EPA's view on the desirability of controls on these compounds. States retain the authority to control these compounds under the authority reserved

[1] EPA Review of Arkansas' State Implementation Plan Revisions for the Set II CTG Categories, December 1980.

to them in Section 116 of the Clean Air Act. In addition, State officials and sources should be advised that there is a strong possibility of future regulatory action by EPA to control emissions of these compounds (see, e.g. Proposed New Source Performance Standards for Organic Solvent Cleaners, 45 FR 39766, June 11, 1980).

As previously noted, EPA also solicited public comment. No comments were received. Therefore, EPA is hereby approving the revisions to Section 3 (i.e. 3(a), (b), (k), (l), (n), (o), (z) (bb), (dd), (ee), (ff), and (gg)). Section 4 (i.e. 4.1(b), 4.2(a), 4.5(a)(1), 4.5(a)(2), 4.6(c), and 4.6(d)), and Section 5 (i.e. 5.4 and 5.5).

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final rulemaking is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of (insert date of publication). 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.

Pursuant to the provisions of 5 U.S.C. 605(b) I certify that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. This action constitutes a SIP approval under Sections 110 and 172 of the Clean Air Act. This action only approves State actions. It imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirements of a Regulatory Impact Analysis. This regulation is not Major because it only approves State actions and imposes no new requirements.

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

Incorporation by reference of the State Implementation Plan for the State of Arkansas was approved by the Director of the Federal Register on July 1, 1981.

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

Dated: August 18, 1981.

Anne M. 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 E—Arkansas

1. In § 52.170, paragraph (c)(12) is added to read as follows:

§ 52.170 Identification of plan.

* * * * *

(c) * * *

(12) Revisions to Section 3 (i.e., 3.(a), (b), (k), (l), (n), (o), (z), (bb), (dd), (ee), (ff), and (gg)), Section 4 (i.e., 4.1(b), 4.2(a), 4.5(a)(1), 4.5(a)(2), 4.6(c), and 4.6(d)), and Section 5 (i.e., 5.4 and 5.5) were adopted by the Arkansas Commission on Pollution Control and Ecology on September 26, 1980 and submitted by the Governor on October 10, 1980.

[FR Doc. 81-26722 Filed 8-26-81; 8:45 am]
BILLING CODE 6560-38-M

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40 CFR Part 52

[A-1-FRL 1909-6]

Approval and Promulgation of Implementation Plans; Massachusetts; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On May 20, 1981 (46 FR 27504) EPA proposed action to approve, in part, certain regulations which had been submitted by the state of Massachusetts on December 31, 1978; May 16, September 19, November 13, and December 7, 1979 and March 20 and April 7, 1980. The intended effect of this action is to approve regulations to control sources of volatile organic compounds (VOC) which the state has already adopted, to take no action on a "bubble" regulation which is being treated in a separate notice and to incorporate into the federally approved state plan the December 7, 1979 and April 7, 1980 submittals which were discussed, but not included, in the official package incorporated by reference in the **Federal Register** of September 16, 1980 (45 FR 61293).

EFFECTIVE DATE: September 28, 1981.

ADDRESSES: Copies of the Massachusetts submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M St. SW, Washington, D.C. 20460; the Office of the **Federal Register** 1100 L Street, NW, Room 8401, Washington, D.C; and the Division of Air Pollution Control, One Winter Street, Boston, MA 02110.

FOR FURTHER INFORMATION CONTACT: Betsy Horne, Air Branch, EPA Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203, (617) 223-5630.

SUPPLEMENTARY INFORMATION: EPA's proposed approval of certain portions of Massachusetts' SIP revisions was published on May 20, 1981 (46 FR 27504). That action proposed approval of the following four (4) sub-paragraphs of the State's regulations controlling volatile organic compounds: (1) the statewide applicability of the VOC regulations; (2) the exemption from state control of four potentially harmful VOC compounds; (3) the requirement that four VOC source categories achieve full compliance with the applicable emission limitations by July 1, 1980 or provide adequate justification for an extended schedule, and; (4) the requirement that sources regulated under the VOC regulations perform testing at the state's request to demonstrate compliance with the regulation. EPA also proposed to take no action on another subparagraph which provided for "bubbling" of VOC sources. A revision to this regulation was submitted by the state on March 6, 1981. This expanded "bubble" regulation is being proposed for conditional approval in a separate rulemaking. Finally, EPA proposed to incorporate two state submittals, dated December 7, 1979 and April 7, 1980 into the **Federal Register's** official files documenting federally approved SIPs. The December 7, 1979 revision includes a list of Reasonably Available Control Measures with completion dates as well as the official submittal of the State's enabling legislation for the automobile Inspection/Maintenance Program. The April 7, 1980 submittal includes a revised list of Reasonably Available Control Measures with revised completion dates. The state submittals and EPA's rationale for taking these actions were fully explained in the May 20, 1981 proposal and will not be restated here. No public comment was received on the proposal.

Final Action

EPA is approving Regulation 310 CMR 7.18 (1)(a) and (1)(b) and Regulation 310 CMR 7.18(2)(a) and (2)(c).

EPA is taking no action at this time on Regulation 310 CMR 7.18(2)(b).

Pursuant to the provisions of 5 U.S.C. 605(b) I certify that the SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. The attached rule constitutes a SIP approval under Sections 110 and 172 of the Clean Air Act. This action only approves state actions. It imposes no new requirements.

Under Executive Order 12291 EPA must judge whether a regulation is "Major" and therefore subject to the requirements of a Regulatory Impact Analysis. This regulation is not Major because it imposes no new requirements and approves state actions.

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

After evaluation of the state's submittal, the Administrator has determined that the Massachusetts revision meets the requirements of the Clean Air Act and 40 CFR Part 51. Accordingly, this revision is approved as a revision to the Massachusetts State Implementation Plan.

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 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.

Authority: Section 110(a) and Section 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410(a) and 7601(a)).

Dated: August 19, 1981.

Anne M. Gorsuch,

Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Massachusetts was approved by the Director of the **Federal Register** on July 1, 1981.

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 W—Massachusetts

1. Section 52.1120, paragraph (c) is amended by revising paragraph (30) to read as follows:

§ 52.1120 Identification of plan.

* * * * *

(c) * * *

(30) Attainment plans to meet the requirements of Part D for carbon monoxide and ozone and other miscellaneous provisions were submitted by the Governor of Massachusetts on December 31, 1978 and on May 16, 1979 by the Acting Commissioner of the Department of Environmental Quality Engineering. Supplemental information was submitted on September 19, November 13 and December 7, 1979; and March 20 and April 7, 1980 by DEQE.

2. Section 52.1166, is amended by adding paragraph (b) as follows:

§ 52.1166 Rules and regulations.

* * * * *

(b) Part D—*No action.* EPA is neither approving nor disapproving Regulation 310 CMR 7.18(2)(b) identified in Section 52.1120 (c)(30).

[FR Doc. 81-24883 Filed 8-26-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-3-FRL 1885-2]

Approval and Promulgation of Implementation Plans; Approval of Revision of the Delaware State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces the Administrator's approval of an amendment to Delaware's "Regulations Governing the Control of Air Pollution, Regulation XVII, Source Monitoring, Record Keeping and Reporting." This amendment requires the continuous emission monitoring of larger sources in three categories of sources in the State of Delaware. In addition, operational, maintenance, and data recording and reporting procedures are specified.

EFFECTIVE DATE: September 28, 1981.

ADDRESSES: Copies of the materials submitted by the State of Delaware may be examined during normal business hours at:

U.S. Environmental Protection Agency, Air Media and Energy Branch, Curtis Building, 6th and Walnut Streets, Philadelphia, PA 19106; ATTN: Patricia Sheridan

State of Delaware, Department of Natural Resources and Environmental Control, Edward Tatnall Building, Dover, Delaware 19901; ATTN: Mr. Robert French

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

Office of the Federal Register, 1100 L Street, SW., Room 8401, Washington, D.C. 20408

FOR FURTHER INFORMATION CONTACT:

Mr. Gregory D. Ham, U.S. Environmental Protection Agency, Region III, Air Media and Energy Branch, Curtis Building, 10th Floor, 6th and Walnut Streets, Philadelphia, PA 19106 (215) 597-9377.

SUPPLEMENTARY INFORMATION:

I. Background

The amendments to the Delaware regulations which are being approved today were submitted by Delaware Governor Pierre S. duPont and were accompanied by a certification that the public hearing requirements of 40 CFR 51.4 were fulfilled prior to the adoption of these regulations.

These amendments were proposed in a **Federal Register** notice of November 5, 1980, 45 FR 73520, which described the amendments and announced a 30-day comment period. The amendments require the continuous monitoring of emissions from certain sources, as required by a **Federal Register** notice of October 6, 1975 entitled "Requirements for Submittal of Implementation Plans standards for New Stationary Sources—Emission Monitoring", 40 FR 46240. These sources are sulfuric acid plants greater than 300 tons per day, fluid bed catalytic cracking unit catalyst regenerators of greater than 20,000 barrels per day fresh feed capacity at petroleum refineries, and fuel burning equipment which is not exempted within the regulations. These regulations are included as amendments to Regulation No. XVII, "Source Monitoring, Record Keeping and Reporting," of the State of Delaware's "Regulations Governing the Control of Air Pollution," and will apply to any source in the State of Delaware which conforms with the categories listed within the regulations.

Description of the Amendments

The amendments consist of the addition of Sections 2 through 6 to Regulation No. XVII, "Source Monitoring, Record Keeping and Reporting," of the "Regulations Governing the Control of Air Pollution."

The regulations require installation, calibration, operation and maintenance

of all monitoring equipment necessary for the continuous monitoring of the pollutants specified for the applicable source categories. The monitoring and recording must begin within eighteen months of the date of plan approval or promulgation.

Section 2.1 contains the specifications for monitoring of fuel burning equipment with an annual average capacity factor for calendar year 1974 of greater than 30 percent (as reported to the Federal Power Commission).

A continuous monitoring system for measurement of opacity must be installed and operated (as specified in subsection 3.1.1 of this regulation) for any source greater than 250 million Btu per hour heat input. Specific exemptions apply to boilers using certain fuels (gas, oil, or a mixture) and to waste heat boilers deriving less than 250 million Btu per hour heat input from auxilliary fuel.

Sulfur dioxide must be monitored continuously and comply with performance specifications of paragraph 3.1.3 of this regulation on any fuel burning equipment of greater than 250 million Btu per hour heat input where sulfur dioxide control equipment has been installed.

A continuous monitoring system for measurement of nitrogen oxides is required on any fuel burning equipment discharging effluents through a common stack of greater than 1000 million Btu per hour heat input when that source is located in an Air Quality Control Region classified as Priority I for NO_2. Any source owner or operator who demonstrates emission levels of 30 percent or more below the New Source Performance Standard during source compliance tests is exempted from this requirement.

Where conversion of measurements of oxygen or carbon dioxide in the flue gas are needed for sulfur dioxide or nitrogen oxides continous emission monitoring data, continuous monitoring systems for the measurement of the percent oxygen or carbon dioxide in the flue gas are required. These systems must meet the performace specifications of sub-Sections 3.1.4 or 3.1.5.

Section 2.3 requires continuous monitoring systems for sulfur dioxide for all sulfuric acid plants of greater than 300 tons per day production capacity. Performance specifications for each sulfuric acid facility within such plants are listed in sub-Section 3.1.3.

Section 2.4 requires continuous monitoring systems for fluid bed catalytic cracking unit catalyst regenerators at petroleum refineries of greater than 20,000 barrels per day fresh feed capacity. Performance specifications are established in subsection 3.1.1.

Performance specifications for five emission categories are contained in Section 3.1. This section references specifications set forth in Appendix B of the **Federal Register**, Volume 40, Number 194, dated Monday, October 6, 1975. Specifications for calibration gases and cycling time, zero and span draft, analytical reference methods, and procedures for approval of alternative procedures and requirements are contained by reference in Sections 3.2, 3.3, 3.4, and 3.5 respectively.

Section 3.6 allows a five year exemption from meeting test procedures prescribed in this regulation from the date of plan approval or promulgation for sources that have purchased emission monitoring systems prior to September 11, 1974. Sources regulated under Regulation No. XX, New Source Performance Standards are also exempted from this regulation.

Monitors must be located such that representative measurements of emissions or process parameters are obtained (Section 3.7). Where effluents from two or more similar facilities are combined, the combined effluent must be monitored, as determined by the Department of Natural Resources and Environmental Control. Where the facilities are dissimilar or where effluents from one facility are released at more than one point, alternative procedures may be established, and approved by the Department, to comply with these regulations.

Minimum data requirements are prescribed in Section 4.0. These requirements include:

(a) Submittal of a written report of excess emissions for each calendar quarter and the nature and cause of the excess emissions. The averaging period must be the same as that specified in the test method used to determine compliance (Section 4.1).

(b) Specifications for opacity measurements (Section 4.2).

(c) Specifications for gaseous measurements (Section 4.3).

(d) Reporting of the dates and times when the monitoring system is inoperative and the nature of repairs or adjustments (Section 4.4).

(e) Reporting of information showing that no excess emissions have occurred and that the continuous emission monitoring system has been operating properly (Section 4.5).

(f) Maintenance of a file on all information in the quarterly summaries, and all other data collected by the monitoring system on data necessary for a minimum of two years from the date of collection of this data or submission of the summaries (Section 4.6).

Data reduction requirements are contained in Section 5.0.

II. Control Strategy Demonstration

This amendment affects only the monitoring and recordkeeping regulations. Because the amendment has no adverse impact on air quality, a modeling demonstration of attainment and maintenance of standards is not required.

III. Public Comments

No comments were received during the 30-day public comment period.

IV. Policy Issues

There are no policy issues involved with this revision other than the basis for the Administrator's approval; i.e., whether the revision submitted by the State of Delaware meets the criteria of Section 110(a)(1) of the Clean Air Act and 40 CFR 51.4, Public Hearings; 51.5, Submittal of Plans; preliminary review of plans; 51.6, Revisions; and 51.11 Legal Authority.

V. EPA Evaluations

In view of this evaluation, the Administrator approves the above-described amendments to the Delaware Regulations Governing the Control of Air Pollution, Regulation XVII, Source Monitoring, Recordkeeping and Reporting, as a revision to the Delaware State Implementation Plan.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action only approves State actions and imposes no new requirements.

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

Pursuant to the provisions of 5 U.S.C. 605(b) I certify that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. This action constitutes a SIP approval under Sections 110 and 172 of the Clean Air Act of the January 27 certification. This action only approves State actions. It imposes no new requirements.

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 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.

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

Dated: August 18, 1981.

Anne M. Gorsuch,

Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Delaware was approved by the Director of the Federal Register on July 1, 1981.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart I—Delaware

1. In § 52.420 *Identification of Plan,* (c)(17) is added as follows:

§ 52.420 Identification of Plan.

* * * * *

(c) The plan revision listed below as submitted on the date specified * * *

(17) A revision submitted by the State of Delaware on September 7, 1977, consisting of an amendment to Delaware Regulations Governing Air Pollution, Regulation XVII, establishing continuous emission monitoring regulations.

[FR Doc. 81-24713 Filed 8-26-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-4-FRL 1869-1]

Approval and Promulgation of Implementation Plans—Florida: Revision of Sulfur Dioxide Rule for Existing Fossil Fuel Steam Generators

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The State of Florida has revised portions of its implementation plan relative to existing fossil fuel steam generators (FFSG). These emission limits were established after conclusion of the Florida Sulfur Oxides Study and were adopted by the Florida Department of Environmental Regulation (DER) because mathematical modeling indicated that the current emission limits were not sufficient to protect the National Ambient Air Quality Standards (NAAQS). EPA is approving the revised limits.

DATES: This action becomes effective September 28, 1981.

ADDRESSES: Copies of the materials submitted by the Florida Department of Environmental Regulation (DER) may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460

The Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C. 20408

Library, Environmental Protection Agency, 345 Courtland Street, N.E., Atlanta, Georgia 30365.

FOR FURTHER INFORMATION CONTACT: Denise W. Pack, Environmental Protection Agency, Region IV, Air Programs Branch, at the above address, 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: On November 6, 1978 and February 3, 1979, the Florida DER submitted to EPA a revision of the sulfur dioxide (SO_2) emission limits applicable to certain existing FFSG located in several counties throughout the State of Florida. EPA proposed approval of the changes on July 2, 1979 (44 FR 38578). No comments were received on the proposal.

The state submittals incorporate several results and recommendations of the Florida Sulfur Oxide Study (FSOS), a $2 million study financed over a two-year period by the electric power industry in Florida. On June 20-22, 1978, the Florida Environmental Regulation Commission (FERC) held a public meeting in Orlando to hear the results of the study. As a result of the FSOS and many recommendations supported by mathematical modeling, the FERC, after notice and public hearing, on September 7, 1978, adopted changes in the Florida plan and submitted them to EPA.

The revisions approved today change the sulfur dioxide emission limits for Tampa Electric Company's (Hillsborough County) Big Bend Station Units 1, 2, and 3 to a 31.5 tons per hour (TPH) cap on a three-hour average but in no case shall this facility exceed a two-hour average emission of 6.5 lbs. SO_2 per MBTU. Additionally, Big Bend 1, 2 and 3 shall not have a combined total emission rate greater than 25 TPH of SO_2 on a 24-hour average. In Duval County, Jacksonville Electric Authority's (JEA) Northside Station Units 1, 2 and 3, are to emit no more than 1.98 lbs. SO_2 per MBTU. The JEA Southside Units 1, 2, 3, 4 and 5 and Kennedy Station Units 8, 9 and 10 are to emit no more than 1.1 lbs. SO_2 per MBTU. All other fossil fuel fired steam generators in Duval County with more than 250 MBTU per hour input are to meet an emission limit of no more than 1.65 lbs. SO_2 per MBTU if located south of Hecksher Drive, and 2.50 lbs. SO_2 per MBTU if located north of Hecksher Drive.

Escambia County's Gulf Power Crist Station Units 1, 2 and 3 are to emit no more than 1.88 lbs. SO_2 per MBTU and Units 4, 5, 6 and 7 are to emit no more than 5.90 lbs. SO_2 per MBTU. Monsanto Textiles Company Units 1, 2, 3, 4, 5, 6, 7 and 8, in aggregate, are to emit no more than 57.5 tons of SO_2 in any 24-hour period. Florida Power and Light Company's Manatee Station Units 1 and 2 are not to emit in excess of 1.1 lbs. SO_2 per MBTU.

The February 3, 1979, submittal contained revised SO_2 emission limits for certain Florida Power and Light (FPL) Company FFSG facilities located in Dade, Broward and Palm Beach Counties. These regulations were adopted by the State of Florida after public hearing before the Florida Environmental Regulation Commission on December 5, 1978. EPA is approving the revision which pertains to FPL facilities located in Dade, Broward, and Palm Beach Counties. FPL's Cutler Station (Dade County) Units 4, 5 and 6, Fort Lauderdale Station (Dade County) Units 4 and 5 and Riveria Station (Palm Beach County) Units 1 and 2 shall not emit more than 1.1 lbs. SO_2 per MBTU.

During periods of energy emergency declared by the President and Governor in accordance with the Section 110(f) of the Clean Air Act (CAA), the aforementioned FPL facilities located in Dade, Broward, and Palm Beach Counties will be allowed to emit 2.70 lbs SO_2 per MBTU. Prior to the burning of higher sulfur fuel the FPL Company must notify the Department of the quantity and estimated duration of the increased emission. The emission limits allowed during fuel or energy crises are more restrictive than the current statewide limit of 2.75 lbs. SO_2 per MBTU.

EPA is also approving SO_2 emission limiting revisions for the City of Tallahassee's, A.B. Hopkins Station Units 1 and 2 and Purdom Station, Units 5, 6 and 7 located in Leon and Wakulla County respectively. These sources are to emit no more than 1.87 lbs SO_2 per MBTU.

The above SO_2 emission limits have been supported by use of air quality models performed by EPA, FDER, and engineering consultants engaged for special studies in Florida. These organizations have determined that the new limits are satisfactory for regulatory changes to the Florida State Implementation Plan and the attainment and maintenance of the national

ambient air quality standards. This modeling has demonstrated that no violations of any sulfur dioxide national standards or PSD increments will occur. In the July 2, 1979 proposal notice, EPA asked for additional information from DER. This information was submitted to EPA on September 26, 1980 and, in the cases where emission limits are relaxed, documents the increment utilization under Prevention of Significant Deterioration.

ACTION: Accordingly, the revised limits are approved. This action is effective September 28, 1981.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it only approves state actions and imposes no new requirements.

Pursuant to the provisions of 5 U.S.C. section 605(b) I hereby certify that the attached rule will not if promulgated have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements.

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

Under Section 307(b)(1) of the Clean Air Act judicial review of EPA approval of Florida's Revision of the Sulfur Dioxide Rule for Existing Fossil Fuel Steam Generators is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under 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.

Incorporation by reference of the State Implementation Plan for the State of Florida was approved by the Director of the Federal Register on July 1, 1981.

(Sec. 110, Clean Air Act (42 U.S.C. 7410))

Dated: August 19, 1981.

Anne M. Gorsuch,

Administrator.

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

Subpart K—Florida

In § 52.520, paragraph (c) is amended by adding subparagraph (25) as follows:

§ 52.520 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(25) Revisions to the Sulfur Dioxide Emission Limiting Regulations applicable to specific Fossil Fuel Steam Generators, submitted on November 6, 1978, and February 3, 1979, by the Florida Department of Environmental Regulation.

[FR Doc. 81-24714 Filed 8-26-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-1-FRL 1898-8]

Approval and Promulgation of Implementation Plans—Maine; Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving Maine's revisions to its State Implementation Plan (SIP) submitted on August 7 and November 5, 1980. The effect of these revisions is to attain and maintain the National Ambient Air Quality Standard (NAAQS) for lead.

EFFECTIVE DATE: August 27, 1981.

ADDRESSES: Copies of the Maine submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, MA 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; the Office of the Federal Register, 1100 L Street, NW, Room 8401, Washington, DC; and the Bureau of Air Quality Control, Ray Bldg., Hospital Street, Augusta, Maine 04333.

FOR FURTHER INFORMATION CONTACT: Betsy Horne, Air Branch, EPA Region I, Room 1903, J. F. Kennedy Federal Building, Boston, Massachusetts 02203, (617) 223-5630.

SUPPLEMENTARY INFORMATION: On June 8, 1981 (46 FR 30364) EPA proposed approval of revisions to the Maine SIP which would attain and maintain the NAAQS for lead. The revisions and EPA's reasons for approving them are explained in the Notice of Proposed Rulemaking, cited above, and will not be repeated here.

No public comments have been received on the Notice of Proposed Rulemaking and EPA is now taking final action to approve the revisions.

Pursuant to the provisions of 5 U.S.C. 605(b) I certify that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. The attached rule constitutes a SIP approval under Sections 110 and 172 of the Clean Air Act. This action only approves state actions. It imposes no new requirements.

Under Executive Order 12291 EPA must judge whether a regulation is "Major" and therefore subject to the requirements of a Regulatory Impact Analysis. This regulation is not Major because it only approves state actions.

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

After evaluation of the state's submittal, the Administrator has determined that the Maine revision meets the requirements of the Clean Air Act and 40 CFR Part 51. Accordingly, this revision is approved as a revision to the Maine State Implementation Plan.

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 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.

Authority: Section 110(a) and Section 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410(a) and 7601(a)).

Dated: August 18, 1981.

Anne M. Gorsuch,

Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the state of Maine was approved by the Director of the Federal Register on July 1, 1981.

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 U—Maine

1. Section 52.1020, paragraph (c) is amended by adding sub-paragraph (14) as follows:

§ 52.1020 Identification of plan.

* * * * *

(c) * * *

(14) Revisions to attain and maintain the NAAQS for lead were submitted on August 7, and November 5, 1980.

[FR Doc. 81-24715 Filed 8-26-81; 8:45 am]
BILLING CODE 6560-38-M

40 CFR Part 52

[A-6-FRL 1895-6]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action approves schedules for developing and submitting revisions to New Mexico's Air Quality Control Regulation 702–Permits, and revisions to the Albuquerque control strategy for total suspended particulates (TSP) as portions of New Mexico's Plan for nonattainment areas. This action is taken based upon the State's request to revise its permit regulation and its schedule for the development of a TSP control strategy. The intent effect of this rulemaking is to improve and preserve air quality.

EFFECTIVE DATE: September 28, 1981.

ADDRESSES: Incorporation by reference material is available for inspection during normal business hours at the following locations:

The Office of Federal Register, 1100 L Street, N.W., Washington, D.C., Room 8401.

Environmental Protection Agency, Public Information Reference Unit, EPA Library, 401 M Street, N.W., Washington, D.C., Rm. 2922

FOR FURTHER INFORMATION CONTACT: Estela S. Wackerbarth, Chief, Implementation Plan Section, Air Programs Branch, Air and Hazardous Materials Division, Environmental Protection Agency, Region 6, 1201 Elm Street, Dallas, Texas 75270, (214) 767–1518.

SUPPLEMENTARY INFORMATION: On April 10, 1980 (45 FR 24509) EPA published a Notice of Proposed Rulemaking which proposed approval, *inter alia*, of certain schedules for developing and submitting revisions to New Mexico's Regulation 702 (Permit) and the TSP control strategy for Albuquerque, New Mexico. Public comments were solicited but none were received. Before EPA could take final action the State submitted revised schedules. These were proposed for approval on November 10, 1980. For a fuller discussion of this subject see the Notice of Proposed Rulemaking of November 10, 1980 (45 FR 74516).

Public comments were solicited on these revised schedules but none were received. EPA is therefore approving the schedules as submitted. For Regulation 702 the schedule calls for:

(1) Proposed amendments to permit regulations prepared for EPA and public review—April 1, 1981 (EPA has received these documents).

(2) Hold public hearing—July 1981.

(3) Submit revised regulation to EPA—September 1, 1981. EPA gives full approval to this schedule.

The schedule for revising the Albuquerque TSP control strategy is approved as follows:

(1) Update emissions inventory and indentify major influencing sources—January 1, 1981.

(2) Analyze data and futher define TSP problem—June 1, 1981.

(3) Propose TSP control strategy including cost/benefit analysis—January 1, 1982.

(4) Develop proposed control regulations, as required, and hold public hearing—April 1, 1982.

(5) Submit revised plan to EPA—July 1, 1982.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it will impose no new regulatory burden since it only approves State actions.

Incorporation by reference of the SIP for New Mexico was approved by the Director of the **Federal Register** on July 1, 1981.

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 Appeals for the appropriate circuit within 60 days of (date of publication in FR). 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.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA and any response to these comments are available for public inspection at U.S. EPA 1201 Elm Street, Dallas, Texas 75270.

This notice of final rulemaking is issued under the authority of Sections 172(b) and 173 of the Clean Air Act, as amended, 42 U.S.C. 7502 and 7503.

Dated: August 18, 1981.

Anne M. 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 GG—New Mexico

1. In § 52.1625, paragraph (a) is revised to read as follows:

§ 52.1625 Control Strategy: Particulate matter.

(a) The New Mexico Plan for total suspended particulates for the Albuquerque nonattainment area is conditionally approved on the conditions specified below:

(1) Update emissions inventory and identify major influencing sources—January 1, 1981.

(2) Analyze data and futher define TSP problem—June 1, 1981.

(3) Propose TSP control strategy including cost/benefit analysis—January 1, 1982.

(4) Develop proposed control regulations, as required, and hold public hearing—April 1, 1982.

(5) Submit revised plan to EPA—July 1, 1982.

2. In § 52.1628, paragraphs (a)(1) (2) and (3) are revised to read as follows:

§ 52.1628 Review of new sources and modifications.

(a) * * *

(1) Proposed amendments to permit regulations prepared for EPA and public review—April 1, 1981 (EPA has received these documents).

(2) Hold public hearing—July, 1981.

(3) Submit revised regulation—September 1, 1981.

[FR Doc. 81-24716 Filed 8-26-81; 8:45 am]
BILLING CODE 6560-38-M

[40 CFR Part 52]

[A-6-FRL 1898-1]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action approves revisions to the State Implementation Plan for both the primary and secondary sulfur dioxide (SO_2) standards for San Juan County, New Mexico. EPA

proposed approval of the revised plan in the June 10, 1981, issue of the **Federal Register** (at 46 FR 30653). These revisions include changes to the SO_2 emission limitations for the Arizona Public Service Company's Four Corners power plant and the Public Service Company of New Mexico's San Juan power plant. The approval action is based on new monitoring and new dispersion modeling information on the expected impact of emissions on air quality in San Juan County in 1982 and 1984.

EFFECTIVE DATE: September 28, 1981.

ADDRESSES: Incorporation by reference material is available for inspection during normal business hours at the following locations:

The Office of the Federal Register, 1100 L St., NW., Rm. 8401, Washington, D.C.

Environmental Protection Agency, Public Information Reference Unit, Rm. 2922, EPA Library, 401 "M" Street, NW., Washington, D.C., Rm. 2922

FOR FURTHER INFORMATION CONTACT: Randy Brown, Implementation Plan Section, Environmental Protection Agency, Region 6, Air Programs Branch, 1201 Elm Street, Dallas, Texas 75270, (214) 767-2730.

SUPPLEMENTARY INFORMATION: New Mexico submitted its plan for attainment of the National Ambient Air Quality Standards (NAAQS) for sulfur dioxide (SO_2) to EPA in January, 1979. On April 10, 1980 (45 FR 24460) EPA granted conditional approval to the plan for attainment of the primary and secondary SO_2 standards in San Juan County, New Mexico by the end of 1982. The conditionally approved plan included a Regulation 602 which set emission limits for Arizona Public Service Company's (APS) Four Corners power plant and Public Service Company of New Mexico's San Juan power plant. The plan approval was conditioned on State submittal of a compliance schedule for the Four Corners Plant. The State submitted that compliance schedule on August 18, 1980. However, based on certain monitoring data taken at critical high terrain locations allegedly indicating no violation of the standards, APS asked the State to revise the emission limits in Regulation 602. This request was denied. Litigation in State court among the State, APS, and environmental groups resulted in a settlement on August 21, 1980. As a result of the settlement, the State developed new emission limitations for both the Four Corners plant and the San Juan power plant, and after holding a public hearing, submitted a revised Regulation 602 and new compliance schedule to EPA for approval as a Part D SIP revision on November 24, 1980. A revised control strategy demonstration was submitted on February 6, 1981, with supplements submitted on February 17, 1981. In order to resolve questions regarding the interpretation of certain provisions, and to ensure their enforceability the State also submitted on April 16, 1981 a document clarifying language in the regulation and a memorandum of understanding between the State and APS on the procedure to be used by EPA in enforcing certain station emission limits. The submission of the clarification enables EPA to approve the regulation as submitted.

In the June 10, 1981 issue of the **Federal Register**, EPA proposed to approve the revised plan submitted on November 24, 1980 (and supplemented on February 6 and 17, 1981 and April 16, 1981) to replace the conditionally approved plan, solicited public comment on the Agency's proposed action, and notified the public of the availability of EPA's evaluation report [1] which discussed the technical aspects of the revision. The revised plan contains enforceable emission limitations and compliance schedules that allow attainment of the primary SO_2 standards by the end of 1982 and attainment of the secondary SO_2 standard by the end of 1984. The demonstration of attainment is accepted with the plants operating at maximum emission rates or any combination of individual emission rates allowed by revised Regulations 602. The first set of individual emission limits approved by the State in Section B.2.b. of the regulation need not be submitted as a SIP revision; however, EPA should be notified by the State as to what limits are approved.

As previously noted, EPA solicited public comment. Only one comment was received and it was in support of the proposed approval. EPA is hereby approving the revision to Regulations 602 and the revised compliance schedules to replace the conditionally approved plan.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final rulemaking is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of August 27, 1981. 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.

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

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

Pursuant to the provisions of 5 U.S.C. 605(b) I have certified that the SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities (46 FR 8079, January 27, 1981). This action only approves a State action. It imposes no new requirements. In addition, this action only applies to two facilities.

Note.—Incorporation by reference of the State Implementation Pan for the State of New Mexico was approved by the Director of the Federal Register on July 1, 1981.

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

Dated: August 18, 1981.

Anne M. 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 GG—New Mexico

1. In § 52.1620, paragraph (c) is amended by adding new paragraph (20) as follows:

§ 52.1620 Identification of Plan.

* * * * *

(c) * * *

(20) Revisions to Regulation 602, Coal Burning Equipment-Sulfur Dioxide and a compliance schedule for that regulation were adopted on November 20, 1980 by the New Mexico Environmental Improvement Board and submitted by the Governor on November 24, 1980. A revised sulfur dioxide control strategy demonstration for San Juan County, based on revised Regulation 602 was submitted by the New Mexico Environmental Improvement Division on February 12, 1981. Clarifications of provisions in revised regulation 602, and a memorandum of understanding between the State and Arizona Public Service Company on the procedure to be used by EPA in enforcing power plant station emission limits were submitted

by the New Mexico Environmental Improvement Division on April 16, 1981.

§ 52.1624 [Removed]

2. In § 52.1624, paragraph (d) is removed.

[FR Doc. 81-24717 Filed 8-26-81; 8:45 am]
BILLING CODE 6560-38-M

40 CFR Part 65

[EN-FRL 1899-2]

Amended Delayed Compliance Order for General Motors Corporation, General Motors Assembly Division, Fremont, Calif.

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Administrator of EPA hereby issues an Amended Delayed Compliance Order (DCO) to General Motors Corporation (GMC), General Motors Assembly plant, Fremont, California. The amended DCO requires GMC to bring its two paint spray booths at Fremont, California into compliance with 40 CFR 52.254(d), part of the Federally promulgated California State Implementation Plan (SIP). GMC's compliance with the amended DCO will preclude suits under the Federal enforcement and citizen suit provisions of the Clean Air Act for violation of the SIP regulation covered by the amended DCO during the period the amended DCO is in effect.

DATE: This rule takes effect on August 27, 1981.

FOR FURTHER INFORMATION CONTACT: Robert G. Kuykendall, Air and Hazardous Materials Branch, Enforcement Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, California 94105, Phone: (415) 556-6150.

ADDRESSES: The amended DCO and supporting materials are available for public inspection and copying during normal business hours at: Enforcement Division, EPA, Region 9, 215 Fremont Street, San Francisco, California 94105.

SUPPLEMENTARY INFORMATION: On April 6, 1981, the Acting Regional Administrator of EPA's Region 9 Office published in the **Federal Register**, 46 FR 20573, a notice setting out the provisions of a proposed amended DCO for GMC. The notice asked for public comments and offered the opportunity to request a public hearing on the proposed amended DCO. No pubic comments or requests for a public hearing were received in response to the proposal notice. Therefore, an amended DCO effective this date is issued to GMC by the Administrator of EPA pursuant to section 113(d)(4) of the Clean Air Act, as amended, 42 U.S.C. 7413(d)(4) (hereinafter referred to as the "Act"). The amended DCO places GMC on a schedule to bring its two paint spray booths at Fremont, California, into compliance as expeditiously as practicable with 40 CFR 52.254(d), part of the federally promulgated SIP. The amended DCO also imposes interim requirements which meet section 113(d)(7) of the Act, and reporting requirements. Due to the nature of the source operation, emission monitoring requirements would be unreasonable. If the conditions of the amended DCO are met, it will permit GMC to delay compliance with the SIP regulation covered by the amended DCO until August 31, 1981. The company is unable to immediately comply with this regulation. However, demonstration of compliance at full production levels will not be completed until December 1, 1981, as the passenger car line will not be in operation between June-September, 1981 due to the changeover to high solids enamel paint and the conversion of the production line to new, smaller, and more fuel efficient intermediate size vehicles. In the meantime, the interim compliance testing to be submitted by July 15, 1981 based on the July 3, 1981 emission rate calculations will demonstrate definitively the likelihood that GMC will be in compliance/noncompliance by August 31, 1981. EPA has determined that the amended DCO shall be effective upon publication of this notice (August 27, 1981) because of the need to immediately place GMC on a schedule for compliance with the applicable requirements of the SIP.

(Sections 113 and 301 of the Clean Air Act, as amended (42 U.S.C. 7413 and 7601))

Dated: August 6, 1981.

Anne M. Gorsuch,

Administrator, Environmental Protection Agency.

In consideration of the foregoing, Chapter I of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

§ 65.90 [Amended]

1. By amending the table in § 65.90, Federal Delayed Compliance Orders issued under sections 113 (d)(1), (3), and (4) of the Act, by adding the following entry:

Source	Location	Order No.	SIP regulation involved	Date of Federal Regulation proposal	Final compliance date
General Motors Corporation	Fremont, California	9-79-266	40 CFR 52.254(d)	Apr. 6, 1981	Aug. 31, 1981

2. The text of the amended DCO reads as follows:

In the matter of General Motors Corp., General Motors Assembly Division, Fremont, California; proceeding under section 113(d)(4) of the Clean Air Act, as amended; Docket No. 9-79-266; amended delayed compliance order.

On February 15, 1980, the Administrator of the United States Environmental Protection Agency (U.S. EPA) issued a Delayed Compliance Order (DCO) to General Motors Corporation (GMC) pursuant to section 113(d)(4) of the Clean Air Act, as amended (Act). The DCO requires GMC to bring its two paint spray booths at General Motors Assembly Division in Fremont, California, into compliance with 40 CFR 52.254(d), part of the federally promulgated state implementation plan for California.

On April 15, 1980, GMC submitted to U.S. EPA a report on Phase I testing and a proposal on Phase II continuance pursuant to the DCO. GMC pointed out in the report that the use of high solids (22%) dispersion lacquer utilizing non-photochemically reactive solvent and electrostatic spinning disc spray equipment on the No. 1 passenger car color booth had not met GMC's expectations. Accordingly, GMC requested U.S. EPA allow the use of high solids (40%) enamel paint on the No. 1 passenger car line, based on the high degree of success achieved with such paint on the No. 2 truck line.

On July 15, 1980, GMC met with representatives of the U.S. EPA, Region IX, proposed the use of a new technology high solids (47% average of all colors) enamel paint on both the No. 1 passenger car and No. 2 truck lines, and requested U.S. EPA to amend the

DCO accordingly. The GMC's newly proposed control system for No. 1 passenger car color booth consists of a new technology high solids (47% average of all colors) enamel paint, the existing 20,000 cubic feet per minute carbon adsorption, spinning disc electrostatic spray equipment and oven incineration. The control system for No. 2 truck color booth consists of a new technology high solids (47% average of all colors) enamel paint, the existing 20,000 cubic feet per minute carbon adsorption, and the spinning disc electrostatic spray equipment.

After a thorough investigation of GMC's new proposal, EPA has determined that the use of a new technology high solids (47% average of all colors) enamel paint on the No. 1 passenger car line instead of high solids (27%) dispersion lacquer does not detract from the innovative character of the control system. The DCO still requires GMC to achieve final compliance with 40 CFR 52.254(d) and submit performance test results to demonstrate compliance by August 31, 1981. Because the passenger car line will not be in operation between June–September 1981, part of the paragraph B of the DCO issued to GMC on February 15, 1980 is amended as follows:

No. 1 Color Booth on the Passenger Car Line

(9) If Phase II is to continue:

a. Complete production development of paint process, establish paint usage requirements and calculate emission rate at rated capacity—July 3, 1981.

b. Submit interim compliance testing based on July 3, 1981 activities—July 15, 1981.

c. New technology higher solids (47% average of all colors) enamel paint available in all colors at Fremont—August 15, 1981.

d. Complete installation of paint circulation system—August 25, 1981.

e. Submit final performance testing verifying compliance—December 1, 1981.

(10) Achieve final compliance with 40 CFR 52.254(d)—August 31, 1981.

No. 2 Color Booth on the Truck Line

(6) If Phase II is to continue:

a. Complete conversion of all enamel from 42% to new technology higher solids (47% average of all colors)—August 17, 1981.

(8) Achieve final compliance with 40 CFR 52.254(d) and submit performance test results to demonstrate compliance—August 31, 1981.

This amended Order shall become effective immediately.

Dated: August 6, 1981.

Anne M. Gorsuch,

Administrator, Environmental Protection Agency.

GMC has reviewed this amended Order, consents to the terms and conditions of this amended Order, and believes it to be a reasonable means by which the sources can achieve final compliance with 40 CFR 52.254(d).

Dated: December 23, 1980.

Kenneth M. Brooks,

General Motors Corporation.

[FR Doc. 81-25071 Filed 8-26-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 81

[A-3-FRL 1910-1]

Air Quality; Approval of Section 107 Designations for Maryland

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: Pursuant to Section 107 of the Clean Air Act, the State of Maryland has revised its list of air quality attainment status designations for two cities within the Cumberland-Keyser Interstate Air Quality Control Region (AQCR) with respect to carbon monoxide (CO). The State has changed the designations for these two cities (Cumberland and Hagerstown) from "does not meet primary standards" to "cannot be classified or better than national standards."

EPA approves these changes submitted by Maryland. EPA also revises the chart in 40 CFR Part 81 to define properly the CO nonattainment areas in the National Capital AQCR. All other Section 107 designations for the State of Maryland not discussed in this notice remain intact.

EFFECTIVE DATE: September 28, 1981.

ADDRESSES: Copies of the associated support materials are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Curtis Building, 10th Floor, 6th and Walnut Sts., Philadelphia, PA 19106

Public Information Reference Unit, Room 2922—EPA Library, U.S. Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460

Maryland Department of Health and Mental Hygiene, Maryland Air Management Administration, 201 W. Preston Street, Baltimore, Maryland 21201; ATTN: Mr. George Ferreri

FOR FURTHER INFORMATION CONTACT: Mr. Harold A. Frankford (3AH12), U.S. Environmental Protection Agency, Region III, Curtis Building, 6th and Walnut Streets, Philadelphia, PA 19106; ATTN: 107MD-3; Phone: 215/597-8392.

SUPPLEMENTARY INFORMATION:

Background

On September 21, 1979, pursuant to Section 107 of the Clean Air Act, the State of Maryland revised the CO designation for the cities of Cumberland and Hagerstown from "does not meet primary standards" to "cannot be classified or better than national standards." The State had submitted eight consecutive quarters of air quality data representing calendar years 1978 and 1979. During this time, the Hagerstown monitor recorded a second-high one-hour average of 15 $\mu g/m^3$ in 1978 and 18 $\mu g/m^3$ in 1979 (the NAAQS is 40 $\mu g/m^3$, second high average), and a second high eight-hour average of 10 $\mu g/m^3$ in both 1978 and 1979 (the NAAQS is 10 $\mu g/m^3$, second-high average). The State informed EPA that the monitor was discontinued in 1980.

At the Cumberland CO monitor, the second-high one-hour and eight-hour averages recorded during calendar year 1979 were 14 $\mu g/m^3$ and 9 $\mu g/m^3$ respectively. During calendar year 1978, the monitor recorded second-high one-hour and eight-hour averages of 11 $\mu g/m^3$ and 7 $\mu g/m^3$ respectively. The State informed EPA that the monitor was discontinued in 1980.

The State also notified EPA that the description of the CO nonattainment areas in the Maryland portion of the National Capital Air Quality Control Region approved by EPA on April 10, 1980, 45 FR 24469, was incorrect. The geographical areas erroneously described in this notice as "census tracts" are in actuality election districts.

Request for Public Comments

On December 24, 1980, 45 FR 85100, EPA proposed approval of Maryland's redesignation request and provided a thirty-day public comment period, until January 23, 1981. During the public comment period, no comments were received.

EPA Evaluation

Based on the available ambient air quality data, EPA believes that a redesignation for both Hagerstown and Cumberland from "does not meet primary standards" to "cannot be classified or better than national standards" is appropriate. Therefore, EPA approves the redesignation request. As a result of EPA's promulgation of a

final redesignation changing the areas from nonattainment to attainment/unclassified, the State of Maryland will no longer be required to submit implementation plan (SIP) revisions satisfying Part D of the 1977 Clean Air Act Amendments in these areas.

Thus, by this action, the Administrator amends the chart in 40 CFR 81.321 pertaining to attainment status designations with respect to CO by revising the attainment status from "does not meet primary standards" to "cannot be classified or better than national standards" for the Cities of Cumberland and Hagerstown. This notice also revises the description of the CO nonattainment areas in the Maryland portion of the National Capital Interstate AQCR by substituting "election districts" for "census tracts."

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action only approves State actions and imposes no new requirements.

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

Pursuant to the provisions of 5 U.S.C. Section 605(b) I certify that the redesignations under Section 107D of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. This action constitutes a SIP approval under Section 107D of the Clean Air Act. This action only approves State actions. It imposes no new requirements.

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 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.

(Secs. 107(d), 171(2), 301(a), Clean Air Act as amended (42 U.S.C. 7407(d), 7501(2), 7601(a))

Dated: August 20, 1981.

Anne M. Gorsuch,

Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Maryland was approved by the Director of the Federal Register on July 1, 1981.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Part 81 of Chapter I, Title 40, of the Code of Federal Regulations, is amended as follows:

In § 81.321, the table entitled "Maryland—CO" is revised to read as follows:

Subpart C—Section 107 Attainment Status Designations

* * * * *

§ 81.321 Maryland.

* * * * *

Maryland—CO

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
Cumberland-Keyser Intrastate AQCR		X
Central Maryland Intrastate AQCR		X
Metropolitan Baltimore Instrastate AQCR:		
(a) Baltimore City, Regional Planning District No. 118 (generally corresponding to the Central Business District)	X	
(b) Remainder of AQCR		X
National Capital Intrastate AQCR—Maryland Portion:		
(a) Prince Georges County election districts 2, 6, 12, 16, 17, 18	X	
(b) Montgomery County, election districts 4, 7, 13	X	
(c) Remainder AQCR		X
Southern Maryland Intrastate AQCR		X
Eastern Shore Intrastate AQCR		X

[FR Doc. 81-25043 Filed 8-26-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Parts 122 and 146

[WH-FRL 1905-4]

Underground Injection Control Program Criteria and Standards

AGENCY: Environmental Protection Agency.

ACTION: Technical amendments to final regulations.

SUMMARY: The Environmental Protection Agency is promulgating technical amendments to the requirements of its Underground Injection Control (UIC) program promulgated on May 19, 1980, in the Consolidated Permit Regulations (40 CFR Part 122) and on June 24, 1980, in the Technical Criteria and Standards (40 CFR Part 146). The concepts and approaches published here have been commented upon extensively by a broad spectrum of interested parties including environmental groups; Federal, State and local government officials; and industry.

These technical amendments are consistent with Agency intent at the time of promulgation. EPA is publishing these technical amendments as part of a settlement agreement reached with petitioners who have challenged the regulations in court.

DATE: Effective date: August 27, 1981.

ADDRESS: Questions should be referred to the Office of Drinking Water (WH-550), EPA, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Thomas E. Belk, EPA Office of Drinking Water (WH-550), EPA, Washington, DC 20460, (202) 426-3934.

SUPPLEMENTARY INFORMATION: EPA originally proposed regulations to implement Part C of the Safe Drinking Water Act on August 31, 1976 (41 FR 36730-45). That proposal included the program regulations, the technical criteria and standards, and the related grant regulations. Numerous written sets of comments were filed and many persons commented at public hearings in Dallas, Denver and Washington, D.C.

After careful review of those public comments, EPA determined that there were many ways that the initial proposal could be made generally more flexible and less burdensome without sacrificing the resulting environmental protection to any significant degree. Further, in the fall of 1978, the Agency decided to consolidate the regulations for its major permit programs: the Hazardous Waste Management program under the Resource Conservation and Recovery Act (RCRA); the UIC program under the Safe Drinking Water Act (SDWA); and the National Pollutant Discharge Elimination System (NPDES) under the Clean Water Act (CWA).

As a consequence of these events, the Agency took the following series of actions in 1978 and 1979. The grant regulations related to the UIC program were promulgated in final form on October 12, 1978 (43 FR 47130 et seq.). The initial group of 22 States needing an UIC program were listed on September 25, 1978 (43 FR 43420). In addition, the UIC program regulations were reproposed in four parts on April 20 and June 14, 1979:

- 40 CFR Part 122 reproposed the regulatory framework for the UIC program.
- 40 CFR Part 123 described the elements of an approvable State program and proposed the process for EPA approval of State participation in the UIC program.

• 40 CFR Part 124 described the procedures for permit application and issuance which EPA intends to follow when it has responsibility for implementing the program. Certain provisions of 40 CFR Part 124 would also be applicable to State UIC programs.

• 40 CFR Part 146 proposed the technical criteria and standards to be used by EPA or the State in implementing the UIC program.

Following the reproposal, five public hearings were held and further comments received. After reviewing these comments, the Agency promulgated Criteria and Standards as 40 CFR Part 146 on June 24, 1980. The Consolidated Permit Regulations were promulgated on May 19, 1980.

Subsequent to promulgation of the UIC program, a number of petitioners filed suit. The petitioners raised a total of 93 issues with respect to both 40 CFR Part 146, and 40 CFR Part 122.

In assessing the 93 issues raised by the petitioners, the Agency reviewed studies relied upon to draft the regulations, reassessed comments received during rulemaking, and re-evaluated cost and production impacts. Based on this re-evaluation, the Agency is (1) publishing technical amendments where citations were incorrect, typographical errors were made, or language was unclear; (2) proposing amendments were more substantive changes resulted; and (3) issuing guidances where further explanation was needed.

The amendments promulgated today are final technical amendments to both 40 CFR Part 122 and 40 CFR Part 146. They fall into one of the following categories: requirements for operators authorized under an area permit; information and analytical burdens imposed on operators; definitions; limitations on injection pressure; clarification of the classification scheme; errors and omissions; and miscellaneous actions that do not fit the other categories.

Area Permits

Both the proposed and final UIC regulations included the concept of an area permit to allow an owner or operator of wells with a similar purpose and construction to be authorized by a single permit. The Agency did not intend that injection wells authorized under area permits be required to satisfy most requirements on a single well basis. However, during the course of settlement discussions with petitioners, the Agency became aware that the requirements outlined for facilities with area permits were not clearly distinguished from those applied to single well permit holders. Indeed, the Agency received questions on whether the option of using an area permit lay with the operator, or the Director. The applicant has the choice of applying for a single well or an area permit provided that he qualifies under § 122.39.

In several sections, thererfore, the regulations have been amended to clarify requirements for area permit applicants and holders. The Agency intends to propose in the near future, an amendment which defines the term "project". The term is now used in a number of places throughout the regulations in connection with requirements applicable to operations authorized under the area permit. Sections 122.38 and 122.43, for example, have been amended to add "project" in several sentences which had previously referred only to individual wells.

In assessing the need for these amendments, the Agency became convinced that under the regulations as promulgated, it was not clear whether § 122.41(c) precluded operation of new wells for area permits under § 122.39(c), nor was it clear whether "normal operations", as used in § 122.37(a) (ii) included plugging and abandonment of wells in existing Class II and III facilities. Accordingly, these sections are being amended to clarify that facilities authorized under § 122.39(c) may continue normal operations, including plugging and abandoning wells, provided they comply with applicable requirements.

The section on corrective action, § 122.44, has been amended by adding a new section, § 122.44(b)(4), which confirms that in the case of area permits for Class III wells (which usually involve a net withdrawal of ground water) the Director is to base the need for corrective action on the overall effect of the field or project on the local hydrology, not the effects of each well individually. The new section requires that where corrective action is not deemed necessary based on the effects of the field, a monitoring program required in § 146.33(b) must be designed to verify the validity of such determinations.

For Class III wells, the Director may elect to require specific information on only a representative number of wells within the area of review when the wells are similar in age, type and construction and the information would be repetitive.

The definition of area of review in § 146.03 and § 122.3 is amended to clarify the use of the concept in the case of facilities applying for area permits. The new wording emphasizes that in such cases, the area of review includes both the project area and the surrounding area as established according to § 146.06. In addition, the language in § 146.03, which defines area of review is incorporated into §§ 146.06(a)(2), 146.06(b)(1) and 146.06(b)(2) to state Agency intent more clearly.

Information Requirements

Some of the amendments published today place limits on or clarify information requirements which may be imposed on owners or operators. In reviewing these sections of the regulations, the Agency concluded that the requirements were drafted too broadly. They could, therefore, be interpreted to require more data than the Agency intended or are necessary to accomplish the purposes of the regulations.

For example, petitioners correctly pointed out that requirements listed in § 146.24(a)(2) and § 146.34(a)(2), dealing with existing features and facilities in the area of review, imposed a potentially limitless burden on the extent of the search for information. These sections have been amended to define the scope of the requirement and more clearly reflect the Agency's intent. Specifically, the Director must consider only the location of all producing wells, injection wells, abandoned wells, dry holes and water wells. The review of additional information is left to the Director's discretion as appropriate to the individual case.

Similarly, § 146.24(a)(3) and § 146.34(a)(3) now require that the data on wells within the area of review must be "reasonably available from public records" or otherwise known to the applicant. Further, this tabulation of data is required only for wells shown on the map specified in § 146.24(a)(2) and § 146.34(a)(2).

The Agency is also clarifying § 146.22(f), which requires the results of logs and tests conducted during the construction of Class II wells to be submitted to the Director. The Agency intended the submittal to include only information required to evaluate whether drilling and construction practices were adequate to protect Underground Sources of Drinking Water (USDWs). Petitioners pointed out that the regulations, as written, could have required massive amounts of data on strata which have little direct relevance to protecting USDWs to be submitted to the Director. After reviewing the requirement, the Agency decided that information related to (1) USDWs and adjacent confining zones and (2) the injection zone and adjacent formations,

would provide the Director with sufficient information to evaluate the construction of the well. Information on the intervening strata would contribute little towards protecting USDWs, was not consistent with Agency intent, and could have rendered the requirement needlessly burdensome to both the regulated community and the Director.

Under "Information to be considered by the Director", § 146.14(a)(11), § 146.24(a)(7) and § 146.34(a)(11), as initially promulgated, the Agency requested that "engineering drawings" be submitted. In making this request, the Agency's primary intent was to obtain general details on the construction of the well, such as the depth of surface casing. Petitioners pointed out that "engineering drawings" is a term of art that implies specific scales, levels of details and material that go beyond what the Agency required or intended. Accordingly, these sections are amended to request schematic drawings.

In the regulations, as written, the applicant was required to submit actual operating data before the Director could authorize injection. The petitioners correctly pointed out that this was not feasible and the Agency is amending § 146.14(b)(3), § 146.24(b)(3) and § 146.34(b)(3) to clarify that what is required is anticipated maximum operating parameters.

In § 146.07(a), § 146.07(b) and § 146.32(h)(5) the Director was required to consider the "toxicity" of injected or formation fluids. The Agency did not intend to refer to any formally defined set of substances. Nor did the Agency intend the Director to require toxicity tests as defined in RCRA. To avoid such unintended connotations, the Director is now to consider the "nature" of injected or formation fluids in imposing specific permit requirements. The amount of information required of the applicant to describe the nature of the fluids adequately will vary under particular circumstances and is left to the discretion of the Director.

Reporting requirements under § 146.23(c) have been more clearly delineated. The specific information required is now listed in the section.

In § 146.12(b), § 146.22(b) and § 146.32(b), reference was made to a "qualified" log analyst. Petitioners pointed out that use of the word "qualified" implied a standard that does not exist. The Agency agreed and the section now refers to a "knowledgeable" log analyst.

Section 146.32(g) establishes criteria for a monitoring program at Class III facilities. However, § 146.33(b)(5) contained a further delineation which could be interpreted as an additional requirement. To clarify this section, § 146.32(g) specifies monitoring criteria and § 146.33(b)(5) now specifies only the frequency of monitoring.

Injection Pressure Limitations

Comments from petitioners and States contemplating primacy indicated that the location of the confining zone as used in § 146.22(a), § 146.23(a) was not clear. As stated in the Preamble to 40 CFR Part 146 (45 FR 42483), the Agency's primary aim is that a stratum of relatively impermeable material separate the USDW from the injection zone and that this stratum not be breached by injection or formation fluid. Accordingly, the location of the confining zone has been clarified by amending § 146.22(a) and § 146.23(a).

The initial promulgation of § 146.23(a) contained a pressure limitation on Class II operations which was not consistent with Agency intent. As evidenced in the reproposed regulations (44 FR 23762), the Agency intended that Class II facilities be allowed to operate over the fracture pressure of the injection zone, provided that injection did not initiate fractures in the confining zone. In the promulgated version, the Agency intended to clarify two issues. First, the location of the confining zone was further delineated, and second, the use of the term "bottom hole pressure" was dropped so that the actual pressure in the formation was the regulated pressure. These changes were discussed in detail in the preamble to the promulgated regulations (see 45 FR 42483).

However, the Agency inadvertently changed the standard in drafting the regulations. Accordingly, this section is being amended. The Agency feels that the final version promulgated here is more consistent with its initial intent and with the special status afforded Class II operations in the Safe Drinking Water Act.

To assure that Class II wells operating over the fracture pressure establish an appropriate zone of endangering influence, § 122.44(a) has been amended so that all known wells within the area of review affected by increased pressure are considered for corrective action.

Sections 146.13(a) and 146.33(a) have been amended. The sections, as originally promulgated, did not reflect Agency intent. Specifically, the ban against fracturing the injection zone was meant to apply only during normal operations, not for well stimulation. It was for this reason that these sections were listed under "operating requirements." The Agency is aware that operation of Class I and III wells without stimulation could render either type of operation impractical and the Agency intended in the final regulations that Class I and III wells be allowed to fracture for well stimulation. However, the drafting of the two sections did not clearly reflect this intent.

As stated, a limitation on injection pressure for Class I (§ 146.13) and Class III (§ 146.33) must be observed "except during well stimulation." In the course of normal operations, wells may be stimulated initially before being placed into service and periodically throughout the life of the well thereafter. The exception applies both to initial and subsequent periodic well stimulation.

Well Classification

After promulgating the regulations in June of 1980, the Agency received an extensive number of questions from both States and industry on well classification. In addition, several petitioners requested that the regulations establish the classification of certain specific practices about which the regulations were silent or unclear.

Based on these requests for clarification, the classification scheme is being amended as follows: Class V wells now specifically include among other types of operations: injection wells used in experimental technologies; sand backfill and other backfill wells which inject radioactive waste; and radioactive waste disposal wells other than those injecting into Class IV wells; wells which inject spent brine after halogen recovery; wells used for solution mining of conventional mines (e.g., stopes leaching etc.), and all other wells which are not included in Class I, II, III or IV. Storage of hydrocarbons which are of pipeline quality and are gas at standard temperature and pressure is no longer regulated under these regulations as a result of the 1980 amendments to the Safe Drinking Water Act.

In using the term "sand backfill", the Agency intends to cover a broad range of mining-related waste. Included in this definition would be such coal processing wastes as sludge from acid mine drainage stabilization ponds, wastes associated with ore beneficiation, and inert materials used for stabilizing underground mines.

It is important to note that included in Class V are wells used to dispose of radioactive wastes beneath all formations containing underground sources of drinking water. An example of such wells would be the wells used in conjunction with certain in situ uranium mines. The Agency chose this course of action since the Nuclear Regulatory Commission, the Department of Energy

and other concerned Agencies are in the process of developing a comprehensive radioactive waste management program in response to an Executive Order issued in February 1980. Accordingly, the Agency feels that development of specific requirements for radioactive wastes under the UIC program would be premature at this time.

Section 146.05(c) has been amended to further clarify the classification of solution mining processes such as stopes leaching which are employed at conventionally mined sites. The amended version specifically excludes such operations and further clarifies the coverage of Class III regarding solution mining. In placing stopes and similar processes in Class V, the Agency intends that the processes be further studied to determine whether such operations pose a threat to USDW.

Petitioners requested clarification on whether the ban on Class IV injections listed in § 122.31(d) and § 122.36 applied to injection into aquifers exempted under § 146.04. The UIC regulations did not limit the scope of aquifer exemptions for a particular purpose, nor did they limit the Director's discretion in defining the scope to which exemptions applied. The Agency is amending these sections to make explicit that the injections of hazardous waste into exempted aquifers are not banned at this time. Such injections are classified as Class IV wells for which requirements are reserved. Requirements for such Class IV wells will be developed in the future.

Definitions

Since promulgating the regulations, the Agency has received further questions from States, industry in general and the petitioners that point to problems with definitions. The Agency has reviewed the comments and clarified the existing definition, when appropriate. The changes that resulted from this process are being published today.

The definition of "acidizing" is deleted from § 122.3 since it is not used in the body of the regulations.

The definition of "casing" is being clarified to include materials other than metal since many wells employ other materials, such as PVC. The Agency recognizes that in many circumstances, materials other than metal may provide superior protection to USDW and it was not the Agency's intent to preclude their use.

The term "well logs" is being dropped from the definitions in § 146.03. It is not used in the regulations. "Logs", a term of art with a clear and specific meaning, is used instead.

It has been pointed out to the Agency that "plugging", as defined, implied that flow in formations (not just the well bore) was to be stopped. The Agency has amended § 146.03 to provide a more accurate definition of the term.

The definition of "radioactive wastes" was amended to delete references to listings under the authority of the RCRA, since such a listing has not been made for radioactive waste and may not be for the foreseeable future. Accordingly, a reference to such a listing could be confusing.

Similarly, in § 146.08(c)(1), the term "well records" was used and the definition of well records was included in § 146.03. The Agency intended that in § 146.08(c)(1) cementing records be used to demonstrate the presence of adequate cement to prevent migration of fluids. The term "well records" was used inappropriately since it includes information which is not directly relevant to mechanical integrity. Accordingly, § 146.08 has been amended to specify cementing records and the term "well records" has been deleted from the definitions in § 146.03.

Miscellaneous

Wording in § 122.16(a) seemed to imply that a permit would automatically be terminated for any non-compliance, no matter how minor. The new language clarifies that the Director has the discretion to decide whether or not to terminate the permit.

Under § 122.41(c)(ii) as originally promulgated, there is no limit on how long the Director may take to inspect a newly constructed well. This could conceivably delay operations indefinitely. The section has been amended to require that, if the Director elects to inspect a newly constructed well, he must schedule such an inspection within a reasonable time period, which was the Agency's intent.

Errors and Omissions

Section 122.17(f)(1) contained reference to § 146.16, § 146.26, and § 146.36. These sections do not exist in the promulgated regulations and the Agency is therefore amending the regulations to delete reference to them.

Section 146.34(b) contained reference to a negative number computed under § 146.06(a). In the example equation included in the regulations, as well as most other models used to calculate the zone of endangering influence, a negative number is neither possible nor does it have meaning physically. The section is therefore being amended to reflect results consistent with most accepted models.

The section on financial responsibility for Class I wells, § 146.14(a)(16) contained an incorrect cross citation. It now refers to the correct section, 40 CFR 122.42(g).

In discussing authorization by rule, § 122.37(a)(2) refers to existing Class II wells. It has come to the Agency's attention that specifying appropriate construction requirements for existing wells does not make sense and accordingly, § 122.37(a)(2)(i)(H) now specifies that casing and cementing requirements be applied, where appropriate.

In § 146.34(a)(15), a typographical error was made; the section refers to § 122.42(9), it should be § 122.42(p). It is being amended.

An amendment to §§ 122.18 and 122.37, which was published in the June 24, 1980, **Federal Register** with 40 CFR 146, contained two errors. First, the amendment was published under the heading "Marine Sanitation Act". The correct reference should be to Part 122, Consolidated Permit Regulations. Second, instructions under amendment (d) referred to deleting paragraph (c)(1) of § 122.27. The correct citation is paragraph (c)(1) of § 122.37.

A typographical error was made in § 122.6 *Signatories to permit applications and reports.* The first section was incorrectly labeled § 122.6(1), it is now amended to read § 122.6(a).

Executive Order 12291

Under Executive Order 12291, EPA must judge whether the amendments to the regulation are major and therefore subject to the requirements of a regulatory impact analysis. These amendments are not major because they are clarifications of the Agency's intent when it promulgated the regulations.

These amendments were submitted to OMB for review as required by Executive Order 12291. Any comments from OMB to EPA and any response by the Agency are available for public inspection at the Office of Drinking Water, Environmental Protection Agency, 401 M Street, SW., Washington, D.C.

(Secs. 1421, 1422, 1423, 1431, 1445, 1447, 1450, Safe Drinking Water Act, as amended, 42 U.S.C. 300(f) et seq.)

Dated: August 21, 1981.

Anne M. Gorsuch,

Administrator.

40 CFR Part 122 is amended as follows:

PART 122—EPA-ADMINISTERED PERMIT PROGRAMS; THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM; THE HAZARDOUS WASTE PERMIT PROGRAM; AND THE UNDERGROUND INJECTION CONTROL PROGRAM

1. In § 122.3 three definitions are revised to read as follows:

§ 122.3 Definitions.

* * * * *

Area of review (UIC) means the area surrounding an injection well described according to the criteria set forth in § 146.06, or in the case of an area permit, the project area plus a circumscribing area the width of which is either ¼ of a mile or a number calculated according to the criteria set forth in § 146.06.

* * * * *

Plugging (UIC) means the act or process of stopping the flow of water, oil, or gas into or out of a formation through a borehole or well penetrating that formation.

* * * * *

Radioactive waste (UIC) means any waste which contains radioactive material in concentrations which exceed those listed in 10 CFR Part 20, Appendix B, Table II, Column 2.

* * * * *

2. In § 122.3 the definition for "Acidizing" is removed.

3. In § 122.16 the introduction to paragraph (a) is revised to read as follows:

§ 122.16 Termination of permits.

* * * * *

(a) The Director may terminate a permit during its term or deny a permit renewal application for the following causes:

* * * * *

4. In § 122.17 paragraph (f)(1) is revised to read as follows:

§ 122.17 Minor modifications of permits.

* * * * *

(f) * * *

(1) Change quantities or types of fluids injected which are within the capacity of the facility as permitted and, in the judgment of the Director, would not interfere with the operation of the facility or its ability to meet conditions described in the permit and would not change its classification.

* * * * *

5. In § 122.31 paragraph (d) is revised by adding the following:

§ 122.31 Purpose and scope of subpart C.

* * * * *

(d) * * *

The prohibition applicable to Class IV wells under § 122.36 does not apply to injections of hazardous wastes into aquifers or portions thereof which have been exempted pursuant to § 146.04.

6. In § 122.32 paragraphs (c)(2), (c)(3) and (c)(4) are revised and (c)(5) is added to read as follows:

§ 122.32 Classification of injection wells.

* * * * *

(c) * * *

(2) In situ production of uranium or other metals;

(3) Solution mining of salts or potash

(4) In situ combustion of fossil fuel; and

(5) Recovery of geothermal energy.

* * * * *

7. In § 122.36 paragraph (b) is added to read as follows:

§ 122.36 Elimination of certain Class IV wells.

* * * * *

(b) The prohibition applicable to Class IV wells does not apply to injections of hazardous wastes into aquifers or portions thereof which have been exempted pursuant to § 146.04.

8. In § 122.37 paragraph (a)(1)(ii) and (a)(2)(i)(H) are revised as follows:

§ 122.37 Authorization of underground injection by rule.

* * * * *

(a) * * *

(1) * * *

(ii) Notwithstanding the prohibition in § 122.33, rules under paragraph (a)(1) of this section authorizing Class II and Class III wells or projects in existing fields or projects may allow them to continue normal operations until permitted, including construction, operation, and plugging and abandonment of wells as part of the operation, provided the owner or operator maintains compliance with all applicable requirements.

* * * * *

(2) * * *

(i) * * *

(H) Section 146.22 (casing and cementing requirements where appropriate).

* * * * *

9. In § 122.38 paragraphs (a) and (b)(2) are revised to read as follows:

§ 122.38 Application for a permit; authorization by permit.

* * * * *

(a) *Permit application.* Except as provided in § 122.37 (authorization by rule), all underground injections into Class I, II, or III wells in listed States shall be prohibited unless authorized by permit. Those authorized by a rule or under § 122.37 must still apply for a permit under this section unless authorization was for the life of the well or project. Rules authorizing well injections for which permit applications have been submitted shall lapse for a particular well injection or project upon the effective date of the permit or permit denial for that well injection or project.

(b) * * *

(2) For new injection wells, except new wells in projects authorized under § 122.37(a)(1) or covered by an existing area permit under § 122.39(c), a reasonable time before construction is expected to begin.

* * * * *

10. In § 122.41 the introduction to paragraph (c) and paragraph (c)(2)(ii) are revised to read as follows:

§ 122.41 Additional conditions applicable to all UIC permits.

* * * * *

(c) In addition to § 122.7(l)(1) (notice of planned changes): except for all new wells authorized by an area permit under § 122.39(c), a new injection well may not commence injection until construction is complete, and

* * * * *

(2) * * *

(ii) The permittee has not received notice from the Director of his or her intent to inspect or otherwise review the new injection well within 13 days of the date of the notice in paragraph (c)(1) of this section, in which case prior inspection or review is waived and the permittee may commence injection. The Director shall include in his notice a reasonable time period in which he shall inspect the well.

* * * * *

11. In § 122.43 paragraphs (a) and (b) are revised to read as follows:

§ 122.43 Waiver of requirement by Director.

(a) When injection does not occur into, through or above an underground source of drinking water, the Director may authorize a well or project with less stringent requirements for area of review, construction, mechanical integrity, operation, monitoring, and reporting than required in 40 CFR Part 146 or § 122.42 to the extent that the reduction in requirements will not result in an increased risk of movement of fluids into an underground source of drinking water.

(b) When injection occurs through or above an underground source of drinking water, but the radius of endangering influence when computed under § 146.06(a) is smaller or equal to the radius of the well, the Director may

authorize a well or project with less stringent requirements for operation, monitoring, and reporting than required in 40 CFR Part 146 or § 122.42 to the extent that the reduction in requirements will not result in an increased risk of movement of fluids into an underground source of drinking water.

* * * * *

12. In § 122.44 paragraph (a) is revised and (b)(4) added to read as follows:

§ 122.44 Corrective action.

* * * * *

(a) *Coverage.* Applicants for Class I, II (other than existing), or III injection well permits shall identify the location of all known wells within the injection well's area of review which penetrate the injection zone, or in the case of Class II wells operating over the fracture pressure of the injection formation, all known wells within the area of review penetrating formations affected by the increase in pressure. For such wells which are improperly sealed, completed, or abandoned, the applicant shall also submit a plan consisting of such steps or modifications as are necessary to prevent movement of fluid into underground sources of drinking water ("corrective action"). Where the plan is adequate, the Director shall incorporate it into the permit as a condition. Where the Director's review of an application indicates that the permittee's plan is inadequate (based on the factors in § 146.07), the Director shall require the applicant to revise the plan, prescribe a plan for corrective action as a condition of the permit under paragraph (b) of this section, or deny the application. The Director may disregard the provisions of § 146.06 (area of review) and § 146.07 (corrective action) when reviewing an application to permit an existing Class II well.

(b) * * *

(4) *Class III wells only.* When setting corrective action requirements the Director shall consider the overall effect of the project on the hydraulic gradient in potentially affected USDWs, and the corresponding changes in potentiometric surface(s) and flow direction(s) rather than the discrete effect of each well. If a decision is made that corrective action is not necessary based on the determinations above, the monitoring program required in § 146.33(b) shall be designed to verify the validity of such determinations.

40 CFR Part 146 is amended as follows:

PART 146—UNDERGROUND INJECTION CONTROL PROGRAM: CRITERIA AND STANDARDS

1. In § 146.03 five definitions are revised to read as follows:

§ 146.03 Definitions.

* * * * *

Area of review means the area surrounding an injection well described according to the criteria set forth in § 146.06 or in the case of an area permit, the project area plus a circumscribing area the width of which is either ¼ of a mile or a number calculated according to the criteria set forth in § 146.06.

Casing means a pipe or tubing of appropriate material, of varying diameter and weight, lowered into a borehole during or after drilling in order to support the sides of the hole and thus prevent the walls from caving, to prevent loss of drilling mud into porous ground, or to prevent water, gas, or other fluid from entering or leaving the hole.

* * * * *

Plugging means the act or process of stopping the flow of water, oil or gas into or out of a formation through a borehole or well penetrating that formation.

* * * * *

Radioactive Waste means any waste which contains radioactive material in concentrations which exceed those listed in 10 CFR Part 20, Appendix B, Table II column 2.

* * * * *

2. In § 146.03 the definitions for "Well log" and "Well record" are removed.

3. In § 146.05, paragraphs (c)(2), (e)(8), (e)(11), and (e)(13) thru (e)(15) are revised and (c)(3) and (c)(4) are renumbered as (c)(4) and (c)(5) and a new (c)(3) is added to read as follows:

* * * * *

§ 146.05 Classification of injection wells.

* * * * *

(c) * * *

(2) In situ production of uranium or other metals. This category includes only in-situ production from ore bodies which have not been conventionally mined. Solution mining of conventional mines such as stopes leaching is included in Class V.

(3) Solution mining of salts or potash.

(4) In situ combustion of fossil fuel.

Note.—Fossil fuels includes coal, tar sands, oil shale and any other fossil fuel which can be mined by this process.

(5) Recovery of geothermal energy to produce electric power.

Note.—Class III wells include the recovery of geothermal energy to produce electric power but do not include wells used in heating or aquaculture which fall under Class V.

* * * * *

(e) * * *

(8) Sand backfill and other backfill wells used to inject a mixture of water and sand, mill tailings or other solids into mined out portions of subsurface mines whether what is injected is a radioactive waste or not.

* * * * *

(11) Radioactive waste disposal wells other than Class IV;

* * * * *

(13) Wells used for solution mining of conventional mines such as stopes leaching;

(14) Wells used to inject spent brine into the same formation from which it was withdrawn after extraction of halogens or their salts;

(15) Injection wells used in experimental technologies.

4. In § 146.06 paragraphs (a) and (b) are revised to read as follows:

§ 146.06 Area of review.

* * * * *

(a) *Zone of endangering influence.* (1) The zone of endangering influence shall be:

(i) In the case of application(s) for well permit(s) under § 122.38 that area the radius of which is the lateral distance in which the pressures in the injection zone may cause the migration of the injection and/or formation fluid into an underground source of drinking water; or

(ii) In the case of an application for an area permit under § 122.39, the project area plus a circumscribing area the width of which is the lateral distance from the perimeter of the project area, in which the pressures in the injection zone may cause the migration of the injection and/or formation fluid into an underground source of drinking water.

(2) Computation of the zone of endangering influence may be based upon the parameters listed below and should be calculated for an injection time period equal to the expected life of the injection well or pattern. The following modified Theis equation illustrates one form which the mathematical model may take.

$$r = \frac{(2.25\ K\ H\ t)^{1/2}}{S\ 10^{x}}$$

Where:

$$X = \frac{4\pi\ KH\ (h_w - h_{bo} \times SPG_b)}{2.3\ Q}$$

r = Radius of endangering influence from injection well (length)

K = Hydraulic conductivity of the injection zone (length/time)

H = Thickness of the injection zone (length)
t = Time of injection (time)
S = Storage coefficient (dimensionless)
Q = Injection rate (volume/time)
h_{bo} = Observed original hydrostatic head of injection zone (length) measured from the base of the lowest underground source of drinking water
h_w = Hydrostatic head of underground source of drinking water (length) measured from the base of the lowest underground source of drinking water
SpG_b = Specific gravity of fluid in the injection zone (dimensionless)
π = 3.142 (dimensionless).

The above equation is based on the following assumptions:

(i) The injection zone is homogenous and isotropic;

(ii) The injection zone has infinite area extent;

(iii) The injection well penetrates the entire thickness of the injection zone;

(iv) The well diameter is infinitesimal compared to "r" when injection time is longer than a few minutes; and

(v) The emplacement of fluid into the injection zone creates instantaneous increase in pressure.

(b) *Fixed Radius.* (1) In the case of application(s) for well permit(s) under § 122.38 a fixed radius around the well of not less than one-fourth (¼) mile may be used.

(2) In the case of an application for an area permit under § 122.39 a fixed width of not less than one-fourth (¼) mile for the circumscribing area may be used.

In determining the fixed radius, the following factors shall be taken into consideration: Chemistry of injected and formation fluids; hydrogeology; population and ground-water use and dependence; and historical practices in the area.

* * * * *

5. In § 146.07, paragraphs (a) and (b) are revised to read as follows:

§ 146.07 Corrective action.

* * * * *

(a) Nature and volume of injected fluid;

(b) Nature of native fluids or by-products of injection;

* * * * *

6. In § 146.08, paragraphs (c)(1) and (c)(2) are revised to read as follows:

§ 146.08 Mechanical integrity.

* * * * *

(c) * * *

(1) The results of a temperature or noise log; or

(2) For Class II only, cementing records demonstrating the presence of adequate cement to prevent such migration; or

7. In § 146.12, the introduction to paragraph (d) is revised to read as follows:

§ 146.12 Construction requirements.

* * * * *

(d) Appropriate logs and other tests shall be conducted during the drilling and construction of new Class I wells. A descriptive report interpreting the results of such logs and tests shall be prepared by a knowledgeable log analyst and submitted to the Director. At a minimum, such logs and tests shall include:

* * * * *

8. In § 146.13, paragraph (a)(1) is revised to read as follows:

§ 146.13 Operating, monitoring and reporting requirements.

(a) * * *

(1) Except during stimulation injection pressure at the wellhead shall not exceed a maximum which shall be calculated so as to assure that the pressure in the injection zone during injection does not initiate new fractures or propagate existing fractures in the injection zone. In no case shall injection pressure initiate fractures in the confining zone or cause the movement of injection or formation fluids into an underground source of drinking water.

* * * * *

9. In § 146.14, paragraphs (a)(11), (a)(16) and (b)(3) are revised to read as follows:

§ 146.14 Information to be considered by the Director.

* * * * *

(a) * * *

(11) Schematic or other appropriate drawings of the surface and subsurface construction details of the well.

* * * * *

(16) A certificate that the applicant has assured, through a performance bond or other appropriate means, the resources necessary to close, plug or abandon the well as required by 40 CFR 122.42(g).

(b) * * *

(3) The anticipated maximum pressure and flow rate at which the permittee will operate;

* * * * *

10. In § 146.22, paragraph (a) and the introduction of paragraph (f) are revised to read as follows:

§ 146.22 Construction requirements.

(a) All new Class II wells shall be sited in such a fashion that they inject into a formation which is separated from any USDW by a confining zone that is free of known open faults or fractures within the area of review.

* * * * *

(f) Appropriate logs and other tests shall be conducted during the drilling and construction of new Class II wells. A descriptive report interpreting the results of that portion of those logs and tests which specifically relate to (1) an USDW and the confining zone adjacent to it, and (2) the injection and adjacent formations shall be prepared by a knowledgeable log analyst and submitted to the Director. At a minimum, these logs and tests shall include:

* * * * *

11. In § 146.23, paragraphs (a)(1) and (c)(1) are revised to read as follows:

§ 146.23 Operating, monitoring and reporting requirements.

(a) * * *

(1) Injection pressure at the wellhead shall not exceed a maximum which shall be calculated so as to assure that the pressure during injection does not initiate new fractures or propagate existing fractures in the confining zone adjacent to the USDWs. In no case shall injection pressure cause the movement of injection or formation fluids into an underground source of drinking water.

* * * * *

(c) * * *

(1) Reporting requirements shall at a minimum include an annual report to the Director summarizing the results of monitoring required under paragraph (b) of this section. Such summary shall include monthly records of injected fluids, and any major changes in characteristics or sources of injected fluid. Previously submitted information may be included by reference.

* * * * *

12. In § 146.24 paragraphs (a)(2), (a)(3), (a)(7) and (b)(3) are revised to read as follows:

§ 146.24 Information to be considered by the Director.

* * * * *

(a) * * *

(2) A map showing the injection well or project area for which a permit is sought and the applicable area of review. Within the area of review, the map must show the number or name and location of all existing producing wells, injection wells, abandoned wells, dry holes, and water wells. The map may also show surface bodies of waters, mines (surface and subsurface), quarries and other pertinent surface features including residences and roads, and faults if known or suspended. Only

information of public record and pertinent information known to the applicant is required to be included on this map. This requirement does not apply to existing Class II wells; and

(3) A tabulation of data reasonably available from public records or otherwise known to the applicant on all wells within the area of review included on the map required under paragraph (a)(2) of this section which penetrate the proposed injection zone or, in the case of Class II wells operating over the fracture pressure of the injection formation, all known wells within the area of review which penetrate formations affected by the increase in pressure. Such data shall include a description of each well's type, construction, date drilled, location, depth, record of plugging and completion, and any additional information the Director may require. In cases where the information would be repetitive and the wells are of similar age, type, and construction the Director may elect to only require data on a representative number of wells. This requirement does not apply to existing Class II wells.

* * * * *

(7) Schematic or other appropriate drawings of the surface and subsurface construction details of the well;

* * * * *

(b) * * *

(3) The anticipated maximum pressure and flow rate at which the permittee will operate.

* * * * *

13. In § 146.32, paragraph (b) and (h)(5) are revised to read as follows:

§ 146.32 Construction requirements.

(b) Appropriate logs and other tests shall be conducted during the drilling and construction of new Class III wells. A descriptive report interpreting the results of such logs and tests shall be prepared by a knowledgeable log analyst and submitted to the Director. The logs and tests appropriate to each type of Class III well shall be determined based on the intended function, depth, construction and other characteristics of the well, availability of similar data in the area of the drilling site and the need for additional information that may arise from time to time as the construction of the well progresses. At a minimum, such logs and tests shall include deviation checks conducted on all holes where pilot holes and reaming are used, at sufficiently frequent intervals to assure that vertical avenues for fluid migration in the form of diverging holes are not created during drilling.

* * * * *

(h) * * *

(5) The nature and volume of the injected fluid, the formation water, and the process by-products; and

* * * * *

14. In § 146.33 paragraphs (a)(1) and (b)(5) are revised to read as follows:

§ 146.33 Operating, monitoring and reporting requirements.

(a) * * *

(1) Except during well stimulation injection pressure at the wellhead shall be calculated so as to assure that the pressure in the injection zone during injection does not initiate new fractures or propagate existing fractures in the injection zone. In no case, shall injection pressure initiate fractures in the confining zone or cause the migration of injection or formation fluids into an underground source of drinking water.

* * * * *

(b) * * *

(5) Quarterly monitoring of wells required by 146.32(g).

* * * * *

15. In § 146.34 paragraphs (a)(2), (a)(3), (a)(11), (a)(15) and (b)(3) are revised to read as follows:

§ 146.34 Information to be considered by the Director.

* * * * *

(a) * * *

(2) A map showing the injection well or project area for which a permit is sought and the applicable area of review. Within the area of review, the map must show the number or name and location of all existing producing wells, injection wells, abandoned wells, dry holes, public water systems and water wells. The map may also show surface bodies of waters, mines (surface and subsurface) quarries and other pertinent surface features including residences and roads, and faults if known or suspected. Only information of public record and pertinent information known to the applicant is required to be included on this map.

(3) A tabulation of data reasonably available from public records or otherwise known to the applicant on wells within the area of review included on the map required under paragraph (a)(2) of this section which penetrate the proposed injection zone. Such data shall include a description of each well's type, construction, date drilled, location, depth, record of plugging and completion, and any additional information the Director may require. In cases where the information would be repetitive and the wells are of similar age, type, and construction the Director may elect to only require data on a representative number of wells.

* * * * *

(11) Schematic or other appropriate drawings of the surface and subsurface construction details of the well;

* * * * *

(15) A certificate that the applicant has assured, through a performance bond, or other appropriate means, the resources necessary to close, plug, or abandon the well as required by 40 CFR 122.42(g) and

* * * * *

(b) * * *

(3) The anticipated maximum pressure and flow rate at which the permittee will operate;

* * * * *

[FR Doc. 81-25070 Filed 8-26-81; 8:45 am]
BILLING CODE 6560-29-M

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40 CFR Part 180

[PP OF2422/R343; PH-FRL-1921-5]

Glyphosate; Tolerances and Exemptions From Tolerance for Pesticide Chemicals in or on Raw Agricultural Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the combined residues of the herbicide glyphosate [*N*-(phosphonomethyl)glycine] and its metabolites in or on forage grasses at 0.2 part per million (ppm) and forage legumes at 0.4 ppm. This regulation was requested by Monsanto Co. This regulation will establish the maximum permissible level for the combined residues of glyphosate in or on forage grasses and legumes.

EFFECTIVE DATE: Effective on August 27, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412E, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7066).

SUPPLEMENTARY INFORMATION: EPA issued a notice that was published in the **Federal Register** of October 28, 1980 (45

FR 71678) that Monsanto Company, 1101 17th St., NW., Washington, DC 20036, had filed a pesticide petition (OF2422) with the EPA. This petition proposed the establishment of tolerances for combined residues of the herbicide glyphosate [*N*-(phosphonomethyl)glycine] and its metabolite, aminomethylphosphonic acid in or on the raw agricultural commodities forage grasses at 0.2 part per million (ppm) and forage and forage legumes at 0.4 ppm.

The petitioner subsequently amended the petition by submitting a revised Section F rewording the proposal to read as follows: forage legumes (except soybeans and peanuts) at 0.4 ppm and forage grasses at 0.2 ppm. Because there is no potential increase in risk to humans, a proposal is not necessary.

The data submitted in the petition and other relevant material have been evaluated. The toxicology data submitted included an oral LD_{50} (rabbit) with a LD_{50} of 3.8 milligrams (mg)/kilogram (kg); 90-day feeding (rat) with a no-observable-effect-level (NOEL) of 2,000 ppm; a 90-day feeding (dog) with a NOEL of 2,000 ppm; teratology (2 rabbit studies) negative at 30 mg/kg/day (highest dose); teratology study (rat) negative at 3,500 mg/kg/day and fetotoxic NOEL of 1,000 mg/kg/day; teratology study (rabbit) negative at 350 mg/kg/day and the fetotoxic NOEL is 175 mg/kg/day; 2-year feeding study (dog) with a NOEL of 300 ppm, 3-generation reproduction (rat) with a NOEL of 100 ppm; 18-month feeding study (mouse) no carcinogenic potential at 300 ppm (highest dose); 2-year feeding study (rat) with a NOEL of 100 ppm, neurotoxicity (hen) negative at 7.5 mg/kg (highest dose); Ames assay (negative); rec-assay (negative); rec-assay (B. *subtilis*)—not mutagenic up to 2,000 milligram test material/disk; reverse mutation (not mutagenic); Ames Test (*Salmonella*) not mutagenic and dominant lethal assay (mouse)—negative at 2,000 mg/kg.

Data desirable but currently lacking are oncogenicity studies on two species. Although the oncogenic potential of glyphosate is not fully elucidated, the life-time rat and mouse studies provide assurance that glyphosate has a relatively low oncogenic potential. Further assurance of low risk with glyphosate is found in the fact that on theoretical basis the exposure via the diet is about one-fifth of the ADI. The company has been notified of the deficiences and has agreed to perform the above studies and to remove the use from the label should the results of the above studies exceed the risk criteria from chronic toxicity as stated in 40 CFR 162.11 of the regulations.

Tolerances have previously been established on a variety of commodities at levels from 0.1 ppm to 18.0 ppm. The tolerances in forage grasses (0.2 ppm) and forage legumes (0.4 ppm) contribute no additional theoretical maximal residue contribution (TMRC) to the current TMRC of 0.3284 mg/day/1.5 kg or 10.94 percent of the allowable daily intake (ADI). Other tolerances for this herbicide that have been approved, but not yet published, will contribute 0.02097 mg/day (1.5 kg) to the newly established TMRC for a total of 0.3494 mg/day (1.5 kg). This value will occupy 11.64 percent of the ADI. The ADI is based on a NOEL of 100 ppm (2-year rat feeding study) with a 100-fold safety factor.

There are no regulatory actions pending against the herbicide and no Rebuttable Presumption Against Registration (RPAR) criteria have been exceeded. The nature of the residue in plants and animals is adequately understood. An adequate analytical method (gas chromatography using a phosphorous specific flame photometric detector) is available for enforcement purposes. Secondary residues of glyphosate and/or its metabolite which may occur in liver and kidney of livestock will be covered under existing tolerances. There is no reasonable expectation of finite residues of glyphosate or its metabolite in milk, eggs, or other animal tissues (§ 180.6(a)(3)).

Therefore, it is concluded that these tolerances will protect the public health.

Any person adversely affected by this regulation may, on or before September 28, 1981, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M-3708, (A-110), 401 M St., SW, Washington, DC 20460. Such objections must be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that the regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Dated: August 14, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR 180.364 is amended by inserting the raw agricultural commodities to read as follows:

§ 180.364 Glyphosate; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Forage grasses	0.2
Forage legumes (except soybeans and peanuts)	0.4
* * * * *	

[FR Doc. 81-25044 Filed 8-26-81; 8:45 am]

BILLING CODE 6560-32-M

40 CFR Part 180

[PP 1F2448/R340; PH-FRL-1921-4]

Oxamyl; Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the combined residues of the insecticide/nematocide oxamyl (methyl *N'*, *N'*-dimethyl-*N*-[(methylcarbamoyl)oxy]-1-thiooxamimidate) in or on the raw agricultural commodity pears at 2.0 parts per million (ppm). This regulation was requested by E. I. du Pont de Nemours & Co. This regulation establishes the maximum permissible level for residues of the insecticide/nematocide in or on pears.

EFFECTIVE DATE: Effective on August 27, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm.

3708 (A–110), 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Jay S. Ellenberger, Product Manager (PM) 12, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 400, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7024).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of July 8, 1981 (46 FR 35342) that E. I. du Pont de Nemours & Co., Wilmington, DE 19898, had submitted pesticide petition 1F2448 to the EPA. The petition proposed that a tolerance be established for residues of the insecticide/nematocide oxamyl (methyl *N'*, *N'*-dimethyl-*N*-[(methylcarbamoyl)oxy]-1-thiooxamimidate) in or on the raw agricultural commodity pears at 2.0 parts per million (ppm).

No comments or requests for referral to an advisory committee were received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the tolerance included a two-year rat feeding/oncogenicity study and a two-year dog feeding study with no-observable-effect levels (NOEL) of 50 ppm and 100 ppm, respectively; a mouse oncogenicity study which was negative at dietary levels up to 75 ppm for two years; a three-generation rat reproduction study with a NOEL of 50 ppm; a rat teratogenicity study which was negative; and a rabbit teratogenicity study which was negative at up to 4 milligrams (mg)/kilogram (kg)/day with a NOEL of 2 mg/kg/day for fetotoxicity. Based on the two-year chronic rat feeding/oncogenicity study with a 50 ppm NOEL and using a safety factor of 100, the acceptable daily intake (ADI) for humans is 0.025 mg/kg of body weight (bw)/day. The theoretical maximal residue contribution (TMRC) in the human diet from the previously established tolerances, at levels ranging from 0.1 ppm to 10.0 ppm, and this tolerance does not exceed the ADI.

The metabolism of oxamyl is adequately understood, and an adequate analytical method (gas chromatography using a flame photometric detector) is available for enforcement purposes. No actions are currently pending against the continued registration of oxamyl nor are there any relevant considerations involved in establishing the tolerance. There is no expectation of secondary residues in eggs, meat, milk, or poultry; therefore, § 180.6(a)(3) applies.

The pesticide is considered useful for the purpose for which the tolerance is sought, and it is concluded that the tolerance will protect the public health. Therefore, the tolerance is established as set forth below.

Any person adversely affected by this regulation may, on or before September 28, 1981, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M–3708, (A–110), 401 M St., SW., Washington, DC 20460. Such objections must be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that the regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective on: August 27, 1981.

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

Dated: August 14, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR 180.303 is amended by alphabetically inserting the raw agricultural commodity "pears" to read as follows:

§ 180.303 Oxamyl; tolerances for residues.

* * * * *

Commodity	Parts per million
* * * * *	
Pears	2.0
* * * * *	

[FR Doc. 81–25042 Filed 8–26–81; 8:45 am]

BILLING CODE 6560–32–M

GENERAL SERVICES ADMINISTRATION

Federal Supply Service

41 CFR Ch. 101

[FPMR Temp. Reg. E–70, Supp. 1]

GSA Form 1473, Supply Activity Report; Temporary Regulation

AGENCY: Federal Supply Service, General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This supplement extends to May 31, 1982, the expiration date of FPMR Temporary Regulation E–70, relating to GSA Form 1473, Supply Activity Report.

DATES: Effective date: August 27, 1981.

Expiration date: May 31, 1982.

FOR FURTHER INFORMATION CONTACT: Robert F. Welsh, Acting Director, Regulations Management Division (703–557–7970).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)).

In 41 CFR Chapter 101, this temporary regulation is listed in the appendix at the end of Subchapter E:

Note.—Supplement 1 to FPMR Temporary Regulations E–70 is filed with the original

document, and its text does not appear in this volume.

[FR Doc. 81-25075 Filed 8-26-81; 8:45 am]

BILLING CODE 6820-24-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

Editorial Amendment of the Commission's Rules to Reflect Name Change for the Industry EEO/Minority Enterprise Division

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission is changing the name of the Industry EEO/Minority Enterprise Division, Office of Public Affairs, to Minority and Small Business Division. This is done to more accurately portray the actual function of the Division, as other FCC offices manage the industry EEO program.

EFFECTIVE DATE: August 31, 1981.

FOR FURTHER INFORMATION CONTACT: Annie O'Donoghue, Office of Executive Director (202) 632-7513.

SUPPLEMENTARY INFORMATION:

In the matter of editorial amendment of Part 0 of the Commission's rules to reflect Name change for the Industry EEO/Minority Enterprise Division.

Order

Adopted: August 7, 1981.

Released: August 13, 1981.

1. A change in the name for the Industry EEO/Minority Enterprise Division was adopted by the Executive Director. The Industry EEO/Minority Enterprise Division is renamed the Minority and Small Business Division of the Office of Public Affairs. This change was necessary to clarify the function of the Division which is to assist minority and small business enterprises in the telecommunications marketplace but does not monitor industry EEO practices since other offices within the Commission handle this function. Part 0 of the rules and regulations, which describes the organization of the Commission, is being amended to reflect these changes and to add the Units in the Office of Public Affairs.

2. The amendments adopted herein pertain to agency organization. The prior notice procedure and effective date provisions of Section 4 of the Administrative Procedure Act are therefore inapplicable. Authority for the amendments adopted herein is contained in Sections 4(i) and 5(b) of the Communications Act of 1934, as amended, and in § 0.231(d) of the Commission's rules.

3. It is ordered, effective August 31, 1981, that Part 0 of the rules and regulations is amended as set forth in the Appendix below.

Federal Communications Commission.

R. D. Lichtwardt,

Executive Director.

Appendix

PART 0—COMMISSION ORGANIZATION

Part 0 of Chapter I of Title 47 of the Code of Federal Regulations is hereby amended as indicated below.

1. Section 0.16 is added to read as follows:

§ 0.16 Units in the Office.

The Office of Public Affairs is comprised of the following units:

(a) Immediate Office of the Director

(b) Consumer Assistance and Information Division

(c) Minority and Small Business Division

(d) Press and News Media Division.

[FR Doc. 81-25083 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-606; RM-3623]

FM Broadcast Station in Alliance, Nebr.; Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns Class C Channel 290 to Alliance, Nebraska, as its second FM assignment, and substitutes Channel 271 for Channel 221A, in response to a petition filed by the Nebraska Rural Radio Association.

DATE: Effective October 20, 1981.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: August 11, 1981.

Released: August 20, 1981.

In the matter of amendment of § 73.202(b), Table of Assignments, FM broadcast stations (Alliance, Nebraska); report and order (proceeding terminated).

1. The Commission has under consideration a *Notice of Proposed Rule Making*, 45 FR 69499, published October 21, 1980, proposing the assignment of Class C FM Channel 271 to Alliance, Nebraska, as its second FM assignment, the substitution of FM Channel 290 for Channel 221A and the modification of the license for Station KFAH (Channel 221A) to specify operation on Channel 290. The petition was initiated by the Nebraska Rural Radio Association ("petitioner"), licensee of Stations KRVN and KRVN-FM, Lexington, Nebraska. Comments in support of the proposal were filed by the petitioner and by Fortner-Hill Broadcasting, Inc. Opposing comments were filed by KLOE, Inc., licensee of Station KCOW(AM), Alliance, Nebraska, to which petitioner responded.

2. Petitioner restated the information contained in the *Notice* which demonstrated the need for a second FM assignment to Alliance, and reiterated its intent to apply for the channel, if assigned. Fortner-Hill, in comments, favors the proposed substitution of channels, which will afford it an opportunity to compete and remain a viable station in the area market. Fortner-Hill requests that Channel 271 be substituted for Channel 221A instead. This substitution, it asserts, would allow greater range, providing a first FM and first nighttime aural service to a rural population of 235 persons in an area of 625 square miles.

3. KLOE, Inc., in opposing comments, contends that contrary to petitioner's claim that Alliance is served only by KCOW and KFAH(FM), it also receives service from nine city grade radio signals,[1] all in a radius of 60 miles. It states that the economy could hardly be regarded as on an "economic upswing," since 22 businesses have closed in the past 12 months. Additionally, KLOE claims that the petitioner has not demonstrated the need for a second FM assignment to Alliance. It contends that the present nine radio signals, two television stations, three newspapers and cable TV are all vying for advertising in Box Butte County, and slicing the radio budget once again would serve a devastating blow to the public service, public affairs and news programming. It further suggests that a public hearing be held in Alliance, to determine the need for the proposed station.

4. In reply comments, petitioner argues that KLOW's allegations of a lack of economic growth, service received from other signals, and the

[1] Station KCOW and KFAH(FM), Alliance, Nebraska; KOLT, KNEB and KEYR(AM), KMOR and KNEB(FM), Scottsbluff, Nebraska; and KCRS(AM) and KQSK(FM), Chadron, Nebraska.

effect of public programming caused by the competitive impact lacks substantive merit, and that the opposition is seeking to protect its economic interest rather than promoting the public interest, which is best served by program diversity. Nebraska Rural urges the Commission to grant the proposed assignment, since the alleged competitive impact can best be assessed at the application stage, see *Rome, New York*, 42 RR 2d 618 (1978); *Healdsburg, California*, 52 F.C.C. 2d 244 (1975).

5. Alliance (population 6,862),[2] seat of Box Butte County (population 10,094) is located approximately 584 kilometers (365 miles) west of Omaha, Nebraska. It is served locally by fulltime AM Station KCOW and FM Station KFAH (Channel 221A).

6. In the *Notice* we stated that the assignment of Channels 271 and 290 to Alliance would cause preclusion on all seven channels. We also stated that the petitioner's engineering study indicated that a class C channel assignment would provide a first FM and first nighttime aural service to 1,313 persons in a 5,081 square kilometer (1,962 square mile) area, and a second FM nighttime aural service to 1,603 persons in a 2,670 square kilometer (1,031 square mile) area. Additionally, it was noted that the petitioner's statement did not consider unused Channel 234 assigned to Chadro, Nebraska, which would substantially reduce the second service figures. As petitioner indicated, however, Channel 234 had been replaced by Channel 248 at Chadron, Nebraska, and therefore the petitioner's figures of first and second service are correct. Alternate channels are available to the precluded areas, with a population greater than 1,000.

7. After careful consideration of the proposal and comments, we believe that the public interest would be served by the proposed assignment and substitution of channels. The fact that Alliance receives some service from stations in nearby communities, should not necessarily foreclose an additional assignment to Alliance. However, when the substantial first and second services are considered, the value of wide coverage area stations is of much greater importance as a public interest consideration.

Secondly, the issues raised by the opposition are of a competitive nature which are more appropriately considered at the application stage. We shall, therefore, assign Class C FM Channels 271 and 290 to Alliance, Nebraska, to avoid intermixture of Class A and C channels. We shall also (in paragraph 9) modify the license of Station KFAH to specify operation on Channel 271. We have no preference as to which channel is occupied by KFAH. We do not regard the reasons given for choosing Channel 271 for Station KFAH as valid. However, petitioner has given no reason for our reserving Channel 271 for its use and petitioner has not responded to Fortner-Hill's stated preference for Channel 271. Thus, we shall modify Station KFAH's license to specify Channel 271. Station KFAH is entitled to reimbursement for frequency change only, by the eventual permittee on Channel 290. See *Michell, South Dakota*, 62 F.C.C. 2d 70 (1976). Since no other interest has been expressed by a third party in a Class C channel at Alliance, we shall modify Station KFAH's license herein. See *Cheyenne, Wyoming*, 62 F.C. 2d 63 (1976).

§ 73.202 [Amended]

8. In view of the foregoing and pursuant to the authority contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules, it is ordered, that effective October 20, 1981, the FM Table of Assignments, § 73.202(b) of the rules, is Amended with respect to Alliance, Nebraska, as follows:

City	Channel No.
Alliance, Nebraska	271, 290

9. It is further ordered, that pursuant to Section 316(a) of the Communications Act of 1934, as amended, the outstanding license held by Fortner-Hill Broadcasting, Inc. for Station KFAH(FM), Alliance, Nebraska, is modified, effective October 20, 1981, to specify operation on Channel 271 instead of Channel 221A. Station KFAH(FM) may continue to operate on Channel 221A for one year from the effective date of this action or until it is ready to operate on Channel 271, whichever is earlier, unless the Commission sooner directs subject to the following conditions:

(a) At least 30 days before commencing operation on Channel 271, the licensee of Station KFAH(FM) shall submit to the Commission the technical information normally requested of an applicant for Channel 271;

(b) At least 10 days prior to commencing operation on Channel 271 the licensee of Station KFAH(FM) shall submit measurement data required of an applicant for an FM broadcast station license, and;

(c) The licensee of Station KFAH(FM) shall not commence operation on Channel 271 without prior Commission authorization.

(d) Nothing contained herein shall authorize a major change in transmitter site or avoid the necessity of filing an environmental impact state pursuant to § 1.1301 of the Commission's Rules.

10. It is further ordered, that the Secretary of the Commission SHALL SEND a copy of this *Order* by certified mail, return receipt requested, to Fortner-Hill Broadcasting, Inc., 210 Niobrara Avenue, Alliance, Nebraska 69301.

11. It is further ordered, that this proceeding is terminated.

12. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-25060 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-566; RM3620]

FM Broadcast Station in Visalia, Calif.; Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 246 to Visalia, California, in response to a petition filed by Russell Schwamb. The assignment could provide this community with a second FM broadcast station.

DATE: Effective October 20, 1981.

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

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

SUPPLEMENTARY INFORMATION:

Adopted: August 11, 1981.

Released: August 20, 1981.

In the matter of amendment of § 73.202(b), Table of Assignments, FM broadcast stations (Visalia, California); report and order (proceeding terminated).

1. Before the Commission is a *Notice of Proposed Rule Making*, 45 FR 64981, published October 1, 1980, proposing the assignment of FM Channel 246 to Visalia, California, as a second FM

[2] Population figures are taken from the 1970 U.S. Census.

assignment, in response to a petition filed by Russell Schwamb ("petitioner"). KONG, Inc., licensee of Stations KONG(AM) and KONG–FM in Visalia, filed comments opposing the assignment. Petitioner filed comments in which he reaffirmed his intent to file for the channel if assigned. In order to comply with the Commission's minimum distance mileage separation requirements, a site restriction of at least 10.5 kilometers (6.5 miles) southeast of Visalia is required.

2. Visalia (population 49,729),[1] the seat of Tulare County (population 245,751), is located approximately 264 kilometers (165 miles) northwest of Los Angeles, California. The community is served locally by full-time AM Station KONG and by FM Station KONG–FM, Channel 225.

3. Although Channel 246 can be assigned to Visalia with a site restriction of approximately 6.5 miles, petitioner proposes to locate its transmitter approximately 25 miles from Visalia. A transmitter located at this distance will not provide the required 70 dBu signal over the entire city. However, this matter can be more appropriately dealt with during the application process by way of a waiver request should petitioner persist in its selection of this site.

4. Petitioner has submitted information with respect to Visalia which is persuasive as to its need for an additional FM assignment. Petitioner has also indicated the available channels for the precluded communities.

5. In its opposition, KONG, Inc. asserts that Visalia is already well served by local and nearby stations. It also notes the preclusion impact on Lindsay, California, among others and urges that the proposal be dismissed.

6. In its reply, petitioner contends that the list of stations purportedly serving Visalia were proffered by KONG, Inc. without regard to the amount of service and nature of programming directed toward Visalia. Petitioner argues that KONG, Inc. is really interested in preserving its local dominance of the radio market.

7. We believe that the public interest would be served by the assignment of FM Channel 246 to Visalia, California. An interest has been shown in its use, and such an assignment would provide the community with an FM station which could render a second FM and first competitive broadcast service. The matter of the transmitter site location does not affect the need for and validity of the assignment. As for the preclusive impact, Channel 240A is alternately available for assignment to Lindsay, California.

[1] Population data are taken from the 1980 U.S. Census.

§ 73.202 [Amended]

8. Accordingly, it is ordered, that effective October 20, 1981, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended with regard to the following community:

City	Channel No.
Visalia, California	225, 246

9. Authority for the adoption of the amendment herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

10. It is further ordered, that this proceeding is terminated.

11. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81–25059 Filed 8–26–81; 8:45 am]

BILLING CODE 6712–01–M

[BC Docket No. 80–586; RM–3628]

47 CFR Part 73

FM Broadcast Station in Farwell and Morton, Tex.; Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 222 to Farwell, Texas, in response to a petition filed by Best Broadcasting Company, Inc. This assignment could provide Farwell with its first full-time FM broadcast service.

DATE: Effective October 20, 1981.

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

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

SUPPLEMENTARY INFORMATION:

Adopted: August 11, 1981.

Released: August 19, 1981.

In the matter of amendment of § 73.202(b), Table of Assignments, FM broadcast stations (Farwell and Morton, Texas); *report and order* (proceeding terminated).

1. Before the Commission is a *Notice of Proposed Rule Making*, 45 FR 69496, published October 21, 1980, proposing the assignment of Channel 222 to Farwell, Texas, and the reassignment of unused Channel 252A from Farwell to Morton, Texas, in response to a petition filed by Best Broadcasting Company, Inc. ("petitioner"). Petitioner filed comments reaffirming its intent to apply for Channel 222, if assigned to Farwell.

2. Farwell (population 1,185), seat of Parmer County (population 10,509),[1] is located approximately 164 kilometers (90 miles) southwest of Amarillo, Texas. The community presently receives local aural service from one daytime-only AM station.

3. Permian Broadcasters, Inc., licensee of Station KNFM (Channel 222) in Midland, Texas, filed comments arguing that the Farwell assignment would be short-spaced to KNFM. However, the separation between KNFM and the proposed Farwell transmitter site (30.2 kilometers (18.9 miles) from Farwell), is approximately 294 kilometers (184 miles). This site is in compliance with the applicable minimum distance separation requirements (§ 73.207 of the Commission's Rules) which requires a 180 mile separation for Class C co-channels.

4. Based on petitioner's revised figures, the assignment of Channel 222 to Farwell would provide a first FM and nighttime aural service to 11,580 persons in an area of approximately 3,577 square kilometers (1,381 square miles) and a second such service to 4,830 persons in an area of approximately 2,248 square kilometers (891 square miles).

5. We believe the public interest would be served by the assignment of Channel 222 to Farwell, Texas. An interest has been expressed for its use and the channel could provide a first fulltime local and substantial first and second FM and aural services. However, since no interest has been expressed in a Channel 252A assignment to Morton, Texas, we will not approve the reassignment. Rather the channel shall be retained at Farwell despite the intermixture result since any future interest in the channel will be pursued with full knowledge of the competitive situation. See *Yakima, Washington*, 42 F.C.C. 2d 548 (1973).

§ 73.202 [Amended]

6. Accordingly, it is ordered, that effective October 20, 1981, the FM Table of Assignments (§ 73.202(b) of the

[1] Population figures are taken from the 1970 U.S. Census.

Commission's Rules) is amended with regard to the following community:

City	Channel No.
Farwell, Texas	222, 252A

7. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

8. It is further ordered, that this proceeding is terminated.

9. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-25061 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-523; RM-3543 & 3780]

FM Broadcast Station in Helena, Mont.; Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns four Class C FM channels and deletes two Class A channels at Helena, Montana, in response to a petition filed by KCAP Broadcasters, Inc. In addition, the Class A licenses are modified to specify operation on two of the Class C channels.

DATE: Effective October 20, 1981.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: August 11, 1981.

Released: August 21, 1981.

In the matter of amendment of § 73.202(b), Table of Assignments, FM broadcast stations (Helena, Montana), BC Docket No. 80-523, RM-3543, RM-3780[1]; report and order (proceeding terminated).

1. Before the Commission is a *Notice of Proposed Rule Making and Order to Show Cause*, 45 FR 58624, published August 4, 1980, proposing the substitution of Class C Channel 258 for Channel 221A, and Channel 266 for Channel 276A at Helena, Montana, in response to a petition filed by KCAP Broadcasters, Inc., licensee of Station KCAP-FM, Helena, Montana. The *Notice* also proposed to modify the license of Station KBLL-FM (Channel 221A) and Station KCAP-FM (Channel 276A) to specify operation on the Class C channels. A counterproposal was submitted by Myhre Advertising, proposing the assignment of Channel 281 to Helena, as a third FM allocation. Comments were filed by the petitioner, Holter Broadcasting Corporation (licensee of Station KBLL-FM, Helena, Montana), Myhre Advertising, and Capital Investment (licensee of AM Station KMTZ, Helena, Montana). Reply comments in support of the counterproposal were filed by the petitioner, Myhre and Holter. Capital also filed reply comments.

2. In its comments the petitioner incorporated by reference the information contained in the *Notice* which demonstrated the need for a Class C assignment. Petitioner also stated its willingness to provide reimbursement to the Class A licensee (Station KBLL-FM) for the frequency change. Holter Broadcasting, the other Class A licensee, supports the proposal to upgrade its frequency from a Class A to a Class C facility, as proposed in the *Notice*.

3. Myhre Advertising, in comments, asked that a third Class C channel be assigned to Helena. Otherwise it would oppose the proposed modification of the Class A licenses to Class C channels since it was also interested in applying for a Class C channel. In support of a third Class C channel, Myhre Advertising merely recites petitioner's statement that Helena is a growing community and the State capital.

4. Capital Investment also advises the Commission of its interest in applying for a Class C channel. However, Capital opposes the proposed modifications of the Class A licenses. Capital contends that the proposal (assuming a third channel assignment) would unfairly upgrade the existing Class A licenses, while other interested parties must fight among themselves for the new assignment. It claims that it is not opposed to a third channel assignment to Helena, but using the establishment of a third channel as a basis for automatic modification of outstanding licenses would be contrary to the law and would constitute a gross inequity. Citing *Ashbacker Radio Corp.* v. *FCC*, 326 U.S. 327 (1945). As an alternate proposal Capital suggests assigning four Class C channels, retaining the Class A channels and modifying them only after a comparative hearing can be held for all interested parties.

5. Petitioner in reply comments claims that Capital's proposal to retain Class A channels in addition to making three or four assignments is unjustified both for reasons of needlessly creating intermixture and the lack of interest in retaining the Class A channels which would result in five or six assignments for Helena. Petitioner favors the counterproposal of Myhre Advertising for a third Class C channel and deleting the Class A channels arguing that the availability of one Class C channel would satisfy the *Ashbacker* rights of all other interested parties.

6. Myhre, in its reply, rejects Capital's position that the Class A licenses cannot be modified where more than one additional interest is expressed in a Class C channel. Myhre suggests that requiring all the interested parties to apply for the two or three Class C assignments would result in "seemingly endless comparative proceedings that could take years to resolve." Myhre concludes that assigning four Class C channels may be the best solution.

7. Holter opposes Capital's proposal because it would create intermixture and states that it would prefer to keep the existing Class A station if it could not be modified.

8. Capital in its reply comments reasserts that the Class A licenses should not be modified to Class C channels along with the addition of a third Class C channel since as the licensee of an AM station in the community, it would be a certain loser to Myhre (who has no broadcast interest) in a comparative hearing, whereas the broadcast interests of petitioner and Holter would not be considered under the present proposal. Capital restates that two alternatives remain consistent with *Ashbacker*. First, the Commission could retain the Class A channels and allow all parties to compete for the Class C channels; or delete the Class A channels and require that all apply for Class C channels.

9. Helena (population 23,938),[2] seat of Lewis and Clark County (population 43,039) is located in the west-central part of the State, approximately 800 kilometers (500 miles) southeast of Seattle, Washington. It is served locally by fulltime AM Stations KCAP, KBLL, and KMTZ, and FM Stations KCAP-FM and KBLL-FM.

[1] Public Notice of the petition was given on November 3, 1980, Report No. 1254.

[2] Population figures are taken from the 1980 U.S. Census.

10. As stated in the *Notice*, the assignment of Channel 266 to Helena would cause preclusion to twenty-seven communities with populations greater than 1,000, thirteen of which have no FM assignment.[3] The assignment of Channel 266 would provide a first FM service to approximately 3,859 square kilometers (2,412 square miles) for approximately 5,000 persons. Although no second FM service and aural figures were provided, review of the data indicates that a substantial number of persons would receive a second FM service. The assignment of Channel 258 would provide basically the same service.

11. After careful consideration of the proposal and comments, we have decided to assign four Class C channels to Helena, deleting the two Class A channels, and modifying the existing Class A licenses to specify Class C channels. These assignments would provide expanded service to the generally unserved surrounding area and population. We believe that four channels are justified considering the rural nature of this area with communities sparsely located and with availability of alternate channels. Admittedly, we are assigning four channels to respond to the number of interests as well as the desirability of additional service to this area. In doing so we are not seeking to avoid the *Ashbacker* issue that has been presented. Briefly we shall state our view on the matter while noting that we do not rely on *Ashbacker* principles in resolving the case. The opportunity for filing for a Class C channel is the only obligation we must fulfill to comply with *Ashbacker*. We need not open every Class C channel for each potential applicant since each channel is presumptively equivalent. The fact that a comparative hearing may result is always a possibility and our assigning four Class C channels may not even avoid that occurrence. Also the qualifications of a potential applicant with local broadcast interests, *e.g.*, does not require special treatment, in our opinion, as an allocation matter just because it may be at a disadvantage vis-a-vis another applicant without a local station. Accordingly, we have not assigned four Class C channels here solely to avoid a comparative hearing.

[3] Montana: White Sulphur Springs (pop. 1,302), East Helena (pop. 1,647), Deer Lodge (pop. 4,023), Boulder (pop. 1,441), Townsend (pop. 1,587), Three Forks (pop. 1,247), Whitehall (pop. 1,030), Philipsburg (pop. 1,138), Choteau (pop. 1,798), Conrad (pop. 3,074), Big Timber (pop. 1,690), and Fort Benton (pop. 1,693). Deer Lodge has an AM station (KDRG). Walkerville was listed in the *Notice*, however, since its 1980 population is below 1,000 it is being deleted.

12. Canadian concurrence in the assignments has been obtained.

§ 73.202 [Amended]

13. In view of the foregoing and pursuant to the authority contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules, it is ordered, that effective October 20, 1981, the FM Table of Assignments, § 73.202(b) of the Rules, is amended with regard to Helena, Montana, as follows:

City	Channel No.
Helena, Mont.	258, 266, 281, 287

14. It is further ordered, that pursuant to Section 316(a) of the Communications Act of 1934, as amended, the outstanding licenses held by Holtzer Broadcasting Corporation, for Station KBLL-FM, Helena, Montana, IS MODIFIED, effective October 20, 1981, to specify operation on Channel 258 instead of Channel 221A, and the outstanding license held by KCAP Broadcasters, Inc. for Station KCAP-FM, Helena, Montana, is modified, effective October 20, 1981, to specify operation on Channel 266 instead of Channel 276A. Stations KBLL-FM and KCAP-FM may continue to operate on Channels 221A and 276A, respectively, for one year from the effective date of this action or until it is ready to operate on Channels 258 and 266, whichever is earlier, unless the Commission sooner directs subject to the following conditions:

(a) At least 30 days before commencing operation on Channel 258, the licensee of Station KBLL-FM shall submit to the Commission the technical information normally requested of an applicant for Channel 258 and, at least 30 days before commencing operation on Channel 266, the licensee of Station KCAP-FM shall submit to the Commission the technical information normally requested of an applicant for Channel 266.

(b) At least 10 days prior to commencing operation on Channel 258, the licensee of Station KBLL-FM shall submit measurement data required of an applicant for a broadcast license, and at least 10 days prior to commencing operation on Channel 266, the licensee of Station KCAP-FM shall submit measurement data required of an applicant for a broadcast license; and

(c) The licensee of Station KBLL-FM shall not commence operation on Channel 258 without prior Commission authorization, and the licensee of Station KCAP-FM shall not commence operation on Channel 266 without prior Commission authorization.

(d) Nothing contained herein shall authorize a major change in transmitter site or avoid the necessity of filing an environmental impact statement where required.

15. It is further ordered, that the Secretary of the commission shall send a copy of this *Order* by certified mail, return receipt requested, to Holtzer Broadcasting Corporation, 2301 Colonial Drive, Helena, Montana 59601, and to Western Broadcasting Company, Box 1165, Helena, Montana 59601.

16. It is further ordered, that this proceeding is terminated.

17. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-25062 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 79-179; RM-3335]

Radio Broadcast Services: TV Broadcast Station in Tullahoma, Tenn.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns UHF television Channel 64 to Tullahoma, Tennessee, in response to a petition filed by Quin-Abi Broadcasting, Inc. The assignment would provide a first commercial television service to Tullahoma.

DATE: Effective October 20, 1981.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: August 12, 1981.

Released: August 18, 1981.

By the Chief, Policy and Rules Division.

In the matter of an amendment of § 73.606(b), table of assignments, television broadcast stations (Tullahoma, Tennessee); BC Docket No. 79-179, RM-3335; report and order; (Proceeding Terminated).

1. The Commission has under consideration a *Notice of Proposed Rule Making*, 44 FR 44195, published July 27, 1979, which proposed the assignment of UHF television Channel 64 to Tullahoma, Tennessee, in response to a petition filed by Quin-Abi Broadcasting, Inc. ("petitioner").[1] Petitioner filed comments in support of the petition and stated its intent to apply for the channel, if assigned. No oppositions to the proposal were filed.

2. Tullahoma (population 15,311)[2] is located on the border of Coffee (population 32,572) and Franklin (population 27,289) Counties, approximately 90 kilometers (55 miles) northwest of Chattanooga. It has no local television service.

3. The *Notice* recited petitioner's assertion that Tullahoma, the largest city in Coffee County, is in need of local television service since it receives no Grade A service and only Grade B service from cities a distance of over 80 kilometers (50 miles) away. Petitioner also claims that the proposed television station would serve in excess of 100,000 persons.

4. Additionally, we stated in the *Notice* that under the present Commission one-to-a market multiple ownership rules (§ 73.636(a)(1)) the petitioner, as licensee of an FM station in Tullahoma, could not become the licensee of a VHF television station. This proposal, however, would result in a UHF television-FM common ownership combination, which is treated on a case-by-case basis, based on whether the combination would be in the public interest. We previously announced a delay on deciding this proposal, awaiting the Commission's decision on a *Notice of Proposed Rule Making* adopted September 13, 1979 (BC Docket No. 79-233), proposing to delete the UHF exception to the multiple ownership rules and thereby prohibiting local radio licensees from applying for a UHF television station in the same community. While we have delayed action on this proposal pending the outcome of BC Docket No. 79-233, disposition of that proceeding is planned for the near future. Thus, we believe it is appropriate to avoid further delay to providing a local television station for Tullahoma. Since petitioner is the only party expressing any interest in the assignment and may not be able to apply for the assignment depending on the action in BC Docket 79-233, we shall condition this assignment on the action taken in the multiple ownership proceeding.

5. We believe that the petitioner has adequately demonstrated the need for a first UHF television assignment to Tullahoma, and that the public interest would be served by assigning UHF television Channel 64 to that community. Therefore, we shall assign UHF television Channel 64 to Tullahoma, Tennessee, and leave resolution of the common ownership question for the application process. The assignment can be made in compliance with the minimum distance separation requirements and other technical criteria.

PART 73—RADIO BROADCAST SERVICES

§ 73.202 [Amended]

6. Accordingly, pursuant to authority contained in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules, it is ordered That effective October 20, 1981, the Television Table of Assignments, (§ 73.606(b) of the Commission's Rules) is amended with respect to the community listed below:

City	Channel No.
Tullahoma, Tenn	64+

7. It is further ordered, That this proceeding is terminated.

8. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-25072 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-743; RM-3659]

Radio Broadcast Services; FM Broadcast Station in Romney, West Virginia; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 261A to Romney, West Virginia, as that community's first commercial FM assignment, in response to a petition filed by Peter A. Bozick.

DATE: Effective October 20, 1981.

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

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

SUPPLEMENTARY INFORMATION:

Adopted: August 17, 1981.

Released: August 21, 1981.

By the Acting Chief, Policy and Rules Division:

In the matter of an amendment an of § 73.202(b), Table of Assignments, FM Broadcast Stations (Romney, West Virginia); BC Docket No. 80-743, RM-3659; *report and order* (proceeding terminated).

1. Before the Commission is a *Notice of Proposed Rule Making*, 45 FR 81080, published December 9, 1981, proposing the assignment of FM Channel 261A to Romney, West Virginia, as that community's first FM assignment, at the request of Peter A. Bozick ("petitioner"). Supporting comments were submitted by the petitioner in which he reaffirmed his intention to apply for the channel, if assigned. No comments opposing the assignment were received. The assignment can be made in compliance with the Commission's mileage separation requirements.

2. Romney (population 2,364),[1] the seat of Hampshire County (population 11,710), is located approximately 108 kilometers (68 miles) southeast of Morgantown, West Virginia. This community is served by a 10-watt noncommercial FM station (WJGF).

3. Petitioner has submitted information with respect to Romney which is persuasive as to its need for a first local FM assignment.

4. We believe the public interest would be served by the assignment of Channel 261A to Romney, West Virginia. An interest has been shown for its use, and such an assignment would provide the community with an FM station which could render a first local commercial broadcast service.

5. The Canadian Government has given its approval to the assignment of Channel 261A to Romney, West Virginia.

6. Authority for the adoption of the amendment herein is contained in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

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[1] Licensee of Stations WJIG (AM) and (FM), Tullahoma, Tennessee.

[2] Population figures are taken from the 1970 U.S. Census.

[1] Population figures are taken from the 1970 U.S. Census.

PART 73—RADIO BROADCAST SERVICES

7. Accordingly, it is ordered, That effective October 20, 1981, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended with regard to the following community:

City	Channel No.
Romney, WV	261A

8. It is further ordered, that this proceeding is terminated.

9. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

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

Federal Communications Commission.

Martin A. Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-25123 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-744; RM-3675]

FM Broadcast Station in Lahaina, Hawaii; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 228A to Lahaina, Hawaii, as the community's first FM channel. The assignment is in response to a petition filed by Shoblom Broadcasting, Inc.

DATE: Effective October 20, 1981.

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

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

SUPPLEMENTARY INFORMATION:

Adopted: August 18, 1981.

Released: August 21, 1981.

By the Acting Chief, Policy and Rules Division.

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Lahaina, Hawaii); BC Docket No. 80-744, RM-3675, report and order (proceeding terminated).

1. Before the Commission is a *Notice of Proposed Rule Making*, 45 FR 81215, published December 10, 1980, proposing the assignment of either FM Channel 240A or Channel 228A to Lahaina, Hawaii, as that community's first FM assignment, at the request of Shoblom Broadcasting, Inc. ("petitioner"). Comments were filed by Mauna Kea Broadcasting Company, licensee of FM Station KJYE, Kailua, Hawaii, and by petitioner. Either channel may be assigned in compliance with the minimum mileage restrictions (Section 73.207 of the Rules).

2. Lahaina (population 10,284),[1] in Maui County (population 70,847), is located on the western shore of Maui Island, approximately 130 kilometers (80 miles) southeast of Honolulu. It has no local aural broadcast service.

3. Petitioner has submitted information with respect to Lahaina which is persuasive as to its need of a first local FM assignment.

4. Mauna Kea objects to the assignment of Channel 240A to Lahaina because it alleges that interference to the coverage of its Station KJYE (Channel 242) over the Island of Maui would occur. It urges us to assign Channel 228A instead. In response, petitioner asserts that the same problem could occur with respect to second adjacent Channels 226 and 230 in Honolulu if Channel 228A were assigned to Kailua-Kona. Mauna Kea argues that the Commission should act on the basis of the existing situation which would result in actual interference rather than the potential problem on Channel 228A which would occur only after the existing stations were upgraded and the proposed assignment occupied.

5. While both channels could be assigned consistent with the mileage separations, we feel that the public interest would be better served by the assignment of Channel 228A to Lahaina. We agree with Mauna Kea that the determination should be based on the existing factual situation rather than the potential problem. The immediate result of a new Lahaina station on Channel 240A would limit the coverage of Station KJYE. The Honolulu stations would not be affected as much (taking into account their present facilities and location) by the assignment of Channel 228A.

PART 73—RADIO BROADCAST SERVICES

§ 73.202 [Amended]

6. Accordingly, it is ordered, that effective October 20, 1981, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended with regard to the following community:

[1] Population data are taken from the 1980 U.S. Census.

City	Channel No.
Lahaina, Hawaii	226A

7. Authority for the adoption of the amendment herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

8. It is further ordered, that this proceeding is terminated.

9. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

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

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-25122 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-764; RM-3677]

FM Broadcast Station in Ponca City, Oklahoma; Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 261A to Ponca City, Oklahoma, in response to a petition filed by Music Sound Radio, Inc. This assignment would provide Ponca City with its third FM broadcast assignment.

DATE: Effective October 20, 1981.

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

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

SUPPLEMENTARY INFORMATION:

Adopted: August 11, 1981.

Released: August 19, 1981.

In the matter of amendment of § 73.202(b), Table of Assignments, FM broadcast stations (Ponca City, Oklahoma); report and order (proceeding terminated).

1. Before the Commission is a *Notice of Proposed Rule Making*, 45 FR 84833, published December 23, 1980, proposing the assignment of FM Channel 261A to Ponca City, Oklahoma, at the request of Music Sound Radio, Inc. ("petitioner"). This assignment would provide Ponca City with its third FM channel. Comments opposing the proposed

assignment were filed by Station KLOR in Ponca City ("KLOR"). Petitioner filed comments in which it reaffirmed its intent to apply for the channel, if assigned. The assignment can be made in compliance with the applicable minimum distance requirements.

2. Ponca City (population 25,940 [1]), in Kay County (population 48,791), is located approximately 110 kilometers (70 miles) north of Oklahoma City. Ponca City is currently served by FM Stations KLOR (Channel 257A) and KPNC (Channel 265A) and by fulltime AM Station WBBZ.

3. In opposition to the proposed assignment, KLOR contends that the assignment of an additional FM frequency to Ponca City is unnecessary. The additional channel would provide no new primary service in northern Oklahoma, according to KLOR. Further, KLOR claims that assignment of a third FM Broadcast station to Ponca City would create an adverse economic condition for all radio stations in northern Oklahoma and southern Kansas. KLOR states that in 1980, Ponca City reported only a 1.77% increase in population from the 1970 figure. Thus, KLOR believes that there has been an insufficient showing of need for the assignment of an additional FM channel to Ponca City, Oklahoma.

4. A third FM assignment to Ponca City would exceed the population guidelines. However, these guidelines have been relaxed where special considerations have been found. As stated in the case of *Waycross, Georgia*, 47 R.R. 2d 319 (1980), "a definite trend has taken place to emphasize the efficiency of a proposed assignment by evaluating the preclusive impact and giving less priority to the numerical distribution of channels." The preclusion impact of this proposed assignment is not, in our opinion, significant enough to deny an additional station for Ponca City. Only Newkirk, Oklahoma (population 2,173), 20 kilometers (12.6 miles) from Ponca City, has population of over 1,000 and is without local aural service. But a staff study of alternative available channels suggests Channel 269A can be assigned to Newkirk with an approximate 6.9 kilometer (4.3 mile) site restriction.[2] On that basis, we find no obstacle to the assignment of a third FM channel to Ponca City, an important city in the area of north central Oklahoma. The economic impact of this assignment can be raised in response to the filing of an application for this channel.

§ 73.202 [Amended]

5. Accordingly, it is ordered, that the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended with regard to Ponca City, Oklahoma, as follows effective October 20, 1981:

City	Channel No.
Ponca City, Oklahoma	257A, 261A, 265A.

6. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

7. It is further ordered, that this proceeding is terminated.

8. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-25058 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-34; RM-3716]

FM Broadcast Station in Elkins, West Virginia; Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 257A to Elkins, West Virginia, in response to a petition filed by Marja Broadcasting Corp. This assignment could provide Elkins with a second commercial FM broadcast station.

DATE: Effective October 20, 1981.

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

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

SUPPLEMENTARY INFORMATION:

Adopted: August 17, 1981.

Released: August 21, 1981.

By the Acting Chief, Policy and Rules Division.

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations, (Elkins, West Virginia); BC Docket No. 81-34, RM-3716; *report and order;* (Proceeding Terminated).

1. Before the Commission is a *Notice of Proposed Rule Making*, 46 FR 10784, published February 4, 1981, proposing the assignment of FM Channel 257A to Elkins, West Virginia, as that community's second commercial FM assignment, at the request of Marja Broadcasting Corporation ("petitioner"). No comments opposing the assignment were received. Petitioner filed comments reaffirming its intent to apply for the channel, if assigned. The assignment can be made in compliance with the applicable minimum distance separation requirements of § 73.207.

2. Elkins (population 8,287 [1]), the seat of Randolph County (population 24,596), is located approximately 168 kilometers (105 miles) northeast of Charleston, West Virginia. This community presently has one commercial FM assignment (Channel 237A).

3. Petitioner has presented information which indicates Elkins, as the seat of a growing and developing county, deserves a second FM station.

4. Petitioner's study shows that no community of over 1,000 population and without an FM channel would suffer preclusion by the assignment of Channel 257A to Elkins.

5. We believe the public interest would be served by the assignment of FM Channel 257A to Elkins, West Virginia. An interest has been shown for its use, and such an assignment would provide the community with an additional FM service.

6. The Canadian Government has given its approval of the assignment of Channel 257A to Elkins, West Virginia.

7. Since Elkins is located in the Quiet Zone, applicants for Channel 257A must coordinate the location of their transmitter site with the NRAO and the NRL as required by § 73.1030 of the Commission's Rules.

8. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

PART 73—RADIO BROADCAST SERVICES

§ 73.202 [Amended]

9. Accordingly, it is ordered, that effective October 20, 1981, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended with regard to the following community:

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[1] Population figures are taken from the 1970 U.S. Census.

[2] Such an assignment must await the transmitter site change of Station KFDI-FM, Wichita, Kansas, for which a construction permit has been issued.

[1] Population figures are taken from the 1970 U.S. Census.

City	Channel No.
Elkins, West Virginia	237A, 257A.

10. It is further ordered, that this proceeding is terminated.

11. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

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

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-25124 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

Foreign Fishing

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

ACTION: Final rule.

SUMMARY: Under the authority delegated by the Assistant Administrator for Fisheries, NOAA, the Northeast Regional Director, National Marine Fisheries Service (NMFS) is reallocating the entire reserve of *Illex*, 13,000 metric tons (mt), to foreign fishing. The projected total domestic *Illex* harvest, (29 mt), is below the estimated domestic annual harvest (DAH) (5,000 mt). As a result, the revised total allowable level of foreign fishing (TALFF) for *Illex* squid for the remainder of the fishing year will be increased to 25,000 mt of *Illex*. This action will promote the orderly conduct of *Illex* squid fishing.

EFFECTIVE DATE: August 27, 1981.

FOR FURTHER INFORMATION CONTACT:
Salvatore A. Testaverde, 617-281-3600.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Atlantic Squid Fishery (FMP), as amended (45 FR 63863), established a reserve of *Illex* squid (*Illex*), with provisions to allocate all or part of the reserve to TALFF, unless projected to be caught by U.S. fishermen. The Northeast Regional Director, NMFS, is authorized to review the U.S. *Illex* harvest during August and to project the total amount which will be harvested during the remainder of the fishing year. The estimated DAH is 5,000 mt. The projection was derived by using a multiplication factor from reported monthly domestic landings for the 1979-1980 fishing year.

As required by 50 CFR 655.22, the *Illex* landings for April through July, 1981 were multiplied by a factor of 2.9 to obtain the projected annual harvest. Domestic *Illex* landings from April through July, 1981, were 10 mt; therefore the projected annual harvest is 29 mt. No foreign nation made application to receive U.S. harvested *Illex* this fishing year; therefore, no *Illex* is retained in the reserve for that purpose. The entire *Illex* reserve of 13,000 mt is apportioned to foreign fishing for the remainder of the fishing year, ending March 31, 1982.

This action is not subject to E.O. 12291 nor the Regulatory Flexibility Act because it is merely a management action implementing regulations that specify the circumstances under which the agency is to reallocate the reserve (50 CFR 655.22). The environmental impact for this action was evaluated in the final environmental impact statement and supplements prepared for the FMP and its amendments, which are on file with the Environmental Protection Agency.

The 30-day delay in implementation required by the Administrative Procedures Act is waived to allow foreign vessels to catch as much of the 13,000 mt as possible during the remainder of the *Illex* fishing season.

(16 U.S.C. 1801 *et seq.*)

Dated: August 24, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

PART 611—FOREIGN FISHING

50 CFR Part 611, Appendix I, § 611.20, entry 1.D. is revised as follows:

§ 611.20 Total allowable level of foreign fishing.

* * * * *

Appendix I. Optimum yield (OY), domestic annual harvest (DAH), domestic annual processing (DAP), joint venture processing (JVP), domestic non-processed fish (DNP), reserve and total allowable level of foreign fishing (TALFF), all in metric tons.

Species	Species code	Areas	OY	DAH	DAP	JVP	DNP	Reserve	TALFF
1. Northwest Atlantic Ocean Fisheries:									
* *		*	*		*		*		*
D. Squid Fisheries squid, short-finned	504		50,000	5,000		0		0	25,000
* *		*	*		*		*		*

[FR Doc. 81-25079 Filed 8-26-81; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 46, No. 166
Thursday, August 27, 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

Animal and Plant Health Inspection Service

9 CFR Part 71

General Provisions; Interstate Movement of Diseased Animals and Poultry

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the regulation restricting the interstate movement of diseased animals and poultry by deleting the words "in sheep" from the phrase "bluetongue in sheep" as a communicable disease endemic to the United States. This action is necessary because the regulation, as written, could be interpreted to exclude bluetongue in other species. With this revision, the regulation would more accurately reflect the disease status in the United States and clarify the Department's authority and determination to restrict the movement of other animals affected with bluetongue.

DATE: Comments on or before October 26, 1981.

ADDRESS: Written comments should be submitted to the Deputy Administrator, Veterinary Services, APHIS, USDA, Room 870, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Dr. Jack R. Pitcher, Sheep, Goat, Equine and Ectoparasites Staff, Room 738, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8231.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed in conformance with Executive Order 12291, and has been determined to be not a "major rule". The proposed rule, if adopted, would not have a significant effect on the economy and would not result in any increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises, in domestic or export markets.

Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because this amendment would only clarify the regulations presently imposed on livestock. There would be no new or additional requirements or cost imposed on small entities.

This amendment merely clarifies the language of the present regulations. The only alternative considered was of making no change to the present regulations. This alternative was rejected because no new or additional costs will be imposed by amending the regulations and the proposed action will clarify the intent of the regulations to prohibit the interstate movement of other animals as well as sheep affected with bluetongue.

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to section 2 of the Act of February 2, 1903, as amended, sections 3 and 11 of the Act of May 29, 1884, as amended, and section 7 of the Act of February 2, 1903, as amended (21 U.S.C. 111, 114, 114a, 120), the Animal and Plant Heath Inspection Service is considering amending Part 71, Title 9, Code of Federal Regulations.

Bluetongue (BT) is a disease of sheep, cattle, goats, and wild ruminants. Acute BT causes a severe inflammation of the mucous membrane of the mouth, nasopharynx, esophagus, rumen, and lower disgestive tract; lesions may appear on the teats, udder and coronary band; congenital deformities and neonatal losses may occur. Transmission in nature is accomplished by the bites of gnats, so the disease is seasonal in occurrence.

There are four types of bluetongue virus found in the United States. The virus was first isolated in the United States from California sheep in 1952, but the disease had been recognized in Texas as early as 1948, where it was known as "sore muzzle." Recent research has revealed that the effects of BT in cattle are more serious than had been suspected in the past.

Australia, New Zealand, the European Economic Community and Canada either refuse entry or impose restrictions on the importation of cattle with bluetongue. The Department must be able to control the movement of BT affected cattle in order to assure countries receiving cattle from the United States of their BT-free status as well as to control the spread of the disease within this country.

The current regulation in 9 CFR 71.3(a) reads in part: "Animals or poultry affected with any of the following diseases, which are endemic to the United States: * * * bluetongue in sheep * * * or any other communicable disease which is endemic to the United States, * * * shall not be moved interstate." The listing of "bluetongue in sheep" was not intended to exclude bluetongue in other animals from the category of "any other communicable disease which is endemic to the United States." However, since the same sentence specifies "bluetongue in sheep," it could be interpreted to exclude bluetongue in any other animals, even though it has always been the Department's policy to prohibit all animals affected with bluetongue from moving interstate.

Therefore, it has been determined that the words "in sheep" should be deleted from the phrase "bluetongue in sheep" to clarify the Department's determination that the prohibition extends to the disease in any animal.

PART 71—GENERAL PROVISIONS

Accordingly, Part 71, Title 9, Code of Federal Regulations, would be amended in the following respects:

§ 71.3 [Amended]

In § 71.3(a), the words "in sheep" would be removed from the phrase "bluetongue in sheep."

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

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

Done at Washington, D.C., this 21st day of August 1981

Norvan L. Meyer,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 81-24888 Filed 8-26-81; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

[Summary Notice No. PR-81-13]

Summary of Petitions Received and Dispositions of Petitions Denied or Withdrawn

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking and of dispositions of petitions denied or withdrawn.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials or withdrawals of certain petitions previously received. The purpose of this notice is to improve the public's awareness of this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and be received on or before: October 26, 1981.

ADDRESSES: Send comments on the petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. ———, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

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

Edward P. Faberman,

Assistant Chief Counsel, Regulations and Enforcement Division, Federal Aviation Administration.

Petitions for Rulemaking

Docket No.	Petitioner	Description of the rule requested
		DESCRIPTION OF PETITION
21716	Israel Aircraft Industries	Amend SFAR 14, to delete the 12,500 pounds maximum zero fuel weight limitations of paragraph 4.1(a) and 41.1(b) in order to allow certain airplanes to operate with an increased revenue payload. Petitioner states the 12,500 pound maximum zero fuel weight limitation is exclusively an economic penalty and is not a safety consideration. It imposes a restriction on the efficient operation of such commuter type airplanes certificated under SFAR 41 requirements.
NOTE—This Petition was previously published. The comment period is extended until October 26, 1981 due to similarity to the following Fairchild Swearingen Petition.		
21716	Fairchild Swearingen	Amend SFAR 14, to limit the passenger seats to 19. Petitioner contends the economic benefits intended by SFAR 41 would be fully realized, expanded avionics installations will become available to operators, and the availability of an economically effective airplane will encourage the wide-spread adoption of SFAR 41 airplanes to replace the less advance types now in service.
20589	Evans North on behalf of Civil Pilots for Regulatory Reform.	Petitioner proposes to eliminate a history of myocardial infarction ("heart attack") as "an automatic disqualification for life" for airman medical certification. "Tests and values" would be used to determine if an airman could resume pilot responsibilities after a heart attack. Petitioner proposes amendment of the FAA medical exemption procedures to allow each airman to have access to medical records and consultants' reports prior to any meeting of medical advisors, and to attend, and present evidence at, any meeting of FAA medical advisors. An individual record of each advisor's position, as well as a total record for possible court review would also be required.
		REGULATIONS AFFECTED
		14 CFR Part 11 and Sections 67.13(e)(1), 67.15(e)(1), and 67.17(e)(1).
		PETITIONER'S REASONS FOR RULE
		Petitioner believes that individuals who have sustained myocardial infarctions should not be "disqualified for life" from performing aircraft pilot duties and that the regulations should specify standards used for determining fitness for subsequent airmen medical certification. Petitioner also believes that airmen and their own experts should be allowed to appear before any FAA review panel to present their position.
NOTE—Evans North's previous petition of a similar nature was withdrawn—see disposition section.		

Petitions for Rulemaking: Withdrawn or Denied

Docket No.	Petitioner	Description of the Rule requested
		DESCRIPTION OF PETITION
20589	Evans North	Elimination of a history of myocardial infarction ("heart attack") as a specified disqualification for airmen medical certification. A "designated medical test" would be used to determine if an airman could resume pilot responsibilities after a heart attack.
		REGULATIONS AFFECTED
		14 CFR Sections 67.13(e)(1)(i), 67.15(e)(1)(i), and 67.17(e)(1)(i)

Petitions for Rulemaking: Withdrawn or Denied—Continued

Docket No	Petitioner	Description of the Rule requested
	PETITIONER'S REASONS FOR RULE	
		Petitioner believes that individuals who have sustained myocardial infarctions should not be "disqualified for life" from performing aircraft pilot duties and that the regulations should specify standards used for determining fitness for subsequent airman medical certification.
Withdrawn.		

[FR Doc. 81-24860 Filed 8-26-81; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 18605/81-AWE-2]

Proposed Alteration of Group II Terminal Control Area—Las Vegas, NV

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to reconfigure the Group II Terminal Control Area (TCA) at Las Vegas, NV, which first became effective on November 11, 1974. This action would change the TCA floors in some areas and expand the overall TCA airspace in other segments. This realignment would provide greater flexibility to aircraft wishing to avoid the TCA airspace. The proposal would ensure that turbine-powered aircraft operations would be wholly contained within TCA airspace and that the high level of safety provided by the TCA would not be reduced.

DATE: Comments must be received on or before November 25, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Western Region, Attention: Chief, Air Traffic Division, Docket No. 18605/81-AWE-2, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, CA 90261.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

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

FOR FURTHER INFORMATION CONTACT: Richard Morrison, Airspace and Procedures Branch, Air Traffic Division (AWE-530), Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, CA 90261; telephone: (213) 536-6180.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 18605/81-AWE-2." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

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

History

As part of a comprehensive program announced on December 27, 1978, in the FAA Administrator's Plan for Enhanced Safety in the National Airspace System, Las Vegas was a candidate for possible expansion of the designated TCA airspace. Consequently, the Las Vegas TCA was reviewed in depth. The goal was to provide the safest and most efficient configuration for all airspace users. Aspects that were considered included noise abatement, costs to users, safety for passengers and aircraft, and the safe and efficient use of airspace.

The proposed action would reconfigure parts of the TCA by changing the TCA floors in some areas and expanding the overall airspace in other segments. This realignment would provide greater flexibility to aircraft wishing to avoid the TCA airspace. It is necessary to propose an expansion of portions of the TCA airspace to ensure that turbojet aircraft operations would be wholly contained within TCA airspace and the high level of safety provided by the TCA would not be reduced.

After experience is gained with the revised TCA configuration, consideration will be given to proposing any modifications that appear necessary. Any future modifications that may be proposed would be thoroughly coordinated with the airspace users.

The proposal contained in this notice was preceded by broad and helpful public participation with the FAA in considering the development of an airspace description for a TCA that is responsive to the need to increase safety and to the needs of both transient and local aircraft operators. An extensive publicity effort was made to invite all interested persons to participate in meetings held on June 19 and 27, 1979. Invitations were extended to 3,000 airspace users in the Las Vegas area. Notice of the meetings was also given radio and press coverage. In response to public suggestions, several adjustments to the TCA configuration were developed and are reflected in this

notice. An additional opportunity for public participation is provided by this notice to ensure full consideration of public concerns at every stage of the rulemaking process.

Local Benefits

The modification of the Group II TCA, as proposed in this notice, would provide greater flexibility to aircraft wishing to avoid TCA airspace. In addition, all turbojet arrival and departure profiles would be fully contained within TCA airspace for air safety purposes. The TCA would have a minimum impact on aircraft not required to be under ATC control due to this proposed action.

Summary of Proposed Changes

Area A—This area would be changed to extend the eastern boundary, between the Las Vegas 046°T(031°M) radial and the Las Vegas 115°T(100°M) radial, to the 10 nautical mile (NM) arc. This change would lower the floor of the TCA in the above described area from 3,600 feet to the surface.

This configuration change would lower the TCA floor in an area that was virtually unusable for operations due to terrain. This change also would provide for the complete containment of turbojet aircraft departing eastbound from Las Vegas Airport.

Area B—This area would be changed to lower the floor of the TCA from 5,500 feet to 4,500 feet in the area between the Las Vegas 046°T(031°M) radial and the Las Vegas 075°T(060°M) radial between the 10 NM and 15 NM arcs.

This configuration change provides for the containment of turbojet aircraft departing to the northeast from Las Vegas Airport. This proposed change was prompted by reduced climb rates due to extreme summer temperatures.

Area C—This area would be changed to redefine the northern boundary as the Las Vegas 046°T(031°M) radial and the southern boundary as the Las Vegas 125°T(110°M) radial. This change would lower the floor of the TCA in the area between the Las Vegas 046°T(031°M) radial and the Las Vegas 055°T(040°M) radial between the 15 NM and 20 NM arcs.

This configuration change simplifies the TCA description and provides for the containment of turbojet aircraft departing Las Vegas Airport until exiting the top of the TCA south of Boulder City VORTAC.

Area D—This area is an addition to the existing TCA airspace and would provide TCA airspace (8,000 feet-9,000 feet) between the Las Vegas 083°T(068°M) radial and the Las Vegas 115°T(100°M) radial between the 20 NM and 25 NM arcs.

This proposed addition to the TCA airspace provides for the containment of arrivals from the east that are operating on a Standard Terminal Arrival Route (STAR).

Area E—This area would be changed to eliminate the portion within the 10 NM arc between the Las Vegas 150°T(135°M) radial and the Las Vegas 180°T(165°M) radial.

This proposed configuration change simplifies the description of this segment of the TCA airspace and ensures containment of STAR's.

Area F—This area would be expanded to encompass the airspace between the Las Vegas 125°T(110°M) radial and the Las Vegas 235°T(220°M) radial between the 15 NM and 20 NM arcs.

This proposed configuration change provides for the containment of instrument aircraft operating on established STAR's and Standard Instrument Departures (SID's).

Area G—This area would be expanded to include that airspace between the 8 NM and 10 NM arcs from the Las Vegas 180°T(165°M) radial to the Las Vegas 295°T(280°M) radial and that area over Sky Harbor Airport which was previously contained in the 6,000 feet to 9,000 feet area.

This configuration change would provide operational advantages when vectoring aircraft, to Runway 01 at Las Vegas Airport, in the area where the TCA floor is lowered to 5,000 feet. The expansion of the 5,000-foot area to the east would also provide better ingress and egress to Sky Harbor Airport by aircraft operating outside the confines of the TCA.

Area H—This change would reduce the airspace (4,000 feet-9,000 feet) from the 10 NM arc to the 8 NM arc.

This proposed configuration change reduces the compression of aircraft operating below the floor of the TCA that are proceeding to/from Sky Harbor Airport. Additionally, this change would provide for the containment of turbojet aircraft departing Las Vegas Airport.

Area I—This change would add airspace (4,500 feet-9,000 feet) from the Las Vegas 295°T(280°M) radial to the Las Vegas 005°T(350°M) radial between the 6 NM and 10 NM arcs.

This configuration change would ensure the containment of turbojet aircraft departing to the west. Procedures would require those aircraft to climb to 4,000 feet before commencing a turn.

Area J—This change would raise the floor of the TCA from 4,000 feet to 5,000 feet in the area bordered by U.S. Highway 95 and the Las Vegas 005°T(350°M) radial between the 11 NM and 15 NM arcs.

This proposed configuration change raises the floor of the TCA and therefore reduces the compression of aircraft operating below the TCA.

Area K—No Change.

Area L—No Change.

Area M—This proposed change redefines the airspace (5,000 feet-9,000 feet) between the Las Vegas 033°T(018°M) radial and the Las Vegas 046°T(031°M) radial to be between the 25 NM and 30 NM arcs in lieu of the 22 NM and 28 NM arcs.

This configuration change would provide for full containment of Nellis Air Force Base aircraft operating in the ground control approach and instrument landing system patterns and terminal arrival routes.

Area N—This change would amend the description of this airspace to include the area between the 30 NM and 36 NM arcs.

This configuration change would reduce the overall airspace for this segment of the TCA.

Area O—This change would add airspace (8,000 feet-9,000) bounded on the west by the Las Vegas 046°T(031°M) radial and on the east by the Las Vegas 060°T(045°M) radial between the 20 NM and 25 NM arcs.

This proposed configuration change is necessary to provide containment of an eastbound SID.

Economic Impacts

The costs of modifying the Las Vegas TCA are being considered as part of the regulatory decisions being made. Since all turbine-powered IFR aircraft will continue to be contained in the TCA as reconfigured, there will be no change in economic effect for those flights. Uncontrolled aircraft will have the same or larger amounts of airspace in which to conduct their activities. Any adverse economic impact that may now exist will remain the same or be reduced as available airspace is increased for traffic not operating within the TCA.

The proposed TCA configuration, when compared to the existing configuration, demonstrates no change in impacted airports, number of operations, or the number of airports receiving diverted traffic. The distance in air miles or ground miles flown by diverted traffic, the number of aircraft expected to relocate or divert due to the TCA, and operational procedures at adjacent airports would remain unchanged.

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.401(b) of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 768) by revising the Las Vegas, NV, TCA to read as follows:

Subpart K—Terminal Control Areas

§ 71.401 Designation.

* * * * *

(b) Group II, Terminal Control Areas:

* * * * *

Las Vegas, NV, Terminal Control Area, Primary Airport and Navigational Aid, McCarran International Airport (Lat. 36°04'48" N., Long. 115°09'08" W.). Las Vegas VORTAC (Lat. 36°04'47" N., Long. 115°09'32" W.).

Boundaries. Based on Las Vegas VORTAC (LAS) arcs, DME distances, and radials.

Area A. That airspace extending upward from the surface to and including 9,000 feet MSL within an area bounded by a line beginning at the 15-mile DME point on the Las Vegas 020°T(005°M) radial; thence direct to the 20-mile DME point on the Las Vegas 033°T(018°M) radial; thence northeasterly along the Las Vegas 033°T(018°M) radial to the 25-mile DME point, and clockwise along the 25-mile radius arc to the Las Vegas 046°T(031°M) radial, and southwesterly along the Las Vegas 046°T(031°M) radial, to and clockwise along the 10-mile radius arc to the Las Vegas 115°T(100°M) radial; thence westerly along a line direct to, and counterclockwise along, the 2-mile radius arc of Henderson Sky Harbor Airport (Lat. 35°58'35" N., Long. 115°07'55" W.) to, and along, the Las Vegas 180°T(165°M) radial to, and clockwise along, the 6-mile radius arc to, and counterclockwise along, the 2.5-mile radius arc of North Las Vegas Air Terminal (Lat. 36°12'45" N., Long. 115°11'48" W.) to, and north along, the Las Vegas 005°T(350°M) radial to, and clockwise along, the 15-mile radius arc to the point of beginning.

Area B. That airspace extending upward from 4,500 feet MSL to and including 9,000 feet MSL between the Las Vegas 10 and 15-mile radii arcs bounded on the north by the Las Vegas 046°T(031°M) radial and on the south by the Las Vegas 115°T(100°M) radial.

Area C. That airspace extending upward from 6,500 feet MSL to and including 9,000 feet MSL between the Las Vegas 15 and 20-mile radii arcs bounded on the north by the Las Vegas 046°T(031°M) radial and on the south by the Las Vegas 125°T(110°M) radial.

Area D. That airspace extending upward from 8,000 feet MSL to and including 9,000 feet MSL between the Las Vegas 20 and 25-mile radii arcs bounded on the north by the Las Vegas 083°T(068°M) radial and on the south by the Las Vegas 115°T(100°M) radial.

Area E. That airspace extending upward from 6,000 feet MSL to and including 9,000 feet MSL between the Las Vegas 10 and 15-mile radii arcs bounded on the northeast by the Las Vegas 115°T(100°M) radial and on the southwest by the Las Vegas 185°T(170°M) radial.

Area F. That airspace extending upward from 8,000 feet MSL to and including 9,000 feet MSL between the Las Vegas 15 and 20-mile radii arcs bounded on the east by the Las Vegas 125°T(110°M) radial and on the west by the Las Vegas 235°T(220°M) radial.

Area G. That airspace extending upward from 5,000 feet MSL to and including 9,000 feet MSL within an area bounded by a line beginning at the 10-mile DME point on the Las Vegas 115°T(100°M) radial; thence clockwise along the 10-mile radius arc to, and south along, the Las Vegas 185°T(170°M) radial to, and clockwise along, the 15-mile radius arc to, and northeasterly along, the Las Vegas 235°T(220°M) radial to, and clockwise along, the 10-mile radius arc to, and easterly along, the Las Vegas 295°T(280°M) radial to, and counterclockwise along, the 8-mile radius arc, to, and northerly along the Las Vegas 180°T(165°M) radial to, (Lat. 35°59'45" N., Long. 115°09'40" W.) and clockwise along, the 2-mile radius arc to Sky Harbor Airport to, and easterly along, a line direct to the point of beginning.

Area H. That airspace extending upward from 4,000 feet MSL to and including 9,000 feet MSL between the Las Vegas 6 and 8-mile radii arcs bounded on the north by the Las Vegas 295°T(280°M) radial and on the south by the Las Vegas 180°T(165°M) radial.

Area I. That airspace extending upward from 4,500 feet MSL to and including 9,000 feet MSL within an area bounded by a line beginning at the 6-mile DME point on the Las Vegas 295°T(280°M) radial; thence westerly along that radial to, and clockwise along, the 10-mile radius arc to, and northwesterly along, U.S. Highway 95 to, and clockwise along, the 11-mile radius arc to, and southerly along, the Las Vegas 005°T(350°M) radial to, and clockwise along, the 2.5-mile radius arc of North Las Vegas Air Terminal to, and counterclockwise along, the 6-mile radius arc to the point of beginning.

Area J. That airspace extending upward from 5,000 feet MSL to and including 9,000 feet MSL between the Las Vegas 11 and 15-mile radii arcs bounded on the east by the Las Vegas 005°T(350°M) radial and on the west by U.S. Highway 95.

Area K. That airspace extending upward from 6,500 feet MSL to and including 9,000 feet MSL between the Las Vegas 15 and 20-mile radii acrs, bounded on the west by U.S. Highway 95, and on the east by a line from the 15-mile DME point on the Las Vegas 020°T(005°M) radial direct to the 20-mile DME point on the las Vegas 033°T(018°M) radial.

Area L. That airspace extending upward from 7,500 feet MSL to and including 9,000 feet MSL between the Las Vegas 20 and 36-mile radii arcs, bounded on the east by the Las Vegas 033°T(018°M) radial, and on the west by the east boundary of the Desert Military Operations Area (MOA).

Area M. That airspace extending upward from 5,000 feet MSL to and including 9,000 feet MSL between the Las Vegas 25 and 30-mile radii arcs, bounded on the west by the Las Vegas 033°T(018°M) radial and on the east by the Las Vegas 046°T(031°M) radial.

Area N. That airspace extending upward from 7,000 feet MSL to and including 9,000 feet MSL between the Las Vegas 30 and 36-mile radii arcs, bounded on the west by the Las Vegas 033°T(018°M) radial and on the east by the Las Vegas 046°T(031°M) radial.

Area O. That airspace extending upward from 8,000 feet MSL to and including 9,000 feet MSL between the Las Vegas 20 and 25-mile radii arcs, bounded on the west by the Las Vegas 046°T(031°M) radial and on the southeast by the Las Vegas 060°T(045°M) radial.

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

This proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. The proposal involves a minor change in air traffic procedures which should have no effect on small businesses.

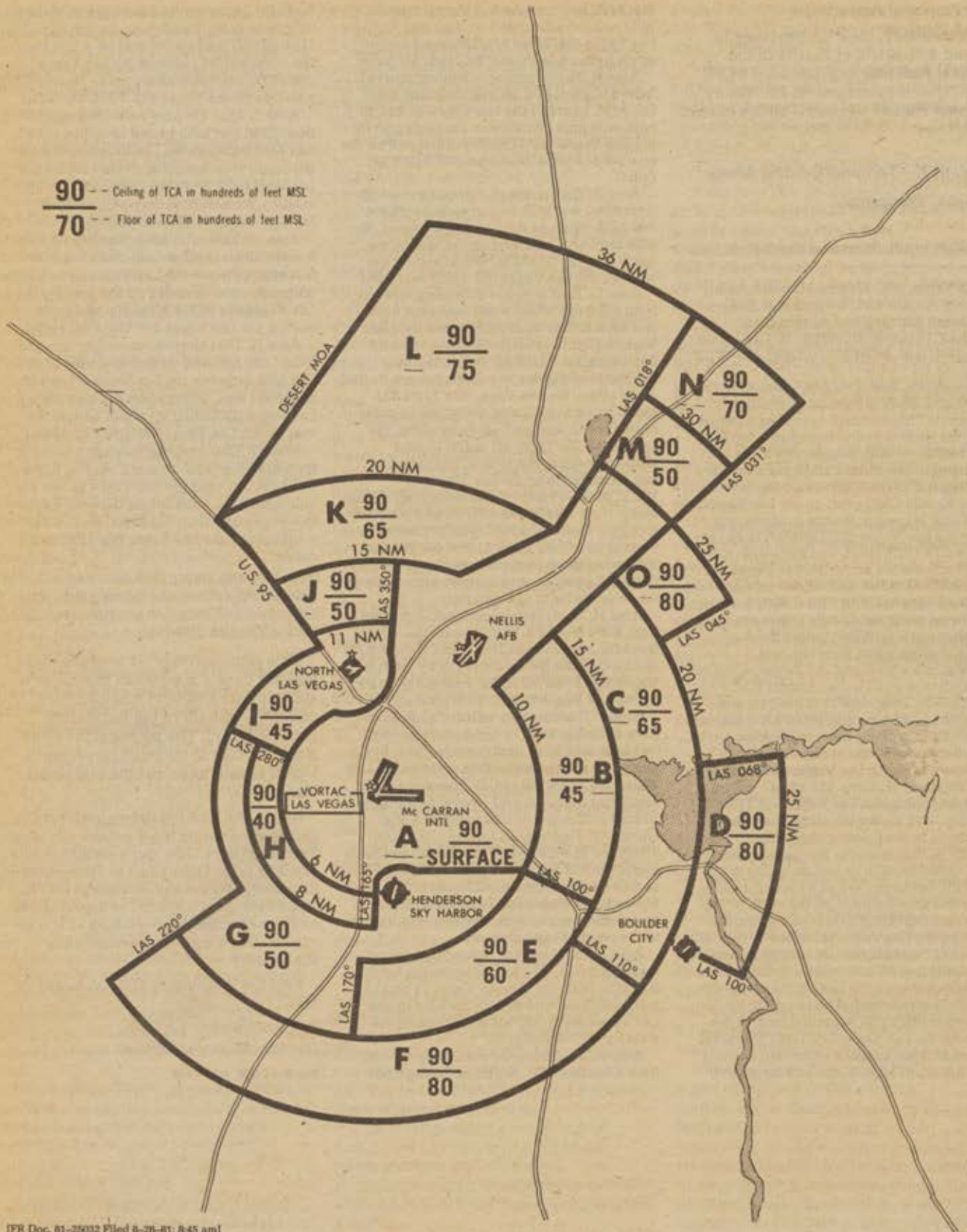
Note.—The FAA has determined that this proposed regulation is not a major rule under Executive Order 12291, nor a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). The impact of this routine adjustment to an existing TCA is so minimal that a regulatory evaluation is unnecessary.

Issued in Washington, D.C., on August 20 1981.

R. J. Van Vuren,

Director, Air Traffic Service.

BILLING CODE 4910-13-M



[FR Doc. 81-25032 Filed 8-26-81; 8:45 am]
BILLING CODE 4910-13-C

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release Nos. 33-6341; 34-18044; 35-22167; IC-11912; AS-296; File No. S7-901]

Relationships Between Registrants and Independent Accountants

AGENCY: Securities and Exchange Commission.

ACTION: Proposal to rescind rule.

SUMMARY: The Commission is inviting comments on whether the rule requiring disclosure in proxy statements about nonaudit services performed by accountants should be withdrawn. Notwithstanding this proposal, the Commission views the independence of accountants as critical to the effective implementation of the federal securities laws and, in this release, reiterates its position on accountants' independence and on the continuing need for registrants and accountants to carefully evaluate their relationships to ensure that public confidence in the integrity of financial reporting is maintained. Although specific information about nonaudit services is important, it may not be of sufficient utility to investors to justify continuation of the disclosure requirement. Moreover, the self-regulatory mechanism that has been established by the accounting profession is monitoring the management advisory services performed by accounting firms and the Commission believes that the profession can generate appropriate information about nonaudit services to enable adequate continued oversight of the services performed by independent accountants. The Commission believes that it should be able to rely on accountants and their self-regulatory mechanism and on audit committees, boards of directors, and managements to ensure adequate consideration of the impact of nonaudit services rendered by accountants.

DATE: Comments should be received by the Commission on or before November 30, 1981.

ADDRESSES: Comments should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Linda Griggs or Edmund Coulson (202/272-2130) or LeGrand C. Kirby (202/272-2050), Office of the Chief Accountant, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission is inviting public comment on whether to rescind paragraph (g) of Item 8 of the proxy rules (17 CFR 240.14a-101). Item 8(g) was adopted by the Commission in Accounting Series Release No. 250 ("ASR 250") (June 29, 1978) (43 FR 18611) and generally requires a registrant to (1) describe each service provided to the company by its independent accountant during the most recent fiscal year; (2) state the percentage relationships that (a) the fees for individual nonaudit services bear to the audit fees if the percentage exceeds 3% and (b) the fees for the aggregate nonaudit services bear to the audit fee; and (3) state whether its audit or similar committee or its board of directors approved in advance each service provided by the independent accountant and considered the possible effect of the performance of each such service on the independence of the accountant.

The Commission has also reviewed Accounting Series Release No. 264, a release discussing factors relevant to an evaluation of the impact on auditor independence of the performance of nonaudit services. Although the Commission's views in that release are unchanged, the Commission believes it has achieved its objective of heightening the sensitivity of accountants, audit committees, boards of directors, and managements to the possible impact on accountants' independence of nonaudit services and is now withdrawing that release because it may confuse those who are trying to evaluate services performed or to be performed by the accountants.

In this release, the Commission reasserts the importance of accountants' independence, discusses its reasons for this proposal and comments on its withdrawal of Accounting Series Release No. 264 ("ASR 264") (June 14, 1979) (44 FR 36156), which is announced in a separate release issued today. [Accounting Series Release No. 297 (August 20, 1981).] ASR 264 discusses factors relevant to an evaluation of the appropriate scope of services to be performed by independent accountants.

Introduction

A. Historic Role of Independence in the Auditing Process

The Commission has historically considered the independence of the auditors who examine financial statements filed with the Commission as central to the effective implementation of the federal securities laws. Indeed, the federal securities laws underscore the crucial function of independent auditors in protecting public investors by requiring that "independent" accountants certify financial statements filed with the Commission.[1] In keeping with these statutory mandates, Rule 2-01 of the Commission's Regulation S-X, 17 CFR 210.2-01, provides that "[t]he Commission will not recognize any certified public accountant or public accountant as independent who is not in fact independent."

The accounting profession itself has traditionally recognized the importance of maintaining the public's confidence in the independence of accountants. As early as 1947, the Council of the American Institute of Accountants stated that "[i]n the field of auditing, the certified public accountant is under a responsibility peculiar to his profession and that is to maintain strict independence of attitude and judgment in planning and conducting his examinations and in expressing his opinion on financial statements."[2] In keeping with this philosophy of "strict independence," Statement on Auditing Standards No. 1 provides:

> It is of utmost importance to the profession that the general public maintain confidence in the independence of independent auditors. Public confidence would be impaired by evidence that independence was actually lacking and it might also be impaired by the existence of circumstances which reasonable people might believe likely to influence independence.[3]

In a similar vein, the second general standard of generally accepted auditing standards indicates that "[i]n all matters relating to the assignment, an independence in mental attitude is to be maintained by the auditor or auditors."[4] The *Code of Professional Ethics* of the American Institute of CPAs also states

[1] Thus Schedule A of the Securities Act of 1933, 15 U.S.C. 77aa, requires that balance sheets and profit and loss statements be "certified by an *independent* public or certified public accountant * * *." Similarly, Section 12 of the Securities Exchange Act, 15 U.S.C. 78*l*, gives the Commission the authority to require that applications for the registration of a security contain financial statements which have been "certified * * * by *independent* public accountants." And Section 13(a)(2) of that Act, 15 U.S.C. 78m(a)(2), likewise authorizes the Commission to specify that annual reports filed with the Commission contain financial statements which have been "certified * * * by *independent* public accountants" (emphasis added).

[2] The Council of the American Institute of Accountants adopted an official statement on independence which was published in *The Journal of Accountancy* in July 1947.

[3] AICPA Professional Standards Vol. 1 AU Section 220.03.

[4] AICPA Professional Standards Vol. 1 AU Section 150.02.

that "the public expects a number of character traits in a certified public accountant, but primarily integrity and objectivity and, in the practice of public accounting, independence." [5]

Independence has traditionally been defined by the profession as the ability to act with integrity and objectivity. An auditor is deemed to be independent if he is independent in fact and if he appears to be independent. He must act in an unbiased and objective manner and he must be free of any financial or other interest which would create the perception that he may not be independent. In the words of Statement on Auditing Standards No. 1:

> To be independent, the auditor must be intellectually honest; to be recognized as independent, he must be free from any obligation to or interest in the client, its management, or its owners. * * * Independent auditors should not only be independent in fact; they should avoid situations that may lead outsiders to doubt their independence.[6]

The Commission continues to endorse and require scrupulous adherence to these principles. The Commission views both the fact and appearance of independence as essential in order that the public may justifiably view the audit process as a wholly unbiased review of management's presentation of the corporate financial picture. Through his audit and certification, the auditor provides the means for independently checking and confirming the information reported by corporations. Independence is thus of vital importance to investors, creditors, agencies of government and others who rely on the public accountant's opinion that financial statements fairly reflect the financial position and results of operations of the enterprise which he has audited. Absent independence, in fact and appearance, investors will have little confidence in public companies as investment vehicles.

Moreover, the capital formation process depends in large part on the confidence of investors in financial reporting. An investor's willingness to commit his capital to an impersonal market is dependent on the availability of accurate, material and timely information regarding the corporations in which he has invested or proposed to invest. The quality of information disseminated in the securities markets and the continuing conviction of individual investors that such information is reliable are thus key to the formation and effective allocation of capital. Accordingly, the audit function must be meaningfully performed and the accountants' independence not compromised. The auditor must be free to decide questions against his client's interests if his independent professional judgment compels that result. If the auditor is predisposed, or even appears predisposed, to blindly validate management's work rather than subjecting it to careful scrutiny, the ultimate result will be a diminution of public confidence in the profession and the integrity of the securities markets.

B. Relation of the Performance of Nonaudit Services to Auditor Independence

During the mid 1970's, Congress,[7] the accounting profession [8] and the Commission [9] reexamined the role and responsibilities of independent accountants. This interest in the accounting profession was stimulated by a decline in public confidence in the business community and the accounting profession resulting from several significant unexpected corporate failures and various questionable payments made by certain publicly held corporations.[10] Each of these bodies focused attention on the independence of accountants because of its critical importance to public confidence in the profession and in business generally.[11] Among other things, they considered the performance of management advisory services by independent accountants for their audit clients because the increase, particularly during the last decade, in the performance of such services heightened concern that accountants who performed such services could, or could appear to, have a conflict of interest which would impair their independence.

Several witnesses at Congressional hearings on the accounting profession were critical of the expansion of accounting firms' business into management advisory services. Members of Congress considered various recommendations relating to curtailment of management advisory services to be performed by independent accountants for their publicly owned audit clients.[12] The Commission on Auditors' Responsibilities, the so-called Cohen Commission,[13] however, only recommended the prohibition of executive search and placement services. Outside of these areas, the Cohen Commission cited a lack of evidence that nonaudit services compromised independence. The Cohen Commission did, however, urge the accounting profession to take steps to diminish the concerns of a "significant minority" that the performance of such nonaudit services impaired the independence of accountants and recommended, among other things, that audit committees or boards of directors evaluate all of the services performanced by independent accountants, and that registrants or accountants appropriately disclose other services to dispel the concerns of users.[14]

The Commission responded to the concerns about nonaudit services by proposing a rule to require disclosure about such services and requesting comments on the effect of nonaudit services on accountants' independence and the advisability of prohibiting certain services.[15] After reviewing the comments received, the Commission issued ASR 250 announcing the adoption

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[5] AICPA Professional Standards Vol. 2 ET Section 52.01.

[6] AICPA Professional Standards Vol. 1 AU Section 220.03.

[7] *E.g.*, Senate Subcommittee on Reports, Accounting and Management of the Committee on Governmental Affairs, "Improving the Accountability of Publicly Owned Corporations and their Auditors," 95th Cong., 1st Sess. (1977) [hereinafter cited as Metcalf Report]. In addition, the Subcommittee on Oversight and Investigations of the House Committee on Interstate and Foreign Commerce examined and held hearings on the nature and structure of the accounting profession. *See Securities and Exchange Commission Report to Congress on the Accounting Profession and the Commission's Oversight Role* 1–2 (July 1978). [hereinafter cited as 1978 Report to Congress].

[8] *E.g.*, The Commission on Auditors' Responsibilities: "Report, Conclusions, and Recommendations" (1978) [hereinafter cited as Cohen Commission]. This independent Commission was established by the American Institute of Certified Public Accountants ("AICPA") in 1974 to study the role and responsibilities of independent accountants.

[9] *See* 1978 Report to Congress, *supra* note 7.

[10] *Id.* at 3.

[11] The Metcalf Report also conveyed the need for urgent action to achieve public confidence in the profession's resolve and ability to regulate and discipline accountants and in the processes by which accounting and auditing standards are promulgated.

[12] The Senate Subcommittee on Reports, Accounting and Management stated that independent accountants should only perform for their audit clients services directly related to accounting. Metcalf Report, *supra* note 7, at 16–17. In 1978, the then chairman and certain members of the House Subcommittee on Oversight and Investigations of the Committee on Interstate and Foreign Commerce introduced legislation which, among other things, would have required the Commission to formulate standards relating to divestiture by independent accountants of all services which would prejudice their audit independence and to require that the "appropriate organization" study this issue. H.R. 13175, 95th Cong., 2d Sess. (1978) (the proposed "Public Accounting Regulatory Act"). *See also Securities and Exchange Commission Report to Congress on the Accounting Profession and the Commission's Oversight Role* 320 (July 1979).

[13] *See* note 8 *supra*.

[14] Cohen Commission, *supra* note 8, at 103–104.

[15] Securities Act Release No. 5860 (September 26, 1977) (42 FR 53835).

of the disclosure rule concerning nonaudit services. This rule was adopted to permit security holders to better evaluate registrants' relationships with independent accountants. In addition, the Commission intended to use the disclosures to monitor the nature and extent of nonaudit services performed by accountants to assist in developing an impirical basis from which to determine the need for any further action in this area. The Commission did not propose rules to proscribe particular services, however, because the Public Oversight Board ("POB") of the AICPA's new self-regulatory organization, the SEC Practice Section of the Division for CPA Firms, was considering the issue of management advisory services performed by independent accountants.

The POB conducted an extensive study of the question of the scope of services provided by CPA firms. In March 1979, the POB published its report [16] in which it endorsed public disclosure about nonaudit services rather than proscription of specific management advisory services but admonished "members of the SEC Practice Section to exercise self-restraint and judgment before venturing into new areas of [management advisory services]." [17] The POB did concur, however, in the SEC Practice Section's previously announced proscription of executive recruiting services and urged certain limitations on actuarial services. Although the POB found that available impirical evidence did not reveal any impairment of independent stemming from accountants providing such services, [18] it stated that the disclosures required by ASR 250 "should either allay suspicion or cause clients and auditors to alter their relationships * * * and * * * should serve to provide a stronger data base for monitoring of this area." [19] To further enhance an understanding of management advisory services, the POB recommended that the SEC Practice Section's membership requirements be revised to require additional disclosure regarding fees for management advisory and tax services performed for audit clients. The POB also recommended that the Section specifically require compliance with the AICPA professional standards relating to management advisory services and that the impact of management advisory services on independence be considered during peer reviews conducted pursuant to SEC Practice Section requirements.

The Commission issued ASR 264 in response to the POB's report. The Commission stated that the POB's report did "not adequately sensitize the profession and its clients to the potential effects on the independence of accountants of performance of nonaudit services for audit clients." ASR 264 discusses certain factors that the Commission identified as relevant to an evaluation by accountants, audit committees, boards of directors and managements of whether performance by independent accountants of specific services could impair their independence, either in fact or appearance. The Commission invited comments on the factors discussed in the release.

Discussion

1. Reaction to ASRs 250 and 264. Both the proxy rule requiring disclosure about nonaudit services and ASR 264 have caused confusion. [20] In addition, ASRs 250 and 264 together are claimed to have resulted in unwarranted curtailment of nonaudit services. [21] Three aspects of these releases have proven especially confusing, particularly to accountants. First, some commentators perceived the Commission to be deprecating the benefits that may accrue to registrants from certain management advisory services performed by the independent accountants. Second, some expressed concern that the Commission might question the independence of an accountant, after the fact, based solely on the percentage relationships disclosed in proxy statements. And third, some were concerned about the suggestion that independence was a function, not only of accountants' relationships with individual clients, but also of the relationship of all nonaudit services, or even all management advisory services, to firms' aggregate revenues; and they were confused as to whether the Commission was concerned about all nonaudit services, which includes tax work and accounting and review services, or just mangement advisory services.

The Commission addressed these concerns in its August 1980 *Report to Congress on the Accouting Profession and the Commission's Oversight Role.* [22] That report stated that ASR 264 was issued to encourage accountants, audit committees, boards of directors, and managements to assess carefully the potential impact of nonaudit services on auditor independence. The Commission also stated that it did not intend to deprecate the benefits that may accrue to registrants from certain management advisory services performed by their independent accountants and, on the contrary, has expressely recognized that such benefits could be significant in many cases. The Commission did not expect, and certainly did not intend, that registrants would, as apparently some have, set arbitrary maximum percentage limits on the amount of nonaudit services for which they will engage their independent accountants and not even consider the possible impact of proposed services on the accountants' independence. Nor did the Commission intend to question the independence of an accountant in subsequent Commission filings based solely on the percentage relationships between audit and nonaudit services disclosed in proxy statements. Finally, although the Commission acknowledged that it had used the terms "nonaudit services"" and "management advisory services" somewhat interchangeably in ASR 264, it noted that its primary concern was with the impact on accountants' independence of management advisory services performed for individual audit clients.

2. Review of Proxy Disclosures. The Commission's staff has monitored the disclosures in proxy statements about nonaudit services performed by accountants to obtain a better understanding of the nature and magnitude of such nonaudit services. Approximately 1,200 proxy statements filed by registrants in 1979 and 1980 were reviewed. A substantial majority of the registrants in the survey (approximately 91% in 1979 and 92% in

[16] Public Oversight Board Report, *Scope of Services by CPA Firms* (1979) [hereinafter cited as POB Services Report].

[17] *Id.* at 4–5.

[18] *Id.* at 35.

[19] *Id.* at 5–6.

[20] Forth-nine letters of comment were received in response to the Commission's invitation to comment in ASR 264. A majority of those commentators were accountants who expressed strong opposition to ASR 264 and the disclosures called for by ASR 250. The POB also criticized ASR 264 in its letter of comment and in its 1979–80 Annual Report [hereinafter cited as POB 1980 Report]. Many of the consultants and actuaries who commented, however, urged that accounting firms be prohibited from providing certain management advisory services.

[21] *E.g.*, one accounting firm that commented on ASR 264 described four examples that it characterized as representative of 10 to 15 situations in which clients did not engage it to perform a nonaudit service either historically performed by that firm or discussed prior to the issuance of ASR 264. In the commentator's opinion, it was not hired because these companies were afraid of Commission questions or criticisms or disclosure of "too high" a percentage or were confused by ASRs 250 and 264.

[22] Former Chairman Williams had previously responded to these concerns in a January 1980 speech to the AICPA's Seventh National Conference on Current SEC Developments. An address by Harold M. Williams, Chairman, SEC, "The 1980's: The Future of the Accounting Profession," January 3, 1980.

1980) disclosed that they had engaged their accountants for some type of nonaudit service and the most frequently disclosed services were in tax related areas. Few of the registrants reported that their independent accountants had performed the services which had been mentioned by the Commission or others as being particularly sensitive, such as consumer surveys, plant layout and actuarial services.[23]

The staff also reviewed the magnitude of the nonaudit services performed by independent accountants. This review showed that the following percentages of the registrants in the survey disclosed the listed categories of percentage relationships of fees for nonaudit services to audit fees:

Percentage relationship of fees for nonaudit services to audit fees	Percentage of companies in the sample	
	1979	1980
0 to 25	68	74
26 to 50	22	15
51 to 100	7	8
Over 100	3	3

Based on the staff's review of these disclosures, the Commission has obtained a better understanding of the nature and extent of nonaudit services provided by accountants to their audit clients. Although the Commission continues to believe that information about nonaudit services performed by independent accountants is important for monitoring the relationships between accountants and their clients, it is not clear that routine disclosure of such detailed information in proxy statements is material to security holders.

The staff has also reviewed the information in proxy statements about audit committees that is disclosed pursuant to Items 6(d) and 8(g). Item 6(d) requires a registrant to state whether or not it has standing audit, nominating and compensation committees, and, if so, to describe the functions performed by each committee.[24] A significant percentage of the surveyed registrants had audit committees and many of these registrants reported that the audit committee considered the nonaudit professional services.[25] Since Item 6(d) of the proxy rules requires a description of the functions performed by the audit committee, the requirement in Item 8(g) that registrants disclose whether the audit committee or board of directors approved such nonaudit service in advance may be unnecessary.

3. Private-Sector Initiatives. The private sector has taken steps to maintain and strengthen accountants' independence through review of management advisory services by audit committees and others, and disclosure about such services.

As noted above, many publicly held companies have audit committees and many of these committees are reviewing the nonaudit services performed by accountants. Audit committee or board of director review of nonaudit functions is encouraged by the requirement of the AICPA's SEC Practice Section that member firms report to the audit committee, or board of directors, of each client registered with the Commission the total fees received from the client for management advisory services during the audit year and to describe the types of such services rendered.[26] The Commission believes that audit committees can be effective forces in helping to assure that management advisory services performed by accountants do not impair their independence.

In addition, the SEC Practice Section is monitoring management advisory services through its peer review program.[27] In its 1979–1980 Annual Report, the POB also stated that it would monitor the area of management advisory services and "comment if the facts suggest that the self-restraint [they] urged * * * is ignored by the profession or if the magnitude of [management advisory services] appears to increase to an extent that it threatens professional image generally."[28] The Commission believes that these efforts, together with the interpretation and enforcement by the AICPA of its professional standards relating to management advisory services, constitute significant safeguards against impairment of accountants' independence.

Finally, information about nonaudit services is otherwise publicly available. The SEC Practice Section requires its member firms to file annual reports that are available for public inspection[29] and state, among other things, firms' gross fees for accounting and auditing, tax, and management adisvory services expressed as a percentage of the total gross fees, and their gross fees for management advisory services and tax services performed for audit clients registered with the Commission expressed as a percentage of total fees charged to such clients.[30] This information alone, however, does not provide sufficient information to enable appropriate monitoring of nonaudit services performed by independent accountants. Both the Cohen Commission[31] and the POB[32] endorsed the concept of disaggregated disclosure about services to dispel the concerns about potential conflicts of interest resulting from the performance by accountants of nonaudit services. Moreover, the POB recognized that it would "have to reconsider its views and consider whether there are other devices that it can recommend to achieve the same results" if ASR 250 were withdrawn or the disclosure rule adopted therein was substantially modified.[33] Accordingly, when the Commission takes final action on the proposal to rescind Item 8(g) of the proxy rules, it will consider what action the POB and the SEC Practice Section have taken to ensure that the nonaudit services performed by accountants can be adequately monitored.

Conclusions

Although specific information about nonaudit services is important, the

[23] In ASR 264, the Commission noted that the performance of such services might be difficult to justify in many cases. (ASR 264, footnote 29.) The Metcalf Report, *supra* note 7, states that these and other nonaccounting management services are incompatible with the public responsibilities of independent accountants.

[24] The adoption of this rule and other amendments to the proxy rules designed to improve the information available to shareholders regarding boards of directors was announced in Securities Exchange Act Release No. 15384 (December 8, 1978) (43 FR 58522). Beginning with the 1979 proxy season, the proxy disclosures required by Item 6 [b], [d], and [e] and Item 8[g] have been monitored.

[25] The results of the 1979 proxy statement disclosure monitoring program were reported in Division of Corporation Finance, Securities and Exchange Commission, "Staff Report on Corporate Accountability," 96th Cong., 2d Sess., Printed for use of the Senate Comm. on Banking, Housing and Urban Affairs (1980) at 589–624. The results of the 1980 monitoring program were reported in Securities Exchange Act Release No. 17518 (Feb. 5, 1981) (46 FR 11954). 84% of the registrants in the 1980 survey had audit committees. 50% of these registrants reported that the audit committee approved each professional service and 38% reported that the audit committee considered the range of audit and nonaudit fees.

[26] "Organizational Structure and Functions of the SEC Practice Section of the AICPA Division for CPA Firms," Section IV. 3(j) [hereinafter cited as Organizational Document].

[27] *Id.* at Section VIII, 3(c).

[28] POB 1980 Report, *supra* note 20, at 22.

[29] Organizational Document, *supra* note 26, at Section IV, 3(g) (12) and (13).

[30] An AICPA review of the latest annual reports filed with the SEC Practice Section indicates that over 90% of the 223 member firms that audit registrants reported that their firm-wide gross fees charged to such clients for management advisory services constituted 10% or less of the total fees charged to those clients. Less than 1% of such firms reported that management advisory service fees amounted to more than 20% of total fees charged to registrant audit clients.

[31] Cohen Commission, *supra* note 8, at 104.

[32] POB Services Report, *supra* note 16, at 43.

[33] *Id.* at fn. 133.

Commission is proposing to rescind Item 8(g) of the proxy rules becuase the detailed nonaudit services disclosure may not be of sufficient utility to investors to jusfity continuation of the disclosure requirement. In lieu of the proxy disclosure, the Commission believes that the accounting profession's self-regulatory mechanism can generate sufficient information to enable the Commission, the POB, and other interested users to monitor the services performed by accountants.

The Commission is withdrawing ASR 264 in a separate release issued today. Although the Commission's views expressed in ASR are unchanged and registrants and accountants must continue to carefully evaluate their relationships to ensure that the public maintains confidence in the integrity of financial reporting, the Commission is withdrawing that release because it may confuse independent accountants, audit committees and others who are trying to evaluate services performed or to be performed by the accountants. Moreover, the Commission believes it has achieved its objective in issuing ASR 264. Accountants and their self-regulatory structure, audit committees, boards of directors and managements are aware of the Commission's views on accountant's independence and should be sensitive to the possible impact on independence of nonaudit services performed by accountants. The Commission believes it should be able to rely on these persons to ensure adequate consideration of the impact on accountants' independence of nonaudit services because they share the responsibility to assure that the public maintains confidence in the independence of accountants.

The independence of the public accountant—both in fact and in appearance—is critical to his role under the federal securities laws. Independence is the essential attribute of the auditor because, absent independence, the auditor's skills and services are of little value. The Commission has the responsibility and authority under the securities laws to assure that accountants who practice before it are independent and, therefore, is prepared to take further action if either the fact or appearance of accountants' independence is questioned seriously in the future.

§ 240.14a-101 [Amended]

Accordingly, based on the foregoing, it is proposed to amend 17 CFR Part 240 by removing paragraph (g) from Item 8 of § 240.14a-101.

By the Commission.

George A. Fitzsimmons,

Secretary.

August 20, 1981.

[FR Doc. 81-24998 Filed 8-26-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF DEFENSE

32 CFR Part 70

Discharge Review Boards; Rules Pertaining to Procedures for Obtaining Copies of Military Records

AGENCY: Department of Defense.

ACTION: Proposed Rule.

SUMMARY: This proposed rule would amend Department of Defense rules currently in effect for Dicharge Review Boards (DRBs) by clarifying the procedures for obtaining copies of military records incident to discharge review. This amendment is intended to insure that applicants or prospective applicants to the Discharge Review Boards of the military services are fully aware of the need to request copies of military records they desire for their discharge review prior to submitting an application for discharge review and of the consequences for an applicant of requesting military records after a request for discharge review is submitted.

DATE: Written comments received by the Department prior October 26, 1981, will be considered.

ADDRESS: Written comments should be addressed to: Director, Department of the Army, Military Review Boards Agency, HQDA, Washington, D.C. 20310.

FOR FURTHER INFORMATION CONTACT: Mr. Francis X. Plant, Director, Department of the Army, Military Review Boards Agency, HQDA, Washington, D.C. 20310 (Phone (202) 697-9641).

SUPPLEMENTARY INFORMATION: The Department of Defense, acting through the Director of the Department of the Army Military Review Boards Agency, is proposing to amend the rules at 32 CFR 70.5(b)(9)(i) pertaining to procedures for obtaining copies of military records incident to discharge review.

32 CFR 70.5(b)(9)(i) currently provides that individuals intending to apply for discharge review shall be informed that requests for military records must be submitted to the National Personnel Records Center (NPRC) prior to when an application for discharge review (Department of Defense (DD) Form 293) is submitted, because once the application is submitted the records will no longer be available at the NPRC for copying. The requirement to request military records from the NPRC prior to applying for discharge review is stated in the military departments' regulations for their DRBs (for the Army DRB *see* 32 CFR 581.2, Appendix B, paragraph 3i (1980); for the Naval DRB *see* 32 CFR 724.310(a) (1980); for the Air Force DRB *see* 32 CFR 865.108 (1980)), and also is stated on the back of the application form for discharge review, DD Form 293. The practice of the Army, Naval, and Air Force DRBs is to use the original of an applicant's military personnel records to review an applicant's discharge. If an applicant requests his military records after submitting an application for discharge review, the DRBs must send the records from their offices in the Washington, D.C., area to an appropriate location for copying. This is necessary because the DRBs lack the resources available to screen and to make copies of military records for applicants at their offices in the Washington, D.C., area.

Prior to June 4, 1981, the Army and Naval Discharge Review Boards required applicants who requested their military personnel records after submitting DD Form 293 to withdraw their applications for discharge review in order to obtain copies of the requested records. Once the applicant withdrew his application, the Army and Naval DRBs would return the requested records to the NPRC in St. Louis. The requestor could then resubmit his request to, and obtain copies of his records from the NPRC, and subsequently resubmit his application for discharge review. The Army and Naval Discharge Review Boards used this procedure due to a desire to keep track of applications in their cases, due to a then existing agreement with the NPRC regarding procedures for having records in these cases copied, and due to their concern that responding to large numbers of such requests for records without requiring withdrawal of applications would disrupt their system for controlling and processing other applictions. The Air Force DRB, which handles a substantially lesser volume of applications and uses different processing and scheduling procedures than the other DRBs, has always held applications for discharge review in suspense while requested military personnel records of applicants are returned to Randolph Air Force Base, Texas, for copying.

Regardless of the DRB involved or the procedure used, the effect of an applicant requesting his military records

after submitting a request for discharge review often has been to delay processing of his application for discharge review, sometimes substantially. The DRBs typically have advised applicants requesting their records after submitting their DD Form 293 of the copuing procedures used and offered them the alternative of examining the records or having counsel or a representative examine the records at the DRBs in Washington, D.C., or at a regional hearing location prior to their scheduled review. This alternative allowed applicants to avoid any potential delay the copying procedure would cause in processing their application and scheduling their review.

These procedures caused no problems for the great majority of applicants to the DRBs. However, several individuals questioned the procedures used by the Army and Naval Discharge Review Boards of requiring applicants to withdraw their applications and make a second request for records to the NPRC to obtain copies of requested records. The procedure also recently was challenged in litigation brought against the Department of Defense and military departments.

On June 4, 1981, the Army and Naval Discharge Review Boards changed their procedures for responding to requests for military personnel records by applicants so that their procedures were similar to those used by the Air Force DRB. On July 15, 1981, the Department of Defense and military departments entered into a stipulation of voluntary dismissal of the litigation challenging DRB procedures for responding to requests for military records by DRB applicants. As part of this stipulation, the Department of the Army and Department of Navy agreed they would no longer require DRB applicants who request copies of their military personnel records after applying for discharge review but who otherwise comply with regulations of the military department relating to requests for records to withdraw their applications or to submit a second request for requested records in order to obtain copies of these records. Also the Department of Defense agreed to publish in the **Federal Register** a proposed revision to its rules which pertain to procedures for DRB applicants obtaining copies of their military personnel records. This proposed revision was to provide *inter alia* that: (1) The automatic effect of an individual requesting a copy of his military personnel records after submitting an application for review of his discharge is to suspend temporarily the processing of the individual's application for discharge review while the requested military records are being copied; and (2) once military personnel records requested after submission of an application for discharge review have been copied and are in the possession of the headquarters of the Discharge Review Board, the processing of the requester's application shall be resumed.

Essentially, the procedures the Department of Defense and military departments agreed to publish in the **Federal Register** as a proposed revision are similar to those the Air Force has used in the past except that under these procedures applicants who request their military personnel records after submitting their applications for discharge review automatically have their applications suspended while the records are sent away for copying without the DRB first contacting the applicant and offering him the option of viewing the requested records. It should be noted that the effect of submitting a request for military records after submitting a request for discharge review under this procedure still may be to delay processing of the application for discharge review, sometimes substantially.

A very few DRB applicants and practitioners before the DRBs have questioned why, in cases in which an applicant has requested his records after submitting a request for discharge review, the DRBs cannot copy the military records at the DRB headquarters or give special treatment to processing of the application for discharge review so as not to cause any delay at all in review. Neither of these alternatives is practicable given the volume of cases handled by the DRBs, the limited resources available to the DRBs, and the difficulties involved in processing large numbers of applications and scheduling large numbers of reviews in numerous locations. Either alternative would require diversion of resources from other important areas, thereby substantially lengthening the time it takes the DRBs to act on other applications for discharge review and possibly causing curtailment or an end to important programs such as the DRBs traveling boards. Also, either alternative would be unfair to the great majority of applicants to the DRBs because the special treatment required for those requesting their records after submitting requests for discharge review would slow down processing and review of applications of those requesting their records in a timely manner.

The Department of Defense thus is proposing to amend its rules pertaining to procedures for obtaining copies of military records incident to a discharge review so as to accommodate the concerns expressed by the few individuals having problems with the procedures and to incorporate features it has agreed to in the stipulation dismissing litigation against it. At the same time, the Department has sought to insure that the procedures in the proposed amendment are not made so burdensome to the DRBs that resources are diverted from other important areas to copy requested records and so that the procedures remain fair to applicants who request records in a timely manner.

The major features of this proposed amendment to the DRBs rules are that it:

(1) Makes a request for copies of military records made after submission of an application for discharge review (DD Form 293) automatically act as a temporary suspension of the application while the requested records are being copied;

(2) Provides for reprocessing of the application at whatever stage of the discharge review process is practicable once the records have been copied at an appropriate location and are in the possession of the DRB headquarters; and

(3) Makes clear that this procedure applies even when a request for records is made pursuant to the Freedom of Information Act or Privacy Act.

If this proposed amendment is adopted, the Department of Defense eventually will change the application form for discharge review, DD Form 293, as circumstances permit, to reflect the provisions of the amendment.

PART 70—DISCHARGE REVIEW BOARDS (DRBs) PROCEDURES AND STANDARDS

§ 70.5 [Amended]

Accordingly, it is proposed to revise 32 CFR 70.5(b)(9)(i) to read as follows:

* * * * *

(b) * * *

(9) * * *

(i) Prior to applying for discharge review, potential applicants or their designated representatives may obtain copies of their military personnel records by submitting a General Services Administration Standard Form 180, Request Pertaining to Military Records, to the National Personnel Records Center (NPRC), 9700 Page Boulevard, St. Louis, Mo. 62132. Once the application for discharge review (DD Form 293) is submitted, an applicant's military records are forwarded to the

DRBs where they cannot be reproduced. Submission of a request for an applicant's military records (including a request pursuant to the Freedom of Information Act or Privacy Act) after the DD Form 293 has been submitted shall automatically result in the temporary suspension of processing of the application for discharge review until the requested records are sent to an appropriate location for copying, are copied, and are returned to the possession of the headquarters of the DRB. Processing of the application shall then be resumed at whatever stage of the discharge review process is practicable. Applicants are strongly encouraged to submit any request for their military records prior to applying for discharge review rather than after submitting DD Form 293 in order to avoid substantial delays in processing of applications and scheduling of reviews.

(5 U.S.C. 552, 10 U.S.C. 1553, 10 U.S.C. 3012 and delegation of authority from the Secretary of Defense)

Dated: August 14, 1981.

Francis X. Plant,

Director, Military Review Boards Agency.

[FR Doc. 81-24914 Filed 8-26-81; 8:45 am]

BILLING CODE 3710-08-M

Department of the Air Force

32 CFR Part 806b

[Air Force Regulation 12-35]

Air Force Privacy Act Program

AGENCY: Department of the Air Force.

ACTION: Notice of proposed rule making.

SUMMARY: A new general exemption rule is proposed to be added to the existing Department of the Air Force exemption rules for systems of records subject to the Privacy Act of 1974 to accommodate a new exempted record system identified as entitled: "DoD Fraud Investigation Management Information System."

DATES: Comments must be received on or before September 28, 1981.

ADDRESS: Comments should be sent to HQ USAF/DAAD, Pentagon, Washington, D.C. 20330.

FOR FURTHER INFORMATION CONTACT: Mr. Jon E. Updike, HQ USAF/DAAD, The Pentagon, Washington, D.C. 20330. Telephone: 202/694-3431.

SUPPLEMENTARY INFORMATION: This proposed general exemption rule is to be added to the existing Department of the Air Force exemption rules pursuant to the provisions of the Privacy Act of 1974, Title 5, United States Code, Section 552a (Pub. L. 93-579, 88 Stat. 1896, et seq). The Department of the Air Force exemption rules for its systems of records notices are set forth in Title 32, Code of Federal Regulations (CFR) Part 806b (Air Force Regulation 12-35).

PART 806B—AIR FORCE PRIVACY ACT PROGRAM

Accordingly, it is proposed to amend Title 32 CFR Part 806b as follows:

§ 806b.22(a) is amended by removing the period at the end of the paragraph and adding the following:

§ 806b.22 General and Specific Exemptions Claimed.

(a) * * * and DoD Fraud Investigation Management Information System, F12407 OSIA.

* * * * *

August 24, 1981.

M. S. Healy,

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

[FR Doc. 81-25193 Filed 8-27-81; 8:45 am]

BILLING CODE 3810-01-M

POSTAL SERVICE

39 CFR Part 111

Second-Class Novelty Pages; Inclusion of All-Purpose Envelopes

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: The proposed rule would change certain postal regulations to permit the inclusion of all-purpose envelopes as novelty pages in mailed copies of second-class publications. The Postal Service believes that the existing restriction on all-purpose envelopes in second-class publications may no longer be necessary. Also, its removal would appear to be consistent with the recent approval of several other novelty page features, such as multilayered pages, pop-up sheets, and printed folded sheets affixed to pages.

DATE: Comments must be received on or before September 28, 1981.

ADDRESS: Written comments should be sent to the Director, Office of Mail Classification, Rates and Classification Department, U.S. Postal Service, 475 L'Enfant Plaza, West, S.W., Washington, D.C. 20260. Copies of all written comments received will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in Room 8316 at the above address.

FOR FURTHER INFORMATION CONTACT: Cheryl L. Beller at (202) 245-4512.

SUPPLEMENTARY INFORMATION: Novelty pages are printed sheets that may be used for purposes other than reading, or printed sheets with novel characteristics. Novelty pages must be prepared specifically for and intended as integral pages of second-class publications. At present, envelopes and all other types of containers are not considered novelty pages. Many second-class publishers have requested that the restriction on envelopes be deleted because it imposes unnecessary and technical impediments on the use of all-purpose envelopes.

This proposed regulation involves amendments of 425.81 and 425.82d of the Domestic Mail Manual and the addition of new 425.82k.

Although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. 553 (b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites comment on the following proposed revisions of the Domestic Mail Manual, which is incorporated by reference in the **Federal Register**. See 39 CFR 111.1.

PART 425—WHAT MAY BE MAILED AT THE SECOND-CLASS RATES

In 425.8, revise .81 and .82d and add new .82k to read as follows:

425.8 Novelty Pages.

.81 Definition. Novelty pages are printed sheets that may be used for purposes other than reading, or printed sheets with novel characteristics. Novelty pages must be prepared specifically for and intended as integral pages of second-class publications. Blank sheets are not novelty pages. The total number of novelty pages in an issue may constitute only a minor portion of the total pages. Excessive use of novelty pages gives publications the characteristics, both as to format and purpose, of books, catalogs, or other third- or fourth-class mail.

.82 Examples. The following are examples of novelty pages that may be included in second-class publications:

* * * * *

b. Pages with printed illustrations permanently pasted to them.

* * * * *

k. Envelopes which are bound in copies or affixed to pages.

An amendment to 39 CFR 111.3 will be published if this proposal is adopted.

(39 U.S.C. 401(2), 404(a)(2))

W. Allen Sanders,

Associate General Counsel, General Law and Administration.

[FR Doc. 81-25046 Filed 8-26-81; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 1909-3]

Approval and Promulgation of Implementation Plan for Nonattainment Areas in the State of Indiana

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Proposed rule: Proposed approval of the revision.

SUMMARY: On June 28, 1979, the State of Indiana submitted to the USEPA, pursuant to Part D of the Clean Air Act (Act) as amended in 1977, proposed revisions to the carbon monoxide (CO) and ozone (O_3) portions of the State Implementation Plan (SIP). In May, September, and October of 1980, the State submitted revisions to the June 26, 1979 submittal. The proposed revision to the SIP applies to areas in Indiana that have not attained the National Ambient Air Quality Standard (NAAQS) for O_3 and CO. The revisions provide for the attainment of the O_3 standard in Lake, Porter, Clark, and Floyd Counties by December 31, 1987 and in Allen, St. Joseph, and Elkhart Counties by December 31, 1982. The revisions also provide for the attainment of the CO standard in Lake and Porter Counties by December 31, 1987. The revisions provide for the attainment of the O_3 and CO standards primarily through the control of mobile source emissions. The purpose of this notice is to invite public comment on the proposed revisions and USEPA's proposed rulemaking.

DATE: Comments on these revisions and on USEPA's proposed action must be received September 28, 1981.

ADDRESSES: Copies of these SIP revisions are available at the following addresses for inspection:

United States Environmental Protection Agency, Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604;

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

Indiana State Board of Health, Air Pollution Control Division, 1330 West Michigan Street, Indianapolis, Indiana 46206.

Written comments should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Gerald Kellman, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, telephone 312-353-6070.

SUPPLEMENTARY INFORMATION:

General Introduction

On March 3, 1978 (43 FR 8962) and October 5, 1978 (43 FR 45993) pursuant to the requirements of section 107 of the Clean Air Act (Act) as amended, USEPA designated certain areas in each State as not meeting the NAAQS for carbon monoxide and ozone. Part D of the Act, which was added by the 1977 Amendments, requires each State to revise its SIP to meet specific requirements for areas designated as nonattainment. These SIP revisions must demonstrate attainment of the primary standard as expeditiously as practicable, but not later than December 31, 1982. Under certain conditions, this date may be extended, for ozone and carbon monoxide, to no later than December 31, 1987.

On June 26, 1979, the State of Indiana submitted plans for all of the designated ozone and carbon monoxide nonattainment areas in the State. On March 27, 1980 (45 FR 20432), USEPA announced the receipt of the June 26, 1979 SIP revision from Indiana, discussed the results of USEPA's review of the revision, and invited public comment. USEPA proposed no action on the SIP revision submittal, and stated that the plans were so deficient that USEPA could not propose action. USEPA discussed its review of the revision and invited public comment to assist the State in the identification and preparation of the submittals necessary for an approvable SIP on March 27, 1980. On May 19, 1980, September 24, 1980, October 9, 1980, and October 15, 1980, the State submitted revisions to the June 26, 1979 submittal.

The plans submitted and subsequent revisions contained control strategies designed to provide for a reduction in the emissions of carbon monoxide and hydrocarbons from mobile sources, but did not include the required reasonable available control technology (RACT) measures for controlling volatile organic compound (VOC) emissions from stationary sources in nonattainment areas. However, regulations for the control of VOC emissions from stationary sources for some areas were submitted to USEPA on February 11, 1980. USEPA will be proposing rulemaking action on these regulations in a future Federal Register notice. USEPA proposed rulemaking on the new source review portions of these plans on March 27, 1980 and conditionally approved the Inspection and Maintenance (I/M) portion of the plans on January 2, 1981 (45 FR 36).

This notice discusses: (1) The requirements for an acceptable transportation control plan, (2) the SIP revision submitted by the State, and (3) USEPA's proposed rulemaking action on Indiana's plan. Public comments are invited on the SIP revisions and on USEPA's proposed rulemaking. A thirty day public comment period is being used to enable publication of final action on the SIP revisions as soon as possible. USEPA has a responsibility to take final action on Part D SIP revisions as soon as possible after July 1, 1979.

Transportation Control Plans and Attainment Demonstrations for Carbon Monoxide and Ozone

In each nonattainment area the designated lead local agency, in conjunction with the Indiana State Board of Health, developed a control strategy designed to ensure attainment of the carbon monoxide and ozone NAAQS in the area. As part of the attainment demonstration, the State submitted regulations for controlling VOC emissions from stationary sources and for those areas in the State which requested a five year extension, an I/M program. USEPA has published final regulations on the I/M portion of the Demonstration of Attainment on January 2, 1981, and will propose rulemaking on the regulations for controlling VOC emissions from stationary sources in the near future. This notice of proposed rulemaking discusses the transportation control plans and attainment demonstration for each of the following areas:

(1) Lake and Porter Counties.

(2) Clark and Floyd Counties.

(3) St. Joseph and Elkhart Counties.

(4) Allen County.

Requirements for Transportation Control Plans and Demonstrations of Attainment: USEPA has evaluated the transportation control plans and the attainment demonstrations using the requirements for an approvable nonattainment area SIP which appeared in the April 4, 1979 Federal Register (44 FR 20372), the "USEPA-USDOT Guidelines for Air Quality-Transportation Plans" and the Office of Transportation and Land Use Policy "Checklist for Transportation SIPs." The requirements for an approvable plan were discussed in the March 27, 1980, notice of proposed rulemaking. To assist the public in preparing comments on the

proposed SIP revisions, the principal requirements are listed below:

1. Technical Assessments, Demonstrations of Attainment, and Reasonable Further Progress.
2. Interagency Agreements and Assignments of Tasks.
3. Analysis of Alternatives.
4. Implementor Commitments.
5. Financial and Manpower Resources.
6. Reporting of Progress.
7. Impacts of Plan Provisions.
8. Public Participation.
9. Attainment Strategies.

USEPA has reviewed each of the four transportation control plans and attainment demonstrations to determine if they have satisfied these requirements. A discussion of the review for each metropolitan area follows. Included in this discussion is a brief description of the ability of the control strategy to satisfy the nine requirements listed above and a detailed explanation of those parts of the strategy which do not satisfy one or more of the requirements. The state is required to replace any strategy which it fails to implement with an alternative project which will secure at least the level of emission reduction as the project which it is replacing.

Clark and Floyd Counties

Based on measured violations of the ozone NAAQS, Clark and Floyd Counties were designated as nonattainment areas for ozone. The transportation control plan for Clark and Floyd Counties was prepared by the Kentuckiana Regional Planning and Development Agency (KIPDA). The tranportation control plan contains measures designed to attain and maintain the NAAQS for ozone in Clark and Floyd Counties.

The control strategy developed by KIPDA does not predict attainment of the ozone NAAQS by December 31, 1982. However, the strategy does predict that through the use of controls on emissions of volatile organic compounds from stationary sources, reductions obtained from the Federal Motor Vehicle Control Program (FMVCP), the use of a vehicle inspection and maintenance program (I/M), and the use of various transportation control measures (TCM), attainment of the ozone NAAQS will be achieved by December 31, 1987. The transportation control plan for Clark and Floyd Counties contains strategies which have already been adopted and implemented; strategies which have been adopted but not yet implemented; and a commitment to study future transportation control strategies as part of the alternative analysis as required by section 108(f) of the Act. Those strategies which have already been adopted and implemented and those which have been adopted but not yet implemented are projected to reduce hydrocarbons by 199 tons/yr by 1982 and by 366 tons/yr by 1987.

When a State cannot demonstrate attainment for ozone in an area by 1982, then it is required by Section 172 of the Act to request an extension of time to do so. The State of Indiana has demonstrated that attainment of the National Ambient Air Quality Standard (NAAQS) for ozone in Clark and Floyd Counties is not possible by December 31, 1982 despite the implementation of all reasonable control measures. Therefore, the state requested an extension until December 31, 1987 to demonstrate attainment of the standards for these two counties. USEPA proposes to approve this request. USEPA has reviewed the control strategy developed for Clark and Floyd Counties. The transportation control plan and the attainment demonstration portions of the control strategy satisfy all of the nine requirements previously described for an approvable nonattainment area SIP and provide for measures which will ensure attainment of the ozone NAAQS by December 31, 1987.

Based on a review of the transportation control plan and the demonstration of attainment, USEPA proposes to approve all portions of the transportation control plan and the demonstration of attainment for ozone in Clark and Floyd Counties.

St. Joseph and Elkhart Counties

Based on measured violations of the ozone NAAQS, St. Joseph and Elkhart Counties were designated as nonattainment areas for ozone. The Transportation Control Plan (TCP) for St. Joseph and Elkhart Counties was prepared by the Michiana Area Council of Governments (MACOG). It contains measures designed to reduce the level of hydrocarbon emissions in the area. The strategy projects that the percent reduction in hydrocarbon emissions required to ensure attainment of the ozone NAAQS in the area will be achieved by December 31, 1982. The air quality/transportation strategies to be implemented are projected to reduce hydrocarbons by 0.835 tons per day by December 31, 1982.

USEPA has reviewed the control strategy developed for St. Joseph and Elkhart Counties. The transportation control plan satisfies all of the nine requirements of an approvable nonattainment area SIP and USEPA proposes to approve it. However, USEPA must examine further the adequacy of the State's control requirements for volatile organic compounds for stationary sources. The adequacy of the requirements and the demonstration of attainment will be discussed in a future notice of proposed rulemaking.

Lake and Porter Counties

Based on measured violations of the ozone National Ambient Air Quality Standards (NAAQS), Lake and Porter Counties were designated as nonattainment areas for ozone. The transportation control plan for Lake and Porter Counties was prepared by the Northwestern Indiana Regional Planning Commission (NIRPC). The transportation control plan contains measures designed to attain and maintain the NAAQS for ozone in Lake and Porter Counties.

The control strategy developed by NIRPC does not predict attainment of the ozone NAAQS by December 31, 1982. However, the strategy does predict that through the use of controls on emissions of volatile organic compounds from stationary sources, reductions obtained from the FMVCP, the use of an I/M program, and the use of various transportation control measures (TCMs), attainment of the ozone NAAQS will be achieved by December 31, 1987. Those air quality/transportation strategies which have already been adopted and implemented and which have been adopted but not yet implemented are projected to reduce hydrocarbons by 0.7274 tons/day by December 31, 1987.

When a state cannot demonstrate attainment for ozone in an area by 1982, it is required by Section 172 of the Act to request an extension of time to do so. The State of Indiana has demonstrated that attainment of the National Ambient Air Quality Standards (NAAQS) for ozone in Lake and Porter Counties and for carbon monoxide in Lake County is not possible by December 31, 1982, despite the implementation of all reasonable control measures. Therefore, the State requested an extension until December 31, 1987 to demonstrate attainment of the standards for these two counties. USEPA proposes to approve this request.

USEPA has reviewed the ozone control strategy developed for Lake and Porter Counties. The transportation control plan satisfies all of the nine requirements for an approvable nonattainment SIP. Based on this review, USEPA proposes to approve the transportation control measures for ozone and the demonstration of attainment for ozone in Lake and Porter Counties.

USEPA has reviewed the carbon monoxide control strategy developed for Lake County. Except for the issues presented below, the transportation control plan and the attainment demonstration portions of the control strategy satisfy all of the requirements previously described for an approvable nonattainment area SIP and provides for measures which will ensure attainment of the carbon monoxide NAAQS by December 31, 1987.

The state has failed to submit a demonstration of "reasonable further progress" (RFP) and an attainment demonstration for CO as required by Section 172 of the Act. The State is required to submit a demonstration of attainment for CO, including the necessary transportation control measures, as part of the 1982 SIP. The deficiencies of the 1979 SIP will be corrected as part of the 1982 SIP. Consequently, USEPA proposes approval of the transportation control measures for carbon monoxide and of the attainment demonstration for carbon monoxide in Lake County. However, USEPA notes that the following must be provided as part of the State's 1982 submittal:

1. *Acceptable CO modeling results.* These results must identify specific hot spots or areas of potentially high CO concentrations, as well as the expected maximum level of CO and the emissions reductions required.

2. *Evaluation of the impact of all adopted TCM's and a demonstration of attainment.* The evaluation of each TCM must include a specific estimated emission reduction. The demonstration of attainment must include a discussion of the required CO reduction for each project, a discussion of the impact of each TCM at each hotspot, and an assessment of the attainment status for 1982 and 1987 based on the above results. The analysis should indicate any deficiencies the causes of these deficiencies and the control measures proposed to eliminate them.

3. *Acceptable demonstration of RFP.* The demonstration of RFP must provide the expected emission reductions to be obtained from specific TCMs for each year following the implementation of the 1979 SIP. It also should describe methods to be used in tracking annual emission reductions.

4. *All of the additional requirements for the 1982 CO SIP.* These were listed in the January 22, 1981, **Federal Register** (45 FR 7182).

USEPA proposes to approve the CO transportation control measures and demonstration of attainment for Lake County.

Allen County

Based on measured violations of the national ambient air quality standard for ozone, Allen County was designated as a nonattainment areas for ozone. The transportation control plan for Allen County was prepared by the Northeastern Indiana Regional Coordinating Council (NIRCC). It contains measures designed to reduce the level of hydrocarbon emissions in the area. The plan is projected to decrease hydrocarbons by 97.2 tons/year by December 31, 1982. It projects that that the percent reduction in hydrocarbons emissions required is adequate to ensure attainment of the ozone NAAQS in the area by 1982.

USEPA has reviewed the control strategy developed for Allen County. The transportation control plan portion of the control strategy satisfies all of the nine requirements previously described for an approvable nonattainment area SIP and USEPA proposes to approve it. However, USEPA needs to further examine the adequacy of the State's control requirements for volatile organic compounds for stationary sources. The adequacy of the requirements and the demonstration of attainment will be discussed in a future notice of proposed rulemaking.

Summary of Proposals

	Propose
Lake County:	
Carbon monoxide transportation control measures.	Approval.
Ozone transportation control measures	Approval.
Demonstration of attainment	Approval.
Porter County:	
Ozone transportation control measures	Approval.
Demonstration of attainment	Approval.
Clark and Floyd Counties:	
Ozone transportation control measures	Approval.
Demonstration of attainment	Approval.
St. Joseph and Elkhart Counties:	
Ozone transportation control measures	Approval.
Demonstration of attainment	No action.
Allen County:	
Ozone transportation control measures	Approval.
Demonstration of attainment	No action.

Pursuant to the provisions of 5 U.S.C. Section 605(b), the Administrator has certified that SIP revisions under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. 46 FR 8709 (January 27, 1981). The attached rule, if promulgated, will constitute a SIP revision within the terms of the January 27 certification. This action only approves State actions. It imposes no new requirements.

Conformity with Executive Order 12291

Under Executive Order 12291, USEPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a regulatory impact analysis. This regulation, if promulgated, will not be "major" as defined by Executive Order 12291, because this action only approves a State action.

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

(Secs. 110(a), 172 and 301 of the Clean Air Act, as amended (42 U.S.C. 7410(a), 7502, and 7601))

Dated: July 9, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-24897 Filed 8-26-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-496; FCC 81-367]

Revision of Programming Policies and Reporting Requirements Related to Public Broadcasting Licensees

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission on its own motion herein sets forth its intention to eliminate or modify certain rules and policies related to the programming obligation of public TV and radio broadcasters. The following rules and policies are considered: General programming obligation, formal ascertainment requirement, and program logs. Options for rule modification in each area are also set forth. This action is taken to ensure that the rules and policies of the FCC are consistent with the proper programming obligation of public broadcast licensees.

DATES: Comments must be filed on or before November 2, 1981, and reply comments on or before December 2, 1981.

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

FOR FURTHER INFORMATION CONTACT:

John Kamp, Broadcast Bureau, (202) 632-6302.

SUPPLEMENTARY INFORMATION:

Adopted: July 30, 1981.

Released: August 25, 1981.

In the matter of revision of programming policies and reporting requirements related to public broadcasting licensees, BC Docket No. 81-496.

I. Introduction

1. By adoption of this *Notice of Proposed Rule Making* the Federal Communications Commission announces its intention to examine its regulations and policies relating to public radio and television programming, including requirements for formal community ascertainment and program log keeping.[1] This is the first of a series of notices planned for the near future pursuant to a reexamination of the major rules and policies relating to the public broadcast service.[2]

2. This proceeding reflects the Commission's continuing concern that its rules and policies adequately address the current social, technological, and financial environments of its licensees, and that the implementation of these rules facilitates maximum service to the listening and viewing public at the lowest possible cost. In recent months we have concluded three major rule makings in the broadcast area which have resulted in greater regulatory efficiency. On January 14, 1981, the Commission adopted a *Report and Order* on the deregulation of commercial radio that eliminated the processing guidelines for non-entertainment programming and commercial matter, program log keeping rules and formal ascertainment procedures.[3] On March 26, 1981, the Commission adopted a streamlined and simplified license renewal form for both commercial and noncommercial licensees.[4] On April 23, 1981, the Commission significantly decreased its intervention into many of the programming decisions of public broadcasters by modifying its rules relating to promotional programming and "on-the-air" fundraising.[5] Each of these actions reflects the profound commitment of this agency to retain only those rules that directly serve its statutory mandate as influenced by current technological and social conditions. Also, each rule making indicates that important and significant strides can be made to achieve optimal regulatory efficiency in broadcasting while providing adequate time for interested and affected members of the public and the industry to participate in the shaping of regulatory policy.

II. The Purpose and Scope of the Proceeding

3. The general purpose of this proceeding is to investigate the proper role of this Commission within the current social and technological environment in the oversight of public broadcast programming, including its related obligations of formal ascertainment and comprehensive program logging. The general question in this docket is: To what extent should the Commission regulate the programming decisions of public broadcast licensees? Although when stated in this way the question appears relatively simple, it contains several ancillary and subsidiary questions. These go to the very heart and purpose of the public broadcast service and to the fact that the Commission continues to accommodate a class of public broadcast stations for which it reserves spectrum space and gives other special considerations, including licensing priorities. Our intention here is to: (a) Engage in serious zero based planning and to re-evaluate the programming assumptions currently applied to public broadcasting, and (b) build from this a more straightforward and coherent regulatory scheme for public broadcast programming oversight. Two goals will guide our pursuit of this general programming questions. First, our rules should be consistent with the nature of public broadcast service as distinct from commercial broadcasting. Second, our interference in the programming process should be as limited as possible. This second goal is based on the conviction that government regulatory action is most efficient when limited and our continuing conviction that the "marketplace of ideas" is best served by a multitude of voices freely competing for public attention.

4. This proceeding will also seek to answer the question whether we should retain the current formal ascertainment and programming log requirements now imposed on licensees as prerequisites both for initial licensing and for license renewal. We wish to investigate the extent to which these requirements meet our regulatory goals and, to the extent they do, whether they could be modified to make them more efficient.

5. At the onset it is useful to explicitly state what is and is not within the scope of this inquiry and notice. We do not intend herein to address the programming responsibility of commercial radio or commercial television licensees. Further, we do not address nor propose to modify in any way the specific statutory program requirements imposed on all broadcasters, including public broadcast licensees. These statutory restrictions include Section 315 obligations relating to the Fairness Doctrine and to political broadcasting; other political broadcasting rules such as Section 312(a)(7) mandating reasonable access for federal candidates, and statutory prohibitions relating to lotteries, obscene and indecent programming, etc. Also, we do not herein address or propose to modify non-programming rules, such as technical, engineering, equal employment opportunity and other regulations.

6. What we are considering here is the most appropriate implementation of the public interest standard as applied to public broadcast programming. It is not so much an investigation of the legal limits of the Commission's power in this regard as it is an investigation of the *best way* to exercise that power as a matter of sound public policy and regulatory efficiency. Although the history of programming regulation of public broadcasting sketched below indicates that Commission power may be rather extensive, the very existence of such power has never led us to exercise it absent a compelling public interest reason. This history is not presented to provide a pattern for the future, but to provide some insight into the scope, operation, purposes, and

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[1] On July 9, 1981, the Commission received a Petition for Rule Making by National Public Radio requesting deregulation of several elements of public radio broadcasting. Since all the major issues addressed in that petition, including ascertainment, program logs, and associated modification of license renewal procedures, are raised in this *Notice*, we are incorporating that petition into this rule making docket. Those wishing to address matters raised in the NPR petition may do so in comments in this docket.

[2] The term "public" broadcasting is used here to apply to the service provided by and the stations licensed by the Commission as "noncommercial educational" stations. Further notices are contemplated for the near future that will raise other basic questions regarding the public broadcast service. We also take note of the various bills currently before Congress that would raise related issues, including funding reductions and an amendment to HR 3238 that would authorize a major experiment with commercial broadcast advertising. However, due to the importance of the matters raised here, we believe that they are now ripe for public consideration and comment.

[3] *Deregulation of Radio*, 84 FCC 2d 968 (1981). Although that proceeding has much in common with this one, consideration of programming, formal ascertainment, and log keeping requirements for public broadcasting was not included in that proceeding. Although the public and commercial broadcasting rules have been very similar in execution, the deregulation of commercial radio proceeding was premised in part on the commercial marketplace environment especially relevant in that context. Public broadcasting exists in a different economic environment. However, many of the public policy considerations relevant in that proceeding are relevant here and will be considered below. In addition, this proceeding will consider modification of rules applicable to both television and radio, while that proceeding was restricted to commercial radio.

[4] *Revision of Application for Renewal of License of Commercial and Noncommercial AM, FM and Television Licenses*, 46 FR 28236, released May 11, 1981.

[5] *Commission Policy Concerning the Noncommercial Nature of Educational Broadcast Stations, (Fundraising Order)*, 86 FCC 2d 141, 1981.

expectations of the Commission in implementing these regulations.

III. History and Development of Programming Oversight of Public Broadcasters

7. The history of programming oversight of public broadcast licensees, including the specific requirements for formal community ascertainment and maintenance of comprehensive program logs, is importantly related to our programming oversight of commercial licensees. Generally, oversight of public broadcasters came later and was less intense, but the pattern, processes, and basic premises of the rules are nearly identical. From the very beginning of broadcast regulation by the Federal Radio Commission, the enabling statute contained the "public interest, convenience and necessity" as the basic regulatory standard, and this phrase was interpreted to give the Commission power to make license determinations based, *inter alia*, on the programming service offered or proposed by licensees.[6]

8. *1960 Policy Statement.* The most significant modern statement of the scope of authority and power of the Commission to regulate the programming of licensees was released in 1960, the *Report and Statement of Policy re: Commission en banc Programming Inquiry (Policy Statement).*[7] The Statement concluded that as a matter of constitutional, statutory, and decisional law, programming oversight was proper when carefully executed. It concluded that each licensee has a nondelegable and personal responsibility as a condition of the license to insure that its programming is consistent with the public interest as construed by the Commission, and that this includes duties beyond those otherwise enumerated in the Act. The *Policy Statement* then made a general statement of the programming responsibility of licensees and listed several "* * * major elements usually necessary to meet the public interest."[8] This general statement has served as the capstone of the programming responsibility since its publication:

> The confines of the licensee's duty are set by the general standard "the public interest, convenience or necessity." The initial and principal execution of that standard, in terms of the area he is licensed to serve, is the obligation of the licensee. The principal ingredient of such obligation consists of a diligent, positive and continuing effort by the licensee to discover and fulfull the tastes, needs and desires of his service area. If he has accomplished this, he has met his public responsibility.[9]

The Commission followed this by saying that it is the Commission's duty first to select qualified licensees under the Communications Act, and then to review the operations of licensees as necessary "* * * to provide reasonable assurance to the public that the broadcast service it receives is such as its direct and justifiable interest requires."[10]

9. Given this construction of the Act and role of the Commission in enforcing its "public interest" language, the Commission was then left with the very difficult task of formulating a regulatory scheme that would allow it to make an affirmative programming judgment but at the same time not violate the First Amendment and the noncensorship provision of Section 326 of the Act. In the ensuring years the Commission did so through both rule making and adjudication. In its rule makings the Commission sought to avoid censorhship by not directly requiring that certain programs be aired, but by influencing the *process* of program decision making at each station. This was accomplished by increasingly formalizing the ascertainment process and by simultaneously increasing the number and type of program records each licensee must keep and submit to the Commission. Specifically, this meant the development of more specific program log regulations and the adoption of more program related questions in license application forms. Meanwhile, through adjudication of several licensing cases, the Commission also developed several program policies which, at botton, outlined the program showing necessary for a broadcaster to survive a petition to deny. Although these rule makings and adjudications did not develop entirely independently, for the sake of clarity, rule makings and adjudications will be discussed separately and in that order. However, in both areas, the 1960 *Policy Statement* was an important point of departure.

10. *Acertainment and Program Monitoring.* One of the major aspects of the *Policy Statement* was to emphasize the duty of each licensee to have thorough knowledge of the local community of license on the theory that such knowledge is indispensible for those who would provide sufficient program service. Although this concept had already taken on considerable importance in previous license cases,[11] the *Policy Statement* signified an intention to make it a formal part of every application and license renewal procedure. Thus, it announced the Commission's intention to revise Part IV of the license application forms to require the inclusion of a statement by all license applicants both of the manner by which the applicant ascertained the tastes, needs and desires of the community or service area, and the manner by which the applicant proposed to meet those ascertained needs. The statement specified both *what* it wanted licensees to do, and *how* they were to do it:

> What we propose is documented program submissions prepared as the result of assiduous planning and consultation covering 2 main areas; 1st, a canvass of the listening public who will receive the signal and who constitute a definite public interest figure; 2nd consultation with leaders in community life—public officials, educators, religious, the entertainment media, agriculture, business, labor— professional and eleemosynary organizations, and others who bespeak the interests which make up the community.[12]

The goal of the Commission was not to make ascertainment an end in itself but indirectly to insure that the programming of each station would serve its community. In essence, it was a requirement intended to influence the *product* (programming) by influencing the *process* (program development). Although the community participants were to contribute to the programming decisions, they were to be "* * * led and sifted by the expert judgment of the licensees."[13]

11. Commission monitoring of the ascertainment programming process was to be accomplished through the review of the periodic reports licensees were to make to the Commission in their license applications. But even the first statements of the purpose and disposition of these narrative reports indicate that ascertainment could later come to be thought of as an end rather than as a means: "By his narrative development, in his application, of the planning, consulting, shaping, revising, creating, discarding and evaluating of the programming conceived or discussed, the licensee discharges the public interest facet of his business calling * * *."[14]

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[6] See, *e.g.: Statement by Federal Radio Commission on August 23, 1928, Relative to the Public Interest, Convenience, or Necessity*, 2 FRC Ann. Rep. 166 (1928); *In re: Great Lakes Broadcast Co.*, 3 FRC Ann. Rep. 32 (1929).

[7] 44 FCC 2303 (1960).

[8] *Id.* at 2314.

[9] *Id.* at 2312.

[10] *Id.* at 2312–2313.

[11] See for examples, *P.B. Huff*, 11 F.C.C. 1211 (1947) and *Alexandria Broadcasting Corp.*, 13 FCC 601 (1949).

[12] *Id.* at 2316.

[13] *Id.*

[14] *Id.* at 2316.

12. In the aftermath of the *Policy Statement*, the Commission began a series of proceedings to determine how best to implement its goals. It eventually determined that the application forms needed to be changed to reflect the new formal ascertainment process, and that the program logging rules and associated program categories needed increased specification to facilitate both program planning by the stations and program oversight by the Commission. Somewhat different forms and reporting procedures were adopted for commercial radio and television. However, throughout the 1960's and early 1970's, public broadcasters were specifically excluded from the associated rule making processes.[15] In July 1965, the Commission adopted Orders implementing the ascertainment and log keeping rules for radio.[16] In October 1966, the Commission adopted similar Orders for TV application forms.[17] The forms were adopted after public comment periods, several further notices, public hearings and consultation with industry advisory groups. The Commission focused not so much on whether the requirements were appropriate but on how best to implement them. The results for commercial radio and television were basically the same: Part IV of the forms contained a four part ascertainment question which, *inter alia*, required submission of a rather specific program proposal. Program logging rules were also modified to require that a comprehensive record of programs be contemporaneously maintained according to specified program categories.[18]

13. Although no projection of the costs relative to the benefits of these rules appears on the face of these orders, they did not pass the Commission without dissent or debate. For example, Commissioner Loevinger cast a deciding vote to adopt the program service portion of the commercial radio form with some misgivings.[19] The clearest opposition came from Commissioner Hyde who asserted that the "* * * overall concept or the function [of the form] as disclosed by the directions, questions and admonitions of the form is to provide a comprehensive program regulatory procedure."[20] This, he said, amounted to a reversal of basic national policies relating to censorship. Furthermore, he clearly disagreed with those who had construed the "public interest" standard of the Act to mean that the Commission must affirmatively approve programming before a license grant could be made. Instead, Commissioner Hyde would have put more emphasis on *public* reaction to the programming of the licensee. He felt that the public can best decide what is appropriate programming, and that government regulation of freedom of speech, for the sake of either audiences or broadcasters, is often counterproductive:

> The Commission can find that public interest, convenience, and necessity will be served by the grant of licenses to qualified applicants for the purpose of providing broadcast service *to compete for public acceptance*. Operation under such conditions would remove the confusion caused by Commission ventures into program regulation and place responsibility on licensees where it belongs. Instead of the conformity which tight regulation breeds, we could expect innovation and increased vitality * * *. Finally, I would urge that broadcasting must be free of onerous restrictions if it is to serve the public interest, convenience, and necessity as a liberating force. History shows that freedom of communications is essential to maintenance of a free society. It is a safeguard of integrity in government, commerce, education, and, indeed, all matters of public concern.[21]

14. In the several years that followed, the emphasis continued to be on ascertainment by commercial licensees, and the Commission continued to refine and specify the obligation by Public Notice,[22] by case interpretation and through publication of a primer in 1971 after a public notice and comment period.[23] The original primer was applicable to all commercial application forms but another version was later published specifically for renewal applicants.[24] The first major ascertainment and log keeping rule makings to apply to public broadcasters were instituted during the preparation of the commercial renewal primer.[25]

15. The lack of a formal ascertainment reporting form and related logging rules did not mean however that public broadcasters were exempt from an affirmative duty to ascertain community needs and to program to serve these needs. This was made abundantly clear in *Alabama Educational Television Commission*, 50 FCC 2d 461 (1975), where the Commission denied renewal, *inter alia*, for failure to adequately ascertain community needs.[26] Several months earlier, the Commission published the *Notice of Inquiry and Proposed Rule Making* to impose formal ascertainment on public licensees, and to change Part IV of the application forms accordingly. The Commission said in the *Ascertainment Notice:*

> [E]ven though formal ascertainment requirements have not been imposed on noncommercial broadcasters, there appears to be no question concerning their obligations in this regard * * * they, like commercial broadcasters, have an affirmative duty to determine the needs and interests of their communities and to program in such a way as to meet those ascertained needs.[27]

16. The *Ascertainment Notice* also said that while public broadcasting "differs markedly from the commerical service,"[28] it would be a mistake to consider it outside the basic structure of the Communications Act and Commission policies. The Commission noted that when the noncommercial frequencies were first allocated, the stations were largely for instructional use by the educational institutions that operated them, but that "* * * as noncommercial broadcasting has developed, the emphasis has shifted from instructional to public programming and that such a shift magnifies the need for educational broadcasters to be aware of, and responsive to, community needs."[29] The Commission, therefore, opened a broad based inquiry on the specific question of

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[15] For example, when adopting an ascertainment primer in 1971, the Commission said: "Given the reservation of channels for specialized kinds of programming, educational stations manifestly must be treated differently than commercial stations." *Ascertainment of Community Problems*, 27 FCC 2d 650, 651 (1971).

[16] *Amendment of Section IV (Statement of Program Service) of Broadcast Application Forms 301, 303, 314, and 315*, 1 FCC 2d 439 (1965), and *Amendment of The Program Logging Rules for AM and FM Broadcast Stations*, 1 FCC 2d 449 (1965).

[17] *Amendment of Section IV (Statement of Program Service) of Broadcast Application Forms 301, 303, 314, and 315*, 5 FCC 2d 175 (1966), and *Amendment of Program Logging Rules for Television Broadcast Stations*, 5 FCC 2d 185 (1966).

[18] The logging rules were apparently adopted to facilitate program planning by the stations, and to allow the Commission and the public to monitor the performance of stations relative to their program proposals, thus creating what has come to be known as the "promise v. performance" issue.

[19] "It is apparent from the division of opinion regarding this matter that the new programming form cannot be promulgated without my vote * * *. I concur in its promulgation despite what I consider to be significant defects." 1 FCC 2d 448.

[20] 1 FCC 2d at 444.

[21] 1 FCC 2d at 446 (emphasis added).

[22] See *e.g.* 13 RR 2d 1903 (1968).

[23] *Ascertainment of Community Problems*, 27 FCC 2d 650 (1971).

[24] *Ascertainment of Community Problems by Broadcast Applicants*, 57 FCC 2d 418 (1975), *recon. granted in part*, 61 FCC 2d 1 (1976).

[25] The ascertainment and logging rule makings came in the form of separate notices of inquiry and proposed rule making: *Ascertainment of Community Problems by Educational Broadcast Applicants (Ascertainment Notice)*, 42 FCC 2d 690 (1973); and *Program Logging Requirements for Noncommercial Educational Broadcast Licensees*, 41 FR 56648 (1976).

[26] *See also, WHYY, Inc.*, 53 FCC 2d 421, *recon. denied*, 56 FCC 2d 455 (1975).

[27] *Ascertainment Notice, supra*, 42 FCC 2d at 693.

[28] 42 FCC 2d at 694.

[29] *Id.* at 695.

what programming rules should be required. The *Notice* included proposed rules and procedures to require program proposals and procedures to facilitate examination of past programming performance. The most important reference to the anticipated regulatory burden on stations appeared in a footnote that states that much of the information was already available to many stations because it has been prepared and submitted as part of facilities grant requests made through the Department of Health, Education and Welfare.[30]

17. In August of 1975, the Commission published a *Further Notice* in this proceeding, largely to expand its scope to include those refinements in ascertainment procedures then under consideration for commercial broadcasters. In addition, it included an interim report on the comments then filed in the proceeding. One outstanding aspect of that report was the statement that "* * * we shall not attempt to relate the purpose of the ascertainment to the special 'role' of the service as we might view it. Whatever the distinct role of public broadcasting might be, it should evolve as the service matures, and not be defined and imposed by the government." [31] Notwithstanding, the Commission was convinced, based on the record before it, that public broadcasters should be subject to formal ascertainment requirements. The procedures proposed were nearly identical to those then proposed or in effect for commercial licensees, except that increased flexibility was proposed in some limited areas.

18. *The Current Ascertainment Rules.* Formal ascertainment procedures together with expanded application and renewal forms for public broadcasters were adopted by the Commission on March 11, 1976.[32] Although it is not necessary to review all details of the current rules, the essential aspects are:

19. Scope and timing: Licensees must engage in continuous ascertainment within both the community of their license, and, secondarily, within those areas outside that community that are covered by the signal.

20. Radio: Public radio licensees have the greatest flexibility. They are allowed "* * * to ascertain by any reasonable methods designed to provide them with an understanding of the problems, needs and interests of their service areas." [33] The process is documented by a narrative report and a problems/programs list. The narrative report details the sources consulted and the methods followed in conducting the ascertainment, and summarizes the principal needs and interests discovered. In addition, each year renewal applicants propose a list of up to 10 problems ascertained in the past 12 months, together with examples of programs broadcast to meet those problems. New applicants provide a similar list that is prospective rather than retrospective. The narrative statement and the problems/programs lists are prepared annually and placed in the public file. These are then submitted as part of the next application for license renewal.[34] Class D FM Stations (with city grade signals of about one mile) are exempt from all formal ascertainment requirements.[35]

21. Television: Public television stations must conduct ascertainment studies very similar to those required by commercial television stations. This is a multi-step process wherein licensees must:

1. Compile and place in their public files demographic data on their community of license;

2. Conduct interviews with community leaders representative of all significant groups, following a checklist of leader categories;

3. Conduct a general public survey, either using the traditional random sample method mandated for commercial stations, or by call-in programs or public meetings;

4. Compile, place annually in the public file, and submit with each application a problems/programs list such as that required of public radio and commercial licensees.[36]

22. At the time these requirements were adopted, the Commission also adopted new forms with which to implement the changes. Several months later, the program log rules were changed to bring the program content categories in line with the program categories used in the renewal form.[37] At this time public licensees were also required to make these logs available for public inspection, as well as submit them to the Commission when requested. The only significant subsequent change in these rules has been the simplified renewal form released on May 11, 1981.[38] It is important to note, however, that the license renewal process has differed in some respects with that of commercial broadcasters. Public broadcasters have never been subject to the non-entertainment programming guidelines (§ 0.281 of the Commission's rules). Also, rather than submitting a random composite week as evidence of past program performance, public broadcasters have submitted program logs from two weeks of their own choosing.

23. *Adjudication of Programming Issues.* While the *1960 Policy Statement* set forth broad programming policies for licensees, and the ascertainment and program logging rules gave it substance in the Commission's rules, the program policies of the *Policy Statement* were applied and developed in many of the license adjudications that occurred during the 1960's and 1970's. Although not all of the relevant cases will be reviewed here, several are particularly useful. However, as products of the adjudication rather than the rule making process, they tend not to be so indicative of the general programming expectations of the Commission as they are of the threshold showing required for those who would challenge a station's license renewal through the petition to deny process.

24. Again, the *1960 Policy Statement* provided the point of departure for many of the general programming policies of the Commission. One of the most important of these for present purposes was the idea that each station's programming should generally reflect all the needs and interests in the community of license. Although some variation from the norm was noted, the Commission clearly stated that each

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[30] *Id.* at 696, n. 11.

[31] *Ascertainment of Community Problems by Noncommercial Educational Broadcast Applicants*, 54 FCC 2d at 775.

[32] *In re Ascertainment of Community Problems by Noncommercial Educational Broadcast Applicants; Amendment of Section IV [Statement of Program Service] of FCC Broadcast Application Forms 340 and 342 [Noncommercial Educational Broadcast Applications]; and Formulation of Rules and Policies Relating to Renewal of Noncommercial Educational Broadcast Licenses* (herein referred to as *"Public Ascertainment Report"*), 58 FCC 2nd 528 (1976). The Committee for Community Access and various others filed petitions for reconsideration of the *Public Ascertainment Report*. Inasmuch as this *Notice* indicates our intention to review the entire matter on a fresh record, we find that those petitions are now moot and we will therefore dismiss them herein.

[33] *Id.* at 537.

[34] Recent simplification of the license renewal form has eliminated some of these ascertainment related filings, but does not change the substance of the ascertainment requirement. See, *Simplified Renewal Form, supra.*

[35] The "small market" exemption for commercial licensees was not applied to public licensees. *See*, 58 FCC 2d at 542.

[36] See *Id.* at 537–541.

[37] *Amendment of the Commission's Rules and Regulations Concerning Program Logs for Noncommercial Educational Broadcast Stations*, 62 FCC 2d 120 (1976).

[38] *Revision of Application for Renewal of License of Commercial AM, FM and Television Licenses*, 46 FR 26236, released May 11, 1981.

station should present what has come to be called a "balanced program service" in that it "* * * should reasonably attempt to meet all (ascertained) needs and interests on an equitable basis." [39] Elaborating on this duty, the *Policy Statement* listed 14 major categories of program service "usually necessary" to meet the public interest. This list covered a broad range of subjects indicating a clear preference for general rather than specialized program service.[40]

25. In the aftermath of the *Policy Statement*, programming began to take special significance in licensing cases, especially in the context of allegations that specific stations failed to give sufficient emphasis to minority interests in the community of license. One of the earliest of these was *Capital Broadcasting Co.*, 38 FCC 1135 (1965), where the Commission extensively reviewed the allegations in a petition to deny and conducted an independent field investigation into allegations that the station had ignored or systematically excluded minority concerns in its programming. The Commission said that although the licensee was not required to divide its programming according to the mathematical proportions of constituent groups in the community, the station bore a clear responsibility to provide "equitable" coverage and to insure that all major segments were served.

26. This responsibility was further specified in *Evening Star Broadcasting*, 27 FCC 2d 316 (1971), where a group of Washington, D.C. individuals and organizations petitioned to deny renewal of a TV license, *inter alia*, based on the station's lack of coverage in several specific areas. The Commission granted renewal based on its own evaluation of the good faith efforts of the licensee, but apparently agreed with petitioners that licensees were required to present at least some programming designed to meet the specific needs of the community, including those of minority groups.[41] The appeal in that case contained two elements which have become the basic guidelines for the Commission and the public in these cases: (1) Although a broadcaster has wide discretion in its programming response to the competing and sometimes conflicting needs and interests of its communities, "[I]t may not flatly ignore a strongly expressed need," [42] and (2) the Commission may properly require that petitioners asserting programming failures meet a substantial burden of specificity before granting a hearing on the issue.[43]

27. Although the foregoing cases involved commercial licensees, the decision in *Alabama Educational Television Commission*, 50 FCC 2d 461 (1975), may be the most significant because of the extraordinary nature of both the facts and the decision of the Commission to deny renewal of the licenses. The Commission found, *inter alia*, that:

> The licensee followed a racially discriminatory policy in its overall programming practices * * * and, by reason of its pervasive neglect of a black minority consisting of approximately 30 percent of the population of Alabama, its programming did not adequately meet the needs of the public it was licensed to serve * * *.[44]

28. Later public broadcast renewal cases raising significant programming issues most often involved generalized assertions of programming failures which were not sufficient to warrant a full hearing,[45] but which provided the Commission with the opportunity to clarify the policy of the *Alabama* decision, and to address other important programming issues. For example, in *Georgetown University*, 66 FCC 2d 944 (1977), the Commission found insufficient facts to warrant a hearing where a petition to deny was based largely on the fact that the station had made a significant change in program philosophy and thus de-emphasized certain matters the petitioners thought must be covered for the station to be granted a license renewal. The Commission said: "Here petitioner has failed to allege facts which indicate that the subjects not dealt with were problems of the community, much less significantly expressed needs which the licensee, in good faith, could not have ignored." [46] The Commission also reasserted the right of licensees to take into account their personal and religious views when making program decisions, "* * * so long as the licensee also gives a 'fair break' to others who do not share those views." [47]

29. A more recent case, *Georgia State Board of Education*, 70 FCC 2d 948, *recon. denied*, 71 FCC 2d 227 (1979), appears to have settled two other basic issues for public broadcasters: (1) The responsibility of state networks to the local needs of each community of license, and (2) whether general programming can be relied upon to meet the needs of specific minority groups. On the first issue, the Commission found that although it had long recognized the organizational structure of state educational networks, this did not mean that the individual stations in each network had no local programming responsibility. However, the local *service* obligation did not impose a local *origination* obligation. Citing an earlier decision, the Commission said:

> [w]hile some problems and needs may best be met by local programming, other problems may more appropriately be covered with non-local program sources. It is not our intention to favor a particular program source or format, so long as the licensee's programming does, in fact, help to meet community problems and needs.[48]

On the related issue of whether general programming can be relied upon to meet the needs of specific community groups, the Commission found that the petitioners had misread the results of the *Alabama* and *Alianza* cases: "We have made clear that a licensee 'has no obligation to divide his coverage (of the community problems and needs he determines to cover) according to the racial, ethnic or religious composition of his community.' "[49] Further, the Commission found that the petitioner had failed to meet the required burden to warrant a hearing on the issue, noting that: "(Petitioner) has submitted no information whatever tending to show that Georgia State 'has followed either a pattern of prejudice or policy of exclusion or has consistently failed to respond to problems which * * * it could not reasonably or in good faith ignore * * *.' "[50]

30. Summarizing the programming policy statements from the cases reviewed in this section, public stations have the following general program responsibilities: (1) To provide general program service responsive to the ascertained needs of the community; and (2) to provide that service on an equitable basis that ignores no strongly expressed needs, and assures that no significant segment of the community is

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[39] *1960 Policy Statement, supra*, at 2314.

[40] *Id.*

[41] 27 FCC 2d at 332–333. See also: *Time-Life Broadcast, Inc.*, 33 FCC 2d 1081, 1093 (1972).

[42] *Stone v. Federal Communications Commission*, 466 F. 2d 316, 328 (D.C. Cir. 1972).

[43] *Id.* at 329. *See also: Columbus Broadcasting Coalition v. Federal Communications Commission*, 505 F. 2d 320 (D.C. Cir. 1974); and *Alianza Federal de Mercedes v. Federal Communications Commission*, 539 F. 2d 732 (D.C. Cir. 1976).

[44] 50 FCC 2d at 477.

[45] In addition to cases discussed below, see: *Mississippi Authority for Educational Television*, 71 FCC 2d 1296, *recon. denied*, 79 FCC 2d 300 (1980).

[46] 66 FCC 2d at 947.

[47] *Id.* at 951.

[48] 70 FCC 2d at 957 (quoting *Rules and Policies Relating to Renewal of Broadcast Licenses*, 44 FCC 2d 405, 422 (1973)).

[49] 70 FCC at 962 (citations omitted).

[50] *Id.* at 960 (quoting *Miami Valley Broadcasting Corp.*, 48 FCC 2d 177, 185 (1974)).

the object of intentional discrimination. The individual licensees are considered the primary decision makers on which community problems are addressed and how they are addressed by each station, and these determinations are to be given the greatest possible deference so long as they are made in good faith.

IV. The Public Interest

31. A short preface on the nature of the public interest standard and our current regulatory policies pursuant to it provides a useful backdrop to the presentation of our preliminary conclusions on these issues. It was clear from the very beginning of the development of the broadcast industry that a flexible regulatory system was necessary. Congress thus framed the Commission's regulatory authority in terms of the "public interest, convenience and necessity." This grant gave it neither unfettered power nor restricted that power in such a way as to make it impossible to react to changing technological and social circumstances. It was definitively settled in *National Broadcasting Co.* v. *U.S.*, 319 U.S. 190 (1943), that the Commission's powers were not limited to technical and engineering or so-called "traffic regulations" either by the Federal Communications Act or by the First Amendment. Rather Congress has given the Commission the broad power to regulate to further "the interest of the listening public in 'the larger and more effective use of radio.' " [51]

32. An outstanding aspect of the "public interest" standard has been that it is not only a flexible mandate under which the Commission operates but also one under which it is provided considerable judicial deference and room to experiment.[52] Courts have recognized this to the point of ratifying a deliberate change of view of the public interest even absent changed circumstances when the agency supplies a reasoned analysis.[53] Thus, the public interest has been described as a "supple instrument" allowing for changing Commission interpretation based on changes in circumstances and changes in regulatory philosophy.[54]

33. We believe that at least four matters are of primary importance when considering the programming responsibility of public broadcasters under the general "public interest" standard of the Act. We will outline each of these below. They are: (1) The intent of Congress in fostering the public broadcast service as evidenced in relevant legislation; (2) the Commission's traditional desire to avoid all unnecessary intrusion into the programming decisions of licensees, including those of public broadcasters; (3) the Commission's historical policy of allowing other forces to determine the character and content of the public broadcasting service, and (4) the Commission's recent policy of recognizing and relying upon social and market forces in broadcasting which lead to positive public interest results without specific Commission intervention.

34. *Congressional Intent.* Congress expressed its interest in the development of public broadcasting at the time of the passage of the 1934 Federal Communications Act. It instructed the new FCC to study non-profit broadcasting and make a timely report to Congress.[55] Further, the Commission was given specific authority in Sections 303 (a) and (b) of the Act to classify radio stations and to prescribe the nature of the service to be rendered by each class of licensed station and each station within any class. In addition, since 1962, Congress has passed a series of laws, now codified as part of the Act, which were designed to provide financial and other developmental assistance to public broadcasting agencies and organizations. Significantly, this assistance is distributed primarily by organizations outside this Commission. One of the most important of these organizations has been the Corporation for Public Broadcasting (CPB), a corporation created by Congress to implement many of its goals for the system. Two primary programming themes run through Section 396(g), the subsection that delineates the scope and purpose of CPB: (1) It has the purpose of developing programs "* * * of high quality, diversity, creativity, excellence and innovation * * *," [56] and (2) it is expected to "* * * carry out its purposes and functions and engage in its activities in ways that will most effectively assure the maximum freedom of public telecommunications entities and systems from interference with, or control of, program content or other activities." [57] Although these Congressional mandates are not specifically directed to the role of this Commission in public broadcasting, they are fairly specific statements that the programming decisions of public broadcasters should be the product of diverse and creative influences, and should be free from government domination.[58]

35. *Programming Regulation.* The Commission's role in the programming decisions of all broadcasters has always been profoundly affected by its sensitivity to the First Amendment rights of the public and of broadcasters and the specific noncensorship provision of Section 326 of the Act.[59] This reluctance to interfere with free speech as a matter of constitutional and statutory law also has been respected by this Commission as a matter of sound public policy. An operational principle of our democratic form of government has been that the people's access to information should not be subjected to unwarranted government restriction and that public decision making is best carried out in an atmosphere where diverse speakers present the greatest possible variety of views.

36. *Character and Content of Public Broadcasting.* The basic role of the FCC in the history and development of public broadcasting has been to insure that spectrum space is available for its use

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[51] 319 U.S. at 216 (1943) (quoting 47 U.S.C. 303(g)).

[52] Recently the Supreme Court has reinforced this position by finding that the Commission appropriately exercised its public interest obligations when it relied on marketplace pressures as a regulatory force in cases of format changes by radio stations. "Furthermore, we recognize that the Commission's decisions must sometimes rest on judgment and prediction rather than pure factual determinations." *Federal Communications Commission* v. *WNCN Listeners Guild*, 101 S.Ct. 1266, 1275 (1981).

[53] See: *Pinellas Broadcasting Company* v. *Federal Communications Commission*, 230 F. 2d 204 (D.C. Cir.), *cert. denied*, 350 U.S. 1007 (1956); and *Greater Boston Television Corporation* v. *Federal Communications Commission*, 444 F. 2d 841 (D.C. Cir 1970), *cert. denied*, 403 U.S. 923 (1971).

[54] *Federal Communications Commission* v. *Pottsville Broadcasting Co.*, 309 U.S. 134, 138 (1940).

[55] Section 307(c) stated: "The Commission shall study the proposal that Congress by statute allocate fixed percentages of radio broadcasting facilities to particular types or kinds of non-profit radio programs or to persons identified with particular types or kinds of non-profit activities, and shall report to Congress, not later than February 1, 1935, its recommendations together with the reason for same."

[56] Section 396(g)(1)(A).

[57] Section 396(g)(1)(D). Both these themes are repeated in the "declaration of policy" section of the Act which declares that "expansion and development of public telecommunications depends upon freedom, imagination and initiative on both local and national levels." Section 396(a)(3).

[58] See *Accuracy in Media* v. *Federal Communications Commission*, 521 F. 2d 288 (D.C. Cir. 1975), where the federal court indicated that Commission control of the programming decisions of public broadcasters is no more extensive than that over commercial broadcasters. Specifically, the court found that the Commission was without power to enforce Section 396(g)(1)(A) of the Public Broadcasting Act of 1967, a provision which calls for "strict adherence to objectivity and balance" in programs sponsored by CPB.

[59] Section 326 states: "Nothing in this section shall be understood or construed to give the Commission power of censorship over the radio communications or signals transmitted by any radio station, and no regulation or condition shall be promulgated or fixed by the Commission which shall interfere with the right of free speech by means of radio communication."

and to broadly classify its program service. It has meant that the Commission has had the appropriately limited role of facilitating the development of the public broadcasting system rather than determining the content of its programming. From the perspective of the Commission, public broadcasting is characterized largely by a negative distinction, *i.e.* public stations are not operated by profit seeking organizations nor supported by on-the-air advertising. The positive dimensions of public broadcasting are determined by social, political, and economic forces outside the Commission.

37. This basic regulatory scheme has had several public interest advantages. It has made the service possible and it has maintained its separate identity. At the same time, it has allowed the system to develop in response to the diverse and proximate needs of the communities within which it operates and not according to a standard Commission mold. Rather than imposing one unified and comprehensive standard for public broadcasting, the Commission has allowed those who operate, support, and consume public broadcasting to directly determine the nature of its service, especially its programming.

38. *Social and Market Forces.* One pronounced recent trend of this Commission has been to rely on social and market forces to achieve "public interest" objectives where possible. For example, in a policy statement the Commission stated that changes of format by commercial stations are most appropriately regulated by the Commerical marketplace.[60] The Commission there weighed many of the same factors considered here, including the costs of defining and monitoring the programming activities of licensees, the intrusion into licensee discretion, and the interests of the listening public. Although we recognized that a perfect correlation of listener preference and available entertainment programming would not always result, we found that marketplace forces best promoted the public convenience, interest and necessity by adjusting to the varied and shifting tastes of the listening public.[61] In reviewing this decision, the U.S. Supreme Court said that these conclusions were within the appropriate scope of the "public interest" standard and that: "These predictions are within the institutional competence of the Commission."[62] The more recent *Deregulation of Radio* Order took a somewhat broader tack, relying on social and economic forces to insure the continued public interest operation of commercial radio stations without several regulations, including ascertainment and logging rules similar to those at issue here.[63]

39. It is useful to compare public and commercial broadcasting in light of our perception that the "public interest" can often be served by relying on forces outside the Commission. In the commercial broadcasting context, the "public interest" often manifests itself most directly through the force of the competitive marketplace. There a station's economic viability is often directly tied to its ability to attract a sufficiently large audience to warrant advertiser support. The consumer's freedom to select among alternative stations gives them considerable influence on the programming decisions of commercial stations. In contrast, public broadcast programming is not designed to attract audiences in order to gain advertiser support. Instead, among other things, it provides a serious programming alternative and serves many needs of the public not served by commercial stations. Indeed, some public programs may have audiences that are too small or are otherwise not attractive to advertisers but are aired by public broadcasters responding to entirely different programming incentives. This is consistent with the *Public Broadcasting Act* which calls for "* * * programs of high quality, diversity, creativity, excellence, and innovation, which are obtained from diverse sources * * *"[64]

40. One important way the Commission fosters this type of activity is through careful regulation of the program incentives facing public broadcasters. The fundraising rules applicable to public broadcasting are designed to insure that instead of having its programming incentives tied exclusively to the size of its audience, these incentives are diverse and responsive to additional social and financial forces. The Commission, in fact, acted to preserve the diversity of programming influences in its most recent major public broadcast rule making. There, while we significantly increased the scope of discretion for on-the-air fundraising and promotion, we also sought to insure that "* * * the programming decisions of public broadcasters (are removed) from the normal kinds of commercial market pressures * * *" faced by commercial stations,[65] and remain "* * * consistent with the intended status of public broadcasting."[66] Thus, the old rule prohibiting all programming that promoted goods and services was replaced with a more limited rule prohibiting the broadcast of programming for consideration.

41. This scheme both shields broadcasters from the usual commercial pressures and allows public broadcasting room for the diversity, innovation, and experimentation envisioned by Congress. In addition, it allows for greater flexibility to provide programming not necessarily profitable for commercial broadcasters, and to develop programming responsive to a great panoply of other incentives and noncommercial influences. Thus, the operational core of the public broadcast system and the content of its programming stems not from detailed regulation by this Commission but from the multitude of personal, social, political and financial forces that influence it. Each of these forces represents various aspects of the public itself and thus the "public interest." Although the environment within which public broadcasters operate is quite different from that of commercial broadcasters, there are numerous forces at work influencing the programming choices of public broadcasters. We feel that it may be appropriate to place more faith in these forces and place less reliance on programming rules such as those considered in this *Notice*.

42. In summary, our current concept of the "public interest" contains several important facets, some of which may no longer be served by our current public broadcast programming rules.

V. Discussion of Relevant Issues

43. The time has come for the Commission fully to explore the programming obligations of public broadcasters. We propose to eliminate or modify those rules and policies not specifically traced to substantive provisions of the Communications Act or so imbedded in our constitutional system that they are an intregal part of national public policy. Specifically, we propose to eliminate or modify the formal ascertainment and logging requirements now imposed on public broadcasters, and to state as specifically as possible the minimum programming

[60] *Development of Policy Re: Changes in the Entertainment Formats of Broadcast Stations*, 60 FCC 2d 858 (1976).

[61] *Id.* at 865.

[62] *Federal Communications Commission* v. *WNCN Listners Guild, supra*, 101 S. Ct. 1266 (1981).

[63] See generally, *Deregulation of Radio*, 84 FCC 2d 968 (1981).

[64] Section 396(g)(1)(A).

[65] *Fundraising Order supra*, 86 FCC 2d at 142.

[66] *Id.* at 143.

responsibility of each public broadcast licensee.

44. Although we intend to adhere to our mandate of insuring that the "public interest" be served by each initial and renewal grant of a license, compliance with other existing rules may provide a sufficient basis for making these determinations. It should also be reemphasized here that this *Notice* does not consider all the programming restrictions of public broadcasters. Even if the least intrusive option set out below in each of the programming areas was adopted, the Commission would not be without power to check all programming abuses. The Fairness Doctrine and statutory programming rules would remain in place. In addition, public broadcasting is immersed in a social, political, and financial context, and the continuous interplay of forces that make up this context may reasonably be expected to insure that the programming of these broadcasters serves the public. To the extent that these forces, some of which are discussed below, insure that the public interest is served, they may obviate the need for regulation by this Commission.

45. As we have noted herein, Congress intended to foster a public broadcast service with a diverse, innovative and creative programming service. However, our regulation of that programming service has, in large measure, followed in the footsteps of our regulation of the commercial broadcast service. Also, the case law which we have developed with respect to public broadcast programming has been based upon the precedent which we established for the commercial service. Thus, we have imposed obligations that the public broadcaster serve all significant elements of his community of license and not ignore strongly expressed needs. We have even imposed an ascertainment obligation which very closely resembles the obligation of the commercial broadcaster, at least as far as television is concerned. We strongly believe that the time has come to reexamine the programming obligations of our public broadcast licensees, and determine whether our present policies and rules are consistent with the service provided by the public broadcasters. Freedom from government regulation may provide a tremendous liberating force. On the one hand it may free the service from the conforming and confining oversight of a central authority; on the other it may allow the system to be more directly responsible and responsive to the people and institutions that constitute it. In sum, the public interest may now be best served by less programming oversight of public broadcasting by the Federal Communications Commission.

46. At the outset we note that public broadcasting and public broadcasters have developed substantially in recent years and now provide a broad range of services to the listening public. To the extent that it was previously necessary to require these licensees formally to explore the inner recesses of their communities and to provide us evidence that they program accordingly, we now believe that such Commission oversight is largely unnecessary. It may have been true when these rules and policies were adopted that many public stations were moving from an emphasis on instructions to an emphasis on public service, but that development is now largely complete. In addition, the public broadcasting system and individual public broadcasters are organized and funded in ways that insure their programming will be both diverse and responsive to public needs and desires. Further, as new technologies develop, it appears that the service will likely exploit other media, including cable and possibly direct broadcast satellite, to carry out its goals.[67] This Commission should facilitate such extensions of public telecommunications by providing the greatest possible regulatory flexibility.

47. Public broadcasting in the 1980's has become "public" in the broadest sense of the word. The varied sources of its operating funds is one manifestation of this. A recent Corporation for Public Broadcasting report [68] indicates that although the system depends on tax sources for about two thirds of its income, more than half of this comes from state and local government sources with the rest coming from federal government sources. Nongovernment sources provide the balance of the funds and thus have a decided effect on the service. Subscribers are the largest source of nongovernment funds while businesses and foundations provide the bulk of the rest. Also, it is expected that the federal share of operating revenues will decline sharply in the 1980s,[69] leading to even greater diversity of funding sources. In addition, we noted in our recent fundraising decision that our new fundraising rules were expected to "* * * encourage more private donations and increase the total amounts of contributions." [70] We believe that one of the results of that rule making will be to strengthen the programming base of the system and thus "* * * reduce the ability of any single or private entity to affect program decisions * * *" [71] This varied source of operating revenues and program funds provides the Commission with confidence that public broadcasters will have freedom to provide the kind of program service that distinguishes it from its commercial counterpart, and also deliver a service that will be responsive to varied audience desires and needs. In this atmosphere, program oversight appears less important than in the past.

48. In addition, two major provisions of the Public Telecommunications Financing Act of 1978 insure that stations which receive public funds are responsive to national and local needs and interests. According to Section 396(k)(4) as amended by the 1978 Act, no funds may be distributed to the public Broadcast Service, National Public Radio, or any licensee unless meetings by governing bodies, governing committees, and advisory bodies of these are both published in advance and held open for public attentance. [72] Further, according to amended Section 396(b)(9)(A), fund may not be distributed to any station unless it establishes a community advisory board. In doing so, stations are required to make a good faith effort to assure that the advisory boards reflect "* * * The diverse needs and interests of the communities served by each station." Although Congress clearly stated that the boards are to be advisory and are not designed to control the daily operation and management of the stations, the boards are given a clear mandate to represent the needs and desires of the community and thus to exert influence on the programming decisions of the stations. Section 396(k)(9)(B) states:

> The board shall be permitted to review the programming goals established by the station, the service provided by the station, and the significant policy decisions rendered by the station. The Board may also be delegated any other responsibilities, as determined by the governing body of the station. The board shall advise the governing body of the station with respect to whether

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[67] See generally, Sheila Mahoney, *Keeping PACE with the New Television*, 1980.

[68] S. Young Lee, *Status Report of Public Broadcasting 1980*, Corporation for Public Broadcasting, 1981, p. 17.

[69] As of this writing the federal appropriations have not been adopted by Congress. However, the proposed bills in both the Senate and House would authorize less federal money for public broadcasting for the years 1984–1986 than previously anticipated. In addition, the House bill would also allow for a partial rescission of funds already appropriated for 1982 and for 1983.

[70] *Fundraising Order, supra*, 67 FCC 2d at 143.

[71] *Id.*

[72] Although not so directly relevant here, Section 396(k)(5) requires that the financial records of each station be made available for public inspection.

the programming and other policies of such station are meeting the specialized educational and cultural needs of the communities served by the station, and may make such recommendations as it considers appropriate to meet such needs.

49. Congress passed these laws after our adoption of most of the programming rules and policies considered herein and in some respects can be said to duplicate our requirements. They apply to virtually all public television stations and to most of the larger, more powerful public radio stations. At the very least, these provisions insure that the programming policies of public broadcasters are subject to the influence of diverse segments in their communities, and that these licensees have been made aware of community views and important community issues.[73]

50. One final matter must be noted, *i.e.*, the cost of the specific rules at issue here. No government regulation should continue to be enforced unless it achieves some public interest objective that cannot be achieved without that regulation. Further, we think that the costs of any regulation should be considered as well as its benefits, even in cases like these where both costs and benefits are difficult to measure and quantify. The most direct costs of these rules are those associated with the execution of formal ascertainment and the collection of data for the logs. In addition, these rules require significant record keeping, review and monitoring by the stations and this Commission. We consider these costs significant, especially in light of the fact that they apparently contributed to the conclusion of the Small Business Administration [74] and the General Accounting Office [75] that the Commission is a major source of government paperwork burdens.

51. We will depend largely on the commenters in this proceeding to give us estimates on the cost of compliance with these rules. However, one statistic relied on by many commenters in the recent commerical radio deregulation proceeding is of special note because it purported to be a measure of the bruden of program log keeping and is derived from data provided by both commerical and public radio stations. The report, published by the General Accounting Office in 1978, indicates that compliance with the logging rules by all AM and FM radio stations requires a total of 18,233,940 hours per year by the industry. This would suggest that stations average over 5 hours per day maintaining program logs. We find this estimate troubling. We would like public broadcasters and others who comment in this proceeding to estimate the extent of the regulatory burden imposed by the logging and ascertainment requirements so that we can better assess their cost. Also, of course, such commenters should estimate, to the extent possible, the value to the stations and the public of compliance with these rules.

VI. Options

52. Since there is a variety of ways to proceed on the issues addressed here, we are setting forth a number of proposals for public comment. Although most of these proposals apply to the specific rule modifications proposed here, commenters should also set out their views on the general questions raised and considered in this proceeding. Although no preferred option is identified, the Commission is strongly inclined toward a greater reliance on non-regulatory forces in achieving its ends and thus plans to move as far in that direction as possible. Parties should feel free to comment on each of the specific proposals and to propose alternatives not set forth herein. Further, commenters may wish to explore the possibility of formulating somewhat different policies, rules and procedures for public radio and public television, although our preliminary preference in this regard is for equivalent treatment of the two broadcast media types. Parties should also feel free to submit any empirical data relevant to this proceeding, especially data on the costs and benefits of the existing rules.

53. *General Programming Responsibility.* We propose consideration of four options in regard to the general programming responsibility of public broadcasters:

(1) To eliminate all programming oversight of public broadcast licensees not based on the "consideration received" rule or specific statutory provisions of the Communications Act of 1934, as amended. Compliance with these duties, including the Fairness Doctrine, would constitute the minimum public service performance for licensing purposes.

(2) To retain a programming obligation for public broadcasters somewhat broader than outlined in option (1) but one that would place the maximum possible reliance on the programming expertise and good faith discretion of individual licensees. Here, we might require that some minimum amount of programming be addressed to important issues in the community of license, and that this be documented through an issues/programs list somewhat like that now used by commercial radio licensees.

(3) To retain the current generalized programming responsibility that requires a good faith response to all significantly expressed needs in the community of license. Here, we might wish to allow public broadcasters to specialize to the extent that many such needs are already satisfied by other media available in the market. If we choose this option, we might emphasize that as a licensing matter the program responsibility of public broadcasters would be no more extensive than that of commercial broadcasters.

(4) Retain the current programming policies applied to public broadcasters.

54. *Ascertainment.* We propose consideration of five major options with regard to ascertainment:

(1) To eliminate both the ascertainment procedures and the general ascertainment obligation. In this case, we would rely on compliance with our statutory programming rules and on other forces to ensure that stations provide programming that serves the public.

(2) To retain the ascertainment obligation but allow both radio and television stations to use any reasonable means as now allowed public radio broadcasters. Stations would do so without reporting the results to the Commission absent a formal investigation pursuant to a substantial and facially valid complaint that the licensee failed to meet his programming obligations.

(3) To retain the ascertainment obligation but allow the use of "any reasonable means," as above. However, this option could include a requirement that one or more records be maintained and made part of the public file and/or submitted to the Commission as part of each application. The records that might be required here could be similar to those now required, such as the narrative statement required of public radio licensees or some variation of the issues/programs list now used by commercial radio licensees.

(4) To modify slightly the current requirements to eliminate the most expensive or least cost effective aspects. Thus, we may wish, for example, to retain most of the current radio

[73] We also not that Congress is currently considering some relaxation of the statutory requirements for advisory boards. Such action would be consistent with our intention here to reexamine regulations related to programming and to eliminate those that are no longer necessary or appropriate.

[74] "Advocacy Paperwork Measure of Reduction Program," U.S. Small Business Administration, September 10, 1979.

[75] "Federal Paperwork: Its Impact on Small Business," General Accounting Office, November 27, 1978, p. 43.

requirements but to eliminate the most formal aspects of the community leader interviews required of television licensees.

(5) Retain the current requirements.

55. *Program Logs.* Three options present themselves in this regard:

(1) Eliminate the requirement that stations maintain program logs.

(2) Eliminate our specific program log requirements but institute a more limited requirement that some types of records be kept of specific types of programs, such as public service programs. The Commission could either set specific standards for these records similar to those now imposed or allow stations to design their own standards.

(3) Retain our current program log requirements.

56. *Renewal Procedures.* The proposals considered above could have an impact on the way we now structure the renewal process, making it desirable to adjust our rules, forms, and policies in accordance with the final judgments made here. One possible such modification involves the newly simplified renewal forms and associated "audit form" recently adopted by the Commission.[76] In that proceeding, the Commission found that commercial radio licensees need not be subject to the long form audit procedure because of the regulatory changes adopted in the *Radio Deregulation* Order. Such a change may also become appropriate for public radio and television licensees as a result of other actions taken in this proceeding.[77]

VII. Regulatory Flexibility Act—Initial Analysis

Reason for Action

57. In view of changes in circumstances and changes in regulatory philosophy, it appears that programming oversight of public broadcasters under the general "public interest" standard should be reexamined and modified.

The Objectives

58. The Commission proposes to modify its oversight of programming of public licensees to insure that this oversight is no more costly or content intrusive than necessary.

Legal Basis

59. Action as proposed is in furtherance of Section 303 of the Communications Act of 1934, as amended, which charges the Commission to regulate as the public convenience, interest, and necessity requires. Specific applicable subsections enable the Commission to prescribe the nature of service to be rendered by stations, encourage the larger and more effective use of radio, and make general regulations requiring stations to keep appropriate programming records. The specific rules considered here also have reference to Section 309 of the Act which addresses Commission action on license applications.

Description, Potential Impact and Number of Small Entities Affected

60. The rule changes proposed here would reduce the formal requirements imposed as a condition of licensing for public broadcast stations that relate to community ascertainment and program log keeping. All of the options listed above that would change the present regulations would result in reductions both in what the stations are specifically required to do and what records they are required to maintain, make public, and submit to the Commission. Inasmuch as virtually all public broadcast stations are small entities, the proposed changes can be expected to have a substantial and beneficial effect on these entities. In addition, a few other small entities may be affected. Assuming that the Commission adopts the least restrictive option for each of the specific rules considered, we anticipate the following effects on small entities. To the extent that more restrictive or current requirements are retained, these effects would be mitigated:

(1) Public broadcast stations will be relieved of specific requirements to ascertain community needs as a condition of license. Since the general process of remaining informed of the important public issues, and the needs and interests of the community is endemic in the process of program development this will continue even absent these regulations. Therefore, it is difficult to measure the extent of the savings. At least, however, stations will not need to follow our prescribed requirements for ascertainment, and, therefore can be expected to tailor their future efforts to their specific needs. This should often result in some cost savings. Stations will also experience some recordkeeping savings.

(2) Small businesses which provide consulting and research services in connection with the general public ascertainment surveys now conducted by public television stations may no longer be hired to provide these services. This could result in some loss of revenue to these small businesses.

(3) Public radio and television stations would no longer be required to compile, maintain, and make available to the public and the Commission logs of their programming. Because these logs have functions for the stations that are independent of our rules, we cannot make a detailed estimate of the cost savings that would result. However, some savings for stations in terms of work hours and other associated recordkeeping costs when these stations develop the methods for logging that are specifically tailored to their needs can be expected.

(4) Some small entities that provide services and consultation to assist in station recordkeeping, and small entities that market necessary recordkeeping supplies and equipment may experience some loss of business.

Recording, Recordkeeping and Other Compliance Requirements

61. None of the options considered above would increase the present compliance burden on licensed stations. Several would, in fact, substantially reduce it.

Federal Rules which Overlap, Duplicate or Conflict with this Rule

62. Because no additional rules are proposed here, no question of further overlap, duplication, or conflict is raised. However, we note that the existing rules may be construed to duplicate requirements that public broadcast stations which receive federal funds under the 1978 Public Telecommunications Financing Act have open public meetings and make use of community advisory boards.

Any Significant Alternatives Minimizing Impact on Small Entities and Consistent with the Stated Objective

63. All of the options to modify the current rules considered herein would minimize the burden of program regulation on the affected public broadcast stations. The Commission's alternative is to maintain the current rules, and this would not have no effect on the current burden imposed on these stations.

VIII. Procedural Matters

64. It is ordered, That the petitions for reconsideration filed by the Committee for Community Access and others in Docket No. 19816 are dismissed as moot.

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[76] *Renewal of Licensees, supra.*

[77] We are aware that in the cast of *Gottfried* v. *FCC*, No. 79-1722 (D.C. Cir., April 17, 1981), *reh. denied* (July 8, 1981), the Court of Appeals found that in license renewal proceedings, the Commission must consider whether public stations have complied with Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, as to program service to the hearing impaired. The rules and policies adopted in this rule making will incorporate the final disposition of this matter by the courts.

It is further ordered that the proceeding in Docket No. 19816 is hereby terminated.

65. Authority for this proposed rule making and inquiry is contained in Sections 1, 4(i), 303(g) and (j), and 403 of the Communications Act of 1934 as amended. Pursuant to applicable procedures set forth in §§ 1.415 and 1.46 of the Commission rules, interested parties may file comments on or before November 2, 1981, and reply comments on or before December 2, 1981. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching a determination in this proceeding the Commission may also take into account other relevant material before it, provided the nature and source of that material are identified in the public docket and made available for public comment. 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 shall be available for public inspection during regular business hours in the Commission's Public Reference Room (Room 239) in its headquarters in Washington, D.C. (1919 M Street, NW.).

66. The contact person for further information regarding this proceeding is John Kamp, Broadcast Bureau, (202) 632-6302. However, members of the public should note that for purposes of this nonrestricted notice and comment rule making proceeding, *ex parte* contacts are permitted from the time that the Commission adopts a Notice of Proposed Rule Making until the time a public notice is issued indicating 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 or pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff that 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 make 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 the 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.

(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.

[FR Doc. 81-25010 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-561; RM-3857]

FM Broadcast Station in Ellijay, Georgia; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of FM Channel 228A to Ellijay, Georgia, as that community's first FM assignment, in response to a petition filed by Gilmer County FM Broadcasters.

DATES: Comments must be filed on or before October 19, 1981, and reply comments on or before November 9, 1981.

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

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

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), *Table of Assignments, FM Broadcast Stations. (Ellijay, Georgia), BC Docket No. 81-561, RM-3857.*

Adopted: August 11, 1981.

Released: August 20, 1981.

1. *Petitioner, Proposal, Comments.* (a) A petition for rule making [1] was filed by Gilmer County FM Broadcasters ("petitioner") proposing the assignment of FM Channel 228A to Ellijay, Georgia, as that community's first FM assignment. No comments opposing the assignment have been received.

(b) The proposed channel requires a site restriction of approximately 4.3 kilometers (2.7 miles) north of the community due to Station WQXI in Smyrna, Georgia. There is, however, a construction permit pending to move this section. If moved to the proposed location, no site restriction would be required.

2. *Demographic Data*—(a) *Location.* Ellijay, the seat of Gilmer County, is located approximately 104 kilometers (65 miles) north of Atlanta, Georgia.

(b) *Population.* Ellijay—1,507;[2] Gilmer County—11,110.

(c) *Local Aural Service.* Ellijay is presently served by daytime-only AM Station WLEJ.

3. Petitioner states that the community's population grew at a rate of 13.8 percent from 1970 to 1980. Ellijay's economy is supported by textile, lumber, furniture, chemicals and other industries.

§ 73.202 [Amended]

4. In view of the fact that the proposed assignment would provide a first FM and fulltime aural service to Ellijay, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, as to the following community:

City	Channel No.	
	Present	Proposed
Ellijay, Georgia		228A

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

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

6. Interested parties may file comments on or before October 19, 1981, and reply comments on or before November 9, 1981.

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

8. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should

[1] Public Notice of the petition was given March 27, 1981, Report No. 1277.

[2] Population figures are taken from the 1980 U.S. Census.

note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81-561 RM-3857]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

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

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

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

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

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

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

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

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

[FR Doc. 81-25014 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-572; RM-3880]

FM Broadcast Station in Durant, Oklahoma; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposed that assignment of a Class A FM channel to Durant, Oklahoma, in response to a petition filed by E.D.B. Company. The proposed assignment could provide for a second local broadcast service to Durant.

DATES: Comments must be filed on or before October 19, 1981, and reply comments on or before November 9, 1981.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the Matter of Amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Durant, Oklahoma), BC Docket No. 81-572, RM-3880.

Adopted: August 11, 1981.

Released: August 20, 1981.

1. The Commission herein considers a petition for rule making [1] filed by E.D.B. Company ("petitioner"), which seeks the assignment of Channel 249A to Durant, Oklahoma, as that community's second FM assignment. Petitioner stated its intent to apply for the channel, if assigned. No oppositions to the proposal have been received.

2. Durant (population 11,118),[2] seat of Byran County (population 25,552) is located approximately 192 kilometers (120 miles) southeast of Oklahoma City, Oklahoma. It is served locally by daytime only AM Station KSEO, FM Station KSEO (Channel 296A), and noncommercial FM Station KHIB.

3. Petitioner states that the AM/FM stations in Durant are operated by the publisher of its daily newspaper. E.D.B. claims that Durant is in need of a second FM station which would tend to improve service to the community, while offering a diversity of programming.

4. According to the petitioner, the assignment of Channel 249A to Durant would cause preclusion on Channel 249A in a small area within 65 miles. Petitioner claims that no community of reasonable size without local broadcast service would be precluded as a result of the assignment.

5. A site restriction of 5 kilometers (3.1 miles) east-northeast of Durant, must be imposed to meet the mileage separation for existing FM Stations KGOK (Channel 249A), Pauls, Valley, Oklahoma, and KZEW (Channel 250) Dallas, Texas. (Petitioner proposed a site 4.4 miles east-northeast of the city.)

§ 73.202 [Amended]

6. In view of the fact that the proposed assignment could provide a second local broadcast service to Durant, the Commission proposed to amend the FM Table of Assignments, § 73.202(b), with regard to Durant, Oklahoma, as follows:

City	Channel No.	
	Present	Proposed
Durant, Oklahoma	F296A	249A, 296A

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

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

8. Interested parties may file comments on or before October 19, 1981, and reply comments on or before November 9, 1981.

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[1] *Public Notice* of the petition was given on April 17, 1981, Report No. 1281.

[2] Population figures are taken from the 1970 U.S. Census.

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

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

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81–572 RM–]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

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

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

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

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

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

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

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

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

[FR Doc. 81-25013 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81–565; RM–3859]

FM Broadcast Station in Cape Coral, Florida; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of FM Channel 292A to Cape Coral, Florida, at the request of Sunshine Broadcasting, Inc. The assignment would provide Cape Coral with its second FM channel.

DATES: Comments must be filed on or before October 19, 1981, and reply comments on or before November 9, 1981.

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

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

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations (Cape Coral, Florida), BC Docket No. 81–565, RM–3859.

Adopted: August 12, 1981.

Released: August 21, 1981.

1. *Petitioner, Proposal, Comments.* (a) A petition for rule making [1] was filed by Sunshine Broadcasting, Inc. ("petitioner") proposing the assignment of FM Channel 292A to Cape Coral, Florida. The proposed assignment would provide Cape Coral with its second FM assignment. No comments opposing the assignment have been received.

(b) The proposed channel can be assigned to Cape Coral in compliance with the minimum distance separation requirements.

2. *Demographic Data*—(a) *Location.* Cape Coral is located in Lee County, approximately 13 kilometers (8 miles) southwest of Ft. Myers, Florida.

(b) *Population.* Cape Coral—10,193; Lee County—105,216. [2]

(c) *Present Aural Broadcast Service.* Cape Coral is presently served by FM Station WRCC, Channel 280A.

3. *Economic Considerations.* According to the petitioner, Cape Coral's 1980 population is approximately 31,000. In addition, petitioner estimates that the population increases by 5,000 during the winter tourist season. Cape Coral's major industries are construction and related real estate activities.

4. Petitioner believes that due to the tremendous growth Cape Coral is experiencing, it has a definite need for an additional programming source.

5. *Preclusion Study.* Preclusion would be caused on Channel 292A within 65 miles. Six communities with populations greater than 1,000 would sustain preclusion on this channel. Of these six, three have existing FM assignments. [3]

§ 73.202 [Amended]

6. In light of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the

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[1] Public Notice of the petition was given on March 27, 1981.

[2] Population figures are taken from the 1970 U.S. Census, unless otherwise indicated.

[3] The six communities are: Fort Meyers Beach, Naples, Marco, Naples Park, North Naples and East Naples. The last three have no FM assignments. We also note that we have previously refused to recognize North Naples as a community. See *Naples, North Naples and Immokalee, Fla.* (Docket 20935), 41 R.R. 2d 1549 (1977). We make no judgment as to the community status of the other two places, Naples Park or East Naples, at this time.

Commission's rules, as to Cape Coral, Florida, as follows:

City	Channel No.	
	Present	Proposed
Cape Coral, Florida	280A	280A, 292A

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

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

8. Interested parties may file comments on or before October 19, 1981, and reply comments on or before November 9, 1981.

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

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

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

Federal Communications Commission.

Martin A. Blumenthal,

Acting Chief, Policy and Rules Division Broadcast Bureau.

Appendix

[BC Docket No. 81–565 RM–3859]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

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

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

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

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

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

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

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

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

[FR Doc. 81-25012 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81–567; RM–3881]

FM Broadcast Station in Bismarck, North Dakota; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of Class C FM Channel 243 to Bismarck, North Dakota, in response to a petition filed by Midwest Radio Company. The proposed assignment would provide for a third local FM service to Bismarck.

DATES: Comments must be filed on or before October 19, 1981, and reply comments on or before November 9, 1981.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), *Table of assignments* FM Broadcast Stations (Bismarck, North Dakota), BC Docket No. 81–567, RM–3881.

Adopted: August 11, 1981.

Released August 21, 1981.

1. The Commission herein considers a petition for rule making [1] which seeks the assignment of Class C FM Channel 243 to Bismarck, North Dakota, as its third FM assignment. The *Notice* was initiated by Midwest Radio Company ("petitioner"). Petitioner stated its intent to apply for the channel, if assigned. No oppositions to the proposal were received.

2. Bismarck (population 34,703),[2] the state capital, in Burleigh County (population 40,714) is located in the south-central part of North Dakota. It is served locally be daytime only AM Station KBMR; full-time AM Stations KBOM and KFYR; and FM Stations KQDY (Channel 233) and KYYY (Channel 225).

3. Petitioner states that Bismarck is the second largest city in North Dakota, and the largest city in the western half of the State. It is also the center of commercial, cultural and governmental activities for central North Dakota. Petitioner claims that Bismarck's numerous ratail stores, professional offices, banks, businesses and state

[1] *Public Notice* of the petition was given on April 17, 1981, Report No. 1281.

[2] Population figures are taken from the 1970 U.S. Census.

government (its most important employer) would generate advertising revenues for the proposed station. According to Midwest, the population of Bismarck increased to an estimated 44,485 persons in 1980, compared to 34,703 in 1970. Petitioner claims that Bismarck is of sufficient size and importance to warrant a third FM assignment.

4. The study submitted by the petitioner states, but does not show, that six communities [3] would be precluded by the assignment of Channel 243 to Bismarck, and that alternate channels are available for each of the precluded communities. A listing of the alternate channels should be submitted in comments to this proposal. The study submitted does not show how petitioner derived the preclusion information or what criteria was used. Therefore, petitioner should submit a more complete study. Since petitioner did not submit a *Roanoke Rapids* or *Anamosa* study, and Bismarck already has two FM stations, we assume that no first or second FM or aural service would be provided under this proposal.

5. The proposed assignment exceeds the Commission's guidelines for a third FM assignment. In such a case, we are more concerned with the efficiency of the allocation. Petitioner's submission of a preclusion study, which indicates alternate availability of channels for precluded communities, should resolve this issue.

6. Since Bismarck is located within 420 kilometers (250 miles) of the U.S.-Canadian border, the proposed assignment of Channel 243 to Bismarck, North Dakota, requires coordination with the Canadian Government.

§ 73.207 [Amended]

7. Comments are invited on the proposal to amend the FM Table of Assignments (§ 73.202(b) of the Commission's rules), with regard to Bismarck, North Dakota, as follows:

City	Channel No.	
	Present	Proposed
Bismarck, North Dakota	225, 233	225, 233, 243

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

[3] The six communities are Fort Pierce, Gettysburg, McLaughlin, and Selby, South Dakota, and Fort Yates and Linton, North Dakota.

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

9. Interested parties may file comments on or before October 19, 1981, and replay comments on or before November 9, 1981.

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

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

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81-567 RM-3881]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

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

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

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

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

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

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

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

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

[FR Doc. 81-25011 Filed 8-26-81; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-570; RM-3886]

FM Broadcast Station in Naknek, Alaska; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of FM Channel 265A to Naknek, Alaska, in response to a petition filed by Bay Broadcasting Company. The proposed assignment would provide a first local aural broadcast service to Naknek.

DATES: Comments must be filed on or before October 20, 1981, and reply comments must be filed on or before November 9, 1981.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Naknek, Alaska), BC Docket No. 81-570, RM-3886.

Adopted: August 11, 1981.

Released: August 18, 1981.

1. The Commission herein considers a petition for rule making [1] filed by Bay Broadcasting Company Inc., ("petitioner"), proposing the assignment of Channel 265A to Naknek, Alaska, as its first FM assignment. Petitioner stated its intent to apply for the channel, if assigned. No oppositions to the proposal were received.

2. Naknek (population 178) in Bristol Bay Borough Division (population 1,147),[2] is located approximately 480 kilometers (300 miles) southwest of Anchorage. It has no local broadcast service.

3. Petitioner states that Naknek has no local broadcast service and it is also without a local newspaper. It does, however, receive service from the Armed Forces Radio Station at King Solomon, whose programming is completely military oriented. Petitioner claims that the proposed assignment would serve the needs of the community and the consumer, giving attention to the local news, interviews, community events and projects. Bay Broadcasting also claims that a Class A station with an ERP of 3 kW and 300 feet above average terrain would serve the villages of South Naknek and King Solomon, providing service for as many as 1,983 persons.

§ 73.202 [Amended]

4. In view of the fact that the proposed FM assignment could provide a first local aural broadcast service to Naknek, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with regard to Naknek, Alaska, as follows:

City	Channel No.	
	Present	Proposed
Naknek, Alaska		265A

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

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

6. Interested parties may file comments on or before October 20, 1981, and reply comments on or before November 9, 1981.

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

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

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket 81-570 RM-3886]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

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

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

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

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

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

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

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

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

[FR Doc. 81-25018 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

[1] *Public Notice* of the petition was given on April 28, 1981, Report No. 1283.

[2] Population figures are taken from the 1970 U.S. Census.

47 CFR Part 73

[BC Docket No. 81-568; RM-3861]

FM Broadcast Station Las Vegas, Nevada; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of FM Channel 277 to Las Vegas, Nevada, as that community's eighth commercial assignment. This action is in response to a petition filed by Doctor R. Crants.

DATES: Comments must be filed on or before October 20, 1981, and reply comments must be filed on or before November 9, 1981.

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

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

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Las Vegas, Nevada), BC Docket No. 81-568, RM-3861.

Adopted: August 11, 1981.

Released: August 19, 1981.

1. *Petitioner, Proposal Comments.* (a) Before the Commission is a petition for rule making,[1] filed by Doctor R. Crants ("petitioner"), proposing the assignment of Channel 277 to Las Vegas, Nevada. No comments opposing this assignment have been received.

(b) The proposed channel can be assigned to Las Vegas in compliance with the minimum distance separation requirements of § 73.207.

2. *Demographic Data*—(a) *Location.* Las Vegas is located in Clark County at the southern tip of Nevada.

(b) *Population.* Las Vegas—125,787 [2] Clark County—273,288.

(c) *Present Local Aural Service.* Las Vegas is presently served by seven AM stations, six commercial FM stations and three noncommercial educational FM stations. In addition, in a recent rule making decision, Channel 293 was also assigned to Las Vegas (Docket 80-700, July 9, 1981), as its seventh commercial FM assignment.

3. *Economic Considerations.* According to the petitioner, Las Vegas is a growing and expanding community. Petitioner claims that Las Vegas' 1979 population was approximately 200,000. Las Vegas' spiraling population growth is due to tourism, industry, and the attraction of Las Vegas as a retirement community.

4. *Preclusion Study.* The assignment of Channel 277 to Las Vegas will cause preclusion on Channels 276A, 277, 278, 279 and 280A. This large preclusion area is a sparely populated region which, according to the petitioner, has numerous other channels available for assignment to it. Petitioner should provide information regarding specific channels available to precluded communities of over 1,000 population.

5. The proposed assignment would be Las Vegas' eighth commercial FM channel assignment. This is in excess of the number usually allowed (4-6) for a community of this size. Since the assignment would exceed our population criteria, the efficiency of assigning another channel to Las Vegas would depend on the preclusion impact which should be demonstrated by petitioner in its comments. *See* para. 4, *supra.* See also *Waycross, Georgia*, 47 RR 2d 319 (1980).

§ 73.202 [Amended]

6. In light of the above, the Commission proposes to amend § 73.202(b) of the Commission's rules, the FM Table of Assignments, with regard to the following community:

City	Channel No.	
	Present	Proposed
Las Vegas, Nevada	222, 226, 242, 246, 253, 270, 293	222, 226, 244,246, 253, 270, 277, 293

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

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

8. Interested parties may file comments on or before October 20, 1981, and reply comments on or before November 9, 1981.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rulemaking to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules*, 46 FR 11549, published February 9, 1981.

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

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81-568 RM-3861]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

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

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

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

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

(c) The filing of a counterproposal may lead the Commission to assign a different channel

[1] *Public Notice* was given on March 27, 1981, Report No. 1277.

[2] Population figures are taken from the 1970 U.S. Census.

than was requested for any of the communities involved.

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

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

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

[FR Doc. 81-25017 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-569; RM-3889]

FM Broadcast Stations in Kodiak, Alaska; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rulemaking.

SUMMARY: This action proposes the assignment of FM Channel 266 to Kodiak, Alaska, as that community's first commercial FM assignment. This action is in response to a petition filed by Kachemack Broadcasters, Inc.

DATES: Comments must be filed on or before October 20, 1981, and reply comments must be filed on or before November 9, 1981.

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

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

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Kodiak, Alaska), BC Docket No. 81-569, RM-3889.

Adopted: August 11, 1981.

Released: August 19, 1981.

1. *Petitioner, Proposal, Comments.* (a) A petition for rulemaking [1] was filed by Kachemack Broadcasters, Inc. ("petitioners") proposing to assign FM Channel 266 to Kodiak, Alaska, as that community's first commercial allocation. No oppositions to the proposed assignment have been received.

(b) The channel may be assigned without affecting any existing or proposed FM assignments.

(c) Petitioner states that if the channel is assigned, it will apply for a construction permit to build a station.

2. *Demographic Data.* (a) *Location.* Kodiak is located on Kodiak Island in the Gulf of Alaska approximately 400 kilometers (250 miles) southwest of Anchorage, Alaska.

(b) *Population.* Kodiak—3,798; Kodiak Island—9,409.[2]

(c) *Present Aural Service.* Kodiak is presently served by full-time AM Station KVOK and by noncommercial FM Station KMXT (261A).

3. *Economic Considerations.* According to the petitioner, Kodiak is the only comunity of any significance on Kodiak Island. Its population has grown by 25% in the past decade. Its major industries are fishing, shipping, canning, and timber.

4. Normally, a preclusion study and a *Roanoke Rapids* showing is required for a Class C assignment to a community this small. However, due to the remoteness of the community in this case, we believe that the showings are not necessary.

§ 73.2021 [Amended]

5.In light of the above, the Commission feels that it is in the public interest to propose the following amendment to the FM Table of Assignments, § 73.202(b) of the Commission's rules:

City	Channel No.	
	Present	Proposed
Kodiak, Alaska	*261A	*261A, 266

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

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

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

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

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules, Broadcast Bureau.

Appendix

[BC Docket No. 81-569 RM-3889]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

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

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

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

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as

[1] *Public Notice* was given on April 28, 1981, Report No. 1283.

[2] Population figures are taken from the 1970 U.S. Census.

comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

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

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

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

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

[FR Doc. 81-25016 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-571; RM-3853]

FM Broadcast Station in Goose Creek, South Carolina; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rulemaking.

SUMMARY: This action proposes the assignment of FM Channel 232A to Goose Creek, South Carolina, as that community's first FM assignment. The action is in response to a petition filed by the Sonrise Broadcasting Company.

DATES: Comments must be filed on or before October 20, 1981, and reply comments on or before November 9, 1981.

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

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

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), *Table of Assignments,* FM Broadcast Stations. (Goose Creek, South Carolina), BC Docket No. 81-571, RM-3853.

Adopted: August 11, 1981.

Released: August 20, 1981.

1. *Petitioner, Proposal, Comments.* (a) A petition for rule making[1] was filed by Sonrise Broadcasting Company ("petitioner"), proposing the assignment of Channel 232A to Goose Creek, South Carolina, as its first FM channel. No oppositions to the proposal have been received.

(b) A site restriction of approximately 8.16 kilometers (5.1 miles) northeast of Goose Creek is required due to Station WCHY in Savannah, Georgia.

(c) Petitioner has stated its intention to apply for the channel, if assigned.

2. *Demographic Data*—(a) *Location.* Goose Creek is located approximately 23 kilometers (14 miles) north of Charleston, South Carolina, in Berkeley County.

(b) *Population.* Goose Creek—3,656,[2] Berkeley County—56,199

(c) *Present Aural Service.* Goose Creek is not served by any local broadcast station.

3. According to petitioner, Goose Creek has grown considerably in the past 10 years, rising from 3,828 in 1970 to 17,359 in 1980. Goose Creek is primarily an industrial community. It has approximately 250-300 businesses, with two banks serving the area.

4. Petitioner states that the development of a local station in the Goose Creek city limits would not only provide musical entertainment, but community involvement through various public service programs and news programs offered by the station. Further, a radio station in Goose Creek would help to disseminate local information to the people of the city.

§ 73.202 [Amended]

5. In light of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, with regard to the following community:

City	Channel No.	
	Present	Proposed
Goose Creek, South Carolina		232A

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

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

7. Interested parties may file comments on or before October 20, 1981, and reply comments on or before November 9, 1981.

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

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

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81-571 RM-3853]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

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

[1] Public Notice of the petition was given on March 27, 1981, Report No. 1277.

[2] Population figures are taken from the 1970 U.S. Census, unless otherwise indicated.

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

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

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

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

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

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

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

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

[FR Doc. 81-25015 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-574; RM-3884]

FM Broadcast Station in Woodstock, Virginia; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rulemaking.

SUMMARY: This action proposes the assignment of FM Channel 240A to Woodstock, Virginia, as that community's first FM assignment. This action is in response to a petition filed by Arthur D. Stamler and Virginia I. Stamler d.b.a. Ruarch Associates.

DATES: Comments must be filed on or before October 20, 1981, and reply comments must be filed on or before November 9, 1981.

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

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

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Woodstock, Virginia), BC Docket No. 81-574, RM-3884.

Adopted: August 11, 1981.

Released: August 20, 1981.

1. *Petitioner, Proposal, Comments.* (a) A petition for rule making [1] was filed by Arthur D. Stamler and Virginia I. Stamler d.b.a. Ruarch Associates ("petitioner"), proposing the assignment of FM Channel 240A to Woodstock, Virginia. No comments opposing this request have been received.

(b) The proposed channel may be assigned to Woodstock with a site restriction of approximately 1.6 miles southwest of the city. This site restriction is required to avoid short spacing to Station WYII (240A) in Williamsport, Maryland.

(c) Petitioner has stated its intent to apply for the channel, if assigned.

2. *Demographic Data.* (a) *Location.* Woodstock, the seat of Shenandoah County is located approximately 128 kilometers (80 miles) west of Washington, D.C.

(b) *Population.* Woodstock—2,338 [2] Shenandoah County—22,852.

(c) *Present Aural Service.* Woodstock does not have any local broadcast service.

3. *Economic Considerations.* According to petitioner, Woodstock's single greatest source of employment is manufacturing, particularly several well-known apparel factories. There are over 20 factories located in Shenandoah County, providing a substantial economic base in the region. The county also ranks high in Virginia as a producer of livestock and fruits.

4. Petitioner further claims that "Woodstock and Shenandoah County comprise an area isolated by a unique combination of geographic and demographic factors." This isolation, combined with the area's unique meteorological characteristics, contributes to the need for a full-time broadcast facility in Woodstock.

5. Woodstock is located in the radio quiet zone. Petitioner, however, states that he intends to locate the transmitter east of longitude 78° 30' 00", outside the quiet zone. For this reason, the petitioner is not required to seek concurrence from the National Radio Astronomy Observatory.

6. In light of the above, the Commission finds it is in the public interest to propose the following amendment to § 73.202(b) of the Commission's rules, the FM Table of Assignments.

City	Channel No.	
	Present	Proposed
Woodstock, Virginia		240A

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. *NOTE:* A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before October 20, 1981, and reply comments on or before November 9, 1981.

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

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

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

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[1] *Public Notice* was given on April 28, 1981, Report No. 1283.

[2] Population figures are taken from the 1970 U.S. Census.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket 81-574; RM-3811]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules. IT IS PROPOSED TO AMEND the FM Table of Assignments, Section 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

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

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

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

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

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

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

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

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

[FR Doc. 81-25022 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-249; RM-3698]

FM Broadcast Station in Weed, California; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Dismissal of proposed rule.

SUMMARY: This action dismisses a petition filed by Jeanne M. and Robert C. Crabb to substitute Class C FM Channel 274 for Channel 265A at Weed, California. The proceeding was terminated for petitioner's failure to make the requisite showing of continuing interest in the proposed channel allocation.

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

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

SUPPLEMENTARY INFORMATION: In the matter of Amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Weed, California), BC Docket No. 81-249, RM-3698.

Report and Order—Proceeding Terminated

Adopted: August 11, 1981.

Released: August 18, 1981.

1. Before the Commission is a *Notice of Proposed Rule Making*, 46 FR 23774, published April 28, 1981, proposing the substitution of Class C FM Channel 274 for Channel 265A at Weed, California, in response to a petition filed by Jeanne M. and Robert C. Crabb ("petitioner"). Weed currently has no local aural service, although an application is pending for unused Channel 254A.

2. According to Commission policy, a showing of continuing interest is required before a channel will be assigned. The petitioner herein failed to file comments in response to the *Notice*. The period for such a filing in this proceeding has expired and no other party has expressed an interest in the proposed class C assignment to Weed.

3. In view of the foregoing, it is ordered, that the petition of Jeanne M. and Robert C. Crabb, proposing the substitution of Class C FM Channel 274 for Channel 265A at Weed, California, is dismissed.

4. It is further ordered, that this proceeding is terminated.

5. For further information concerning the above, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-25021 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-573; RM-573]

FM Broadcast Station in Sidney, Nebraska; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to substitute FM Channel 254 for Channel 237A at Sidney, Nebraska, and to modify the license of Station KSID on Channel 237A to specify the Class C channel, in response to a petition filed by KSID Radio, Inc.

DATES: Comments must be filed on or before October 20, 1981, and reply comments on or before November 9, 1981.

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

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

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations (Sidney, Nebraska), BC Docket No. 81-573, RM-3841.

Adopted: August 11, 1981.

Released: August 21, 1981.

1. KSID Radio, Inc. ("petitioner"), licensee of KSID (Channel 237A), Sidney, Nebraska, has filed a petition for rule making [1] seeking the substitution of Channel 243 for its existing assignment. This proposal conflicts with a proposal to assign Channel 243 to Evergreen, Colorado (RM-3839). The

[1] Public Notice of the petition was given on February 23, 1981, Report No. 1270.

distance between Sidney and Evergreen is 161 miles. A distance separation of 180 miles is required in § 73.207 of the Commission's rules. However, since Channel 254 is available as a substitute we have proposed that channel for consideration herein.

2. Sidney (population 6,403),[1] the seat of Cheyenne County (population 10,778), is located approximately 584 kilometers (365 miles) west of Omaha, Nebraska. The community is presently served by fulltime AM Station KSID and FM Station KSID (Channel 237A).

3. Petitioner claims that Sidney is the largest city within a radius of over 40 miles. It serves as the center of retail trade for an area of over 3,000 square miles.

4. Further, petitioner states that the operation of a Class C station in Sidney will provide a first nighttime aural service to 2,339 persons living in an area of 416 square miles, and a second nighttime aural service to 2,647 additional persons living in an area of 738 square miles. Petitioner should include a preclusion study for Channel 254 listing alternate channels for the communities precluded by that proposed channel.

5. Pursuant to our decision in *Cheyenne, Wyoming*, 62 FCC 2d 63 (1976), we would modify the license of Station KSID to specify the Class C channel only if no other interest is expressed in the proposed assignment during the comment period.

6. In view of the foregoing, we find it in the public interest to explore the following amendment to the FM Table of Assignments, § 73.202(b) of the Commission's Rules as follows:

City	Channel No.	
	Present	Proposed
Sidney, Nebraska	237A	254

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

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

8. Interested parties may file comments on or before October 20, 1981, and reply comments on or before November 9, 1981.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504, and 73.606(b) of the Commission's rules, 46 Fed. Reg. 11549, published February 9, 1981.

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

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

Federal Communications Commission

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81-573 RM-3841]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

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

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

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

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

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

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

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

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

[FR Doc. 81-25020 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Population figures are taken from the 1970 U.S. Census.

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47 CFR Part 73

[BC Docket No. 81-575; RM-3849]

FM Broadcast Station in Riverton, Wyoming; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 223 to Riverton, Wyoming, in response to a petition filed by Wind River Communications, Inc. The assignment could provide Riverton with a second commercial FM assignment and third nighttime aural broadcast service.

DATES: Comments must be filed on or before October 20, 1981, and reply comments on or before November 9, 1981.

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

FOR FURTHER INFORMATION CONTACT:

Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Riverton, Wyoming), BC Docket No. 81-575, RM-3849.

Adopted: August 12, 1981.

Released: August 21, 1981.

1. A petition for rule making[1] was filed by Wind River Communications, Inc. ("petitioner"), proposing the assignment of Channel 223 to Riverton, Wyoming, as that community's second commercial FM assignment. Petitioner states that it will apply for the channel, if assigned to Riverton.

2. Riverton (population 9,588),[2] in Fremont County (population 40,251), is located approximately 360 kilometers (225 miles) northwest of Cheyenne, Wyoming. It is currently served locally by commonly-owned full-time AM Station KVOW and Station KTAK (FM) (Channel 230), as well as noncommercial educational Station KCWC (Channel 201). Petitioner indicates that its area has experienced an increase in population of approximately 69% during the past decade. It states that the community's economic base is derived from agriculture, timber, mining and energy production.

3. The assignment of Channel 223 to Riverton will cause preclusion on Channels 221A within 65 miles, 222 within 150 miles, 223 within 180 miles, 224A within 105 miles, and 226 within 65 miles. Petitioner lists alternate channels for the precluded communities.

4. Petitioner states, without specifics, that this proposal will provide a second full-time aural broadcast service to Riverton as well as render first service to outlying areas.[3]

§ 73.202 [Amended]

5. In order to give further consideration to this request, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, as follows:

City	Channel No.	
	Present	Proposed
Riverton, Wyoming	230	223, 230

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

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

7. Interested parties may file comments on or before October 20, 1981, and reply comments on or before November 9, 1981.

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

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

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81-575 RM-3849]

1. Purusant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

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

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

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

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

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

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

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

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

[FR Doc. 81-25019 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

[1] *Public Notice* of the petition was given March 9, 1981 (Report No. 1273).

[2] Population figures are extracted from the 1980 U.S. Census.

[3] In showing the extent of a first service, petitioner did not use reasonable facilities for Station KDLY, Lander, Wyoming.

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47 CFR Part 73

[BC Docket No. 81-564; RM-3921]

FM Broadcast Station in Kremmling, Colo.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule.

SUMMARY: This action proposes to assign FM Channel 292A to Kremmling, Colorado, in response to a petition filed by Middle Park Communication Corporation. The assignment could provide Kremmling with a first local aural service.

DATES: Comments must be filed on or before October 19, 1981, and reply comments on or before November 9, 1981.

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

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

SUPPLEMENTARY INFORMATION:

Adopted: August 12, 1981.

Released: August 25, 1981.

By the Acting Chief, Policy and Rules Division:

1. A petition for rule making [1] was filed by Middle Park Communication Corporation ("petitioner"), requesting the assignment of Channel 292A to Kremmling, Colorado, as that community's first FM assignment. Petitioner states that it will apply for the channel if assigned to Kremmling. No responses to the petition have been received, and the channel can be assigned in compliance with the minimum distance separation requirements of § 73.207 of the Commission's Rules.

2. Kremmling (population 1,296),[2] in Grand County (population 7,475), is located approximately 120 kilometers (75 miles) northwest of Denver. It currently has no local aural service.

3. Petitioner indicates that Kremmling has a mayor/council form of government. Its two major employers, according to petitioner, consist of lumbering and mining operations, although ranching and retail outlets add to its economic base. It states that the county is a very popular summer and winter recreation area. It adds that the community is presently served by a weekly newspaper, which is its only local media source. Further, it advises that Kremmling's isolated location in a valley, between the Continental Divide and the Rocky Mountains, obstructs the reception of FM signals while its terrain limits AM service. Petitioner has made a sufficient demonstration of need for a first FM assignment to Kremmling, Colorado.

[1] Public Notice of the petition was given June 19, 1981, Report No. 1293.

[2] Population figures are extracted from the 1980 U.S. Census.

§ 73.207 [Amended]

4. In view of the fact that the proposed FM channel would provide a first local aural FM broadcast service to Kremmling, the Commission believes it appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with regard to that community, as follows:

City	Channel No.	
	Present	Proposed
Kremmling, Colo		292A

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

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

6. Interested parties may file comments on or before October 19, 1981, and reply comments on or before November 9, 1981.

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

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

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

Federal Communications Commission.

Martin A. Blumenthal,

Acting Chief, Policy and Rules Division Broadcast Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

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

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

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

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

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

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

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

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's

Public Reference room at its headquarters, 1919 M Street, N.W., Washington, D.C.
[FR Doc. 81-25126 Filed 8-26-81; 8:45 am]
BILLING CODE 6712-01-M

47 CFR PART 73

[BC Docket No. 81-576; RM-3824]

FM Broadcast Station in Blakely, Georgia; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule.

SUMMARY: This action proposes the assignment of FM Channel 228A to Blakely, Georgia, at the request of Radio Blakely, Inc. The assignment could provide Blakely with its first full-time FM broadcast service.

DATES: Comments must be filed on or before October 20, 1981, and reply comments on or before November 9, 1981.

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

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

SUPPLEMENTARY INFORMATION:

Adopted: August 17, 1981.

Released: August 21, 1981.

By the Acting Chief, Policy and Rules Division:

1. *Petitioner, Proposal, Comments:* (a) A petition for rule making[1] was filed by Radio Blakely, Inc. ("petitioner"), proposing the assignment of FM Channel 228A to Blakely, Georgia, as that community's first FM assignment. Petitioner is licensee of AM Station WBBK, Blakely, Georgia. No responses to the petition have been filed.

(b) In order to comply with the Commission's minimum distance mileage separation requirements, a site restriction of 11.5 kilometers (7.2 miles) southeast of Blakely is required for this proposed assignment to avoid short-spacing to an existing station. Petitioner should submit information showing he can provide the required 70 dBu contour over Blakely from a transmitter located this far out of town.

2. *Community Data:* (a) *Location:* Blakely, the seat of Early County, is located approximately 264 kilometers (165 miles) south of Atlanta, Georgia.

Population: Blakely—5,880.[2] Early County—13,158.

(c) *Local Aural Broadcast Service:* Blakely is served by daytime-only AM Station WBBK.

3. *Economic Considerations:* Petitioner states that Blakely is a thriving community and has experienced some excellent growth in recent years. Its economy is based on agriculture, peanuts being the number one crop in Early County.

§ 73.202 [Amended]

4. In light of the above information, the Commission proposes to amend § 73.202(b) of the Commission's Rules, the FM Table of Assignments, as it pertains to Blakely, Georgia, as follows:

City	Channel No.	
	Present	Proposed
Blakely, Ga		228A

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

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

6. Interested parties may file comments on or before October 20, 1981, and reply comments on or before November 9, 1981.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making To Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 Fed. Reg. 11549, published February 9, 1981.

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

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

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in section 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

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

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

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

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

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

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

[1] Public Notice of the petition was given on January 27, 1981, Report No. 1267.

[2] Population data are taken from the 1980 U.S. Census.

shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

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

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

[FR Doc. 81-25125 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-562; RM-3837]

FM Broadcast Station in Leoti, Kansas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule.

SUMMARY: This action proposes the assignment of Class C channel 260 to Leoti, Kansas, as its first FM channel, in response to a petition filed by KIUL, Inc. The proposed station would provide substantial first and second FM and nighttime aural service to the surrounding area.

DATES: Comments must be filed on or before October 19, 1981, and reply comments on or before November 9, 1981.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: August 12, 1981.

Released: August 25, 1981.

By the Chief, Policy and Rules Division:

1. A petition for rulemaking [1] was filed by KIUL, Inc. ("Petitioner"), proposing the assignment of Class C channel 260 to Leoti, Kansas, as its first FM assignment. Petitioner failed to state that it would apply for the channel, if assigned. It is requested to make a commitment to that effect.

2. Leoti (population 1,916)[2] seat of Wichita County (population 3,274) is located approximately 360 kilometers (225 miles) northwest of Wichita, Kansas. It has no local aural broadcast service.

3. Petitioner asserts that although the population of Leoti has been at a standstill for the past few years, the economy has surged. Based on the median age of the county's population, it is expected that the population will increase and the economy will remain stable. Demographic and economic information has been submitted to demonstrate the need for a first FM assignment to Leoti.

4. *Preclusion Consideration:* According to the information submitted by the petitioner, the assignment of Channel 260 to Leoti will cause preclusion on Channel 257A within 65 miles, Channel 258 within 65 miles, Channel 259 within 150 miles, Channel 260 within 180 miles, and Channel 261A within 105 miles. Petitioner should submit a list of alternate channels available to the precluded areas, in comments to this proposal.

5. Generally a community as small as Leoti would be assigned a Class A channel. However, an exception is made where the Class C proposal could provide a significant amount of first or second FM service to the surrounding area and population. Petitioner states that the assignment of Channel 260 to Leoti will provide a first FM and nighttime aural service to 8,053 square kilometers (3,146 square miles) for 7,381 persons and a second FM and nighttime aural service to 7,116 square kilometers (2,780 square miles) for 13,027 persons.

§ 73.202 [Amended]

6. In view of the fact that the proposed assignment would provide first FM and first and second nighttime aural service, the Commission believes it appropriate to amend the FM Table of Assignments, § 73.202(b) of the Rules, with regard to the community listed below:

City	Channel No.	
	Present	Proposed
Leoti, Kans.		260

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

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

8. Interested parties may file comments on or before October 19, 1981, and reply comments on or before November 9, 1981.

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

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

(Secs. 4, 303, 48 stat., as amended, 1068, 1082; 47 U.S.C. 154, 303.)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division Broadcast Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

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

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

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

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than

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

[2] Population figures are taken from the 1970 U.S. Census.

that, they will not be considered in connection with the decision in this docket.

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

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

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

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

[FR Doc. 81-25127 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-577; RM-3811]

TV Broadcast Station in Virginia Beach, Virginia; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule.

SUMMARY: This action proposes to assign UHF television Channel 43 to Virginia Beach, Virginia, in response to a petition filed by Edward S. Garcia. The assignment would provide Virginia Beach with a first local commercial television service.

DATES: Comments must be filed on or before October 20, 1981, and reply comments must be filed on or before November 9, 1981.

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

SUPPLEMENTARY INFORMATION:

Adopted: August 17, 1981.

Released: August 21, 1981.

By the Acting Chief, Policy and Rules Division:

1. A petition for rule making [1] was filed by Edward S. Garcia, Jr. ("petitioner"), proposing the assignment to UHF television Channel 43 to Virginia Beach, Virginia, as that community's first local commercial television broadcast service. An opposition to the proposal was filed by CBN Continental Broadcasting Network, Inc. ("CBN"), licensee of Station WYAH-TV, Portsmouth, Virginia, to which the petitioner responded. Peititioner states that he will apply for a construction permit if UHF television Channel 43 is allocated to Virginia Beach as proposed.

2. Virginia Beach (population 172,106) [2] is located in the southeast corner of Virginia, adjacent to Norfolk. It currently has no local television channel assignment.

3. Petitioner states that the area's population has more than tripled since 1960 to its current estimated figure of 288,066, and that all signs point to continued growth. It adds that the city has a flourishing tourist trade with an economic base derived from such major components as industry, agriculture, tourism, the military, and retail/wholesale trade. Petitioner indicates that a new Arts and Conference Center is expected to attract many conventions, a major addition to the Virginia Beach economy. In sum, petitioner has made a sufficient showing to demonstrate a need for the proposed assignment.

4. In its opposition, CBN states that petitioner has failed to submit a preclusion study to reveal the effects of adding proposed Channel 43 to Virginia Beach. Further, it asserts that the community receives adequate television coverage and service from neighboring stations. It further alleges that the community could not support a television station of its own, and that the availability of land for a transmitter site has not been shown.

5. In response, petitioner correctly states that a preclusion study is not required in proceedings to amend the Television Table of Assignments. Secondly, it responds that Virginia Beach deserves its own allocation, citing the Commission's holding in Naples, Florida (Docket 19391, 34 FCC 2d 1111, 1114 (1972)). As a final point, it properly adds that the matter of transmitter site availability is not relevant in a rule making proceeding. (Such an issue may be raised at the application stage where it would be feasible to investigate and consider the merits of various allegations, rather than in a rule making proceeding. *See, Beaverton, Michigan,* 44 RR 2d 55 (Broadcast Bureau, 1978).)

6. The proposed assignment meets the minimum distance separation requirements of §73.610 of the Commission's Rules and allows flexibility in transmitter site selection. At this point, we have no reason to believe that a site cannot be obtained to provide city-grade coverage. However, petitioner should indicate the extent to which he has investigated site availability in the area. As for CBN's concern that Virginia Beach cannot support another station, in view of the community's population, we do not share the concern.

§73.606 [Amended]

7. In view of the foregoing, and the fact that the proposed television channel assignment would provide a first local commercial television broadcast service to Virginia Beach, the Commission believes it appropriate to propose amending the Television Table of Assignments, §73.606(b) of the Rules as follows:

City	Channel No.	
	Present	Proposed
Virginia Beach, Virginia		43+

8. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. *NOTE:* A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

9. Interested parties may file comments on or before October 20, 1981, and reply comments on or before November 9, 1981.

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

11. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to

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[1] *Public Notice* of the petition was given December 31, 1980, Report No. 1264.

[2] Population figures are extracted from the 1970 U.S. Census, unless otherwise noted. Also, according to that Census, Virginia Beach City and Princess Anne County were consolidated in 1963 with a combined population for 1980 of 85,218.

Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

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

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rule Division, Broadcast Bureau.

Appendix

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

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

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

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

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

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

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

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

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

[FR Doc. 81-25128 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

48 CFR Parts 7, 42, and 51

Equipment Lease or Purchase, Negotiating Advance Agreements for Independent Research and Development/Bid and Proposal Costs, and Use of Government Sources by Contractors

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

ACTION: Notice of Availability and request for comment on draft Federal Acquistion Regulations.

SUMMARY: The Office of Federal Procurement Policy is making available for public and Government agency review and comment a segment of the draft Federal Acquisition Regulation (FAR) regarding the decision to acquire equipment by lease or by purchase, negotiating advance agreements for IR&D/B&P costs, and use of government supply sources and motor pools by contractors.[1] Availability of additional segements for comment will be announced on later dates. The FAR is being developed to replace the current system of procurement regulations.

DATE: Comments must be received on or before October 9, 1981.

ADDRESS: Obtain copies of the draft regulation from and submit comments to William Maraist, Assistant Administrator for Regulations, Office of Federal Procurement Policy, 726 Jackson Place, N.W., Room 9025, Washington, D.C. 20503. Federal agency requests must be directed to the FAR Agency Contact Point (see Federal Register, Vol. 46, No. 50, March 16, 1981, p. 16818 for list).

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

SUPPLEMENTARY INFORMATION: The fundamental purposes of the FAR are to reduce proliferation of regulations; to eliminate conflicts and redundancies; and to provide an acquisition regulation that is simple, clear and understandable. The intent is not to create new policy. However, because new policies may arise concurrently with the FAR project, the notice of availability of draft regulations will summarize the section or part available for review and describe any new policies therein.

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

Part 7—Acquisition Planning

Subpart 7.4—Equipment Lease or Purchase

This subpart provides guidance pertaining to the decision to acquire equipment by lease or purchase as well as reference to mandatory procedures in 41 CFR 101-25.5 to be followed when acquiring telecommunications equipment and office copying machines. The guidance applies to both initial acquisition of equipment and renewal or extension of existing equipment leases.

Part 42—Contract Administration

Subpart 42.10—Negotiating Advance Agreements for Independent Research and Development/Bid and Proposal Costs

This subpart provides procedures applicable to negotiating advance agreements for IR&D/B&P costs. FAR 31.205-18 covers cost principles governing these costs and extends the manadatory requirement to negotiate these agreements for them to civil agencies consistent with Recommendation B-10 of the Commission on Governmemt Procurement.

Part 51—Use of Government Sources by Contractors

This part prescribes policies and procedures for the use by contractors of Government supply sources and interagency motor pool vehicles and related services.

[1] Filed with the Office of the Federal Register as part of the original document.

Dated: August 20, 1981.

LeRoy J. Haugh,

Associate Administrator for Regulatory Policies and Practices.

[FR Doc. 81-25077 Filed 8-26-81. 8:45 am]

BILLING CODE 3110-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 79-03; Notice 6]

Motor Vehicle Safety Standards; Air Brake Systems

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Proposed rule; Extension of comment period.

SUMMARY: On July 23, 1981 (46 FR 37952), the agency published a proposal to amend Standard No. 121, *Air Brake Systems*, to delete the requirement for a separate reservoir capable of releasing the parking brakes. A 30-day comment period was announced for that proposal. Several commenters have expressed a need for additional time to comment since the notice was published at a time when much of the industry was on vacation. The agency agrees and, by this notice, extends the comment period for another 30 days.

DATE: Comment closing date: September 28, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. John Machey, Crash Avoidance Division, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-2715).

(Secs. 103 and 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1397 and 1407); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on August 24, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81-25076 Filed 8-26-81. 8:45 am]

BILLING CODE 4910-59-M

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. 311 (Sub-No. 5)]

Fuel Surcharge Program; LTL Surcharge and New Surcharge for Household Goods Carriers

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed modifications of fuel surcharge program for motor carriers, freight forwarders, and household goods carriers.

SUMMARY: The Commission is proposing that, with the exception of household goods carriers, carriers pay owner-operators the less-than-truckload (LTL) surcharge on LTL traffic. All carriers would be ordered to reduce the surcharge on LTL rates to no higher than the prevailing LTL surcharge no later than 10 days after publication of a final decision in the **Federal Register**. A new separate fuel surcharge is proposed for household goods carriers. Household goods carriers would be ordered to pay owner-operators this new surcharge (9.4-percent) on household goods traffic. These carriers would be ordered to reduce the surcharge on their present rates to no higher than the new household goods surcharge no later than 10 days after publication of a final decision in the **Federal Register**. The Commission also reiterates its position that the fuel surcharge is only to apply to those accessorial services which consume fuel.

DATE: Comments should be filed on or before September 11, 1981.

ADDRESS: Comments should be addressed to: Interstate Commerce Commission, Room 5356, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT:

Ted Kalick, (202) 275-6446
David Manning, (202) 275-7395
William Bono, (202) 275-7354
Lee Alexander, (202) 275-7597

SUPPLEMENTARY INFORMATION: In a notice in Ex Parte No. 311 (Sub-No. 4), *Modification of the Motor Carrier Fuel Surcharge Program*, served July 31, 1981, (45 FR 40221, August 7, 1981) the Commission offered a major change in the fuel surcharge program. After the issuance of a decision and final notice regarding a proposal to require agreements where carriers are to compensate owner-operators for all fuel costs exceeding 63.5 cents a gallon, the Commission proposed to freeze the various surcharges at the then authorized levels for a 60-day period during which the carriers may fold in all or a portion of the allowable surcharge into their base rates.

The decision also commented on the application of the surcharge to certain accessorial charges which do not consume fuel and application of the truckload surcharge level on less-than-truckload shipments handled by owner-operators.

With regard to accessorial charges, Special Permission No. 79-2800 requires the fuel surcharge to apply to the line-haul transportation charges and charges for other services which consume fuel, such as pickup and delivery and refrigeration. The carriers have been required to specify in their tariffs the charges on which the surcharge will be applied.

There have been some indications that this requirement has been abused. The surcharge must only be applied to the line-haul charge and those accessorial charges which consume fuel. Shippers who believe they may have been billed incorrectly should contact the carrier or consult with the nearest ICC field office. Appropriate enforcement action will be taken if violations of the terms of the Special Permission are brought to our attention.

In addition, we are proposing to make the following technical adjustment: with the exception of the household goods carriers for the remaining life of the present surcharge program carriers, are to pay owner-operators at the less-than-truckload (LTL) surcharge on LTL traffic. At present, all owner-operator traffic is paid the 18-percent surcharge, whether truckload or LTL. This has led to various problems and distortions. The LTL surcharge was originally established for those carriers which do not employ owner-operators, with recognition of the fact that owner-operators predominantly haul truckload lots. However, some carriers do use owner-operators to haul LTL traffic.

The Commission recognized that since there could not be two rate levels on a particular carrier's LTL traffic, depending on whether a load was hauled by an owner-operator or company driver, carriers had a choice of placing either the higher truckload surcharge on their LTL traffic, or the lower LTL surcharge. This has resulted in either overcompensation to some owner-operators, or in a cost squeeze to certain carriers. In the former instance, there have been many documented statements showing the surcharge not just paying for the increased cost of fuel, but the entire fuel cost of a movement and more. In the latter instance, the cost squeeze resulted from some carriers choosing to apply the LTL surcharge for competitive reasons while having to pay the higher surcharge to their owner-operators out-of-pocket.

Accordingly, for the remaining period of the surcharge program, the Commission is proposing that carriers pay owner-operators the LTL surcharge level on LTL traffic. This should alleviate the overcompensation and/or

cost-squeeze problems noted above, and could lead to some rate relief for shippers. After receipt of comments, we would issue a final decision ordering that carriers reduce the surcharge on LTL rates to no higher than the prevailing LTL surcharge. Presently, this surcharge is 3.1-percent. Carriers would be ordered to effect this change no later than 10 days after publication of the final decision in the **Federal Register.**

We are aware that over the life of the surcharge program, some carriers using owner-operators on LTL traffic have not taken increases in their basic LTL rates because of the surcharge. Therefore, a sharp reduction in the LTL surcharge could, in some instances, create serious revenue shortfalls. We note that those carriers needing immediate rate relief can file for special permission relief, including short-notice. Relief will be considered on a case-by-case basis, and will be granted only if good cause is shown.

The household goods carriers require somewhat different treatment. These carriers also use owner-operators and for the most part, have charged the higher truckload surcharge in their tariffs. The great bulk of household goods shipments weigh slightly less than 10,000 pounds, thereby falling below the usual pound-breakpoint used by the Commission to distinguish LTL and truckload shipments. However, the household goods carriers have noted and the Commission has acknowledged that no distinction exists in household goods carriers tariffs between LTL and truckload shipments. See, Docket No. 37405, *International Business Machines Corporation* v. *Allied Van Lines, Inc., et al,* initial decision served October 10, 1980.[1]

For purposes of the fuel surcharge program, since owner-operators were used, it was proper for household goods carriers to charge the higher truckload surcharge. This led, much the same as in the general LTL shipments area, to the overcompensation and/or cost squeeze problems outlined above. This was true even though household goods movements are not technically truckload or LTL movements. Household goods movements have been a major source of complaints from shippers regarding excessive overcompensation of the fuel surcharge.

Because neither the LTL nor the TL fuel surcharge bears a direct relationship to the cost of fuel that household goods carriers consume to transport traffic, for the remaining life of the surcharge program, we are proposing to establish a separate fuel surcharge for household goods carriers. Percentage of fuel expense to revenue expense to revenue figures for other carriers used to develop the various fuel surcharges were based on year-end 1978 data. We have taken such data for household goods carriers from the Household Goods Carriers' Bureau filing for an early X–311 rate increase, filed May 16, 1979, and have established that the percentage of fuel expense to revenue (including taxes) for household goods movements is 8.9 percent. Based on the results of the lastest fuel survey in our most recent weekly decision[2] the proper fuel surcharge for household goods carriers is 9.4-percent.[3]

For the remaining life of the surcharge program, the Commission is proposing that household goods carriers pay their owner-operators the prevailing household goods surcharge. After receipt of comments, we would issue a final decision ordering that household goods carriers reduce the surcharge on their rates to no higher than the 9.4 percent figure authorized here. Carriers would be ordered to effect this change no later than 10 days after publication of a final decision in the **Federal Register.** Subsequent changes in the level of this new surcharge, if necessary, would be made in our weekly decisions under Ex Parte No. 311.

We anticipate that a final decision regarding the LTL surcharge and the new household goods surcharge will be issued well in advance of the October 8, 1981, final decision date for Ex Parte No. 311 (Sub-No. 4). All rate changes discussed above must be effected before that date.

This decision does not significantly affect either the quality of the human environment or the conservation of energy resources.

Dated: August 25, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–25234 Filed 8–26–81; 8:45 am]

BILLING CODE 7035–01–M

[1] This decision was subsequently affirmed by Review Board Number 2 and the Commission in decisions served April 27, 1981, and July 22, 1981, respectively.

[2] In our August 11, 1981 decision, the average price of diesel fuel is $1.30.8 per gallon.

[3] The percentage increase in the cost fuel from 63.5 cents, the based period price, to $1.30.8 is 106.0 percent. This latter figure, multiplied by 8.9-percent equals a 9.4-percent fuel surcharge.

Notices

Federal Register
Vol. 46, No. 166
Thursday, August 27, 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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Freedom of Information Act; Confidential Business Information

AGENCY: Administrative Conference of the United States.

ACTION: Request for comments.

SUMMARY: The Administrative Conference Committee on regulation of business currently is examining the procedures used by agencies in complying with Freedom of Information Act requests which seek disclosure of material that may be covered by exemption (b)(4) of the Act, the "confidential business data exemption". The Committee desires comments on ten questions which will be the focus of the Committee's proposed recommendations and report to the Plenary Session of the Administrative Conference in December 1981. Views and supporting factual material are requested to be submitted to aid the Committee in the completion of its project on confidential business information.

SEND COMMENTS TO: William C. Bush, Administrative Conference of the United States, 2120 L Street NW., Suite 500, Washington, D.C. 20037.

COMMENT DEADLINE: September 25, 1981.

FOR FURTHER INFORMATION CONTACT: William C. Bush, Administrative Conference of the United States, 2110 L Street NW., Suite 500, Washington, D.C. 20037; telephone (202) 254–7065.

SUPPLEMENTARY INFORMATION: The Administrative Conference Committee on regulation of business is working toward development of recommendations concerning agency procedures and practices in dealing with Freedom of Information Act requests for information that would fall within exemption (b)(4) of the Act, the "confidential business data exemption", 5 U.S.C. 552(b)(4). This information would ordinarily be in the form of documents in an agency's possession which had been submitted to the agency by a private person or business firm. The information which is submitted, including routine reports, voluntary submissions, and material obtained by the agency under its statutory information-gathering authority, may include documents containing "confidential" information or trade secrets of the submitting person.

The Committee issued a request for public comments on this subject in the Federal Register of October 22, 1980 (45 FR 70033) and received a number of comments regarding instances in which disclosure of business information by agencies was asserted to have affected the business or competitive position of submitting persons. The Committee is now focusing on a limited set of questions arising from its study and from the draft report of Professor Russell B. Stevenson, Jr. presented to the Committee in late 1980. (Professor Stevenson's report is now in final form and is available on request.) These questions are offered for public comment so that as much new and divergent opinion can be accumulated as may be possible within the short period of time remaining for the Committee's consideration of these issues. Although September 25 is the last date on which comments are requested, the Committee anticipates that comments received after that date will be reviewed and considered to the extent feasible.

All comments submitted to the Committee will be placed in a file available for public inspection during normal business hours (9:00 a.m. to 5:30 p.m. Monday through Friday, excluding federal holidays) at the Office of the Chairman of the Administrative Conference, 2120 L Street NW., Suite 500, Washington, D.C.

Questions on Which Comments are Requested

1. The Committee has examined the Paperwork Reduction Act of 1980, 44 U.S.C. 3507, Pub. L. 96–511, 94 Stat. 2819, as it relates to the collection of private information by government agencies. The agencies' handling of confidential business information has been a source of significant debate in the case law, among the commentators, and in Committee presentations. What role, if any, should the agencies or the Office of Management and Budget assign to the Paperwork Reduction Act in the limitation of incoming confidential business data? If it can be assumed that information which never comes to an agency will not be subject to potential Freedom of Information Act disclosures, is the protection of private business data from such disclosures a matter which might be addressed under either the current or perhaps an amended Paperwork Reduction Act?

2. Is it possible to redefine the term "agency record" so as to resolve difficulties with the handling of Freedom of Information Act requests for private commercial data in agency files? Would such a redefinition require a statutory change?

3. The Committee has noted that some pending legislation would make the commercial confidentiality exemption of the Freedom of Information Act, 5 U.S.C. 552(b)(4), a mandatory—rather than a permissive—withholding provision. Is this a sound public policy? If it were adopted, what provision for exceptions should be made?

4. Current case law has tended to define the term "confidential" in Freedom of Information Act exemption 4, 5 U.S.C. 552(b)(4), to require, inter alia, a demonstration of substantial harm to the competitive position of a commercial submitter in a particular market. Several alternative "confidential" formulations have been proposed, including: (i) information which customarily is held as confidential by the submitter; (ii) information which is "circumstantially relevant business information"; and (iii) information the disclosure of which would impair legitimate private competitive interests of any person. What definition of "confidential" best serves to balance legitimate private needs against the public's right freely to oversee government operations?

5. The Committee has received suggestions that submitters of private confidential data should be required to mark that information as confidential at the time of its submission. Should this be adopted? Should the agenices define one or more categories of data which will be treated as public information, absent a special showing of need for confidential treatment? Should agencies define other categories as presumptively confidential absent a showing of exceptional needs for public

dissemination of information from that category?

6. The Committee has received a report proposing that notification prior to agency disclosure be given to the submitter of private data claimed to be confidential. Is such notification a prudent administrative policy? Should an agency be required to provide a hearing in response to legitimate objections against the pending disclosure, and, if so, what type of procedure should be provided?

7. Pending legislation has proposed that, where a hearing is given to the submitter, the hearing be limited to the presence of agency and submitter representatives; it has been asserted that participants in such hearings would not be as candid if the person seeking disclosure of the commercial data were present. Is this an appropriate method of hearing for this type of information?

8. Many agency procedural systems specify the level of officials who are authorized to deny requests for disclosure under the Freedom of Information Act. Should a similar level of determination (e.g., a high-ranking agency official) be required to consent to agency dissemination of information that may be covered by exemption (b)(A)?

9. Time limits for determinations under the current Freedom of Information Act are rather short. What time limits are appropriate to a case in which the submitter seeks to prevent disclosure of commercial confidential information? Is expedited treatment in the courts appropriate for those cases in which submitters seek judicial review of agency disclosure decisions?

10. The judicial review of a disclosure decision, available to submitters under section 706 of the Administrative Procedure Act, contrasts with the special statutory provision for review of a withholding decision which is available to persons requesting disclosure under section 552(a)(4) of the Freedom of Information Act. Should a similar right to judicial review be provided, in the district court, by statute, and on a de novo basis, for both the requester and the submitter of confidential business data?

Richard K. Berg,

Executive Secretary.

August 20, 1981.

[FR Doc. 81-24917 Filed 8-26-81; 8:45 am]

BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Forest Service

San Juan National Forest Grazing Advisory Board; Meeting

The San Juan National Forest Grazing Advisory Board will meet on Tuesday, September 22, 1981 at 1:00 p.m. at the Centennial Savings and Loan, Hospitality Room, 1011 East 2nd Ave., Durango, Colorado. The Board was established in accordance with provisions of the Federal Land Policy and Management Act of 1976.

The Agenda for the meeting will include: (1) recommendations for the utilization of range betterment funds; (2) recommendations for the development of allotment management plans; (3) construction and maintenance standards for range improvements; (4) problems and conflicts involving the grazing of livestock on the Forest; management plans and the utilization of range betterment funds.

The meeting will be open to the public. Persons who wish to attend and participate should notify H. E. Bond, San Juan National Forest (303-247-4874) prior to the meeting. The public may participate in discussions during the meeting or may file a written statement following the meeting.

August 17, 1981.

P. C. Sweetland,

Forest Supervisor.

[FR Doc. 81-25050 Filed 8-26-81; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Hillsville Elementary School Critical Area Treatment RC&D Measure, Virginia; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Manly S. Wilder, State Conservationist, Soil Conservation Service, 400 North 8th Street, P.O. Box 10026, Richmond, Virginia 23240, telephone 804-771-2454.

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

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

The measure concerns a plan for critical area stabilization on the Hillsville Elementary School grounds. The planned work will include diversions, outlet protection, foot traffic control, seeding and mulching. All disturbed areas will be seeded with adapted permanent vegetation.

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

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

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

Dated: August 17, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-25048 Filed 8-26-81; 8:45 am]

BILLING CODE 3410-16-M

Llagas Creek Watershed, California; Intent to Prepare an Environmental Impact Statement

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of intent to prepare an environmental impact statement.

FOR FURTHER INFORMATION CONTACT: Francis C. H. Lum, State Conservationist, Soil Conservation Service, 2828 Chiles Road, Davis, California 95616, telephone 916-758-2200.

Notice: Pursuant to Section (102)(2)(C) of the National Environmental Policy

Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice than an environmental impact statement (EIS) is being prepared for the remaining works for the Llagas Creek Watershed, Santa Clara County, California.

The environmental assessment of this federally assisted action indicates that the completion of the project may cause significant local, regional, or national impacts on the environment. As a result of these findings, Francis C. H. Lum, State Conservationist, has determined that the preparation and review of an environmental impact statement are needed to complete this project.

Partial excavation of 10.9 miles of channel was done in 1971–1972 by the California Department of Transportation (CALTRANS) for fill material for Interstate 101. Another 1.2 miles of channel construction was completed by the Soil Conservation Service (SCS) in 1973. As a result of this work, the 100-year flood plain was reduced approximately 3,400 acres resulting in $233,000 average annual benefits primarily to agriculture. At the time, no environmental documents were prepared.

In 1974, construction was stopped by SCS to further evaluate environmental impacts. The local sponsors organized the Llagas Creek Citizens Advisory Committee to develop project goals and objectives and also to recommend to the local sponsors a project plan. After numerous public meetings, the project as presented in the 1979 draft EIS was recommended to SCS in July 1978 by the local sponsors and was in general agreement with the plan recommended to the sponsors by the Citizens Advisory Committee.

A draft EIS was distributed in July 1979, and a public hearing was held on September 16, 1979. The draft EIS was distributed to approximately 500 agencies, groups, and individuals. As a result of the EIS, strong citizen opposition emerged. The major concerns voiced were urbanization of South Santa Clara Valley, level of flood protection, economic justification, raising Chesbro Dam, effects on riparian vegetation including fish and wildlife, maintenance, use of herbicides, linear park, groundwater recharge, and adequacies of the draft EIS. As a result, it was agreed by SCS and sponsors to conduct a restudy on the proposed project. The restudy indicates that potential impacts are substantially different and SCS has decided to issue a new draft EIS sometime in the fall of 1981.

Mitigation for work previously done by CALTRANS and SCS will be accomplished under a Finding of No Significant Impact.

The project concerns a plan for watershed protection and flood prevention. Planned works of improvement include the installation of 18 miles of channels and appurtenances including 11 drop structures.

A draft EIS will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites participation of agencies and individuals with expertise or interest in the preparation of the draft EIS. The draft EIS will be developed by Francis C. H. Lum, State Conservationist.

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

Dated: August 14, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-25047 Filed 8-26-81; 8:45 am]

BILLING CODE 3410-16-M

Turkey Ridge Creek, Hurley Creek, and Mission Hill Watersheds, S. Dak.; Deauthorization of Federal Funding

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of deautorization of Federal funding.

FOR FURTHER INFORMATION CONTACT: Mr. Robert D. Swenson, State Conservationist, Soil Conservation Service, 200 Fourth Street, S.W., Huron, South Dakota 57350, telephone 605–352–8651.

Notice: Pursuant to the Watershed Protection and Flood Prevention Act, Public Law 83–566, and the Soil Conservation Service Guidelines (7 CFR 622), the Soil Conservation Service gives notice of the deauthoriztion of Federal funding for the Turkey Ridge Creek (Turner, Hutchinson, and Yankton Counties), Hurley Creek (Turner County), and Mission hill (Yankton County) Watershed projects, South Dakota, effective on August 11, 1981.

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

Dated: August 18, 1981.

David G. Unger,

Associate Chief, Soil Conservation Service.

[FR Doc. 81-25049 Filed 8-26-81; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

Economic Development Administration

Petitions by Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from the following firms: (1) Silton Brothers, Inc., 3535 South Broadway, Los Angeles, California 90007, producer of men's and women's coats, jackets and sweaters (accepted August 6, 1981); (2) Hartzell Flowers, Inc., 5354 Germantown Pike, Dayton, Ohio 45418, producer of fresh cut flowers and potted plants (accepted August 10, 1981); (3) Glenmaid Lingerie Company, Inc., 387 Third Avenue, Troy, New York 12182, producer of women's underwear, shirts and sleepwear (accepted August 10, 1981); (4) Nord-Teck Corporation, 21010 Superior Street, Chatsworth, California 91311, producer of circuit boards (accepted August 10, 1981); (5) Jaffrey Automatic Stove Company, Inc., P.O. Box 358, Charlestown, New Hampshire 03603, producer of stoves (accepted August 10, 1981); (6) Federal Press Company, P.O. Box 400, Elkhart, Indiana 46515, producer of mechanical power presses (accepted August 10, 1981); (7) Superior Generator & Armature Company, Inc., P.O. Box 1310, Scranton, Pennsylvania 18509, producer of automotive parts (accepted August 10, 1981); (8) Baltimore Broom Machine Company, 2800 Sisson Street, Baltimore, Maryland 21211, producer of sewing machines and broom, mop and brush machines (accepted August 10, 1981); (9) Kraft Systems, Inc., 450 W. California Avenue, Vista, California 92083, producer of radio control equipment for hobley vehicles (accepted August 11, 1981); (10) Laconia Shoe Company, Inc., P.O. Box 160, Laconia, New Hampshire 03246, producer of men's and women's footwear (accepted August 14, 1981); (11) Beloved Toys, Inc., 1601 Bellefontaine, Kansas City, Missouri 64127, producer of stuffed animals (accepted August 17, 1981); (12) Brooklyn Overall Company, Inc., 112 Commercial Street, Freeport, New York 11520, producer of men's, women's and children's overalls and pants accepted August 17, 1981); and (13) Lenoxx Electronic Corporation, 55 Randolph Avenue, Avenel, New Jersey 07001, producer of compact stereo

recorders and players (accepted August 19, 1981).

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93–618) and Section 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalogue of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.309, Trade Adjustment Assistance. Inasfar as this notice involves petitions for the determination of eligibility under the Trade Act of 1974, the requirements of Office of Management and Budget Circular No. A–95 regarding review by clearinghouses do not apply.

Jack W. Osburn, Jr.,

Chief, Trade Act Certification Division, Office of Eligibility and Industry Studies.

[FR Doc. 81-24907 Filed 8-26-81; 8:45 am]

BILLING CODE 3510-24-M

International Trade Administration

Canned Bartlett Pears From Australia; Final Results of Administrative Review of Antidumping Finding and Determination Not to Revoke

AGENCY: U.S. Department of Commerce, International Trade Administration.

ACTION: Notice of final results of administrative review of antidumping finding and determination not to revoke.

SUMMARY: On March 2, 1981, the Department of Commerce published the preliminary results of its administrative review and tentative determination to revoke the antidumping finding on canned Bartlett pears from Australia. The review covered all known exporters of this merchandise and the period September 1, 1973 through October 2, 1978, the date of a previous Treasury Department tentative determination to revoke.

Interested parties were provided an opportunity to submit written comments or request a hearing. The petitioner requested a hearing which was held on April 7, 1981. As a result of this hearing, posthearing briefs and supplemental information submitted by interested parties, the Department determines not to revoke the finding.

EFFECTIVE DATE: August 27, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert J. Marenick or Frank Brennan, Office of Compliance, International Trade Administration, Department of Commerce, Washington, D.C. 20230, (202–377–2496).

SUPPLEMENTARY INFORMATION:

Procedural Background

On March 23, 1973, a dumping finding with respect to canned Bartlett pears from Australia was published in the **Federal Register** as Treasury Decision 73–84 (38 FR 7566).

As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department of Commerce ("the Department") conducted an administrative review of the antidumping finding on this merchandise and as a result published, on March 2, 1981, a notice of "Preliminary Results of Administrative Review of Antidumping Finding and of Tentative Determination to Revoke" (46 FR 14755). The Department has now completed its administrative review of the finding.

Scope of the Review

Imports covered by this review are canned Bartlett pears, currently classifiable under item 148.8600 of the Tariff Schedules of the United States Annotated (TSUSA). The review covered all known exporters of the merchandise and the period September 1, 1973 through October 2, 1978, the date of Treasury's prior determination to revoke. There is no evidence of any importations of this merchandise during the period of review and there are no known unliquidated entries. After publication of our notice of preliminary results, the petitioner requested a hearing which was conducted by the Department of April 7, 1981.

Synopsis of Comments Received

Petitioner argues that the fact of no shipments of this merchandise to the United States since the date of the finding does not justify revocation in view of the fact that there is a substantial likelihood of resumption of sales at less than fair value if the Department revoked the finding. The burden of proof falls upon the Australian exporters to show that they will not ship to the U.S. at less than fair value. Petitioner contends that, given the current market conditions in both Australia and the United States, Australian exporters' sales to the U.S. would necessarily have to be made at less than fair value. Based on estimated figures for current sales in both markets supplied by the petitioner, potential margins of sales at less than fair value for this merchandise would range from 96 percent to 136 percent.

Respondents, on the other hand, argue that this case fulfills the requirements for revocation of an antidumping finding because there have been no sales of this merchandise (and therefore no sales at less than fair value) in the United States for over eight years and because all Australian exporters of canned Bartlett pears have provided the written agreement required by section 353.54 of the Department of Commerce Regulations. They also argue that Article 9 of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade ("the Antidumping Code") requires revocation here because "[a]n anti-dumping duty shall remain in force only as long as, and to the extent necessary to counteract dumping which is causing injury". Respondents contend that there is no convincing evidence to assume, as petitioner has done, that sales at less than fair value will resume after revocation of the finding. Respondents provided estimated sales information which conflicted with petitioner's estimated United States selling prices and freight costs. However, respondents' estimated figures demonstrate that any possible sales under current market conditions would occur at less than fair value, with dumping margins ranging from 30 to 35 percent.

Review of Comments Received

There is evidence that, should Australian exporters immediately resume sales of this merchandise to the United States on a competitive basis, such sales would likely be at less than fair value. While the potential margins using the petitioner's and respondents' estimates differ, the potential margins of 30 to 35 percent based on the respondents' information are too large to justify revoking this finding. Section 353.54 of the Commerce Regulations states in part that "[w]henever the

Secretary * * * is satisfied that there is no likelihood of resumption of sales at less than fair value, he may act to revoke or terminate, in whole or in part, such Order or Finding * * *". Through our review of present U.S. market conditions (as opposed to petitioner's earlier speculations by analogy to market conditions in another country, an approach rejected by us in our tentative revocation), we are not satisfied that there is no likelihood of the resumption of sales at less than fair value. Moreover, we have no reason to believe that present market conditions in the United States and Australia are temporary phenomena.

Final Results of the Review

As a result of our review of oral and written comments submitted, we determine to maintain the finding on this merchandise.

There have been no shipments of this merchandise since September 1973, a period of over eight years. Therefore, the Department shall not require a cash deposit of estimated antidumping duties, as defined in § 353.48(b) of the Commerce Regulations. This waiver of deposit shall remain in effect until publication of the next administrative review. The Department intends to conduct the next administrative review by the end of March, 1982.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

August 21, 1981.

[FR Doc. 81-25066 Filed 8-26-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Coastal Zone Management Advisory Committee; Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. 1, notice is hereby given of the meeting of the Coastal Zone Management Advisory Committee (the "Committee") on Thursday and Friday, September 17–18, 1981. The meeting will commence at 9:30 a.m. on September 17, and 9:30 a.m. on September 18. The meetings will be held in the Navy Conference Room, Page I Building, 2001 Wisconsin Avenue, NW., Washington, D.C. The meeting will open to public observation and approximately 25 seats will be available. Interested persons are invited to attend and participate in the meeting, subject to the procedures which follow. From approximately 4:00 p.m. until 5:00 p.m. on September 17, persons will be permitted to make oral statements to the Committee which are relevant to topics on the agenda. The Chairperson retains the prerogative to place limits on the duration of oral statements and discussions. Persons wishing to make oral statements should notify the Committee Control Officer 24 hours before the meeting, or written statements may be mailed within five days to: Coastal Zone Management Advisory Committee, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street, NW., Washington, D.C. 20235, Attn: Ms JoAnn Chandler, Committee Control Officer, CZM Advisory Committee. All statements received in typewritten form will be distributed to the Committee for consideration with the minutes of the meeting. Inquiries may be directed to the Committee Staff at (202) 634–4245. The items for Committee discussion at the meeting will include the following:

September 17

9:30 a.m., Call to Order—Opening Remarks Barbara Fegan—Chairperson
10:00 a.m.–1:00 p.m., Coastal Issues, Outer Contenental Shelf, Barrier Islands, Port Development, Wetland Permitting
1:00 p.m.–2:00 p.m., Lunch
2:00 p.m.–4:00 p.m., OCZM Reports, Re-Organization of OCZM, Phase-down of CZM Program, Directly Affecting Regulations, New Directions for Marine Sanctuaries
4:00 p.m.–5:00 p.m., Public Comment, Adjourn

September 18

9:30 a.m., Opening Remarks
10:00 a.m.–11:30 a.m., Proposed Rulemaking to Implement the 1980 Amendments to the Coastal Zone Management Act (CZMA)
11:30 a.m.–1:00 p.m., Role of the Coastal Zone Management Committee in the Phase-down Process; Adjourn.

The meeting will be devoted to an analysis and commentary on the above areas as they relate to the management of the coastal zone.

Dated: August 24, 1981.

JoAnn Chandler,

Acting Assistant Administrator, Coastal Zone Management, National Oceanic and Atmospheric Administration.

[FR Doc. 81-25068 Filed 8-26-81; 8:45 am]

BILLING CODE 3510-08-M

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

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

ACTION: Notice of closure of the commercial fisheries in subareas A and B, and of the recreational fishery in subarea A.

SUMMARY: The Director, Northwest Region, National Marine Fisheries Service (Regional Director), has determined that the all-species commercial salmon fishery from Cape Falcon, Oregon, north to the Canadian border (subarea A), and the all-species commercial salmon fishery from Cape Falcon, Oregon, south to the California-Oregon border (subarea B), will reach their quotas of 372,000 coho and 548,000 coho, respectively, by August 21, 1981. The Regional Director has determined further that the recreational fishery in subarea A will reach its quota of 248,000 coho on August 26, 1981. this notice is being issued to close those fisheries to ensure that the harvest quidelines are not exceeded.

DATES: Effective dates for closing (a) the commercial all-species salmon fishery in subareas A: 2400 hours PDT, August 21, 1981 until 2400 hours September 1, 1981; (b) the commercial all-species salmon fishery in subarea B: 2400 hours PDT, August 21, 1981 until 2400 hours September 8, 1981; and (c) the recreational salmon fishery in subarea A: 2400 hours PDT, August 26 until 2400 hours September 7, 1981. Public comments on this notice of closure are invited until September 5, 1981.

ADDRESS: Comments should be sent to: H. A. Larkins, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way N.E., BIN C15700, Seattle, Washington 98115.

FOR FURTHER INFORMATION CONTACT: H. A. Larkins, (206) 527–6150.

SUPPLEMENTARY INFORMATION: The emergency regulations implementing the 1981 FMP amendment to 50 CFR 661, were published in the **Federal Register** (46 FR 30633) and became effective on June 5, 1981. The emergency regulations were extended for an additional 45 days through September 3, 1981 (46 FR 37705). These regulations specify at 661.12(a)(4) that when a harvest guideline for a commercial or recreational fishery, or both, is projected by the Regional Director to be reached prior to the end of the season, the Regional Director will by publication of a notice in the **Federal Register**, close the fishery as of the date the harvest guideline will be reached.

The harvest guideline for the all-species commercial salmon fishery is 372,000 coho for subarea A and 548,000 coho for subarea B. the recreational fishery harvest guideline for subarea A is 248,000 coho. Based upon the most recent catch data supplied by the Washington Department of Fisheries and the Oregon Department of Fish and Wildlife, the commercial fisheries in both subareas A and B will reach their quotas by August 21, 1981. The recreational fishery in subarea A will reach its quota by August 26, 1981. The Regional Director therefore issues this notice that the all-species ocean salmon commercial fisheries in both subareas A and B will be closed effective midnight, August 21, 1981, and the ocean salmon recreational fishery in subarea A will be closed effective midnight, August 26, 1981.

This notice does not affect other seasons specified in the 1981 regulations. the commercial fishery for all salmon but coho authorized in § 661.10(a)(2)(iv) to take place between Cape Falcon and Cape Sebastian will start at 0001 hours PDT on August 22, 1981, and continue until 2400 hours September 8.

In accordance with 661.12(a)(7) of the emergency regulations, the Regional Director finds that public comment on this notice of closure for a period ending 15 days following the closure date would be in the best interest of the public. The data on which this notice is based may be reviewed at the Office of the Regional Director (address above) during the comment period.

(16 U.S.C. 1801 *et seq.*, and 50 CFR 661.12)

Dated: August 21, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-24899 Filed 8-24-81; 9:37 am]

BILLING CODE 3510-22-M

Caribbean Fishery Management Council, Statement of Organization, Practices, and Procedures Subcommittee, Education and Information Subcommittee, and Administrative Subcommittee; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Caribbean Fishery Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (MFCMA) of 1976 (Public Law 94-265), has established Statement of Organization, Practices, and Procedures (SOPP), Education and Information, and Administrative Subcommittees. The Council and its Subcommittees will hold separate meetings. The Council will hold its 37th regular meeting to consider status reports on Fishery Management Plans (FMPs) under development; draft FMP for Shallow-Water Reef Fish; the Caribbean Section of the Atlantic Billfish Draft FMP; the ecosystem or generic approach to FMP development in the Caribbean Fishery Conservation Zone; discuss progress on preparation of the color-slide narrated presentation on Council activities, as well as discuss administrative matters and other Council business. The SOPP Subcommittee will consider new proposed operating practices and procedures designed to conform with the guidelines established by NMFS in MFCMA Operations Handbook of October 1980. The Education and Information Subcommittee will also meet to consider the color-slide narrated presentation on Council activities and to discuss the Council's newsletter. The Administrative Subcommittee will meet to consider matters related to the Council's budget and administrative operations. These meetings are open to the public.

DATES: The Council meeting will convene on Tuesday, September 22, at approximately 9:00 a.m., and will adjourn on Wednesday, September 23, 1981 at approximately noon. The SOPP Subcommittee will convene on Monday, September 21, at approximately 10:30 a.m., and will adjourn at approximately noon. The Education and Information Subcommittee will convene on Monday, September 21, at approximately 1:30 p.m., and will adjourn at approximately 3:00 p.m. The Administrative Subcommittee will meet September 21, at approximately 3:00 p.m., and will adjourn at approximately 5:00 p.m.

ADDRESS: The meetings will take place at the Conference Room of the St. Thomas Hotel and Marina, St. Thomas, U.S. Virgin Islands.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council Suite 1108, Banco de Ponce Building Hato Rey, Puerto Rico 00918 Telephone: (809) 753-4926.

Dated: August 21, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-24893 Filed 8-26-81; 8:45 am]

BILLING CODE 3510-22-M

Gulf of Mexico Fishery Management Council's Shrimp Resources Subpanel; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Gulf of Mexico Fishery Management Council, established by the Magnuson Fishery Conservation and Management Act of 1976 (P.L. 94-265), has established a Shrimp Resources Subpanel, which will meet to review the updated Fishery Management Plan for Gulf Shrimp.

DATES: The meeting will convene at approximately 10:00 a.m. on Thrusday, September 17, 1981, and will adjourn at approximately 4:00 p.m. This meeting is open to the public.

ADDRESS: The meeting will take place in the Pontchatrain Room of the Landmark Motor Inn, 2601 Severn Avenue, Metairie, Louisiana.

FOR FURTHER INFORMATION CONTACT: Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609, Telephone (813) 228-2815.

Dated: August 21, 1981.

Robert K. Crowell,

Deputy Executive Director National Marine Fisheries Service.

[FR Doc. 81-24892 Filed 8-26-81; 8:45 am]

BILLING CODE 3510-22-M

Issuance of Permit; Artiszoo

On July 16, 1981, notice was published in the **Federal Register** (46 FR 36880) that an application had been filed with the National Marine Fisheries Service by Artiszoo, Royal Zoological Society, "Natura Artis Magistra," Plantage Kerklaan 38-40, Amsterdam, Netherlands, for a permit to obtain two (2) California sea lions (*Zalophus californianus*) for the purpose of public display.

Notice is hereby given that on August 21, 1981, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) the National Marine Fisheries Service issued a public display permit for the above activity to Artiszoo subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: August 21, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-24894 Filed 8-26-81; 8:45 am]

BILLING CODE 3510-22-M

National Telecommunications and Information Administration

Grants for Planning and Construction of Public Telecommunications Facilities; Acceptance of Applications for Filing; Correction

Notice is hereby given of the following corrections to the listing of applications accepted for filing under the provisions of Title III, Part IV of the Communications Act of 1934, as amended (47 U.S.C. 390–394), and in accordance with 15 CFR Part 2301; which was announced on July 30, 1981, 46 FR 39082–39105.

I. The incorrect application from the Capital Area Vocational Center, 2201 Toronto Rd., Springfield, IL, was included in the acceptance for filing notice. On page 39090, column 1, delete File No. 1798 CTB paragraph from the acceptance for filing, and insert the following in its place:

File No. 1845 CRB, Capital Area Vocational Center, 2201 Toronto Road, Springfield, IL 62708. Signed by: Ralph Twenhafel, Chairman, Exec. Council. Funds Requested: $7,450. Total Project Cost: $10,190. To facilitate the expansion of public telecommunications facilities at radio station WQNA–FM 89.9 MHZ, in Springfield, through the acquisition of new origination equipment to meet community needs.

II. The following were incorrectly listed in part II of the notice as deferred applications which had been submitted and accepted for filing in prior fiscal years. In fact, they are new proposals which are under consideration for the first time this fiscal year; and are inserted in part I, *New Applications and Major Amendments to Deferred Applications*, under the appropriate State abbreviation heading as follows:

File No. 1329 CTB, Fremont School District RE3, PO Box 385, Cotopaxi, CO 81223. Signed By: David Trujillo, Superintendent. Funds Requested: $9,000. Total Project Cost: $12,000. Date Received: January 5, 1981. To extend the signal of KTSC–TV, in Pueblo, with translators which will bring the first public television service to residents of the Arkansas River Valley area of Fremont County in western Colorado.

File No. 1846 CRB, KHUM Denver Educ Broadcasting, 3401 Pecos St., Denver, CO 80211. Signed By: Robert Steele, Project Director. Funds Requested: $47,000. Total Project Cost: $62,850. To establish a noncommercial FM radio station operating on 89.3 MHz, Denver, Colorado.

File No. 1427 PRB, National Public Radio, 2025 M St., NW., Washington, DC 20036. Signed By: Samuel C. O. Holt, Senior Vice President. Funds Requested: $89,586. Total Project Cost: $89,586. Proposal to ascertain equipment necessary to equip 27 radio information services for the print-handicapped to join the NPR satellite system.

File No. 1621 CRB, Broward Public Radio Association, 1195 SE., 17th Street, Ft. Lauderdale, FL 33316. Signed By: Philip Y. Hahn, Vice President. Funds Requested: $198,441. Total Project Cost: $300,441. To activate an AM radio station operating on 670 KHz to provide local and national program service to the one million persons residing in Broward County including the cities of Ft. Lauderdale, Hollywood, and Pompano Beach.

File No. 1715 CRB, Bascomb Memorial Broadcasting Fdn., PO Box WDNA, Miami, FL 33155. Signed By: Susan Weitz, President. Funds Requested: $42,147. Total Project Cost: $60,210. To expand power of radio station WDNA on 88.9 MHz in Miami, Florida and establish SCA capabilities and services. Station will provide local programming to minorities, women, the handicapped and the public at large.

File No. 1545 CTN, Theatre of Universal Images, P.O. Box 10036, Newark, NJ 07101. Signed By: Clarence C. Lilley, Executive Director. Funds Requested: $177,541. Total Project Cost: $279,221. To establish a cable access center for the City of Newark, for the production and distribution of local programming.

File No. 1685 CTB, New Jersey Public Broadcasting Authority, 1573 Parkside Avenue, Trenton, N.J. 08638. Signed By: Frederick B. Symes, Director. Funds Requested: $214,688. Total Project Cost: $286,250. Date Received: January 15, 1981. To improve production equipment of the New Jersey Public Broadcasting Authority which provides programming for four stations serving the state of New Jersey.

File No. 1567 CTN, City College/ Research Fdn CUNY, Convent Ave. at 138th St., New York, NY 10031. Signed By: Morton M. Pavane, Director. Funds Requested: $221,129. Total Project Cost: $294,839. To establish a production facility which would provide programming to the Harlem community through cable television and low power television.

File No. 1511 PTB, Global Village, 454 Broome St., New York, NY 10013. Signed By: John L. Reilly, Executive Director. Funds Requested: $37,500. Total Project Cost: $37,500. To plan for the establishment of a low power TV station to serve the Southampton, Long Island area with a particular programming emphasis on services for minorities and women.

File No. 1665 CTN, New York Institute of Technology, Wheatley Road, Old Westbury, NY 11568. Signed By: Alexander Schure, President. Funds Requested: $144,483. Total Project Cost: $192,645. To establish a microwave interconnect between the New York Institute of Technology (NYIT) and cable systems in Manhattan and Nassau counties. NYIT will provide cultural and educational programming with special emphasis on programming to meet the needs of minorities and women.

File No. 1619 CTB, Northeast New York ETV Assn., PO Box 617, Plattsburgh, NY 12901. Signed By: Paul C. Hassenplug, Executive VP and General Mgr. Funds Requested: $117,685. Total Project Cost: $154,848. To improve the production facilities of WCFE-TV which serves the Plattsburgh, New York and Burlington, Vermont area.

File No. 1467 CTB, St. Lawrence Valley ETV Council, 1056 Arsenal St., Watertown, NY 13601. Signed By: William J. Saiff, Jr., President and Gen. Manager. Funds Requested: $162,703. Total Project Cost: $217,703. To upgrade the production capability of public TV station WNPI in Watertown.

File No. 1678 PRTBN, Quinault Indian Nation, PO Box 189, Taholah, WA 98587. Signed By: Joseph B. DeLaCruz, Chairman. Funds Requested: $32,000. Total Project Cost: $32,000. To plan for a telecommunications system to serve the entire Quinault Reservation located in the southwest corner of the Olympic Peninsula of western Washington.

III. The following new application was inadvertently omitted from the notice of acceptance for filing. On page 39094, column 3, insert:

File No. 1505 CRB, Educational Information Corp., 4044 Old Wake Forest Rd., Raleigh, NC 27609. Signed By: Gregory F. Procopio, Corporate President. Funds Requested: $11,850. Total Project Cost: $18,350. To increase operating power from 12,000 watts to a 33,000 watt FM public radio station to include counties of: Orange, Harnett, Johnson, Franklin, and Granville, which will receive classical music with an all volunteer staff.

IV. The following deferred application was submitted and accepted for filing by PTFP in a prior fiscal year, and the applicant requestd re-activation of the

proposal. On page 39104, column 3, insert:

LA

New file No. 1828 CTB; old file NO. 825; Louisiana Educational TV Authority, Baton Rouge, Louisiana.

V. The following additional corrections are made to the notice of acceptance for filing:

On page 39084, column 1–2, File No. 1732 PTN, change "Funds Requested: $3,687,329. Total Project Cost: $3,959,929." to read "Funds Requested: $521,934. Total Project Cost: $728,866."

On page 39085, column 3, File No. 1419 CTB, delete current paragraph and substitute new paragraph to read as follows:

File No. 1419 CTB, Rural California Broadcasting Corp., PO Box 464, Cotati, CA 94928. Signed By: John F. Kramer, Treasurer. Funds Requested: $368,324. Total Project Cost: $500,299. To construct a new noncommercial educational television station on Channel 22 at Cotati, CA. Station will operate on frequency of 518–524 MHz at ERP: vis. 19.29 KW; HAAT: 1929 Feet. Antenna and transmitter will be located on Sonoma Mountain Road, Sonoma County, CA.

On page 39090, column 3, File No. 1809 PTB, change "Funds Requested: $32,089. Total Project Cost: $32,089." to read "Funds Requested: $95,285. Total Project Cost: $127,047."

On page 39095, column 1, File No. 1330 CRB, change "City of Fargo" to read "North Dakota State Univ."

The acceptance of applications for filing is a procedure designed for making preliminary determinations of eligibility, and for providing the opportunity for public comment on applications. Acceptance of an application does not preclude subsequent return or disapproval of an application if it is found to be not in accordance with the provisions of either the Act or 15 CFR Part 2301, or if the applicant fails to file any additional information requested by the Public Telecommunications Facilities Program (PTFP). Acceptance for filing does not assure an application of being funded; it merely qualifies it to compete for funding with other applications which have also been accepted for filing.

Pursuant to 15 CFR 2301.11, applicants are required to publish in a newspaper of general circulation in the community to be served by the applicant, a notice that such application has been tendered to the PTFP of the National Telecommunications and Information Administration. The notice shall be published once a week for two consecutive weeks within the three week period following the date of this publication in the **Federal Register.** Two copies of the notice, or other proof of publication, shall be submitted to PTFP—608 13th Street, N.W., Washington, D.C. 20004. The notice shall contain substantially the same information concerning the application that is published in this notice of acceptance. In addition, it will include (1) information as to where within the community to be served a copy of the application and any amendments thereto, may be inspected by the public during normal business hours, and (2) an invitation for parties supporting or opposing the application to file comments with the Administrator, National Telecommunications and Information Administration, Public Telecommunications Facilities Program, Washington, D.C. 20504. Such filings are to be made within 30 calendar days from the date of this Notice of Acceptance of Applications for Filing; Correction, and must be accompanied by a certificate that a copy of the comments has been mailed to the applicant. It is not necessary that deferred applicants republish notice in a local newspaper in the community to be served under 15 CFR 2301.11.

(47 U.S.C. 390–94; 397)

(Catalog of Federal Domestic Assistance Program No. 11,550, Public Telecommunications Facilities Program)

For further information contact: John L. Cameron (202) 724–3307.

This Notice issued in Washington, D.C.

Dated: August 24, 1981.

Bernard J. Wunder, Jr.,

Administrator, National Telecommunications and Information Administration.

[FR Doc. 81-25024 Filed 8-26-81; 8:45 am]

BILLING CODE 3510-60-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Privacy Act of 1974; Notice of Two New Systems of Records

AGENCY: Department of the Air Force, DOD.

ACTION: Notice of two systems of records.

SUMMARY: The Department of the Air Force proposes to add two systems of records to its inventory of systems of records subject to the Privacy Act of 1974. The system notices for these two systems are set forth below.

DATE: The system of records as proposed will become effective on September 28, 1981 unless public comment is received which results in a contrary determination.

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

FOR FURTHER INFORMATION CONTACT: Mr. Jon Updike, HQ USAF/DAAD(S) Room 4A–1088, The Pentagon, Washington, D.C. 20330. Telephone 202/694–3431.

SUPPLEMENTARY INFORMATION: The Air Force inventory of systems of records subject to the Privacy Act of 1974, Title 5 United States Code Section 552a (Pub. L. 93–579; 88 Stat. 1896) has been published in the **Federal Register** at:

FR Doc 79-37052 (44 FR 74145) December 17, 1979
FR Doc 81-897 (46 FR 6443) January 21, 1981
FR Doc 81-7598 (46 FR 16110) March 11, 1981
FR Doc 81-19652 (46 FR 34831) July 6, 1981

New system reports as required by 5 U.S.C. 552a(o) were submitted for both these system records on July 22, 1981.

M. S. Healy,

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

August 21, 1981.

F08003 SAM A

SYSTEM NAME:

Ranch Hand II Data Management System

SYSTEM LOCATION:

USAF School of Aerospace Medicine, Brooks Air Force Base, Texas 78235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Selected current and prior Air Force personnel who served in Southeast Asia during the period 1962 to 1970. Current and former spouses, dependents and next-of-kin, of these selected personnel will also be included as necessary.

CATEGORIES OF RECORDS IN THE SYSTEM:

The file will contain the following information on each individual: (1) Subject identifiers (name and Social Security Number), (2) demographic history, (3) occupational history, (4) educational experience, (5) medical history, (6) marital history, (7) leisure time activities, (8) drug use, (9) drinking and smoking habits and history, (10) reproductive history, (11) physical examination reports, (12) radiographic images and reports, (13) electrocardiographic tracings and reports, (14) hospital records and reports, (15) laboratory test results, (16) vital statistics, (17) schedule and travel expense data, and (18) other personnel

data contained on current military personnel records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by

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

This information will be used to initiate, coordinate and conduct the investigation of the potetial adverse health effects following exposure to the complex chemical/physical environment of Southeast Asia during the Vietnam conflict. It will be used to compile statistical data, but information allowing identification of the individual volunteer will not be included. Data and results from this investigation may be used to supplement other approved research studies conducted at the USAF School of Aerospace Medicine or at other Federal agencies engaged in the conduct of similar studies. To protect public health and safety, it may be necessary to release information regarding serious medical deficiencies, especially when release is required by law, to federal, state and local medical authorities. Two examples of situations in which public health and safety would raise the question of disclosure are: A participant has thyphoid fever, a participant who directly impacts the safety of other either in his profession, or as a volunteer, is found to have a serious nerve, heart or mental disorder.

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

STORAGE:

Maintained in an on line disk resident computer system with hardcopy backup of all source documents on microfiche.

RETRIEVABILITY:

Standard reports and data analyses will be performed via remote terminals using a data base management system. Additionally updates, and record review may be accomplished through use of closely controlled passwords and individuals Social Security Numbers.

SAFEGUARDS:

All access to the data file is controlled through a segmented password system. Operators know the password only for that section of the data system that they have a valid need to access. The disk system is physically located in a controlled computer area. All actions relative to the data base (e.g., update transactions) are permanently stored on magnetic tape for later retrieval and review. The hardcopy source documents are kept in locked storage cabinets in a locked office area.

RETENTION AND DISPOSAL:

All records will be retained at the USAF School of Aerospace Medicine for the duration of the study and analysis. When no longer required, records will be destroyed by erasure, tearing in pieces, pulping, shredding, macerating or burning.

SYSTEM MANAGER AND ADDRESS:

The Surgeon General of the United States Air Force, Bolling Air Force Base, Washington, DC 20032.

NOTIFICATION PROCEDURE:

Information may be obtained from:

Office of the Surgeon General
Department of the Air Force
ATTN: SGES
Bolling Air Force Base, Washington, DC 20032
Telephone: Area Code 202/767–5078

RECORDS ACCESS PROCEDURES:

Request for information should be addressed to the system manager. Written requests for information must include, Social Security Number, sponsor's name and category of record desired. Information of an individual nature will only be released after establishment of proof or identification and authorization of the individual concerned.

CONTESTING RECORD PROCEDURES:

Air Force rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Data will be obtained from the individual concerned, from personnel records, medical records, other government agencies, medical institutions, patient interactions with physicians and from interviews.

SYSTEMS EXEMPT FROM CERTAIN PROVISIONS OF THE ACT:

None.

F12407 OSI A

SYSTEM NAME:

DoD Fraud Investigation Management Information System.

SYSTEM LOCATION:

Headquarters, Air Force Office of Special Investigations, Bolling Air Force Base, Washington, D.C. 20332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former military officers and enlisted personnel, Department of Defense civilian employees, civilian contractors and other employees who conduct business or who have conducted business in the past with the Department of Defense and its subordinate components resulting in the initiation of a substantive investigation which was subsequently referred outside of the DoD for further investigation and/or adjudication.

CATEGORIES OF RECORDS IN THE SYSTEM:

Summary information pertaining to fraud, waste, and abuse matters conducted by investigative agencies of the Department of Defense which have been referred to other federal agencies for further investigation and/or adjudication.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 133, Secretary of Defense: Powers, and duties; delegation by. The Secretary is responsible for and has the authority to conduct all affairs of the Department of Defense including functions necessary or appropriate to provide more effective, efficient, and economical administration and operation, and to eliminate duplication in the Department of Defense.

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

Used by authorized DoD and subordinate agency officials to monitor the investigative and adjudicative actions regarding fraud, waste, and abuse matters which have been referred to other federal agencies outside the DoD (such as the Department of Justice, FBI, Department of Labor, Small Business Administration, Secret Service).

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

STORAGE:

Records are stored on computer machine-readable devices under the control of AFOSI.

RETRIEVABILITY:

Filed by name, and component case file number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the records system in the performance of their official duties who are appropriately

cleared and authorized, and need the information in the performance of their specific duties. Records are stored on a computer machine-readable media device and are only accessible by the records custodian and information monitor. When the media device is not in use it is off-loaded and stored in an appropriately secured container to which access is strictly controlled by the information monitor.

RETENTION AND DISPOSAL:

Department of Defense Fraud Investigation Management Information System summary records are retained by the Air Force Office of Special Investigations for a period of 15 years at which time they are destroyed. Records are maintained on machine-readable media. Destruction is accomplished by degaussing or overwriting records.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Air Force Office of Special Investigations (HQ AFOSI), Bolling Air Force Base, Washington, D.C. 20332.

NOTIFICATION PROCEDURES:

Requests for information from individuals should be addressed to HQ AFOSI/DADF, Bolling Air Force Base, Washington, D.C. 20332. Written requests for information should include the requestors full name, case file number, if known, date and place of birth, current mailing address and any other personal data which would insure the positive identification of the concerned individual. The request should state whether the summary records contained in this system or the original investigative case files are desired. Requests for specific investigative files must be addressed to the responsible DoD agency.

RECORDS ACCESS PROCEDURES:

The Air Force rules for gaining access to the information in the system may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force rules for contesting and appealing initial unfavorable determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information is received from investigative agencies of the Department of Defense having the responsibility for investigation of matters pertaining to fraud, waste, and abuse.

EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempted from certain provisions of the Act under 5 U.S.C. 552a(j)(2). See The Air Force rules at 32 CFR Part 806b (Air Force Regulation 12–35).

[FR Doc. 81-24915 Filed 8-26-81; 8:45 am]
BILLING CODE 3910-01-M

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the National Hydroelectric Power Resources Study (NHS)

AGENCY: Army Corps of Engineers Water Resources Support Center, Institute for Water Resources.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY

1. Proposed Action

The National Hydropower Study was authorized under Section 167 (a) of Pub. L. 94–587. Congress authorized the Corps to conduct a study of the most efficient methods of utilizing current and future hydropower resources.

The objectives of the study are to:

- Develop an inventory of the physical potential for hydropower and estimate the magnitude and regional distribution of hydropower demand;
- Identify the institutional, environmental, economic, marketing, and other policy issues affecting hydropower and assess their importance.

The final study report will not contain recommendations for development of the hydropower at specific sites; however, it will recommend sites for further planning studies.

2. Alternatives

Alternatives to be considered will include alternative levels of hydropower development to the year 2000 and various policies to achieve the alternative levels of hydropower development.

3. Scoping Process

a. An extensive and continuous public involvement program has been sustained throughout the study process. To date public involvement concerning the study has included joint sponsorship of Waterpower '79, a major conference on small-scale hydropower; and Waterpower '81, a major conference on all types of hydropower, three national policy workshops held in April, Nov. and May 1981; distribution to all participants of summaries of workshop comments; regional public meetings held in MRD, NAD, NED, NPD, NCD, ORD, SAD, SPD, SWD, LMVD, POD; coordination with Federal and state agencies, meetings with environmental organizations; talks presented at conferences of the American Society of Civil Engineers and annual meeting of the Water Resources Congress; distribution of facts sheets and brochures, press releases and letter responses. No scoping sessions over and above the forementioned public involvement are scheduled.

b. Significant issues arise from the environmental impacts caused by hydropower projects. These include (a) effects on water quality; (b) effects on water quantity, (c) inundation of land, (d) effects on fish and wildlife habitats and (e) related secondary socio-economic impacts. These and other significant issues identified will be analyzed in depth in the DEIS.

4. Estimated date of DEIS Release

It is anticipated that the DEIS will be available to the public by October 1981.

5. Addresses

Questions about the proposed action and DEIS can be answered by:

Mr. Richard J. McDonald, Study Manager, National Hydropower Study, U.S. Army Corps of Engineers, Institute for Water Resources, Kingman Building, Fort Belvoir, Virginia 22060, (202) 325–7023.

Maximilian Imhoff,

Colonel, CE Commander/Director.

[FR Doc. 81-24639 Filed 8-26-81; 8:45 am]
BILLING CODE 3710-EN-M

Department of Army

Parks Reserve Forces Training Area (PRFTA), Pleasanton, Alameda County, Calif.; Draft Environmental Impact Statement (DEIS)

AGENCY: Department of the Army, DOD.

ACTION: Notice is hereby given of intent to prepare an environmental document by the US Army for development plans and mission activities at Parks Reserve Forces Training Area (PRFTA), Pleasanton, Alameda County, California.

SUMMARY: Headquarters, Sixth US Army requires development, including possible land reacquisition, of PRFTA, known as Camp Parks, to provide suitable training facilities for Reserve and Active Army components in the San Francisco Bay area. Camp Parks would be used for training military personnel

that currently must travel long distances to installations outside the region due to the lack of suitable local facilities. Training activities would involve using small arms, plotting courses through unmarked territory, advancing in groups by foot, operating nontract military vehicles up to 5 tons over various terrains, and recovery of disabled military vehicles. Increased military readiness requirements for the Reserve Components can be achieved only by the most effective use of limited training time. The proposed action is necesary to provide adquate local training facilities to achieve the level of readiness required for the national defense.

Alternatives: (1) Implementation of development plans; (2) Installation expansion up to limits of present capability (with and without the use of Park land); (3) Installation expansion to include use or acquisition of adjacent land owned by East Bay Regional Park District; and (4) No action.

Scoping process: The DEIS will be prepared by the US Army. To allow identification of significant issues and to facilitate communications with interested agencies and other parties, the Army will conduct early coordination with affected agencies and the general public. All interested parties are invited to participate in the scoping process by contacting the address indicated in the last paragraph. Comments received during the earlier scoping process regarding the possible reacquisition of East Bay Regional Park District land will be combined with comments received as a result of this announcement. A single environmental document considering the alternatives listed above will be prepared.

Significant issues: The significant environmental issues identified to date which will be analyzed in the DEIS include potential impacts to: air quality, water quality, biologic/ecologic values, visual quality, noise level, cultural resources, adjacent land uses, local economy, and geologic conditions. Potential beneficial impacts identified to date include energy savings, reduced motor vehicle emissions, and conservation of the national defense budget.

The Army will hold a scoping meeting on September 24, 1981, beginning at 10:00 am. The location is Camp Parks, Building 521, Pleasanton, California. The scoping meeting is not intended to be a formal public hearing but rather a working session wherein information relating to potential environmental impacts can be gathered and evaluated.

CONTACT PERSON: Questions concerning the proposed action and the DEIS scoping process should be directed to Alex Maciejewicz, Facilities Engineering, Presidio of San Francisco, CA 94129, telephone (415) 561-5176.

Dated: August 21, 1981.

Lewis D. Walker,

Deputy for Environment, Safety and Occupational Health, OASA (IL&FM).

[FR Doc. 81-25051 Filed 8-26-81; 8:45 am]

BILLING CODE 3710-08-M

Department of the Army

Privacy Act of 1974; Notice of Amendments to Systems of Records

AGENCY: Department of the Army.

ACTION: Proposed addition and deletion of systems of records.

SUMMARY: The Departmentof the Army proposes to amend its inventory of systems notices by adding 1 and deleting 3 systems of records subject to the Privacy Act of 1974. System notice for the system of records being added, identified as A0501.02bDAAG, entitled "Vendor Misconduct/Fraud/ Mismanagement Information Exchange Program" is set forth below, followed by identification of those systems notices being deleted.

ADDRESS: Written public comments are invited and may be submitted to Headquarters, Department of the Army, ATTN: DAAG-AMR-R, Room 1146, Hoffman Building I, Alexandria, VA 22331, prior to September 28, 1981.

FOR FURTHER INFORMATION CONTACT: Mrs. Dorothy Karkanen, Office of the Adjutant General (DAAG-AMR-R), HQDA, at the above address; telephone: (703) 325-6163.

SUPPLEMENTARY INFORMATION: Department of the Army systems of records appear in the following editions of the **Federal Register:**

FR Doc 79-37052 (44 FR 73729), December 17, 1979
FR Doc 81-85 (46 FR 1002), January 5, 1981
FR Doc 81-897 (46 FR 6460), January 21, 1981
FR Doc 81-3374 (46 FR 9692), January 29, 1981
FR Doc 81-5885 (46 FR 13544), February 23, 1981
FR Doc 81-7250 (46 FR 15531), March 6, 1981
FR Doc 81-7621 (46 FR 16111), March 11, 1981
FR Doc 81-10724 (46 FR 21220), April 9, 1981
FR Doc 81-10791 (46 FR 21221), April 9, 1981
FR Doc 81-12660 (46 FR 23523), April 27, 1981
FR Doc 81-15109 (46 FR 27518), May 20, 1981
FR Doc 81-16678 (46 FR 29981), June 4, 1981
FR Doc 81-19043 (46 FR 33069), June 26, 1981

For the system being added, the Department of the Army submitted a new system report on 22 July 1981 pursuaht to the requirements of OMB Circular A-108, Transmittal Memoranda 1 and 3.

M. S. Healy,

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

August 24, 1981.

Added

AO501.02bDAAG

SYSTEM NAME:

Vendor Misconduct/Fraud/ Mismanagement Information Exchange Program.

SYSTEM LOCATION:

Primary system is at Headquarters, Department of the Army, Office of The Adjutant General, Club and Community Activities Management Directorate, Washington, DC 20310.

Decentralized segments exist at other Army activities and non-appropriated fund instrumentalities' management and procurement offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals whose names are contained in reports of vendor misconduct, fraud, or mismanagement.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names of individuals; companies represented; and reports of misconduct, fraud or mismanagement in procurement efforts concerning military installations/ activities (see "Record Source Categories").

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012(g).

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

To provide management officials of nonappropriated fund activities and commissaries with timely and useful information regarding incidents of vendor misconduct, fraud, and/or mismanagement and of individuals involved in such incidents through the collection, exchange, and dissemination of relevant information to the Army, Navy, Air Force, and Marine Corps so as to permit informed responsible procurement decisions.

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

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Alphabetically by individual, vendor, or company name.

SAFEGUARDS:

Records are retained in combination lock file safes when not under personal supervision of responsible officials.

RETENTION AND DISPOSAL:

Destroyed two years after final determination is made on case.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army (DAAG-CMP-S), Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from the SYSMANAGER.

RECORD ACCESS PROCEDURES:

Individuals may submit written requests for information to either the SYSMANAGER or appropriate decentralized record custodian and should contain the full name of the individual or company, current address, including telephone number, and other information which will identify the record sought.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations are contained in Army regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Copies of reports of audits, inspections, administrative investigations (e.g., Army Regulation 15–6 Board of Officers Procceedings); summaries of criminal reports issued pursuant to Defense Acquisition Regulation 1–608 received from The Inspector General, The Auditor General, The Judge Advocate General, The Deputy Chief of Staff for Personnel, The Deputy Chief of Staff for Logistics (TSA Commissary Operations), US Army Criminal Investigation Command, major Army commands, Army and Air Force Exchange Service, Departments of the Navy and Air Force, US Marine Corps, and Regional Offices and Central NAF Procurement Offices of The Adjutant General's Office.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DELETIONS

AO225.111DACS

System name:

Consultant Reference System (44 FR 73784), December 17, 1979.

Reason:

System was discontinued 17 December 1979.

AO411.03bDAAG

System name:

Congressional Correspondence Files (44 FR 73816), December 17, 1979.

Reason:

Records are covered by system notice AO411.03cOSA, Congressioal Inquiry System.

AO603.05aDALO

System name:

Manpower Utilization Reporting System (44 FR 73844), December 17, 1979.

Reason:

Records are covered by system notice AO309.05aDAAG, Resource Management and Cost Accounting Files.

[FR Doc. 81-25194 Filed 8-26-81; 8:45 am]

BILLING CODE 3710-08-M

DELAWARE RIVER BASIN COMMISSION

Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Thursday, September 3, 1981, commencing at 1:30 p.m. the hearing will be a part of the Commission's regular September business meeting, which is open to the public. Both the hearing and the meeting will be held in the Goddard Conference Room at the Commission's offices, 25 State Police Drive, West Trenton, New Jersey. The subject of the hearing will be applications for approval of the following projects as amendments to the Comprehensive Plan pursuant to Article 11 of the Compact and/or as project approvals pursuant to Section 3.8 of the Compact.

1. *Camden County Municipal Utilities Authority (D–71–9 CP).* A project to construct an outfall line to serve the authority's proposed Delaware No. 2 water pollution control facility in the City of Camden, Camden County, N.J. A 1.2 acre surface area tital pond will also be constructed for purposes of fish habitation. The outfall line will convey treated effluent from the proposed regional sewage plant to the Delaware River near the upstream end of Petty Island. The pond will be located at the plant site on Back Channel.

2. *Montgomery County Sewer Authority (D–77–84 CP).* Expansion of the authority's existing Oaks treatment plant in Upper Providence Township, Montgomery County, Pa. The capacity of the treatment plant will be increased to nine million gallons per day, and will provide for removal of 98 percent of BOD and suspended solids. Treated effluent will continue to discharge to the Schuylkill River.

3. *Muhlenberg Township Authority (D–81–46 CP).* A well water supply project to augment public water supplies in Muhlenberg Township, and Laureldale Borough, Berks County, Pa. Designated as Well No. 13, the new facility is expected to yield about 8.7 million gallons per month.

4. *Stauffer Chemical Company (D–78–63).* An industrial waste treatment project at the company's plant in Falls Township, Bucks County, Pa. the project will involve facilities for pH adjustment and ground water monitoring. Four wells will be constructed to monitor alkalinity, phosphates, COD and arsenic. Waste water will continue to discharge to Biles Creek, a tributary of the Delaware River.

5. *United Poultry, Inc. (D–78–74).* A project to upgrade existing waste treatment facilities at the company's poultry plant in Franklin Township, Gloucester County, N.J. The purpose of the new facilities is to reduce contaminant loads in the process waste discharges to a spray irrigation field at the plant site.

6. *George A. Coombs & Sons (D–81–10).* An agricultural irrigation project at the subject farm in Upper Pittsgrove Township, Salem County, N.J. A new well with a capacity of 720,000 gallons per day will be used for supplemental irrigation of vegetable and grain crops.

7. *Peter Manetas (D–81–40).* A farm irrigation project at the subject farm in Fairfield Township, Cumberland County, N.J. Three existing ponds will be used to provide up to 38 million gallons per month to irrigate soy bean and gladiola crops.

8. *Candy and Louis Romano, Jr. (D–81–42).* A farm irrigation project at the subject farm in Lawrence Township, Cumberland County, N.J. An existing well will be used to provide a maximum of 10 million gallons per month for the irrigation of peppers, tomatoes and lettuce.

9. *Stuart L. Reed (D–81–44).* A farm irrigation project at the subject farm in Washington Township, Mercer County, N.J. An existing well will be used to provide a maximum of 14 million gallons per month for the irrigation of sod.

10. *Ralph Francischini (D–81–49).* A farm irrigation project at the subject farm in Vineland, Cumberland County, N.J. The proposed new well and two existing wells will be used to a limit of

5.83 million gallons per month to irrigate vegetable crops.

11. *Moyer Packing Company (D–81–52).* Modifications to an existing industrial waste treatment plant at the company's facility in Franconia Township, Montgomery County, Pa. A 500,000 gallon holding pond and related facilities will be added to existing treatment facilities. About 99 percent of BOD and suspended solids will be removed from a waste water flow of 300,000 gallons per day. Teated effluent will discharge to Skippack Creek. Up to 30,000 gallons a week will be disposed of through a spray irrigation system.

Documents relating to the above-listed projects may be examined at the Commission's offices. Persons wishing to testify at this hearing are requested to register with the Secretary prior to the date of the hearing.

W. Brinton Whitall,

Secretary.

August 19, 1981.

[FR Doc. 81-24903 Filed 8-25-81; 8:45 am]

BILLING CODE 6360-01-M

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services

Field Initiated Research; Closing Date for Transmittal of Applications for Fiscal Year 1982

AGENCY: Department of Education.

ACTION: Notice of Closing Date for Transmittal of Applications for Field Initiated Research for Fiscal Year 1982.

Applications are invited for new projects for support of Field Initiated Research related to education of the handicapped.

Authority for this program is contained in sections 641 and 642 of Part E of Education of the Handicapped Act (20 U.S.C. 1441, 1442).

The purpose of this program is to provide a source of support for a broad range of research and development projects which fall outside any areas of interest identified by the Education Department as priorities for directed research activities. The appropriate areas of interest for projects are limited only by the mission of the Research program—support of applied research relating to education of the handicapped.

Closing Date for Transmittal of Applications: Applications for awards must be mailed or hand delivered by December 7, 1981.

Applications Delivered by Mail: An application sent by mail must be addressed to the Department of Education, Application Control Center, Attention: 84.023C, 400 Maryland Avenue, SW, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand: An application that is hand-delivered must be taken to the Department of Education, Application Control Center, Room 5673, Regional Office Building 3, Seventh and D.Streets SW., Washington, D.C.

The Application Control Center will accept hand-delivered applications between the hours of 8:00 a.m. and 4:30 p.m., (Washington, D.C. time) daily, except Saturdays, Sundays, or Federal holidays.

An application that is hand-delivered will not be accepted after 4:30 p.m. on the closing date.

Available funds: Approximately $3,000,000 is expected to be available for support of new Field Initiated Research projects in FY 1982. Based on a mean grant amount in recent years of approximately $90,000 we expect that about 33 new grants will be awarded. The range of funding for 1980 projects was from under $20,000 per year to over $150,000. Most awards were for under $100,000 per year.

While the limit on duration of projects is 60 months, the vast majority of field-initiated projects are for one to three years. In the event that assistance is provided for multiple year projects, grant awards will be for a budget period of a single year's duration with continuation awards made in accordance with 34 CFR 75.117, 118 and 75.250–253.

Application forms: Application forms and program information packages are available and may be obtained by writing to the Research Projects Branch, Office of Special Education, Department of Education, 400 Maryland Avenue SW. (Donohoe, 3165), Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. The Secretary strongly urges that the narrative portions of the application not exceed thirty (30 pages in length. The Secretary further urges that applicants not submit information that is not requested.

Applicable Regulations: The following regulations are applicable to this program:

(a) Regulations governing the Handicapped Research and Demonstration program (34 CFR Part 3424). Amendments to the final regulations were published in the **Federal Register** on April 3, 1980 (45 FR 22533), January 19, 1981 (46 FR 5380–5381), and June 18, 1981 (45 FR 31996–31998). (The Department is currently reviewing the selection criteria for the Research Program that were published in final on January 19, 1981. If the Department proposes substantial changes in the selection criteria for fiscal year 1982 new awards in the Field Initiated Research program, the closing date for applications will be extended.)

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 75 and 77).

FOR FURTHER INFORMATION CONTACT: Max Mueller, Research Projects Branch, Office of Special Education, Department of Education, 400 Maryland Avenue, S.W., (Room 3165, Donohoe Building), Washington, D.C. 20202, telephone: (202) 245–2275. (20 U.S.C. 1441, 1442)

(Catalog of Federal Domestic Assistance, No. 84.023, Handicapped Research and Demonstration)

Dated: August 20, 1981.

William C. Clohan, Jr.,

Acting Secretary of Education.

[FR Doc. 81-25003 Filed 8-25-81; 8:45 am]

BILLING CODE 4000-01-M

Student Research; Closing Date for Transmittal of Applications for Fiscal Year 1982

AGENCY: Department of Education.

ACTION: Notice of Closing Date for Transmittal of Applications for Student Research for Fiscal Year 1982.

Applications are invited for new projects for support of student research related to education of the handicapped.

Authority for this program is contained in sections 641 and 642 of Part E of Education of the Handicapped Act (20 U.S.C. 1441, 1442).

The Secretary announces the selection of Student Research as one of the priority areas for funding for fiscal year 1982 research awards under Part E. This selection was made in accordance with applicable program regulations (34 CFR 324.9(h) and 324.10–324.11) and the Education Department's regulations governing the selection of priorities (34 CFR 75.105(b)).

The purpose of the Student Research program is to provide support to postsecondary students who initiate and direct research projects concerned with educational programs for the handicapped. Most projects support Doctoral disseratations or Master's theses, but this is not a requirement. The content of the research projects is limited only by the Research program mission, which is the support of applied educational research relating to the education of the handicapped.

Closing Date for Transmittal of Applications: Applications for the first cycle awards must be mailed or hand delivered by November 13, 1981. Applications for the second cycle must be mailed or hand delivered by March 17, 1982.

Applications Delivered by Mail: An application sent by mail must be addressed to the Department of Education, Application Control Center, Attention: 84.023A for first cycle, 84.023B for second cycle, 400 Maryland Avenue, SW, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legibly mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand: An application that is hand-delivered must be taken to the Department of Education, Application Control Center, Room 5673, Regional Office Building 3, Seventh and D Streets SW., Washington, D.C.

The Application Control Center will accept hand-delivered applications between the hours of 8:00 a.m. and 4:30 p.m., (Washington, D.C. time) daily, except Saturdays, Sundays, or Federal holidays.

An application that is hand-delivered will not be acceptd after 4:30 p.m. on the closing date.

Available Funds: Approximately $250,000 is expected to be available for support of new Student Research projects in 1982. Typically, student applications are for amounts under $10,000 and the award period is usually within an 18 month time period. The range of funding for 1980 was from $1,428 to $17,881, with a mean grant award of $7,763. Based on this figure, it is expected that approximately 30 new grants will be awarded in 1982.

While the limit on duration of projects is 60 months, the vast majority of student projects are for one year. In the event that assistance is provided for multiple year projects, grant awards will be for a budget period of a single year's duration with continuation awards made in accordance with 34 CFR 75.117, 118 and 75.250–253.

Applicant Forms: Application forms and program information packages are available and may be obtained by writing to the Research Projects Branch, Office of Special Education, Department of Education, 400 Maryland Avenue SW., (Donohoe, 3165), Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. The Secretary strongly urges that the narrative portion of the application not exceed twenty (20) pages in length. The Secretary further urges that applicants not submit information that is not required.

Applicable Regulations: The following regulations are applicable to this program:

(a) Regulations governing the Handicapped Research and Demonstration program (34 CFR Part 324). Amendments to the final regulations were published in the **Federal Register** on April 3, 1980 (45 FR 22533), January 19, 1981 (45 FR 5380–5381), and June 18, 1981 (45 FR 31996–31998). (The Department is currently reviewing the selection criteria for the Student Research Program that were published in final on January 19, 1981. If the Department proposes substantial changes in the selection criteria for fiscal year 1982 new awards in the Student Research Program, the closing date for applications will be extended.)

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 75 and 77).

FOR FURTHER INFORMATION CONTACT: Max Mueller, Research Projects Branch, Office of Special Education, Department of Education, 400 Maryland Avenue, S.W. (Room 3165, Donohoe Building), Washington, D.C. 20202, telephone: (202) 245–2275.

(20 U.S.C. 1441, 1442)

(Catalog of Federal Domestic Assistance, No. 84.023, Handicapped Research and Demonstration)

Dated: August 20, 1981.

William C. Clohan, Jr.,

Acting Secretary of Education.

[FR Doc. 81-25002 Filed 8-26-81; 8:45 am]

BILLING CODE 4000-01-M

National Advisory Committee on Black Higher Education and Black Colleges and Universities; Meeting

AGENCY: National Advisory Committee on Black Higher Education and Black Colleges and Universities.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda of the quarterly meeting of the National Advisory Committee on Black Higher Education and Black Colleges and Universities. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix 1). This document is intended to notify the general public of their opportunity to attend.

DATE: September 21–22, 1981, 9:00 am to 5:00 pm.

ADDRESS: Education Conference Center, Room 3000, FOB–6, 400 Maryland Avenue SW., Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Ms. Carol J. Smith, Program Delegate, National Advisory Committee on Black Higher Education and Black Colleges and Universities, Suite 702–6, 1100 17th Street, NW., Washington, D.C. 20036, AC 202 653–7558.

The National Advisory Committee on Black Higher Education and Black Colleges and Universities is governed by the provisions of Part D of the General

Education Provisions Act (Pub. L. 90–247 as amended; 20 U.S.C. 1233 *et seq.*) and the Federal Advisory Committee act (Pub. L. 92–463; 5 U.S.C. Appendix 1) which set forth standards for the formation and use of advisory committees.

This Committee was established to examine all approaches to the higher education of black Americans as well as enchancement of the historically black colleges and universities and then to make recommendations to the Secretary of Education in the identification of several courses of action to raise substantially the participation of black Americans in all sectors and at all levels of higher education.

The proposed agenda will include discussion of the final drafts of Committee staff reports: (1) "Issues in the Higher Education of Black Americans: A Factbook"—this report is a comprehensive description of every aspect of the higher education of black Americans. It pulls together the most current data from diverse sources; (2) "Target Date 2000 A.D.: Goals for Achieving Higher Education Equity for Black Americans, Volume II" will provide some cost estimates for recommendations made by the Committee in Volume I of this report; costs associated with systemic problems which result from the failure to educate black youth; and an analysis of the benefits which can accure to society from an educated black citizenry.

Additional agenda items include presentation and discussion of new report drafts on: (1) Preliminary findings on the second state of the graduate and professional status report; (2) work statement and methodolgy for a research project entitled "The Involvement of the Private Sector in Giving to Black Colleges"; and (3) an annotated bibliography on testing.

The Committee will also discuss ongoing staff research activities, the definitions of historically and newer predominantly black colleges and resolution of where to include certain institutions, and future courses of action.

The meeting on September 21–22, 1981 will be open to the public beginning at 9:00 am each day. It will be held in the Education Conference Center, Room 3000, FOB–6, 400 Maryland Avenue, SW., Washington, D.C. 20202.

Records are kept of all Committee proceedings and are available for public inspection at the office of the National Advisory Committee on Black Higher Education and Black Colleges and Universities located at 1100 17th Street, NW., Suite 702–6, Washington, D.C. 20036.

Thomas P. Melady,

Assistant Secretary for Postsecondary Education.

[FR Doc. 81-24848 Filed 8-26-81; 8:45 am]

BILLING CODE 4000-01-M

National Advisory Council on Vocational Education; Meeting

AGENCY: National Advisory Council on Vocational Education.

ACTION: Notice of public meeting of the legislative committee and of closed meeting of the executive committee.

SUMMARY: This notice sets forth a proposed meeting of the Legislative and Executive Committees of the National Advisory Council on Vocational Education. It also describes the functions of the Council. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act, and is intended to notify the general public of its opportunity to attend the open meeting.

DATE: September 14, 1981.

ADDRESS: 425 13th Street NW., Suite 412, Washington, D.C. 20004.

FOR FURTHER INFORMATION CONTACT: Virginia Solt, NACVE Staff, 425 13th Street NW., Suite 412, Washington, D.C. (202) 376–8873.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Vocational Education is established under Section 104 of the Vocational Education Amendments of 1968, Pub. L. 90–576. The Council is established to:

(A) Advise the President, the Congress, and the Secretary of Education concerning the administration of, preparation of general regulations for, and operation of, vocational education programs supported with assistance under this title;

(B) Review the administration and operation of vocational education programs under this title, including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations (including recommendations for changes in the provisions of this title) to the Secretary for transmittal to the Congress; and

(C) Conduct independent evaluations of programs carried out under this title and publish and distribute the results thereof.

On September 14, 1981, from 9:30 A.M. to 2:30 P.M. the Legislative Committee Meeting is open to the public, and the proposed agenda is as follows:

1. Meeting with Dr. Robert M. Worthington, Assistant Secretary for Vocational and Adult Education, U.S. Department of Education, on departmental reauthorization plans.

2. Discussion of draft paper on reauthorization of the Vocational Education Act.

3. Meeting with representative of the U.S. Department of Labor, on employment and training policy.

On September 14, 1981, from 3:00 P.M. to 5:00 P.M. local time, the Executive Committee of the National Advisory Council on Vocational Education will meet in closed session. This meeting will be closed to the public under the authority of Section 10(d) of the Federal Advisory Committee Act, (Pub. L. 92–463; 5 U.S.C. Appendix I) and under exemptions (2) and (6) of Section 552b(c) of the Government in the Sunshine Act (Pub. L. 94–409). The discussion of staff positions, functions, and performance evaluations are matters which would constitute a serious invasion of privacy if conducted in open session.

Records of the two meetings, including a summary of the activities of the closed session, and related matters which are informative to the public consistent with the policy of Title 5 U.S.C. 552b will be available to the public within fourteen days of the meeting from 9:00 A.M. to 5:00 P.M. at 425 13th Street NW., Suite 412, Washington, D.C. 20004.

Signed at Washington, D.C., August 24, 1981.

Raymond C. Parrott,

Executive Director.

[FR Doc. 81-25130 Filed 8-26-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Riddle Oil Co.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order and provides an opportunity for public comment on the proposed Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

EFFECTIVE DATE: August 5, 1981.

COMMENTS BY: September 28, 1981.

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

SUPPLEMENTARY INFORMATION: On August 5, 1981 the Office of Enforcement of the ERA executed a proposed Consent Order with Riddle Oil Company of San Antonio, Texas. Under 10 CFR 205.199J(b) a proposed Consent Order which involves a sum of $500,000 or more in the aggregate, excluding penalties and interest, becomes effective only after the DOE has received comments with respect to the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

I. The Consent Order

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

1. During the period September 1, 1973 through January 27, 1981, Riddle allegedly sold crude oil above the allowable prices specified at 10 CFR Part 212, Subpart D and 6 CFR Part 150, Subpart L.

2. Riddle and the DOE have agreed to a $1,100,000 settlement for all overcharges and interest. Riddle will also pay $7,000 to the U.S. Treasury as a compromise for civil penalties. Riddle has agreed to make payment within thirty (30) days of the effective date of the Consent Order. The negotiated settlement was determined to be in the public interest as well as the best interest of the DOE and Riddle.

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

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

In this Consent Order, Riddle agrees to refund in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of $1,100,000 in the manner specified in I.2. above. Refunded overcharges will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. The funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

II. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not being required. Written notification of the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should send your comments or written notification of a claim to Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767–7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation "Comments on the Riddle Oil Company Consent Order". We will consider all comments we received by 4:30 p.m., local time, September 28, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 14th day of August, 1981.

Herbert F. Buchanan,

Deputy District Manager, Economic Regulatory Administration.

[FR Doc. 81-25006 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-01-M

Proposed Remedial Orders

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration of the Department of Energy hereby gives Notice that the following Proposed Remedial Orders have been issued. These Proposed Remedial Orders allege violations of applicable law as indicated.

A copy of the Proposed Remedial Orders, with confidential information deleted, may be obtained from Thomas M. Holleran, Program Manager for Product Retailers, 2000 M Street, NW., Washington, DC 20461, phone 202/653–3517. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearing and Appeals, 2000 M Street, NW, Washington, DC 20461, in accordance with 10 CFR 205.193.

Issued in Washington, DC on the 19th day of August, 1981.

Robert D. Gerring,

Director, Enforcement Program Operations Division, Economic Regulatory Administration.

Proposed Remedial Orders Western District

Station	Address	Date	Violation amount	Cents per gallon in violation
Stark Shell Service	1600 Humboldt, Seaside, CA 93955	May 29, 1981	$9,105.14	6.7
Ted's Union Service	5696 Stevens Creek Blvd., Cupertino, CA 95014.	June 30, 1981	3,999.33	7.5
Grapevine Shell	I-5 and Grapevine, Lebec, CA 93243	do	22,378.87	10.3
Frank Rowland Auto Service Center	2400 Olympic Blvd., Walnut Creek, CA.	do	2,062.48	11.0
Johnny Cappo Auto Center	3201 N. Glassell, Orange, CA 92668	Oct. 3, 1980	3,031.47	5.6
Hillcrest Automotive Service	233 N. Altadena Dr., Pasadena, CA 91107.	do	636.56	6.5
Hipps Chevron Service	1409 W. Chapman Ave., Orange, CA 92668.	Oct. 30, 1980	569.87	1.7
Cracker Barrel Stores, Inc	4315 Jeffrey Dr., Baton Rouge, LA 70816.	July 16, 1981	51,948.01	11.2

[FR Doc. 81-24947 Filed 8-26-81; 8:45 am]
BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 5005-000]

City of Ammon, Idaho; Application for Preliminary Permit

August 21, 1981.

Take notice that the City of Ammon, Idaho (Applicant) filed on June 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5005 known as the Ririe Dam Project located on the Willow Creek in Bonneville County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mayor George Wehmann; The City of Ammon; 3270 Molen Street; Ammon, Idaho 83401.

Project Description—The proposed project would utilize the existing Bureau of Reclamation's Ririe Dam and would consist of: (1) the existing headworks to be modified; (2) a new penstock, 200 feet long; (3) a new powerhouse containing 2 turbine/generating units having an estimated total generating capacity between 2.5 MW to 5.0 MW; and (4) appurtenant works. Project energy generated would be sold to the Utah Power & Light Company. The Applicant estimates that the total annual energy generated would be between 10.9 GWh and 14.5 GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of two years, during which time it would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under the permit would be $90,000.

Competing Applications—This application was filed as a competing application to Cook Electric Company's Project No. 3448 filed on December 30, 1980, under 18 C.F.R. § 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 17, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of those filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 5005. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-24987 Filed 8-26-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 5071-000]

Arcata Redwood Co.; Application for Preliminary Permit

August 21, 1981.

Take notice that Arcata Redwood Company (Applicant) filed on July 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5071 known as the Boulder Creek Water Power Project located on Boulder Creek in Humboldt County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Burnette Henry, President, Arcata Redwood Company, Division Arcata Corporation, P.O. Box 218, Arcata, California 95521.

Project Description—The proposed project would consist of: (1) a diversion structure; (2) a 42-inch diameter, 10,000-foot long conduit; (3) a 42-inch diameter, 7,000-foot long penstock; and (4) a powerhouse containing a single generating unit with a rated capacity of 18,170 kW. The Applicant estimates that the annual energy output would be 25.6 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the

Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $89,000.00.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 23, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 23, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24978 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3948-001]

Bailey Creek Ranch; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

August 21, 1981.

Take notice that on June 30, 1981, Bailey Creek Ranch (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. §§ 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (FERC Project No. 3948-001) would be located on Bailey Creek and Rock Creek, in Shasta County, California. Correspondence with the Applicant should be directed to: Dr. Ronald F. Ott, Ott Water Engineers, 2334 Washington Avenue, Redding, California 96001.

Project Description—The proposed project would consist of: (1) a 6.5-foot high by 80-foot long diversion structure on Bailey Creek; (2) a 9-foot high by 85-foot long diversion structure on Rock Creek; (3) a 1325-foot long pipeline on Bailey Creek; (4) a 1410-foot long pipeline on Rock Creek; (5) a 778-foot long penstock; (6) a powerhouse to contain a 750-kW generating unit; (7) a switchyard; and (8) a 0.5-mile long, 12-kV transmission line to connect to the existing Pacific Gas and Electric Company Volta substation.

Purpose of Project—The power generated by the proposed project would be sold to a public utility.

Agency Comments—The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the California Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before October 2, 1981 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 2, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch,

Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, 825 North Capitol Street, N.E., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24969 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5056-000]

Boise Project Board of Control; Application for Exemption of Small Conduit Hydroelectric Facility

August 21, 1981.

Take notice that on July 2, 1981, Boise Project Board of Control (Applicant) filed an application under Section 30 of the Federal Power Act (Act) [16 U.S.C. Section 823(a)], for exemption of a proposed hydroelectric project from requirements of Part I of the Act. The proposed Low Line No. 8 Hydroelectric Project (FERC Project No. 5056) would be located on the Applicant's Irrigation Canal System, near the town of Marsing in Canyon County, Idaho.

Correspondence with the Applicant should be directed to: Mr. William Bienapfl, Chairman, Boise Project Board of Control, 214 Broadway, Boise, Idaho 83702.

Purpose of Project—Project energy would be sold to Idaho Power Company.

Project Description—The proposed project on the Applicant's Deer Flat Low Line Canal would consist of: (1) an inlet structure within the north bank of the canal; (2) a 48-inch diameter, 1,000-foot long penstock; (3) a powerhouse containing a single generating unit with a rated capacity of 385 kW discharging into canal; and (4) appurtenant facilities. The estimated average annual energy output is 1.5 million kWh.

Agency Comments—The U.S. Fish and Wildlife Service and the Idaho Department of Fish and Game are requested, pursuant to Section 30 of the Federal Power Act, to submit within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. If no comments are filed within this time period, an agency will be presumed to have determined that no terms or conditions to the exemption are necessary. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. Comments are due within 45 days from the date of issuance of this notice. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. One copy of an agency's comments must also be sent to the Applicant's representatives.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be received on or before October 2, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24964 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5043-000]

Boise Project Board of Control; Application for Exemption of Small Conduit Hydroelectric Facility

August 21, 1981.

Take notice that on June 30, 1981, Boise Project Board of Control (Applicant) filed an application under Section 30 of the Federal Power Act (Act) [16 U.S.C. 823(a)], for exemption of a proposed hydroelectric project from requirements of Part I of the Act. The proposed Waldvogel Bluff Hydroelectric Project (FERC Project No. 5043) would be located on the Applicant's Irrigation Canal System, near the town of Melba in Canyon County, Idaho.

Correspondence with the Applicant should be directed to: Mr. William Bienapfl, Chairman, Boise Project Board of Control, 214 Broadway, Boise, Idaho 83702.

Purpose of Project—Project energy would be sold to Idaho Power Company.

Project Description—The proposed project would consist of: (1) an inlet structure within the southern bank of the Waldvogel Canal; (2) a 42-inch diameter, 2,400-foot long penstock; (3) a powerhouse to contain a single generating unit with a rated capacity of 300 kW; and (4) a tailrace discharging back into Waldvogel Canal. The estimated average annual energy output is 1.14 million kWh.

Agency Comments—The U.S. Fish and Wildlife Service and the Idaho Department of Fish and Game are requested, pursuant to Section 30 of the Federal Power Act, to submit within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. If no comments are filed within this time period, an agency will be presumed to have determined that no terms or conditions to the exemption are necessary. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. Comments are due within 45 days from the date of issuance of this notice. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. One copy of an agency's comments must also be sent to the Applicant's representatives.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be received on or before October 2, 1981. The Commission's address is: 825 North

Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24979 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5039-000]

Boise Project Board of Control; Application for Exemption of Small Conduit Hydroelectric Facility

August 21, 1981.

Take notice that on June 30, 1981, Boise Project Board of Control (Applicant) filed an application under Section 30 of the Federal Power Act (Act) [16 U.S.C. 823 (a)], for exemption of a proposed hydroelectric project from requirements of Part I of the Act. The proposed Golden Gate Hydroelectric Project (FERC Project No. 5039) would be located on the Applicant's Irrigation Canal System, near the town of Greenleaf, in Canyon County, Idaho.

Correspondence with the Applicant should be directed to: Mr. William Bienapfl, Chairman, Boise Project Board of Control, 214 Broadway, Boise, Idaho 83702.

Purpose of Project—Project energy would be sold to Idaho Power Company.

Project Description—The proposed project would consist of: (1) an inlet structure within the eastern bank of the Deer Flat Low Line Canal; (20 four 36-inch diameter, 180-foot long penstocks; (3) a powerhouse to contain four generating units with a combined rated capacity of 700 kW; and (4) a tailrace discharging into the Golden Gate Canal.

Agency Comments—The U.S. Fish and Wildlife Service and the Idaho Department of Fish and Game are requested, pursuant to Section 30 of the Federal Power Act, to submit within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. If no comments are filed within this time period, an agency will be presumed to have determined that no terms or conditions to the exemption are necessary. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. Comments are due within 45 days from the date of issuance of this notice. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be received on or before October 2, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24980 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5040-000]

Boise Project Board of Control; Application for Exemption of Small Conduit Hydroelectric Facility

August 21, 1981.

Take notice that on June 21, 1981, Boise Project Board of Control (Applicant) filed an application under Section 30 of the Federal Power Act (Act) [16 U.S.C. 823(a)], for exemption of a proposed hydroelectric project from requirements of Part I of the Act. The proposed Fargo Drop No. 2 Hydroelectric Project (FERC Project No. 5040) would be located on the Applicant's Irrigation Canal System, near the town of Wilder in Canyon County, Idaho. Correspondence with the Applicant should be directed to: Mr. William Bienapfl, Chairman, Boise Project Board of Control, 214 Broadway, Boise, Idaho 83702.

Purpose of Project—Project energy would be sold to Idaho Power Company.

Project Description—The proposed project would consist of: (1) an inlet structure within the southern bank of Fargo High Line Canal; (2) a 42-inch, 375-foot long penstock; (3) a powerhouse to contain a single generating unit with a rated capacity of 175 kW; and (4) a tailrace discharging directly into Fargo Low Line Canal. The estimated average annual energy output is 662,000 kWh.

Agency Comments—The U.S. Fish and Wildlife Service and the Idaho Department of Fish and Game are requested, pursuant to Section 30 of the Federal Power Act, to submit within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources of otherwise carry out the provisions of the Fish and Wildlife Coordination Act. If no comments are filed within this time period, an agency will be presumed to have determined that no terms or conditions to the exemption are necessary. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. Comments are due within 45 days from the date of issuance of this notice. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be received on or before October 2, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24981 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5041-000]

Boise Project Board of Control; Application for Exemption of Small Conduit Hydroelectric Facility

August 21, 1981.

Take notice that on June 30, 1981, Boise Project Board of Control (Applicant) filed an application under Section 30 of the Federal Power Act (Act) [16 U.S.C. 823(a)], for exemption of a proposed hydroelectric project from requirements of Part I of the Act. The proposed Main Canal No. 10 Hydroelectric Project (FERC Project No. 5041) would be located on the Applicant's Irrigation Canal System, near the town of Nampa in Canyon County, Idaho. Correspondence with the Applicant should be directed to: Mr. William Bienapfl, Chairman, Boise Project Board of Control, 214 Broadway, Boise, Idaho 83702.

Purpose of Project—Project energy would be sold to Idaho Power Company.

Project Description—The proposed project would consist of a powerhouse on the Applicant's New York Canal containing two generating units with a combined rated capacity of 500 kW and appurtenant facilities. The average annual energy output is 2.1 million kWh.

Agency Comments—The U.S. Fish and Wildlife Service and the Idaho Department of Fish and Game are requested, pursuant to Section 30 of the Federal Power Act, to submit within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. If no comments are filed within this time period, an agency will be presumed to have determined that no terms or conditions to the exemption are necessary. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. Comments are due within 45 days from the date of issuance of this notice. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding, to become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be received on or before October 2, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24982 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5042-000]

Boise Project Board of Control; Application for Exemption of Small Conduit Hydroelectric Facility

August 21, 1981.

Take notice that on June 30, 1981, Boise Project Board of Control (Applicant) filed an application under Section 30 of the Federal Power Act (Act) [16 U.S.C. Section 823(a)], for exemption of a proposed hydroelectric project from requirements of Part I of the Act. The proposed Fargo No. 1 Hydroelectric Project (FERC Project No. 5042) would be located on the Applicant's Irrigation Canal Sysem, near the town of Wilder in Canyon County, Idaho. Correspondence with the Applicant should be directed to: Mr. William Bienapfl, Chairman, Boise Project Board of Control, 214 Broadway, Boise, Idaho 83702.

Purpose of Project—Project energy would be sold to Idaho Power Company.

Project Description—The proposed project would consist of: (1) an inlet structure within the western bank of the Deer Flat Low Line Canal; (2) a 42-inch diameter, 900-foot long penstock; (3) a powerhouse to contain two generating units with a combined rated capacity of 650 kW; and (4) a tailrace discharging directly into the Fargo High Line Canal. The estimated average annual energy output is 2.4 million kWh.

Agency Comments—The U.S. Fish and Wildlife Service and the Idaho Department of Fish and Game are requested, pursuant to Section 30 of the Federal Power Act, to submit within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. If no comments are filed within this time period, an agency will be presumed to have determined that no terms or conditions to the exemption are necessary. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. Comments are due within 45 days from the date of issuance of this notice. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § .18 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be received on or before October 2, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24983 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5038-000]

Boise Project Board of Control; Application for Exemption of Small Conduit Hydroelectric Facility

August 21, 1981.

Take notice that on June 29, 1981, Boise Project Board of Control (Applicant) filed an application under Section 30 of the Federal Power Act (Act) [16 U.S.C. 823(a)], for exemption of a proposed hydroelectric project from requirements of Part I of the Act. The proposed Main Canal No. 6 Hydroelectric Project (FERC Project No. 5038) would be located on the

Applicant's Irrigation Canal System, near the town of Kuna, in Ada County, Idaho.

Correspondence with the Applicant should be directed to: Mr. William Bienapfl, Chairman, Boise Project Board of Control, 214 Broadway, Boise, Idaho 83702.

Purpose of Project—Project energy would be sold to Idaho Power Company.

Project Description—The proposed project would consist of: (1) an inlet structure within the eastern bank of the New York Canal; (2) a 72-inch diameter, 2,300-foot long penstock; (3) a powerhouse to contain three generating units with a total rated capacity of 1,055 kW; and (4) a tailrace discharging into the Main Canal.

Agency Comments—The U.S. Fish and Wildlife Service and the Idaho Department of Fish and Game are requested, pursuant to Section 30 of the Federal Power Act, to submit within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. If no comments are filed within this time period, and agency will be presumed to have determined that no terms or conditions to the exemption are necessary. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. Comments are due within 45 days from the date of issuance of this notice. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be received on or before October 2, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24964 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-685-000]

Central Maine Power Co.; Filing

August 21, 1981.

The filing company submits the following:

Take notice that on August 13, 1981, Central Maine Power Company (Central Maine) tendered for filing as a rate schedule an executed agreement dated as of April 26, 1980 between Central Maine and the companies of the Northeast Utilities system (The Connecticut Light and Power Company, The Hartford Electric Light Company, and Western Massachusetts Electric Company, hereinafter collectively called NU). The proposed rate schedule provides for the sale of interruptible energy by Central Maine to NU.

Central Maine requests that the advance notice requirement be waived to allow this rate schedule to become effective April 26, 1980.

Copies of the filing were served on Northeast Utilities and the Maine Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before September 14, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24965 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-686-000]

Central Maine Power Co.; Filing

August 21, 1981.

Take notice that on August 13, 1981, Central Maine Power Company (Central Maine) tendered for filing as a rate schedule an executed agreement, dated February 1, 1981, between Central Maine and Burlington Electric Department of Burlington, Vermont (Burlington). The proposed rate schedule provides for the sale of 10 megawatts of capacity and related energy from W. F. Wyman Unit No. 4 in Yarmouth, Maine.

Central Maine requests that the Commission waive its advance notice requirements to allow this rate schedule to become effective as of February 1, 1981.

Central Maine states that copies of this filing were served on Burlington Electric Department and the Maine Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before September 14, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24966 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-461-000]

Cities Service Gas Co.; Application

August 24, 1981.

Take notice that on August 11, 1981, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP81-461-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline taps, measuring, regulating and appurtenant facilities to enable Applicant to render direct natural gas service to 2 industrial customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate the following facilities:

(1) Tap Applicant's Wichita-Ottawa 20-inch transmission pipeline in Butler

County, Kansas, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Cleo D. Odle.

(2) Tap Applicant's Oxford-Udall 6-inch transmission pipeline in Cowley County, Kansas, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Tri-Company Construction, Inc.

Applicant states that it would not need to acquire new gas supply to sell and deliver volumes of gas to the two customers and that the sales would not have any detrimental effect on existing customers.

Applicant asserts that the total cost of installing the proposed facilities would be $21,560 which would be paid from treasury cash.

Applicant proposes to serve the subject customers pursuant to interruptible gas sales contracts.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 14, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24949 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-191-002]

Columbia Gas Transmission Corp.; Petition to Amend

August 24, 1981.

Take notice that on August 12, 1981, Columbia Gas Transmission Corporation (Petitioner), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP80-191-002 a petition to amend the order issued April 18, 1980, as amended, in the instant docket pursuant to section 7(c) of the Natural Gas Act so as to authorize the transportation of natural gas to a point of delivery for Shenandoah Gas Company (Shenandoah) in lieu of Columbia Gas of Virginia, Inc. (Columbia of Virginia), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that Petitioner is authorized by order issed April 18, 1980, as amended, to construct and operate 70 interconnecting tap facilities to provide additional points of delivery to certain of Applicant's existing wholesale customers. It is also asserted that authorization was received for one point of delivery to Columbia of Virginia which is actually a point of delivery to Shenandoah. Petitioner, therefore, proposes that it be authorized to establish a point of delivery to Shenandoah to serve Blue Ridge Homes, Inc., Route 1, Box 78, Edinburg, Virginia.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 14, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24950 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-464-000]

Consolidated Gas Supply Corp.; Application

August 24, 1981.

Take notice that on August 13, 1981, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarkesburg, West Virginia 26301, filed in Docket No. CP81-464-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing certain sales of natural gas to and/or natural gas storage services for Bay State Gas Company (Bay State), Haverhill Gas Company (Haverhill), and T. W. Phillips Gas and Oil Company (Phillips), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to 2,054,000 dekatherms (dt) equivalent of gas to Bay State, up to 360,000 dt equivalent of natural gas to Haverhill, and up to 180,000 dt equivalent of natural gas to Phillips.

Applicant states that the proposed sale to Bay State and Haverhill would occur on the later of the day following receipt of all regulatory approvals or October 1, 1981. It is said that the proposed sale to Phillips would occur on the later of the day following receipt of all regulatory approvals or December 15, 1981. Applicant would charge Bay State, Haverhill and Phillips at the rate specified in its Rate Schedule E which is presently $2.705 per dt equivalent, it is asserted.

Applicant proposes to store up to 2,054,000 dt equivalent of natural gas for Bay State for a term beginning on the later of the day following receipt of all regulatory approvals or October 1, 1981, and ending on the earlier of twelve months following the effective date or the date all gas has been withdrawn for Bay State. Applicant states it would withdraw and deliver on a best-efforts basis up to 13,603 dt equivalent of gas per day.

Applicant indicates that the point of delivery for Bay State's gas would be the existing interconnection between the facilities of Applicant and Tennessee Gas Pipeline Company, a division of Tenneco Inc. (Tennessee) in Mahoning County, Ohio, known as the Petersburg

Connection. Applicant states that Bay State has arranged for Tennessee to provide the necessary transportation in accordance with the provisions of Section 311 of the Natural Gas Policy Act of 1978. It is stated that Applicant would charge a rate equivalent to that specified in its Rate Schedule GSS for the storage service.

Applicant proposes to store up to 180,000 dt equivalent of natural gas for Phillips for a term beginning on the later of the day following receipt of all regulatory approvals or December 15, 1981, and ending on the earlier of twelve months following the effective date or the date all gas has been withdrawn for Phillips.

Applicant asserts that the point of delivery for Phillips' storage gas would be the existing interconnection between the facilities of Applicant and Tennessee known as the Pittsburg Terminal Connection in Allegheny County, Pennsylvania. Applicant states that Tennessee would transport these gas supplies for Phillips. Applicant states that it would charge Phillips its Rate Schedule GSS rate which is presently 31.36 cents per dt equivalent for the proposed storage service.

Applicant explains that no new or additional facilities are proposed to be constructed. Applicant further explains that the source of the gas proposed to be sold to Bay State, Haverhill and Phillips is its general system supply and that this gas is surplus to the needs of Applicant's customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 14, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24951 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST81-377-000]

Consumers Power Co.; Application for Approval of Rates

August 24, 1981.

Take notice that on July 23, 1981, Consumers Power Company (Applicant), 212 W. Michigan Avenue, Jackson, Michigan 49201, filed in Docket No. ST81-377-000 an application pursuant to § 284.123(b)(2) of the Commisssion's Regulations for approval of its rate for the transportation and storage of natural gas on behalf of West Lake Arthur Distribution Company (WLADC), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that on July 15, 1981, it entered into an agreement with WLADC which provides that WLADC deliver to Applicant up to 12,000,000 Mcf of natural gas to be stored by Applicant for the account of WLADC in Applicant's existing storage fields. From November 1, 1981, through April 30, 1982, it is submitted, Applicant would withdraw volumes stored for the account of WLADC and redeliver such gas to WLADC. Applicant states that deliveries to Applicant and redeliveries to WLADC would be accomplished by displacement off the Trunkline Gas Company (Truckline) system at the existing interconnection between Applicant and Trunkline near White Pigeon, Michigan. Applicant asserts that all stored volumes would be fully withdrawn by April 30, 1982, and in the event that WLADC could not accommodate redelivery of all volumes by that date WLADC has a right to hold-over volumes in storage beyond April 30, 1982, subject to a hold-over charge. It is further stated that any hold-over volumes would be redelivered to WLADC within two years of the commencment of the agreement and no later than August 1, 1983.

For such transportation and storage service, Applicant proposes to charge WLADC a capacity charge of 45.86 cents per Mcf of gas storage and transmission capacity reserved annually and a commodity charge of 14.30 cents per Mcf of gas delivered for storage. Applicant further states that if the total amount of gas stored has not been completely withdrawn from storage on or before April 30, 1982, an annual hold-over charge of 37.46 cents per Mcf would be charged for the gas volumes remaining in storage on May 1, 1982. It is further asserted that deliveries to WLADC would be less 2.0 percent for gas used for compressor fuel.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 14, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24952 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5011-000]

Dayton Power & Light Co.; Application for Preliminary Permit

August 21, 1981.

Take notice that the Dayton Power and Light Company (Applicant) filed on June 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for Project No. 5011 known as the Caesar Creek Dam Project located on Ceasar Creek in Warren County, Ohio. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Steven G. Smith, Vice President Engineering and Purchasing, The Dayton Power and Light Company, P.O. Box 1247, Courthouse Plaza, Southwest, Dayton, Ohio 45401.

Project Description—The proposed project would utilize a U.S. Army Corps of Engineers dam. The project would consist of: (1) a proposed powerhouse containing an installed generating capacity of 5.7 MW; (2) proposed transmission lines; and (3) appurtenant facilities. The project would be located on Federal lands. The applicant estimates that the average annual energy generation will be 21. GWh.

Proposed Scope and cost of Studies under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months. During that period the Applicant intends to conduct engineering, environmental, and legal examinations. The cost of the proposed studies are estimated to be $72,500.

Competing Applications—This application was filed as a competing application to the Caesar Creek Dam Project No. 3804 filed on December 1, 1980, by Mitchell Energy Company, Inc., under 18 C.F.R. § 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have comments.

Comments, Protest, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 17, 1981.

Filing and Service of Responsive Documents—Any filing must bear in all captial letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24968 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-458-000]

El Paso Natural Gas Co.; Application

August 24, 1981.

Take notice that on August 10, 1981, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP81-458-000 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued operation of certain existing facilities and the transportation and sale of natural gas to Citizens Utilities Company (Citizens) and for permission and approval to abanadon service to Southern Utilities Company of Patagonia (Southern Utilities), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that pursuant to a service agreement dated December 18, 1963, Applicant sells and delivers natural gas to Southern Utilities at the Patagonia meter station in Santa Cruz County, Arizona, which is resold to customers in Santa Cruz County, Arizona.

Applicant asserts that on October 24, 1980, Southern Utilities and Citizens entered into an agreement providing for the sale by Southern Utilities to Citizens of the gas distribution system owned and operated by Southern Utilities in its natural gas operations.

Applicant proposes herein to deliver and sell to Citizens the quantities of natural gas currently sold to Southern Utilities. Applicant also proposes to abandon the service currently provided for Southern Utilities. It is submitted that Applicant and Citizens would enter into a new service agreement to accommodate Citizen's succession to Southern Utilities' gas operations. Applicant alleges that the aforesaid proposed service agreement between Applicant and Citizens would serve to cancel the currently effective service agreement dated December 18, 1963, between Southern Utilities and Applicant and the currently effective service agreement dated September 20, 1968, between Applicant and Citizens. Applicant contends that the term and volumes of natural gas to be provided by Applicant for Citizens would be identical to the term and combined total volumes of natural gas provided by the agreements of December 18, 1963, and September 20, 1968.

It is stated that no new or additional facilities would be required by Applicant to implement the delivery and sale of gas to Citizens. Furthermore, Applicant submits that the proposed deliveries and sales to Citizens would be made at the applicable rates in Applicant's Rate Schedules A-1, B-1, and D-1. Applicant avers that Citizens would continue to be classified as a "Category C Customer" under the permanent allocation plan and therefore no tariff sheet revisions to reflect category reclassification would be necessary.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 14, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24953 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-684-000]

Florida Power & Light Co.; Filing

August 20, 1981.

The filing company submits the following:

Take notice that Florida Power & Light Company (FPL) on August 12, 1981, tendered for filing documents entitled "Exhibit I to Service Agreement For Interchange Transmission Service Implementing Specific Transactions Under Service Schedules A (Emergency Service), B (Short Term Firm Service), C (Economy Interchange Service) and D (Firm Service) of Contracts for Interchange Service." This filing is proposed to amend FERC Electric Tariff Original Volume II (Sheet Nos. 1-19). FPL states that under the Exhibit I FPL will transmit power and energy for the City of Kissimmee (Kissimmee) as is required by Kissimmee in the implementation of its interchange agreement with Fort Pierce Utilities Authority.

FPL requests that waiver of Section 35.3 of the Commission's Regulations be granted and that the proposed Exhibit I be made effective immediately. FPL states that copies of the filing were served on the Utilities Director of the City of Kissimmee.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before September 9, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to interevene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24940 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-682-000]

Florida Power & Light Co.; Filing

August 20, 1981.

The filing company submits the following:

Take notice that Florida Power & Light Company (FPL) on August 12, 1981, tendered for filing two documents entitled "Exhibit I to Service Agreement For Interchange Transmission Service Implementing Specific Transactions Under Service Schedules A (Emergency Service), B (Short Term Firm Service), C (Economy Interchange Service." This filing is proposed to amend FERC Electric Tariff Original Volume II (Sheet Nos. 1-19).

FPL states that under the Exhibits I FPL will transmit power and energy for Tampa Electric Company (Tampa) as is required by Tampa in the implementation of its interchange agreements with Fort Pierce Utilities Authority and Jacksonville Electric Authority.

FPL requests that waiver of Section 35.3 of the Commission's Regulations be granted and that the proposed Exhibits be made effective immediately. FPL states that copies of the filing were served on the Manager of Inter-System Planning of Tampa Electric Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before September 9, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24941 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. QF 81-39-000]

George Eldridge & Son, Inc.; Application for Commission Certification of Qualifying Status of Small Power Production Facility

August 21, 1981.

On June 22, 1981, George Eldridge & Son, Inc. filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The hydroelectric facility is located on the Eight Mile Ranch in Ely, Nevada. George Eldridge & Son, Inc. states that the capacity of the facility will be 35 kilowatts and that it will be the sole owner of the facility. Applicant further states that no other small power production facilities are located within one mile of this facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 15 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24909 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. QF 81-35-000]

Hudson Lumber Co.; Application for Commission Certification of Qualifying Small Power Production and Cogeneration Facility

August 21, 1981.

On June 19, 1981 Hudson Lumber Company, of San Leandro, California, filed with the Federal Energy Regulatory Commission (Commission) a complete application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules. Applicant also requests certification of part of the facility as a qualifying cogeneration facility pursuant to the same rules.

The biomass facility is located in Anderson, California and has a total capacity of 6,417 megawatts. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility. No other small power production facilities are located within one mile of this facility.

The applicant states that one of the two turbines feeding the generator, a back-pressure turbine, is also a cogeneration facility. Power production capacity of the back-pressure turbine is 1.348 megawatts and reject heat from the system is used to provide thermal energy for use in adjacent dry kilns. The proposed installation for the facility is November, 1982.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 15 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24970 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-460-000]

Inland Gas Co., Inc.; Application

August 24, 1981.

Take notice that on August 10, 1981, The Inland Gas Company, Inc. (Applicant), 340-17th Street, Ashland, Kentucky 41101, filed in Docket No. CP81-460-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of pipeline taps and metering facilities in order to render natural gas service to 13 right-of-way grantors, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate facilities to provide natural gas service to 13 right-of-way grantors in Texas as follows:

	Name	County	Line No.
1.	Gen Branham	Boyd	T-5
2.	Tom Franklin	do	T-5
3.	James W. Walker	do	T-5
4.	James Adkins	do	T-5
5.	Joy Griffiths	do	T-5
6.	Teresa J. Glochner	do	T-5
7.	Morris Johnson	do	T-1
8.	Ethel Annette Mithchel	do	T-1
9.	Ed Johnson	do	T-1
10.	Merl Davis	do	T-1
11.	Bertha M. Jones	do	T-1
12.	Richard Tiller	do	T-1
13.	Charles McCown	do	T-1

Applicant estimates the Average cost of each of the pipeline taps and metering facilities to be $250 with a total cost of $3,250. Applicant states that such cost would be financed from internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 14, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24954 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-459-000]

Inland Gas Company, Inc.; Application

August 24, 1981.

Take notice that on August 10, 1981, The Inland Gas Company, Inc. (Applicant), 340 17th Street, Ashland, Kentucky 41101, filed in Docket No. CP81-459-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of gas service taps and metering facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant specifically proposes to construct and operate gas service taps and metering facilities for 72 Kentucky Revised Statutes (KRS) customers in Boyd, Floyd, Johnson, Knott, Lawrence, Letcher, and Magoffin Counties, Kentucky. It is stated that the KRS customers have requested gas service pursuant to a Kentucky Statute, KRS 278.485, which states in part that:

> Every gas pipeline company obtaining gas from producing wells located within this State, upon the request of the owner of the property on or over which any producing well or gas gathering pipeline is located or the owner of real estate whose property and point of desired service is located within one-half air-mile of said company's producing gas well or gas gathering pipeline, shall furnish gas service to such owner and applicant.* * *

The name of each KRS customer and the county and Applicant's line upon which the proposed gas service taps would be made are allegedly as follows:

	Name	County	Line No.
1	Dixie Johnson	Floyd	G-108
2	Nola Stumbo	Floyd	DG-20
3	Ollie Craft	Knott	G-108
4	Ronnie Robinette	Boyd	AG-8
5	George Reed	Magoffin	G-39
6	Larry Caldwell	Magoffin	G-39
7	Curtis Risner	Floyd	G-17
8	John Wayne Slone	Floyd	G-17
9	Delana Castle	Floyd	DG-20
10	Johnny Watts	Knott	G-108
11	Bobby Spurlock	Floyd	G-28
12	Rex Wilson	Floyd	DG-24
13	Dennis Jackson, Jr.	Floyd	G-77
14	Thomas J. Fletcher	Magoffin	G-39
15	Earl Gibson	Magoffin	GW-116
16	Marvin Blanton	Johnson	G-123
17	Mabel Billiter	Johnson	G-123
18	James A. Fields	Letcher	IG-112
19	Paul McCarty	Johnson	G-123
20	Garfield Burchett	Johnson	G-123
21	James R. Qualls	Boyd	AG-9
22	Raymond Smith	Knott	G-108
23	Gary L. Frasure	Floyd	DG-24
24	Jay Young, Sr.	Boyd	AW-586
25	Wayne C. Howard	Magoffin	FG-47
26	Harry David Cordell	Magoffin	FG-47
27	Thurman Lafferty	Floyd	EG-29
28	Woodrow Bowling	Knott	G-108
29	Charles Amburgey	Knott	IG-115
30	Marcia L. Ison	Knott	G-108
31	R. C. Arnett	Magoffin	FG-47
32	Willard Bailey	Magoffin	FG-47
33	Elcy Williams	Magoffin	G-39

	Name	County	Line No.
34	Danny Williams	Magoffin	G-39
35	Chester A. Allen	Magoffin	G-39
36	Chester Gearheart	Floyd	G-77
37	Kelly L. Miller	Magoffin	G-39
38	Elva Combs	Knott	IW-598
39	Chester Wireman	Magoffin	G-39
40	Larry D. Ferguson	Boyd	AW-K99
41	Larry D. Ferguson	Boyd	AW-K99
42	Larry D. Ferguson	Boyd	AW-K99
43	Vallie Flowers	Johnson	G-123
44	Byrd Preston	Johnson	CG-12
45	Kenneth Sparkman	Knott	HG-80
46	Johnny Arnett	Floyd	G-17
47	Jerry T. Cooley	Floyd	G-28
48	Mark R. Neeley	Floyd	DG-22
49	Donald Cunogin	Johnson	G-123
50	Virgil Woods	Knott	IG-105
51	Marion W. Combs	Knott	IW-598
52	Homer Dobson	Knott	IW-598
53	Roscoe Dobson	Knott	IW-598
54	Hoey Dobson	Knott	IW-598
55	James A. Davis	Johnson	G-123
56	Herbert Bolen	Knott	IW-599
57	Lester Lyon	Lawrence	G-123
58	Sophia Kimbler	Johnson	G-123
59	Marie W. King	Johnson	G-123
60	Thelma Allen	Floyd	G-77
61	Paul Dean Crider	Floyd	EG-31
62	Omega Hall	Knott	IG-115
63	Otto Stephens	Boyd	AG-122
64	Carl D. Mosley	Knott	G-106
65	Charles E. Wallen	Johnson	CG-11
66	Bobby R. Huff	Knott	IG-88
67	Charles Elsea	Magoffin	G-39
68	Philip A. Haywood	Floyd	G-28
69	Bill Tussey	Floyd	GW-415
70	Clarence Perry	Knott	IG-115
71	Harry McCoy	Boyd	AG-124
72	Clyde E. VanHoose, Jr.	Boyd	AG-7

It is stated the service to the above mentioned 72 KRS customers would be from rural farm taps made on Applicant's gathering and well lines. Applicant submits that all of the gas so supplied would be for residential usage.

Applicant states that the average cost for each of the proposed pipeline taps is estimated to be $250 for a total estimated cost of $18,000 which would be financed from internally generated funds.

Applicant asserts that inasmuch as KRS customer service is provided from well or gathering lines such service would terminate after the producing well or wells connected to such lines have been depleted. Hence, Applicant requests abandonment authorization when such gas well or gathering pipeline is abandoned.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 14, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24955 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-455-000]

Kokomo Gas and Fuel Co.; Application

August 24, 1981

Take notice that on July 29, 1981, Kokomo Gas and Fuel Company (Applicant), 900 East Boulevard, Kokomo, Indiana 46901, filed in Docket No. CP81-455-000 and application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of surplus system gas to West Lake Arthur Distribution Company (WLADC), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is submitted that Applicant is a local distribution company receiving natural gas for ultimate consumption within the State of Indiana and, therefore, is exempt from Commission jurisdiction pursuant to Section 1(c) of the Natural Gas Act.

Applicant states that its sole suppliers of natural gas is Panhandle Eastern Pipe Line Company (Panhandle) and that it has entered into long-term gas supply contracts with Panhandle establishing certain minimum and maximum annual contract entitlements, peak day entitlements and contract demand volumes. Applicant further states that its contract demand volumes are temporarily in excess of its system requirements due to the depressed economic situation in the auto industry, the principal industry served by Applicant.

Applicant, therefore, proposes to sell to WLADC on a best-efforts basis up to 8,000,000 Mcf of natural gas annually for each of the next two successive twelve-month periods pursuant to a contract dated July 2, 1981. It is submitted that such gas would be delivered to WLADC at Panhandle's Tipton Station at the city gate of Applicant's system. WLADC it is asserted, would be responsible for effecting the transportation of such gas to its local distribution system in Louisiana.

Applicant further proposes to charge WLADC a rate of $3.10 per dekatherm equivalent subject to upward adjustments based upon changes in Panhandle's average system cost of gas to Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 24, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herin, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24956 Filed 8-26-81 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4905-000]

Lost River Electric Cooperative, Inc.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

August 21, 1981.

Take notice that on June 18, 1981, Lost River Electric Cooperative, Inc. (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (FERC Project No. 4905) would be located on the Big Lost River, near the town of Mackay, in Custer County, Idaho. Correspondence with the Applicant should be directed to: Mr. Lew R. Green, Manager, Lost River Electric Cooperative, Inc., P.O. Box 417, Mackay, Idaho 83251.

Project Description—The proposed project would consist of: (1) an existing 76-foot high dam and 1,340-acre reservoir; (2) an existing 500-foot long conduit; (3) a powerhouse containing one generating unit rated at 3,000 kW; and (4) a 1,400-foot long transmission line.

Purpose of Project—The energy generated by the project would be utilized within the Applicant's distribution system.

Agency Comments—The U.S. Fish and Wildlife Service and the Idaho Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. If no comments are filed within this time period, an agency will be presumed to have determined that no terms or conditions to the exemption are necessary. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—This application was filed as a competing application to the Mackay Dam Project No. 3909 filed on December 12, 1980, by the City of Ashton, Idaho and Idaho Renewable Resources, Inc. under 18 C.F.R. § 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a prson who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be received on or before October 2, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for exemption for Project No. 4905. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24956 Filed 8-26-81 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5021-000]

Mac Hydro-Power Co.; Application for Preliminary Permit

August 21, 1981.

Take notice that Mac Hydro-Power Company (Applicant) filed on June 26, 1981, and application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for Project No. 5021 known as the Frazier Creek Power Project in Plumas County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: H. L. "Pete" Childers, President, Gary A. McKnight, Vice President, Mac Hydro-Power Company, Inc., 2515 Grass Valley-Hwy., Auburn, California 95603.

Project Description—The proposed project would consist of: (1) a 20-foot long, 5-foot high concrete and rock diversion structure; (2) a 8,600-foot long, 48-inch diameter diversion conduit; (3) a 4,800-foot long, 48-inch penstock; (4) a powerhouse to contain generating units with a combined rated capacity of 4,100 kW; and (5) a 1.5-mile long, 12.5-kV transmission line.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering, environmental and economic feasibility studies and prepare an application for an FERC license. No new roads will be required to conduct these studies. The estimated cost of conducting these studies and preparing an application for an FERC license is $60,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 24, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application.

(A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests or petition to intervene must be received on or before October 24, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24989 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-670-000]

Montana Power Co.; Compliance Filing

August 20, 1981.

The filing company submits the following:

Take notice that on August 11, 1981, The Montana Power Company (Montana) tendered for filing, in compliance with the Commission's order of May 6, 1977: (1) a summary of sales made under Montana's FPC Electric Tariff M-1 during June 1981 and (2) cost justification for the rate charged.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before September 9, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24942 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP75-215-002]

Mountain Fuel Supply Co.; Petition to Amend

August 24, 1981.

Take notice that on August 10, 1981, Mountain Fuel Supply Company (Petitioner), 180 East First South Street, Salt Lake City, Utah 84139, filed in Docket No. CP75-215-002 pursuant to Section 7 of the Natural Gas Act a petition to amend the order issued December 27, 1978, in the instant docket, so as to authorize the construction and operation of certain facilities required for the expanded operation of Petitioner's Coalville Underground Gas Storage Project (Coalville) in Summit County, Utah, and for permission and approval to abandon certain gas storage facilities, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is submitted that by order issued December 27, 1978, Petitioner was authorized to develop Coalville so as to achieve a total storage inventory level of 10,000,000,000 Mcf to retire an existing 600 horsepower field compressor, to install a new 1,300 horsepower reciprocating compressor and two new dehydration units, to construct various metering, regulating, central header, pipeline and lateral facilities, to relocate two existing dehydration units, and to drill five additional storage interval observation wells.

In order to improve the deliverability of the storage reservoir and to better serve the needs of distribution customers in its primary market area Petitioner now proposes the following:

(a) Drill two additional injection/withdrawal wells (Well Nos. 8 and 9) and three additional observation wells (Well Nos. 10, 11 and 13) into the Frontier formation at a depth of 2,200-2,500 feet in the existing Coalville storage field;

(b) Install two 30,000 Mcf per day dehydration units one each at Well Nos. 8 and 9;

(c) Construct additions to the lateral system consisting of approximately 2,800 feet of buried 6⅝-inch O.D. pipe to serve Well Nos. 8 and 9; and,

(d) Install regulating, metering and miscellaneous related facilities.

Petitioner estimates the total cost of such facilities to be $3,312,003 which cost would be financed through funds on hand and/or short-term borrowing.

Petitioner further proposes to abandon in place approximately 677 feet of 6⅝-inch O.D. lateral connecting Well No. 1 to Main Line No. 3 and approximately 498 feet of 6⅝-inch O.D. lateral from Well No. 1 to the vincinity of Well No. 7 along with appurtenant facilities.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 14, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24957 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-671-000]

Niagara Mohawk Power Corp.; Tariff Filing

August 20, 1981.

Take notice that Niagara Mohawk Power Corporation (Niagara), on August 10, 1981, tendered for filing as a rate schedule agreement between Niagara, Connecticut Light and Power Company (CL&P) and Western Massachusetts Electric Company (WMECO) dated January 19, 1981.

The agreement provides for the transmission of intermittent, short term power as scheduled by Central Hudson Gas and Electric Corporation for CL&P's account which is then to be delivered to WMECO. Niagara requests a waiver of the advance notice requirement to allow a retroactive effective date of January 19, 1981.

Copies of the filing were served upon the following:

Connecticut Light and Power Company, P.O. Box 2010, Hartford, CT 06101
Western Massachusetts Electric Company, 174 Brush Hill Avenue, West Springfield, MA 01089
Public Service Commission, State of New York, Three Rockefeller State Plaza, Albany, NY 12223.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before September 9, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to be heard to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc 81-24943 Filed 8-26-81, 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-88-001]

Northwest Pipeline Corp.; Amendment to Application

August 24, 1981.

Take notice that on August 13, 1981, Northwest Pipeline Corporation (Applicant), 315 East 200 South Street, Salt Lake City, Utah, 84111, filed in Docket No. CP81-88-001 an amendment to an application filed by Chevron Chemical Company (Chemical) on behalf of Applicant in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to reflect modification in Applicant's October 28, 1980, gas transportation agreement with Chemical, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that in the original application filed December 9, 1980, Applicant proposed the transportation of up to 2,000 Mcf of natural gas per day for the account of Chemical pursuant to their October 28, 1980, gas transportation agreement. It is further asserted that Applicant proposed to receive the subject gas from Chemical at the outlet of a gas processing plant located in Section 30, Township 2 North, Range 102 West, Rio Blanco County, Colorado. Applicant submits that for providing the requested transportation service Applicant proposed to charge Chemical 1.54 cents per Mcf for transporting the gas from the delivery point to the mainline via the Rangley Lateral plus the applicable mainline transportation rate set forth in Sheet 2 of Applicant's FERC Gas Tariff Original Volume No. 2 for transporting the gas on its mainline to the Kennewich Plant delivery point.

It is submitted that on May 5, 1981, Applicant and Chemical amended their agreement so as to change the aforesaid delivery point to a location near the outlet of a gas sweetening plant being built in Section 23, Township 2 North, Range 103 West, Rio Blanco County, Colorado. It is further stated that the agreement was also amended so as to provide that Applicant would charge Chemical an initial rate of 1.03 cents per Mcf of gas transported from the new delivery point to the mainline. Applicant submits that this recalculation of rate is the result of projected cost-of-service for the specific facilities used, the change in delivery point location, and consequent change in facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 14, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary

[FR Doc 81-24958 Filed 8-26-81 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-37-001]

Northwest Pipeline Corp.; Change in Rates Pursuant to Demand Charge Credit Adjustment

August 21, 1981.

Take notice that Northwest Pipeline Corporation ("Northwest"), on August 14, 1981 tendered for filing proposed changes in its FERC Gas Tariff, First Revised Volume No. 1, filed pursuant to the Commission's order issued March 29, 1974, at Docket No. RP74-72 and Article 13.7 of Northwest's FERC Gas Tariff, First Revised Volume No. 1. The change in rates will result in .000¢ per therm for Rate Schedules ODL-1, DS-1 and PL-1. As more fully explained in the instant filing, the demand charge credit adjustment reflected on Northwest's Statement of Rates is zero.

Northwest is concurrently filing a notice of change in rates applicable to Article 16, Purchased Gas Cost Adjustment Provision contained in its First Revised Volume No. 1 Tariff. Both rate adjustments are reflected on the tendered Substitute Fourth Revised Sheet No. 10 which is proposed to become effective October 1, 1981.

Copies of this filing have been served upon Northwest's jurisdictional customers and affected state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the FERC, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before Sept. 8, 1981. Protests will be considered by the Commission in determining the appropriate actions to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary

[FR Doc 81-24972 Filed 8-26-81 8:45 am]

BILLING CODE 6450-85-M

[Project No. 925-001]

City of Ottumwa, Iowa; Application for New Major License for Constructed Project

August 21, 1981.

Take notice that an application was filed on October 20, 1980, and amended on February 25, 1981, [under the Federal Power Act 16 U.S.C. 791(a)-825(r)], by the City of Ottumwa, Iowa, (Applicant) for a new license for its major project. The Ottumwa Project, FERC No. 925, is located on the Des Moines River, in Wapello County, Iowa. Correspondence with the Applicant should be addressed to: Mr. John P. Quirk, General Manager, Ottumwa Waterworks and Hydroelectric Plant, 310 South Wapello Street, Drawer A, Ottumwa, Iowa 52501

Project Description—The existing project would consist of: (1) an existing concrete dam approximately 766 feet long and 18 feet high with a gated spillway approximately 650 feet long; (2) an existing powerhouse, forming an integral part of the dam, containing an installed generating capacity of 3,000 kW; (3) an existing 500-acre reservoir, with a gross storage capacity of 5,000 acre-feet; and (4) appurtenant facilities. The average annual energy generation is estimated to be 10,279.1 NWh.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 23, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than February 23, 1982, a notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding.

To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be received on or before October 23, 1981, the Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20246. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24985 Filed 8-26-81 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-679-000]

Pacific Gas & Electric Co.; Filing

August 21, 1981.

The filing company submits the following:

Take notice that on August 12, 1981, Pacific Gas and Electric Company (PG&E) tendered for filing a notice of change in rates and charges of certain electric resale rate schedules under its FPC Electric Tariffs, Original Volume Nos. 1 and 2. The proposed changes would increase revenues from jurisdictional sales and service in two phases by a total of $46,303,000, or 57.4 percent, based on the 12 month estimated test period ending December 31, 1982. The proposed effective date for the Phase I portion of the increase, which will amount to $15,000,000, is October 12, 1981. The proposed effective date for the Phase II portion of the increase, which will amount to an additional $31,303,000, is October 13, 1981.

Copies of the filing were served upon PG&E's jurisdictional customers, the California Public Utilities Commission and the Public Service Commission of Nevada.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 14, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24973 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4828-000]

Village of Philadelphia, New York; Application for Preliminary Permit

August 21, 1981.

Take notice that the Village of Philadelphia (Applicant) filed on June 9, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for Project No. 4828 known as the Philadelphia Project located on the Indian River in Jefferson County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: The Honorable Wayne L. Huntress; Mayor of Philadelphia; 56 Main Street; Philadelphia, New York 13673.

Project Description—The proposed project would consist of: (1) an existing two section concrete gravity dam; the east section is 3 feet high and 60 feet long, the west section is 11 feet high and 88 feet long; (2) an existing reservoir with a storage capacity of 2.2 acre-feet at a mean surface elevation of 474.7 feet (USGS datum); (3) the existing gate structure; (4) a new penstock; leading to (5) a new powerhouse containing new turbine/generators with a rated capacity of 2,000 kW; (6) a new tailrace; (7) a new transmission line; and (8) appurtenant works. The existing facilities are owned by the Village of Philadelphia.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years during which time the Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under the permit would be $60,000.

Competing Applications—This application was filed as a competing application to Long Lake Energy Corporation's Project No. 4334 filed on March 15, 1981, under 18 C.F.R. § 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described applications. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments,

protest, or petition to intervene must be received on or before September 17, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4828. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24977 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER76-285 (Phase II) and ER78-339]

Public Service Company of New Hampshire; Filing of Refund Compliance Report

August 21, 1981.

The filing company submits the following:

Take notice that on June 22, 1981, Public Service Company of New Hampshire (PSNH) filed a refund compliance report in accordance with FERC regulation 18 CFR 35.19a(b).

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before September 14, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24944 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-453-000]

Tennessee Gas Pipeline Company, A Division of Tenneco Inc.; Application

August 24, 1981.

Take notice that on August 6, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP81-453-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Consolidated Edison Company of New York, Inc. (Con Ed), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport natural gas on behalf of Con Ed which Con Ed has arranged to purchase from Bay State Gas Company (Bay State). Applicant states that Bay State would make available to Applicant quantities of gas for the account of Con Ed at Applicant's existing Agawam Sales Meter Station in Hampden County, Massachusetts. Applicant proposes to deliver equivalent volumes to Transcontinental Gas Pipe Line Corporation (Transco) at Applicant's existing Riverdale Sales Meter Station located in Bergen County, New Jersey. Applicant states that Transco would deliver equivalent volumes to Con Ed through its existing distribution system. Applicant proposes to deliver up to 30,000 Mcf of natural gas per day for a period ending October 31, 1981.

Applicant asserts that the transportation would be interruptible and would be subordinate to existing transportation arrangements on Applicant's system. Applicant further states that such transportation service is conditioned upon the availability of capacity sufficient to provide the service without detriment or disadvantage to Applicant's existing customers.

Applicant proposes to charge Con Ed 5.92 cents per Mcf delivered to Transco for the account of Con Ed.

Con Ed, it is asserted, would use the subject gas to replace fuel oil in the generation of electricity.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 14, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24959 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP69-227]

Texas Gas Transmission Corp.; Petition To Amend [1]

August 24, 1981.

Take notice that on August 10, 1981, Texas Gas Transmission Corporation (Petitioner), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP69-227 a petition to amend the order issued June 23, 1969, as amended, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the addition of certain acreage to the Midland Gas Field in Muhlenberg County, Kentucky, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that by order issued June 23, 1969, in the instant docket Petitioner was authorized to develop and operate the Midland Gas Field as a gas storage field with an ultimate total storage volume of 120,000,000 Mcf. Petitioner

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

states that the maximum stabilized shut-in reservoir pressure of the Bethel Sand in the Midland Storage Field would not exceed 961 psia without prior authorization of the Commission and that the maximum top storage volumes injected would not exceed 8,812,813 Mcf without prior authorization of the Commission.

Petitioner states that on February 20, 1973, the Commission issued an order deleting the top storage volumetric limitation leaving as the only controlling limitation the shut-in reservoir pressure of 961 psia.

Petitioner asserts that recent studies indicate that the structural limits of Midland's storage reservoir are larger than shown by previous studies. It is stated that in this regard on April 10, 1980, Petitioner received a conveyance, bill of sale and assignment from Zeigler Coal Company (Zeigler) covering storage rights underlying certain acreage previously considered protective acreage to Midland as well as Ziegler's interest in certain gas wells located on such acreage and completed in the Bethel Sand. Petitioner asserts that studies conducted by Zeigler and Petitioner had determined these wells to be in communication with Midland. It is further stated that Petitioner paid $1,771,102 for the acreage acquired.

Petitioner proposes herein to add the acreage conveyed by Zeigler to its Midland operations.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 14, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24980 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-449-000]

Transcontinental Gas Pipe Line Corp.; Application

August 24, 1981.

Take notice that on August 3, 1981, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP81-449-000 and application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Public Service Electric and Gas Company (PSE&G), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport natural gas on behalf of PSE&G which PSE&G has arranged to purchase from South Jersey Gas Company (South Jersey). Applicant proposes to receive up to 75,000 dekatherms (dt) equivalent per day from South Jersey at Applicant's existing points of delivery to South Jersey and to redeliver equivalent quantities, less quantities retained for compressor fuel and line loss make-up, to PSE&G at Applicant's existing delivery points to PSE&G in the New York metropolitan area.

Applicant states that pursuant to Section 284.202(a)(1) of the Commission's Regulations Applicant is able to commence transportation for PSE&G on a self-implementing basis inasmuch as South Jersey has advised Applicant that volumes currently being transported are "volumes attributable to local supplies" within the meaning of Section 284.201(g) of the Commission's Regulations. Applicant states that accordingly the authorization requested herein is limited to transportation of volumes exceeding those attributable to local supplies up to a total daily maximum of 75,000 dt equivalent.

Applicant states that the proposed transportation is for a term beginning on the date of initial deliveries and ending on October 31, 1981, or on the expiration of the "fuel shortage emergency period" as defined in Section 284.201(e) of the Commission's Regulations whichever first occurs. Applicant asserts that the transportation would be interruptible and would be subordinate to existing transportation arrangements on Applicant's system and to Applicant's deliveries to PSE&G under Applicant's Rate Schedules CD, PS, GSS, S-2 and LG-A. Applicant further states that such transportation service is conditioned upon the availability of capacity sufficient to provide the service without detriment or disadvantage to Applicant's existing customers.

Applicant states that for such transportation service PSE&G would initially pay Applicant 7.0 cents per dt equivalent delivered and Applicant initially would retain 0.7 percent of the quantities received for compressor fuel and line loss make-up. Applicant proposes to retain all revenues received for the subject transportation service.

It is asserted that the subject gas would displace fuel oil used to generate electricity.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 14, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24981 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-445-000]

Transcontinental Gas Pipe Line Corp.; Application

August 24, 1981.

Take notice that on July 31, 1981, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP81-445-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Consolidated Edison Company of New York, Inc. (Con Ed), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport natural gas on behalf of Con Ed which Con Ed has arranged to purchase from Pennsylvania Gas and Water Company (PG&W). Applicant proposes to receive up to 46,900 dekatherms (dt) equivalent per day from PG&W at Applicant's existing points of delivery to PG&W and to redeliver equivalent quantities to Con Ed at Applicant's existing delivery points to Con Ed in the New York metropolitan area. Applicant states that the proposed transportation service is for a term beginning on the date of initial deliveries and ending on October 31, 1981, or on the expiration of the "fuel shortage emergency period" as defined in Section 284.201(e) of the Commission's Regulations whichever first occurs. Applicant asserts that the transportation would be interruptible and would be subordinate to existing transportation arrangements on Applicant's system and to Applicant's deliveries to Con Ed under Applicant's Rate Schedules CD, PS, GSS and WSS. Applicant further states that such transportation service is conditioned upon the availability of capacity sufficient to provide the service without detriment or disadvantage to Applicant's existing customers.

Applicant states that for such transportation service, Con Ed would initially pay Applicant 3.5 cents per dt equivalent delivered. Applicant further request that it be allowed to retain all revenues received for the subject transportation service.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 14, 1981, file with a Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedures (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24982 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4945-000]

City of Ukiah, Calif.; Application for Preliminary Permit

August 21, 1981.

Take notice that the City of Ukiah, California (Applicant) filed on June 23, 1981, and application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a) 825(r)] for Project No. 4945 to be known as the Eden Creek Hydroelectric Waterpower Project located on Eden Creek in Mendocino County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Charles Myers, Mayor, City of Ukiah, 203 South School Street, Ukiah, California 95482.

Project Description—The proposed project would consist of: (1) a 5-foot high, 120-foot long diversion structure; (2) a 5,600-foot long diversion channel; (3) a 1,400-foot long penstock; and (4) a powerhouse containing a single generating unit with a rated capacity of 4,300 kW. The Applicant estimates that the average annual energy output would be 13 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36 month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $100,000.

Competing Applications—This application was filed as a competing application to the Eden Creek, Mendocino Project No. 4384 filed on March 20, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the procceding. Any comments, protest, or petition to intervene must be received on or before September 17, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb,

Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24986 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4944-000]

City of Ukiah, Calif.; Application for Preliminary Permit

August 21, 1981.

Take notice that the City of Ukiah, California (Applicant) filed on June 23, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a) 825(r)] for Project No. 4944 to be known as the Mendenhall Creek Hydroelectric Waterpower Project located on Mendenhall Creek in Mendocino County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Charles Myers, Mayor, City of Ukiah, 203 South School Street, Ukiah, California 95482.

Project Description—The proposed project would consist of: (1) a 5-foot high, 110-foot long diversion structure; (2) a 5,000-foot long diversion channel; (3) a 1,200-foot long penstock; and (4) a powerhouse containing a single generating unit with a rated capacity of 4,500 kW. The Applicant estimates that the average annual energy output would be 12.1 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36 month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $100,000.

Competing Applications—This application was filed as a competing application to the Mendenhall Creek, Mendocino Project No. 4383 filed on March 20, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR § 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 17, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24987 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-680-000]

Union Electric Co.; Filing

August 21, 1981.

Take notice that on August 12, 1981, Union Electric Company (Union) tendered for filing Seventh Revised Service Schedules C, E and F to the Interconnection Agreement dated February 18, 1972, between Union, Central Illinois Public Service Company and Illinois Power Company.

Union indicates that the proposed Revised Service Schedules increase the reservation charges for Maintenance, Short-term Non-firm, and Short-term Firm Power transactions and provide for cancellation of the previous service schedules dated April 1, 1980.

Union requests a waiver of the advance notice requirement to allow an effective date of October 1, 1981 for the Revised Service Schedules.

Union states the copies of this filing have been sent to all the parties and to the Missouri Public Service Commission and that a copy will be filed with the Illinois Commerce Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 14, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24945 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER79-121]

Utah Power & Light Co.; Filing

August 21, 1981.

Take notice that on August 13, 1981 the Utah Power and Light Company (UP&L) submitted to the Commission amendments to a compliance filing submitted to the Commission on May 20, 1981. According to UP&L, the proposed amendments would bring UP&L's filing into compliance with Opinion 113.

Any person desiring to comment upon UP&L's submittal should on or before

September 14, 1981, submit them to the Commission. All comments submitted to the Commission will be considered by it in determining the appropriate action to be taken. UP&L's submittal is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24974 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4898-000]

Utah Power & Light Co.; Application for Preliminary Permit

August 21, 1981.

Take notice that Utah Power and Light Company (Applicant) filed on June 18, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for Project No. 4898 to be known as the Pineview Hydro Project located on the Ogden River in Weber County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Sidney G. Baucom, Executive Vice President & General Counsel, Utah Power & Light Company, 1407 West North Temple, Salt Lake City, Utah 84116.

Project Description—The proposed project would utilize the existing Bureau of Reclamation's Pineview Dam and Reservoir, operated and maintained by the Ogden River Water Users Association, and would consist of: (1) a penstock utilizing the existing outlet works near the right dam abutment; (2) a new powerhouse containing generating units having a total rated capacity of 1,030 kW; (3) a tailrace; (4) a new 69-kV transmission line, approximately 1,000 feet long; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 4,030,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $25,000.

Competing Applications—This application was filed as a competing application to the Utah Hydro Corporation's application for Project No. 3543 filed on October 8, 1980, under 18 CFR § 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 17, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24975 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5010-000]

Utah Power & Light Co.; Application for Preliminary Permit

August 21, 1981.

Take notice that the Utah Power & Light Company (Applicant) filed on June 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5010 to be known as the Ririe Dam Project located on Willow Creek in Bonneville County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Sidney G. Baucom, Esq.; Executive Vice President and General Counsel; 1407 West North Temple; Salt Lake City, Utah 84116.

Project Description—The proposed project would utilize the existing Bureau of Reclamation's Dam and would consist of: (1) a trash rack; (2) an intake structure; (3) a penstock; (4) a powerhouse containing one turbine/generating unit with a rated capacity of 1,900 kW; (5) a substation; (6) 3 miles of 69-kV transmission line; and (7) appurtenant works. Project energy generated would be utilized by the Applicant for the benefit of its customers. The Applicant estimates that the average annual energy output would be 7,623,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under the permit would be $15,000.

Competing Applications—This application was filed as a competing application to the Cook Electric Company's Project No. 3448-001 filed on December 30, 1980 under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application.

(A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below. it will be presumed to have no comments.

Comments. Protests. or Petitions To Intervene—Anyone may submit comments. a protest. or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure. 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take. the Commission will consider all protests or other comments filed. but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments. protests. or petitions to intervene must be received on or before September 17. 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS". "PROTEST". or "PETITION TO INTERVENE". as applicable. and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb. Secretary. Federal Energy Regulatory Commission. 825 North Capitol Street. NE.. Washington. D.C. 20426. An additional copy must be sent to: Fred E. Springer. Chief. Applications Branch. Division of Hydropower Licensing. Federal Energy Regulatory Commission. 825 North Capitol Street. NE.. Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb.

Secretary

[FR Doc 81-24990 Filed 8-26-81. 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-681-000]

Vermont Electric Power Company. Inc.; Filing

August 21. 1981.

Take notice that on August 12. 1981. Vermont Electric Power Company. Inc. (VELCO) tendered for filing an amendment. dated December 1. 1980. to FPC Rate Schedule No. 10: Agreement Re Charges for Tap Changing Equipment for the City of Burlington. dated December 10. 1963. between VELCO and the City of Burlington.

VELCO states that the service to be furnished under this rate schedule is as follows:

Vermont Electric Power Company. Inc. has installed at a cost of $53.817.50 in its new Queen City substation 115/13.8 KV transformer. automatic underload tap changing equipment. and will operate and maintain the said equipment for the benefit and service of the City of Burlington. The monthly cost to Burlington for 1981 will be $734.16.

VELCO further states that as a result of unavoidable delay in resolving certain aspects of negotiations for this rate schedule VELCO was not able to file the schedule in a timely manner. In addition. VELCO is required to submit the Agreement. which makes up this rate schedule. to the Department of Public Service of the State of Vermont for approval pursuant to § 35.3 of the regulations. Therefore. VELCO requests that the Commission waive the notice requirements under § 35.11.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission. 825 North Capitol Street. N.E.. Washington. D.C. 20426. in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8. 1.10). All such petitions or protests should be filed on or before September 14. 1981. Protests will be considered by the Commission in determining the appropriate action to be taken. but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb.

Secretary

[FR Doc 81-24976 Filed 8-26-81. 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-669-000]

Washington Water Power Co.; Filing

August 20. 1981.

The filing company submits the following:

Take notice that on August 10. 1981. The Washington Water Power Company (Washington) tendered for filing copies of an exchange agreement with Puget Sound Power & Light Company (Puget) which provides for the exchange of steam-electric generation which. because of plant locations and load area locations. results in substantial saving in both transmission service costs and in transfer losses.

Washington is a 15 percent owner of the Centralia steam-electric plant in western Washington near Puget's system load area. Previously. Washington's Centralia generation was wheeled over Bonneville Power Administration transmission facilities to its system load area in eastern Washington. Puget is a 50 percent owner of Colstrip steam-electric Units #1 and #2 in eastern Montana. Puget's Colstrip generation formerly was wheeled over transmission facilities of other utilities. including Bonneville's. to its system load area in western Washington. The subject agreement provides for the exchange of Washington's Centralia capacity and energy for a like amount of Puget's Colstrip capacity and energy. which. because of the shortening of the transfer distances involved results in substantial saving in both transmission service costs and transfer losses. The savings resulting therefrom both in transmission costs and transfer losses are shared equally by Washington and Puget under the terms of the agreement.

Washington requests a waiver of the advance notice requirements to allow a retroactive effective date of October 1. 1980.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission. 825 North Capitol Street. N.E.. Washington. D.C. 20426. in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before September 9. 1981. Protests will be considered by the Commission in determining the appropriate action to be taken. but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb.

Secretary

[FR Doc. 81-24946 Filed 8-26-81. 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. G-6086-000. et al.]

MAPCO Production Company (Succ. to MAPCO Inc.); Applications for Certificates. Abandonment of Service and Petitions To Amend Certificates[1]

August 21. 1981.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before September 4, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft.³	Pressure base
G-6086-000 D, July 24, 1981	MAPCO Production Company (succ. to MAPCO, Inc.), 1800 South Baltimore Avenue, Tulsa, Oklahoma 74119.	Northern Natural Gas Corporation, Hugoton field, Texas County, Oklahoma.	(1)	
CI66-697-002 D, August 7, 1981	Shell Oil Company, One Shell Plaza, P.O. Box 2463, Houston, Texas 77001.	El Paso Natural Gas Company, JM field, Crockett and Val Verde Counties, Texas.	(2)	
CI67-1096-000 D, August 6, 1981	Shell Oil Company, One Shell Plaza, P.O. Box 2463, Houston, Texas 77001.	El Paso Natural Gas Company, Lockridge field, Ward County, Texas.	(2)	
CI77-665-001 D, August 10, 1981	Florida Exploration Company, Post Office Box 44, Winter Park, Florida 32790.	Florida Gas Transmission Company, Unit 9-7 #1 Well, Bowie Creek field area, Jefferson Davis County, Mississippi.	(3)	
CI80-160-001 F, C, July 31, 1981 [4]	Coastal Oil & Gas Corporation (partial succ. in interest to Barnett Oil Company), Nine Greenway Plaza, Houston, Texas 77046.	Colorado Interstate Gas Company, West Panhandle field, Potter County, Texas.	(5)	14.65
CI81-450-000 A, August 5, 1981	The Louisiana Land And Exploration Company, 225 Baronne Street, Post Office Box 60350, New Orleans, Louisiana 70160.	Texas Eastern Transmission Corporation, block 89 field, South Pass area, offshore Louisiana.	(6)	15.025
CI81-451-000 A, August 7, 1981	Samedan Oil Corporation, P.O. Box 909, Ardmore, Oklahoma 73401.	Tennessee Gas Pipeline Company, Vermilion area, blocks 155 and 156, offshore Louisiana.	(7)	15.025
CI81-452-000 (G-14254) B, August 7, 1961.	Sun Oil Company, P.O. Box 20, Dallas, Texas 75221	Transcontinental Gas Pipe Line Corporation, block 76(66), Vermilion area, Terrebonne Parish, Louisiana.	(8)	
CI81-453-000 A, August 10, 1981	Newmont Oil Company, 600 Jefferson Avenue, Suite 930, Houston, Texas 77002.	Transcontinental Gas Pipe Line Corporation, NE¼ of block 86, Ship Shoal area, offshore Louisiana.	(12)	15.025
CI81-454-000 A, August 10, 1981	Tenneco Oil Company, P.O. Box 2511, Houston, Texas 77001.	Tennessee Gas Pipeline Company, Vermilion area blocks 155 and 156, offshore Louisiana.	(9)	15.025
CI81-455-000 B, August 10, 1981	ARCO Oil and Gas Company, Division Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75221.	Union Texas Petroleum, Fennell unit, tract Nos. 3 and 4, Runnels County, Texas.	(10)	
CI81-456-000 A, August 10, 1981	Tenneco Oil Company, P.O. Box 2511, Houston, Texas 77001.	Tennessee Gas Pipeline Company, Eugene Island south addition, block 294, offshore Louisiana.	(9)	15.025
CI81-457-000 A, August 10, 1981	Exxon Corporation, P.O. Box 2180, Houston, Texas 77001.	Columbia Gas Transmission Corporation, South Marsh Island, block 99 field, offshore Louisiana.	(11)	15.205

[1] Release of Gas for Irrigation Fuel from the subject well.
[2] Shell Oil Company is unable to render service from this acreage as it no longer owns any interest in the leases covering the acreage.
[3] Production ceased and deliveries to FGT have terminated.
[4] By Farmout Agreement dated January 1, 1981, Applicant acquired the rights to develop approximately 785 additional acres in Potter County, Texas.
[5] Applicant is filing under Gas Purchase Agreement dated January 12, 1970, as amended, and amended by Amendments dated February 12, 1981 and June 5, 1981.
[6] Applicant agrees to accept a certificate conditioned upon a price equal to the maximum lawful price under Section 104 of the NGPA, reserving its right to collect any higher applicable NGPA rate.
[7] Applicant is filing under Gas Purchase Contract dated July 23, 1981.
[8] Gas reserves were depleted and the wells were plugged and abandoned. The leases were terminated by the Bureau of Land Management and were released to the Lessor.
[9] Applicant is filing under Gas Puchase and Sales Agreement dated August 5, 1981.
[10] Leases was disconnected from purchaser's system due to pressure in its pipeline which precluded any production from the well and therefore it was uneconomical to process the gas at its Perkins Gasoline Plant. Pursuant to terms of contract, contract was terminated as of July 1, 1979.
[11] Applicant agrees to accept a permanent Certificate of Public Convenience and Necessity covering the subject sale conditioned in accordance with the Natural Gas Policy Act of 1978 and the Commission's Regulations under said Act.
[12] Applicant is willing to accept certification conditioned to an initial rate equal to the applicable maximum lawful price prescribed in the NGPA and the Commission's regulations implementing the NGPA, including any increases in such prices, provided that Applicant shall be entitled to file increases to any higher contractually authorized prices in accordance with the Natural Gas Act and the NGPA.
Filing code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 81-24971 Filed 8-26-81: 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-387-000]

Central Power and Light Co.; Filing

August 24, 1981.

The filing company submits the following:

Take notice that on August 13, 1981, Central Power and Light Company (CPL) tendered for filing a supplement to its rate application filed in Docket No. ER81-387-000. The supplement revises the federal income tax calculation and cost of service which adjusts for a clerical error in CPL's original filing.

The proper interest calculation results in an increase in the cost of service of $195,051. The corresponding revised cost of service revenue deficiency to the wholesale customers is $3,577,700.

CPL requests that the changes be made effective on October 31, 1981 for non-generating customers and March 1, 1982 for generating wholesale customers. These are the same dates that rates are currently scheduled to go into effect.

CPL requests a waiver of the advance notice requirement under § 35.11 of the Commission's regulations (18 CFR 35.11) to allow the above-mentioned effective dates.

Copies of this filing have been sent to the affected wholesale customers and the Public Utility Commission of Texas.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before September 14, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25104 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA82-1-32-000 (PGA82-1)]

Colorado Interstate Gas Co.; Proposed Change in Rates Under Purchased Gas Adjustment Clause Provisions

August 24, 1981.

Take notice that Colorado Interstate Gas Company (CIG) on August 14, 1981, tendered for filing proposed changes in its FERC Gas Tariff, Original Volume No. 1, to be effective October 1, 1981. The increased jurisdictional cost to CIG of purchased gas proposed to be recovered by the filing amounts to approximately $133.7 million. Such amount reflects the increased jurisdictional cost of gas in this application over the amount contained in CIG's previously effective rates. Due to the absence of any projected maximum surcharge absorption capability on CIG's system, no reduction in CIG's Estimated Acutal Cost of Purchased Gas for incremental pricing purposes is reflected in the filing.

Copies of CIG's filing have been served upon the Company's jurisdictional customers and other interested persons, including public bodies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 9, 1981. Protests will be considered by the Commission in determining the appropriate action to be take but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25109 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4663-000]

City of Cookeville, Tenn.; Application for Preliminary Permit

August 24, 1981.

Take notice that the City of Cookeville, Tennessee (Applicant) filed on May 14, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4663 known as the Burgess Falls Project located on the Falling Water River in Putnam County, Tennessee. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Edward W. Kimsey, City Manager, City of Cookeville, P.O. Box 998, Cookeville, Tennessee 38501.

Project Description—The proposed project would consist of: (1) an existing 30-foot high and 336-foot long concrete gravity dam; (2) an existing reservoir with a 78 acre surface area at a normal pool elevation of 886 feet m.s.l., an 850 acre-feet storage capacity, and a 1,240 square-mile drainage area; (3) a proposed powerhouse to contain three alternative capacities of generated power which will be determined by the exact location of the powerhouse utilization of head. The alternative capacities are 800 kW, 5,400 kW and 7,800 kW. The estimated average annual output of energy due to the three alternative capacities may vary between 2,000,000 kWh and 22,000,000 kWh; (4) a proposed penstock; (5) proposed transmission lines; and (6) appurtenant facilities. The proposed project is not located on Federal lands.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $60,000.

Competing Applications—This application was filed as a competing application to the Burgess Falls Project No. 3491 filed on September 22, 1980, by Upper Cumberland Electric Membership Corporation under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 15, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4663. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications

Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25093 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5024-000]

Energenics Systems, Inc.; Application for Preliminary Permit

August 21, 1981.

Take notice that Energenics Systems, Inc. (Applicant) filed on June 30, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5024 to be known as the Cottage Grove Hydroelectric Power Project located on the Williamette River (Cottage Grove Lake) in Lane County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Energenics Systems, Inc., 1727 Q Street, N.W., Washington, D.C. 20009.

Project Description—The proposed project would use the outlet works of the U.S. Army Corps of Engineers' existing Cottage Grove Lake Dam and would consist of: (1) a powerhouse, at the base of the dam, with a rated capacity of 2.05 MW; and (2) approximately one mile of transmission line to connect to an existing Pacific Power and Light Company 115-kV line.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant is seeking a 36-month permit to study the feasibility of constructing and operating the proposed project.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 16, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 16, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25110 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-683-000]

Florida Power & Light Co., Filing

August 24, 1981.

The filing Company submits the following:

Take notice that Florida Power & Light Company (FPL) on August 12, 1981, tendered for filing documents entitled "Exhibit I to Service Agreement For Interchange Transmission Service Implementing Specific Transactions Under Service Schedules A (Emergency Service), B (Short Term Firm Service), C (Economy Interchange Service) and D (Firm Service) of Contracts for Interchange Service."

FPL states that under the Exhibit I FPL will transmit power and energy for the Fort Pierce Utilities Authority (Fort Pierce) as is required by Fort Pierce in the implementation of its interchange agreement with the City of St. Cloud.

FPL requests that waiver of §35.3 of the Commission's Regulations be granted and that the proposed Exhibit I be made effective immediately. FPL states that copies of the filing were served on the Director of Utilities of the Fort Pierce Utilities Authority.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before September 14, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25111 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-70-000]

Iowa Electric Light & Power Co.; Application

August 24, 1981.

Take notice that on August 14, 1981, Iowa Electric Light and Power Company (Applicant) filed an application, pursuant to Section 204 of the Federal Power Act, authorizing the issuance of short-term notes in the aggregate principal amount of $85,000,000.

Applicant is incorporated under the laws of the State of Iowa and is authorized to do business in the States of Iowa, Minnesota, Colorado and Nebraska with its principal business office at Cedar Rapids, Iowa.

Any person desiring to be hard or to make any protest with reference to said application should on or before September 11, 1981, file with the Federal Energy Regulatory Commission, Washington, D. C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the

Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25112 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project Nos. 3925-000, 4443-000]

JBC Hydro 1 Tennessee Ltd. and Daniel E. Burgner of Greenville, Tenn.; Application for Preliminary Permit

August 24, 1981.

Take notice that both JBC Hydro 1 Tennessee Ltd and Daniel E. Burgner of Greenville, Tennessee (Applicants) filed on January 5, 1981, and March 31, 1981, respectively, mutually exclusive applications for a preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for the proposed Projects Nos. 3925 and 4443, respectively, to be known as the Nolichucky Project located on the Nolichucky River in Greene County, Tennessee. This application is on file with the Commission and is available for public inspection. Correspondence with the Applicants should be directed to: Douglas A. Spaulding, 351 Tyrol West Building, 1500 South Lilac Drive, Minneapolis, Minnesota 55416, for Project No. 3925; Daniel E. Burgner, Route 10 Box 183A, Greenville, Tennessee, 37743, for Project No. 4443. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed projects would utilize a Tennessee Valley Authority Dam and Project No. 3925 would consist of: (1) an existing powerhouse with a proposed installed generating capacity of 7,700 kW; and (2) appurtenant facilities. The estimated average annual energy output would be 35 GWh. Project No. 4443 would consist of: (1) an existing powerhouse with a proposed installed generating capacity of 10,640 kW; and (2) appurtenant facilities. The estimated average annual energy output would be 50 GWh.

Proposed Scope and Cost of Studies Under Permit—The Applicants seek issuance of a mutually exclusive preliminary permit for a period of 36 months. During this time the significant legal, institutional, engineering, environmental, marketing, economic and financial aspects of the project will be defined, investigated and assessed to support an investment decision. The report of the proposed study will address whether or not a commitment to implementation is warranted, and, if the findings are positive, describe the steps required for implementation. The report will be prepared so that the information presented will be useful in preparing an application for license for the project. JBC Hydro's and Daniel E. Burgner's estimated total costs for performing feasibility studies are $100,000 and $30,000; respectively.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 21, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest or petition to intervene must be received on or before October 21, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25098 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5064-000]

Puget Sound Power & Light Co.; Application for Preliminary Permit

August 24, 1981.

Take notice that Puget Sound Power & Light Company (Applicant) filed on July 7, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5064 to be known as the Calligan Lake Project located on the Calligan Creek in King County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert V. Myers, Puget Sound Power & Light Company, Puget Power Building, Bellevue, Washingotn 98009.

Project Description—The proposed project would consist of: (1) an 18-foot high earthfilled dam; (2) Calligan Lake, a natural lake with a surface area of 295 acres; (3) a 9,500-foot long and 42-inch diameter penstock; (4) a powerhouse containing one 7,800-kW generating unit; and (5) a transmission line. The Applicant estimates that the average annual energy output would be 30.2 million kWh.

Proposed Scope of Studies Under Permit—A perliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months, during which it would conduct engineering, environmental, economic, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $300,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 21, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be

obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 21, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25099 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5065-000]

Puget Sound Power & Light Co.; Application for Preliminary Permit

August 24, 1981.

Take notice that Puget Sound Power & Light Company (Applicant) filed on July 7, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5065 to be known as the Lake Hancock Project located on Hancock Creek in King County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert V. Myers, Puget Sound Power & Light Company, Puget Power Building, Bellevue, Washington 98009.

Project Description—The proposed project would consist of: (1) a 10-foot high earth and rock fill dam; (2) Lake Hancock, a natural 225-acre lake; (3) a 9,000-foot long and 42-inch diameter penstock; (4) a powerhouse containing one 8,500-kW generating unit; and (5) a transmission line. The Applicant estimates that the average annual energy output would be 4 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months, during which it would conduct engineering, environmental, economic, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $300,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 21, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 21, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25113 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4974-000]

City of Rohnert Park, Calif.; Application for Preliminary Permit

August 24, 1981.

Take notice that the City of Rohnert Park, California (Applicant) filed on June 25, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4974 to be known as the Little North Fork of Salmon River Power Project located on Little North Fork of Salmon River in Siskiyou County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert A. Lewis, City of Rohnert Park, 6750 Commerce Boulevard, Rohnert Park, California 95427.

Project Description—The proposed project would consist of: (1) a 5-foot high, 70-foot long diversion structure; (2) a 48-inch diameter, 5,700-foot long diversion conduit; (3) a 36-inch diameter, 1,000-foot long penstock; and (4) a powerhouse containing one or more generating units with a total rated capacity of 3,890 kW. The Applicant estimates that the average annual energy output would be 17.5 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with

preparation of an environmental impact report, obtaining agreements with Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $100,000.

Competing Applications—This application was filed as a competing application to the Little North Fork Salmon River Project No. 4096 filed on January 30, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 15, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25092 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4978-000]

City of Rohnert Park, Calif.; Application for Preliminary Permit

August 24, 1981.

Take notice that the City of Rohnert Park (Applicant) filed on June 25, 1981, an application for preliminary permit pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4978 known as the Middle Fork Sacramento River Power Project located on Middle Fork Sacramento River in Siskiyou County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert A. Lewis, City of Rohnert Park, 6750 Commerce Blvd., Rohnert Park, California 95427.

Project Description—The proposed project would consist of: (1) a 5-foot high, 77-foot long diversion structure; (2) a 7,500-foot long, 47-inch diameter diversion conduit; (3) a 32-inch diameter, 1,700-foot long penstock; and (4) a powerhouse containing one or more generating units with a total rated capacity of 3,975 kW. The Applicant estimates that the average annual energy output would be 15.7 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Corps and other Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $100,000.

Competing Applications—This application was filed as a competing application to the Middle Fork Sacramento River Power Project No. 4121 filed on February 5, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 15, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4978. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25094 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4933-000]

City of Rohnert Park, Calif.; Application for Preliminary Permit

August 24, 1981.

Take notice that the City of Rohnert Park (Applicant) filed on June 22, 1981,

an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4933 known as the Deadwood Creek, Yuba Power Project located on Deadwood Creek in Yuba County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert A. Lewis, City of Rohnert Park, 6750 Commerce Blvd., Rohnert Park, California 95427.

Project Description—The proposed project would consist of: (1) a 45-foot long, 5-foot high rock and concrete diversion structure; (2) a 4,000-foot long conduit; (3) a 1,150-foot long, 39-inch diameter penstock; (4) a powerhouse which will house generating units with a combined rated capacity of 2,270 kW and associated electrical switch gear; and (5) a 6-mile long, 12.5-kV transmission line. The average annual energy output is 8.9 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct engineering, environmental and economic feasibility studies and prepare an application for an FERC license. No new roads will be required to conduct these studies. The estimated cost of conducting these studies is $100,000.

Competing Applications—This application was filed as a competing application to the Deadwood Creek Project No. 4392 filed on March 23, 1981 by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 15, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of the notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25095 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4972-000]

City of Rohnert Park, California; Application for Preliminary Permit

August 24, 1981.

Take notice that the City of Rohnert Park, California (Applicant) filed on June 25, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4972 to be known as the Beegum Creek Power Project located on Beegum Creek in Tehama County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert A. Lewis, City of Rohnert Park, 6750 Commerce Boulevard, Rohnert Park, California 95427.

Project Description—The proposed project would consist of: (1) a 5-foot high, 170-foot long diversion structure; (2) a 72-inch diameter, 9,150 foot long diversion conduit; (3) a 48-inch diameter, 475 foot long penstock; and (4) a powerhouse containing one or more generating units with a total rated capacity of 3,200 kW. The Applicant estimates that the annual average energy output would be 15.8 million kWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $100,000.

Competing Applications—This application was filed as a competing application to the Beegum Creek Power Project No. 4185 filed on February 11, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before September 15, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing,

Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25006 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4976-000]

City of Rohnert Park, California; Application for Preliminary Permit

August 24, 1981.

Take notice that the City of Rohnert Park (Applicant) filed on June 25, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4976 known as the Copper and Twin Valley Creek Project located on Copper Creek and Twin Valley Creek in Siskiyou County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert A. Lewis, City of Rohnert Park, 6750 Commerce Blvd., Rohnert Park, California 95427.

Project Description—The proposed project would consist of: (1) a 5-foot high, 62-foot long diversion structure; (2) a 48-inch diameter, 5,300-foot long diversion conduit; (3) a 36-inch diameter, 710-foot long penstock and; (4) a powerhouse containing one or more generating units with a total rated capacity of 2,030 kW. The Applicant estimates that the average annual energy output would be 8.1 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $100,000.

Competing Applications—This application was filed as a competing application to the Copper and Twin Valley Creek Power Project No. 4094 filed on January 30, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 15, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST",or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4976. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25007 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4934-000]

City of Rohnert Park, California; Application for Preliminary Permit

August 21, 1981.

Take notice that the City of Rohnert Park (Applicant) filed on June 22, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 4934 known as the Portuguese Creek, Siskiyou Power Project located on Portuguese Creek in Siskiyou County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert A. Lewis, City of Rohnert Park, 6750 Commerce Blvd., Rohnert Park, California 95427.

Project Description—The proposed project would consist of: (1) a 56-foot long, 5-foot high rock and concrete diversion structure; (2) a 7,300-foot long conduit; (3) a 1,300-foot long, 30-inch diameter penstock; (4) a powerhouse which will house generating units with a combined rated capacity of 2,270 kW and associated electrical switch gear; and (5) a 12.5-kV transmission line. The average annual energy output is 8.9 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct engineering, environmental and economic feasibility studies and prepare an application for an FERC license. No new roads will be required to conduct these studies. The estimated cost of conducting these studies and preparing an application for an FERC license is $100,000.

Competing Applications—This application was filed as a competing application to the Portuguese Creek Project No. 4391 filed on March 23, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 11, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of the notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25106 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4973-000]

City of Rohnert Park, California; Application for Preliminary Permit

August 21, 1981.

Take notice that the City of Rohnert Park (Applicant) filed on June 25, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4973 known as the Willow Creek, Tehama Project located on Willow Creek in Tehama County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert A. Lewis, City of Rohnert Park, 6750 Commerce Boulevard, Rohnert Park California 95427.

Project Description—The project would consist of: (1) a 140-foot long, 5-foot high diversion structure; (2) a 10,000-foot long diversion conduit; (3) a 1,200-foot long penstock; (4) a powerhouse to contain one or more generating units with a total rated capacity of 4,580 kW; and (5) a 13-mile long transmission line. The average annual energy generation is estimated to be 16.0 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct engineering, environmental, and economic feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $100,000.

Competing Applications—This application was filed as a competing application to the Willow Creek, Tehama Project No. 4329 filed on March 12, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Anyone desiring to file a competing application must submit to the Commission, on or before August 10, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 11, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital leters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25107 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4977-000]

City of Rohnert Park, California; Application for Preliminary Permit

August 24, 1981.

Take notice that the City of Rohnert Park (Applicant) filed on June 25, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4977 known as the Mosquito Creek, Plumas Project located on Mosquito Creek in Plumas County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert A. Lewis, City of Rohnert Park, 6750 Commerce Boulevard, Rohnert Park, California 95427.

Project Description—The project would consist of: (1) a 125-foot long, 5-foot high diversion structure; (2) a 10,750-foot long diversion conduit; (3) a 725-foot long penstock; (4) a powerhouse to contain one or more generating units with a total rated capacity of 2,900 kW; and (5) a 3-mile long transmission line. The average annual energy generation is estimated to be 11.2 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct engineering, environmental, and economic feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $100,000.

Competing Applications—This application was filed as a competing application to the Mosquito Creek, Plumas Project No. 4381 filed on March 20, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 14, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4977. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25106 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4983-000]

City of Rohnert Park, California; Application for Preliminary Permit

August 24, 1981.

Take notice that the City of Rohnert Part (Applicant) filed on June 25, 1981, an application for preliminary permit [Pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4983 known as the Eden Creek, Mendocino Project located on Eden Creek in Mendocino County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert A. Lewis, City of Rohnert Park, 6750 Commerce Boulevard, Rohnert Park, California 95427.

Project Description—The proposed project would consist of: (1) a 128-foot long, 5-foot high diversion structure; (2) a 5,600-foot long diversion conduit; (3) a 1,400-foot long penstock; (4) a powerhouse to contain one or more generating units with a total rated capacity of 4,260 kW; and (5) a 9-mile long transmission line. The average annual energy generation is estimated to be 13.0 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct engineering, environmental, and economic feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $100,000.

Competing Applications—This application was filed as a competing application to the Eden Creek, Mendocino Project No. 4384 filed on March 20, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 15, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4983. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25105 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4804-000]

San Luis Obispo County Flood Control and Water Conservation District; Application for Exemption of Small Conduit Hydroelectric Facility

August 24, 1981.

Take notice that on June 1, 1981, San Luis Obispo County Flood Control and Water Conservation District (Applicant) filed an application under Section 30 of the Federal Power Act (Act) [16 U.S.C. 823(a)], for exemption of a proposed

hydroelectric project from requirements of Part I of the Act. The proposed Lopez Water Treatment Plant Hydro-Power Generation Unit Project (FERC Project No. 4804) would be located on the County's water distribution system in San Luis Obispo County, California. Correspondence with the Applicant should be directed to: Mr. George Protopapas, County Engineer, County of San Luis Obispo, Room A101, Courthouse Annex, San Luis Obispo County, California 93408.

Project Description—The proposed project would consist of: (1) a 75-foot diversion conduit; (2) a powerhouse containing a single generating unit with a rated capacity of 100 kW inserted into the diversion conduit; and (3) a tailrace discharging into the existing Lopez Water Treatment Plant forebay.

Purpose of Project—Project energy would be sold to Pacific Gas and Electric Company.

Agency Comments—The U.S. Fish and Wildlife Service and the California Department of Fish and Game are requested, pursuant to Section 30 of the Federal Power Act, to submit within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. If no comments are filed within this time period, an agency will be presumed to have determined that no terms or conditions to the exemption are necessary. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with thier duties and responsibilities. Comments are due on or before October 13, 1981. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR .18 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be received on or before September 30, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25100 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-675-000]

Southern California Edison Co.; Filing

August 24, 1981.

The filing company submits the following:

Take notice that on August 10, 1981, Southern California Edison Company ("Edison") tendered for filing five separate firm transmission service agreements with: (1) San Diego Gas & Electric Company, (2) Imperial Irrigation District, the California Cities of (3) Burbank, (4) Glendale, and (5) Pasadena.

Under the terms and conditions of the agreements, Edison will make available to the Parties firm transmission service from the Palo Verde Nuclear Generating Station Switchyard in Southwestern Arizona to the points of delivery at (1) San Onofre Nuclear Generating Station Switchyard, (2) Devers Substation near Palm Springs, California, (3) and (4) Sylmar Substation of the Los Angeles Department of Water and Power, and (5) Goodrich Substation at Pasadena, California.

Copies of this filing were served upon the Public Utilities Commission of the State of California, San Diego Gas & Electric Company, Imperial Irrigation District, the California Cities of Burbank, Glendale, and Pasadena.

Edison requests that the Commission waive its regulations and accept the Agreements for filing as initial rate schedules with effective dates 60 days after receipt for filing by the Commission.

Any person desiring to be heard or to protest this application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 14, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25115 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-677-000]

Southern Company Services, Inc.; Filing

August 24, 1981.

The filing company submits the following:

Take notice that Southern Company Services, Inc., on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company and Mississippi Power Company ("Southern Companies") on August 12, 1981, tendered for filing an initial rate schedule constituting an interchange contract between such companies and South Carolina Public Service Authority ("Authority"). The service under the rate schedule is scheduled to commence on August 12, 1981. The interchange contract between Southern Companies and Authority provides for an initial interconnection between the respective electric systems. The interchange contract provides for emergency assistance, short-term power and economy interchange transactions.

Southern Companies requests a waiver of the advance notice requirement to allow an effective date of August 12, 1981.

Copies of the filing have been served on the affected parties.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 14, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are

on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25116 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-678-000]

Southern Company Services, Inc.; Filing

August 24, 1981.

The filing company submits the following:

Take notice that on August 12, 1981, Southern Company Services, Inc. on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company and Mississippi Power Company ("Southern Companies") tendered for filing two separate unit power sales agreements between Southern Companies and Florida Power & Light Company ("FPL") and Jacksonville Electric Authority ("JEA"), respectively. The unit power sales agreements between Southern Companies and FPL and Southern Companies and JEA provide for unit power sales from Southern Companies to FPL and JEA during the period January 1, 1983 through December 31, 1992.

In connection with the filing of the unit power sales agreements, Southern Company Services, Inc. Also filed on behalf of the Southern Companies an interchange contract with JEA, which is scheduled to become effective on August 1, 1982 or the date on which certain 500 kV transmission interconnections are completed. Also, Southern Company Services, Inc. filed on behalf of the Southern Companies amendments to the current interchange contract with FPL. These amendments provide for additional interconnection points in the form of 500 kV transmission, as well as amendments to certain service schedules contained in the existing interchange contract with FPL.

Southern Companies requests a waiver of the 120-day notice requirement in order to expedite the proceedings.

Any person desiring to be heard or to protest said filings should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 14, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25114 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2750-000]

Town of Springfield, Vermont; Vermont Public Power Supply Authority; Application for Major License

August 24, 1981.

Take notice that the Town of Springfield, Vermont (Applicant) filed an application pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r), on June 5, 1978, and supplemented on January 2, 1979, for the proposed Black River Project No. 2750. On July 7, 1981, the application was modified to include the Vermont Public Power Supply Authority as a co-Applicant. The proposed project would be located on the Black River in Windsor County, Vermont and would occupy lands of the United States. Correspondence with Applicant concerning the application should be sent to: Mr. Michael J. Valuk, Town Manager, 96 Main Street, Springfield, Vermont 05156; and Mr. Harland G. Titemore, Manager, Vermont Public Power Supply Authority, P.O. Box C-5515, South Burlington, Vermont 05602.

Project Description—The proposed project would consist of:

(1) The Hawks Mountain development with a 900-foot-long earthfill dam, approximately 165 feet high with a crest elevation of 775 feet m.s.l.; a reservoir with a storage capacity of 6,000 acre-feet; and powerhouse with 3 generating units with a total installed capacity of 14,640 kW.

(2) The Covered Bridge development with a 400-foot-long concrete gravity dam, with a crest elevation of 615 feet m.s.l.; a reservoir with a storage capacity of approximately 350 acre-feet; and a powerhouse with a 3,000 kW generating unit.

(3) The Tolles Hill development with an existing concrete gravity overflow dam to be raised 11 feet to an elevation of 510 feet m.s.l. located within the Corps of Engineers Springfield Flood Control Project; a reservoir with a storage capacity of 200 acre-feet; and a powerhouse with one generating unit rated at 3,000 kW.

(4) The Gilman development with a 380-foot-long concrete gravity dam with a crest elevation of 425 feet m.s.l. replacing an existing dam in the immediate area; a 2.3-acre reservoir with no storage capacity, and a powerhouse with a 3,000 kW generating unit.

(5) The Comtu Falls development with an existing 40-foot-long concrete gravity overflow dam that would be raised 2.5 feet to elevation 395 feet m.s.l.; a 0.7-acre reservoir with no storage capacity; and a powerhouse with a 3,000 kW generating unit.

(6) The Lovejoy development with the existing 100-foot-long concrete gravity overflow Slack dam with a crest elevation of 364.1 feet m.s.l.; a 0.9-acre reservoir with no storage capacity; a 900-foot-long conduit; and a powerhouse with a 3,000 kW generating unit.

The project transmission facilities would include a switchyard to be located downstream from the Hawks Mountain dam connected by transmission lines to the Hawks Mountain, Covered Bridge, and Tolles Hill developments; and a 1.7-mile-long 115-kV transmission line from the switchyard to the interconnected system. The remaining three developments would be connected directly to the local distribution system.

The Applicant proposes to provide the following recreation facilities at the Hawks Mountain development: three boat launch ramps, a day use park, and a hiking trail. At three developments in Springfield the Applicant would provide two viewing platforms and a small park.

The Applicant intends to use the power for public utility purposes, either within its distribution system or for sale to other public utilities.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Pracice and Procedure, 18 CFR 1.10 for protests. Parties who have previously been granted status as Intervenors will retain that status. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments,

protest, or petition to intervene must be filed on or before October 21, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25101 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 703]

Utah Power & Light Co.; Expiration of License

August 21, 1981.

Take notice that the license for the Paris Project No. 703 will expire on October 31, 1985. The project is located on Paris Creek in Bear Lake County, Idaho and is licensed to Utah Power and Light Company.

The principal project works, presently licensed for Project No. 703, are a diversion dam, a 4-mile-long open canal, a small forebay, a steel penstock, and a powerhouse containing a 650 kW generator.

This notice is issued pursuant to the regulations of the Federal Energy Regulatory Commission, 18 CFR 16.2 (1980). The Commission licenses non-federal water-power projects for periods up to 50 years pursuant to the Federal Power Act, 16 U.S.C. 791a–825r. When a license expires, the Commission may issue a new license to the original licensee or to a new licensee, or may recommend to Congress that the United States acquire the project.

Under the Commission's regulations, the current licensee must file its application for a new license from three to five years before the current license expires. Any other entity seeking the license must file an application in accordance with 18 CFR 16.3(b). When an application is filed, notice will be published and interested persons will have a further opportunity to submit a competing application, file a protest or comment, seek to intervene, or recommend that the United States acquire the project.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25117 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4148]

Van Buren Township; Suspending 120-Day Period for Action on Small Hydro Exemption

Issued: August 20, 1981.

Van Buren Township has filed an application for exemption for its proposed French Landing Project, designated as Project No. 4148, located on the Huron River in Michigan. The application was filed pursuant to Section 408 of the Energy Security Act of 1980 and § 4.101 *et seq.* of the Commission's regulations.

The State of Michigan Department of Natural Resources in ifs petition to intervene opposing the exemption states that the Township erroneously suggests that is is affirmatively working with DNRC to resolve a dispute concerning public access to the existing reservoir (Belleville Lake). According to DNRC, the Township currently bars the general public from fishing access to Belleville Lake.

The United States Department of the Interior also objects to the exemption application. Interior concurs with DNRC that, because Belleville Lake offers excellent fishing, the Applicant should provide bank fishing access to the general public. Interior also states that the Licensee should release a minimum flow to protect downstream fish, wildlife and other aquatic habitat.

While we take no position on the merits of the dispute at this time, we do note that it has been our consistent policy to require Licensees to provide public access at project reservoirs. With this in mind, we are directing the Applicant to meet with DNRC and interior for the purpose of obtaining an agreement on public access and minimum flow requirements. Within forty-five days of issuance of this order, Applicant is directed to file a report setting forth the results of its meetings with DNRC and Interior. The Commission intends to act on the application within 30 days after receipt of the Applicant's report.

Having determined that additional time is necessary for action on the application in order to insure full consideration of all information and comments that have been received and of the issues raised by the application, the 120-day period for Commission action is suspended pursuant to § 4.105(b)5(iv).

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25118 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5073-000]

Everett E. Whitman; Application for Major License

August 24, 1981.

Take notice that an application was filed on July 14, 1981, under the Federal Power Act, 16 U.S.C. 791(a)–825(r), by Everett E. Whitman (Applicant) for a license for the Benton Falls Hydroelectric Project, FERC No. 5073. The project would be located on the Sebasticook River near the town of Benton, Kennebec County, Maine. Correspondence with the Applicant on this matter should be addressed to: Everett E. Whitman, Augusta Road, R.F.D. #2, Winslow, Maine, 04901.

Project Description—The Benton Falls Project would consist of: (1) a new 500-foot long concrete gravity dam with a maximum height of 27 feet and 4-foot high flashboards; (2) Benton Falls Reservoir with a total usable storage capacity of 310 acre-feet, at a drawdown of 4 feet, between elevations 81 and 85 feet M.S.L.; (3) a new powerhouse located near the west dam abutment, constructed integrally with the dam, containing two turbine-generator units with a total rated capacity of 3.4 MW; (4) a 350-foot long tailrace channel; (5) a new 170-foot long, 12 KV transmission line and; (6) appurtenant facilities. The project area is generally owned by the Applicant.

The Applicant proposes to construct a canoe portage along the east bank of the Sebasticook River and will make available up to 1.6 acres of land for eventual fishing access or a boat launch site.

Competing Applications—This application was filed as a competing application to the Benton Falls Project No. 3632 filed on October 30, 1980, by Benton Falls Hydro, Inc., under 18 CFR (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a

party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before October 21, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for license for Project No. 5073. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25102 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 1989-001]

Wisconsin Public Service Corp.; Application For Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

August 24, 1981.

Take notice that June 1, 1981, Wisconsin Public Service Corporation (Applicant) filed an application for the Merrill Dam Project under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705, and 2708 *as amended),* for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (FERC Project No. 1989) would be located on the Wisconsin River in Merrill, Lincoln County, Wisconsin. Correspondence with the Applicant should be directed to: Mr. D. A. Bollom, Treasurer, Wisconsin Public Service Corporation, P.O. Box 700, Green Bay, Wisconsin 54301.

Project Description—The proposed project would consist of: (1) an existing concrete dam approximately 400 feet long and 18 feet high with 26 twelve-foot wide and seven-foot high steel lift gates; (2) an existing reservoir approximately 373 acres with a storage capacity of approximately 112 acre-feet extending 3.5 miles upstream; (3) an existing headrace approximately 305 feet long and 115 feet wide at the north end of the dam; (4) an existing powerhouse with a capacity of .84 MW to be combined with a proposed powerhouse with a capacity of 1.5 MW for a new total capacity of 2.34 MW; and (5) appurtenant facilities. The project would be operated on a run-of-river basis. The average annual energy generation is estimated to be 14 GWh.

Project Energy—Energy produced at the proposed project would be utilized by the Applicant within its own power system.

Agency Comments—The U.S. Fish and Wildlife Service and the Wisconsin Department of Natural Resources are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protest any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. If no comments are filed within this time period, an agency will be presumed to have determined that no terms or conditions to the exemption are necessary. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before September 30, 1981 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice to intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before September 30, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25100 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: August 24, 1981.

JD NO	JA DKT	API NO	D SEC CAT WELL NAME	FIELD NAME	PROD	PURCHASER
MISSISSIPPI OIL & GAS BOARD						
-INEXCO OIL COMPANY			RECEIVED: 08/04/81 JA: MS			
8144469	52-81-440	2306520176	107-DP FLOYD DYESS NO 2 WELL	OAKVALE	1000.0	TRANSCONTINENTAL
-PLACID OIL COMPANY			RECEIVED: 08/04/81 JA: MS			
8144470	45-81-528	2308720045	102-2 VAUGHN #1	COOPER CREEK	275.0	
NEBRASKA OIL & GAS CONSERVATION COMMISSION						
-BEREN CORPORATION			RECEIVED: 07/31/81 JA: NB			
8144466		2603321923	103 YOUNG A NO 1	SOUTHWEST SIDNEY	35.0	KANSAS-NEBRASKA N
OKLAHOMA CORPORATION COMMISSION						
-AMOCO PRODUCTION CO			RECEIVED: 08/03/81 JA: OK			
8144447		3500736468	108-PB OSBORNE GAS UNIT C NO 1	MOCANE LAVERNE	16.0	INTERNORTH INC
-CIMARRON PETROLEUM CORPORATION			RECEIVED: 08/03/81 JA: OK			
8144452	09966	3507322696	103 CPC #106-3 THEIMS-ANDREWS		27.4	PHILLIPS PETROLEU
-DAVIS OIL COMPANY			RECEIVED: 08/03/81 JA: OK			
8144462	11965	3512920504	102-2 LEROY NO 1	CHEYENNE	821.0	EL PASO NATURAL G
-HARPER OIL COMPANY			RECEIVED: 08/03/81 JA: OK			
8144451	09974	3508321501	103 ROTHERMEL #2	S E MARSHALL	110.0	EASON OIL CO
-INDIAN WELLS OIL CO			RECEIVED: 08/03/81 JA: OK			
8144455	10465	3505300000	102-4 #1 HAJEK		400.0	CRA INC
8144454	10466	3505320617	102-4 #1 LAMBDIN		100.0	CRA INC
8144456	10464	3505300000	102-4 #1 PETRIK		100.0	CRA INC
-MARYMAC CO			RECEIVED: 08/03/81 JA: OK			
8144464	11594	3508520130	102-4 STEED #1	NORTH PIKE	70.0	AMINOIL USA INC
-MONSANTO COMPANY			RECEIVED: 08/03/81 JA: OK			
8144453	09852	3500700000	103 BEAVER #4	SOUTH FORGAN	0.0	NORTHERN NATURAL
-PETRO-LEWIS CORPORATION			RECEIVED: 08/03/81 JA: OK			
8144461	09429	3504700000	108 BECKNER 35-2	WAUKOUMIS	31.0	PARTNERSHIP PROPE
8144459	09794	3509320809	108 NELLIE 22-1	AMES	0.0	PARTNERSHIP PROPE
8144460	09440	3507300000	108 POPE 1-1	SOONER TREND	24.3	PARTNERSHIP PROPE
-PHILLIPS PETROLEUM COMPANY			RECEIVED: 08/03/81 JA: OK			
8144448	10051	3501721681	103 MILLER A #1	W OKARCHE	251.0	OKLA NATURAL GAS
8144458	10052	3508720511	103 BURFORD B #1	BRADLEY	0.0	TRANSOK PIPELINE
-ROBERT P LAMMERTS			RECEIVED: 08/03/81 JA: OK			
8144446	07453	3501721330	102-4 ROTHER 1-28	NORTH CONCHO	73.0	PHILLIPS PETROLEU
8144446	07453	3501721330	103 ROTHER 1-28	NORTH CONCHO	73.0	PHILLIPS PETROLEU
-SAMEDAN OIL CORPORATION			RECEIVED: 08/03/81 JA: OK			
8144463	11921	3501721911	102-0 HARMAN NO 1		350.0	PHILLIPS PETROLEU
-TEMPLEX INC			RECEIVED: 08/03/81 JA: OK			

JD NO	JA CAT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8144457	10056	3510720914		103		LUCINDA WEST NO 2	SW PHAROAH LAKE	91.3	PHILLIPS PETROLEU
-UNIVERSAL RESOURCES CORPORATION				RECEIVED: 08/03/81 JA: OK					
8144450	10033	3501721722		103		ALBERT #1-16	RICHLAND NW (MTN MISS)	283.3	MUSTANG GAS PRODU
8144449	10041	3507322639		103		REINCARNATED #1-25	SOONER TREND (SKN MISS O	116.8	PHILLIPS PETROLEU
-WOODS PETROLEUM CORPORATION				RECEIVED: 08/03/81 JA: OK					
8144465	11543	3512920550		102-2		CHARLEY SWITZER #1-1	S W LEEDEY	109.0	DELHI GAS PIPELIN
**********									
TEXAS RAILROAD COMMISSION									
**********									
-ADOBE OIL & GAS CORPORATION				RECEIVED: 08/03/81 JA: TX					
8144391	F-7B-037681	4213333014		102-4		SNEED F #1	MANGUM NORTH (3200)	175.0	ODESSA NATURAL CO
-ALEXANDER G KASPAR				RECEIVED: 08/03/81 JA: TX					
8144075	F-08-029092	4210332046		103		ATLANTIC BARNSLEY #2	SAND HILLS (JUDKINS)	259.0	EL PASO NATURAL G
8144074	F-08-029090	4210331986		103		CONOCO-BARNSLEY #3	SAND HILLS (JUDKINS)	188.0	EL PASO NATURAL G
-ALLAR CO				RECEIVED: 08/03/81 JA: TX					
8144085	F-7B-029803	4242900000		103		GRAGG #1 - RR#89544	STEPHENS COUNTY REGULAR	253.0	SUN GAS GATHERING
-ALLEGRO INVESTMENTS INC				RECEIVED: 08/03/81 JA: TX					
8144005	F-02-018938	4217531220		103		GARY KNOWLES UNIT #1-C ID# PENDING	WILDCAT	100.0	DELHI GAS PIPELIN
8144006	F-02-018939	4217531220		103		GARY KNOWLES UNIT #1-T ID# PENDING	WILDCAT	10.0	DELHI GAS PIPELIN
-ALPAR RESOURCES INC				RECEIVED: 08/03/81 JA: TX					
8144159	F-10-034151	4235700000		102-4		HARBAUGH P A #22	LONE BUTTE (CLEVELAND)	36.0	PHILLIPS PETROLEU
-AMERICAN PUBLIC ENERGY CO				RECEIVED: 08/03/81 JA: TX					
8144215	F-7C-036395	4243532434		103		HULL #2	SONORA (CANYON-UPPER)	0.0	EL PASO NATURAL G
8144215	F-7C-036395	4243532434		107-TF		HULL #2	SONORA (CANYON-UPPER)	0.0	EL PASO NATURAL G
-AMOCO PRODUCTION CO				RECEIVED: 08/03/81 JA: TX					
8144254	F-03-036863	4203931592		103		GILBERT SNEED #27	HASTINGS WEST	5.0	TEXAS EASTERN TRA
8144262	F-8A-037174	4221933009		103		MAY-MONTGOMERY UNIT #70	LEVELLAND	19.1	AMOCO PRODUCTION
-ANDERSON PETROLEUM INC				RECEIVED: 08/03/81 JA: TX					
8144104	F-7C-030879	4210533128		103		FRANK WHITE A 4-85	OZONA (CANYON SAND)	35.0	ANDERSON PIPELINE
8144104	F-7C-030879	4210533128		107-TF		FRANK WHITE A 4-85	OZONA (CANYON SAND)	35.0	ANDERSON PIPELINE
8144105	F-7C-030883	4210532493		103		L B COX JR A 2-11	OZONA (CANYON SAND)	25.0	ANDERSON PIPELINE
8144105	F-7C-030883	4210532493		107-TF		L B COX JR A 2-11	OZONA (CANYON SAND)	25.0	ANDERSON PIPELINE
8144120	F-7C-031665	4210533141		103		PEERY HOLMSLEY ET AL 1-68	OZONA (CANYON SAND)	35.0	ANDERSON PIPELINE
8144120	F-7C-031665	4210533141		107-TF		PEERY HOLMSLEY ET AL 1-68	OZONA (CANYON SAND)	35.0	ANDERSON PIPELINE
-ARCO OIL AND GAS COMPANY				RECEIVED: 08/03/81 JA: TX					
8144289	F-10-037418	4217900000		108		AMANDA REYNOLDS NO 1	PANHANDLE WEST	7.3	PHILLIPS PETROLEU
8144397	F-10-037696	4217930801		103		EMMA JACKSON CONS NO 17	PANHANDLE GRAY COUNTY	10.0	PHILLIPS PETROLEU
8144068	F-04-028472	4221531043		103		SWALLOW GAS UNIT WELL #9-LT	DONNA (6940)	325.0	TENNESSEE GAS PIP
8144290	F-10-037419	4239300000		108		WILLIAM R COWAN TRACT B NO 4	GUINDUND (ALBANY DOLOMIT	7.3	NATURAL GAS PIPEL
-ARLEN G HOWLE JR				RECEIVED: 08/03/81 JA: TX					
8144336	F-7B-037564	4209330683		103		JACK PERRY #2 (87985)	DUSTER NE (MARBLE FALLS	110.0	COMANCHE GAS PIPE
-ARMOUR PROPERTIES				RECEIVED: 08/03/81 JA: TX					
8144263	F-10-037258	4206530839		103		BURNETT #11	PANHANDLE-CARSON	83.0	PANHANDLE EASTERN
8144264	F-10-037259	4206530838		103		BURNETT #12	PANHANDLE-CARSON	81.0	PANHANDLE EASTERN
8144265	F-10-037260	4206530840		103		BURNETT #13	PANHANDLE-CARSON	87.0	PANHANDLE EASTERN
8144266	F-10-037261	4206530837		103		BURNETT #14	PANHANDLE-CARSON	91.0	PANHANDLE EASTERN
-B & B FARM INDUSTRIES INC				RECEIVED: 08/03/81 JA: TX					
8144251	F-10-036799	4248330822		102-4		WILLIAMS 1-33	ALLISON-BRITT (12350)	1500.0	COLORADO INTERSTA
-BARRON KIDD				RECEIVED: 08/03/81 JA: TX					
8144275	F-08-037306	4231732238		103		OLIVER P BOYCE #1	SPRABERRY TREND AREA (DE	17.6	PHILLIPS PETROLEU
-BLOCKER EXPLORATION CO				RECEIVED: 08/03/81 JA: TX					
8144102	F-05-030709	4229330484		107-TF		L D CROSS TRUSTEE UNIT NO 1	S THORNTON (COTTON VALLE	548.0	TEXAS UTILITIES F
-BORDER EXPLORATION CO				RECEIVED: 08/03/81 JA: TX					

JOB #	DA AT	API #	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8144218	F-08-036515	4230130236		107-DP		JOHNSON TXL NO 1	CENTRAL PINAL DOME (ATOK	687.0	TRANSCONTINENTAL
-BRAZOS PETROLEUM CO				RECEIVED: 08/03/81 JA: TX					
8144210	F-08-036313	4232930964		103		DONELSON NO 1	SPRAYBERRY (TREND AREA)	37.0	EL PASO NATURAL G
-BRIDWELL OIL CO				RECEIVED: 08/03/81 JA: TX					
8144028	F-09-023605	4223733137		103		J B COOPER #2	CATLIN (ATOKA CONGL)	15.0	CITIES SERVICE CO
8144071	F-09-028882	4223733104		102-4		RICHARDS RANCH #3 (69024)	RICHARDS RANCH	275.0	TEXAS UTILITIES F
8144007	F-09-019449	4223732497		102-4		RICHARDS RANCH NO 2	RICHARDS RANCH (ATOKA)	500.0	TEXAS UTILITY FUE
-C F LAWRENCE & ASSOC INC				RECEIVED: 08/03/81 JA: TX					
8144200	F-7C-036006	4210500000		102-4		TODD N #1	JAKLAW (QUEEN)	0.0	EL PASO NATURAL G
-C L GAGE JR				RECEIVED: 08/03/81 JA: TX					
8144002	F-09-018122	4249731531		103		TRUITT DOYLE #1	BOONSVILLE (BEND CONGL)	143.0	NATURAL GAS PIPEL
8144002	F-09-018122	4249731531		108		TRUITT DOYLE #1	BOONSVILLE (BEND CONGL)	143.0	NATURAL GAS PIPEL
-CAG PETROLEUM CORP				RECEIVED: 08/03/81 JA: TX					
8144359	F-03-037624	4205131336		102-2		JUDY NO 1 PPC# 14105	GIDDINGS AUSTIN CHALK	3.6	CLAJON GAS CO
-CARTER EXPLORATION CO				RECEIVED: 08/03/81 JA: TX					
8144121	F-02-031664	4246500003		102-4		F J SPIEGELHAUER NO 1	VICTORIA NE (CATAHOULA)	150.0	DELMI GAS PIPELIN
-CASHCO ENERGY CORPORATION				RECEIVED: 08/03/81 JA: TX					
8144031	F-03-025183	4218500010		102-2		G W PALLET NO 1	IOLA (SUBCLARKSVILLE) FI	109.0	LONE STAR GAS CO
-CAYMAN EXPLORATION CORP				RECEIVED: 08/03/81 JA: TX					
8144162	F-7H-034242	4214300060		102-2		J T DECKER #1	BYNEMS (DUFFER)	280.0	CORONADO TRANSMIS
8144161	F-7H-034241	4214300005		102-2		R D KEITH #1-A	BYNEMS (DUFFER)	280.0	CORONADO TRANSMIS
-CHAMPLIN PETROLEUM COMPANY				RECEIVED: 08/03/81 JA: TX					
8144148	F-03-033195	4205100000		102-2		ADOLPH HRONEK NO 1	GIDDINGS	0.0	FERGUSON CROSSING
8144148	F-03-033195	4205100000		103		ADOLPH HRONEK NO 1	GIDDINGS	0.0	FERGUSON CROSSING
8144111	F-03-03214	4205100000		102-2		ANDREW LOEHR NO 1	GIDDINGS	0.0	FERGUSON CROSSING
8144111	F-03-03214	4205100000		103		ANDREW LOEHR NO 1	GIDDINGS	0.0	FERGUSON CROSSING
8144073	F-03-029087	4205130869		102-2		ANNIE VAVRA NO 1	GIDDINGS	234.0	FERGUSON CROSSING
8144092	F-03-030119	4205130936		102-2		FLOYD T SWONKE NO 1	GIDDINGS	22.6	FERGUSON CROSSING
8144092	F-03-030119	4205130936		103		FLOYD T SWONKE NO 1	GIDDINGS	22.6	FERGUSON CROSSING
8144069	F-03-028654	4205130904		102-2		HENRY J KUCHERA NO 1	GIDDINGS	25.0	FERGUSON CROSSING
8144091	F-03-030116	4205130994		102-2		JOE J MAREK A NO 1	GIDDINGS	116.0	FERGUSON CROSSING
8144091	F-03-030116	4205130994		103		JOE J MAREK A NO 1	GIDDINGS	116.0	FERGUSON CROSSING
8144155	F-03-033915	4205131001		102-2		JOE MAREK NO 1	GIDDINGS	176.0	FERGUSON CROSSING
8144155	F-03-033915	4205131001		103		JOE MAREK NO 1	GIDDINGS	176.0	FERGUSON CROSSING
8144096	F-03-030261	4205130856		102-2		JOHN W HEINE NO 1 WELL	GIDDINGS	343.0	FERGUSON CROSSING
8144096	F-03-030261	4205130856		103		JOHN W HEINE NO 1 WELL	GIDDINGS	343.0	FERGUSON CROSSING
8144098	F-06-020258	4220330571		102-3		LE TOURNEAU #1	S E WATSON SURVEY	100.0	HYDROCARBON TRANS
8144103	F-03-030772	4205131045		102-2		THEODORE WEICHERT NO 1	GILLINGS	133.0	FERGUSON CROSSING
8144103	F-03-030772	4205131045		103		THEODORE WEICHERT NO 1	GILLINGS	133.0	FERGUSON CROSSING
-CHEVRON U S A INC				RECEIVED: 08/03/81 JA: TX					
8144261	F-09-037127	4238150776		103		7500 SAND UNIT 633-S	SHERMAN (7500 SAND)	0.4	LONE STAR GAS CO
-CITIES SERVICE COMPANY				RECEIVED: 08/03/81 JA: TX					
8144219	F-03-036525	4214930852		102-2		CHERRY F NO 1	GILLINGS (AUSTIN CHALK)	276.0	
-CLAYTON W WILLIAMS JR				RECEIVED: 08/03/81 JA: TX					
8144136	F-03-032197	4205100070		102-2		GEORGE CHMELAR #1	GIDDINGS	0.0	VALERO TRANSMISSI
8144165	F-03-034776	4205100000		102-2		GRAHAM-MYNAR UNIT #1	GIDDINGS	0.0	VALERO TRANSMISSI
8144127	F-01-032015	4217700000		102-2		HARRELL CATTLE CO #1	GIDDINGS	0.0	VALERO TRANSMISSI
8144141	F-03-032608	4205100070		102-2		J W HEINE #1	GIDDINGS	0.0	VALERO TRANSMISSI
8144126	F-03-032006	4205100000		102-2		JOHNSON #1	GIDDINGS	0.0	VALERO TRANSMISSI
8144112	F-03-031244	4205100000		102-2		MARCELLA POLANSKY #2	GIDDINGS	0.0	VALERO TRANSMISSI
8144135	F-03-032195	4205100000		102-2		RUST-DEAN UNIT #1	GIDDINGS	0.0	VALERO TRANSMISSI
8144060	F-06-027841	4236500000		103		SEALEY #1	PINE HILL S E (RODESSA G	800.0	VALERO TRANSMISSI
8144140	F-03-032607	4205100000		102-2		SIPIAK-PRIEBE UNIT #1	GIDDINGS	0.0	VALERO TRANSMISSI

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F W	OS AT	API #	S SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-COASTAL OIL & GAS CORP			RECEIVED: 08/03/81 JA: TX				
R144298	F-10-037447	4237550816	103	BIVINS 1613	PANHANDLE (RED CAVE)	90.0	COLORADO INTERSTA
R144366	F-10-037644	4237550836	103	MASTERSON B R352P	PANHANDLE (RED CAVE)	21.0	COLORADO INTERSTA
R144297	F-10-037446	4237550840	103	MASTERSON B R353P	PANHANDLE (RED CAVE)	5.0	COLORADO INTERSTA
R144294	F-10-037450	4237550839	103	MASTERSON C 1101RC	PANHANDLE (RED CAVE)	22.0	COLORADO INTERSTA
R144295	F-10-037424	4237550841	103	MASTERSON C R421P	PANHANDLE (RED CAVE)	18.0	COLORADO INTERSTA
R144365	F-10-037642	4237550842	103	MASTERSON C R423P	PANHANDLE (RED CAVE)	22.0	COLORADO INTERSTA
-COMMANCH RESOURCES INC			RECEIVED: 08/03/81 JA: TX				
R144521	F-10-037551	4206500141	102-A	D E GUNN NO 2	DALE (CADDO)	0.0	SIOUX PIPELINE CO
R144526	F-10-037552	4206500142	102-A	D E GUNN NC 2-A	DALE (CADDO)	30.0	SIOUX PIPELINE CO
-COMINCO AMERICAN INC			RECEIVED: 08/03/81 JA: TX				
R144226	F-10-036614	4206500811	102-A	STUART RANCH B NC 8	STUART RANCH	0.0	MICHIGAN WISCONSI
-CONOCO INC			RECEIVED: 08/03/81 JA: TX				
R144130	F-03-032100	4214500722	103	A L PRICE NO 5	GIDDINGS (BUDA)	4.0	
R144372	F-10-037653	4206500000	10R	BURNETT NO 109A	WEST PANHANDLE	6.0	CITIES SERVICE GA
R144371	F-10-037652	4206500000	10R	BURNETT NO 109A	WEST PANHANDLE	16.0	CITIES SERVICE GA
R144377	F-10-037654	4206500000	10R	BURNETT NO 11	WEST PANHANDLE	14.0	CITIES SERVICE GA
R144370	F-10-037651	4206500000	10R	BURNETT NO 113A	WEST PANHANDLE	16.0	CITIES SERVICE GA
R144376	F-10-037657	4206500000	10R	BURNETT NO 15	WEST PANHANDLE	9.0	CITIES SERVICE GA
R144375	F-10-037656	4206500000	10R	BURNETT NO 33A	WEST PANHANDLE	11.0	CITIES SERVICE GA
R144374	F-10-037655	4206500000	10R	BURNETT NO 64A	WEST PANHANDLE	16.0	CITIES SERVICE GA
R144373	F-10-037654	4206500000	10R	BURNETT NO 65A	WEST PANHANDLE	17.0	CITIES SERVICE GA
R144378	F-10-037659	4206500000	10R	BURNETT NO 8A	WEST PANHANDLE	18.0	CITIES SERVICE GA
R144368	F-10-037649	4206500000	10R	FUQUA NC 8	WEST PANHANDLE	13.0	CITIES SERVICE GA
R144225	F-08-036600	4238500000	10R	G E RAMSEY JR -A- #6 ID #21020	GERALDINE FORD	5.1	EL PASO NATURAL G
R144224	F-08-036591	4238500000	10R	G E RAMSEY JR-18-#21 ID #23413	GERALDINE FORD	4.1	EL PASO NATURAL G
R144369	F-10-037650	4206500000	10R	G W LEAHL NC 4	WEST PANHANDLE	21.0	CITIES SERVICE GA
R144367	F-10-037648	4206500000	10R	REES NO 1	WEST PANHANDLE	12.0	CITIES SERVICE GA
-COOK EXPLORATION CO			RECEIVED: 08/03/81 JA: TX				
R144168	F-06-034622	4218500000	103	COOK EXPL CO- CASTLEBERRY #3	WILLOW SPRG-MACKEY TR.PK	250.0	ARKANSAS LOUISIAN
-CORPUS CHRISTI OIL AND GAS CO			RECEIVED: 08/03/81 JA: TX				
R144174	F-14-035212	4208700664	102-A	STATE TRACT 66 #1	GOOSE ISLAND S (M-9 SAND	0.0	CENTRAL POWER & L
-CROMERA OIL & GAS CO			RECEIVED: 08/03/81 JA: TX				
R144284	F-14-037425	4238700569	103	L W LESIKAR A #2 ID-78165	MEEKER (CONGL 4000)	32.8	UPHAM OIL & GAS C
R144283	F-14-037424	4238701527	103	WALKER PRENTS #1 ID-82673	MEEKER (CONGL 4000)	54.8	UPHAM OIL & GAS C
-D H HUNT			RECEIVED: 08/03/81 JA: TX				
R144599	F-02-037717	4212701150	102-A	GOMPERT GAS UNIT WELL NC 1-C	ARANSAKEVILLE/FRIO 2930	167.0	TEXAS EASTERN TRA
-DAMSON OIL CORPORATION			RECEIVED: 08/03/81 JA: TX				
R144145	F-02-032811	4238514477	102-A	G COOK #1	HOPE (MIOCENE 2300) FIEL	0.0	VALERO GATHERING
R144144	F-02-032810	4238514455	102-A	L R BELLINGER #1	HOPE S E (2900) FIELD	0.0	VALERO TRANSMISSI
-DAVID FASKEN			RECEIVED: 08/03/81 JA: TX				
R144161	F-08-035672	4238510417	10P	REGAN STATE #1	TCRC (DELAWARE)	0.0	DELMI GAS PIPELIN
-DELMI OIL CORP			RECEIVED: 08/03/81 JA: TX				
R144246	F-11-036752	4217700110	102-A	JOHNSON #2	PEACH CREEK (AUSTIN CHAL	0.0	TIPPERARY CORP
-DELRAY OIL INC			RECEIVED: 08/03/81 JA: TX				
R144114	F-14-031261	4208732208	103	HERTIE E STONE WELL NC 16	COLEMAN COUNTY REGULAR	0.0	LONE STAR GAS CO
R144113	F-14-031260	4208732219	103	HERTIE E STONE WELL NO 18	COLEMAN COUNTY REGULAR	20.0	LONE STAR GAS CO
-DELTA DRILLING CO			RECEIVED: 08/03/81 JA: TX				
R144010	F-06-020371	4236500000	102-A	HANLOCK-SMITH #1	CARTHAGE SE (COTTON VALL	409.9	WESTERN GAS CORP
R144080	F-10-029340	4241700000	107-TF	JACKSON #3 90212	ELDORADO (CANYON)	48.0	NORTHERN NATURAL
R144067	F-06-029857	4236500000	107-TF	REEVES #1	SOUTHEAST CARTHAGE (CV)	200.0	WESTERN GAS CORP
R144011	F-06-020372	4236500000	102-A	TWOMEY HEIRS #1	CARTHAGE SE (COTTON VALL	324.5	WESTERN GAS CORP
-DEVON CORPORATION			RECEIVED: 08/03/81 JA: TX				

8144317	F-RA-037511	4211500003	103	DYER #4	
-DIAMOND SHAMROCK CORPORATION			RECEIVED: 08/03/81 JA: TX		
8144026	F-79-024344	4236731875	103	BYERS GAS UNIT NO 2	
8144119	F-10-031555	4219500000	108	C M FARMS NO 1	
8143994	F-10-005282	4229500000	108-FR	CRIST PEIL ET AL NO 1	
8143995	F-10-005445	4242100000	108-FR	GUNZELMAN NO 1	
8143997	F-10-005498	4229500000	108-ER	GUSSIE B SHUTTERLY NO 1	
8143998	F-10-005521	4229500000	108-ER	H G SCHOENHALS NO 1-861	
8144123	F-10-031[illegible]	4229[illegible]817	103	H G SCHOENHALS NO 2	
8144038	F-78-026128	4236731875	103	J S COOMER NO 2	
8144046	F-10-027[illegible]	4235[illegible]	108	J V STUMP NO 1	
8144095	F-10-030141	4235730417	108	J W DANIEL NO 2	
8143996	F-10-005457	4242100000	108-FR	PRICE D NO 30	
8144089	F-10-029327	4242100000	108-ER	SARAH CLAYBAUGH NO 1	
8144043	F-10-026821	4239[illegible]308[illegible]	103	VERNON FLOWERS NO 6	
8144018	F-10-023427	4235[illegible]	108	W H DUTCHER A NO 1	
-DRILLERS ENERGY SEARCH INC			RECEIVED: 08/03/81 JA: TX		
8144094	F-04-[illegible]5822[illegible]	4240[illegible]1445	102-4	F D SMITH NO 1	
-DYNAMIC PRODUCTION INC			RECEIVED: 08/03/81 JA: TX		
8144758	F-78-[illegible]	4[illegible]6731875	103	LANGSTON NO 1 84196	
-EASTLAND OIL CO			RECEIVED: 08/03/81 JA: TX		
8144216	F-98-[illegible]	4[illegible]5[illegible]0000	102-4	ODELL FULLER NO 2	
-EL PASO NATURAL GAS COMPANY			RECEIVED: 08/03/81 JA: TX		
8144341	F-10-[illegible]	4248[illegible]778	103	AYCOCK #2	
8144342	F-10-[illegible]	4248[illegible]776	103	LISTER #2	
8144340	F-10-[illegible]	4248[illegible]	103	MCALISTER #2X	
8144339	F-10-[illegible]	4208[illegible]168	103	MCDOWELL #13	
8144338	F-10-[illegible]	4208[illegible]168	103	MCDOWELL #14	
8144337	F-10-[illegible]	4208[illegible]165	103	WISCHKAEMPER I #1	
-ENSERCH EXPLORATION INC			RECEIVED: 08/03/81 JA: TX		
8144595	F-[illegible]	4249[illegible]073	103	CRAFT WATER BOARD UN 18 NO 2	
8144028	F-75-024[illegible]	4[illegible]	102-2	HAMILL GAS UNIT 1 NO 1	
-ENTERPRISE RESOURCES INC			RECEIVED: 08/03/81 JA: TX		
8144081	F-[illegible]	4229131317	102-4	#1 CHAMPION INTERNATIONAL CORP	
-EVERGREEN OIL CORP			RECEIVED: 08/03/81 JA: TX		
8144209	F-01-[illegible]	4217700000	102-2	LAURENCE #1	
8144209	F-01-[illegible]	4217700000	103	LAURENCE #1	
-EXXON CORPORATION			RECEIVED: 08/03/81 JA: TX		
*8144086	F-96-[illegible]	4240130851	107-TF	ARNETTE GRAY GREGORY #1	
*8144018	F-96-[illegible]	4240130799	102-2	D M HEARNE #1	
8144247	F-16-[illegible]	4[illegible]	103	FORT STOCKTON UNIT #507	
8144059	F-[illegible]	4[illegible]	103	GALVESTON ISLAND GAS UNIT 1 #3	
*8144096	F-96-[illegible]	4[illegible]	102-4	GLADEWATER GAS UNIT 10 WELL 1	
*8144096	F-96-[illegible]	4[illegible]	107-TF	GLADEWATER GAS UNIT 10 WELL 1	
*8144093	F-96-[illegible]	4[illegible]	102-4	GLADEWATER GAS UNIT 11 WELL 1	
*8144093	F-96-[illegible]	4[illegible]	107-TF	GLADEWATER GAS UNIT 11 WELL 1	
*8144092	F-96-[illegible]	4[illegible]	102-4	GLADEWATER GAS UNIT 5 WELL 1	
*8144092	F-96-[illegible]	4[illegible]	107-TF	GLADEWATER GAS UNIT 5 WELL 1	
*8144094	F-96-[illegible]	4[illegible]	102-4	GLADEWATER GAS UNIT 8 WELL 1	
*8144094	F-96-[illegible]	4[illegible]	107-TF	GLADEWATER GAS UNIT 8 WELL 1	
*8144029	F-[illegible]	4[illegible]	103	J H P DAVIS ESTATE NO 57	
*8144363	F-84-[illegible]	4227531504	102-4	K R BORREGOS M-27-BC (93194)	
8144176	F-84-[illegible]	4226130610	102-4	MRS S K EAST 122 (ID PENDING)	

FIELD NAME	PROD	PURCHASER
ACKERLY (DEAN SAND)	0.0	GETTY OIL CO
RENO	82.0	SOUTHWESTERN GAS
HANSFORD	13.0	NORTHERN NATURAL
MAMMOTH CREEK	8.0	SOUTHWESTERN PUBL
TEXAS HUGOTON	8.0	NORTHERN NATURAL
BRADFORD	8.0	SOUTHWESTERN PUBL
BRADFORD	8.0	SOUTHWESTERN PUBL
BRADFORD	772.0	
RENO	277.0	SOUTHWESTERN GAS
HORIZON	0.2	NORTHERN NATURAL
CAMBRIDGE	1.3	EL PASO NATURAL G
TEXAS HUGOTON	8.0	PANHANDLE EASTERN
TEXAS HUGOTON	14.0	NORTHERN NATURAL
MENDOTA NW	38.0	
NORTHRUP	5.0	
HIBERNIA (4580)	18.2	HOUSTON PIPELINE
BUCK RANCH (STRAWN LO)	15.0	SOUTHWESTERN GAS
CHAPPION LAKE (YATES)	19.0	ODESSA NATURAL CO
PANHANDLE EAST BROWN DOL	22.0	EL PASO NATURAL G
PANHANDLE EAST BROWN DOL	25.0	EL PASO NATURAL G
PANHANDLE EAST BROWN DOL	25.0	EL PASO NATURAL G
PANHANDLE EAST BROWN DOL	22.0	EL PASO NATURAL G
PANHANDLE EAST BROWN DOL	25.0	EL PASO NATURAL G
PANHANDLE EAST BROWN DOL	25.0	EL PASO NATURAL G
BOONSVILLE	848.0	LONE STAR GAS CO
BUFFALO EAST	483.0	LONE STAR GAS CO
GUIMA S (7230)	356.0	TRUNKLINE GAS CO
COST (AUSTIN CHALK)	0.0	VALERO TRANSMISSI
COST (AUSTIN CHALK)	0.0	VALERO TRANSMISSI
OAK HILL N W (COTTON VAL	450.0	ARMCO STEEL CORP
OAK HILL NW (COTTON VALL	45.0	ARMCO STEEL CO
FORT STOCKTON (YATES LOW	27.0	NUECES CO
GALVESTON ISLAND (DISCOR	475.0	HOUSTON PIPE LINE
GLADEWATER (HAYNESVILLE)	839.0	ARMCO STEEL CORP
GLADEWATER (HAYNESVILLE)	839.0	ARMCO STEEL CORP
GLADEWATER (HAYNESVILLE)	547.0	ARMCO STEEL CORP
GLADEWATER (HAYNESVILLE)	547.0	ARMCO STEEL CORP
GLADEWATER (HAYNESVILLE)	266.0	ARMCO STEEL CORP
GLADEWATER (HAYNESVILLE)	266.0	ARMCO STEEL CORP
GLADEWATER (HAYNESVILLE)	1095.0	ARMCO STEEL CORP
GLADEWATER (HAYNESVILLE)	1095.0	ARMCO STEEL CORP
THOMPSON (FRIO UP)	6.0	ARMCO STEEL CO
STRATTON (H-10)	600.0	ARMCO STEEL CORP
RITA S E (N-10 II)	365.0	NATURAL GAS PIPEL

GO NO	JA DKT	API NO	C	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
*8144117	F-06-031399	4242330357		107-TF		OVERTON GAS UNIT 20 #1	OVERTON (HAYNESVILLE) FI	400.0	ARMCO STEEL CORP
8144246	F-7C-036729	4223331631		103		PEARL WILLIAMS #11	DOVE CREEK (CANYON C)	5.0	NORTHERN NATURAL
*8144157	F-03-034082	4215730980		102-4		PECAN GROVE GAS UNIT 1 #1	PECAN GROVE (8700)	300.0	ARMCO STEEL CORP
*8144228	F-04-036649	4235531597		102-4		PITA ISLAND GAS UNIT #2 WELL #6	PITA ISLAND (K-94)	464.0	ARMCO STEEL CORP
*8144027	F-04-029366	4226130497		102-4		R J K JR TR STILLMAN PASTURE 43	STILLMAN (K-43)	365.0	ARMCO STEEL CO
*8144037	F-06-025591	4236530255		102-3		S L HOLMES #2	CARTHAGE (COTTON VALLEY)	500.0	ARMCO STEEL CO
8144299	F-04-037456	4248930637		103		SAUZ RANCH MULATOS PASTURE 166	WILLAMAR WEST (MIOCENE 5	75.0	NATURAL GAS PIPEL
*8144098	F-06-030322	4234730465		103		TRAWICK GAS UNIT 25 - 3	TRAWICK (TRAVIS PEAK)	500.0	ARMCO STEEL CORP
*8144364	F-04-037640	4204730879		103		VFGU #1 V-91-F (93198)	VIBORAS (MASSIVE FIRST E	500.0	ARMCO STEEL CORP
-FERN W HANNA				RECEIVED: 08/03/81 JA: TX					
8144357	F-7B-037619	4208300000		108		CARROLL E KINGSBERY	SANTA ANNA GAS FIELD	8.0	LONE STAR GAS CO
-FOUR C OIL & GAS CORP				RECEIVED: 08/03/81 JA: TX					
8144158	F-08-034103	4237133303		102-4		#1 FOGLEMAN	INAUGURATION (GRAYBURG 2	150.0	NORTHERN NATURAL
8144158	F-08-034103	4237133303		103		#1 FOGLEMAN	INAUGURATION (GRAYBURG 2	150.0	NORTHERN NATURAL
-FRANK J KING				RECEIVED: 08/03/81 JA: TX					
8144250	F-7B-036789	4236732037		102-4		ELDON HOLMAN NO 1	CLAYTON (CONGL)	200.0	TEXAS UTILITIES F
8144245	F-7B-036720	4236732036		102-4		GLADYS GOEN NO 1	CLAYTON (CONGL)	200.0	TEXAS UTILITIES F
-G C CLARK				RECEIVED: 08/03/81 JA: TX					
8144054	F-7C-027792	4232730075		102-4		J G RILES NO 1	BILES (STRAWN)	400.0	
-GAGE & CO				RECEIVED: 08/03/81 JA: TX					
8144125	F-7B-031971	4235330938		103		JAHEW JAMESON B #1 (16473)	JMM (CANYON UPPER)	0.0	SUN OIL CO
8144173	F-08-035166	4235330996		103		JAHEW JAMESON D #1	JAMESON NORTH (ODOM)	0.0	SUN OIL CO
-GALAXY OIL COMPANY				RECEIVED: 08/03/81 JA: TX					
8144333	F-03-037560	4214930751		103		BRADY UNIT #1 (13851)	GIDDINGS (AUSTIN CHALK)	11.0	PHILLIPS PETROLEU
8144273	F-08-037279	4210332351		103		HALLIE C DAY #2 (00975)	CRANE (DEVONIAN)	35.0	PHILLIPS PETROLEU
-GARY D TURNER DBA TURNER PROPERTIES				RECEIVED: 08/03/81 JA: TX					
8144061	F-7C-028041	4210331840		108		TURNER PROPERTIES BAGGETT A-4	ADAMS-BAGGETT RANCH (CAN	13.7	DETROIT-TEXAS GAS
-GENESIS PETROLEUM CORP				RECEIVED: 08/03/81 JA: TX					
8144175	F-03-035320	4205131043		102-2		NORTON B UNASSIGNED	GIDDINGS (AUSTIN CHALK G	365.0	PHILLIPS PETROLEU
-GEODYNAMICS OIL & GAS				RECEIVED: 08/03/81 JA: TX					
8144040	F-03-026640	4205130461		102-2		PATTERSON A #1	GIDDINGS (AUSTIN CHALK)	62.0	CLAJON GAS CO
8144208	F-03-036210	4205131369		102-2		PORTER C NO 1	TUNIS EAST (AUSTIN CHALK	26.0	CLAJON GAS CO
-GETTY OIL COMPANY				RECEIVED: 08/03/81 JA: TX					
8144398	F-7B-037714	4243331195		103		FLOWERS CANYON SAND UNIT #183	FLOWERS (CANYON SAND)	1.0	CITIES SERVICE CO
8144318	F-10-037515	4223331027		103		HERRING A TRACT 2 #109	PANHANDLE HUTCHINSON	5.1	PANHANDLE EASTERN
8144310	F-10-037493	4223331026		103		HERRING A TRACT 2 #110	PANHANDLE HUTCHINSON	3.7	PANHANDLE EASTERN
8144387	F-10-037673	4223331101		103		HERRING A TRACT 2 #111	PANHANDLE HUTCHINSON	171.0	PANHANDLE EASTERN
8144386	F-10-037672	4223330895		103		M B ARMSTRONG NO 25	PANHANDLE HUTCHINSON	1.5	PANHANDLE EASTERN
8144311	F-10-037494	4223330896		103		M B ARMSTRONG NO 30	PANHANDLE HUTCHINSON	4.0	PANHANDLE EASTERN
8144149	F-06-033349	4236500000		107-TF		MAE SEALY UNIT #3	CARTHAGE (COTTON VALLEY)	826.0	UNITED GAS PIPELI
8144167	F-03-034788	4205100000		102-2		O D C #1	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
8144090	F-04-030013	4200730648		102-4		T S T 214 #1	TALLEY ISLAND (FRIO M-2)	211.0	VALERO TRANSMISSI
8144178	F-06-034914	4249531234		107-DP		UNIVERSITY 33-21 #1	LITTLE JOE (ELLENBURGER)	1241.0	INTRATEX GAS CO
8144166	F-03-034287	4205130000		102-2		W H GIESENSCHLAG B #1	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
8144034	F-06-025438	4236500000		103		WERNER-LAFOV WELL #2	CARTHAGE (COTTON VALLEY)	0.0	DELHI GAS PIPELIN
8144034	F-06-025438	4236500000		107-TF		WERNER-LAFOV WELL #2	CARTHAGE (COTTON VALLEY)	0.0	DELHI GAS PIPELIN
-GOLDEN TREND OIL & GAS CORP				RECEIVED: 08/03/81 JA: TX					
8144207	F-02-036145	4246900000		102-4		C G KARNES NO 1	SALEM EAST (3800)	180.0	
-GOOD HOPE REFINERIES INC				RECEIVED: 08/03/81 JA: TX					
8144116	F-04-031357	4247932364		102-4		VAQUILLAS NO 1 API 42-479-32364	VAQUILLAS RANCH (WILCOX	1095.0	VALERO TRANSMISSI
-GREAT WESTERN DRILLING COMPANY				RECEIVED: 08/03/81 JA: TX					
8144056	F-7C-027811	4210532416		102-4		SUTTON 3-3	INGHAM (QUEEN)	36.5	EL PASO NATURAL G
8144057	F-7C-027812	4210532415		102-4		SUTTON 3-4	INGHAM (QUEEN)	21.2	EL PASO NATURAL G

JD NO	JA JKT	API NO	D	SEC	CAT	WELL NAME
8144058	F-7C-027813	4210532414			102-4	SUTTON 3-5
8144055	F-7C-027802	4210532413			102-4	SUTTON 3-6
-GULF ENERGY PRODUCING COMPANY						RECEIVED: 08/03/81 JA: TX
8144401	F-08-037748	4217331055			103	HOUSTON-SMITH #1 (26531)
8144400	F-08-037747	4231732246			103	MILLS-TURNER #1 (26264)
-GULF OIL CORPORATION						RECEIVED: 08/03/81 JA: TX
8144335	F-03-037562	4204130445			103	CONNER UNIT I WELL NO 1
8144072	F-01-029009	4201330978			103	EMMA TARTT ET AL WELL NO 6
8144115	F-10-031336	4221131147			102-4	FRANCES WELLS #1-110
8144051	F-10-027656	4235700000			108	HENRY B THOMSON #4
8144036	F-10-025517	4221131118			103	ISAACS NO 2-210
8144328	F-03-037552	4204130476			103	KRISTYNIK UNIT I WELL NO 1
8144106	F-10-030936	4221131201			102-4	MACIAS #1-127U
8144334	F-03-037561	4204130468			103	SCHRAM UNIT IV WELL NO 1
-HAMMAN OIL & REFINING CO						RECEIVED: 08/03/81 JA: TX
8144042	F-03-026710	4220130779			102-4	LONGENBAUGH NO 1 (T) 11634
-HANSON MINERALS CO						RECEIVED: 08/03/81 JA: TX
8144198	F-02-035978	4212331121			102-4	HANSON MINERALS CO # 1 V. DIETZ
-HARKINS & COMPANY						RECEIVED: 08/03/81 JA: TX
8144270	F-04-037265	4213133107			102-4	HERBST-TOREL WELL NO 1
8144270	F-04-037265	4213133107			103	HERBST-TOREL WELL NO 1
8144269	F-04-037264	4213134825			102-4	HERBST-TOREL WELL NO 2
8144269	F-04-037264	4213134825			103	HERBST-TOREL WELL NO 2
8144271	F-04-037267	4213134968			102-4	HERBST-TOREL WELL NO 3
8144271	F-04-037267	4213134968			103	HERBST-TOREL WELL NO 3
8144267	F-04-037262	4213135092			102-4	HERBST-TOREL WELL NO 4
8144267	F-04-037262	4213135092			103	HERBST-TOREL WELL NO 4
8144268	F-04-037263	4213134953			102-4	PENA HEIRS WELL NO 1
8144268	F-04-037263	4213134953			103	PENA HEIRS WELL NO 1
-HARWOOD EXPLORATION INC						RECEIVED: 08/03/81 JA: TX
8144079	F-02-029346	4202500000			102-4	GEORGIE HEARD 1-C
-HILLIN PRODUCTION CO						RECEIVED: 08/03/81 JA: TX
8144132	F-08-032135	4237133183			103	ATKINS #2
-HNG OIL COMPANY						RECEIVED: 08/03/81 JA: TX
8144258	F-7C-036937	4243532444			103	HICKS 35 #3
8144258	F-7C-036937	4243532444			107-TF	HICKS 35 #3
8144303	F-08-037467	4243130606			103	MCENTIRE 15 #2
8144302	F-08-037466	4243130657			103	MCENTIRE 16 #2
8144300	F-08-037461	4243130758			103	MCENTIRE 21 #2
8144306	F-08-037471	4243130697			103	MCENTIRE 27 #2
8144305	F-08-037470	4243130696			103	MCENTIRE 33 #2
8144301	F-7C-037465	4243531441			103	PFLUGER 86 #4
8144281	F-7C-037395	4243500000			103	PFLUGER 87 #2
8144280	F-7C-037394	4243531949			103	PFLUGER 87 #3
8144276	F-7C-037390	4243532177			103	PFLUGER 88 #2
8144278	F-7C-037392	4243500000			103	PFLUGER 89 #1
8144279	F-7C-037393	4243532176			103	PFLUGER 89 #2
8144277	F-7C-037391	4243531974			103	RICHARDSON 135 #2
8144307	F-7C-037476	4243531984			103	RICHARDSON 139 #2
8144304	F-7C-037465	4243532028			103	SAWYER 168 #3
8144308	F-7C-037477	4243532140			103	SELLMAN 33 #2
8144213	F-04-036378	4250531219			102-4	SERGIO LAUREL #1
8144213	F-04-036378	4250531219			103	SERGIO LAUREL #1

FIELD NAME	PROD	PURCHASER
INGHAM (QUEEN)	18.6	EL PASO NATURAL G
INGHAM (QUEEN)	17.5	EL PASO NATURAL G
GORDON STREET S (LOWER W	0.0	PHILLIPS PETROLEU
SPRABERRY (TREND AREA DE	0.0	PHILLIPS PETROLEU
KURTEN (WOODBINE)	36.5	PRODUCERS GAS CO
FASHING (EDWARDS LIME A	0.0	NATURAL GAS P/L C
GEM-HEMPHILL/LOWER DOUGL	250.0	CITIES SERVICE GA
SHARE SE	10.0	TRANSWESTERN PIPE
CANADIAN SW/MORROW UPPER	550.0	PIONEER NATURAL G
KURTEN (WOODBINE)	35.0	PRODUCERS GAS CO
GEM-HEMPHILL/LOWER DOUGL	0.0	CITIES SERVICE GA
KURTEN (WOODBINE)	10.0	PRODUCERS GAS CO
CYPRESS (Y-7)	180.0	TENNESSEE GAS PIP
RC S (WILCOX 7575)	55.0	LON E STAR GAS CO
HERBST-WILCOX (HERBST II	1095.0	VALERO TRANSMISSI
HERBST-WILCOX (HERBST II	1095.0	VALERO TRANSMISSI
HERBST-WILCOX (HERBST II	1095.0	VALERO TRANSMISSI
HERBST-WILCOX (HERBST II	1095.0	VALERO TRANSMISSI
HERBST-WILCOX (HERBST II	1095.0	VALERO TRANSMISSI
HERBST-WILCOX (HERBST II	1095.0	VALERO TRANSMISSI
HERBST-WILCOX (HERBST II	1095.0	VALERO TRANSMISSI
HERBST-WILCOX (HERBST II	1095.0	VALERO TRANSMISSI
HERBST-WILCOX (HERBST II	1095.0	VALERO TRANSMISSI
GEORGIE HEARD/3500	180.0	TRUNKLINE GAS CO
PECOS VALLEY SE (1620 YA	19.0	INTRATEX GAS CO
SAWYER (CANYON)	54.8	INTRATEX GAS CO
SAWYER (CANYON)	54.8	INTRATEX GAS CO
CREDO E (CISCO UPPER)	24.1	INTRATEX GAS CO
CREDO E (CISCO UPPER)	121.9	INTRATEX GAS CO
CREDO E (CISCO UPPER)	55.5	INTRATEX GAS CO
CREDO E (CISCO UPPER)	132.5	INTRATEX GAS CO
CREDO E (CISCO UPPER)	93.3	INTRATEX GAS CO
SAWYER (CANYON)	0.0	INTRATEX GAS CO
SAWYER (CANYON)	45.0	INTRATEX GAS CO
SAWYER (CANYON)	0.0	INTRATEX GAS CO
SAWYER (CANYON)	123.5	INTRATEX GAS CO
SAWYER (CANYON)	0.0	INTRATEX GAS CO
SAWYER (CANYON)	228.0	INTRATEX GAS CO
SAWYER (CANYON)	15.5	INTRATEX GAS CO
SAWYER (CANYON)	51.7	INTRATEX GAS CO
SAWYER (CANYON)	84.2	INTRATEX GAS CO
SAWYER (CANYON)	10.1	INTRATEX GAS CO
JENNINGS RANCH	36.5	HOUSTON PIPELINE
JENNINGS RANCH	36.5	HOUSTON PIPELINE

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JD SC	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8144272	F-7C-037268	4243532164		103		WALLACE 76 #4	SAWYER (CANYON)	281.2	INTRATEX GAS CO
-HUGHES & HUGHES						RECEIVED: 08/03/81 JA: TX			
8144316	F-04-037510	4247932182		102-4		ROSA V DE BENAVIDES WELL NO 1	BRUNI N E (9850) FIELD	300.0	HOUSTON PIPE LINE
-INTEGRAL ENERGY CORP						RECEIVED: 08/03/81 JA: TX			
8144356	F-03-037612	4232100000		103		NANCY HEFFELFINGER #1 88292	TICEHAVE (8980 FRIO)	15.0	VALERO TRANSMISSI
8144354	F-03-037611	4232100000		103		STATE TRACT 146 #1 74737	MATAGORDA BAY S (MIO 270	180.0	LONE STAR GAS CO
8144353	F-03-037610	4232100000		103		STATE TRACT 159 #3 74738	MATAGORDA BAY S (MIOCENE	120.0	LONE STAR GAS CO
8144355	F-03-037612	4232100006		103		STATE TRACT 159 #4 79968	MATAGORDA BAY S (MIOCENE	50.0	LONE STAR GAS CO
8144352	F-03-037609	4232100000		103		STATE TRACT 193 #1 73963	MATAGORDA BAY BLK 193 (2	438.0	LONE STAR GAS CO
-J CLEO THOMPSON						RECEIVED: 08/03/81 JA: TX			
8144169	F-7C-034841	4210533306		102-4		THOMPSON FEE NO 14	UNIVERSITY 31 (STRAWN-DE	0.0	PHILLIPS PETROLEU
-J M HUBER CORPORATION						RECEIVED: 08/03/81 JA: TX			
8144047	F-10-027282	4239330693		103		M. HODGES NO 40-1 MIDDLE MORROW	(WILDCAT)	540.0	PHILLIPS PETROLEU
-J R HAMILTON						RECEIVED: 08/03/81 JA: TX			
8144201	F-04-036078	4213100000		102-4		OLVERA GAS UNIT NO 1 92248	J R - 5618 FIELD	100.0	VALERO TRANSMISSI
-J-W OPERATING COMPANY						RECEIVED: 08/03/81 JA: TX			
8144082	F-02-029482	4212330820		102-4		ZENGERLE NO 1	ARNECKEVILLE	100.0	J-W OPERATING CO
-JACKSON EXPLORATION INC						RECEIVED: 08/03/81 JA: TX			
8144088	F-04-029937	4247932733		102-4		BARRERA #2	M G R (WILCOX)	36.0	VALERO TRANSMISSI
8144088	F-04-029937	4247932733		103		BARRERA #2	M G R (WILCOX)	36.0	VALERO TRANSMISSI
-JAMES B HARBIN						RECEIVED: 08/03/81 JA: TX			
8144238	F-7B-036667	4204900000		108		ALLCORN B1 35109	BROWN COUNTY REGULAR MAR	4.0	LONE STAR GAS CO
8144231	F-7B-036660	4204900000		108		ALLCORN 18422	THRIFTY MARBLE FALLS	4.0	LONE STAR GAS CO
8144243	F-7B-036672	4204900000		108		R S BOYSON 1 17470	BROWNWOOD WEST MARBLE FA	2.0	LONE STAR GAS CO
8144239	F-7B-036668	4204900000		108		BROOKSMITH 1 17474	BROWNWOOD WEST MARBLE FA	2.0	LONE STAR GAS CO
8144240	F-7B-036669	4204900000		108		BROOKSMITH 2 17478	BROWNWOOD WEST MARBLE FA	0.5	LONE STAR GAS CO
8144242	F-7B-036671	4204900000		108		BROOKSMITH 5 17479	BROWNWOOD WEST MARBLE FA	0.7	LONE STAR GAS CO
8144236	F-7B-036665	4204900000		108		C F HOLT 31879	BROWN COUNTY REGULAR MAR	8.0	LONE STAR GAS CO
8144232	F-7B-036661	4204900000		108		CASON 2 18423	THRIFTY MARBLE FALLS	6.0	LONE STAR GAS CO
8144233	F-7B-036662	4204900000		108		CASON 4 18424	THRIFTY MARBLE FALLS	8.0	LONE STAR GAS CO
8144235	F-7B-036664	4204900000		108		FERGUSON 17437	BROWN CTY REGULAR MARBLE	5.0	LONE STAR GAS CO
8144237	F-7B-036666	4204900000		108		L E NEWTON 41053	BROWN COUNTY REGULAR MAR	10.0	LONE STAR GAS CO
8144229	F-7B-036657	4208300000		108		NORRIS 1 18234	SANTA ANNA MARBLE FALLS	15.0	LONE STAR GAS CO
8144230	F-7B-036658	4208300000		108		NORRIS 2 18235	SANTA ANNA MARBLE FALLS	1.0	LONE STAR GAS CO
8144234	F-7B-036663	4208300000		108		NORRIS 6 13272	SANTA ANNA	3.0	LONE STAR GAS CO
8144241	F-7B-036670	4204900000		108		W D MCCULLEY 17464	BROWNWOOD WEST MARBLE FA	5.0	LONE STAR GAS CO
-JOHN A TAYLOR						RECEIVED: 08/03/81 JA: TX			
8144084	F-10-029712	4221131195		102-2		ROSS GILL #2-15	WILDCAT	0.0	
-JOHN G VOIGHT						RECEIVED: 08/03/81 JA: TX			
8144214	F-03-036388	4248131988		102-2		R S VINEYARD ET AL NO 1	HOLLYWOOD SOUTH (FRIO 79	587.0	TENNESSEE GAS PIP
-L JACK GROSS PRODUCTION						RECEIVED: 08/03/81 JA: TX			
8144021	F-10-023821	4206500000		139		BURNETT C-1	PANHANDLE (CARSON)	0.0	PHILLIPS PETROLEU
-LA ACEITE ENERGY INC						RECEIVED: 08/03/81 JA: TX			
8144100	F-7B-036635	4205932210		102-4		FRED HART #2 (14804)	LA (LAKE SAND)	10.0	LONE STAR GAS CO
8144253	F-7B-036857	4205932937		102-4		GASTON WILEY #1 (17077)	PUTNAM N (LAKE)	36.0	LONE STAR GAS CO
-LA SALLE ENERGY CORP						RECEIVED: 08/03/81 JA: TX			
8144179	F-01-035550	4217700000		102-2		L D COOK #1	PERSISTENCE	0.0	
-LACY & BYRD INC						RECEIVED: 08/03/81 JA: TX			
8144315	F-7C-037598	4246131715		103		ROSS NO 2 RRC #08658	SPRABERRY (TREND AREA)	10.0	MOBIL PRODUCING T
-LADD PETROLEUM CORPORATION						RECEIVED: 08/03/81 JA: TX			
8144124	F-7C-035187	4210532979		103		V I PIERCE 10 #4	OZONA (CANYON SAND)	313.1	VALERO TRANSMISSI
8144124	F-7C-035187	4210532979		107-TF		V I PIERCE 10 #4	OZONA (CANYON SAND)	313.1	VALERO TRANSMISSI
-LECLAIR OPERATING CO INC						RECEIVED: 08/03/81 JA: TX			

JD NO	JA CAT	API NO	L	SEC	CAT	WELL NAME
8144022	F-7C-023921	4241300000		108		MARY DAVIS COUPE #2 ID-60511
8144023	F-7C-023922	4241300000		108		MARY DAVIS COUPE #3-A ID-60512
						RECEIVED: 08/03/81 JA: TX
-M O ABEL						
8144314	F-02-037503	4217531465		103		Z A BOOTH #3
						RECEIVED: 08/03/81 JA: TX
-MADERA R F						
8144282	F-7B-037403	4205932373		103		FLEMING O A #1 ID-15976
						RECEIVED: 08/03/81 JA: TX
-MAGUIRE OIL COMPANY						
8144296	F-8A-037445	4231700000		103		GRANTHAM B #1
						RECEIVED: 08/03/81 JA: TX
-MCCORD EXPLORATION						
8144013	F-03-021919	4207130988		103		ANN CHRISTIE OWEN UNIT NO 1
						RECEIVED: 08/03/81 JA: TX
-MCCORMICK OPERATING CO						
8144122	F-06-031721	4240131024		102-2		FORBUS ESTATE GAS UNIT #3
8144122	F-06-031721	4240131024		107-TF		FORBUS ESTATE GAS UNIT #3
						RECEIVED: 08/03/81 JA: TX
-MCCOUN CO INC						
8144206	F-7C-036142	4239931809		102-4		HOWARD #1
						RECEIVED: 08/03/81 JA: TX
-MIRAMAR PETROLEUM INC						
8144255	F-04-036903	4221531079		102-4		LEPOVITZ GAS UNIT #1
						RECEIVED: 08/03/81 JA: TX
-MITCHELL ENERGY CORPORATION						
8144062	F-05-028157	4229330493		107-TF		ANGELINA COUNTY LUMBER CO #1
8144129	F-7B-032090	4236731975		103		J P PETTYJOHN NO 1
8144202	F-7B-036049	4205900000		108		KENNETH M GEORGE #1 12572
8143993	F-09-004056	4249700000		108-FR		LEONARD CORP ET AL #1 28725
8143992	F-09-004041	4236700000		108-ER		MASSEY-BOYD #1 44004
8144063	F-09-028245	4223700000		108		RICHARDS 472 #2 66202
8144146	F-09-032977	4249700000		108		W O NIBLETT #1
8144147	F-05-033146	4229330540		103		W P LITTLE #1
8144147	F-05-033146	4229330540		107-TF		W P LITTLE #1
						RECEIVED: 08/03/81 JA: TX
-MOBIL PRDG TEXAS & NEW MEXICO INC						
8144325	F-7C-037549	4244330230		108		BROWN MCNINCH ESTATE UNIT NO 2
8144332	F-04-037559	4247900000		108		CALLAGHAN RANCH NO 14
8144330	F-03-037555	4208900000		108		CHESTERVILLE UNIT NO 2
8144223	F-04-036575	4224931242		102-4		F H STOLZE NO 9
8144171	F-7B-034920	4235330982		102-4		J A MADDOX NO 1
*8144329	F-04-037554	4212500000		108		LAGLORIA GAS UNIT NO 86
8144331	F-8A-037557	4221932984		103		NORTH CENTRAL LEVELLAND UT NO 337
*8144324	F-04-037548	4204700000		108		SOUTH LA GLORIA GAS UNIT NO 8
8144160	F-03-034222	4224531438		102-4		TRINITY PETROLEUM TRUST NO 1
8144203	F-08-036085	4230130426		102-4		W D JOHNSON ET AL D UT NO 1
-MONSANTO COMPANY						RECEIVED: 08/03/81 JA: TX
8144019	F-01-023463	4248330703		102-2		HUNTER NO 1
8144019	F-01-023463	4248330703		103		HUNTER NO 1
-MOORE MCCORMACK OIL & GAS CORP						RECEIVED: 08/03/81 JA: TX
8144118	F-04-031481	4247932643		102-4		HUBBERD K #1
-MORGAS						RECEIVED: 08/03/81 JA: TX
8144097	F-10-030283	4248300000		108		RUTH #1 - ID NO 87244
-MOSBACHER PRODUCTION CO						RECEIVED: 08/03/81 JA: TX
8144217	F-01-036431	4217730565		102-3		HENDERSON-JOHNSTON WELL NO 1
8144217	F-01-036431	4217730565		103		HENDERSON-JOHNSTON WELL NO 1
8144227	F-03-036635	4205131355		102-2		ROBERT SPEARMAN UNIT A WELL NO 2
-MWJ PRODUCING COMPANY						RECEIVED: 08/03/81 JA: TX
8144139	F-7C-032445	4238331478		103		HENRY #1
-N C GINTHER						RECEIVED: 08/03/81 JA: TX
8144001	F-02-017078	4217500000		108		SALLIE FLOWERS #1 RRC I D #04096

FIELD NAME	PROD	PURCHASER
HENRY-SPECK (CANYON) FIE	3.0	NORTHERN NATURAL
HENRY-SPECK (CANYON) FIE	2.0	NORTHERN NATURAL
A-B-R (VICKSBURG UPPER S	14.6	UNITED GAS PIPE L
PUTNAM NORTH (DUFFER)	75.2	BENGAL GAS TRANSM
ACKERLY	0.2	GETTY OIL CO
NORTH WINNIE (5150)	275.0	WINNIE PIPELINE C
OAK HILL (COTTON VALLEY)	0.0	HYDROCARBON TRANS
OAK HILL (COTTON VALLEY)	0.0	HYDROCARBON TRANS
INDIANA (GRAY)	62.1	LONE STAR GAS CO
HIDALGO (7960)	365.0	
POKEY (COTTON VALLEY LIM	200.0	
WHITT (BIG SALINE)	20.0	
PUTNAM WEST (DUFFER)	4.9	LONE STAR GAS CO
BOOKSVILLE BEND CONG	6.8	NAT GAS PIPELINE
BOOKSVILLE BEND CONG	3.4	NATURAL GAS PIPEL
JACKSBORO (ATOKA CONGL)	3.0	SOUTHWESTERN GAS
BOOKSVILLE (BEND CONGL G	0.0	NATURAL GAS PIPEL
FALLON (COTTON VALLEY)	365.0	SOUTHWESTERN GAS
FALLON (COTTON VALLEY)	365.0	SOUTHWESTERN GAS
BROWN BASSET/ELLENBERGER	7.0	EL PASO NATURAL G
FINLEY-WEBB/WILCOX 5800	10.9	VALERO TRANSMISSI
CHESTERVILLE/COCKFIELD 6	0.7	TENNESSEE GAS PIP
LA GLORIA (7050)	23.4	NATURAL GAS PIPEL
WHITE HAT NW (STRAWN)	9.9	UNION PETROLEUM O
LAGLORIA/CULPEPPER	16.3	NATURAL GAS PIPEL
LEVELLAND	1.9	AMOCO PRODUCTION
LA GLORIA/CULPEPPER	13.0	TRANSCONTINENTAL
WILDCAT	38.3	
DIMMIT (CHERRY CANYON)	748.3	INTRATEX GAS CO
WILDCAT	750.0	PIONEER GAS CO
WILDCAT	750.0	PIONEER GAS CO
LIZ EAST (9100)	154.0	TENNESSEE GAS PIP
EAST PANHANDLE	18.0	EL PASO NATURAL G
PEACH CREEK (AUSTIN CHAL	325.0	VALERO TRANSMISSI
PEACH CREEK (AUSTIN CHAL	325.0	VALERO TRANSMISSI
GIDDINGS (AUSTIN CHALK)	31.0	CLAJON GAS CO
ROCK PEN (CANYON)	32.0	
SARCO CREEK WEST	19.0	TENNESSEE GAS TRA

JD NO	DA DKT	API NO	D SEC CAT WELL NAME	FIELD NAME	PROD	PURCHASER
-NORTH AMERICAN ROYALTIES INC			RECEIVED: 08/03/81 JA: TX			
8144295	F-08-037443	4222732325	102-4 FLANAGAN #3 (26152)	RED DRAW (FUSSELMAN)	75.0	PHILLIPS PETROLEU
-OCEAN MINERALS INC			RECEIVED: 08/03/81 JA: TX			
8144032	F-7C-025332	4210532356	103 UNIVERSITY #1 24-29	INGHAM/QUEEN	54.0	SOUTHWESTERN GAS
-OMNI-EXPLORATION INC			RECEIVED: 08/03/81 JA: TX			
8144153	F-05-033553	4225730206	102-4 LON C AKIN NO 1		547.5	TEXAS UTILITIES F
-PALO-PLACER			RECEIVED: 08/03/81 JA: TX			
8144059	F-7C-027835	4246131545	103 ANDOVER 45-1	SPRABERRY (TREND AREA)	50.0	PHILLIPS PETROLEU
-PARKER OPERATING CO INC			RECEIVED: 08/03/81 JA: TX			
8144110	F-7B-031161	4214300000	103 CURL #2 RRC #87720	MORGAN MILL (MARBLE FALL	0.0	ENERGY PIPELINE C
8144048	F-7B-027439	4214300000	108 FLETCHER #1	MORGAN MILL (MARBLE FALL	3.3	NORTHERN GAS PROD
8144049	F-7B-027441	4214300000	108 R W ADDISON #2 RRC #78758	MORGAN MILL (MARBLE FALL	10.0	NORTHERN GAS PROD
8144050	F-7B-027443	4214300000	108 WILSON #1	MORGAN MILL (MARBLE FALL	2.9	NORTHERN GAS PROD
-PENNZOIL PRODUCING COMPANY			RECEIVED: 08/03/81 JA: TX			
8144180	F-04-035618	4250531327	102-4 SARA G DE GARCIA NO 1	VOLPE (7000)	28.0	
-PETRO-LEWIS CORPORATION			RECEIVED: 08/03/81 JA: TX			
8144000	F-03-016561	4215730973	103 D K HOUGHTON #1	LONG POINT DOME (F-6)	547.0	DOW CHEMICAL CO
-PETROLEUM CORP OF DELAWARE			RECEIVED: 08/03/81 JA: TX			
8144077	F-08-029281	4237132882	103 HARRAL NO 1 WELL	HOKIT (ELLENBERGER)	365.0	EL PASO NATURAL G
8144039	F-03-026593	4231330257	103 MORRIS NO 1 WELL	CONNOR (GLEN ROSE)	400.0	
-PETROLEUM CORPORATION OF TEXAS			RECEIVED: 08/03/81 JA: TX			
8144319	F-08-037517	4249531174	103 BROWN-ALTMAN D #5	EMPEROR (DEEP)	11.0	NORTHERN NATURAL
8144321	F-08-037526	4249531175	103 BROWN-ALTMAN C #7	EMPEROR (DEEP)	0.2	NORTHERN NATURAL
8144322	F-08-037525	4249531176	103 BROWN-ALTMAN D #8	EMPEROR (DEEP)	1.8	NORTHERN NATURAL
-PHILLIPS PETROLEUM COMPANY			RECEIVED: 08/03/81 JA: TX			
8144389	F-10-037677	4217900000	108 GILES A # 1	PANHANDLE GRAY	0.0	
8144347	F-08-037595	4213508423	108 GS ANDECTOR #H-4 (21193)	GOLDSMITH (CLEARFORK)	15.1	EL PASO NATURAL G
8144390	F-10-037678	4217900000	108 LEOPOLD B #8	PANHANDLE GRAY	0.0	GETTY OIL CO
8144076	F-10-029179	4242130245	103 MURPHY G #2	COLDWATER CREEK-MARAMTON	46.0	
8144348	F-08-037597	4213520234	108 N PENWELL #110 (21556)	PENWELL	4.1	EL PASO NATURAL G
8144351	F-08-037607	4213507286	108 N PENWELL #24 (21556)	PENWELL	2.3	EL PASO NATURAL G
8144388	F-08-037675	4213520278	108 N PENWELL #7 (21556)	PENWELL	2.7	EL PASO NATURAL G
8144349	F-08-037598	4213504813	108 S COWDEN #2-10 (19297)	COWDEN SOUTH	1.9	ODESSA NATURAL CO
8144379	F-7C-037661	4238330238	108 WEATHERBY A #4 (04921)	SPRABERRY (TREND AREA)	3.1	NORTHERN NATURAL
8144025	F-10-024064	4248330734	102-4 WOOD C #1		730.0	
-POWCO OIL & GAS INC			RECEIVED: 08/03/81 JA: TX			
8144184	F-06-035715	4245900000	102-2 J W BECKHAM #1 NO S1973	GLENWOOD (COTTON VALLEY)	36.0	DELHI GAS PIPELIN
8144184	F-06-035715	4245900000	107-TF J W BECKHAM #1 NO S1973	GLENWOOD (COTTON VALLEY)	36.0	DELHI GAS PIPELIN
-R A W ENERGY CORP			RECEIVED: 08/03/81 JA: TX			
8144172	F-7B-035141	4236732070	102-4 HOLLOWAY #1-A	ITTLESON	365.0	SOUTHWESTERN GAS
8144220	F-7B-036542	4236732058	102-4 JEWETT #1 RRC ID #93215	TIM MITCHELL	450.0	SOUTHWESTERN GAS
-R LACY INC			RECEIVED: 08/03/81 JA: TX			
8144151	F-06-033456	4236500003	108 PARKER HEIRS WELL #2-T RRC #30061	CARTHAGE (LOWER PETTIT)	4.0	NATURAL GAS PIPEL
-REALITOS ENERGY CORP			RECEIVED: 08/03/81 JA: TX			
8144164	F-02-034596	4217531408	102-4 R BRUNS NO 1	WILDCAT-PROPOSED WESER S	185.0	LONE STAR GAS CO
-ROGER M WHEELER			RECEIVED: 08/03/81 JA: TX			
8144003	F-10-018802	4206500000	108 W D JORDAN #1	PANHANDLE CARSON COUNTY	10.0	CABOT CORP
8144004	F-10-018804	4206500000	108 W D JORDAN #4	PANHANDLE CARSON COUNTY	10.0	CABOT CORP
-RUTHERFORD OIL CORP			RECEIVED: 08/03/81 JA: TX			
8144221	F-03-036548	4216700000	102-4 STATE TRACT 104-L #8	GALVESTON BLK 104-L (SD	1200.0	DOW CHEMICAL CC
8144177	F-03-035350	4216700000	102-4 STATE TRACT 104-L WELL #2	GALVESTON BLK 104-L (SD	110.0	DOW CHEMICAL CC
-RYDER SCOTT OIL CO			RECEIVED: 08/03/81 JA: TX			
8144252	F-09-036852	4207731874	102-4 GILL #1	WINKLER (CONGL)	27.0	TEXAS UTILITIES F

JC NO	JA CAT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-SAGE ENERGY CO						RECEIVED: 08/03/81 JA: TX			
8144361	F-03-037629	4214930890		102-2		BILL #1 RRC #14162	GIDDINGS (AUSTIN CHALK)	28.0	FALCON GAS CO
8144346	F-8A-037593	4211531484		103		GREEN A RRC #63214	ACKERLY (DEAN SAND)	1.1	TEXACO INC
8144260	F-03-037083	4214930947		102-3		ROBBINS #1 RRC #14162	GIDDINGS (AUSTIN CHALK)	34.0	FALCON GAS CO
8144345	F-08-037592	4249531305		103		SEALY & SMITH 71 RRC #26394	AREACSO (STRAWN DETRITUS	21.9	EL PASO NATURAL G
8144344	F-7C-037591	4238331814		103		UNIVERSITY 3-G RRC #08761	FARMER (SAN ANDRES)	0.1	NORTHERN NATURAL
-SANCHEZ-OBRIEN OIL & GAS CORP						RECEIVED: 08/03/81 JA: TX			
8144024	F-04-023943	4235531545		102-4		HEATH LAWRENCE # 1	ONILLA CREEK (6850)	0.0	UNIT ED TEXAS TRANSMIS
8144109	F-02-031125	4229732356		102-4		JESSE W PATTESON ESTATE NO 1	PATTESON RANCH SLICK WIL	500.0	UNITED TEXAS TRAN
8144257	F-04-036920	4250500000		102-4		LAURO GARZA ET AL NC 1	LAURO GARZA LOWER WILCOX	500.0	UNITED TEXAS TRAN
8144107	F-02-030990	4229700000		102-4		ROBERT DOUGHERTY WELL NO 1	PATTESON RANCH (10750) F	500.0	UNITED TEXAS TRAN
-SAXON OIL COMPANY						RECEIVED: 08/03/81 JA: TX			
8144323	F-7C-037532	4238331719		103		TURNER A NO 1	SPRABERRY (TREND AREA)	13.9	NORTHERN NATURAL
-SHELL OIL CO						RECEIVED: 08/03/81 JA: TX			
8144142	F-02-032636	4246931645		102-4		G A MUSSELMAN GAS UNIT WELL NO 1	HELEN GOHLKE (WILCOX LO	300.0	HOUSTON PIPE LINE
-SIOUX NATURAL GAS CORP						RECEIVED: 08/03/81 JA: TX			
8144033	F-7C-025364	4210532546		103		UNIVERSITY #1 16-33	HOWARDS CREEK (PENN)	0.0	SOUTHWESTERN GAS
-SMITH PRODUCTION CO						RECEIVED: 08/03/81 JA: TX			
8144030	F-03-024932	4205130694		102-2		JOHN J JONES NO 1 WELL	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
8144044	F-03-026897	4205130750		102-2		WIGHT NO 1 WELL	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
8144045	F-03-026898	4205130751		102-2		WIGHT NO 2 WELL	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-SOUTHWEST PETROCHEM INC						RECEIVED: 08/03/81 JA: TX			
8144385	F-05-037671	4228930409		102-2		M ALBRECHT NO 3	CENTERVILLE S E	73.0	SOUTHWEST PETROGA
8144384	F-05-037670	4228930410		102-2		M ALBRECHT NO 4	CENTERVILLE S E	127.8	SOUTHWEST PETROGA
-SOUTHWESTERN GAS EXPLORATION						RECEIVED: 08/03/81 JA: TX			
8144017	F-09-023236	4223732719		103		M E FERRELL #4	JACKSBORO S E (5270)	56.6	SOUTHWESTERN GAS
-SPINDLETOP OIL & GAS CO						RECEIVED: 08/03/81 JA: TX			
8144192	F-78-035865	4222130657		102-2		RANDY-T OMLINSON #1	SUN BELT (ATOKA)	60.0	EMPIRE PIPELINE C
-SUN OIL COMPANY (DELAWARE)						RECEIVED: 08/03/81 JA: TX			
8144131	F-06-032128	4236531115		102-4		C E MOORE NO 2	CARTHAGE/TRAVIS PEAK-HAL	756.0	TEXAS GAS TRANSMI
8144133	F-04-032165	4242731437		102-4		C LAUREL NO 7	SUN NORTH (6830)	59.0	
8144108	F-09-031100	4223700000		108		DURHAM A-1 GAS UNIT NO 1	BOONSVILLE BEND	5.0	LONE STAR GAS CO
8144154	F-09-033557	4223700000		108		DURHAM GAS UNIT-F-#2	BOONESVILLE (BEND CONGLO	16.0	LONE STAR GAS CO
8144143	F-08-032662	4213533141		103		E GOLDSMITH HOLT UT NO 31-3	GOLDSMITH E (HOLT)	3.6	PHILLIPS PETROLEU
8144259	F-78-036977	4235330902		102-4		HAROLD M MOORE #1	WITHERS	0.3	PALO DURO PIPELIN
8144134	F-06-032167	4220330650		107-TF		JANIE DAVIS NO 1	N LANSING (COTTON VALLEY	452.0	TEXAS SOUTH WESTE
8144402	F-08-037755	4233531937		103		V T MCCABE NO 39	N JAMESON (ELLEN)	34.0	LONE STAR GAS CO
-SUNDANCE OIL CO						RECEIVED: 08/03/81 JA: TX			
8144041	F-05-026683	4216130488		102-2		F E HILL III #1 RRC #83719	REED N (COTTON VALLEY LI	400.0	UNITED TEXAS TRAN
-TAUBERT & STEED						RECEIVED: 08/03/81 JA: TX			
8144138	F-RA-032359	4226930055		102-4		S B BURNETT ESTATE C1A	BIG-N-(TANNEHILL)	0.6	LONE STAR GAS CO
-TEXACO INC						RECEIVED: 08/03/81 JA: TX			
8144292	F-08-037428	4210931418		103		CULBERSON V FEE #1	FORD WEST (4100)	137.0	EL PASO NATURAL G
8144287	F-08-037410	4210931428		103		CULBERSON V FEE #2	FORD WEST (4100)	8.0	EL PASO NATURAL G
8144286	F-08-037409	4210931432		103		CULBERSON V FEE #3	FORD WEST (4100)	102.0	EL PASO NATURAL G
8144285	F-08-037408	4210931434		103		CULPERSON V FEE #4	FORD WEST (4100)	19.0	EL PASO NATURAL G
8144320	F-08-037518	4210931457		103		CULPERSON V FEE #8	FORD WEST (4100)	48.0	EL PASO NATURAL G
8144291	F-08-037427	4210931446		103		CULBERSON Z FEE #1	FORD WEST (4100)	23.0	EL PASO NATURAL G
8144381	F-7C-037665	4210531099		103		J H SCHEUBER B #1	DAVIDSON RANCH (PENN 789	34.3	TRANSCONTINENTAL
8144309	F-8A-037492	4216531919		103		SOUTHLAND ROYALTY CO #7	JENKINS (SAN ANDRES)	43.0	PHILLIPS PETROLEU
8144383	F-08-037667	4247532262		103		STATE GAS UNIT B #6	CAPRITO (DELAWARE MIDDLE	18.0	WESTAR TRANSMISSI
8144382	F-08-037666	4243130960		103		STERLING R FEE #2	CONGER (PENN)	88.0	
-TEXAS INTERNATIONAL PET CORP						RECEIVED: 08/03/81 JA: TX			

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JD NO	DK DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8144211	F-03-036325	4205131489		102-2		BOHACEK #3	GIDDINGS	310.0	CLAJON GAS CO
8144101	F-04-030685	4213100000		108		M P THOMPSON C-8	THOMAS LOCKHART	9.0	VALERO TRANSMISSI
8144070	F-03-028873	4205130781		102-2		NEMECEK UNIT #1	GIDDINGS (AUSTIN CHALK)	146.0	CLAJON GAS CO
-TEXAS OIL & GAS CORP				RECEIVED: 08/03/81 DK: TX					
8144163	F-05-034446	4216030570		107-TF		CAMERON #1	REED N (COTTON VALLEY LI	750.0	DELHI GAS PIPELIN
8144078	F-05-029291	4216130481		107-TF		HENDERSON D #1	TEAGUE TOWNSITE (COTTON	100.0	LONE STAR GAS CO
8144066	F-06-028405	4245930439		107-TF		LONE STAR STEEL #1	SAND HILL	250.0	DELHI GAS PIPELIN
8144083	F-8A-029706	4226900000		103		MASTERSON A NO 1	JUNIPER (STRAWN)	910.0	DELHI GAS PIPELIN
8144015	F-06-022844	4220330732		102-4		MCNATT #1	HALLSVILLE E (PETTIT)	300.0	
8144015	F-06-022844	4220330732		103		MCNATT #1	HALLSVILLE E (PETTIT)	300.0	
8144014	F-04-022841	4240931366		102-4		PATERSON C #1	FOX HERD (ANDERSON)	125.0	DELHI GAS PIPELIN
8144035	F-10-025484	4229500000		102-4		PINCKARD B #2	DARREN (MORROW MIDDLE)	90.0	TRANSWESTERN PIPE
8144152	F-05-033539	4216130536		107-TF		TEAGUE GAS UNIT #3-1	TEAGUE S (COTTON VALLEY	1.0	DELHI GAS PIPELIN
8143999	F-05-013476	4216130483		102-4		TEAGUE GU #2-1	TEAGUE S (COTTON VALLEY	0.0	DELHI GAS PIPELIN
8143999	F-05-013476	4216130483		103		TEAGUE GU #2-1	TEAGUE S (COTTON VALLEY	0.0	DELHI GAS PIPELIN
8144089	F-05-029985	4216130626		102-4		WILLARD #1	REED N (COTTON VALLEY LI	500.0	
8144089	F-05-029985	4216130626		107-TF		WILLARD #1	REED N (COTTON VALLEY LI	500.0	
-THOMAS O COFFMAN INC				RECEIVED: 08/03/81 DK: TX					
8144137	F-03-032269	4214930771		102-3		FARRIS UNIT NO 1 096880	GIDDINGS (AUSTIN CHALK)	0.0	SOUTH CEN-TEX GAS
-THREE-B OIL CO				RECEIVED: 08/03/81 DK: TX					
8144182	F-08-035643	4237133220		103		JACKSON NO 3 WELL #26185	PAYTON (YATES)	4.3	PERRY GAS PROCESS
8144183	F-08-035659	4237133246		103		JACKSON NO 4	PAYTON (YATES)	5.8	PERRY GAS PROCESS
-TOM L INGRAM				RECEIVED: 08/03/81 DK: TX					
8144274	F-08-037282	4200332583		103		THORNBERRY G #2	FUHRMAN-MASCHO	14.0	PHILLIPS PETROLEU
-TREND RESOURCES LTD				RECEIVED: 08/03/81 DK: TX					
8144150	F-03-033390	4208931182		102-4		M C THEUMAN #1	WYLIE	365.0	SEAGULL PIPELINE
-TRIPLE L OIL CO INC				RECEIVED: 08/03/81 DK: TX					
8144191	F-02-035829	4223931499		102-4		J M BENNETT WELL NO 1-C	LASALLE (6110)	219.0	DELHI GAS PIPELIN
8144244	F-02-036707	4246931567		102-4		JOHN KEERAN #2-C	KEERAN EAST (7550)	24.0	DELHI GAS PIPELIN
-U S OPERATING INC				RECEIVED: 08/03/81 DK: TX					
8144128	F-03-032062	4228730726		102-2		DAISY NO 1 RRC ID N/A	GIDDINGS (AUSTIN CHALK)	74.0	PGP GAS PRODUCTS
8144156	F-03-034061	4228730816		102-2		SARI LYNN UNIT NO 1	GIDDINGS (AUSTIN CHALK)	180.0	PGP GAS PRODUCTS
-W C S PETROLEUM INC				RECEIVED: 08/03/81 DK: TX					
8144256	F-03-036915	4205100000		102-2		JOE C CARRINGTON SR #1	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
8144212	F-03-036373	4205100000		102-2		OPPERMANN NO 1	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-W M PRICE				RECEIVED: 08/03/81 DK: TX					
8144012	F-78-021016	4235330764		102-4		WHITESIDE #3	GROUP S (SADDLE CREEK)	14.5	PALO DURO PIPELIN
-W R EDWARDS JR				RECEIVED: 08/03/81 DK: TX					
8144350	F-10-037605	4223300000		103		BARNHILL #12-1	PANHANDLE HUTCHINSON	95.0	PANHANDLE PRODUCI
8144362	F-10-037630	4223300000		103		BARNHILL #27-1	PANHANDLE HUTCHINSON	96.0	PANHANDLE PRODUCI
8144249	F-10-036770	4223300000		103		COBLE CATTLE CO #12-1	PANHANDLE HUTCHINSON	95.0	PANHANDLE PRODUCI
-WALTER EXPLORATION INC				RECEIVED: 08/03/81 DK: TX					
8144343	F-09-037573	4223700000		108		J D CADDEL NO 2 RRC ID NO 16126	JACK COUNTY REGULAR	10.0	SOUTHWESTERN GAS
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED: 08/03/81 DK: TX					
8144380	F-08-037662	4210332514		103		UNIVERSITY P NO 10	DUNE	2.6	EL PASO NATURAL G
8144360	F-08-037628	4210332513		103		UNIVERSITY P NO 9	DUNE	0.0	EL PASO NATURAL G
-WARRIOR MANAGEMENT & PENINSULA				RECEIVED: 08/03/81 DK: TX					
8144178	F-03-035398	4208931200		102-4		DUNCAN NO 1	NORTH ENGLEHART (WILCOX)	400.0	HOUSTON PIPE LINE
8144178	F-03-035398	4208931200		103		DUNCAN NO 1	NORTH ENGLEHART (WILCOX)	400.0	HOUSTON PIPE LINE
-WAYMAN W BUCHANAN				RECEIVED: 08/03/81 DK: TX					
8144064	F-03-028342	4205130932		102-2		BEN NOVOSAD NO 1	GIDDINGS (AUSTIN-CHALK)	75.0	FERGUSON CROSSING
8144194	F-03-035917	4214930832		102-2		COLLEEN NO 1	GIDDINGS (AUSTIN CHALK)	86.7	PHILLIPS PIPELINE
8144195	F-03-035918	4214930704		102-2		GINNY NO 1	GIDDINGS (AUSTIN CHALK)	145.5	PHILLIPS PIPELINE

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8144312	F-03-037497	4214930870		103		J A MORGAN C NO 1	GIDDINGS (AUSTIN CHALK)	21.6	PHILLIPS PETROLEU
8144196	F-03-035925	4205131227		102-2		LOEHR A NO 1	GIDDINGS (AUSTIN CHALK)	163.2	FERGUSON CROSSING
8144065	F-03-028346	4214930527		102-2		M M MCCOLLUM NO 1	GIDDINGS (AUSTIN CHALK)	56.8	PHILLIPS PETROLEU
8144067	F-03-028468	4214930518		102-2		MORGAN JOOST NO	GIDDINGS-AUSTIN CHALK	36.8	PHILLIPS PETROLEU
8144095	F-03-030254	4205130942		102-2		NOVOSAD-SLOVACEK NO 1	GIDDINGS (AUSTIN CHALK)	75.0	FERGUSON CROSSING
8144193	F-03-035916	4205131049		102-2		RAYFIELD SLOVACEK NO 1	GIDDINGS (AUSTIN CHALK)	128.4	FERGUSON CROSSING
8144205	F-03-036092	4205131023		102-2		RUDOLPH LOEHR NO 1	GIDDINGS (AUSTIN CHALK)	184.5	FERGUSON CROSSING
8144204	F-03-036091	4205131211		102-2		RUSSELL NO 1	GIDDINGS (AUSTIN CHALK)	127.0	FERGUSON CROSSING
8144288	F-01-037411	4217730783		103		RYAN UNIT NO 1	PEACH CREEK (AUSTIN CHAL	10.0	TIPPERARY GATHERI
8144197	F-03-035926	4205130953		102-2		SKRIVANEK NO 1	CALDWELL NE (GEORGETOWN)	200.3	CLAJON GAS CO
8144313	F-03-037498	4205131321		103		SYDNEY NO 1	GIDDINGS (AUSTIN CHALK)	57.7	FERGUSON CROSSING
-WILHELMINA DUP ROSS				RECEIVED: 08/03/81 JA: TX					
8144222	F-06-036573	4236500000		108		BURNETT UNIT 1-T 42810	BETHANY (TRAVIS PEAK)	9.0	TENNESSEE GAS PIP
-WILLIAM PERLMAN				RECEIVED: 08/03/81 JA: TX					
8144053	F-7C-027780	4243500000		108		FIELDS 51 NO 3	SAWYER (CANYON)	0.0	EL PASO NATURAL G
-WINDSOR PRODUCING CO				RECEIVED: 08/03/81 JA: TX					
8144052	F-03-027782	4228730458		103		GRIFFIN #1	GIDDINGS (AUSTIN CHALK)	38.0	PGP GAS PRODUCTS
8144187	F-03-035786	4228730701		102-2		JENSEN ESTATE #1	GIDDINGS (AUSTIN CHALK)	365.0	PGP GAS PRODUCTS
8144186	F-03-035785	4228730531		102-2		ROADRUNNER #1	GIDDINGS (AUSTIN CHALK G	365.0	PGP GAS PRODUCTS
8144190	F-03-035790	4228730639		102-2		ROADRUNNER #2	GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS
8144189	F-03-035789	4228730587		102-2		TRUITT #1	GIDDINGS (AUSTIN CHALK)	365.0	PGP GAS PRODUCTS
8144185	F-03-035784	4228730719		102-2		WHYTE #1	GIDDINGS (AUSTIN CHALK)	219.0	PGP GAS PRODUCTS
8144188	F-03-035787	4205130399		102-2		YEGUA CREEK #1	GIDDINGS (AUSTIN CHALK)	109.5	PGP GAS PRODUCTS
-ZONERGY INC				RECEIVED: 08/03/81 JA: TX					
8144199	F-03-035984	4247700000		102-2		LENTZ UNIT #1	GIDDINGS	0.0	CLAJON GAS CO
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** U.S. GEOLOGICAL SURVEY - DENVER,CO									
**********									
-PACIFIC TRANSMISSION SUPPLY COMPANY		RECEIVED: 07/27/81 JA: UT 1							
8144467	UC-188-0	4300730041		102-2		PTS 21-22 STOBIN UNIT FEDERAL	WILDCAT	50.0	
8144468	UC 164-0	4304730339		103		PTS 41-9 DEVILS PLAYGROUND FEDERAL	SOUTH RED WASH AREA	72.0	PACIFIC GAS & ELE
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** U.S. GEOLOGICAL SURVEY - METAIRIE,LA									
**********									
-CHEVRON U S A INC				RECEIVED: 08/04/81 JA: LA 3					
8144404	G1-1914	1770340174		102-5		OCS-G-2853 #3	EAST CAMERON	2373.0	COLUMBIA GAS TRAN
-DIAMOND SHAMROCK CORPORATION				RECEIVED: 08/04/81 JA: LA 3					
8144412	G1-2087	1770540420		102-1		VERMILION BLOCK 57 - WELL NO 4	VERMILION	213.0	TRANSCONTINENTAL
-EXXON CORPORATION				RECEIVED: 08/04/81 JA: LA 3					
8144424	G1-2050	1771540349		102-1		OCS-G 4001 NO C-14	SOUTH TIMBALIER	0.0	TRUNKLINE GAS CO
8144440	G1-2057	1740123000		102-1		OCS-G 3799 NO A-9 ST	MISSISSIPPI CANYON	400.0	SOUTHERN NATURAL
-GULF OIL CORPORATION				RECEIVED: 08/04/81 JA: LA 3					
8144432	G1-2016	1770540421		102-5		EUGENE ISL BLK 252 OCS-G-09836093	EUGENE ISLAND	4380.0	SEA ROBIN PIPELIN
8144429	G1-2015	1770540432		102-5		EUGENE ISL BLK 252 OCS-G09836093	EUGENE ISLAND	9125.0	SEA ROBIN PIPELIN
8144409	G1-2059	1771540380		102-5		OCS-G 3336 NO D-15D	SOUTH TIMBALIER	766.5	TEXAS EASTERN TRA
8144444	G1-2022	1771540367		102-5		OCS-G-3336 NO D-14 S TIMB BLK 35	SOUTH TIMBALIER	45.6	TEXAS EASTERN TRA
-HOUSTON OIL & MINERALS CORPORATION				RECEIVED: 08/04/81 JA: LA 3					
8144415	G1-1966	1770540448		102-5		OCSG-3392 #F-1	VERMILION AREA	0.0	TEXAS GAS TRANSMI
-KERR-MCGEE CORPORATION				RECEIVED: 08/04/81 JA: LA 3					
8144411	G1-2077	1771540339		102-1		OCS-G 4119 NO C-1	SOUTH TIMBALIER	1900.0	TENNESSEE GAS PIP
8144408	G1-2080	1771540339		102-1		OCS-G 4119 NO C-1D	SOUTH TIMBALIER	1542.0	TENNESSEE GAS PIP
8144417	G1-2079	1771540336		102-1		OCS-G 4119 NO 4	SOUTH TIMBALIER	105.0	TENNESSEE GAS PIP
8144407	G1-276	1771540336		102-1		OCS-G 4119 NO 4-D	SOUTH TIMBALIER	141.0	TENNESSEE GAS PIP

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JD NO	JA DKT	API NO	L SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8144410	G1-2078	1771540361	102-1	OCS-G 4119 NO 7	SOUTH TIMBALIER	256.0	TENNESSEE GAS PIP
8144435	G1-2081	1771540323	102-1	OCS-G-4119 NO 1	SOUTH TIMBALIER	0.0	TENNESSEE GAS PIP
8144406	G1-2072	1771140556	107-DP	OCS-0347 NO 2	SHIP SHOAL	1825.0	TRANSCONTINENTAL
-MOBIL OIL EXPLORATION & PROD S E				RECEIVED: 08/04/81 JA: LA			
8144438	G1-2104	1770240540	102-1	WEST CAMERON 494 #A-3B (ALT)	WEST CAMERON	547.0	TRANSCONTINENTAL
-PENNZOIL OIL & GAS INC				RECEIVED: 08/04/81 JA: LA 3			
8144437	G1-2024	1770440454	102-5	EAST CAMERON BLOCK 334 WELL #C-8	EAST CAMERON AREA SOUTH	2100.0	
8144403	G1-2009	1770404087	102-5	PENNZOIL CO OCS-G 2439	EAST CAMERON AREA SOUTH	4300.0	
8144418	G1-2012	1771040054	102-5	PENNZOIL COMPANY OCS-G 2115	EUGENE ISLAND AREA	825.0	
8144425	G1-2029	1770440485	102-5	PENNZOIL COMPANY OCS-G 2439	EAST CAMERON AREA SOUTH	2100.0	
8144430	G1-2027	1770440369	102-5	PENNZOIL COMPANY OCS-G 2439	EAST CAMERON AREA SOUTH	2100.0	
8144431	G1-2026	1770440369	102-5	PENNZOIL COMPANY OCS-G 2439	EAST CAMERON AREA SOUTH	4500.0	
8144445	G1-2028	1770440485	102-5	PENNZOIL COMPANY OCS-G 2439	EAST CAMERON AREA SOUTH	4500.0	
-PLACID OIL COMPANY				RECEIVED: 08/04/81 JA: LA 3			
8144426	G1-2011	1770740355	102-5	C-21	SOUTH MARSH ISLAND	1825.0	TRUNKLINE GAS CO
-SHELL OIL CO				RECEIVED: 08/04/81 JA: LA 3			
8144423	G1-2047	1770840155	102-5	OCS-G 2280 C-20A	SOUTH MARSH ISLAND	73.0	TRANSCONTINENTAL
8144434	G1-2054	1770840381	102-5	OCS-G 2280 C-40A	SOUTH MARSH ISLAND	55.0	TRANSCONTINENTAL
8144428	G1-2004	1770040233	102-5	OCS-G 2825 JA-1 (FORMERLY NO 3)	WEST CAMERON	1.8	TENNESSEE GAS PIP
8144427	G1-2008	1770040246	102-5	OCS-G 2825 JA-2 (FORMERLY NO 4)	WEST CAMERON	2.7	TENNESSEE GAS PIP
8144421	G1-2005	1770040404	102-5	OCS-G 2825 JA-3	WEST CAMERON	2.7	TENNESSEE GAS PIP
8144420	G1-2013	1770040415	102-5	OCS-G 2825 JA-4	WEST CAMERON	1.8	TENNESSEE GAS PIP
8144443	G1-1971	1772340060	102-5	SP 61 OCS-G 1614 NO D-1	SOUTH PASS	90.0	SOUTHERN NATURAL
-TENNECO OIL COMPANY				RECEIVED: 08/04/81 JA: LA 3			
8144433	G1-2003	1770540295	102-5	VERMILION 218 B-2 ST	VERMILION	1095.0	TENNESSEE GAS PIP
-TRANSCO EXPLORATION COMPANY				RECEIVED: 08/04/81 JA: LA 3			
8144414	G1-1900	1770840430	102-5	A-11	SOUTH MARSH ISLAND	730.0	TRANSCONTINENTAL
8144413	G1-1899	1770840459	102-5	A-15 SIDETRACK #1	SOUTH MARSH ISLAND	730.0	TRANSCONTINENTAL
8144422	G1-1921	1770840481	102-5	NO A-16 SIDETRACK #1	SOUTH MARSH ISLAND	365.0	TRANSCONTINENTAL
8144442	G1-1919	1770840358	102-5	NO A-2	SOUTH MARSH ISLAND	1300.0	TRANSCONTINENTAL
8144441	G1-1920	1770840407	102-5	NO A-8	SOUTH MARSH ISLAND	730.0	TRANSCONTINENTAL
-UNION OIL COMPANY OF CALIF				RECEIVED: 08/04/81 JA: LA 3			
8144419	G1-2014	1770549901	102-5	OCS-G 2075 NO A-5	VERMILION	800.0	TEXAS EASTERN TRA
8144439	G1-2106	1771540384	102-1	OCS-G 4000 WELL NO A-3	SOUTH TIMBALIER	37.0	TENNESSEE GAS PIP
8144436	G1-2107	1771540389	102-1	OCS-G 4000 WELL NO A-5	SOUTH TIMBALIER	16.0	TENNESSEE GAS PIP
-EXXON CORPORATION				RECEIVED: 08/04/81 JA: TX 3			
8144405	G1-2010	4271140505	102-5	OCS-G 2741 NO A-23	HIGH ISLAND	4000.0	COLUMBIA GAS TRAN
-SUN OIL COMPANY (DELAWARE)				RECEIVED: 08/04/81 JA: TX 3			
8144416	G1-1917	4270940270	102-5	OCS-G-2694 NO A-15	SOUTH HIGH ISLAND	912.5	TRUNKLINE GAS CO

OTHER PURCHASERS

8144324 Natural Gas P L Co of America
8144329 Transcontimental Gas P L Corporation

All other extra purchasers are E I Dupont De Nemours & Co Inc

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before September 11, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–25119 Filed 8–26–81; 8:45 am]

BILLING CODE 6450–85–M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: August 24, 1981.

JD NO	JA DKT	API NO	D	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION								
-ARMEX PETROLEUM INC				RECEIVED: 08/06/81 JA: TX				
8144559	F-03-032575	4205131015		102-2	BONNIE JEAN UNIT #1	GIDDINGS (AUSTIN CHALK)	54.0	CLAJON GAS CO
8144559	F-03-032575	4205131015		103	BONNIE JEAN UNIT #1	GIDDINGS (AUSTIN CHALK)	54.0	CLAJON GAS CO
8144698	F-03-037803	4205131344		102-2	MASSEY GRAVES #3	GIDDINGS (AUSTIN CHALK)	194.0	CLAJON GAS CO
8144698	F-03-037803	4205131344		103	MASSEY GRAVES #3	GIDDINGS (AUSTIN CHALK)	194.0	CLAJON GAS CO
-AMOCO PRODUCTION CO				RECEIVED: 08/06/81 JA: TX				
8144718	F-8A-037851	4227930240		103	ANTON-IRISH CLEARFORK UNIT #421	ANTON-IRISH	5.5	PIONEER NATURAL G
8144715	F-8A-037847	4218930330		103	ANTON-IRISH CLEARFORK UNIT #445	ANTON IRISH	1.1	WESTAR TRANSMISSI
8144719	F-08-037852	4200332614		103	BLOCK 9 FUHRMAN MASCHO UNIT #101	FUHRMAN-MASCHO	16.1	PHILLIPS PETROLEU
8144738	F-08-037941	4200332610		103	BLOCK 9 FUHRMAN MASCHO UNIT NO 113	FUHRMAN-MASCHO	14.6	PHILLIPS PETROLEU
8144717	F-08-037850	4200332620		103	BLOCK 9 FUHRMAN MASCHO UNIT NO 119	FUHRMAN-MASCHO	8.4	PHILLIPS PETROLEU
8144530	F-05-030443	4234931150		107-TF	DEE GARRETT LIVELY GAS UNIT # 1	CHENEYBORO SW/9585/	365.0	LONE STAR GAS CO
8144552	F-05-031428	4234931124		107-DP	DOROTHY CLARK TRUSTEE WELL #1	CHENEYBORO SOUTHWEST (95	365.0	LONE STAR GAS CO
8144736	F-8A-037939	4221932986		103	MAY-MONTGOMERY UNIT NO 55	LEVELLAND	8.8	AMOCO PRODUCTION
8144590	F-05-034653	4216130494		107-DP	SAM H GADDY SR WELL NO 1	CHENEYBORO SW /9585/	456.3	LONE STAR GAS COM
8144607	F-08-035987	4249530973		103	SEALY-SMITH FOUNDATION A #43	MONAHANS NORTH	66.1	AMOCO PRODUCTION
8144737	F-8A-037940	4250131826		103	WASSON ODC UNIT #531	WASSON	36.0	SHELL OIL CO
8144720	F-8A-037853	4221932996		103	WEST RKM UNIT #249	SLAUGHTER	16.8	AMOCO PRODUCTION
-ARCO OIL AND GAS COMPANY				RECEIVED: 08/06/81 JA: TX				
8144660	F-08-037216	4210332382		103	BARNSLEY UNIT #41	SAND HILLS (TUBB)	5.0	WARREN PETROLEUM
-ARKANSAS LOUISIANA GAS CO				RECEIVED: 08/06/81 JA: TX				
8144513	F-06-027882	4220330734		103	ABNEY D #8	WASKOM (LOWER COTTON VAL	300.0	ARKANSAS LOUISIAN
-ARKLA EXPLORATION COMPANY				RECEIVED: 08/06/81 JA: TX				
8144542	F-06-030898	4240130691		102-3	DURAN #1	CHAPMAN	110.0	
-BARRON KIDD				RECEIVED: 08/06/81 JA: TX				
8144662	F-08-037308	4231732180		103	H P MORRISON #1	SPRABERRY (TREND AREA)	17.6	PHILLIPS PETROLEU
-BEN HOGAN				RECEIVED: 08/06/81 JA: TX				
8144652	F-04-037073	4209330763		103	HEATHINGTON UNIT #2	MITTIE (MARBLE FALLS)	0.0	SOUTHWESTERN GAS
8144653	F-7B-037074	4209300000		103	HEATHINGTON UNIT #3	MITTIE (MARBLE FALLS)	0.0	SOUTHWESTERN GAS
-BENCHMARK OIL & GAS CO				RECEIVED: 08/06/81 JA: TX				
8144625	F-03-036398	4220131000		103	TYRA NO 3	BENCHMARK RANKIN (KELLER	360.0	UNITED TEXAS TRAN
-BLAIR ENERGY INC				RECEIVED: 08/06/81 JA: TX				
8144685	F-10-037784	4206530848		103	BURNETT 3	PANHANDLE - CARSON	0.0	PANHANDLE EASTERN
8144686	F-10-037787	4206530842		103	BURNETT 4	PANHANDLE CARSON	0.0	PANHANDLE EASTERN
-BOB BLACK OPERATING				RECEIVED: 08/06/81 JA: TX				
8144618	F-7C-036302	4239931817		103	HOLMES S #2	ENOCH JOHNSON (MORRIS SA	15.0	UNION TEXAS PETRO
-BOND OPERATING CO				RECEIVED: 08/06/81 JA: TX				
8144632	F-08-036624	4222732242		103	TL & M C #C-1	NORTH COAHOMA (FUSSELMAN	360.0	GETTY OIL CO
-BORDER EXPLORATION CO				RECEIVED: 08/06/81 JA: TX				
8144629	F-7B-036516	4214330703		103	A V ALEXANDER G U #2	X-RAY (MARBLE FALLS)	101.0	VALERO TRANSMISSI
-CAMBRIDGE & NAIL				RECEIVED: 08/06/81 JA: TX				

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PRCD	PURCHASER
8144649	F-10-036886	4221130441		102-4		DAVIDSON NO 1 WELL ID NO 90749	GEM-DANDY (DOUGLAS)	0.0	
				RECEIVED: 08/06/81 JA: TX					
-CAYMAN EXPLORATION CORP									
8144647	F-7B-036856	4236700000		103		D Q MCDAVID #1	DICEY (CONGLOMERATE)	200.0	SOUTHWESTERN GAS
				RECEIVED: 08/06/81 JA: TX					
-CENTAUR PETROLEUM CORP									
8144735	F-7B-037921	4236731014		103		ANN L RHODES WELL 1 RRC NO 81796	SWEET SPRINGS (2900)	3.5	SOUTHWESTERN GAS
				RECEIVED: 08/06/81 JA: TX					
-CHAMPLIN PETROLEUM COMPANY									
8144539	F-03-030759	4205130905		102-2		BERNICE D WILLIAMS NO 1	GIDDINGS	68.6	FERGUSON CROSSING
8144539	F-03-030759	4205130905		103		BERNICE D WILLIAMS NO 1	GIDDINGS	68.6	FERGUSON CROSSING
8144574	F-03-033199	4205100000		102-2		CARRIE POLASEK NO 1	GIDDINGS	0.0	FERGUSON CROSSING
8144574	F-03-033199	4205100000		103		CARRIE POLASEK NO 1	GIDDINGS	0.0	FERGUSON CROSSING
8144581	F-04-033912	4227300000		103		G P WARDNER NO 153	STRATTON	0.0	TENNESSEE GAS PIP
8144519	F-03-029080	4205100000		102-2		J F GOODSON NO 1	GIDDINGS	0.0	FERGUSON CROSSING
8144525	F-03-030263	4205100000		102-2		JOHN W SPRINGER NO 1	GIDDINGS	0.0	FERGUSON CROSSING
8144525	F-03-030263	4205100000		103		JOHN W SPRINGER NO 1	GIDDINGS	0.0	FERGUSON CROSSING
8144524	F-03-030262	4205100000		102-2		JOHNNY LYON NO 1	GIDDINGS	0.0	FERGUSON CROSSING
8144524	F-03-030262	4205100000		103		JOHNNY LYON NO 1	GIDDINGS	0.0	FERGUSON CROSSING
8144502	F-03-026544	4205100000		102-2		L W BRINKMAN #1	GIDDINGS	0.0	FERGUSON CROSSING
8144506	F-03-027086	4205130603		102-2		LANCIER BRINKMAN NO 1	GIDDINGS	918.0	FERGUSON CROSSING
8144526	F-03-030264	4205131050		102-2		MABEL D NORMAN NO 2 WELL	GIDDINGS	56.2	FERGUSON CROSSING
8144526	F-03-030264	4205131050		103		MABEL D NORMAN NO 2 WELL	GIDDINGS	56.2	FERGUSON CROSSING
8144484	F-06-020251	4220330714		102-3		RALPH ROSS NO 1	SABINE S E (COTTON VALLE	803.0	HYDROCARBON TRANS
8144484	F-06-020251	4220330714		103		RALPH ROSS NO 1	SABINE S E (COTTON VALLE	803.0	HYDROCARBON TRANS
8144548	F-03-031215	4205130855		102-2		RAYMOND MUZNY NO 1	GIDDINGS	8.0	FERGUSON CROSSING
8144548	F-03-031215	4205130855		103		RAYMOND MUZNY NO 1	GIDDINGS	8.0	FERGUSON CROSSING
8144573	F-03-033193	4205100000		102-2		WALTER LIGHTSEY NO 1	GIDDINGS	0.0	FERGUSON CROSSING
8144573	F-03-033193	4205100000		103		WALTER LIGHTSEY NO 1	GIDDINGS	0.0	FERGUSON CROSSING
				RECEIVED: 08/06/81 JA: TX					
-CHAPARRAL MINERALS INC									
8144537	F-03-030627	4205130860		103		BILLY BLAHA # 1 (13555)	CALDWELL (AUSTIN CHALK)	51.0	CLAJON GAS CO
				RECEIVED: 08/06/81 JA: TX					
-COASTAL OIL & GAS CORP									
8144667	F-10-037643	4237530834		103		MASTERSON B 8354P	PANHANDLE (RED CAVE)	28.0	COLORADO INTERSTA
				RECEIVED: 08/06/81 JA: TX					
-COLUMBIA GAS DEVELOPMENT CORP									
8144543	F-03-030988	4205131148		102-2		DANIEL A WENDLAND NO 1	GIDDINGS (AUSTIN CHALK)	116.0	FERGUSON CROSSING
8144544	F-03-030989	4205131107		102-2		WILLIARD BROCK NO 1	GIDDINGS (AUSTIN CHALK)	39.0	FERGUSON CROSSING
				RECEIVED: 08/06/81 JA: TX					
-CONOCO INC									
8144708	F-8A-037815	4207900000		108		CONOCO DEAN UNIT #106 ID #60106	SLAUGHTER	0.7	AMOCO PRODUCTION
8144707	F-8A-037814	4207900000		108		CONOCO DEAN UNIT #57 ID #60106	SLAUGHTER	1.3	AMOCO PRODUCTION
8144702	F-08-037809	4238900000		108		G E RAMSEY JR-8-#12 ID #21020	GERALDINE FORD	3.4	EL PASO NATURAL G
8144706	F-08-037813	4222700000		108		G O CHALK-C-#25 ID #18989	HOWARD GLASSCOCK	0.1	PHILLIPS PETROLEU
8144701	F-08-037808	4222700000		108		G O CHALK-C-#4 ID #02687	HOWARD GLASSCOCK	0.1	PHILLIPS PETROLEU
8144710	F-08-037817	4222700000		108		G O-CHALK-C- #15 ID #02687	HOWARD GLASSCOCK	0.1	PHILLIPS PETROLEU
8144712	F-08-037819	4222700000		108		H R CLAY -E- #41 ID #02692	HOWARD GLASSCOCK	1.3	PHILLIPS PETROLEU
8144711	F-08-037818	4222700000		108		H R CLAY-E-#26 ID #02692	HOWARD GLASSCOCK	1.3	PHILLIPS PETROLEU
8144703	F-08-037810	4213500000		108		H S FOSTER-C-#4 ID #18248	COWDEN S	0.1	PHILLIPS PETROLEU
8144705	F-08-037812	4200300000		108		MUNGER NIX #20 ID #10694	FUHRMAN-NIX	1.5	PHILLIPS PETROLEU
8144700	F-08-037807	4210931464		103		RAMSEY-22-#14 ID #24217	FORD WEST (4100)	5.1	EL PASO NATURAL G
8144709	F-08-037816	4213500000		108		WIGHT UNIT #78 ID #20661	COWDEN N	17.7	AMOCO PRODUCTION
8144704	F-08-037811	4213500000		108		WIGHT 18-7 #1 ID #25220	COWDEN N	6.1	AMOCO PRODUCTION
				RECEIVED: 08/06/81 JA: TX					
-COOK PRODUCTION CO									
8144558	F-09-032232	4223700000		103		MOORE #1	PERRIN E (CONGL 5400)	118.7	TEXAS UTILITIES F
				RECEIVED: 08/06/81 JA: TX					
-CORPUS CHRISTI OIL AND GAS CO									
8144663	F-04-037334	4242731528		102-4		F B GUERRA H-1	LA REFORMA SW (5770)	0.0	TENNESSEE GAS PIP
				RECEIVED: 08/06/81 JA: TX					
-COTTON PETROLEUM CORPORATION									
8144562	F-10-032657	4229530220		108		BRADFORD D NO 1	PRADFORD/CLEVELAND	18.0	TRANSWESTERN PIPE

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-CRB OIL & GAS INC						RECEIVED: 08/06/81 JA: TX			
8144580	F-01-033841	4217730650			102-4	HILL NO 1	WINSTON (AUSTIN CHALK)	12.0	CLAJON GAS CO
-CURRY RESOURCES						RECEIVED: 08/06/81 JA: TX			
8144480	F-10-017244	4223330662			103	JERRY WOMBLE WELL NO 6-35	S W MORSE (BRN DOLO)	100.0	NORTHERN NATURAL
-D H HUNT						RECEIVED: 08/06/81 JA: TX			
8144615	F-02-036140	4212331130			103	GOMMERT GAS UNIT WELL NO 1-C	ARNECKEVILLE/FRIO 2930	167.0	TEXAS EASTERN TRA
-DAMSON OIL CORPORATION						RECEIVED: 08/06/81 JA: TX			
8144570	F-06-032889	4240130908			103	LINVILLE BENNETT G U #2	OAK HILL (COTTON VALLEY)	350.0	DELHI GAS PIPELIN
8144570	F-06-032889	4240130908			107-TF	LINVILLE BENNETT G U #2	OAK HILL (COTTON VALLEY)	350.0	DELHI GAS PIPELIN
8144569	F-06-032888	4240130853			103	WM WITCHER UNIT NO 1 WELL #1A	OAK HILL (COTTON VALLEY)	219.0	DELHI GAS PIPELIN
8144569	F-06-032888	4240130853			107-TF	WM WITCHER UNIT NO 1 WELL #1A	OAK HILL (COTTON VALLEY)	219.0	DELHI GAS PIPELIN
-DANIEL OIL COMPANY						RECEIVED: 08/06/81 JA: TX			
8144564	F-03-032709	4231300000			102-4	KEY WELL NO 2	MADISONVILLE NW (8300) F	0.0	
-DAVID FASKEN						RECEIVED: 08/06/81 JA: TX			
8144602	F-04-035635	4247931056			108	PALAFOX 1-9	DOS HERMANOS (OLMOS)	20.0	DELHI GAS PIPELIN
-DELRAY OIL INC						RECEIVED: 08/06/81 JA: TX			
8144699	F-7B-037805	4208332411			103	EDGAR HERRING WELL NO 1	COLEMAN COUNTY REGULAR	0.0	
8144695	F-7B-037798	4208332508			103	EDGAR HERRING WELL NO 2	COLEMAN COUNTY REGULAR	0.0	
8144696	F-7C-037799	4239931459			103	ELIZABETH EVANS ENTERPRISES A # 1	LEONARD (GOEN SAND)	0.0	
8144697	F-7C-037800	4239931704			103	ELIZABETH EVANS ENTERPRISES A # 1	LEONARD	0.0	
-DELTA DRILLING CO						RECEIVED: 08/06/81 JA: TX			
8144606	F-7C-035964	4210500000			108	COUCH 29 #2	OZONA (CANYON SAND)	0.0	NORTHERN NATURAL
8144485	F-06-020369	4236500000			102-4	KNIGHT-STRONG WELL #1	CARTHAGE SE (COTTON VALL	181.3	WESTERN GAS CORP
-DIAMOND SHAMROCK CORPORATION						RECEIVED: 08/06/81 JA: TX			
8144545	F-10-031024	4221131275			103	CHARLES TUBB B NO 4	CANADIAN E	50.0	NORTHERN NATURAL
8144550	F-10-031296	4221131269			103	FRANK SHALLER C 4-155	HUMPHREYS	190.0	NORTHERN NATURAL
8144565	F-8A-032737	4221932889			103	MCCORKLE EST NO 2-25	HAMILTON	1.5	
8144515	F-10-028125	4234130524			103	ROBERTSON NO 2	WEST PANHANDLE	58.0	NORTHERN NATURAL
8144566	F-10-032738	4229530886			103	W C MERYDITH G NO 1	CAMBRIDGE	1085.0	
-DIVERSE INC						RECEIVED: 08/06/81 JA: TX			
8144645	F-7B-036809	4236332499			103	#1-A EUBANKS	WATSON (CADDO)	432.0	SOUTHWESTERN GAS
-EL PASO NATURAL GAS COMPANY						RECEIVED: 08/06/81 JA: TX			
8144504	F-10-026796	4208726038			108	BRASHEARS #1	PANHANDLE EAST	27.0	EL PASO NATURAL G
8144595	F-10-034853	4248326096			108	HALL B #1	PANHANDLE EAST	23.0	EL PASO NATURAL G
-ENERGY RESERVES GROUP INC						RECEIVED: 08/06/81 JA: TX			
8144723	F-7C-037884	4238331850			103	VESTER HUGHES # 10	SPRABERRY (TREND AREA)	21.6	EL PASO NATURAL G
-ENSERCH EXPLORATION INC						RECEIVED: 08/06/81 JA: TX			
8144604	F-09-035797	4249732068			103	CRAFT WATER BOARD UN 23 NO 2	BOONSVILLE	614.0	LONE STAR GAS CO
8144626	F-09-036423	4249732094			103	D O LAWSON NO 2	BOONSVILLE	558.0	LONE STAR GAS CO
8144584	F-03-034102	4232131046			103	STATE TRACT 181 NO 3	MATAGORDA BAY SOUTH	107.0	LONE STAR GAS CO
-EXXON CORPORATION						RECEIVED: 08/06/81 JA: TX			
*8144598	F-06-035330	4245930441			102-4	DELROSE GAS UNIT 6 #1	DELROSE (HAYNESVILLE)	825.0	ARMCO STEEL CORP
*8144598	F-06-035330	4245930441			107-TF	DELROSE GAS UNIT 6 #1	DELROSE (HAYNESVILLE)	825.0	ARMCO STEEL CORP
8144639	F-08-036731	4237133352			103	FORT STOCKTON UNIT #1420L	FORT STOCKTON	187.0	NUECES CO
8144640	F-08-036733	4200332571			103	FULLERTON CLEARFORK UNIT #1017	FULLERTON	20.0	PHILLIPS PETROLEU
8144637	F-08-036723	4200332544			103	FULLERTON CLEARFORK UNIT #2317	FULLERTON	20.0	PHILLIPS PETROLEU
*8144684	F-04-037772	4227331278			103	K R ALAZAN 315-D (06959)	ALAZAN NORTH (ALL ZONES)	548.0	ARMCO STEEL CORP
*8144683	F-04-037771	4227331383			103	K R ALAZAN 340-D (06998)	ALAZAN (ALL ZONES)	73.0	ARMCO STEEL CORP
*8144733	F-04-037914	4235531679			103	K R CHILTIPIN 90 (09777)	ARNOLD DAVID (H-46)	24.0	ARMCO STEEL CORP
*8144579	F-04-033671	4227331168			103	K R SEELIGSON C-192-D (76375)	SEELIGSON (21-G-07)	511.0	ARMCO STEEL CORP
*8144721	F-03-037867	4247330328			103	KATY GAS FIELD UNIT 2 WELL 55	KATY (WILCOX 10200 SEG 5	1022.0	ARMCO STEEL CORP
8144589	F-04-034643	4224730873			103	MRS A M K BASS 38-D (92265)	KELSEY DEEP (ZONE 18-E)	45.0	TRUNKLINE GAS CO
8144507	F-06-027329	4240130793			102-3	N C NORRIS GAS UNIT NO 1	OAK HILL (COTTON VALLEY)	76.0	UNITED GAS PIPE L

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
*8144578	F-04-033631	4204730620		103		R J K JR TR QUITERIA PASTURE 87-F	VIBORAS (03-C VII W)	300.0	ARMCO STEEL CORP
8144638	F-8A-036728	4216532050		103		ROBERTSON CLFK UNIT #6801 :	ROBERTSON N (CLFK 7100)	20.0	PHILLIPS PETROLEU
8144627	F-04-036428	4248930629		103		SANZ RANCH-MULATOS PASTURE 162	WILLAMAR (GRABEN A-1 SAN	30.0	NATURAL GAS PIPEL
8144575	F-04-033203	4204730853		103		SCOTT AND HOPPER 32	SCOTT AND HOPPER (6900-A	36.0	TENNESSEE GAS PIP
*8144605	F-04-035885	4235531513		103		SOUTHEAST FLOUR BLUFF GAS UNIT 2-1	FLOUR BLUFF EAST DEEP (C	504.0	ARMCO STEEL CORP
*8144487	F-04-022105	4204730604		103		VIBORAS FIELD GU #1 V-73-D (82400)	VIBORAS	256.0	ARMCO STEEL CORP
-FIRST TEXAS PETROLEUM INC				RECEIVED: 08/06/81 JA: TX					
8144486	F-7B-020412	4213300000		103		ASHLEY #2	LEDBETTER (RANGER)	182.5	LONE STAR GAS CO
				RECEIVED: 08/06/81 JA: TX					
-FLOYD A NUNLEY									
8144503	F-10-026727	4217930682		108		CARPENTER #3	WEST PANHANDLE FIELD	7.0	COLTEXO CORP
				RECEIVED: 08/06/81 JA: TX					
-FRANK J KING									
8144694	F-7B-037797	4236732035		102-4		MELVIN R STEPHENS NO 1	CLAYTON (CONGL)	175.0	TEXAS UTILITIES F
				RECEIVED: 08/06/81 JA: TX					
-G C HERRMANN CO									
8144585	F-10-034144	4217930802		103		MCCONNELL A WELL #2 03392	PANHANDLE GRAY COUNTY	11.7	KERR-MCGEE CORP
				RECEIVED: 08/06/81 JA: TX					
-GAGE & CO									
8144583	F-08-034010	4235330926		103		JAMEW JAMESON C (26464)	JAMESON NORTH (STRAWN)	0.0	SUN OIL CO
				RECEIVED: 08/06/81 JA: TX					
-GENERAL AMERICAN OIL COMPANY OF TEX									
8144582	F-06-033950	4242330459		103		CAMPBELL NO 1	CHAPEL HILL (TRAVIS PEAK	128.0	E TEXAS PRODUCERS
				RECEIVED: 08/06/81 JA: TX					
-GENESIS PETROLEUM CORP									
8144571	F-04-033016	4248930626		103		YTURRIA CATTLE CO #2	LA SARA (6250)	0.0	
				RECEIVED: 08/06/81 JA: TX					
-GEORGE J MORGAN									
8144491	F-7B-023584	4236300000		108		C B LONG #3 (9372)	RECTOR	4.2	LONE STAR GAS CO
				RECEIVED: 08/06/81 JA: TX					
-GOLDKING PRODUCTION COMPANY									
8144536	F-03-030489	4216730751		103		ADRIANCE NO 1	ALTA LOMA (SCHENK W)	58.0	HOUSTON PIPE LINE
8144597	F-02-034936	4229732595		102-4		PATRICIA CROCKER NO 2	MIKESKA N (SLICK)	948.0	VALLEY GAS TRANSM
				RECEIVED: 08/06/81 JA: TX					
-GOOD HOPE REFINERIES INC									
8144541	F-04-030895	4250531228		102-4		ASCHE NO 1	CHARCO (9900)	360.0	VALERO TRANSMISSI
8144540	F-04-030894	4250531186		102-4		SERAFIN NO 1 API 42-505-31186	SERAFIN (WILCOX 8600)	370.0	VALERO TRANSMISSI
				RECEIVED: 08/06/81 JA: TX					
-GRACE PETROLEUM CORPORATION									
8144742	F-08-038020	4210300000		108		STOKER NO 1	GIB	4.7	PHILLIPS PETROLEU
				RECEIVED: 08/06/81 JA: TX					
-GRAND PETROLEUM CO									
8144682	F-10-037766	4217900000		108		LANGHAM (48253) NO 1	EAST PANHANDLE	3.0	COLTEXO CORP
				RECEIVED: 08/06/81 JA: TX					
-GUADALUPE EXPLORATION CORP									
8144500	F-10-026100	4208730124		108		BEDNORZ #1	EAST PANHANDLE	18.0	EL PASO NATURAL G
8144501	F-10-026101	4208730126		108		WISCHKAEMPER #2	EAST PANHANDLE	12.8	EL PASO NATURAL G
				RECEIVED: 08/06/81 JA: TX					
-GULF AMERICAN OIL & GAS CO									
8144616	F-02-036232	4246931721		103		RIVERSIDE COTTON FARMS A-12	PRIDHAM LAKE	100.0	VALERO TRANSMISSI
				RECEIVED: 08/06/81 JA: TX					
-GULF ENERGY PRODUCING COMPANY									
8144650	F-04-036973	4250531176		103		BLAS RAMIREZ #4-U	LOPENO (WILCOX E)	0.0	TENNESSEE GAS PIP
8144670	F-08-037749	4231732199		103		M M LOUDER #1 (26250)	SPRABERRY (TREND AREA DE	0.0	PHILLIPS PETROLEU
8144671	F-08-037750	4231732228		103		R & B G LEWIS ET AL #1 (26249)	SPRABERRY (TREND AREA DE	0.0	PHILLIPS PETROLEU
				RECEIVED: 08/06/81 JA: TX					
-GULF OIL CORPORATION									
8144551	F-10-031335	4221130983		102-4		FORGEY #1-112-C	GEM-HEMPHILL/LOWER DOUGL	286.0	TRANSWESTERN PIPE
8144527	F-10-030288	4221130698		102-4		FORGEY NO 4-93	GEM HEMPHILL/DOUGLAS LOW	1.8	CITIES SERVICE GA
				RECEIVED: 08/06/81 JA: TX					
-HANLEY COMPANY									
8144654	F-7C-037082	4238331864		103		T R B MASTERSON WELL NO 4	SPRABERRY (TREND AREA)	26.0	EL PASO NATURAL G
				RECEIVED: 08/06/81 JA: TX					
-HANOVER MANAGEMENT CO									
8144661	F-06-037276	4200130985		102-4		HANOVER MANAGEMENT COMPANY CADY #1	PRAIRIE LAKE SW (RODESSA	730.0	SEAGULL PIPELINE
				RECEIVED: 08/06/81 JA: TX					
-HNG OIL COMPANY									
8144636	F-7C-036696	4243532106		103		ESPY 32 #3		0.0	INTRATEX GAS CO
				RECEIVED: 08/06/81 JA: TX					
-HORIZON OIL & GAS CO OF TEXAS									
8144619	F-10-036336	4235731077		103		SELLERS GAS UNIT #2-20 RRC# N/A	PERRYTON WEST (MARMATON)	15.0	TRANSWESTERN PIPE
				RECEIVED: 08/06/81 JA: TX					
-HOUSTON OIL & MINERALS CORPORATION									

JD NO	JA DKT	API NO	C	SEC	CAT	WELL NAME
8144523	F-03-030088	4222530345		103		BROMBERG ET AL NO 1
-HOWELL DRILLING INC				RECEIVED: 08/06/81 JA: TX		
8144517	F-02-028510	4212300000		102-4		A G GARRETT WELL NO 2
-HUMBLE EXPLORATION CO INC				RECEIVED: 08/06/81 JA: TX		
8144492	F-03-023728	4204700000		102-2		SCHMIDT #1-
8144492	F-03-023728	4204700000		103		SCHMIDT #1-
-JAMES K ANDERSON INC				RECEIVED: 08/06/81 JA: TX		
8144664	F-7C-037401	4239931592		102-4		NELSON-MICHAELIS NO 1
-JOHN H HENDRIX CORP				RECEIVED: 08/06/81 JA: TX		
8144608	F-08-036005	4222732109		103		LAWRENCE #1
-JOHN S WAGGONER				RECEIVED: 08/06/81 JA: TX		
8144734	F-09-037918	4249731699		103		HURLEY NO 1-W
-LADD PETROLEUM CORPORATION				RECEIVED: 08/06/81 JA: TX		
8144479	F-7B-016517	4236731534		103		BLAIR-WOODY NO 3
8144481	F-7B-017619	4236731065		103		GRANSTAFF UNIT NO 2
8144482	F-7B-017620	4236731665		103		MCDANIEL UNIT #3
-LEWIS B BURLESON				RECEIVED: 08/06/81 JA: TX		
8144631	F-08-036598	4237132985		103		SIBLEY #1
-LITTON OIL CORP				RECEIVED: 08/06/81 JA: TX		
8144655	F-7B-037129	4213332505		103		CLARK #4 (90268)
8144656	F-7B-037130	4213332419		103		DUNBAR #6 (90269)
-LULING OIL AND GAS CO INC				RECEIVED: 08/06/81 JA: TX		
8144621	F-7B-036343	4208300000		103		WHITTINGTON NO 1
8144622	F-7B-036344	4208300000		103		WHITTINGTON NO 2
-LYNCO OIL CORPORATION				RECEIVED: 08/06/81 JA: TX		
8144497	F-03-025177	4231330235		103		LOUISE BARRETT #1
8144599	F-03-035555	4231330281		103		M H BARRETT #2 R RC #14003
-MASON ENERGIES INC				RECEIVED: 08/06/81 JA: TX		
8144498	F-7B-025276	4214330437		102-2		SKILES 3 - API 42 143 30437
-MCCORMICK OPERATING CO				RECEIVED: 08/06/81 JA: TX		
8144572	F-06-033143	4240131075		103		R D BENNETT UNIT NO 4
8144572	F-06-033143	4240131079		107-TF		R D BENNETT UNIT NO 4
-MEWBOURNE OIL COMPANY				RECEIVED: 08/06/81 JA: TX		
8144560	F-7C-032643	4238331610		103		CHRISTY A #1 WELL RRC ID NO
8144561	F-7C-032644	4238331611		103		CHRISTY B #1 WELL RRC ID NO
-MGF OIL CORP				RECEIVED: 08/06/81 JA: TX		
8144588	F-08-034529	4231732289		103		GULF C #1
8144592	F-7C-034670	4246131664		103		MEINER A #2
8144593	F-7C-034671	4246131668		103		MEINER A #3
8144591	F-08-034657	4231732224		103		MIMS #1
-MIRAMAR PETROLEUM INC				RECEIVED: 08/06/81 JA: TX		
8144687	F-04-037790	4221531097		102-4		THESER GAS UNIT #1
-MITCHELL ENERGY CORPORATION				RECEIVED: 08/06/81 JA: TX		
8144476	F-09-004223	4249700000		108-ER		A L CHAMPION #1 28594
8144722	F-09-037879	4249700000		103		ASCCU #2-2
8144511	F-03-027788	4208900000		103		C W MCDERMOTT #5 ID #86108
8144512	1-03-027789	4208900000		103		C W MCDERMOTT #5-U ID #92142
8144601	F-09-035607	4249731988		103		H H FLOWERS NO 2
8144488	F-09-022420	4249700000		108		JACK BLANTON #1
8144514	F-09-027893	4249700000		108		LLOYD HINKLE #2 86201
8144596	F-05-034885	4229300000		103		M B BROWN #1
8144596	F-05-034885	4229300000		107-TF		M B BROWN #1
8144741	F-7B-037976	4222100000		108		M PEVELER #3 84836

FIELD NAME	PROD	PURCHASER
FT TRINIDAD (GLENROSE D)	0.0	LONE STAR GAS CO
GARRETT	200.0	VALERO TRANSMISSI
GIDDINGS	0.0	PHILLIPS PETROLEU
GIDDINGS	0.0	PHILLIPS PETROLEU
FRITZESS (GARDNER)	40.8	LONE STAR GAS CO
LUTHER S E (SILURIAN-DEV	10.8	GETTY OIL CO
BOONSVILLE (BCG)	0.0	SOUTHWESTERN GAS
TOTO (M-1 LIME)	177.0	LONE STAR GAS CO
TOTO (STRAUM)	126.0	LONE STAR GAS CO
TOTO (CADDO CONGLOMERATE	99.0	LONE STAR GAS CO
FOUR C (CLEAR FORK UPPER	73.0	EL PASO NATURAL G
EASTLAND COUNTY REGULAR	456.0	SOUTHWESTERN GAS
EASTLAND COUNTY REGULAR	456.0	SOUTHWESTERN GAS
GLEN COVE	10.0	UNION TEXAS PETRO
GLEN COVE	0.0	UNION TEXAS PETRO
FT TRINIDAD BARRETT EAST	60.0	SOUTH TEXAS GATHE
FT TRINIDAD BARRETT EAST	297.0	SOUTH TEXAS GATHE
MORGAN MILLS	72.0	
OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
SPRABERRY (TREND AREA)	20.0	UNION TEXAS PETRO
SPRABERRY (TREND AREA)	20.0	UNION TEXAS PETRO
SPRAYBERRY (TREND AREA)	0.0	PHILLIPS PETROLEU
SPRAYBERRY (TREND AREA)	0.0	PHILLIPS PETROLEU
SPRAYBERRY (TREND AREA)	0.0	PHILLIPS PETROLEU
SPRAYBERRY (TREND AREA)	0.0	ADOBE OIL & GAS C
HIDALGO N (7720)	365.0	
BOONSVILLE BEND CONG	10.2	NATURAL GAS PIPEL
ALVORD SOUTH (CADDO CONG	0.0	NATURAL GAS PIPEL
NADA (CATAHOULA C-2)	20.0	TENNESSEE GAS PIP
NADA (2300)	36.0	TENNESSEE GAS PIP
BOONSVILLE (BEND CONGL G	295.0	NATURAL GAS PIPEL
MORRIS (CONSOLIDATE CONG	4.9	UPHAM OIL & GAS
BOONSVILLE (BEND CONGL G	3.8	NATURAL GAS PIPEL
FALLON (COTTON VALLEY)	275.0	SOUTHWESTERN GAS
FALLON (COTTON VALLEY)	275.0	SOUTHWESTERN GAS
MCINTOSH (BIG SALINE)	6.2	SOUTHWESTERN GAS

GO NO	GA OKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8144556	F-05-031792	4229300000		103		RENFRO #1	FALLON (COTTON VALLEY)	330.0	SOUTHWESTERN GAS
8144556	F-05-031792	4229300000		107-TF		RENFRO #1	FALLON (COTTON VALLEY)	330.0	SOUTHWESTERN GAS
8144477	F-09-004349	4249700000		108-ER		ROHRER-COFFMAN GAS UNIT #1 #28798	BOONSVILLE (BEND CONGL G	11.5	NATURAL GAS PIPEL
8144475	F-09-004085	4249700000		108-ER		ROY ROGERS #1 28796	BOONSVILLE BEND CONG	11.2	NATURAL GAS PIPEL
				RECEIVED: 08/06/81 JA: TX					
-MOSBACHER PRODUCTION CO									
8144623	F-03-036354	4205130647		102-2		W R BOND WELL NO 1	GIDDINGS (AUSTIN CHALK)	37.0	CLAJON GAS CO
				RECEIVED: 08/06/81 JA: TX					
-OJB INC									
8144600	F-7C-035586	4210500000		103		J W HENDERSON 18-1	OZONA (CANYON SAND)	72.0	VALERO TRANSMISSI
8144600	F-7C-035586	4210500000		107-TF		J W HENDERSON 18-1	OZONA (CANYON SAND)	72.0	VALERO TRANSMISSI
				RECEIVED: 08/06/81 JA: TX					
-ORLA PETCO INC									
8144586	F-08-034276	4210531441		103		BILL MEEKER #3	ED KENNEDY (CHERRY CANYO	21.9	
				RECEIVED: 08/06/81 JA: TX					
-PANHANDLE PLUGGERS INC									
8144732	F-10-037913	4217930868		103		POWELL A (00581) NO 43	PANHANDLE GRAY COUNTY	97.0	PHILLIPS PETROLEU
				RECEIVED: 08/06/81 JA: TX					
-PARKER OPERATING CO INC									
8144547	F-7B-031163	4214300000		103		CURL #1	MORGAN MILL (MARBLE FALL	0.0	ENERGY PIPELINE C
8144546	F-7B-031162	4214300000		103		GADDY RRC #81709	MORGAN MILL (MARBLE FALL	0.0	ENERGY PIPELINE C
8144508	F-7B-027440	4214300000		103		V TIPTON #1 RRC #78819	MORGAN MILL (MARBLE FALL	46.0	NORTHERN GAS PROD
				RECEIVED: 08/06/81 JA: TX					
-PENNZOIL COMPANY									
8144651	F-10-037064	4248330758		103		BAIRD NO 1	MILLS RANCH (GRANITE WAS	5.1	NATURAL GAS PIPEL
				RECEIVED: 08/06/81 JA: TX					
-PETRO-LEWIS CORPORATION									
8144668	F-08-037692	4217331082		103		DRIVER 30 NO 4	SPRABERRY (TREND AREA)	25.0	PECOS CO
				RECEIVED: 08/06/81 JA: TX					
-PHILLIPS PETROLEUM COMPANY									
8144505	F-10-026956	4219500000		108		ELIAS NO 1	TEXAS HUGOTON	0.0	PANHANDLE EASTERN
				RECEIVED: 08/06/81 JA: TX					
-PITCOCK INC									
8144557	F-7B-031987	4236332485		103		HUBBARD #1 91355	MINERAL WELLS S (GEORGIA	0.0	INTRASTATE GATHER
				RECEIVED: 08/06/81 JA: TX					
-POGO PRODUCING COMPANY									
8144549	F-03-031259	4201500000		102-4		KAECHELE A-1 ID #90540	EL PLEASANT (WILCOX LO)	0.0	TENNESSEE GAS PIP
8144549	F-03-031259	4201500000		107-TF		KAECHELE A-1 ID #90540	EL PLEASANT (WILCOX LO)	0.0	TENNESSEE GAS PIP
				RECEIVED: 08/06/81 JA: TX					
-POWCO OIL & GAS INC									
8144603	F-06-035714	4245900000		102-4		LESTER ET AL #1 NO 92522	GLENWOOD (COTTON VALLEY)	240.0	DELHI GAS PIPELIN
8144603	F-06-035714	4245900000		107-TF		LESTER ET AL #1 NO 92522	GLENWOOD (COTTON VALLEY)	240.0	DELHI GAS PIPELIN
				RECEIVED: 08/06/81 JA: TX					
-PRUDENTIAL DRILLING CO									
8144691	F-03-037794	4207130810		102-4		COLBY-CLAYPOOL #1 - 84495	ELWOOD (VICKSBURG)	1500.0	HOUSTON PIPELINE
8144692	F-03-037795	4207130810		102-4		J T WHITE #1 - 77257	ELWOOD (VICKSBURG)	1500.0	HOUSTON PIPELINE
8144690	F-03-037793	4207130810		102-4		J T WHITE #2 - 79148	ELWOOD (VICKSBURG)	1500.0	HOUSTON PIPELINE
8144688	F-03-037791	4207130810		102-4		J T WHITE B #3 - 81325	ELWOOD (VICKSBURG)	50.0	HOUSTON PIPELINE
8144693	F-03-037796	4207130810		102-4		J T WHITE C #4 - 88555	ELWOOD (VICKSBURG)	1500.0	HOUSTON PIPELINE
8144689	F-03-037792	4207130810		102-4		SUN-BOWERS #1 - 86409	ELWOOD (VICKSBURG)	250.0	HOUSTON PIPELINE
				RECEIVED: 08/06/81 JA: TX					
-RALPH L WAY INC									
8144568	F-7C-032886	4241330970		103		ALICE DUFF 1193 #1	DOVE CREEK (CANYON -D-)	0.0	NORTHERN NATURAL
				RECEIVED: 08/06/81 JA: TX					
-RAY W MCDONNELL									
8144725	F-7C-037890	4239931681		102-4		M L WOOD #1 (92721)	MCDONNELL (FRY LO)	2600.0	LONE STAR GAS CO
				RECEIVED: 08/06/81 JA: TX					
-RK PETROLEUM CORP									
8144713	F-8A-037825	4211531366		102-4		ORVIS DAVIS NO 1 WELL	LAMESA NORTH (7850)	27.4	PHILLIPS PETROLEU
				RECEIVED: 08/06/81 JA: TX					
-ROBERT S SPILLER									
8144659	F-01-03787	4232531667		103		JOHN POERNER WELL NO 2	TAYLOR INA	54.0	VALERO TRANSMISSI
8144658	F-01-037186	4232531666		103		JOHN POERNER WELL NO 3	TAYLOR INA	54.0	VALERO TRANSMISSI
8144657	F-01-037185	4232531668		103		JOHN POERNER WELL NO 4	TAYLOR INA	54.0	VALERO TRANSMISSI
				RECEIVED: 08/06/81 JA: TX					
-ROGER M WHEELER									
8144483	F-10-018803	4206500000		108		W D JORDAN #2	PANHANDLE CARSON COUNTY	10.0	CABOT CORP
				RECEIVED: 08/06/81 JA: TX					
-S & B ENTERPRISES INC									
8144532	F-08-030479	4237133140		103		OLIX "A" WELL NO 2	PAYTON	36.5	
8144533	F-08-030480	4237133136		103		OLIX A WELL NO 1	PAYTON	36.5	

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8144535	F-08-030482	4237133138		103		OLIX A WELL NO 5	PAYTON	36.5	
8144534	F-08-030481	4237133143		103		OLIX A WELL NO 6	PAYTON	36.5	
						RECEIVED: 08/06/81 JA: TX			
-SAN ANTONIO RESOURCES CO									
8144612	F-01-036094	4232531701		103		R L BOENIG #5	LANDON FIELD (PROPOSED)	50.0	VALERO TRANSMISSI
						RECEIVED: 08/06/81 JA: TX			
-SANCHEZ-OBRIEN MINERALS CORP									
8144522	F-02-029874	4229732517		102-4		PONDER-GADDIS GAS UNIT NO 1 LT	SOL WEST (SECOND MASSIVE	500.0	UNITED TEXAS TRAN
						RECEIVED: 08/06/81 JA: TX			
-SEARCH DRILLING CO									
8144669	F-10-037726	4229530919		103		DANIELS #1-554	BRADFORD (TONKAWA)	792.0	PHILLIPS PETROLEU
						RECEIVED: 08/06/81 JA: TX			
-SHELL OIL CO									
8144516	F-04-028165	4221531004		102-4		DIXIE MORTGAGE-PAWELEK GAS UNIT #3	MCCOOK EAST (VICKSBURG L	650.0	NATURAL GAS PIPEL
						RECEIVED: 08/06/81 JA: TX			
-SKLAR & PHILLIPS OIL CO									
8144617	F-06-036292	4236531153		102-3		WOOLWORTH B-2	NO BECKVILLE (COTTON VAL	200.0	ARKANSAS LOUISIAN
8144617	F-06-036292	4236531153		103		WOOLWORTH B-2	NO BECKVILLE (COTTON VAL	200.0	ARKANSAS LOUISIAN
						RECEIVED: 08/06/81 JA: TX			
-SOHIO PETROLEUM CO									
8144746	F-7C-038038	4217331137		103		D J CAUBLE NO 7	CALVIN (DEAN)	68.0	EL PASO NATURAL G
						RECEIVED: 08/06/81 JA: TX			
-SOUTHERN ROYALTY INC									
8144646	F-02-036828	4229732663		102-4		CARDONA NO 1	SEELEY (FRIO 3115)	155.0	UNITED GAS PIPE L
						RECEIVED: 08/06/81 JA: TX			
-SOUTHLAND ROYALTY CO									
8144620	F-08-036338	4210300000		103		MOSS STATE 28 #1	TROPORO	63.0	NORTHERN NATURAL
						RECEIVED: 08/06/81 JA: TX			
-SOUTHWESTERN GAS EXPLORATION									
8144494	F-09-024315	4249731740		103		EDITH KELLEY UNIT #1	CAUGHLIN (STRAWN)	6.5	
						RECEIVED: 08/06/81 JA: TX			
-STALLWORTH OIL & GAS INC									
8144567	F-78-032824	4236731825		102-4		BIRD WELL NO 2	BUCKNER (MARBLE FALLS)	0.0	SOUTHWESTERN GAS
8144567	F-78-032824	4236731825		103		BIRD WELL NO 2	BUCKNER (MARBLE FALLS)	0.0	SOUTHWESTERN GAS
						RECEIVED: 08/06/81 JA: TX			
-STOWERS OIL & GAS									
8144634	F-10-036673	4206530806		103		BEDNORZ #1 04689	PANHANDLE CARSON COUNTY	72.0	NORTHERN NATURAL
8144635	F-10-036693	4206530805		103		BEDNORZ #2 04689	PANHANDLE CARSON COUNTY	72.0	NORTHERN NATURAL
						RECEIVED: 08/06/81 JA: TX			
-SUN OIL COMPANY (DELAWARE)									
8144678	F-08-037760	4200332253		103		ARGO NO 3	MARTIN (TUBB)	22.0	PHILLIPS PETROLEU
8144679	F-8A-037763	4221933025		103		C E RATLIFF #2	LEVELLAND	1.6	AMOCO PRODUCTION
8144676	F-09-037757	4223700000		108		CHERRYHOLMES -D- NO 2	BOONESVILLE (BEND CONGLO	17.0	LONE STAR GAS CO
8144672	F-08-037751	4213533508		103		EAST GOLDSMITH SAN ANDRES UT #11-5	GOLDSMITH E (SAN ANDRES)	71.0	PHILLIPS PETROLEU
8144680	F-78-037764	4243330937		103		I S MCMILLIN A/C 3 #18	FRANKIRK	15.0	CITIES SERVICE CO
8144681	F-78-037765	4243330773		103		I S MCMILLIN A/C 8 #7	GUEST	3.5	CITIES SERVICE CO
8144577	F-04-033580	4240981458		103		J M HUNT NO 11-T	PLYMOUTH	8.0	HOUSTON PIPE LINE
8144628	F-8A-036484	4221933036		103		L L LAUHOFF #9	SLAUGHTER	7.9	AMOCO PRODUCTION
8144576	F-04-033573	4242731448		103		MARTHA A TILLETT NO 1	LOCKHART	1500.0	TENNESSEE GAS PIP
8144563	F-04-032677	4242731418		103		RODRIGUEZ PENA GAS UNIT 2 NO 2T	KELSEY SOUTH (6200)	91.0	
8144674	F-08-037753	4233531616		103		V T MCCABE -B- NO 31	JAMESON N (STRAWN)	49.0	LONE STAR GAS CO
8144673	F-08-037752	4233531686		103		V T MCCABE NO 28	JAMESON N (STRAWN)	33.0	LONE STAR GAS CO
8144675	F-08-037754	4233531869		103		V T MCCABE NO 29	JAMESON N (STRAWN)	87.0	LONE STAR GAS CO
8144677	F-08-037758	4233531963		103		V T MCCABE NO 40	JAMESON N (ODOM)	75.0	LONE STAR GAS CO
8144587	F-7C-034284	4217331068		103		W A HUTCHISON-A-NO 1	CALVIN-DEAN	13.0	EL PASO NATURAL G
						RECEIVED: 08/06/81 JA: TX			
-TENNECO OIL COMPANY									
8144518	F-10-028647	4221131245		103		HOBART #4	HEMPHILL (GRANITE WASH)	302.0	PIONEER NATURAL G
8144520	F-02-029145	4205731019		103		J G COOK NO 12	HEYSER (5400 #2)	300.0	TENNESSEE GAS PIP
						RECEIVED: 08/06/81 JA: TX			
-TEXAS CRUDE INC									
8144489	F-06-023342	4207330092		102-4		NEW BIRMING MIN CORP G U #1 WELL #1	WHITE OAK CREEK (JAMES L	0.0	UNITED TEXAS TRAN
8144490	F-06-023410	4222530339		103		TEMPLE EASTEX LEONARD G U #1 WELL1	DECKER SWITCH (PETIT)	0.0	TEJAS GAS CORP
						RECEIVED: 08/06/81 JA: TX			
-TEXAS DRILLING CO									
8144613	F-04-036122	4250500000		103		TRUJILLO #2	NEW ZAPATA (1800)	131.0	VALERO TRANSMISSI
8144614	F-04-036123	4250500000		103		TRUJILLO #3	NEW ZAPATA (1800)	675.0	VALERO TRANSMISSI
						RECEIVED: 08/06/81 JA: TX			
-TEXAS OIL & GAS CORP									

JD NO	JA DKT	API NO	C	SEC	CAT	WELL NAME
8144553	F-06-031475	4220330778		102-4		JENKINS A #2
8144553	F-06-031475	4220330778		103		JENKINS A #2
8144594	F-05-034736	4216130581		107-DP		KELLER N #1
8144529	F-06-030345	4206330200		103		PITTSBURG GAS UNIT #1-2
8144521	F-05-029212	4216130451		102-4		SHORT #1
8144521	F-05-029212	4216130451		103		SHORT #1
8144531	F-02-030461	4229732352		102-4		ZAMZOW #2
-TEXLAND-RECTOR & SCHUMACHER				RECEIVED: 08/06/81 JA: TX		
8144555	F-8A-031776	4244530887		102-4		GULF COONS S-A
-THRESHOLD DEVELOPMENT CO				RECEIVED: 08/06/81 JA: TX		
8144716	F-8A-037848	4250100000		103		CAL-MON PIKE NO 1
-TIPPERARY OIL AND GAS CORP				RECEIVED: 08/06/81 JA: TX		
8144740	F-01-037968	4216331643		103		BROWN A #3
8144739	F-01-037950	4216331719		103		CARLTON MASSEY #9
8144747	F-01-038043	4216331697		103		ENGLISH #3
8144726	F-01-037892	4216331652		103		LLOYD HURT #2
8144727	F-01-037893	4216331764		103		LLOYD HURT #3
8144728	F-01-037894	4216331791		103		LLOYD HURT #4
8144729	F-01-037896	4216331573		103		MACE #1
8144730	F-01-037897	4216331800		103		MACE #2
8144731	F-01-037898	4216331918		103		MACE #3
8144752	F-01-038081	4216331746		103		SMITH #2
-TRANS CANADA ENTERPRISES OF TEXAS I				RECEIVED: 08/06/81 JA: TX		
8144493	F-04-024196	4204730797		103		HOMER E KILBREATH WELL NO 1
-TREND RESOURCES LTD				RECEIVED: 08/06/81 JA: TX		
8144528	F-03-030343	4208931146		102-4		DAVID WINTERMANN NO 2
-U S OPERATING INC				RECEIVED: 08/06/81 JA: TX		
8144538	F-03-030639	4228730779		102-2		JANE NO 1 RRC ID # N/A
-UNION EXPLORATION				RECEIVED: 08/06/81 JA: TX		
8144724	F-78-037887	4205932782		102-4		WILLIAMS # 1 (93361)
-UNION OIL COMPANY OF CALIF				RECEIVED: 08/06/81 JA: TX		
8144714	F-8A-037844	4230330645		103		MCCAULEY #1
-UTX EXPLORATION INC				RECEIVED: 08/06/81 JA: TX		
8144624	F-02-036376	4202531477		102-4		K D ROCHE (N/A)
-W C S PETROLEUM INC				RECEIVED: 08/06/81 JA: TX		
8144499	F-03-025383	4205100000		102-2		JAMES E FRIERSON UNIT #1
-WALTER EXPLORATION INC				RECEIVED: 08/06/81 JA: TX		
8144743	F-78-038033	4214330512		108		MCDANIEL NO 4 RRC ID NO 84208
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED: 08/06/81 JA: TX		
8144648	F-08-036861	4210332520		103		STATE E6 NO 10
-WAYMAN W BUCHANAN				RECEIVED: 08/06/81 JA: TX		
8144748	F-03-038075	4205131522		103		BENNIE LOEHR UNIT NO 1
8144749	F-03-038076	4205131456		103		HRONEK UNIT NO 1
8144751	F-03-038079	4205131513		103		JOHN STEFKA UNIT NO 1
8144750	F-03-038078	4205131475		103		STEFKA-LOEHR UNIT NO 1
-WELLS-BATTELSTEIN OIL & GAS INC				RECEIVED: 08/06/81 JA: TX		
8144554	F-04-031533	4240900000		103		GUS MENGERS #1
-WESSELY ENERGY CORPORATION				RECEIVED: 08/06/81 JA: TX		
8144630	F-7C-036524	4210533007		103		SHANNON ESTATE A NO 1
-WILLIAM PERLMAN				RECEIVED: 08/06/81 JA: TX		
8144495	F-7C-025107	4243500000		103		ADA CAUTHORN 23-1
8144495	F-7C-025107	4243500000		107-TF		ADA CAUTHORN 23-1
8144496	F-7C-025110	4210532354		102-2		GENERAL CRUDE 4-2 85430
8144496	F-7C-025110	4210532354		107-TF		GENERAL CRUDE 4-2 85430

FIELD NAME	PROD	PURCHASER
BLOCKER (COTTON VALLEY)	182.0	
BLOCKER (COTTON VALLEY)	182.0	
BEAR GRASS NE (COTTON VA	500.0	DELHI GAS PIPELIN
PITTSBURG (SMACKOVER)	500.0	DELHI GAS PIPELIN
REED (COTTON VALLEY SAND	300.0	UNITED TEXAS TRAN
REED (COTTON VALLEY SAND	300.0	UNITED TEXAS TRAN
RAY POINT NORTH (8500 WI	0.0	UNITED GAS PIPELI
WARHORSE (CLEARFORK UP)	3.0	AMOCO PRODUCTION
NANNIE MAE (WOLFCAMP)	15.0	WARREN PETROLEUM
PEARSALL (AUSTIN CHALK)	1.7	T G P INC
PEARSALL (AUSTIN CHALK)	3.7	T G P INC
PEARSALL (AUSTIN CHALK)	13.0	T G P INC
PEARASLL (AUSTIN CHALK)	2.7	T G P INC
PEARSALL (AUSTIN CHALK)	14.5	T G P INC
PEARSALL (AUSTIN CHALK)	1.8	T G P INC
PEARSALL (AUSTIN CHALK)	26.2	T G P INC
PEARSALL (AUSTIN CHALK)	1.3	T G P INC
PEARSALL (AUSTIN CHALK)	2.3	T G P INC
PEARSALL (AUSTIN CHALK)	3.6	T G P INC
LA GLORIA S (BATOT)	72.0	VALERO INTERSTATE
WYLIE	117.0	SEAGULL PIPELINE
GIDDINGS (AUSTIN CHALK)	32.0	PGP GAS PRODUCTS
JULIE ANN (3240 CADDO)	160.0	LONE STAR GAS CO
EDMISSION (CLEARFORK)	5.0	
HEARD RANCH (4500)	185.0	TRUNKLINE GAS CO
GIDDINGS (AUSTIN CHALK A	912.5	CLAJON GAS CO
ERATH COUNTY (DESDEMONA)	5.0	LONE STAR GAS CO
DUNE	0.0	EL PASO NATURAL G
GIDDINGS (AUSTIN CHALK)	72.4	FERGUSON CROSSING
GIDDINGS (AUSTIN CHALK)	38.7	FERGUSON CROSSING
GIDDINGS (AUSTIN CHALK)	41.7	FERGUSON CROSSING
GIDDINGS (AUSTIN CHALK)	46.0	FERGUSON CROSSING
WILLMANN	0.0	UNITED GAS PIPE L
ENCONTRADO (PENN DETRITA	34.0	PHILLIPS PETROLEU
SHIRLEY RANCH (CANYON)	0.0	EL PASO NATURAL G
SHIRLEY RANCH (CANYON)	0.0	EL PASO NATURAL G
OZONA (CANYON)	20.0	EL PASO NATURAL G
OZONA (CANYON)	20.0	EL PASO NATURAL G

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8144474	F-7C-000706	4243500000		108		MAYER NO 1	SAWYER (CANYON)	0.0	VALERO GAS TRANSM
8144510	F-7C-027783	4243500000		108		W E SAWYER 190 NO 2	SHURLEY RANCH (CANYON)	20.0	EL PASO NATURAL G
8144471	F-7C-00698	4243500000		108		WESLEY E SAWYER 1	SAWYER (CANYON)	20.0	EL PASO NATURAL G
8144472	F-7C-000699	4243500000		108		WESLEY E SAWYER 2	SAWYER (CANYON)	20.0	EL PASO NATURAL G
8144473	F-7C-000700	4243500000		108		WESLEY E SAWYER 3	SAWYER (CANYON)	20.0	EL PASO NATURAL G
-WILLIAM ZELTWANGER JR				RECEIVED: 08/06/81 JA: TX					
8144633	F-01-036625	4232331763		103		VAN DALSEM 23-1	EL INDIO N (OLMOS A-11)	55.0	TEJAS GAS CORP
-WINDSOR GAS CORP				RECEIVED: 08/06/81 JA: TX					
8144478	F-7C-008188	4243500000		108		DUKE WILSON 21 1/2-4	SHURLEY RANCH (CANYON)	20.0	VALERO GAS TRANSM
-WINDSOR PRODUCING CO				RECEIVED: 08/06/81 JA: TX					
8144642	F-03-036746	4228730771		103		BETHANY #1	GIDDINGS (AUSTIN CHALK G	36.5	PGP GAS PRODUCTS
8144644	F-03-036749	4228730833		103		BILLY UNIT #1	GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS
8144754	F-03-038091	4228730662		103		EDWARDS UNIT #2	GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS
8144755	F-03-038092	4228730842		103		HARDEMAN #1	GIDDINGS (AUSTIN CHALK)	365.0	PGP GAS PRODUCTS
8144641	F-03-036745	4228730480		103		KIPP #1	GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS
8144757	F-03-038094	4228730835		103		KOEHLER UNIT #1	GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS
8144756	F-03-038093	4228730236		103		LORENZ SCHIMANK #1	GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS
8144643	F-03-036748	4228730769		103		MITCHELL #1	GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS
8144745	F-03-038037	4228730764		103		MITSCHKE #1	GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS
8144744	F-03-038036	4228730828		103		OSWALD #1	GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS
8144665	F-03-037421	4228730836		103		PRELLOP #2	GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS
8144753	F-03-038089	4228730721		103		RAYMOND #1	GIDDINGS (AUSTIN CHALK)	219.0	PGP GAS PRODUCTS
8144611	F-03-036065	4228730636		102-2		SCHMIDT #1	GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS
8144611	F-03-036065	4228730636		103		SCHMIDT #1	GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS
8144666	F-03-037423	4228730913		103		SCHMIDT #2	GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS
8144610	F-03-036064	4228730804		102-2		SHEPPARD #1	GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS
8144610	F-03-036064	4228730804		103		SHEPPARD #1	GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS
8144509	F-03-027717	4228730203		103		ST PAUL #1	GIDDINGS (BUDA)	5.0	PGP GAS PRODUCTS
-ZENITH EXPLORATION COMPANY				RECEIVED: 08/06/81 JA: TX					
8144609	F-01-036010	4216331891		103		ESTHER BERRY NO 7	BERRY (FRIO) FIELD	55.0	TRANSCONTINENTAL

OTHER PURCHASERS

All extra purchasers are E I Dupont Nemours & Co Inc

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before September 11, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft. rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–25120 Filed 8–26–81; 8:45 am]

BILLING CODE 6450–85–M

Office of Hearings and Appeals

Cases Filed; Week of July 31 Through August 7, 1981

During the week of July 31 through August 7, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

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

Thomas O. Mann,

Acting Director, Office of Hearings and Appeals.

August 21, 1981.

Submission of Cases Received by the Office of Hearings and Appeals July 31 Through Aug. 7, 1981

Date	Name and Location of Applicant	Case No.	Type of Submission
Aug. 3, 1981	Louisiana Land and Exploration Company, Washington, D.C.	BRZ-0106	Interlocutory Order. If granted: Louisiana Land and Exploration Company would be permitted to withdraw its Notice of Objection and terminate participation in a Remedial Order proceeding (Case No. DRO–0195).
Aug. 5, 1981	DEPCO, Inc., Washington, D.C.	BRD–1458	Motion for Discovery. If granted: Discovery would be granted to DEPCO, Inc. in connection with the Statement of Objections submitted in response to the Proposed Remedial Order issued to the firm (Case No. BRO 1458).
Aug. 5, 1981	Vinson & Elkins, Houston, Texas	BFA–0712	Appeal of an Information Request Denial. If granted: The July 13, 1981 Information Request Denial issued by the Economic Regulatory Administration would be rescinded and Vinson & Elkins would receive access to certain DOE information.
Aug. 7, 1981	Charter Oil Company, Jacksonville, Florida	BYR–0154	Request for Modification. If granted: The April 20, 1981, Decision and Order (Case No. DEX–0152) issued to Charter Oil Company by the Office of Hearing and Appeals would be modified with respect to the firm's entitlements purchase obligations.
Aug. 7, 1981	Charter Oil Company, Jacksonville, Florida	BES–0168	Request for Stay. If granted: Charter Oil Company would receive a stay of the April 20, 1981, Decision and Order (Case No. DEX–0152) issued to the firm by the Office of Hearings and Appeals pending a final determination on its request for modification.
Aug. 7, 1981	Fulbright & Jaworski, Washington, D.C.	BFA–0714	Appeal of an Information Request Denial. If granted: The July 8, 1981, Information Request Denial issued by the Office of General Counsel would be rescinded, and Fulbright & Jaworski would receive access to certain DOE studies.
Aug. 7, 1981	Little America Refining Company, Washington, D.C.	BED–0126	Motion for Discovery. If granted: Discovery would be granted to Little America Refining Company in connection with the Statement of Objections submitted in response to the Proposed Decision and Order issued to the firm (Case No. BEE–1064).
Aug. 7, 1981	Oklahoma Refining Company, Washington, D.C.	BER–0155	Request for Modification/Rescission. If granted: The July 8, 1981, Decision and Order (Case No. BED–09260) issued to Oklahoma Refining Company would be modified regarding certain discovery issues.
Aug. 7, 1981	Paul, Weiss, Rifkind, Wharton & Garrison, New York, New York.	BFA–0713	Appeal of an Information Request Denial. If granted: The July 8, 1981, Information Request Denial issued by the Department of Energy would be rescinded, and the firm would receive access to information regarding prices charged by Texaco for Saudi Arabian light crude oil during the period 1972–1976.

[FR Doc. 81–25007 Filed 8–26–81; 8:45 am]

BILLING CODE 6450–01–M

Objection to Proposed Remedial Orders Filed; Period of July 27 through August 7, 1981

During the period of July 27 through August 7, 1981, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after publication of this Notice. The Office of

Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Thomas O. Mann,

Acting Director, Office of Hearings and Appeals.

August 21, 1981.

Depco, Inc., Denver, Colorado, BRO-1458, Crude oil

On August 4, 1981, Depco, Inc., 110 16th Street, Suite 1000, Denver, Colorado 80202 filed a Notice of Objection to a Proposed Remedial Order which the DOE Rocky Mountain District Office of Enforcement issued to the firm on June 26, 1981. In the PRO the Rocky Mountain District found that during the audit period of February 1, 1976 to September 30, 1980, Depco improperly certified crude oil produced from several of its properties as newly discovered crude oil and failed to determine properly the upper tier ceiling price for certain amounts of new crude oil produced from several of its properties, in violation of 10 CFR 212.74, 212.77, and 212.79. According to the PRO, Depco, Inc.'s violations resulted in $839,037.02 of overcharges.

Grapevine Shell, Lebec, California, BRO-1460, motor gasoline

On August 5, 1981, Grapevine Shell, I-5 and Grapevine, Lebec, California 93243 filed a Notice of Objective to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on June 30, 1981. In the PRO the Western District found that during August 1, 1979 to June 9, 1980, Grapevine Shell had charged prices in sales of motor gasoline which were in excess of the maximum lawful selling price allowed by 10 CFR Part 212. According to the PRO the Grapevine Shell violation resulted in $22,378.87 of overcharges.

MAPCO, Inc., Tulsa, Oklahoma, BRO-1457, crude oil

On August 3, 1981, MAPCO, Inc., 1800 S. Baltimore, Tulsa, Oklahoma 74119 filed a Notice of Objection to a Proposed Remedial Order which the DOE Southwest District Office of Enforcement issued to the firm on June 24, 1981. In the PRO the Southwest District found that during January 1, 1974 to June 30, 1978, MAPCO, Inc. sold crude oil produced from its Yarbola and Sarasota 1-B #6 properties at prices in excess of the applicable ceiling prices. According to the PRO the MAPCO, Inc. violation resulted in $340,367.04 of overcharges.

Prime Resources Corporation, Tulsa, Oklahoma, BRO-1459, crude oil

On August 3, 1981, Prime Resources Corporation of Tulsa, Oklahoma filed a Notice of Objection to a Proposed Remedial Order which the DOE Southwest District Office of Enforcement issued to the firm on July 1, 1981. In the PRO the Southwest District found that during July 1975 to September 1977, Prime Resources sold crude oil at prices in excess of those permitted under the Mandatory Petroleum Price Regulations. According to the PRO, the Prime Resources violation resulted in $4,699,629.44 of overcharges.

[FR Doc. 81-25008 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-40009; TSH-FRL-1920-5]

Alkyl Phthalates and Chloroparaffins; Public Meeting

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: EPA is holding an open meeting to brief the public on voluntary testing plans for alkyl phthalates and chloroparaffins. These plans were submitted to EPA by the Phthalate Esters Program Panel of the Chemical Manufacturers Association and the Chloroparaffins Producers Testing Consortium. EPA is soliciting public comment on these plans.

DATES: The briefings will take place on Tuesday, September 15, 1981, at 9:00 a.m. for the alkyl phthalates and at 1:00 p.m. for the chloroparaffins. Each briefing will be followed by an opportunity for comment and discussion. Follow-up comments on the briefing should be submitted no later than September 29.

ADDRESSES: The meeting will take place in: Rm. 3908, Waterside Mall, Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460.

Comments should be addressed to: Document Control Officer (TS-793), Office of Toxic Substances, Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460.

Comments should bear the identifying notation OPTS-40009. The administrative record supporting this action is available for public inspection in Rm. E-107 at the address noted above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Director, Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460, Toll free: (800-424-9065). In Washington, D.C.: (544-1404). Outside the USA: (Operator-202-554-1404).

Copies of summaries of the plans are available to the public from the Industry Assistance Office.

SUPPLEMENTARY INFORMATION: Persons who wish to attend the meeting or present comments at the meeting must call the Office of Toxic Substances Industry Assistance Office at the numbers listed above no later than September 8, 1981. Should no one indicate a desire to participate at the meeting for a particular chemical, the meeting for that chemical will be cancelled. Therefore, persons who wish to attend the meeting should call the Industry Assistance Office before making travel plans. Participants are requested, but not required, to submit copies of their statements prior to or on the day of the meeting. All such written materials will become part of EPA's record for these substances.

Dated: August 19, 1981.

Don R. Clay,

Acting Director, Office of Toxic Substances.

[FR Doc. 81-25027 Filed 8-26-81; 8:45 am]

BILLING CODE 6560-31-M

[OPP-66084; PH-FRL-1920-6]

Certain Pesticide Products; Intent To Cancel Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice lists the name of firms requesting voluntary cancellation of registration of their pesticide products in compliance with section 6(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended. Production of these products after the effective date of cancellation will be considered a violation of the Act unless continued registration is requested.

EFFECTIVE DATE: September 28, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St. SW., Washington, DC 20460 (202-426-2610).

FOR FURTHER INFORMATION CONTACT: Lela Sykes, Process Coordination Branch (TS-767C), Registration Division, Office of Pesticide Programs, Environmental Protection Agency, Rm. 516, CM#2 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7121).

SUPPLEMENTARY INFORMATION: EPA has been advised by the following firms of

their intent to voluntarily cancel registration of their pesticide products.

Registration No.	Product name	Registrant	Date registered
88-6	Bugonex House Plant Bug Killer Spray	The Hyponex Co., Inc., Box 4300, Copley, Ohio 44321	Jan. 19, 1960.
88-7	Bugonex African Violet Bug Killer Spray	do	Do.
148-717	De-Pester DV Concentrate	Thompson Hayward Chemical Co., P.O. Box 2383, Kansas City, KS 66110.	June 16, 1967.
239-1159	Ortho Tedion 25 Wettable	Chevron Chemical Co., Ortho Division, 940 Hensley Street, Richmond, CA 94801.	June 2, 1958.
239-1403	Ortho Tedion 1 Emulsive	do	Aug. 24, 1959.
239-1527	Ortho Tedion 3 Dust	do	July 11, 1960.
239-2069	Ortho Ornamental Custom Blend No. 73	do	Mar. 3, 1965.
239-2385	Ortho Dibrom Tedion 4-3 Dust	do	Feb. 17, 1972.
264-214	Fumarin 2871	Amchem Product, Inc., Brookside Ave., Ambler, PA 19002	Jan. 9, 1967.
334-277	GCC 626 Chinch Bug Insecticide for Lawns	Hysan Corporation, 919 W. 38th Street, Chicago, IL 60609	Jan. 9, 1968.
419-99	Rose Spray by Cenol;	Cenol Company, Division of Burgess Vibrocrafters, Inc., P.O. Box 177, Route 45 & Peterson Rd., Libertyville, IL 60048.	Mar. 24, 1958.
961-240	Lebanon Chinch Bug Control	Lebanon Chemical Corp., P.O. Box 180, Lebanon, PA 17042	Apr. 12, 1967.
1307-56	Termi-Chlor	Magnolia Chemical Co., Inc., 2646 Rodney Lane, Dallas, TX 75229.	Jan. 4, 1961.
1307-111	Magnolia Chlordane WE-8	do	Sept. 13, 1973.
1307-113	Magnolia Dieldrin 18+	do	Nov. 20, 1973.
1526-447	Phoenix Branch Tedion EC-12 Emulsifiable Concentrated Miticide.	Chemical Distributors, DBA Arizona Agrochemical Company, P.O. Box 21537, Phoenix, Arizona 85036.	May 20, 1967.
1842-187	Triangle Trithion 2 Dust	Triangle Chemical Co., P.O. Box 4528, Macon, GA 31208	May 25, 1964.
1842-189	Triangle Trithion 4-E	do	Aug. 20, 1964.
2342-798	Granular 0.50 D Contains 0.50% (R) Di-Syston	Kerr-McGee Chemical Corp., Kerr-McGee Bldg., Oklahoma City, OK 73120.	Aug. 9, 1973.
2342-801	Granular - 0.30% Di-Syston or 6 lbs. Active Per Ton	do	Aug. 9, 1973.
2681-11	Control 25	Lystad, Inc., Box 1718, Grand Forks, ND 58201	Nov. 5, 1954.
2681-35	Lystads Water Soluble Rat and Mouse Killer	do	Oct. 22, 1965.
4137-5	Rough on Rats A-C	Brown Manufacturing Co., Leroy, New York 14482	June 7, 1960.
5298-14	Aspon 5G	Old Fox Chemical, Inc., 66 Valley Street, East Providence, RI 20914.	May 30, 1973.
5298-18	Snow Mold Gran 15	do	Apr. 25, 1974.
5481-34	Alco Rat and Mouse Killer Bait	Amvac Chemical Corp., 4100 East Washington Blvd., Los Angeles, CA 90023.	Apr. 20, 1964.
6762-62	Distemic 2% Granular Systemic	Stern Chemtech Corp., P.O. Box 5070, 2725 Desiard Street, Monroe, LA 71203.	Apr. 14, 1969.
6980-3	Miraclear-L	KDI Paragon, Inc., 12 Pauling Street, Pleasantville, NY 10570	Jan. 15, 1963.
6980-5	Miraclear-P	do	July 28, 1967.
6900-81	Dill Fumarin-22 Concentrate Kills Rats & Mice	The J. J. Dill Co., Box 788, Kalamazoo, MI 49005	Jan. 30, 1968.
8443-3	Golden West Ethoxyquin Treated Canary	Publishers Paper Co., Oregon City, OR 97045	July 17, 1968.
8590-34	Phygon-Parathion 6-3D	Agway, Inc., Box 4933, Syracuse, New York 13221	Feb. 8, 1965.
8590-70	Phygon-Parathion @2-1.5D	do	Mar. 12, 1965.
8590-95	Phygon 6D	do	Apr. 6, 1965.
8590-96	Phygon 9D	do	Apr. 6, 1965.
8590-122	Phygon 3D	do	June 2, 1965.
8590-179	Phygon—Ferbam 1-3.8D	do	Sept. 9, 1965.
8590-287	Agway Ferti-Flow 10-20-20 with 0.4% Insecticide	do	May 29, 1968.
8590-461	Dichlone—Sulfur 1.5-30D	do	June 3, 1975.
9172-3	Zipp Mouse Bait	Scott Chemical Co., Inc., 203 W. Turbo, San Antonio, TX 78216	Jan. 18, 1971.
9782-49	Avitrol Whole Corn-15 for the Control of Feral Pigeons	Woodbury Chemical Co. of Homestead, P.O. Box 4319, Princeton, FL 33030.	Feb. 20, 1976.
11334-1	Apex Pine Disinfectant Concentrate	Apex Services, 460 Englewood Ave., SE, Atlanta, GA 30315	Apr. 9, 1973.
11334-2	Apex Mint Disinfectant Concentrate	do	May 4, 1973.
11334-3	Apex Lemon Odor Disinfectant Concentrate	do	May 2, 1973.

The Agency has agreed that such cancellation shall be effective September 28, 1981 unless within this time the registrant or other interested person with the concurrence of the registrant, requests that the registration be continued in effect. The registrants were notified by certified mail of this action.

The Agency has determined that the sale and distribution of these products produced on or before the effective date of cancellation may legally continue in commerce until the supply is exhausted, or for 1 year after the effective date of cancellation, whichever is earlier; provided that the use of these producrts is consistent with the label and labeling registered with EPA. Furthermore, the sale and use of existing stocks have been determined to be consistent with the purposes of FIFRA as amended. Production of these products as pesticide formulations after the effective date of cancellation will be considered to be a violation of the Act.

Requests that the registration of these products be continued, may be submitted in triplicate to the Process Coordination Branch, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

Comments may be filed regarding this notice. Written comments should bear a notation indicating the document control number "[OPP-66084]" and the specific registration number. Any comments filed regarding this notice will be available for public inspection in the Document Control Office, Room E-107, at the above address from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 6(a)(1) of FIFRA as amended, 86 Stat. 973; 89 Stat. (751, 7 U.S.C. 136))

Dated: August 10, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-25028 Filed 8-26-81; 8:45 am]

BILLING CODE 6560-32-M

[OPTS-51308; TSH-FRL—1921-2]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN)

to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of two PMN's and provides a summary of each.

DATE: Written comments by: PMN 81–394 & 81–395, October 17, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS–51308]" and the specific PMN number should be sent to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M St., SW., Washington, DC 20460. (202–755–5687).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81–394	Robert Jones	202–426–0503.	E–229
81–395	Robert Jones	202–426–0503.	E–229

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

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

PMN 81–394

Close of Review Period. November 16, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Capped urethane.

Use. Claimed confidential business information.

Production Estimates. Claimed confidential business information.

Physicial/Chemical Properties. Claimed confidential business information.

Toxicity Data. No data were submitted.

Exposure. Claimed confidential business information.

Environmental Release/Disposal. Claimed confidential business information.

PMN 81–395

Close of Review Period. November 16, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Capped urethane.

Use. Claimed confidential business information.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. No data were submitted.

Exposure. Claimed confidential business information.

Environmental Release/disposal. Claimed confidential business information.

Dated: August 20, 1981.

Linda K. Smith,

Acting Director, Management Support Division.

[FR Doc. 81–25026 Filed 8–26–81; 8:45 am]

BILLING CODE 6560–31–M

[A–3–FRL–1912–1]

Standards of Performance for New Stationary Sources and National Emission Standards for Hazardous Air Pollutions; Delegation of Authority to the Commonwealth of Virginia

On February 26, 1976 the Regional Administrator of EPA Region III published a Notice in the **Federal Register** announcing the delegation of enforcement authority to the Commonwealth of Virginia (41 FR 8116). That delegation covered twelve categories of New Source Performance Standards (NSPS), 40 CFR Part 60, and three categories of National Emission Standards for Hazardous Air Pollutants (NESHAP), 40 CFR part 61. The purpose of this Notice is to announce delegation of enforcement authority for all remaining NSPS and NESHAP categories to the Commonwealth of Virginia State Air Pollution Control Board (SAPCB). In addition, all future NSPS and NESHAP will be automatically delegated to the SAPCB subject to certain conditions. All terms and conditions of this delegation are explained in the following letter:

Maurice B. Rowe,
Secretary of Commerce and Resources, Office of the Governor, Richmond, Virginia 23219

Dear Secretary Rowe: This is in response to you letter dated June 16, 1981 to Regional Administrator Jack J. Schramm requesting delegation of enforcement authority for certain additional New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP). Delegation of enforcement authority for the initial twelve NSPS categories and three NESHAP categories occurred on December 30, 1975.

We have reviewed the pertinent laws and regulations of the Commonwealth of Virginia and have determined that they provide an effective procedure for enforcement of the NSPS and NESHAP regulations by the State Air Pollution Control Board (SAPCB). We have also reviewed the request dated June 19, 1961 by W. R. Meyer, SAPCB Executive Director, that NSPS and NESHAP categories promulgated by EPA in the future be automatically delegated to the SAPCB. Pursuant to your request, the Virginia State Air Pollution Control Board is hereby delegated authority to enforce all NSPS and NESHAP standards promulgated by EPA as of June 16, 1981. In addition, delegation of enforcement authority for future NSPS and NESHAP standards is hereby granted subject to the following conditions:

1. Each standard must be legally adopted by the SAPCB after public notice and an opportunity for a public hearing.

2. Each standard must be adopted by reference to the Federal regulations with only those wording changes provided by the present State regulations.

3. The SAPCB must notify the Director, Enforcement Division, EPA Region III, that it has adopted additional standards and that it intends to enforce the standards in conformance with the terms of this delegation.

All delegations are subject to the general conditions stated in the initial delegation (letter from Daniel J. Snyder, EPA Regional Administrator, to Earl J. Shiflet, Virginia Secretary of Commerce and Resources, dated December 30, 1975) except that quarterly reports required by Condition 1 of that letter have been replaced by direct updates of the Compliance Data System. Also, Condition 6 relating to sources owned by the United States is hereby rescinded.

A Notice announcing this delegation will be published in the **Federal Register** in the near future. The Notice will state, among other things, that effective immediately all reports required by the above-referenced Federal regulations should be submitted to the SAPCB with copies to EPA Region III. Any original reports which are received by EPA Region III will be promptly transmitted to the SAPCB.

Since this delegation is effective immediately, there is no requirement that the SAPCB notify EPA of its acceptance. Unless EPA receives from the SAPCB written notice of objections within ten (10) days after receipt of this letter, the Commonwealth of Virginia State Air Pollution Control Board will be deemed to have accepted all terms of the delegation.

Dated: July 21, 1981.

Sincerely yours,

Thomas C. Voltaggio,

Acting Director, Enforcement Division.

Effective immediately, all reports required pursuant to any NSPS or NESHAP category should be submitted to the Virginia SAPCB, Room 1106, Ninth Street Office Building, Richmond,

Virginia 23219. However, reports required pursuant to 40 CFR 60.7 (excess emissions and malfunctions) should be sent to the SAPCB only.

Under Executive Order 12291, EPA must judge whether an action is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action is an administrative change only. It is not a major action because its only effect will be to reduce duplication of effort between EPA and the SAPCB.

This action was submitted to the Office of Management and Budget (OMB) for review as required by E.O. 12291.

(Sections 111(c) and 112(d) of the Clean Air Act, 42 U.S.C. 7411(c) and 7412(d))

Dated: August 10, 1981.

Thomas C. Voltaggio,

Acting Director, Enforcement Division.

[FR Doc. 81-25025 Filed 8-26-81; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL COMMUNICATIONS COMMISSION

[FCC 81-399]

Closed Circuit Test of the Emergency Broadcast System During the Week of August 24, 1981

A test of the Emergency Broadcast System (EBS) has been scheduled during the week of August 24, 1981. Only ABC, MBS, NPR, AP Radio, CBS, IMN, NBC and UPI Audio radio network affiliates will receive the Test Program for the Closed Circuit Test. AP and UPI wire service clients will receive activation and termination messages of the Closed Circuit Test. Television networks are not participating in the Test.

Network and press wire service affiliates will be notified of the test procedures via their network approximately 30 to 45 minutes prior to the test.

Final evaluation of the test is scheduled to be made about one month after the Test.

This is a closed circuit test and will not be broadcast over the air.

Action by the Commission August 4, 1981. Commissioners Fowler (Chairman), Quello, Washburn, Fogarty, Jones and Dawson.

Federal Communications Commission.

William J. Tricarico,

Secretary.

August 5, 1981.

[FR Doc. 81-24938 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

Horne Industries, Inc.; Hearing Designation Order

Adopted: August 3, 1981.

Released: August 18, 1981.

By the Chief, Broadcast Bureau.

In re applications of Horne Industries, Inc., Russellville, Arkansas, Req: 100.9 MHz, Channel 265, 3.0 kW, 300 feet (H&V), BC Docket No. 81-551, File No. BPH-11185; River Valley Broadcasting, Inc., Russellville, Arkansas, Req: 100.9 MHz, Channel 265, 3.0 kW, 212 feet (H&V), BC Docket No. 81-552, File No. BPH-800711AJ; and Judy K. Purtle, Russellville, Arkansas, Req: 100.9 MHz, Channel 265, 3.0 kW, 300 feet (H&V), BC Docket No. 81-553, File No. BPH-800807AE; for construction permit, designating applications for, consolidated hearing on stated issues.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-capitioned mutally exclusive applications filed by Horne Industries, Inc. (Horne), River Valley Broadcasting, Inc. (River Valley) and Judy K. Purtle (Purtle) for a new commercial FM station at Russellville, Arkansas

2. *Horne.* On March 24, 1981, after the December 19, 1980 "B" cut-off date, Horne filed information reporting changes in its integration proposal and broadcast ownership interests. While such matters may require disclosure pursuant to Sections 1.514 and 1.65 of the Rules, and applicant is not permitted to improve its comparative position after the amendment deadline. See *Communications Properties, Inc.*, Mimeo No. 05863, released January 16, 1981. Thus, any comparative advantage resulting from Horne's March 24, 1981 amendment will be disallowed.

3. *River Valley.* Applicant tendered its application for construction permit on the February 14, 1980 cut-off date. A preliminary staff engineering study determined that applicant's transmitter site was short-spaced 1 mile with KXXI, Fort Smith, Arkansas in violation of Section 73.207 of the Rules, and the River Valley application was returned as unacceptable for filing on June 13, 1980. On July 11, 1980, applicant filed a petition for reconsideration specifying a new transmitter site. A staff engineering study indicates that the engineering amendment is an amendment for a minor change. Hence, because River Valley's petition was filed within 30 days after the return of its application, the amendment rectifies the short-spacing, and it seeks a minor change to its initial application, its application for construction permit is accepted *nunc pro tunc.*

4. *Purtle.* Applicant tendered its application for construction permit on the February 13, 1980, prior to the February 14, 1980 cut-off date. A preliminary staff engineering study determined that applicant's transmitter site was short spaced 6 miles with KEZQ, Jacksonville, Arkansas, in violation of Section 73.207 of the Rules, and the Purtle application was returned as unacceptable for filing on July 8, 1980. On August 7, 1980, applicant filed a petition for reconsideration specifying a new transmitter site. A staff engineering study indicated that the engineering amendment was an amendment for a minor change. Hence, because Purtle's petition was filed within 30 days after the return of its application, the amendment rectifies the short-spacing, and it seeks a minor change to its initial application, its application for construction permit is accepted *nunc pro tunc.*[1]

5. The applicants are qualified to construct and operate as proposed. However, since the proposals are mutally exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

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

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

2. To determine in light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

7. It is further ordered, That in the event the application of Horne Industries, Inc. is granted, it is subject to the condition that if the Commission ultimately adopts a rule prohibiting commonly-owned AM and FM stations in the same market, Horne Industries, Inc. will divest itself of either KARV or the FM station in accordance with the guidelines established in such rulemaking proceeding.

8. It is further ordered, That to avail themselves of the opportunity to be

[1] Purtle subsequently amended after the cut-off date for amendments as a matter of right, to specify a new antenna site due to uncertainty as to the availability of its proposed site. Good cause having been shown, Purtle's June 12, 1981 petition for leave to amend will be granted and the amendment accepted.

heard, the applicants herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

9. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by Section 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division.

[FR Doc. 81-24936 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

International Radio Consultative Committee, Working Group Meetings; Advisory Committee on Preparations for the ITU 1983 Region 2 Broadcasting Satellite Service Planning Conference

Advisory Committee—1983 BSS Conference

Working Group 1A Conventional Television Service Requirements
Chairman: Thomas R. Keller (202) 488–5380
Meeting August 31, 1981, 9:30 am to 5:30 pm, Room A110, Federal Communications Commission, 1229 20th Street, N.W., Washington, D.C.

Working Group 1B High Definition Television Service Requirements
Chairman: Joseph Flaherty (212) 975–2213
Meeting September 10, 1981, 10:00 am, Conference Room, 10th Floor, 555 West 57th Street, New York City, NY

Working Group 1D Other Related Service Requirements
Chairman: Robert O'Connor (212) 975–3791
Meeting September 10, 1981, 2:00 pm, 10th Floor Conference Room, 555 West 57th Street, New York City, NY

Working Group 1E Public Service Requirements
Co-Chairman: Frank Norwood (202) 331–0660
Co-Chairman: David E. Honig (202) 387–8155
Meeting August 27, 1981, 10:00 am to 1:00 pm, Kennedy Room, 7th Floor, Philip Murray Building, 1126 16th Street, N.W., Washington, D.C.

Working Group 2A Planning Parameters
Chairman: Jay Ramasastry (212) 975–1727
Meeting September 9, 1981, 9:30 am to 4:30 pm, CBS Viewing Room, Third Floor, 1800 M Street, N.W., Washington, D.C.

Working Group 2B Planning Approaches and Modification Procedures
Chairman: Ernesto Martin (202) 626–3629
September 10, 1981 Meeting *Cancelled.*
Meeting September 8, 1981, 10:00 am to 4:30 pm, CBS Viewing Room, Third Floor, 1800 M Street, N.W., Washington, D.C.

Working Group 3A Sharing in the 12 GHz Band
Co-Chairman: Alan Walker (415) 592–4120
Co-Chairman: Charles Kase (302) 652–4660
Meeting September 11, 1981, 9:30 am, Room A110, Federal Communications Commission, 1229 20th Street, N.W., Washington, D.C.

Working Group 3B Sharing of the Feeder Links in the 17 kHz Region
Chairman: James Whitworth (202) 626–3637
Meeting September 11, 1981, 1:30 pm, Room A1 10, Federal Communications Commission, 1229 20th Street, N.W., Washington, D.C.

CCIR Working Group Meeting

Joint Meeting

September 1, 1981, Forum Room, NTIA, 1325 G Street, N.W., Washington, D.C.
—Interim Working Party IWP 10–11/1 on 1985 Space WARC
—Interim Working Party IWP 10–11/2 on 1983 BSS RARC
—CCIR Study Group 10–11S in Preparation for Final Meetings, Geneva, September 21, 1981
Chairman: Edward Reinhart (202) 626–3639

Federal Communications Commission.

William J. Tricarico,

Secretary.

August 21, 1981.

[FR Doc. 81-24937 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket Nos. 81-585 and 81-586; File Nos. 21052-CD-P-(2)-78 and 21553-CD-P-(04)-78]

Maryland Mobile Telephone Co. and Radio Communications, Inc.; Hearing Designation Order

In the matter of applications of Warren W. Lepczyk d/b/a Maryland Mobile Telephone Co., CC Docket No. 81–585, File No. 21052–CD–P–(2)–78, for a Construction Permit to establish a new two-way station to operate on frequencies 454.125 MHz and 454.325 MHz in the Domestic Public land Mobile Radion Service at Baltimore, Maryland and Radio Communications, Inc., CC Docket No. 81–586, File No. 21553–CD–P–(04)–78, for a Construction Permit to establish a new two-way station to operate on frequencies 454.200, 545.350, 454.125 and 454.325 MHz in the Domestic Public Land Mobile Radio Service at Baltimore, Maryland.

Memorandum Opinion and Order

Adopted: August 20, 1981.
Released: August 21, 1981.

1. Presently before the chief, Mobile Services Division, pursuant to delegated authority are the applications of Warren W. Lepczyk d/b/a Maryland Mobile Telephone Company (Lepczyk), file No. 21052–CD–P–(2)–78, for a Construction Permit to establish a new two-way station to operate on frequencies 454.125 and 454.325 MHz in the Domestic Public Land Mobile Radio Service (DPLMRS) at Baltimore, Maryland and Radio Communications, Inc. (RCI), File No. 21553–CD–P–(04)–78, for a Construction Permit to establish a new two-way station to operate on frequencies 454.200, 454.350, 454.125 and 454.325 MHz in the DPLMRS at Baltimore, Maryland.

2. The above-referenced applications are partially electrically mutually exclusive since Lepczyk and RCI both seek authority to operate on frequencies 454.125 and 454.325 MHz in the same general area. Accordingly, a comparative hearing will be held to determine which applicant would better serve the public interest and should be authorized to operate on these frequencies. These applications are not mutually exclusive on the frequencies 454.200 and 454.350 MHz. In its application, as amended, RCI demonstrated need for the frequencies 454.200 and 454.350 MHz by indicating that it was holding 289 two-way orders on these frequencies.[1] This number of

[1] RCI has also demonstrated adequate need for the frequencies 454.125 and 454.325 MHz by

Continued

held orders is sufficient to warrant a grant of two channels.

3. We find the applicants to be legally, technically and otherwise qualified to construct and operate the proposed facilities. We further find that a grant of the request in the RCI application for facilities to operate on frequencies 454.200 and 454.350 MHz will serve the public interest, convenience, and necessity. Accordingly, it is ordered, pursuant to Section 309 of the communications Act of 1934, as amended,[2] That the application of Radio Communications, Inc., File No. 21553–CD–P–(04)–78, is granted, to the extent that Radio Communications, Inc., requests authority to operate on the frequencies 454.200 and 454.350 MHz, and that the applications of Radio Communications, Inc., File No. 21553–CD–P–(04)–78 and Warren W. Lepczyk d/b/a Maryland Mobile Telephone Company, File No. 21052–CD–P–(2)–78 for frequencies 454.125 MHz and 454.325 MHz, are designated for hearing in a consolidated proceeding upon the following issues:

(a) to determine on a comparative basis, the nature and extent of service proposed by each applicant including the rates, charges, maintenance, personnel, practices, classifications, regulations, and facilities pertaining thereto;

(b) to determine, on a comparative basis, the areas and populations that each applicant will serve within the prospective interference-free area within the 39 dBu contours,[3] based upon the standards set forth in § 22.504(a) of the Commission's Rules,[4] and to determine and compare the need for the proposed services in said areas; and

(c) to determine in light of the evidence adduced pursuant to the foregoing issues, what disposition of the above-referenced applications would best serve the public interest, convenience, and necessity.

4. It is further ordered, That the hearing shall be held at the Commission's Offices in Washington, D.C., at a time and place and before an Administrative Law Judge to be specified in a subsequent order.

5. It is further ordered, That the Chief, Common Carrier Bureau, is made a party to the proceeding.

6. It is further ordered, That the applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the Rules within 20 days of the release date hereof, a written notice stating an intention to appear on the day of the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

7. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

Myron C. Peck,

Acting Chief, Mobile Services Division, Common Carrier Bureau.

[FR Doc. 81-25087 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

indicating that it was holding 172 orders for two-way units in these frequencies. Lepczyk has demonstrated adequate need for the two frequencies requested by submitting a survey which reveals a demand for 704 two-way units.

[2] 47 U.S.C. 309.

[3] For the purposes of this proceeding, the interference-free area is defined as that area within the 39 dBu contour as calculated from § 22.504, in which the ratio of desired-to-undesired signal is always equal to or greater than R in F.C.C. Report No. R-6406, equation 8.

[4] Section 22.504(a) of the Commission's Rules and Regulations describes a field strength contour of 39 decibels above one microvolt per meter as the limits of the reliable service area for base stations engaged in two-way communications service on frequencies in the 450–460 MHz band. Propagation data set forth in § 22.504(b) are the proper bases for establishing the location of service contours (F 50, 50) for the facilities involved in this proceeding. (The applicants should consult the Bureau counsel with the goal of reaching joint technical exhibits).

[CC Docket Nos. 81-589 and 81-590; File Nos. 3339-CM-P-80 and 4821-CM-P-80]

Northeast Communications, Inc., and Microband Corporation of America; Hearing Designation Order

In the matter of applications of Northeast Communications, Inc., CC Docket No. 81–589, File No. 3339–CM–P–80; and Microband Corporation of America, CC Docket No. 81–590, File No. 4821–CM–P–80; for Construction Permits in the Multipoint Distribution Service for a new station at Hyannis, Massachusetts.

Memorandum Opinion and Order

Adopted: August 18, 1981.

Released: August 21, 1981.

1. For consideration are the above-referenced applications.[1] These applications are for construction permits in the Multipoint Distribution Service and they propose operations on Channel 1 in Hyannis, Massachusetts. The applications are therefore mutually exclusive and, under present procedures, require comparative consideration. These applications have been amended as result of informal requests by the Commission's staff for additional information. There are no petitions to deny or other objections under consideration.[2]

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

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

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

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

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

4. It is further ordered, That Northeast Communications, Inc., Microband Corporation of America and the Chief, Common Carrier Bureau, are made parties to this proceeding.

5. It is further ordered, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's rules.

Emily M. Williams,

Acting Chief, Domestic Facilities Division, Common Carrier Bureau.

[FR Doc. 81-25085 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

[1] On August 18, 1980, Tymshare, Inc. (Tymshare) and Arthur Lipper Corporation (ALC) executed a contract whereby ALC agreed to transfer control of Microband to Tymshare. *See* Application for Transfer of Control *Memorandum Opinion, Order and Authorization*, File Nos. 11–76–CM–TC–(69)–80 (released December 24, 1980).

[2] By Memorandum Opinion and Order adopted June 26, 1981 and released July 2, 1981, Mimeo No. 001863, Microband was granted an exemption from the Commission's "cut-off" rules pursuant to § 21.31 of the rules, 47 CFR 21.31, to preserve the status of its pending mutually exclusive application.

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

[CC Docket Nos. 81-591 and 81-592; File Nos. 5887-CM-P-80 and 10500-CM-P-80]

Unimel, Inc., and Kravetz Media Corp.; Hearing Designation Order

In the matter of applications of Unimel, Inc., CC Docket No. 81-591, File No. 5887-CM-P-80; and Kravetz Media Corp., CC Docket No. 81-592, File No. 10500-CM-P-80; for Construction Permits in the Multipoint Distribution Service for a new station at Cape Girardeau, Missouri.

Memorandum Opinion and Order

Adopted: August 18, 1981.

Released: August 21, 1981.

1. For consideration are the above-referenced applications. These applications are for construction permits in the Multipoint Distribution Service and they propose operations on Channel 1 in Cape Girardeau, Missouri. The applications are therefore mutually exclusive and, under present procedures, require comparative consideration. These applications have been amended as a result of informal requests by the Commission's staff for additional information. These are no petitions to deny or other objections under consideration.

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

3. Accordingly, it is hereby ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e) and § 0.291 of the Commission's Rules, 47 C.F.R. 0.291 the above-captioned applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered: [1]

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

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

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

4. It is further ordered, That Unimel, Inc., Kravetz Media Corporation and the Chief, Common Carrier Bureau, are made parties to this proceedings.

5. It is further ordered, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's Rules.

Emily M. Williams,

Acting Chief, Domestic Facilities Division, Common Carrier Bureau.

[FR Doc. 81-25066 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 81-556—81-560; File Nos. BPCT-791011KE, etc.]

Golden West Broadcasters, et al.; Designating Applications for Consolidated Hearing on Stated Issues

Adopted: August 10, 1981.

Released: August 20, 1981.

In re applications of Golden West Broadcasters, Hartford, Connecticut, BC Docket No. 81-556, File No. BPCT-791011KE; Arch Communications Corp., Hartford, Connecticut, BC Docket No. 81-557, File No. BPCT-791115LE; the Great Hartford County Telecasting Corporation, Hartford, Connecticut, BC Docket No. 81-558, File No. BPCT-791228KF; Hartford Television, Inc., Hartford, Connecticut, BC Docket No. 81-559, File No. BPCT-800521KK; Community Television of Connecticut, Inc., Middletown, Connecticut, BC Docket No. 81-560, File No. BPCT-800521KL; for construction permit for a new television station.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of Golden West Broadcasters (Golden West), Arch Communications Corp. (Arch), the Great Hartford County Telecasting Corporation (GHCT), Hartford Television, Inc. (Hartford TV) for a new commercial television station to operate on Channel 61, Hartford, Connecticut and Community Television of Connecticut, Inc. (Community TV), to operate on Channel 61, designating Middletown, Connecticut as its community of license.

2. One applicant specifies Middletown as its community of license, while the others specify Hartford. Consequently, it will be necessary to determine, pursuant to Section 307(b) of the Communications Act of 1934, as amended, whether a new station in Middletown or Hartford would best provide a fair, efficient, and equitable distribution of television service. If the Section 307(b) issue is not determinative (the applicants would serve substantial areas in common), all the applicants can be considered under the comparative issue.

Golden West Broadcasters [1]

3. Analysis of the financial data submitted by Golden West reveals that $6,843,408 will be required to construct and operate the proposed station for three months itemized as follows:

Equipment (cash purchases)	$3,554,408
Land	150,000
Buildings	100,000
Other (includes legal and engineering)	140,000
Miscellaneous	25,000
Operating costs (3 months)	2,874,000

Golden West proposes to finance its station with a $12 million line of credit from the Security Pacific National Bank and cash. However, since Golden West's balance sheet was outdated when filed (dated prior to three months before the application was filed), Golden West cannot be given credit for having cash available. Furthermore, although the applicant has submitted a loan agreement with regards to the line of credit, due to the dated nature of the balance sheet, we are unable to determine how much, if any, of the $12 million is available or whether the applicant has sufficient net liquid assets to meet the costs of its estimated expenditures. Consequently a financial issue will be specified.

Arch Communications Corp.

4. Arch indicates that $3,216,920 will be required to construct the proposed station and to operate it for the first quarter, itemized as follows:

Equipment (cash purchases)	$2,602,920
Land/Buildings	100,000
Legal	10,000
Engineering	10,000
Installation	125,000
Miscellaneous	45,000
Operating Expenses (three months)	324,000

To meet these expenses, Arch intends to rely on $25,494 in cash, $890,000 in

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[1] Consideration of these factors shall be in light of the Commission's discussion in *Frank K. Spain*, 77 F.C.C. 2d 20 (1980).

[1] Golden West contemplates operating subscription television (STV) over its proposed facilities. However, its STV application will not be consolidated for hearing in this proceeding. This is in keeping with the Commission's policy with regard to mutually exclusive applications for television construction permits where one contemplates STV operation and the other a conventional facility as stated in Paragraph 15, *Second Report and Order*, FCC 81-13, adopted January 6, 1981.

new capital and a bank loan of $3,100,000 (less payments of interest/principal, $2,970,188 net).

5. Applicant is relying on $890,000 in stock subscriptions, although it has submitted subscription agreements totaling $950,000. However, of the four subscribers, only A. Chase has furnished a balance sheet or financial statement, but because Mr. Chase has not identified the $2.3 million in securities upon which he relies to meet his subscription, it cannot be determined whether he has sufficient net liquid assets to meet his commitment. Therefore, the applicant has not shown that any funds will be available from stock purchases.

6. The CITIBANK has agreed to loan the applicant $3.1 million contingent upon Arch's compliance with the bank's credit and collateral requirements. However, the collateral requirements of the bank have not been shown as per Section III, Item 4(b). Consequently, a question arises with regard to the availability of the bank loan as a source of funds to Arch. An appropriate issue will be specified.

7. Arnold L. Chase, a principal in Arch, is a program director of WTIC–FM and a 5.5 percent shareholder in the Ten Eighty Corporation, licensee of WTIC–AM–FM in Hartford, Connecticut. In order to comply with the "one-to-a-market" rule,[2] Chase proposes to sever any and all ownership and employment ties to the Ten Eighty Corporation in the event of grant of Arch's application. Therefore, in the event of a grant of the instant application, the construction permit shall contain the condition that operation shall not be commenced until permittee has certified to the Commission that Arnold L. Chase has divested himself of all interest in, and severed all connections with, Ten Eighty, Inc., licensee of Stations WTIC–AM and FM in Hartford, Connecticut.

The Great Hartford County Telecasting Corporation[3]

8. GHCT indicates that $1,043,819 will be required to construct the proposed station and to operate it for the first three months, itemized as follows:

Equipment (down payment)	$615,500
Equipment payments with interest (three months)	161,569
Land/Buildings	11,000
Other (includes legal, engineering and installation)	75,000
Miscellaneous	50,000
Operating expenses (three months)	130,750

To meet these costs, GHCT relies upon $1,000 in cash and a $1.5 million line of credit from National Health Enterprises, Inc. (NHE), the applicants grandparent corporation. NHE, in turn relies upon a $7.5 million line of credit from the Continental Bank. However, the bank letter states that it merely confirms the bank's interest in considering a formal loan request from NHE. Therefore, it is not clear that the loan will be available to NHE. Furthermore, NHE has not submitted a balance sheet or financial statement or an agreement between NHE and the applicant showing NHE's intent to make funds from a line of credit available to the applicant. Consequently, we are unable to determine whether GHCT has sufficient funds to meet its proposed costs, and, accordingly, a limited financial issue will be specified.

Community Television of Connecticut, Inc.

9. Analysis of the financial data submitted by Community TV reveals that $1,118,628 will be required to construct and operate the proposed station for three months, itemized as follows:

Equipment (down payment)	$565,250
Equipment payment (interest and principal for three months)	148,378
Other (includes legal, engineering, installation and miscellaneous)	105,000
Operating costs (three months)	300,000

Community TV plans to finance construction and operation of the proposed facility with a net bank loan (minus three months payments of interest/principal) of $1,432,500.

10. The applicant proposes to acquire equipment from RCA on a deferred credit basis. Although, Community TV has supplied a letter from RCA quoting the cost of equipment, it has not submitted an equipment credit letter from RCA setting forth the terms upon which the equipment will be made available. Therefore, a question arises as to the terms of the equipment agreement and whether the applicant has the necessary funds.

11. The Third National Bank of Massachusetts loan commitment requires, in part, a pledge of the corporate stock of Community TV, a lien against the assets of the corporation, including real estate, the personal guarantee of D. Wilkes, President and 50 percent owner of Community TV and collateralization of the loan in the same manner as Wilkes' present loans with the bank. However, there is no evidence of each stockholder's willingness to pledge his share of the corporation's stock or Wilkes' willingness to guarantee the loan. Therefore, we are unable to determine whether the applicant can meet the terms of the bank loan or whether the bank loan can be relied upon as a source of funds. Accordingly, an appropriate issue will be specified.

Proximity to the Canadian Border

12. The applications of GHCT and Hartford TV propose operation within 250 miles of the Canadian border with maximum visual effective radiated power (ERP) exceeding 1,000 kilowatts. While this proposal poses no interference threat to United States television stations, it contravenes an agreement between the United States and Canada which limits the maximum ERP of U.S. television stations located within 250 miles of Canada to 1,000 kilowatts. *Agreement Effectuated by Exchange of Notes*, T.I.A.S. 2594 (1952). Since the Commission lacks authority to waive international agreements, any construction permit granted the above-named applications in this proceeding will be conditioned to preclude station operation with maximum visual ERP in excess of 1,000 kilowatts absent Canadian consent. *South Bend Tribune*, 8 RR 2d 416 (1966).

13. Since we have not yet received a determination from the FAA that the proposed Arch, Hartford TV and Community TV's tower heights and locations would not constitute a hazard to air navigation, air hazard issues are required.

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

15. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Golden West:

(a) Whether it has $6,843,408 available to meet its estimated construction and operational expenses.

[2] Section 73.636 of the Commission's rules, 47 CFR 73.636 prohibits the direct or indirect ownership, operation or control of both an AM station (or a FM station) and a television station if the AM's 2.0 mV/m (or the FM's 1.0 mV/m) contour encompasses the entire community of license of the television station; or if the television Grade A contour encompasses the entire community of license of the AM or FM station.

[3] GHCT contemplates operating STV over its proposed facilities. Action on GHCT's application for STV authority will be held in abeyance. See, Footnote 1, *supra*.

(b) Whether, in light of the evidence adduced pursuant to the foregoing issue, applicant is financially qualified.

2. To determine, with respect to Arch:

(a) Whether it has $3,191,426 available for construction and three month operating costs.

(b) Whether, in light of the evidence adduced pursuant to the foregoing issue applicant is financially qualified.

(c) Whether there is a reasonable possibility that the tower height and location proposed by the applicant would constitute a hazard to air navigation, if so, whether the applicant is technically qualified.

3. To determine, with respect to Great Hartford:

(a) Whether it has $1,042,819 available to meet its estimated construction and operational expenses.

(b) Whether, in light of the evidence adduced pursuant to the foregoing issue, applicant is financially qualified to construct and operate as proposed.

(c) Whether, there is a reasonable possibility that the tower height and location proposed by the applicant would constitute a hazard to air navigation, if so, whether the applicant is technically qualified.

4. To determine with respect to Community TV:

(a) Whether it has $1,118,628 available to meet its estimated construction and operational expenses.

(b) Whether, in light of the evidence adduced pursuant to the foregoing issue, applicant is financially qualified.

(c) Whether, there is a reasonable possibility that the tower height and location proposed by the applicant would constitute a hazard to air navigation, if so, whether the applicant is technically qualified.

5. To determine, in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would provide a fair, efficient, and equitable distribution of television service.

6. In the event it is concluded from Issue 5 above that a choice among applications should not be based solely on consideration relating to Section 307(b), to determine which of the proposals would, on a comparative basis, best serve the public interest.

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

16. It is further ordered, that the Federal Aviation Administration is made a party respondent with respect to Issues 2(d), 3(c), and 4(c), above.

17. It is further ordered, that in the event of a grant of the applications of Great Hartford or Hartford TV, the construction permit shall contain the following situation:

Operation with maximum visual effective radiated power in excesses of 30.0 dBk (1000 kW) is subject to consent by Canada.

18. It is further ordered, that in the event of a grant of the application of Arch, the construction permit shall contain the following condition:

Prior to the commencement of operation, Arnold L. Chase shall certify to the Commission that he has severed all interest in and connection with the Ten Eighty Corporation.

19. It is further ordered, that to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

20. It is further ordered, that the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-24934 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket Nos. 81-583, 81-584; File Nos. 20481-CD-P-1-81, 21007-CD-P-1-81]

Northern Illinois Radiophone & Paging System, Inc.; Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: August 14, 1981.

Released: August 20, 1981.

In re applications of Northern Illinois Radiophone & Paging System, Inc. for construction permit for an additonal location for one-way station KTS200 on 158.70 MHz in the Domestic Public Land Mobile Radio Service at Rockford, Illinois, CC Docket No. 81-583, file No. 20481-CD-P-1-81; Rockford Communications Company, Inc., for construction permit to add an additional frequency for one-way station KQZ744 on 158.70 MHz in the Domestic Public Land Mobile Radio Service at Rockford, Illinois, CC Docket No. 81-584, File No. 21007-CD-P-1-81.

1. Presently before the Chief, Common Carrier Bureau, pursuant to delegated authority, are the captioned applications of Northern Illinois Radiophone & Paging System, Inc. (Northern) and Rockford Communications Company, Inc. (Rockford). These applications are electrically mutually exclusive; [1] therefore, a comparative hearing will be held to determine which applicant would better serve the public interest. We find the applicants to be otherwise qualified.

2. Accordingly, it is ordered, pursuant to Section 309 of the Communications Act of 1934, as amended, that the applications of Northern Illinois Radiophone & Paging System, Inc., File No. 20481-CD-P-81, and Rockford Communications Company, Inc., File No. 21007-CD-P-1-81, are designated for hearing in a consolidated proceeding upon the following issues:

(a) To determine on a comparative basis, the nature and extent of service proposed by each applicant, including the rates, charges, maintenance, personnel, practices, classifications, regulations, and facilities pertaining thereto;

(b) To determine on a comparative basis, the areas and populations that each applicant will serve within the prospective interference free area within the 43 dBu contours,[2] based upon the standards set forth in Section 22.504(a) of the Commission's Rules,[3] and to determine the need for the proposed services in said areas; and

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[1] We note that while Rockford is applying to add an additional frequency for Station KQZ774, Northern is seeking to improve its facility by adding an additional location for its existing station, KTS200. A grant of either application would preclude a grant of the other.

[2] For the purpose of this proceeding, the interference free area is defined as that area within the 43 dBu contour as calculated from § 22.504, in which the ratio of desired-to-undesired signal is always equal to or greater than R in FCC Report No. R-6406, equation 8.

[3] Section 22.504(a) of the Commission's rules and regulations describes a field strength contour of 43 decibels above on microvolt per meter as the limits of the reliable service area for base stations engaged in two-way communications service on frequencies in the 150 MHz band. Propagation data set forth in § 22.504(b) are the proper bases for establishing the location of service contours F(50,50) for the facilities involved in this proceeding. (The applicants should consult Bureau counsel in an effort to submit joint technical exhibits.)

(c) To determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the referenced applications would best serve the public interest, convenience and necessity.

3. It is further ordered, that the hearing shall be held at a time and place and before an Administrative Law Judge to be specifed in a subsequent Order.

4. It is further ordered, that the Chief, Common Carrier Bureau, is made a party to the proceeding.

5. It is further ordered, that the applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

6. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

Myron C. Peck,

Acting Chief, Mobile Services Division, Common Carrier Bureau.

[FR Doc. 81-24935 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket Nos. 81-545, 81-546; File Nos. 20913-CD-P-80, 21430-CD-P-2-80]

Radio Relay New York Corp. & Airsignal International of Philadelphia, Pennsylvania, Inc.; Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: August 7, 1981.

Released: August 19, 1981.

In re application of Radio Relay New York Corporation, for authorization to construct in the Domestic Public Land Mobile Radio Service (DPLMRS), additional one-way signalling facilities for Station KEC745 to operate on frequency 43.22 MHz at Budd Lake, New Jersey, CC Docket No. 81-545, File No. 20913-CD-P-80; Airsignal International of Philadelphia Pennsylvania, Inc., for authorization to construct in the DPLMRS, additional one-way signalling facilities for Station KGC203 to operate on frequency 43.22 MHz at Slatington, and at Easton, Pennsylvania, CC Docket No. 81-546, File No. 21430-CD-P-2-80.

1. Presently before the Common Carrier Bureau, acting pursuant to delegated authority, is a "Petition for Reconsideration and Request for Special Relief," filed by Airsignal International of Philadelphia, Pennsylvania, Inc. (Airsignal) on February 3, 1981. The petitioner requests reconsideration of the staff's *Memorandum Opinion and Order*, Mimeo No. 06056 (Order), released January 19, 1981, which granted the above-captioned application of Radio Relay and returned the Airsignal application as defective. Airsignal requests that its application be reinstated and, in view of the electrically mutually exclusive status with the Radio Relay application, that both applications be set for comparative hearing.

2. Radio Relay submitted its application first, and Airsignal later filed its own proposal. The two applications were electrically mutually exclusive because their interference and service contours overlap. Ordinarily, in such a case, the two applications would have been designated for a comparative hearing. However, in this case both applicants proposed to operate on frequency 43.22 MHz, a frequency which has in some cases been associated with television interference problems. In response to these problems, the Commission announced an interim policy imposing a freeze on 43 MHz applications.[1] The sequence of events relevant to this discussion is as follows: Radio Relay filed its application, then the Commission imposed the freeze, and Airsignal subsequently filed its application (within the sixty day "cut-off" period entitling the Airsignal application to comparative consideration along with the Radio Relay application.)[2] The staff accepted the Radio Relay application for filing and, because the freeze had been imposed prior to Airsignal's filing, returned the Airsignal application as defective. The staff subsequently granted the Radio Relay application. Airsignal contends that the staff erred in not designating the two applications for comparative hearing.

3. Upon reconsideration, the Bureau concludes that the staff erred in granting the Radio Relay application, thereby denying Airsignal its right to comparative consideration for use of the same frequency.[3] A similar situation arose previously concerning a freeze imposed on broadcast applications. *See Kessler* v. *FCC*, 326 F. 2d. 673, 687 (1963). In that case, a broadcast application was filed, then the Commission announced a temporary freeze on such applications, and then the petitioner timely filed an application which was mutually exclusive and acceptable for filing in all respects other than for the imposition of the freeze. The staff returned the second application on the basis of the freeze and granted the first application. The Court of Appeals held that the Commission erred in granting the application because, if any grant was to be made for the requested frequency, *Ashbacker* entitled the second applicant to comparative consideration. The Court stated that the Commission may not deprive the latter applicant of this substantive right when the application was timely filed and was rejected only because of a temporary freeze on accepting new application. This principle appears to be applicable to the instant case. We therefore conclude that the grant to Radio Relay should be set aside and the two applications designated for comparative hearing.

4. Accordingly, in view of the above discussion, it is ordered that the petition for reconsideration filed by Airsignal is granted.

5. It is further ordered that the grant of the Radio Relay application, File No. 20913-CD-P-80, IS SET ASIDE, pursuant to Rule § 1.106.

6. It is further ordered, pursuant to Section 309 of the Communications Act of 1934, as amended, that the applications of Radio Relay New York Corporation, file No. 20913-CD-P-80, and Airsignal International of Philadelphia, Pennsylvania, Inc., File No. 21430-CD-P-2-80, are designated for hearing in a consolidated proceeding upon the following issues:

(a) To determine on a comparative basis, the nature and extent of service proposed by each applicant, including the rates, charges, maintenance, personnel, practices, classifications, regulations, and facilities pertaining thereto;

(b) To determine on a comparative basis, the areas and populations that each applicant will serve within the prospective 43 dBu contours, based upon the standards set forth in § 22.504(a) of the Commission's rules,[4] and to determine the need for the proposed service in said areas; and

(c) To determine, in light of the evidence adduced pursuant to the

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[1] Interim Procedures for One-Way Signaling Service Applications at Frequencies 43.22 and 43.58 MHz, "FCC 80-91, Mimeo No. 15726, released March 3, 1980.

[2] Rule § 22.31(b).

[3] *Ashbacker Radio Corporation* v. *F.C.C.*, 326 U.S. 327, 66 S. Ct. 148 (1976). Our Order does not address Airsignal's allegations because our decision is based on the *Kessler* case discussed below which was not raised by petitioner.

[4] Section 22.504(a) of the Commmission's rules and regulations describes a field strength contour of 43 decibels above one microvolt per meter as the limits of reliable service area for base stations engaged in one-way signaling service. Propagation data set forth in § 22.504(b) are the proper bases for establishing the location of service contours (F50, 50) for the facilities involved in this proceeding.

foregoing issues; what disposition of the referenced applications would best serve the public interest, convenience and necessity.

7. It is further ordered, that the hearing shall be held at a time and place and before an Administrative Law Judge to be specified in a subsequent order.

8. It is further ordered, that the Chief, Common Carrier Bureau, is made a party to the proceeding.

9. It is further ordered, that the applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

10. It is further ordered, that any grant made in this proceeding shall be subject to the following conditions:

(a) Pursuant to rules § 22.406, quarterly surveys of possible interference with television reception in the geographic area within a two-mile radius of the base station(s) authorized herein shall be made during the first year of operation. The local representative of the Field Operations Bureau, Federal Communications Commission, shall receive prior notice of the commencement date of service to the public, on which date the first survey will start.

(b) Each quarter, a different sample of at least 25 television viewers distributed approximately evenly throughout the geographic area described above shall be contacted to determine whether they have experienced TV interference. If interference complaints are received either as a result of the interviews or in the normal course of business, the licensee shall determine the source and extent of such interference.

(c) The licensee shall promptly report all interference complaints to the Mobile Services Division (MSD) and act to correct any problems. In any event, the licensee shall submit to the MSD a written report, soon after the completion of each quarter, fully evaluating the continued existence of interference. A copy of any report submitted to the Mobile Services Division must be submitted at the same time to the local field office. Quarterly reports shall include but shall not be limited to, the following information:

(1) Survey date(s).

(2) Method (telephone/on-site/other).

(3) Names, addresses and telephone numbers of persons contacted.

(4) Time of day survey conducted (morning/afternoon/night).

(5) Technical solutions tested and results.

(6) Names and telephone numbers of technical representatives consulted and/or employed.

(d) The local representative of the Filed Operations Bureau may notify the grantee that its station is causing interference. The grantee must follow all instructions in such notices.

(e) Any grant made in this proceeding is subject to the provision of Rules § 22.404(c) that no interference may be caused to the regular services of stations operating in accordance with the Commission's Table of Allocations. If interference from the operation of the authorized base stations is brought to our attention, the Commission has the authority to order the station to cease operations immediately.

(f) Pursuant to § 22.404(a) of the rules, any developmental authority granted in this proceeding is subject to cancellation without a hearing by the Commission at any time upon notice to the licensee. Although we are waiving § 22.404(d) of the rules to permit the licensee to offer the service for hire, the licensee is directed to inform its customers that service on these channels is developmental and therefore subject to cancellation at any time.

(g) Pursuant to § 22.32(d) of the rules, any conditional developmental grant made in this proceeding shall be considered final unless the Commission should revise its action in response to a petition for reconsideration which: (1) Is filed by the applicant within 30 days from the date of this letter; (2) rejects the grant as made and explains the reason why the application should be granted as originally requested; and (3) returns the instrument of authorization. In the event that the Commission releases an order making a developmental grant in this proceeding, that order will serve as an interim authorization until such time as the grantee receives final developmental authorization, and it must be posted at the authorized control point of the station. Prior to the expiration of the developmental authorization, the grantee must submit an application (FCC Form 403) for permanent authorization under Subpart G of Part 22, otherwise the developmental authorization will automatically expire. This authorization is subject to the provisions of the Communications Act of 1934, as amended, subsequent acts, treaties, and all regulations made by this Commission, and is further subject to the conditions and requirements set forth in this authorization.

11. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

Jack D. Smith,

Acting Deputy Chief (Operations), Common Carrier Bureau.

[FR Doc. 81-24933 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

Radio Technical Commission for Marine Services; Meetings

In accordance with Pub. L. 92-463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

Special Committee No. 79—"Universal Marine Radiotelephone Compatibility"

Notice of 1st Meeting, Wednesday, September 16, 1981—9:00 a.m., Conference Room A-106, FCC Annex, 1229 20th Street, N.W., Washington, D.C.

Agenda

1. Administrative matters.
2. Discussion concerning tasks and organization.

Special Committee No. 78—"Federal Radionavigation Plan Review"

Notice of 8th Meeting, Wednesday, September 16, 1981—9:30 a.m., Conference Room 8238/40, Nassif (DOT) Building, 400 Seventh Street, S.W. at D Street, Washington, DC

Agenda

1. Call to order and administrative matters.
2. Review of draft report concerning the Federal Radionavigation Plan.

John C. Fuechsel, Chairman SC-78, National Ocean Industries Assoc., 1100 17th Street, N.W., Washington, DC, Phone: (202) 785-5116

Executive Committee Meeting

Notice of September Meeting, Thursday, September 17, 1981—9:30 a.m., Conference Room A-110, 1229 20th Street, N.W., Washington, D.C.

Agenda

1. Administrative Matters.
2. Consideration of Special Committee No. 75 Report.
3. Consideration of Terms of Reference for new Special Committees:

a. Review of FCC Rules as required by Regulatory Flexibility Act of 1980.

b. Revision of SC-65 Radar Specifications to be compatible with IMCO Radar Specifications.

c. Review of FCC Maritime Radio Service Regulations.

4. Resolution to amend RTCM Constitution.

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. All RTCM meetings are open to the public. Written statements are preferred, but by previous arrangement, oral presentations will be permitted within time and space limitations.

Those desiring additional information concerning the above meeting(s) may contact either the designated chairman or the RTCM Secretariat (phone: (202) 632-6490).

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81-25000 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL TRADE COMMISSION

Early Termination of the Waiting Period of the Premerger Notification Rules; Morgan Crucible Co., Ltd.; Correction

AGENCY: Federal Trade Commission.

ACTION: Correction.

SUMMARY: This document corrects a Commission document previously published in the **Federal Register** on Monday, August 17, 1981. The **SUMMARY** contained an error as to the requesting party and the **EFFECTIVE DATE** was misstated.

DATE: The corrections are effective August 27, 1981.

FOR FURTHER INFORMATION CONTACT:

FTC/CDM-H-303, Roberta Baruch, Washington, D.C. 20580, (202) 523-3894.

SUPPLEMENTARY INFORMATION: In FR Doc. 81-23924, appearing in the **Federal Register** issue for Monday, August 17, 1981, 46 FR 41559, the **SUMMARY** should read as follows: "The Morgan Crucible Co., Ltd. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all assets of Hydrotex Industries 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 both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period."

The **EFFECTIVE DATE** should have read August 3, 1981.

Carol M. Thomas,

Secretary.

[FR Doc. 81-24932 Filed 8-26-81; 8:45 am]

BILLING CODE 6750-01-M

GOVERNMENT PRINTING OFFICE

Depository Library Council to the Public Printer; Meeting

The Depository Library Council to the Public Printer will meet during the period September 28-30, 1981, at the Old Town Holiday Inn, Alexandria, Va.

The purpose of this meeting is to discuss the Depository Library Program.

The meeting will be open to the public. Anyone who wishes to attend should notify the Director, Library and Statutory Distribution Service, Government Printing Office, Washington, D.C. 20401 (telephone: (703) 557-2050).

General participation by members of the public, or questioning of Council members or other participants, shall be permitted with approval of the Chair.

Dated: August 19, 1981.

Robert J. McKendry,

Acting Public Printer.

[FR Doc. 81-24904 Filed 8-26-81; 8:45 am]

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

Privacy Act of 1974; Report of New (Found) System of Records

AGENCY: Office of Human Development Services, HHS.

ACTION: Notification of a New (Found) System of Records.

SUMMARY: In accordance with 5 U.S.C. 522a(e)(4), we are issuing public notice of our intent to establish a new (found) system of records: *Longitudinal Evaluation of the National Nutrition Program for the Elderly*, HHS, HDS, AoA 09-80-0022. We are proposing also to include routine uses with the system in accordance with 5 U.S.C. 552a(e)(11). The proposed new (found) system of records contains information on the nutritional status, health status, isolation, life satisfaction, longevity, and institutionalization of participants and non-participants in the National Nutrition Program for the Elderly. These data and comparative analysis of data collected in successive interviews will provide the basis for policy and program operations recommendations to improve the program. We invite public comment on the routine uses of this system of records on or before September 28, 1981.

DATES: We filed a report of new system of records with the President of the Senate, the Speaker of the House of Representatives, and the Director, Office of Management and Budget (OMB) on August 21, 1981. This system will become effective on October 20, 1981 unless HDS receives comments on the routine uses which would result in a contrary determination.

ADDRESS: Address comments to HDS Privacy Act Officer, Department of Health and Human Services, 736E Humphrey Building, 200 Independence Avenue, SW., Washington, D. C. 20201. We will make comments received available for public inspection in Room 734D.2 Humphrey Building at the above address.

FOR FURTHER INFORMATION CONTACT:

Dr. K.A. Jagannathan, Acting Director, Division of Research and Evaluation, Administration on Aging, 330 Independence Avenue SW., Washington, D. C. 20201, (202) 472-7222.

SUPPLEMENTARY INFORMATION: The Administration on Aging is proposing a new (found) system of records which will contain personally identifiable information on participants and non-participants in the National Nutrition Program for the Elderly. The information collection and record system is needed to evaluate the impact of the program on a cross-sectional and longitudinal basis as mandated by Congress.

The evaluation plan calls for 3 to 5 successive waves of data collection, analysis, evaluation and recommendations. The first wave was completed in 1977. At that time, 8,210 interviews were conducted and a report on that data was sent to Congress. The second wave will begin no later than February 1982. Information that is stored in the system includes data on nutrition project operations and characteristics, characteristics and personal data on individual nutrition program participants, former participants and a control group of approximately 4,500 non-participants. The longitudinal character of this evaluation plan requires that identifier information be retained so that a percentage of the respondents may be re-interviewed. By re-interviewing former respondents, and comparing two or more sets of personal data, it is possible to identify changes in status that, when statistically relevant for the sample under study, will help to define program effectiveness.

We will maintain system security for this system by requiring that contract personnel retain all identifier records in locked files and permit access only by analysts who have been approved to perform tasks agreed to in the terms of the research and evaluation contract. Where appropriate contractors will adhere to practices described in the Department's ADP *System Manual*, "Part 6, ADP System Security" and the National Bureau of Standards guidelines. Participation in the study is voluntary and the effects on individuals will be benign.

The Department of Health and Human Services is currently reexamining the applicability of the Privacy Act to records maintained by organizations under contract with the Department. It is recognized that the proposal to apply the provisions of the Privacy Act to these records may later be found to provide broader coverage than is required by the Act.

Dated: August 20, 1981.

Dorcas R. Hardy,

Assistant Secretary for Human Development Services.

09-80-0022

SYSTEM NAME:

Longitudinal Evaluation of the National Nutrition Program for the Elderly, HHS, HDS AoA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 3280 HHS, 300 Independence Avenue, S.W., Washington, D.C. 20201. Opinion Research, Inc., North Harrison Street, Princeton, N.J. 08540.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Participants, former participants, and a control group of non-participants in the National Nutrition Program for the Elderly; also nutrition staff and staff of State and Area Agencies on Aging.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains information of two types, namely data derived from program reviews and data identifying individual variable characteristics. The former includes performance variables, level of participation, structural and organizational variables, contextual variables, operational problems, project and site history. Individual data includes information about nutritional status, health status, isolation, life satisfaction, longevity and institutionalization.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Older Americans Act (Pub. L. 89-73, as amended).

PURPOSE(S):

The purpose of this system is to assist the Secretary in measuring and evaluating the impact of this program as required by the statute.

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

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

2. In the event of litigation, where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

3. The Department has contracted with a private firm for the purpose of collecting, collating, analyzing, aggregating or otherwise refining records in this system. Relevant records are in the possession of the contractor. The contractor is required to maintain Privacy Act safeguards with respect to such records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSITION OF RECORDS IN THE SYSTEM.

STORAGE:

Answered questionnaires carrying assigned codes are filed in locked files. The information is transferred to computer tapes.

RETRIEVABILITY:

The matching of identifier codes with the names occurs when the second and subsequent waves of data collection (interviews) are conducted.

SAFEGUARDS:

Access is restricted to persons authorized to perform specific research tasks defined by terms of the contract with the Administration on Aging. The contractor will adhere to the practices described in the Department's ADP *Security Manual*, "Part 6, ADP System Security."

RETENTION AND DISPOSAL:

Records will be retained for three years after the completion of the study and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Research and Evaluation, Room 3280, 300 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Any inquiries regarding this system of records should be in writing and should be addressed to the System Manager. When requesting notification, an individual should provide his or her name, state of residence, and name of the nutrition site where they participate in the program.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requestors should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the System Manager at the address specified and reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Individuals respond on a voluntary basis to survey questions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-25004 Filed 8-26-81; 8:45 am]

BILLING CODE 4110-92-M

Office of the Secretary

HEAL Program; Delegation of Authority

Notice is hereby given that on August 5, 1981, the Secretary of Health and Human Services delegated to the Assistant Secretary for Health, with authority to redelegate, the authority vested in the Secretary under Subpart I, Part C of Title VII of the Public Health Service Act (42 U.S.C. 294-294*l*), as amended, concerning the Federal Health Education Assistance Loan (HEAL) Program of insured loans to graduate students in health professions schools, excluding the authority to issue regulations.

Dated: August 15, 1981.

Dale W. Sopper,

Assistant Secretary for Management and Budget/OS.

[FR Doc. 81-25005 Filed 8-26-81; 8:45 am]

BILLING CODE 4110-84-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Environmental Quality

[Docket No. NI-71]

Intended Environmental Impact Statement; Hawaii

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for the following project under HUD programs as described in the appendix to this Notice: The Aloha State Corporation proposes to develop a 1,000-acre site in Honolulu, Eiva District, Oahu, Hawaii, with 674 dwelling units. This Notice is required by the Council on Environmental Quality under its rules (40 CFR 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the project to the specific person or address indicated in the appropriate part of the appendix.

Particularly solicited is information on reports or other environmental studies planned or completed in the project ares, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a Notice in the **Federal Register** a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the **Federal Register**, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C., August 20, 1981.

Francis G. Haas,

Deputy Director, Office of Environmental Quality.

Appendix—EIS on the Proposed Aloha State Corporation Development in Honolulu, Eiva District, Oahu, Hawaii

Description. The Aloha State Corporation Development is proposed under Sections 203 (b) and (i) and Section 8 of the Housing and Community Development Act. Community Development Block Grant funds are expected to be used for acquisition and housing rehabilitation. The developer proposes to build 674 dwelling units with about ¼ of the units to be for low and moderate income families. The proposed development will include parks, new streets and roads, utility lines, and a commercial area. There is proposed some relocation from existing homes to be replaced with new homes. Additional housing units beyond the initial 674 are proposed over a ten-year period.

Need. An EIS is proposed due to HUD threshold requirements in accordance with housing program environmental regulations and probable impact on: topography, soils, water resources, vegetation, noise levels, public services and utilities, and traffic volumes.

Alternatives. At this time, the HUD alternatives are: accept the proposed development as submitted, accepted the proposed development with modification, or reject the propose development.

Scoping. A scoping meeting to determine significant issues to be addressed is proposed to be held. All interested citizens, and representatives of federal, state, and local government agencies are invited to attend this meeting. For further information, please contact Frank L. Johnson, Environmental Clearance Officer. His telephone number is (808) 546-2198.

Comments. Comments and questions regarding this proposal should be sent within 21 days of the publication of this Notice in the **Federal Register** to: Calvin Lew, Acting Area Manager, HUD Honolulu Area Office, 300 Ala Moana Blvd., Room 3318, Honolulu, Hawaii 96850, Attn: Frank L. Johnson, Environmental Clearance Officer. The Area Office phone number is (808) 546-2136.

[FR Doc. 81-25081 Filed 8-26-81; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. NI-70]

Intended Environmental Impact Statements; Wyoming and Utah

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for each of the following projects under HUD programs as described in the appendices of the Notice: The Crestview Estates Planned Development, Campbell County, Wyoming; The Meadowbrooke Park Subdivision, Cheyenne, Wyoming; and The Painted Hills Estates Planned Development, Uintah County, Utah. This Notice is required by the Council on Environmental Quality under its rules (40 CFR 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning a particular project to the specific person or address indicated in the appropriate part of the appendices.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a Notice in the **Federal Register** a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the **Federal Register**, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C. August 20, 1981.

Francis G. Haas,

Deputy Director, Office of Environmental Quality.

Appendix I—EIS on the Crestview Estates Planned Development Campbell County, Wyoming

The HUD Area Office in Denver, Colorado, intends to prepare an EIS on the Crestview Estates development as described below and requests information and comments for consideration in the EIS.

Description: Approximately 570 dwelling units will be constructed on 162 acres in Campbell County, Wyoming. Crestview Estates is located

approximately 3½ miles south of Gillette, Wyoming on Highway 59.

Need: An EIS is required because the total number of dwelling units exceeds a HUD established threshold.

Alternatives Perceived: The alternatives are HUD participation in the development as proposed by the developer, participation in the development provided that HUD required modifications are implemented by the developer, or reject participation in the development.

Scoping: A scoping meeting will not be held. HUD will request input from the appropriate government agencies and service organizations. This notice will also appear in a paper of local circulation in Gillette, Wyoming.

Comments: Comments should be forwarded on or before September 17, 1981 to: Mr. Carroll F. Goodwin, Area Environmental Officer, U.S. Department of Housing and Urban Development Area Office, 1405 Curtis Street, Executive Tower Inn, Denver, Colorado 80202.

Appendix II—EIS on the Meadowbrooke Park Subdivision, Cheyenne, Wyoming

The HUD Area Office in Denver, Colorado, intends to prepare an EIS on the Meadowbrooke Park Subdivision as described below and requests information and comments for consideration in the EIS.

Description: Approximately 666 dwelling units (single family and multifamily) will be built in Cheyenne, Wyoming between the municipal airport and Dell Range Boulevard and west of an extension of Converse Avenue. The proposed site is to consist of 46.64 acres.

Need: An EIS is required because the total number of dwelling units exceeds a HUD established threshold.

Alternatives Perceived: The alternatives are HUD participation in the development as proposed by the developer, participation in the development provided that HUD required modifications are implemented by the developer, or reject participation in the development.

Scoping: A scoping meeting will not be held. HUD will request input from the appropriate government agencies and service organizations. This notice will also appear in a paper of local circulation in Cheyenne, Wyoming.

Comments: Comments should be forwarded on or before September 17, 1981 to: Mr. Carroll F. Goodwin, Area Environmental Officer, U.S. Department of Housing and Urban Development Area Office, 1405 Curtis Street, Executive Tower Inn, Denver, Colorado 80202.

Appendix III—EIS on the Painted Hills Estates Planned Development, Uintah County, Utah

The HUD Area Office in Denver, Colorado, intends to prepare an EIS on the Painted Hills Estates Development as described below and requests information and comments for consideration in the EIS.

Description: Approximately 930 dwelling units will be constructed on 227 acres in Uintah County, Utah. Painted Hills Estates is located about 4 miles west nortwest of Vernal, Utah.

Need: An EIS is required because the total number of dwelling units exceeds a HUD established threshold.

Alternatives Perceived: The alternatives are HUD participation in the development as proposed by the developer, participation in the development provided that HUD required modifications are implemented by the developer, or reject participation in the development.

Scoping: A scoping meeting will not be held. HUD will request input from the appropriate government agencies and service organizations. This notice will also appear in a paper of local circulation in Vernal, Wyoming.

Comments: Comments should be forwarded on or before September 17, 1981 to: Mr. Carroll F. Goodwin, Area Environmental Officer, U.S. Department of Housing and Urban Development Area Office, 1405 Curtis Street, Executive Tower Inn, Denver, Colorado 80202.

[FR Doc.81-25082 Filed 8-26-81; 8:45 am]

BILLING CODE 4210-01-M

Office of the Secretary

[Docket No. D-81-655]

Designation of Agency Ethics Official and Alternate Agency Ethics Official

1. The General Counsel shall serve as the Designated Agency Ethics Official under the Ethics in Government Act of 1978.

2. The Associate General Counsel for Regulations and Administrative Law shall serve as the Alternate Agency Ethics Official.

3. The Designated Agency Ethics Official and the Alternate Agency Ethics Official are authorized to coordinate and manage the ethics program of the Department as set forth in 5 CFR 738.203.

4. This designation supersedes the designation effective April 2, 1981 (46 FR 21450, August 10, 1981.)

(Title II, Pub. L. 95-521, as amended, and 5 CFR 738.202(b))

Effective Date: This designation is effective this 19th day of August, 1981.

Samuel R. Pierce, Jr.,

Secretary of Housing and Urban Development.

[FR Doc. 81-25083 Filed 8-26-81; 8:45 am]

BILLING CODE 4210-01-M

Designation of Representatives to the Office of the Federal Register

The employees listed below are hereby designated as the Department of Housing and Urban Development representatives to the Office of the Federal Register for all Departmental material published in the **Federal Register:**

Liaison Officer, Certifying Officer, and Authorizing Officer
Richard Lasner, Regulations Division, HUD Building, Room 5218, 451 7th Street, S.W., Washington, D.C. 20410, Stop 98; Telephone: 755-6207

Alternate Liaison Officer, Alternate Certifying Officer, and Alternate Authorizing Officer
Harwood Martin, Regulations Division, Address as shown above; Telephone: 755-6207

Alternate Liaison Officer, Alternate Certifying Officer, and Alternate Authorizing Officer
Joan J. Campion, Regulations Division, Address as shown above; Telephone: 755-7603

Alternate Certifying Officer
Brenda Johnson, Regulations Division, Address as shown above; Telephone: 755-6207

This designation supersedes all outstanding designations of such officers, including the designation effective August 7, 1970, July 3, 1972, April 3, 1974, and July 14, 1976.

Effective: August 14, 1981.

Samuel R. Pierce, Jr.,

Secretary, Department of Housing and Urban Development.

[FR Doc. 81-25084 Filed 8-26-81; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. D-81-656]

Assistant Secretary for Housing—Federal Housing Commissioner; Delegation of Authority

AGENCY: Department of Housing and Urban Development.

ACTION: Delegation of authority.

SUMMARY: The Secretary is delegating to the Assistant Secretary for Housing—Federal Housing Commissioner the responsibility and authority with respect to the approval of Areas of Chronic Economic Distress designated by the States pursuant to provisions of the

Mortgage Subsidy Bond Tax Act of 1980, 26 U.S.C. 103A.

EFFECTIVE DATE: August 27, 1981.

FOR FURTHER INFORMATION CONTACT: Lynda M. Murphy, Director, Office of State Agency and Bond Financed Programs, U.S. Department of Housing and Urban Development, 451 7th St., SW, Washington, D.C. 20410, 202–426–7113 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: Pursuant to the Mortgage Subsidy Bond Tax Act of 1980, the Secretary of the Department of Housing and Urban Development in conjunction with the Secretary of the Treasury, is responsible for approving State designations of Areas of Chronic Economic Distress. To accomplish the approval of these designations in a timely and efficient manner, this delegation of authority confers upon the Assistant Secretary for Housing—Federal Housing Commissioner the power and authority of the Secretary with respect to the Mortgage Subsidy Bond Tax Act of 1980.

Accordingly, the Secretary delegates authority as follows: The Assistant Secretary for Housing—Federal Housing Commissioner shall exercise the power and authority of the Secretary with respect to the Mortgage Subsidy Bond Tax Act of 1980, 26 U.S.C. 103A.

(Sec. 7(d) of the Department and Housing Development Act (42 U.S.C. 3535(d)))

Issued at Washington, D.C., August 21, 1981.

Samuel R. Pierce, Jr.,

Secretary, Department of Housing and Urban Development.

[FR Doc.81-25001 Filed 8-26-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[INT FES-33]

Ak-Chin Water Supply Project; FEIS Availability

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a Final Environmental Statement on the construction of an interim water supply and delivery system capable of providing the Ak-Chin Indian Reservation, Pinal County, Arizona, with an emergency supply of up to 85,000 acre-feet of water annually from nearby Federal lands.

The proposed action is the selection by the Department of the Interior of one of three alternative water supply basins from which the Ak-Chin Reservation will be supplied. The project itself was authorized by Pub. L. 95–328, July 28, 1978.

The FEIS responds to the comments and concerns expressed by the reviewers of the draft statement and the attendees at three (3) public hearings held on the draft. The FEIS, structured to be used in conjunction with the draft, consists of the written comments, our responses thereto, and corrections and additions to the draft statement.

Copies of the FEIS are available for review at the following locations:

Bureau of Indian Affairs, Department of the Interior, Environmental Quality Services, Room 4552, Interior Building, 1951 Constitution Avenue, NW., Washington, D.C. 20245, telephone: (202) 343–4541.

Phoenix Area Office, Bureau of Indian Affairs, 3030 North Central Avenue, Room 502, Phoenix, Arizona 85012, telephone: (602) 241–2275, FTS 261–2275.

Pima Agency, Bureau of Indian Affairs, Branch of Real Property Management, Sacaton, Arizona, 85247, telephone: (602) 562–3377.

Single copies of the FEIS may be obtained from the Phoenix Area Office at the above address.

Dated: August 21, 1981.

Richard R. Hite,

Deputy Assistant Secretary.

[FR Doc. 81-25023 Filed 8-26-81; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[Serial Numbers: A 17000-C (Partial), A 17000-H]

Arizona; Classification of Public Lands for State Indemnity Selection

The following described lands were previously published as A–15983, A–15987, A–15988, A–15989, and A–15990; **Federal Register**, Vol. 46, No. 44, March 6, 1981, 15579–15581.

1. Pursuant to the Act of June 20, 1910 (the Enabling Act, as amended), the provisions of Section 7 of the Taylor Grazing Act and the regulations in 43 CFR Part 2400, the public lands described below are hereby classified for State Indemnity Selection. The State of Arizona has filed proper applications to acquire the described lands in lieu of certain school lands that were encumbered by other rights or reservations before the State's title could attach.

2. The notice of proposed classification of these lands was published March 6, 1981 in **Federal Register**, Vol. 46, No. 44, 15579 through 15581 and was widely publicized. Public comment generated did not justify or require the holding of public hearing. Nearly all comments received supported the proposed classification, and the land is being classified as proposed.

3. The lands lie in Maricopa, Pinal, Yavapai, and Yuma Counties, Arizona in the Phoenix, Prescott, Casa Grande, and Vicksburg vicinities. The lands are described as follows:

Gila and Salt River Meridian, Arizona

T. 6 N., R. 2 E.,
Sec. 22, NW¼NW¼.
T. 7 N., R. 2 E.,
Sec. 15, Unpatented land west of I–17 R/W in E½;
Sec. 26, Lots 40–44 incl. 49, 52, 53, 55, 56, 58, N½NE¼, NE¼NW¼.
T. 6 N., R. 3 E.,
Sec. 12, NE¼;
Sec. 29, SE¼NW¼NW¼, N½SW¼NW¼NW¼, N½NE¼NW¼NW¼, W½NE¼NW¼, W½SE¼NW¼, S½SE¼SE¼NW¼, SE¼SW¼NW¼, NE¼NE¼SW¼, N½NW¼NE¼SW¼, N½SE¼NE¼SW¼, NW¼SE¼SW¼.
T. 7 N., R. 3 E.,
Sec. 30, Lots 1, 2, E½NW¼.
T. 5 N., R. 1 E.,
Sec. 29: NW¼NW¼;
Sec. 30: NE¼, E½W½, W½SE½;
Sec. 31: Lots 1, 2, 3, 4, W½E½, E½W½, SE¼SE¼.
T. 4 N., R. 1 E.,
Sec. 6: Lot 33;
Sec. 8: S½SE¼NE¼SE¼.
T. 4 N., R. 1 W.,
Sec. 1: Lots 1, 2, S½NE¼, SE¼;
Sec. 3: Lots 3, 4;
Sec. 4: Lots 1, 2, 3, 4, S½N½, W½SW¼;
Sec. 12: NE¼, E½SE¼;
Sec. 13: E½NE¼;
Sec. 24: W½NW¼, SE¼NW¼, NW¼SW¼.
T. 5 N., R. 1 W.,
Sec. 6: Lots 1, 2, S½NE¼;
Sec. 7: Lots 1, 2, 3, 4, S½S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 13: S½SW¼, SW¼SE¼;
Sec. 21: S½;
Sec. 22: S½NE¼, SE¼NW¼;
Sec. 24: Lots 1, 2;
Sec. 28: All;
Sec. 29: NE¼, N½SE¼, SE¼SE¼;
Sec. 33: Lots 3, 4, NE¼, N½SE¼;
Sec. 34: Lots 1, 2, 3, 4, NW¼, N½S½;
Sec. 35: Lot 1.
T. 6 N., R. 2 W.,
Sec. 22: S½;
Sec. 26: W½E½E½, W½E½, W½;
Sec. 27: All;
Sec. 34: All;
Sec. 35: All;
Sec. 36: All.
T. 3 N., R. 13 W.,
Sec. 8: E½SE¼;
Sec. 17: N½N½NE¼NE¼ (that portion north of CAP R/W

T. 14 N., R. 1 W.,
Sec. 29: Unpatented MS in N½;
Sec. 31: Lots 14–22 Incl. Incl.

Total area described contains approximately 9,567.24 acres.

4. This classification decision is based on the following disposal criteria set forth in Title 43, Code of Federal Regulations, Part 2400.

Transfer of lands to the State will help fulfill the Federal government's common school land grant to the State, and constitutes a public purpose use of the land. Lands found to be valuable for a public purpose use, will be considered chiefly valuable for public purposes (43 CFR 2430.2b).

5. The subject lands are under Section 15 grazing leases to John Vanderwey, 2241 E. Colter Street, Phoenix, AZ 85016; Willis E. Harper, 9137 Gregg Drive, Chandler, AZ 85224; Larry and Fern Rose, P.O. Box 293, Peoria, AZ 85345; Jeff McGuire, P.O. Box 175, Wittman, AZ 85361; and Kemper Brown, Box 375, Salome, AZ 85348. There are various range improvements of records on the lands.

In the event these lands are clearlisted, this grazing use will be terminated at the time title to the land is transferred to the state.

Threatened and Endangered Species and Cultural Resources Evaluations have been performed and approved for subject classification. Any cultural resources on the above described parcels will be managed by the State of Arizona under the terms of the Memorandum of Agreement Regarding Cultural Resource Protection.

A study has been made of the area which indicates little potential for mineral exploration. No lands will be clearlisted for transfer while mining claims exist on these lands.

Issued oil and gas leases on these lands will remain in effect. Rights-of-way will transfer with the land to the state.

6. The public lands classified by this notice are shown on maps on file and available for inspection in the Phoenix District Office, Bureau of Land Management, 2929 West Clarendon, Phoenix, Arizona 85017.

7. Until September 28, 1981, this classification shall be subject to exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2461.3 and 2462.3. Interested parties may submit comments to the Secretary of the Interior, LLM 320, Washington, D.C. 20240.

Dated: August 20, 1981.

William K. Barker,

District Manager.

[FR Doc. 81-24910 Filed 8-26-81; 8:45 am]

BILLING CODE 4310-84-M

[Phx 075415, etc.]

Arizona; Order Providing for Opening of Public Lands

1. In exchanges of lands made under the provisions of Section 8 of the Act of June 28, 1934 (49 Stat. 1272, as amended, 43 U.S.C. 315g), the following lands have been reconveyed to the United States under the serial numbers listed below:

Gila and Salt River Meridian, Arizona

Phx 075415

T. 2 N., R. 19 W.,
Sec. 36.
T. 3 N., R. 11 W.,
Sec. 2, Lots 1, 2, 3, 4, S½N½, SE¼.
T. 3 N., R. 12 W.,
Secs. 2, 16;
Sec. 32, S½.
T. 10 N., R. 11 W.,
Sec. 2, Lots 1, 2, 3, 4.

Phx 075458

T. 17 N., R. 17 W.,
Sec. 2, Lot 4, SW¼NW¼, S½;
Secs. 16, 32, and 36.
T. 17 N., R. 18 W.,
Sec. 2, Lots 1, 2, 3, S½N½, S½;
Secs. 16 and 32.
T. 17 N., R. 16 W.,
Sec. 32, N½, SW¼, SE¼;
Sec. 36, SE¼.
T. 16 N., R. 17 W.,
Sec. 36, SE¼NE¼, W½, S½SE¼.

Phx 075459

T. 17 N., R. 18 W.,
Sec. 36, N½, SW¼, N½SE¼, SW¼SE¼.
T. 17 N., R. 19 W.,
Secs. 2, 16, 32, and 36.
T. 17 N., R. 20 W.,
Sec. 2, Lots 1, 2, 3, S½N½, S½;
Secs. 16, 32, and 36.
T. 17 N., R. 21 W.,
Sec. 2, Lots 1, 2, S½N½, S½.

Phx 075480

T. 21 N., R. 19 W.,
Sec. 2, N½, SW¼, N½SE¼, N½S½SE¼, SW¼SW¼SE¼, N½SE¼SW¼SE¼, S½SE¼SE¼;
Secs. 16 and 32.
T. 21 N., R. 20 W.,
Sec. 2, Lots 5 thru 12 incl., SW¼, S½SE¼, NE¼SE¼.
T. 22 N., R. 17 W.,
Sec. 2, Lots 1, 2, 3, 4, S½N½, SW¼;
Sec. 32.

Phx 077375

T. 2 N., R. 5 W.,
Sec. 36, NW¼, W½NE¼, N½SW¼, NW¼SE¼.
T. 19 N., R. 20 W.,
Sec. 36, E½SE¼, SW¼SE¼.
T. 14 N., R. 18 W.,
Sec. 16, N½, SW¼.
T. 14 N., R. 19 W.,
Sec. 16, N½, SW¼.
T. 14 N., R. 17 W.,
Sec. 36, NE¼NE¼, S½NE¼, S½.
T. 7 S., R. 8 W.,
Sec. 2, Lot 1, SE¼NE¼.
T. 4 N., R. 11 W.,
Sec. 2, Lot 4.
T. 6 S., R. 16 E.,
Sec. 36.
T. 12 S., R. 6 W.,
Sec. 2;
Sec. 16, N½N½, N½N½SW¼NE¼, SE¼NE¼SW¼NE¼, SW¼NW¼SW¼NE¼, NW¼SW¼SW¼NE¼, NE¼SE¼SW¼NE¼, S½S½SW¼NE¼, SE¼NE¼, S½NW¼, S½.
T. 12 S., R. 5 W.,
Secs. 32 and 36.
T. 5 S., R. 15 E.,
Sec. 2, Lots 4, 5, SE¼NW¼.
T. 14 N., R. 13 W.,
Sec. 36, SE¼, E½SW¼, SW¼SW¼.

Phx 079694

T. 16 N., R. 10 W.,
Sec. 7, W½NE¼.
T. 27 N., R. 20 W.,
Sec. 20, SW¼SW¼;
Sec. 30, NE¼NW¼.

Phx 080748

T. 16 N., R. 10 W.,
Secs. 9, 15 and 21.

Phx 080871

The northwest quarter of the southwest quarter of Section one except 1.88 acres deeded the Citizens Utilities Company May 14, 1938, described as follows: Beginning at the quarter corner between sections 1 and 2, the boundary line of said tract of land runs east along the north line of the NW¼SW¼ of said Section 1, for a distance of 351.55 feet, more of less, to the westerly right-of-way line of U.S. Highway No. 93; thence south 30 degrees, 41 minutes east, along said right-of-way line for a distance of 232.56 feet; thence west for a distance of 470.23 feet, more or less, to the line between said sections 1 and 2; thence north for a distance of 200 feet along said section line to the point of beginning; and except 2.4 acres deeded the Citizen Utilities Company, March 29, 1939, described as follows: Beginning at a point on the boundary line between sections 1 and 2, 200 feet south of the quarter corner between said sections 1 and 2; thence east for a distance of 454.3 feet, more or less, to the westerly boundary line of the right-of-way of U.S. Highway No. 93; thence south 30 degrees, 41 minutes east, for a distance of 232.5 feet along the westerly boundary line of the right-of-way of said U.S. Highway No. 93; thence west for a distance of 572.7 feet, more or less, to said boundary line between said sections 1 and 2; thence north along said last mentioned boundary line for a distance of 200 feet to the place of beginning; the lots one, two, three and four of Section thirteen, and the northeast quarter of Section fifteen in Township twenty-three north of Range nineteen west; the southeast quarter of Section five in Township twenty-four north of Range twenty-one west of the Gila and Salt

River Meridian, Mohave County, Arizona, containing 492.12 acres more or less.

Phx 080916

T. 23 N., R. 19 W.,
Sec. 15, SE¼NW¼, SW¼, S½SE¼.
T. 24 N., R. 21 W.,
Sec. 1, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 3, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 11, N½N½, SW¼NW¼, SE¼SW¼, SE¼S½NE¼;
Sec. 13;
Sec. 15, NW¼.
T. 10 N., R. 18 W.,
Sec. 21, NE¼NE¼, S½NE¼, S½;
Sec. 23, N½, N½SW¼, NW¼SE¼.

Phx 081027

T. 10 N., R. 19 W.,
Sec. 35, SW¼.
T. 24 N., R. 21 W.,
Sec. 27

Phx 081045

T. 24 N., R. 21 W.,
Sec. 21;
Sec. 33, E½, NW¼, E½SW¼, SW¼SW¼, S½S½NW¼SW¼.

Phx 081200

T. 24 N., R. 21 W.,
Sec. 5, Lots 1, 2, 3, S½N½, SW¼;
Sec. 17, NE¼, E½SE¼.
T. 10 N., R. 17 W.,
Sec. 25, NW¼, W½NE¼, SE¼NE¼, S½;
Sec. 27, E½.
Phx 081206
T. 4 N., R. 11 W.,
Sec. 32, NW¼SE¼.
T. 4 N., R. 16 W.,
Sec. 2, S½NW¼.
Phx 081342
T. 16 N., R. 10 W.,
Sec. 19, E½SE¼.
Phx 081399
T. 21 N., R. 17 W.,
Sec. 32, Lots 4, 5, 6.
T. 21 N., R. 20 W.,
Sec. 2, Lots 1, 2, 3.
Phx 082282
T. 5 N., R. 15 W.,
Sec. 9, N½;
Sec. 10, W½W½, SE¼SW¼;
Sec. 17, N½.
T. 5 N., R. 16 W.,
Sec. 9, NE¼;
Sec. 10, NW¼.
T. 6 N., R. 16 W.,
Sec. 6, S½SE¼;
Sec. 7, NE¼, E½NW¼.
Phx 084542
T. 16 N., R. 10 W.,
Sec. 1, SW¼, SW¼NW¼;
Sec. 11, NE¼, S½;
Sec. 27, N½, SW¼, N½SE¼, SW¼SE¼.
AR 02424
T. 16 N., R. 10 W.,
Sec. 1, W½SE¼;
Sec. 3, Lots 3 and 4, S½NW¼, SW¼;
Sec. 17;
Sec. 23, W½, W½NE¼.
T. 12 N., R. 14 W.,
Sec. 7.
T. 12 N., R. 15 W.,
Secs. 1, 3, 5 and 7;
Sec. 15, N½, N½SW¼, SW¼SW¼;
Sec. 19.
AR 013162
T. 26 N., R. 13 W.,
Sec. 31, Lot 1.
T. 26 N., R. 14 W.,
Sec. 5, Lot 4, SW¼NW¼, SW¼SE¼, SW¼;
Sec. 7, E½, E½SW¼, E½SW¼SW¼.
AR 017213
T. 16 N., R. 10 W.,
Sec. 7, Lots 1, 2, 3, 4;
Sec. 19, Lots 1, 4, NE¼NW¼, E½SW¼, W½SE¼.
T. 16½ N., R. 10 W.,
Sec. 31, Lots 2, 3, 4.
T. 16 N., R. 14 W.,
Sec. 9;
Sec. 17, W½NW¼;
Sec. 29, NE¼SE¼, N½, SW¼, S½SE¼.

The areas described aggregate approximately 44,575 acres in Maricopa, Mohave, Pinal, Yavapai and Yuma Counties.

2. The United States did not acquire the mineral rights in any of the lands described in paragraph 1 with the exception of the land described under Serial No. Phx 082282.

3. Subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law, the lands described in paragraph 1 are hereby open to operation of the public land laws including the mining laws (Ch. 2, Title 30 U.S.C.), and the mineral leasing laws. All valid applications received at or prior to August 28, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. Inquiries concerning the lands should be addressed to the Bureau of Land Management, Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona 85073 (602–261–3706).

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-24912 Filed 8-26-81; 8:45 am]

BILLING CODE 4310-84-M

Baker District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 94–579 and 43 CFR 1780 that a meeting of the Baker District Advisory Council will be held on Wednesday, September 16, 1981.

The meeting will begin at 9:00 a.m. in the Conference Room on the second floor of the Federal Building, Baker, Oregon.

The agenda for the meeting will include:

1. Approve minutes of the August 19, 1981 meeting.

2. Review and recommend on BLM-user consultation efforts and agreements on Baker District portion of the Ironside EIS area.

3. Review and recommend on the Baker County Livestock Association's and Baker Chamber of Commerce's recommendation on allocating excess forage.

4. Review report from Subcommittee's oversight effort on management of Snake River Sisely Creek Allotment.

5. Public comments.

6. Arrangements for the next council meeting.

The meeting is open to the public and news media. Interested persons may present written statements to the Council between 2 and 3 p.m., anyone wishing to present statements should notify the District Manager, Bureau of Land Management, Federal Building, P.O. Box 987, Baker, Oregon 97814, telephone 503–523–6391, Ext. 281, by 12 noon, Tuesday, September 15, 1981. Depending on the number of persons wishing to make statements, a per person time limit may be established by the District Manager.

A report of the Council meeting will be maintained at the District Office and be made available for public inspection and reproduction at the cost of duplication.

Gordon R. Staker,

District Manager.

August 20, 1981.

[FR Doc. 81-24909 Filed 8-26-81; 8:45 am]

BILLING CODE 4310-84-M

[(INT DES 81-25) SUPPLEMENT]

Colstrip Project Final Environmental Impact Statement; Availability of the Record of Decision

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability of the Record of Decision to the Colstrip Project Final Environmental Impact Statement.

SUMMARY: The Bureau of Land Management, as lead agency in the preparation of the supplement, has released a record of decision that was prepared jointly by the Bureau of Land Mangement, Forest Service, and the Bonneville Power Administration. This record of decision selects a transmission line corridor for portions of the Colstrip Project 500 KV transmission line from near Boulder, Montana to a new substation location near Garrison, Montana.

SUPPLEMENTARY INFORMATION: As a result of the Federal Environmental Studies completed, including a draft and final supplement and the public input received, the Federal agencies have decided on a corridor and substation

site. They are the Boulder corridor in the Boulder area, the Black Mountain + AAA corridor in the Deer Lodge area, and substation site 3A located four miles southwest of Garrison.

The Boulder corridor leaves the designated corridor east of Boulder and goes around the north end of the Boulder Valley. The Boulder corridor crosses I-15 at the north end of the Boulder Valley, passing about three miles north of Basin. The Boulder corridor rejoins the alignment of the designated corridor northwest of Basin and continues southwest to the Berkin Flat Area. The Black Mountain + AAA corridor leaves Berkin Flat and continues west across the Continental Divide, then turns north following the foothills on the east side of the Deer Lodge Valley to near Garrison. There, the corridor turns west across I-90 and the Clark Fork River south of Garrison continuing west to the site of Substation 3A.

In addition to copies being mailed, copies of the record of decision are available at the following locations:

U.S. Department of Agriculture, Forest Service, Planning, Programming, Budgeting, Federal Building, Missoula, Montana 59807, Telephone: (406) 329-3399, FTS 585-3399;

U.S. Department of Energy, BPA Transmission Coordination, 1620 Regent Street, P.O. Box 4327, Missoula, Montana 59806, Telephone: (406) 329-3737, Toll Free: 1-800-332-2421;

U.S. Department of the Interior, Bureau of Land Management, Public Affairs staff, 222 North 32nd Street, Billings, Montana 59101, Telephone: (406) 657-6561, FTS 585-6561;

U.S. Department of Energy Bonneville Power Administration, Highway 2 East, P.O. Box 758, Kalispell, Montana 59901, Telephone: (406) 755-6202.

Michael J. Penfold,

BLM Montana State Director.

August 19, 1981.

[FR Doc. 81-24907 Filed 8-26-81; 8:45 am]

BILLING CODE 4310-84-M

[C-31805]

Jackson County, Colo.; Coal Lease Offering by Sealed Bid

Department of the Interior, Bureau of Land Management, Colorado State Office, 2000 Arapahoe Street, Denver, Colorado 80205. Notice is hereby given that certain coal resources in the lands hereinafter described in Jackson County, Colorado will be offered for lease by sealed bid of $25.00 or more per acre to the qualified bidder submitting the highest bid. This offering is being made as a result of an application filed by Wyoming Fuel Company in accordance with the provisions of the Mineral Leasing Act of 1920 (41 Stat. 437, as amended, and the Department of Energy Organization Act of August 4, 1977 (91 Stat. 565, 42 U.S.C. 7101). The sale will be held at 2:00 p.m., September 24, 1981, in the Fifth Floor Conference Room at the above address. Bids received after 1:00 p.m., September 24, 1981 will not be considered.

Coal Offered: The coal resource to be offered is limited to a maximum of 1,205,000 tons of coal recoverable by surface mining methods from the Sudduth coal seam and any overlying coal seams in the following lands located approximately 9 miles east-southeast of Walden, Colorado:

T. 8 N., R. 78 W., 6th P.M.
Sec. 3: Lots 17 and 18
Sec. 10: W½NE¼NE¼, NW¼NE¼, S½NE¼, NW¼
(containing 376.09 acres)

The Sudduth coal seam ranges from 9 to 32 feet in thickness, with an average thickness of 16.3 feet in Section 3; 13.4 feet in Section 10. Average overall quality of the recoverable coal in the application area, on an as-received basis, is as follows: Btu/lb—10,000, sulfur—0.26%, ash—10.20%, moisture—16.58%. The coals are classified as subbituminous A.

Rental and Royalty: A lease issued as a result of this offering will provide for payment of an annual rental of $3.00 per acre and a royalty payable to the United States of 12.5 percent of the value of coal mined by surface methods. The value of coal shall be determined in accordance with 30 CFR 211.63.

Notice of Availability: Bidding instructions are included in the Detailed Statement of the Lease Sale. A copy of the Statement and of the proposed coal lease are available at the Bureau of Land Management, 2000 Arapahoe Street, Denver, Colorado 80205. All case file documents are available for public inspection on the first floor.

Rodney A. Roberts,

Leader, Craig Team Branch of Adjudication.

[FR Doc. 81-24913 Filed 8-26-81; 8:45 am]

BILLING CODE 4310-84-M

New Mexico; Intent To Prepare the West Socorro Grazing Management Program Environmental Impact Statement

August 14, 1981.

It is the intent of the Bureau of Land Management (BLM), Socorro District, San Augustine Resource Area, to prepare an Environmental Impact Statement (EIS) on their proposed grazing management program.This EIS will analyze the effects of the proposed grazing management program and several alternatives on approximately 900,000 acres of public lands within the Divide Planning Area (Catron, Cibola, Socorro, and Valencia counties).

Public meetings to clarify and refine the proposed action and the scope and significant issues to be addressed in the EIS will be held in:

Magdalena, NM—Magdalena City Hall, Monday, September 21, 1981—7:00 p.m.;

Grants, NM—Grants State Bank Community Room, 824 W. Santa Fe Ave. Wednesday, September 23, 1981—7:00 p.m.;

Quemado, NM—Community Hall, Thursday, September 24, 1981—7:00 p.m.;

Albuquerque, NM—Convention Center, Jemez Room, Wednesday, October 7, 1981—Open House 4:00-7:00 p.m., Public Meeting 7:00 p.m.

The proposed action and alternatives will be based on the BLM Multiple-use Planning Process. More specifically, the multiple/use analysis and recommendations contained in the Divide Planning Area Management Framework Plan, Range Management Section, will serve as the basis for the proposed action and alternatives. In general, the proposed action and alternatives will consist of implementing varying degrees of management, based on range condition, over the period 1983-1993. Management considerations will include (1) season of use of livestock, (2) distribution of livestock, (3) numbers of livestock, and (4) kind/class of livestock. Other actions to be considered include construction of range improvement projects, development of allotment management plans and grazing systems, land treatments, and realty actions. Comments received from the public will serve to guide the BLM during the development of the proposed action and alternatives.

This EIS will serve as an analytical tool to assist in arriving at livestock management decisions for the Divide Planning Area within the San Augustine Resource Area. Public comments concerning the EIS, scoping process, and issues will be accepted through October 22, 1981.

The contact for the West Socorro Grazing Management Program Environmental Impact Statement is: Glenn Sekavec, Bureau of Land Management, Socorro District Office, 198 Neel Avenue, P.O. Box 1219, Socorro, New Mexico 87801, Telephone: (505) 835-0412, FTS 476-1280.

Dated: August 18, 1981.

Leroy C. Montoya,

Acting State director.

[FR Doc. 81-24911 Filed 8-26-81; 8:45 am]

BILLING CODE 4310-84-M

Proposed Grazing Management for the Grass Creek Resource Area; Intent To Prepare an Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Prepare and Environmental Impact Statement on the Proposed Grazing Management for the Grass Creek Resource Area.

SUMMARY: Pursuant to Section 102(2)c of the National Environmental Policy Act, the Bureau of Land Management, Worland District Office, will prepare an environmental impact statement on the proposed grazing management for the Grass Creek Resource Area located in northcentral Wyoming. The Grass Creek Resource Area includes approximately 1.0 million acres of BLM administered land in Big Horn, Hot Springs, Park and Washakei Counties.

The purpose of the proposal is to maintain or improve the public land resources which include soil, water, vegatation, wildlife habitat, and wildlife. The EIS will analyze site specific and cumulative effects of managing grazing allotments based on selective management categories.

Alternatives to be considered include continuation of present livestock management as well as alternatives depicting different levels and intensities of management for livestock, wildlife, and other resources.

A public meeting on the scope of the issues to be addressed in the Grass Creek Grazing Environmental Impact Statement is tentatively scheduled for September 29, 1981, in Worland, Wyoming. Notice of the meeting place and time will be published at least two weeks prior to the meeting. The purpose of the meeting is to:

(1) present multiple use planning recommendations to the public; (2) inform the public of the proposed action and tentative alterations that BLM proposes to analyze in the EIS; (3) gather resource information from the public; and (4) identify concerns and issues important to the public for possible inclusion into the EIS and planning system decisions. Comments received at the scoping meeting will be used in developing the environmental impact statement and the planning decisions that result.

To receive information concerning the environmental impact statement contact John Moorhouse, Chief, Planning and Environmental Assistance, P.O. Box 119, Worland, Wyoming 82401, phone 307-347-6151.

Chadwick W. McBurney,

Acting State Director.

[FR Doc. 81-24909 Filed 8-26-81; 8:45 am]

BILLING CODE 4310-84-M

Rock Springs District, Wyoming; Intent To Prepare an Environmental Impact Statement and Public Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Prepare a Wilderness Environmental Impact Statement (EIS) for the Rock Springs District, Wyoming and Notice of Public Meeting.

SUMMARY: This notice describes the proposed action and alternatives to be analysed in the EIS; the geographic area impacted; significant issues identified to date; the scoping process to be used, including the public scoping and planning meeting on September 30, 1981; BLM contacts for further information; and location of documents for public review both during and at the completion of the process.

The proposed action to be analyzed in the EIS is BLM's recommendation to the Secretary of the Interior of those Wilderness Study Areas (WSAs) in the Rock Springs District that are suitable for wilderness designation in the Rock Springs District as part of the National Wilderness Preservation System. The proposed action also includes appropriate BLM management of special values within WSAs not recommended for wilderness designation. The purpose of the proposed action is to fulfill BLM responsibilities under the Federal Land Policy and Management Act of 1976 to identify and to manage special areas suitable for wilderness, pursuant to the directions of the Wilderness Act of 1964. Alternatives to be considered in the EIS will be:

1. Maximize wilderness by recommending to the Secretary that all WSAs be designated and wilderness.

2. Minimize wilderness by not recommending any of the WSAs for wilderness designation (no-action alternative).

3. Managing the WSAs recommended for wilderness designation per the proposed action *but* retaining existing management practices for those WSAs not recommended.

The area of impact to be analyzed is generally southwest Wyoming, but regional recreation impacts may be considered from as far away as the Salt Lake City-Ogden Central Standard Metropolitan and Statistical Area (SMSA) and the Provo-Orem Secondary SMSA. The 13 WSAs to be addressed cover 218,181 acres of the approximately 6 million acres of public lands in the Rock Springs District.

Issues and concerns identified to date include the need for (1) wilderness areas for future generations; (2) energy exploration/development to achieve American energy independence; (3) preservation of wildlife habitat; (4) adequate forage for livestock, (5) source of lumber products; (6) fire management; (7) off-road vehicle management; and (8) mineral exploration/development. A public scoping meeting will be held to identify additional issues and concerns, alternatives, and suggestions for improving the proposed approach to the EIS. At the meeting, BLM will also present the Big Sandy and Salt Wells wilderness recommendations and other planning recommendations. In addition to the public meeting, comments will be solicited from various groups and agencies which have expressed an interest in the EIS. All issues presented at the public meeting or received in writing at the Rock Springs District Office will be considered in the presentation of the EIS.

DATES: The public scoping meeting to identify additional issues and concerns to be analyzed will be held in Rock Springs, Wyoming, September 30, 1981, at 7:00 p.m. in the Western Wyoming Community College auditorium, Room C-204. The Draft Environmental Impact Statement is scheduled to be completed and available for public review by December 31, 1982.

Addresses: Documentation of the EIS process, final documents and further information will be available at the following locations:

1. Rock Springs District Office or Big Sandy/Salt Wells Resource Areas, Highway 187 North, Rock Springs, Wyoming (Phone 307-382-5350)

2. Kemmerer Resource Area, U.S. 30, Across from Port of Entry, Kemmerer, Wyoming (Phone 307-877-3933)

3. Pinedale Resource Area, 431 West Pine Street, Pinedale, Wyoming (Phone 307-367-4358)

FOR FURTHER INFORMATION: All inquiries and comments on the EIS should be directed to Don Dutcher, Wilderness EIS Team Leader, P.O. Box 1869, Rock Springs, Wyoming 82901 (or phone 307-382-5350). For further information on the WSAs and existing management recommendations you may contact the appropriate Area Managers: Fred Wyatt

in Pinedale. Steve Howard in Kemmerer, Clint Hanson in Rock Springs for the Big Sandy Resource Area, and Bob Bierer in Rock Springs for the Salt Wells Resource Area (addresses are listed above).

Chadwick W. McBurney,

Acting State Director

[FR Doc. 81-24905 Filed 8-26-81; 8:45 am]

BILLING CODE 4310-84-M

Utah; Request for Interested Parties for the Preparation of Environmental Impacts Statements by Contract

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Notice.

SUMMARY: The Utah Bureau of Land Management announces a request for a general expression of interest from consulting firms or other qualified parties to prepare Environmental Assessment (EAs) or Environmental Impact Statements (EISs) for major energy and other projects on public lands. The Utah State and/or Utah BLM District Offices will have a need for such services during the next several years.

It is anticipated that a number of major energy projects may be postponed by utility companies or industries which will necessitate rights-of-way or other permits involving BLM administered Federal lands. These projects may include access roads, water pipelines, power-plants, electric transmission lines, oil and gas pipelines, oil shale and tar sands processing plants, coal gasification plants, and other related features.

Prior to making decisions on use of public lands for such proposals, BLM is required by the National Environmental Policy Act (NEPA) to prepare an EA or EIS for each major development. A recently adopted method of "third-party" contracting may be used for EA or EIS preparation. Under this type of contracting, BLM and each project applicant would form a written agreement on procedures where BLM would select the contractor and direct the EA or EIS work, while the applicant would issue the contract and provide direct payment to the contractor for work performed.

BLM may select contractors at various times over the next several years as project proposal application are received. Contractors will be selected competively, and the selection will be based on, but not limited to, the following general criteria:

a. Expertise in the areas of environmental concern (water quality, groundwater resources, biology, land use, air quality, socio-economics, archaeology, and other environmental resource subjects).

b. Demonstrated ability to performed environmental analyses through experience or expertise.

c. Ability to produce thorough, readable, and informative documents.

d. Evidence of a good working knowledge of NEPA, corresponding Federal and State regulations and applicable local ordinances, and other statutory requirements.

BLM invites interested consulting firms or others with environmental impact statement expertise to submit information which describes their qualifications. This information should be submitted on a Standard Form 245 which is available from the Project Management Staff, Utah State Office, Bureau of Land Management, 136 East South Temple, Salt Lake City, Utah 84111. The completed forms should be returned to the same address.

Brochure or other materials which *concisely* describe the capabilities and experience of the consulting firm also may be submitted.

FOR FURTHER INFORMATION CONTACT: Thom Slater, Project Manager, Bureau of Land Management, Utah State Office, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111. (801-524-5645).

Dated: August 18, 1981.

Gerald E. Magnuson,

Acting State Director.

[FR Doc. 81-24906 Filed 8-26-81; 8:45 am]

BILLING CODE 4310-84-M

[I-12556]

Public Lands Exchange in Lincoln, Blaine, and Minidoka Counties, Idaho

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of Realty Action—Exchange, Public Lands in Lincoln, Blaine, and Minidoka Counties, Idaho.

SUMMARY: 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:

Boise Meridian, Idaho

T. 6 S., R. 23 E.,
Sec. 25, W½;
Sec. 26, E½NE¼;
Sec. 27, NW¼NW¼, SW¼SW¼;
Sec. 28, E½NE¼NE¼.

Comprising 500 acres of public lands.

In exchange for these lands, the United States will acquire the following described lands from Flat Top Sheep Company:

Boise Meridian, Idaho

T. 2 S., R. 24 E.,
Sec. 2, All.

Comprising 663.20 acres of private lands.

The purpose of this exchange is to acquire the non-Federal land which has high public values for wildlife habitat and livestock grazing. A large number of Sage Grouse inhabit this area with two of the 18 active strutting grounds occurring on the subject private land. Many antelope and some deer use this land as their summer range. Production of cattle and sheep is an important land use within the planning unit. The added acres to this allotment will provide additional grazing opportunities.

The values of the land to be exchanged are approximately equal; full equalization of values will be achieved by payment to the United States by Flat Top Sheep Company of funds in an amount not to exceed 25 percent of the total value of the lands to be transferred out of Federal ownership.

Lands to be transferred will be subject to the following reservations, terms, and conditions:

1. The reservation to the United States of a right-of-way for ditches and canals constructed by the authority of the United States, as provided for by the Act of August 30, 1890 (43 U.S.C. 945; 26 Stat. 391).

2. All mineral estates will be transferred with the surface on both the private and Federal land.

3. There will be no reservations for the acquired non-Federal lands.

The exchange is consistent with the Bureau's management goals for the area, however, the planning for the lands has not been completed. The public interest will be well served by making this exchange.

DATES: Comments are due by October 12, 1981.

SUPPLEMENTARY INFORMATION: Detailed or further information, including the environmental analysis and the record of public discussions, is available for review at the Bureau of Land Management Shoshone District Office, 400 West F Street, Shoshone, ID 83352.

For a period of 45 days from the date of first publication, interested parties may submit comments to the Shoshone District Manager, P.O. Box 2B, Shoshone, ID 83352. Any adverse comments may be evaluated by the Idaho State Director, who may vacate or modify this realty action and issue a

final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of Interior.

Charles J. Haszier,

District Manager.

August 19, 1981.

[FR Doc. 81-25041 Filed 8-26-81; 8:45 am]

BILLING CODE 4310-84-M

Exchange of Public Lands in Missoula County and Private Lands in Powell County, Montana; Correction

In Federal Register Document 81-18768 appearing on pages 32944 and 32945, June 25, 1981, the legal description of the public lands in Section 1, T12N, R18W is corrected to read Lots 1, 2, 3, E½SE¼.

Dated: August 21, 1981.

Jack A. McIntosh,

Butte District Manager for the State Director.

[FR Doc. 81-25040 Filed 8-26-81; 8:45 am]

BILLING CODE 4310-84-M

[N-31790]

Non-Competitive Sale of Public Lands in Lander County, Nev.; Realty Action

The following described lands have been identified as suitable for disposal by direct sale under sections 203 (a)(1) and (f) of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713), at fair market value:

Mount Diablo Meridian

T. 18 N., R. 42 E.
Sec. 20, N½NE¼NE¼NE¼, SW¼NE¼NE¼NE¼, NW¼NE¼NE¼, NE¼SW¼NE¼NE¼, NW¼NE¼SW¼NE¼, NW¼SW¼NE¼, NW¼NW¼NE¼SW¼, N½NW¼SW¼, NW¼SE¼NW¼SW, N½SW¼NW¼SW¼, SW¼SW¼NW¼SW¼;
Sec. 30, Lot 2.

The above-described land, comprising 104.7 acres, is being offered by direct sale to Mr. Telford Work, the adjacent landowner. The parcels are four isolated units bounded on the south by Nevada Highway 722 (formerly U.S. 2) and on the other sides by private lands owned by Mr. Work. These lands are being sold under the authority of section 203(a)(1) of Pub. L. 94-579 and meet the following disposal criteria: "such tract because of its location or other characteristics is difficult and uneconomic to manage as part of the public lands, and is not suitable for management by another Federal department or agency." The lands are being sold without competitive bidding under section 203(f) of Pub. L. 94-579 as a special consideration to the adjoining landowner. The parcels would not be of much value to anyone else due to the configuration and size of the parcels and their location along a highway which does not receive much traffic.

The proposed sale is consistent with the Bureau planning objective to "transfer to private ownership public lands that are isolated and appear to have no public value." The sale of this tract has been discussed with the Board of Lander County Commissioners. They have no objections to the proposed sale. The public interest would be served by offering these lands for direct sale to Mr. Work.

The terms and conditions applicable to the sale are:

1. All minerals will be reserved to the United States.

2. A right-of-way for ditches and canals will be reserved to the United States.

3. The sale of these lands will be subject to valid existing rights, including CC-021379, a 200' R/W for Nevada Highway 722 and N-7189, a 5' R/W for a telephone and telegraph line.

4. An easement 30 feet in width will be reserved to the United States for public and government use along the existing north-south road passing through Lot 2 of section 30, T. 18 N., R. 42 E., MDM.

The decision to conduct the sale is based on information contained in the environmental assessment and land report written for this case. These documents are available for inspection at the Bureau of Land Management, Battle Mountain District Office, Second and Scott Streets, P.O. Box 194, Battle Mountain, Nevada 89820.

The land will not be offered for salé for at least 60 days after the date of this notice.

For a period of 45 days from the date of this notice, interested parties may submit comments to the Secretary of the Interior (BLM 320). Any adverse comments will be evaluated by the Secretary of the Interior, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the Secretary of the Interior, this realty action will become the final determination of the Department of the Interior.

Dated: August 21, 1981.

William J. Malencik,

Chief, Division of Technical Services.

[FR Doc. 81-25037 Filed 8-26-81; 8:45 am]

BILLING CODE 4310-84-M

Worland District Advisory Council; September Meeting; Change of Date and Time

August 12, 1981.

Notice is hereby given, in accordance with Pub. L. 94-579 and 43 CFR Part 1780, that the Wednesday, September 16, 1981 Worland District Advisory Council Meeting has been changed as follows: The meeting will be held on Friday, September 18, 1981 at 1:00 p.m. The public comment period of the meeting will begin at 1:00 p.m., and will last until all wishing to speak have been heard.

All other parts of the original notice (FR Vol. 46, No. 145/Wednesday, July 29, 1981/Notices pg. 38760) are the same.

John A. Kwiatkowski,

District Manager.

[FR Doc. 81-25039 Filed 8-26-81; 8:45 am]

BILLING CODE 4310-84-M

INTERNATIONAL COMMUNICATION AGENCY

Culturally Significant Objects Imported for Exhibition; Amendment of Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459) and Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), I hereby amend the notice published in the **Federal Register** on August 13, 1981 (46 FR 40940) relating to the exhibit "Between Continents/Between Seas: Pre-Columbian Art of Costa Rica" by adding one art object to the list of items covered by such notice. [1] This item is of cultural significance and will be imported pursuant to a loan agreement between the Founders Society Detroit Institute of Arts and the foreign lender. I also determine that the temporary exhibition or display of this item at the National Gallery of Art, Washington, D.C., beginning on or about December 20, 1981, to on or about May 2, 1982, at the San Antonio Museum, San Antonio, Texas, beginning on or about June 21, 1982, to on or about September 12, 1982, at the Los Angeles County Museum of Art, Los Angeles, California, beginning on or about November 2, 1982, to on or about January 16, 1983, at the Carnegie Institute, Pittsburgh, Pennsylvania, beginning on or about February 28, 1983, to on or about May 22, 1983, at the San Diego Museum of Art, San Diego, California, beginning on or about July 4,

[1] A description of this object is filed as part of the original document.

1983, to on or about September 25, 1983, and at the Detroit Institute of Arts, Detroit, Michigan, beginning on or about November 7, 1983, to on or about January 29, 1984, is in the national interest.

Public notice of this amendment of the determination is ordered to be published in the **Federal Register.**

Dated: August 25, 1981.

Charles Z. Wick,

Director.

[FR Doc. 81-25250 Filed 8-26-81; 8:45 am]

BILLING CODE 8230-01-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 415]

Railroad Cost of Capital—1981

AGENCY: Interstate Commerce Commission.

ACTION: Notice of institution of limited revenue adequacy proceeding.

SUMMARY: A proceeding will be conducted to make a determination of the railroads' cost of capital.

DATES: Notices of intent to participate due 10 days from **Federal Register** publication;

Statements of railroads due 25 days thereafter;

Statements of other interested parties due 25 days thereafter;

Rebuttal statements by railroads due 15 days later. A Commission decision will be issued as soon as possible after the record is closed.

ADDRESSES: Send an original and 15 copies of comments to: Office of Proceedings, Room 5340, Interstate Commerce Commission, Washington, D.C. 20423.

Only an original and one copy of the notice of intent to participate need be sent (to this address).

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: By this notice, we are instituting a proceeding to update our estimate of the railroads' cost of capital rate for 1981, last adjusted in Ex Parte No. 381, *Adequacy of Railroad Revenue (1980 Determination)*, 364 I.C.C. 311 (1980) [45 FR 29139, May 1, 1980]. This proceeding will be similar in scope to Ex Parte No. 381.

In Ex Parte No. 393, *Standards for Railroad Revenue Adequacy*, 364 I.C.C. 803 (1981), [45 FR 20806, April 7, 1981] we adopted new standards for determining railroad revenue adequacy. There, among other things, we substituted the current cost of debt for the embedded debt rate for our determination of the current cost of capital. Although the embedded debt rate was not used in that proceeding for ascertaining railroad revenue adequacy, we nonetheless believe this debt cost rate is useful information that should be determined annually. We therefore request that data on both the embedded and current cost bases be furnished in this proceeding.

Additionally, in Ex Parte Nos. 353,[1] 363,[2] and 381, we noted that comparable earnings studies presented by the respondent railroads did not provide a satisfactory basis for the computation of a cost of equity rate to be included in the development of an overall cost of capital. This was due to several factors, including differences in accounting methods between railroads and other industries; the question of monopoly profits for compared industries; and problems in objectively determining comparable industries. We urge the respondent railroads to address these issues if a comparable earnings approach is included in their submission.

Moreover, in previous revenue adequacy proceedings, the railroads argued for the inclusion of costs of floating new equity in the determination of the cost of equity capital. We disallowed such cost allowances in the absence of a showing that such costs would actually be incurred. The railroads should provide evidence of planned new equity issuances if such costs are included in their submission.

We emphasize that for purposes of this proceeding, comments should be focused on the various cost of capital components developed in Ex Parte No. 381 and the underlying techniques and methodologies applied in their development. This proceeding has as its sole purpose making a specific cost of capital determination.

All Class I railroads shall be respondents in this proceeding. They shall, and other interested parties may, submit such evidence as will enable the Commission to update the cost of capital findings of Ex Parte No. 381 in the light of current conditions in the capital markets.

Any person intending to participate in the proceeding shall file an original and one copy of a notice of intent to participate. Because the Commission wants to conserve time, avoid unnecessary expense, and limit the service of statements in this proceeding to persons who intend actively to participate, each notice of intent to participate shall include a detailed statement of: (1) whether the person's interest extends merely to receiving Commission releases in this proceeding; (2) whether the person wishes to participate by filing and receiving statements; (3) whether, if the person wishes to file statements, his interests can be consolidated with those of other persons by the filing of joint statements; and (4) any other pertinent information to aid in limiting the service list to be issued in this proceeding. The Commission will prepare and make available to all persons submitting notices of intent to participate, a service list containing the names and addresses of all participants.

Evidentiary statements of the parties are due on or before the dates set forth in the preamble to this notice. An original and 15 copies (if possible) of each statement shall be filed with the Commission, and one copy shall be served upon each person on the service list.

Copies of this notice shall be available to the public at the Office of the Secretary, and the notice shall be published in the **Federal Register.**

This action does not appear to affect significantly the quality of the human environment or conservation of energy resources. However, comments are invited.

Dated: August 19, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam. Commissioner Gresham did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-24993 Filed 8-26-81; 8:45 am]

BILLING CODE 7035-01-M

[1] Ex Parte No. 353, *Adequacy of Railroad Revenue (1978 Determination)*, 361 I.C.C. 79 (1978) [43 FR 25778, June 14, 1978], modified March 27, 1979: 362 I.C.C. 196 (1979); 362 I.C.C. 794 (1980).

[2] Ex Parte No. 363, *Adequacy of Railroad Revenue (1979) Determination)*, 362 I.C.C. 344 (1979) [44 FR 27538, May 10, 1979].

[AB 57 SDM]

Soo Line Railroad Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations § 1121.23, that the Soo Line Railroad Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 57 SDM. The Commission on August 10, 1981, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 57 SDM.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-24991 Filed 8-26-81; 8:45 am]

BILLING CODE 7035-01-M

[AB 26(SDM)]

Southern Railway Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, 1121.23, that the Southern Railway Co. and its subsidiaries has filed with the Commission its amended color-coded system diagram map in docket No. AB 26 (SDM).[1] The Commission on August 11, 1981, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state is which the railroad operates and the Public Service Commission or simlar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 26 SDM.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-24992 Filed 8-26-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29683]

Union Pacific Railroad Co.—Exemption of Abandonment of a Portion of Norfolk Branch, in Madison County, NE

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts the abandonment by the Union Pacific Railroad Company (UP) of a .97-mile segment of its Norfolk Branch and of a .48-mile segment of the branch jointly owned and operated by UP and Chicago and North Western Transportation Company (CNW), in Madison County, NE, from the requirement of prior approval under 49 U.S.C. 10903.

DATES: This exemption will be effective 30 days after the date of this publication in the **Federal Register** (September 28, 1981). Petitions for reconsideration of this action must be filed within 20 days after this publication.

ADDRESSES: Send pleadings to:

(1) Section of Finance, Room 5414, Interstate Commerce Commission, Washington, D.C. 20423 and

(2) Petitioner's representative: Louise A. Rinn, Law Department, Union Pacific Building, 1416 Dodge Street, Omaha, NE 68179.

Pleadings should refer to Finance Docket No. 29683.

FOR FURTHER INFORMATION CONTACT: Ellen D. Hanson, (202) 275-7245.

SUPPLEMENTARY INFORMATION:

The Proposed Transaction

UP has filed a petition to exempt its abandonment of (1) a .97 mile segment of its Norfolk Branch extending from milepost (M.P.) 49.28 to M.P. 50.25 and (2) a .48 mile segment of the branch line owned and operated jointly with CNW, extending from M.P. 50.25 to M.P. 50.73, at Norfolk, in Madison County, NE.

UP's Norfolk branch approaches Norfolk from the southwest. It intersects an east-west line of CNW and extends northeasterly to M.P. 49.28, thence through a residential area to the jointly owned .48 mile segment, which intersects a north-south line of CNW in the downtown area of Norfolk, a city with a population of about 20,000.

The abandonment is part of UP's plan for relocation of its yard currently operated jointly with CNW. The plan was requested by the Madison County Railroad Transportation District (District) to eliminate both switching in the downtown business district and the several grade crossings in residential areas on the .97 mile segment. UP's new yard to be located south of Norfolk will consist of four side tracks off its main branch line which will interchange with CNW's east-west line leading into Norfolk. UP submitted letters of support by the District, the City of Norfolk, Norfolk Chamber of Commerce, The Norfolk Daily News, Ellenberger Products, Norfolk Bridge & Construction Co., Norfolk Iron & Metal Company, Henningsen Foods, Inc., and Walker-Meyer Furniture, Inc.

UP's proposal involves only an abandonment by UP of particular trackage without discontinuance of service to its users.[1] CNW will continue to operate the .48 mile jointly-owned segment, and pursuant to agreement between UP and CNW, CNW will provide pickup and delivery services to UP's customers and interchange their traffic at the new UP yard at a flat charge to UP. These UP customers will receive the same service at the same cost as if the two carriers were to continue operating their joint yard.

The Statute

A rail abandonment requires the prior approval of this Commission under 49 U.S.C. 10903. Under 49 U.S.C. § 10505, the Commission is authorized to exempt a transaction when it finds that (1) continued regulation is not necessary to carry out the Rail Transportation Policy of 49 U.S.C. 10101a; and (2) either the transaction is of limited scope, or regulation is not necessary to protect shippers from the abuse of market power.

Discussion and Conclusions

Our detailed scrutiny of this abandonment is not necessary to carry out the goals of the rail transportation policy of section 10101a because no vital interest of shippers, carriers or the community is adversely affected.

The transaction is very limited in scope, because it will affect only a relatively short track on which switching operations have been performed. Service to shippers will continue to be conducted substantially in the same manner as in the past. UP's yard, where switching, weighing and assembling is performed, will be relocated a short distance away. CNW, rather than UP, will undertake the switching services for some of UP's customers. However, UP will continue to provide line-haul service for these customers. Because no substantial changes in operations are involved, shippers, employees and competitors should be unaffected by the transaction. To the extent any employees may be affected, however, our authorization is subject to the conditions for the protection of employees embodied in

[1] AB 26(SDM) includes its consolidated subsidiaries: AB 27 (SDM), the Alabama Great Southern Railroad Company; AB 28 (SDM), Central of Georgia Railroad Company; AB 29 (SDM), The Cincinnati, New Orleans and Texas Pacific Railway Company; AB 64 (SDM), Chattanooga Station Company; AB 30 (SDM), Georgia Southern and Florida Railway Company; AB 125 (SDM), Norfolk Southern Railway Company.

[1] Seven of Norfolk's 14 rail users depend exclusively on UP's rail service. [The remainder are served either by CNW or by both CNW and UP]. Of UP's total 1980 traffic at Norfolk [consisting of 59 cars received and six cars forwarded, generating $52,871 in revenues], the seven users received 11 and forwarded 3 cars, generating $12,705 in revenues.

Oregon Short Line R. Co.—Abandonment—Goshen, 360 I.C.C. 91 (1979), discussed further below.

Energy and Environmental Consideration. Our initial review of the proposal indicates that the exemption will not significantly affect energy consumption or the quality of the human environment. However, the Commission's Energy and Environment Branch has by letter notified all interested persons and State agencies within Nebraska of their right to provide information concerning the energy and environmental impact of the proposed action.

It is ordered: (1) We exempt from the requirements of 49 U.S.C. 10903 the abandonment by Union Pacific Railroad Company of a .97 mile segment of its line and a .48 mile jointly owned and operated segment, in Norfolk, in Madison County, NE, subject to the conditions for the protection of employees embodied in *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979).

(2) Notice of our action shall be given to the general public by delivery of the copy of this decision to the Director, Federal Register, for publication.

(3) This exemption will continue in effect for one year from the effective date of this decision. The abandonment of the line segments must occur during that time in order to use this exemption.

(4) This decision shall be effective 30 days following the date of its publication in the **Federal Register.**

(5) Petitions to stay the effective date of this decision must be filed no later than 10 days after the date of publication in the **Federal Register.**

(6) Petitions to reopen this proceeding for reconsideration of this decision must be filed no later than 20 days after the date of publication in the **Federal Register.**

Decided: August 14, 1981.

By the Commission, Chairman Taylor, Commissioners Gresham, Clapp, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-24996 Filed 8-26-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OPY5-134]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: August 20, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 3; Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

MC 157639, filed August 10, 1981. Applicant: LYNN DAVIS d.b.a. SPECIAL COMMODITIES, INC. 1606 109th, Grand Prairie, TX 75050. Representative: Lynn Davis (same address as applicant) (214) 641-2573. As a *broker* of *general commodities* (except household goods), between points in the U.S.

[FR Doc. 81-24994 Filed 8-26-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by special rule of the Commission's rules of practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the

Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OP1-239

Decided: August 19, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 2421 (Sub-38), filed August 12, 1981. Applicant: NEWTON TRANSPORTATION COMPANY, INC., 510 Greer Circle, SW., P.O. Box 678, Lenoir, NC 28645. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th St., NW., Washington, DC 20004, (202) 628-4600. Transporting *furniture and fixtures*, between points in NC, on the one hand, and, on the other, points in DE, IA, IL, IN, KY, MD, MO, NJ, NY, OH, PA, SC, VA, WV and DC.

MC 110410 (Sub-32), filed August 10, 1981. Applicant: BENTON BROTHERS FILM EXPRESS, INC., 723 Ralph McGill Blvd., Atlanta, GA 30308. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137, (901) 767-5600. Transporting *printed matter*, between points in FL, Greenville County, SC, Columbia County, GA, and those points in GA on, south, and east of a line beginning at the GA-SC state line and extending along U.S. Hwy. 278, to junction U.S. Hwy. 19, then along U.S. Hwy. 19 to junction U.S. Hwy 319, then along U.S. Hwy. 319 to the GA-FL state line

MC 134651 (Sub-1), filed August 11, 1981. Applicant: JOHN GRANT HAULAGE LIMITED, 2111 Lakeshore Rd. West, Mississauga, Ontario, Canada L5J 1J9. Representative: William J. Hirsch, 1125 Convention Center, 43 Court St., Buffalo, NY 14202, (716) 853-0200. Transporting *clay, concrete, glass or stone products*, between ports of entry on the International Boundry line between the U.S. and Canada, located in NY, on the one hand, and, on the other, points in Erie, Niagara and Oswego Counties, NY.

MC 146570 (Sub-4), filed August 10, 1981. Applicant: DIAMOND TRANSPORTATION, INC., 5797 North Tryon St., Charlotte, NC 28213. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687, (803) 244-9314. Transporting *truck trailers*, between points in the U.S.

MC 150761 (Sub-1), filed August 13, 1981. Applicant: JESSE'S TRANSFER, INC., 13000 Overlook Rd., Dayton, MN 55327. Representative: Joseph J. Dudley, W-1260 First National Bank Bldg., St. Paul, MN 55101, (612) 291-1717. Transporting *general commodities* (except classes A and B explosives), between points in CA, IA, IL, IN, KS, KY, MI, MN, MO, NE, ND, OH, PA, SD, TX and WI.

MC 157311, filed August 10, 1981. Applicant: FEDERAL DISTRIBUTION SERVICE COMPANY, 200 National Rd., East Peoria, IL 61611. Representative: Edward D. McNamara, 907 South Forth St., Sprinfield, IL 63703, (217) 528-8476. Transporting *general commodities* (except classes A and B explosives), between points in IL and MO, on the one hand, and, on the other, points in AR, GA, IA, IN, KS, KY, MD, MI, MN, MS, NC, ND, NE, OH, WI, SC, SD, TN, VA, WV and DC.

MC 157531 (Sub-2), filed August 5, 1981. Applicant: FREEDOM TRUCKING, INC., 3181 Bankhead Highway, Atlanta, Ga 30318. Representative: Harry Hyaduck (same address as applicant), (404) 792-0834. Transporting (1) *metal products, plastic products, pulp, paper and related products, and printed matter*, between points in GA, AL, AZ, AR, CA, CO, CT, DE, FL, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY, and DC, and (2) *food and related products*, between Atlanta and points in Fulton, Marietta, and Cobb County, GA, on the one hand, and, on the other, points in AL, AR, CA, FL, IL, LA, MS, MO, NJ, and RI.

MC 157660, filed August 10, 1981. Applicant: M.L.L. INDUSTRIES, INC., Nashaminy Plaza II, Suite 120, Street and Bristol Rds., Bensalem, PA 19020. Representative: Martin L. Leicht (same address as applicant), (215) 638-8922. As a *broker*—at Bensalem, PA in arranging for the transportation of *passengers and their baggage*, between points in the U.S.

MC 157671, filed August 12, 1981. Applicant: TROBEC'S BUS SERVICE, INC., R.R. 1, St. Joseph, MN 56374. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul MN 55118, (612) 457-6889. Transporting (1) *passengers and their baggage*, in the same vehicle with passengers; and (2) *baggage of passengers in separate vehicles*, in charter and special operations, beginning and ending at points in Wright, Sterns, Sherburne, Benton, Morrison, Todd and Douglas Counties, MN and extending to points in the U.S.

Volume No. OPY-3-147

Decided: August 19, 1981.

By the Commission, Review Board No. 2, Members Carleton, Kelly, and Williams.

MC 99825 (Sub-9), filed August 7, 1981. Applicant: LUCIEN BISSON, INC., R.F.D. 262, New Meadows Rd., West Bath, ME 04530. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210, (703) 525-4050. Transporting *general commodities* (except classes A and B explosives), between points in ME, on the one hand, and, on, the other, points in the U.S. in and east of WI, IL, MO, AR and LA.

MC 105045 (Sub-162), filed August 10, 1981. Applicant: R.L. JEFFRIES TRUCKING CO., INC., 9700 North Hwy 57, P.O. Box 3277, Evansville, IN 47701. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005, (202) 347-3987. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 114604 (Sub-128), filed August 7, 1981. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer 1, Forest Park, GA 30050. Representative: Paula S. Davis (same address as applicant). Transporting *carpet and tile installation supplies and equipment*,

between the facilities of Roberts Consolidated Industries, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 123194 (Sub-13), filed August 6, 1981. Applicant: ENTERPRISE TRUCK LINE, INC., 7336 W. 15th Ave., Gary, IN 46406. Representative: Anthony E. Young, 29 So. LaSalle St., Suite 350, Chicago, IL 60603, (312) 782–8880. Transporting *such commodities* as are dealt in or used by retail, chain grocery and food business houses, between Kansas City, KS, Omaha, NE, Huntington, WV and points in MI, OH, IN, KY, IL, WI, MN, IA and MO.

MC 123765 (Sub-16), filed August 7, 1981. Applicant: BARRY TRANSFER & STORAGE CO., INC., 120 East National Ave., Milwaukee, WI 53204. Representative: William P. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203, (414) 273–7410. Transporting *metal and metal products*, between points in the U.S., under continuing contract(s) with Fullerton Metals Company, of Northbrook, IL.

MC 126104 (Sub-2), filed August 10, 1981. Applicant: TRAMCOR CORPORATION, 2711 Midland Dr., Ogden, UT 84401. Representative: Irene Warr, 311 S. State St., Suite 280, Salt Lake City, UT 84111, (801) 531–1300. Transporting *clay, concrete, glass and stone products*, and *metal products*, between points in the U.S., under continuing contract(s) with (1) Carder Concrete Products Company, (2) Westile Rooftile Company, both of Littleton, CO, (3) Wyoming Concrete Pipe Company, of Casper, WY, (4) El Paso Precast Company, of Colorado Springs, CO, and Concrete Conduit Company, Inc., of Auburn, WA.

MC 134925 (Sub-7), filed August 10, 1981. Applicant: CUMMINGS TRUCKING COMPANY, INC., P.O. Box 10492, Birmingham, AL 35202. Representative: Donald B. Sweeney, Jr., 512 Massey Bldg., Birmingham, AL 35203, (205) 254–3880. Transporting *general commodities* (except classes A and B explosives), between points in AL, MS, TN, GA, and FL.

MC 143304 (Sub-2), filed August 10, 1981. Applicant: BOBBY JOE BUSH d.b.a. AAA MOBILE HOME MOVERS, P.O. Box 569, Theodore, AL 36582. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401 (205) 578–2836. Transporting *mobile homes, buildings, building sections, and modules*, between points in AL, FL, GA, MS, LA, TN, and TX.

MC 151184 (Sub-9), filed August 4, 1981. Applicant: KERN TRUCKING, INC., Rural Route 1, Box 162, Bedford, IN 47421. Representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, IN 46204 (317) 634–6313. Transporting *building materials*, between points in the U.S., under continuing contract(s) with National Gypsum Company, Gold Bond Building Products Division of Charlotte, NC.

MC 157494, filed August 3, 1981. Applicant: L & L TRUCKING, INC., Route 4, Box 180, Atmore, AL 36502. Representative: Terry P. Wilson, 428 South Lawrence St., Montgomery, AL 36104 (205) 262–2756. Transporting (1) *chemicals and related products*, between points in the U.S., under continuing contract(s) with Woolfolk Chemical Works, Inc., of Atmore, AL and Sunniland Corporation of Sanford, FL, and (2) *building materials*, between points in the U.S. under continuing contract(s) with Sunniland Corporation of Sanford, FL.

MC 157604, filed August 7, 1981. Applicant: REDFEARN TRUCKING, INC., P.O. Box 5503, Stockton, CA 95205. Representative: Ann M. Pougiales, 100 Bush St., 21st Fl., San Francisco, CA 94104 (415) 986–5778. Transporting *general commodities* (except classes A and B explosives), between points in CA.

Volume No. OPY–5–135

Decided: August 20, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

W–1339, filed August 7, 1981. Applicant: AMERICAN LINE, INC., Steamboat Landing, Haddam, CT 06438. Representative: J. Raymond Clark, 1225 Nineteenth St., N.W., Suite 350, Washington, DC 20036, (202) 659–0770. Transporting *passengers and their baggage*, in one-way and round-trip excursion cruises, between ports and points in the U.S., on (a) the Atlantic and Gulf Coasts, and (b) the Great Lakes and the Mississippi River and their tributary waterways, including Nantucket Sound, Vineyard Sound, Block Island Sound, Long Island Sound, Hudson River, Delaware River, Chesapeake Bay, Atlantic Intracoastal Waterway, Okeeschobee Waterway, Gulf Intracoastal Waterway, and Illinois Waterway.

MC 68908 (Sub-10), filed July 21, 1981. previously noticed in **Federal Register** issue of August 23, 1981. Applicant: MULLEN BROS. OF NORTH ADAMS, MASS., INC., P.O. Box 1285, Pittsfield, MA 01201. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW, Suite 1200, Washington, DC 20036 (202) 785–0024. To operate as a *broker*, in arranging for the transportation of *household goods* as defined by the Commission, between points in the U.S.

Note.—This republication shows the correct heading in the FR as a non-fitness application.

MC 124059 (Sub-3), filed August 10, 1981. Applicant: REJER TRANSPORT, INC., P.O. Box 566, Marietta, GA 45750. Representative: A. Charles Tell, Suite 1800, 100 E. Broad St., Columbus, OH 43215 (614) 228–1541. Transporting (1) *chemicals and related products*, between points in Pleasant County, WV, on the one hand, and, on the other, points in and east of MN, IA, NE, MO, AR, and LA, (2) *metal products*, between points in Bancroft County, WV, on the one hand, and, on the other, points in the U.S., and (3) *general commodities* (except classes A and B explosives) between points in Wood County, WV, on the one hand, and, on the other, points in the U.S.

MC 128738 (Sub-4), filed August 7, 1981. Applicant: JOE N. QUINCE d.b.a. QUINCE UNLOADING AND FREIGHT HANDLING, 1502 Shirland, Beloit, WI 53511. Representative: Albert A. Andrin, 180 North La Salle St., Chicago, IL 60601 (312) 332–5106. Transporting (1) *machinery* between the facilities used by Beloit Corporation at points in Rock County, WI, and Winnebago County, IL, on the one hand, and, on the other, points in the U.S., and (2) *such commodities* as are dealt in or used by manufacturers of construction and agricultural equipment, between the facilities used by J. I. Case Company at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 135989 (Sub-32), filed August 7, 1981. Applicant: COAST EXPRESS, INC., 14280 Monte Vista Ave., Chino, CA 91710. Representative: William J. Lippman, Steele Park, Suite 330, 50 South Steele St., Denver, CO 80209 (303) 320–6100. Transporting *food and related products* between points in the U.S., under continuing contract(s) with V.K.I., Inc., and Texas Food Oils Corp., both of Dallas, TX, Webb-Davis Corp., of Midland, TX, and Del-Tex Corporation, of San Angelo, TX.

MC 138068 (Sub-8), filed August 7, 1981. Applicant: WAREHOUSE TRANSPORTATION COMPANY, P.O. Box 84, Urbana, OH 43078. Representative: Robert E. Tucker, 750 W. Third St., Cincinnati, OH 45203 (513) 621–1200. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Child World, Inc., of Avon, MA.

MC 140539 (Sub-4), filed August 7, 1981. Applicant: TENNESSEE EXPRESS,

INC., 22 Stanley St., Nashville, TN 37210. Representative: George M. Catlett, Suite 708, McClure Bldg., Frankfort, KY 40601 (502) 227–7384. Transporting *general commodities* (except classes A and B explosives), between points in Davidson County, TN, on the one hand, and, on the other, points in the U.S.

MC 141138 (Sub-20), filed August 10, 1981. Applicant: STEVE SCHRANZ TRUCKING, INC., 350 Honeysuckle Lane, Belleville, IL 62221. Representative: Thomas P. Rose, P.O. Box 205, Jefferson City, MO 65102 (314) 636–2321. Transporting *commodities in bulk*, between points in AR, AL, GA, IL, IN, KS, KY, LA, MS, MO, OK, TN, and TX.

MC 145108 (Sub-54), filed August 10, 1981. Applicant: BULLET EXPRESS, INC., P.O. Box 289, Bay Ridge Station, Brooklyn, NY 11220. Representative: Robert L. Van Buren (Same address as applicant.) (212) 492–7332. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Diversified Specialists, Inc., of Houston, TX.

MC 146689 (Sub-16), filed August 7, 1981. Applicant: RONALD DINNOCENTI, ANGELINE DINNOCENTI, ROBERT L. LIST, AND CHARLES W. YETTER, III d.b.a. LARK LEASING COMPANY, 261 Maplewood Dr., Pottstown, PA 19464. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101 (717) 236–9318. Transporting (1) *clay and clay products*, (2) *salt*, and (3) *chemicals and related products*, between points in the U.S., under continuing contract(s) with Pottstown Roller Mills, Inc., of Pottstown, PA.

MC 148528 (Sub-2), filed August 10, 1981. Applicant: RAUNIKER, INC., Rural Route 1, Carl Junction, MO 64834. Representative: Patricia F. Scott, 20 East Franklin, P.O. Box 258, Liberty, MO 64068 (816) 781–6000. Transporting *petroleum and petroleum products*, between points in AR, KS, MO, OK, and TX.

MC 150268 (Sub-1), filed August 7, 1981. Applicant: RAMSEY TRUCKING, INC., 7227 Lynbrook Dr., Oakwood Village, OH 44146. Representative: Richard H. Brandon, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017 (614) 889–2531. Transporting *building materials*, between points in the U.S., under continuing contract(s) with The Cleveland Builders Supply Company, of Cleveland, OH.

MC 151348 (Sub-3), filed August 7, 1981. Applicant: J. D. TRANSPORTS, INC., Box 179, Memphis, TN 38101. Representative: John Paul Jones, P.O. Box 3140, Front Street Station, 189 Jefferson Avenue, Memphis, TN 38103, (901) 527–2482. Transporting *scrap aluminum cans*, between points in Vanderburgh County, IN, and points in AL, AR, IL, KY, LA, MS, MO, and TN, on the one hand, and, on the other, Memphis, TN.

MC 156079 (Sub-4), filed August 27, 1981. Applicant: CIRCLE "C" CARRIERS, INC., P.O. Box 6158, Little Rock, AR 72216. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Bldg., Nashville, TN 37201, (617) 244–2926. Transporting *building materials*, between points in Bradley County, AR, on the one hand, and, on the other, points in the U.S.

MC 156419, filed August 10, 1981. Applicant: RIG RUNNER EXPRESS, INC., of Texas, P.O. Box 418, Huffman, TX 77336. Representative: James R. Boyd, 1000 Perry Brooks Bldg., Austin, TX 78701, (512) 476–8066. Transporting *Mercer commodities* between points in AR, CO, LA, MS, NM, OK, TX, and WY.

MC 157588, filed August 7, 1981. Applicant: FORTIER TRANSPORTATION CO., LTD., d.b.a. FORTIER STAGES, LTD., P.O. Box 12004, Fresno, CA 93776. Representative: John Paul Fischer, 256 Montgomery St., Fifth Floor, San Francisco, CA 94104, (415) 421–6743. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at points in Madera and Fresno Counties, CA, and extending to points in the U.S. (including AK, but excluding HI).

MC 157638, filed August 7, 1981. Applicant: KE-LE ENTERPRISES, P.O. Box 3571, Green Bay, WI 54303. Representative: Kenneth L. Matuszak, (same address as applicant), (414) 433–9295. Transporting *such commodities* as are dealt in or used by manufacturers of floor coverings, under continuing contract(s) with Trowelon, Inc., of Green Bay, WI.

MC 157599, filed August 7, 1981. Applicant: HARLEY-DAVIDSON TRANSPORTATION CO., INC., 1425 Eden Rd., York, PA 17402. Representative: Michael F. Morrone, 1150 17th St. NW., Washington, D.C. 20036, (202) 457–1124. Transporting (1) *food service equipment*, under continuing contract(s) with AMF Wyott, Inc., of Cheyenne, WY, (2) *sportswear*, under continuing contract(s) with AMF Head Sportswear, Inc., of Columbia, MD, (3) *golf equipment*, under continuing contract(s) with Ben Hogan Co., of Fort Worth, TX, (4) *automotive equipment*, under continuing contract(s) with Hitachi America, Ltd., of Southfield, MI, (5) *machinery, metal products*, and *bowling equipment*, under continuing contract(s) with AMF, Inc., of White Plains, NY, and (6) *machinery*, under continuing contract(s) with AMF Paragon Electric Company, Inc., of Two Rivers, WI, between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-24995 Filed 8-26-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacture of Controlled Substances; Registration

By Notice dated June 26, 1981, and published in the **Federal Register** on July 2, 1981, (46 FR 34733), Upjohn Company, 7171 Portage Road, Kalamazoo, Michigan 49001, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic class of controlled substances listed below:

Drug	Schedule
Methamphetamine (1105)	II
2,5-Dimethoxyamphetamine (7396)	I

No comments or objections having been received, and pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations § 1301.54(e), the acting Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substances listed above is granted.

Dated: August 18, 1981.

Marion W. Hambrick,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 81-25091 Filed 8-26-81; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 81-35]

Reports, Recommendations, Responses; Availability

• **Aircraft Accident Reports:** *Cascade Airways, Inc., Beech 99A, N39CA, Spokane, Washington, January 20, 1981 (NTSB-AAR-81-11).*—Early in the investigation of this accident, the Board forwarded to the Federal Aviation Administration on March 30, recommendations A-81-39 through -42

(46 FR 21281, 4–9–81); FAA responded on June 26, (46 FR 38000, 7–23–81). As a result of investigation, the Board has reiterated recommendations A–79–76 through –78 (44 FR 60182, 10–18–79) and, on July 28, issued the following "Class II, Priority Action" recommendations to FAA:

Require in future radio navigation instrument installations, that all frequencies being received through navigational receivers that are providing essential navigational information (directional guidance or distance) be displayed so that the source of the navigational signal can be readily discerned by the pilot **(A–81–74)**. Establish for aircraft used in commercial operation the maximum cockpit noise levels which will permit adequate direct voice communication between flight crewmembers under all operating conditions. **(A–81–75)**. Require the installation and use of crew interphone systems in the cockpits of those aircraft in which noise levels reach or exceed the maximum level established for adequate direct voice communcation between flight crewmembers under all operating conditions **(A–81–76)**.

• **Marine Accident Reports:** *Collision of U.S. Mississippi River, Steamer NATCHEZ and U.S. Tankship SS EXXON Baltimore, New Orleans, Louisiana, March 29, 1980 (NTSB–MAR–81–5).*—As a result of investigation, the Board on April 22 reiterated to the U.S. Coast Guard recommendation M–79–103 (44 FR 64932, 11–8–79) and issued the following Class II recommendations:

U.S. Coast Guard: Amend the regulation concerning Algiers traffic lights to require passenger vessels over 300 gross tons to comply with the traffic lights or to obtain permission from the respective towerman before proceeding past a red light **(M–81–32)**. Establish an enforcement program to reduce improper use of the bridge-to-bridge radiotelephone channel on the lower Mississippi River **(M–81–33)**.

New Orleans Steamboat Company: Upgrade the VHF radiotelephone equipment on the NATCHEZ so that the navigation watch can guard the vessel traffic service channel simultaneously with the bridge-to-bridge channel **(M–81–34)**. Require that the master and pilot of the NATCHEZ participate fully in the vessel traffic system **(M–81–35)**.

• **Railroad Accident Report:** *Brief Format, Issue No. 4, 1979 (NTSB–RAB–81–2).*

• **Responses to Recommendations**

A–81–49 through –53, from the Federal Aviation Administration (August 6).—**A–81–49:** Although demonstrating single-engine stalls with high asymmetric power in the light twin-engine airplane training environment is potentially a high-risk maneuver, it is not appropriate to prohibit selectively intentional single-engine stalls in Beech Baron/Travel Air series aircraft. **A–81–50:** It is not appropriate to establish more rigorous one-engine inoperative stall requirements, nor is it productive to expand the flight test regime for testing one-engine inoperative stall/spin characteristics at this time; FAA will monitor stall/spin research in progress and will amend regulations if required. **A–81–51:** To require Beech Aircraft Corporation to disseminate information relating to Beech Baron/Travel Air single-engine stall speeds could mislead airplane operators and become counter-productive; there are very few situations where the published V_{mc} cannot be achieved prior to reaching stall, with power settings within the normal operating envelope. **A–81–52:** Use of a Special Certification Review team to explore and evaluate the relative safety margin of Beech Baron aircraft, specifically, is inappropriate; existing regulations policies, and standard operating procedures provide an appropriate level of safety when adhered to. **A–81–53:** FAA is monitoring Beech Aircraft's progress in the stall research program to determine the potential for moderating inherent roll rates of conventional light twin-engine aircraft in single-engine, fully stalled conditions; FAA does not now have information on which to base a mandatory retrofit. (46 FR 27803, 5–21–81)

A–81–57 and –58, from the Federal Aviation Administration (August 3).—Amendments to 14 CFR 121.343 and to appendix B of Part 121 are not necessary to permit use of digital flight data records which employ some form of data compression; approval can be granted under existing regulations. (46 FR 27803, 5–21–81)

M–81–71, from the American Bureau of Shipping (July 29).—Adequate surveillance of steering units is provided by existing special survey requirements at 5-year intervals and by rules inserted into the 1981 "Rules for Building and Classing Steel Vessels" under paragraph 45.9, "Annual Surveys of Machinery." (46 FR 40953, 8–13–81)

P–80–61 through –65, from the Research and Special Programs Administration, U.S. Department of Transportation (July 30).—**P–80–61:** A formal data analysis plan and a planning process for the pipeline data system will be available for comment in September 1981; an extensive review of natural gas pipeline leak report requirements (49 CFR Part 191) and associated report forms is underway. **P–80–62:** The Office of Regulatory Planning and Analysis within RSPA's Materials Transportation Bureau since Nov. 3, 1980, establishes broad information needs for planning and analytic guidance. **P–80–63:** Further rulemaking on Docket OPS–49, Requirements for the Reporting of Gas Incidents, has been postponed pending completion of the Part 191 regulatory review; rulemaking action is anticipated in early 1982. **P–80–64:** To develop explicit directions for completion of present data forms would represent a serious diversion of resources from the priority review project. **P–80–65:** RSPA now uses direct computer coding conversions of data from leak report forms; a new statistical sampling procedure to generate exception reports on individual form-data elements will facilitate followup action and review by MTB pipeline personnel; training in use of the computer data system is underway. (45 FR 58734, 9–4–80)

R–81–57 through –60, from the National Railroad Passenger Corporation (Amtrak) (August 3).—**R–81–57:** Retrofitting of seats to provide a skirt at the bottom is impracticable. **R–81–58:** Amtrak is installing anti-rotational devices on seats on the Amfleet and Superliner cars during normal maintenance inspections and overhauls, the material is on order for Turboliners, and Amfleet II cars on order will have anti-rotational devices on the seats. **R–81–59:** Regarding cab crashworthiness in a collision, Amtrak notes that Turboliners were designed, built, and tested in accordance with AAR specification in effect at the time of construction. **R–81–60:** Amtrak believes its emergency exits are clearly identified, but a study is underway to clarify instructions to passengers for exit use. (46 FR 31950, 6–18–81)

R–81–67 and –68, from Amtrak (July 30).—**R–81–67:** Amtrak does not have the staffing to enforce compliance with operating rules on over 20 carriers; Amtrak compensates Illinois Central Gulf for a full-time manager to monitor operation of Amtrak trains on ICG, and ICG division officers are responsible for movement of Amtrak trains; monitoring locomotive speed tapes on a daily basis is impractical, but paper and magnetic tapes are available as needed for spot checking. **R–81–68:** One-time performance is secondary to rule and speed compliance, and all passenger train schedules contain 5 to 10 percent recovery time for contingencies. (46 FR 36968, 7–16–81)

Note.—Single copies of Board reports are available without charge as long as limited supplies last. Copies of recommendation letters, responses and related correspondence are also free of charge. Address written requests, identified by recommendation or report number, to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of Board reports may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaison Officer.

August 21, 1981.

[FR Doc. 81–24653 Filed 8–26–81; 8:45 am]

BILLING CODE 4910–58–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–367]

Northern Indiana Public Service Co. (Bailly Generating Station, Nuclear 1); Amended Notice of Opportunity for Hearing (Pilings)

On November 26, 1979, the Nuclear Regulatory Commission issued a "Notice of Opportunity for Hearing on Construction Permit Extension," 44 FR 69061, pursuant to which a hearing was requested and is presently being conducted by an Atomic Safety and Licensing Board.

On July 1, 1981, the United States Court of Appeals for the District of

Columbia Circuit held, in *State of Illinois* v. *NRC*, an unpublished decision, that the Commission had erred when, on December 12, 1979, it ruled that the plan of the licensee, Northern Indiana Public Service Company, to use shorter foundation pilings than originally contemplated for the Bailly facility, did not require a hearing under Section 189a of the Atomic Energy Act. Finding such a hearing "desirable and feasible," as well as "within the contemplation of Congress," the court noted the pendency of the hearing on the construction permit extension, and concluded that "the case should be remanded to the Commission with directions to include the piling depth question in the pending certificate amendment hearing." The court stated that this was "an easy solution to this dispute which would allow the public to air its views as to what appears to be a change in the original foundation plan and also allow NIPSCO to proceed with construction without undue delay."

In light of the court's decision treating the "shorter pilings plan" as a *de facto* request for a construction permit amendment, which under the unique facts of this case requires an opportunity for hearing, notice is hereby given that any person whose interest may be affected by the licensee's plan to drive foundation piles into the glacial lacustrine deposits underlying the site may file a request for a hearing on the amendment. Petitions for leave to intervene must be filed by 30 days from publication of **Federal Register** Notice in accordance with the provisions of this Notice and § 2.714 of the Commission's Rules of Practice in 10 CFR Part 2. A petition for leave to intervene must set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding, including the reasons why petitioner should be permitted to intervene, with particular reference to the factors enumerated in paragraph (d) of 10 CFR 2.714. The petition should also identify the specific aspect or aspects of the subject matter of the proceeding with regard to which the petitioner wishes to intervene. Such petitions must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to William H. Eichhorn, Esq., 5243 Hohman Avenue, Hammond, Indiana, 46368, the attorney for the permittee.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, the petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

All petitions will be acted upon by the Atomic Safety and Licensing Board currently conducting the Bailly construction permit extension proceeding. Any person permitted to intervene becomes a party to the pilings proceeding, with the right to participate fully in the conduct of the hearing, including the presentation of evidence and the cross-examination of witnesses.

Finally, it should be noted that while the court's decision makes reference to the practical advantage of using the ongoing construction permit amendment proceeding, it contains no suggestion that it intended that the issue of piling depth be treated as a factor in determining whether the licensee's request for an extension of the facility completion date should be granted. Moreover, the two issues are analytically distinct. Thus while the same Board will be deciding on the acceptability of the pilings proposal and on the request for an extension of the completion date, and while there may be a substantial identity of parties, the proceedings are not to be consolidated, unless the Board, for reasons not presently apparent to the Commission, decides that such consolidation is appropriate. It is expected that separate decisions will be rendered on the two issues, whether or not the Board wishes to issue those decisions in the same document. The Board will have the authority to determine the order in which issues are considered and decisions rendered in the two proceedings. The date of effectiveness of the Board's decision on the pilings issue will be determined in accordance with the general rules on the immediate effectiveness *vel non* of Licensing Board decisions on construction permit amendments that is in force at the time the decision is issued.

For further information with respect to this matter, documents are available for inspection by the public at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Westchester Township Public Library, 125 South Second Street, Chesterton, Indiana.

Dated at Washington, D.C. this 21st day of August, 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-25090 Filed 8-26-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

August 24, 1981.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C. Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost to the public;

The number of forms in the request for approval;

An indication of whether Section 3504(h) of Pub. L. 96-511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to when the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF COMMENCE

Agency Clearance Officer—Edward Michals—202-377-3627

Revisions

• General Administration
Applicant for Funding Assistance
CD-346
On occasion
Individuals or households/businesses or other institutions
Prin. ofcr. and employ. of organ. firms, or recip., etc.
SIC: multiple
Small businesses or organizations
Other advancement and regulation of commerce: 1,732 responses; 433 hours; $17,000 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202-395-4814

Information used to establish the good character of principals of organizations, firms, etc. that may receive grants, loans or guarantees from the Commerce Department.

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202-426-5030

New

• Office of Elementary and Secondary Education
Demonstration of Compliance with Terms and Conditions of the Bilingual Education Fellowship Program Contract
4561-3
Annually
Individuals or households
Recipients of fellowship assistance under bilingual ed. prg. elementary, secondary, and vocational education: 400 responses; 100 hours; $2,000 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202-426-5030

Recipients of fellowship assistance under the Bilingual Education Fellowship program will use this form to demonstrate their compliance with the provisions of the fellowship contract. Respondents indicate their method of compliance and attach documentation required under law and regulations.

• Office of Postsecondary Education
Guaranteed Student Loan Program Family Contribution Schedule
Nonrecurring
Businesses or other institutions
Postsec. sch., stud., parents, guarantee agencies
SIC: 941 822 605
Higher education: 1,000,000 responses; 250,000 hours; $8,700 Federal cost; 1 form; $2,500,000 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202-426-5030

The notice advises the public of the needs analysis system (family contribution schedule) to be used by schools in determining the student's eligibility.

Reinstatements

• Office of Postsecondary Education
Transfer Credit Letter
OE 1261 ED 1261
On occasion
State or local governments/businesses or other institutions
Public and nonprofit postsecondary educational institutions
SIC: 822
Higher education: 300 responses; 75 hours; $1,320 Federal cost; 1 form; $1,125 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202-426-5030

The Secretary of Education must determine whether unaccredited institutions of higher education are eligible for programs authorized by the Higher Education Act of 1965. The Secretary uses this form to determine whether institutions meet the "Three-Institutional Certification Method" as an alternative to accreditation.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202-245-7488

New

• Food and Drug Administration
Agreement for Shipment of Devices for Sterilization
On occasion
Businesses or other institutions
Medical device manufacturers
SIC: 384
Small businesses or organizations
Consumer and occupational health and safety; 100 responses; 800 hours; $1,000 Federal cost; 1 form; $1,000 public cost; not applicable under 3504(h)
Gwendolyn Pla, 202-395-6880

This procedure allows firms to ship devices in interstate commerce for sterilization at another establishment without being in violation of the Federal Food, Drug and Cosmetic Act.

• Office of Assistant Secretary for Health
1983 National Health Interview Survey Alcohol/Health Practices Supplement Telephone Pretest

Nonrecurring
Individuals or households
Systematically selected adults (18+)
Health: 600 responses; 117 hours; $21,000 Federal cost; 1 form; $1,170 public cost; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

This telephone pretest is needed to aid in the development and testing of a series of questions on health practices with emphasis on alcohol use and related items for a 1983 national health interview survey supplement.

• Food and Drug Administration
Gras Affirmation Petition
On occasion
Businesses or other institutions
Food manufacturers
SIC: 201 209
Small businesses or organizations
Consumer and occupational health and safety: 10 responses; 800 hours; $163,803 Federal cost; 1 form; $8,000 public cost, not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

Gras affirmation petitions are needed to provide a mechanism to the food industry for assuring that a substance they propose to use in food is gras and is not an unregulated (i.e., unsafe) food additive. The petitions are used as the basis for gras affirmation regulations that are published in the **Federal Register.**

• Health Resources Administration
Podiatric Residency Program Suvey
Nonrecurring
Businesses or other institutions
Chef podiatrists of all hospitals with podiatry service
SIC: 806
Health: 1,300 responses; 541 hours; $45,200 Federal cost; 1 form; $5,410 public cost; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

Certain U.S. hospitals have sufficient podiatric clinical volume and interet to start a new podiatric residency program. The purpose of this survey is to identify these potential new programs. Results will allow podiatriasts to work with these hospitals to initiate the needed programs.

• Health Care Financing Administration
Provider-Based Physician Questionaire for Direct Dealing
Provider
HCFA–284
Annually
Businesses or other institutions
Medicare providers (hosp., home hlt. agen., skilled, etc.
SIC: 808 805 806
Small businesses or organizations
Health: 333 responses; 43,623 hours; $13,075 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

The questionnaire is used by HCFA/ODR for obtaining data needed to compute the provider and professional components of provider-based physicians' compensation in order to determine the proper method of billing and reimbursement for covered services rendered to medicare beneficiaries within the providers' cost reporting period and provide proper provider reimbursement under the appropriate medicare trust fund.

• Health Care Financing Administration
Hospital Interim Rate Change Report (Pip Quarterly Report)
HCFA–91
Quarterly
Businesses or other institutions Hosp. and skilled nursing fac. which rec. per. interim paymt.
SIC: 805 806
Small businesses or organizations
Health: 9,916 responses; 138,824 hours; $49,580 Federal cost; 1 form; not applicable under 3504 (h)
Richard Eisinger, 202–395–6880

This form is completed quarterly by hospitals and skilled nursing facilities who receive periodic interim payment (PIP). The intermediary uses this information to adjust the PIP rate.

Revisions

• Social Security Administration
Statistical Report on Recipients Under Public Assistance Program
SSA–3637
Monthly
State or local governments
State public assistance agencies
Public assistance and other income supplements: 216 responses; 6,480 hours; $51,300 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

Section 402(A)(6) and 1602(A)(6) of the Social Security Act provide for information regarding numbers of AFDC and general assistance recipients and payments. This form is used to observe and monitor trends and changes as they occur, effects of seasonal and economic factors. Variations, new legislation, and to respond to other indicator of A and for revision or change in fiscal planning or implementation

• Office of Assistant Secretary for Health
Hispanic Health and Nutrition Examination Survey—Pilot Tests
On occasion
Individuals or households
Mex. Amer., Puerto Ricans, Cuban Amer., Living in Bronx, N.Y.
Health: 1,155 responses; 2,287 hours; $3,000,000 Federal cost; 27 forms; $14,550 public cost; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

The pilot studies being proposed are necessary to test questionnaire construction, transition adequacy, sample selection procedures and examination procedures.

• Centers for Disease Control
Monthly Manufacturers' Report of Specified Bilogics Distribution and Inventory
HSM 4206 CDC 4.206
Quarterly
Businesses or other institutions
Pharmaceutical Companies
SIC: 283
Health: 40 responses; 80 hours; $2,330 Federal cost; 1 Form; $800 public cost; not applicable under 3504(h)
Gwendolyn Pia, 202–395–6880

The information gathered from this report is published quarterly to show a current summary of data indicating the estimated utilization and availability of the principal biologic preparations used for immunizations.

• Social Security Administration
Public Assistance Agency Information Request
SSA–1610 U2
On occasion
State or local governments
Infor. from SSA rel. to St. Welf., etc.
SIC: 944
Public assistance and other income supplements: 650,000 responses; 21,667 hours; $1,950,000 Federal cost; 1 Form; not applicable under 3504(h)
Robert Neal, 202–395–6880

Sections 402(A) and 1902(A) of the Social Security Act provides for information regarding State welfare benefits that may affect supplemental security income payments. This form is used in making determinations of eligibility of applicants for various programs between SSA and the State public assistance agencies.

• Social Security Administration
Supplemental Security Income—Quality Review Case Analysis
SSA–8508
On occasion
Individuals or households
Supplemental security income beneficiaries
Public assistance and other income supplements: 49,000 responses; 25,500 hours; $15,337,000 Federal cost; 1 Form; not applicable under 3504(h)
Robert Neal, 202–395–6880

This form will be used to collect information from a sample of SSI beneficiaries for the SSI primary ongoing payment accuracy sample and for the supplemental initial claims/par sample. The data will be used to establish a national dollar error rate and plan corrective action as well as evaluate the effectiveness of existing and proposed policy and procedures in the SSI program.

Reinstatements

• Food and Drug Administration
Antibiotic Application
FD–1675
On occasion
Businesses or other institutions
Drug Manufacturers
Consumer and occupational health and safety: 80 responses; 6,400 hours; $200,000 Federal cost; 1 Form; $5,000,000 public cost; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

Application is used by drug manufacturers with a view to obtaining approval for marketing a new antibiotic product.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—202–755–5184

Extensions (No change)

• Housing Programs
Description of materials
HUD–92005 (formerly FHA–2005)
On occasion
Businesses or other institutions
Builders-architects
SIC: 953
Small businesses or organizations
Mortgage credit and thrift insurance: 80,000 responses; 40,000 hours; $19,200 Federal cost; 1 Form; not applicable under 3504(h)
Richard Sheppard, 202–395–6880

Authority for this report is section 203 of the National Housing Act (P.L. 479, 48 stat. 1246, 12 U.S.C. 1701 et seq.), submitted by builder, sponsor and/or approved mortgagor to itemize the materials to be used in construction of the property on which an appraisal and commitment will be made. Needed by HUD to determine if items meet minimum property standards and if application for mortgage insurance is approvable.

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—Vivian A. Keado—202–343–6191

Reinstatements

• Bureau of Land Management
Village Selection Application and Native Group Selection
Application
2650–5
On occasion
Individuals or households/businesses or other institutions
Native village and group corporations in Alaska
SIC: 999
Small businesses or organizations
Conservation and land management: 2,000 responses; 1,000 hours; $10,000 Federal cost; 1 Form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Form is needed to document the selection, adjudicate conflicting claims of record and exclude lands or interests not desired by native corporations.

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Larry E. Miesse—202–633–4312

New

• Legal Activities
Implementation of the Equal Access to Justice Act in Department of Justice Administrative Proceedings
Nonrecurring
Individuals or households/State or local governments/farms
Businesses or other institutions (Eligible)—Define
SIC: All
Small businesses or organizations
Federal litigative and judicial activities: 50 responses; 500 hours; 1 form; $5,000 public cost; NPRM under 3504(h)
Andy Uscher, 202–395–4814

Rules establish procedure for the submission and consideration of application for awards against the DOJ under the equal access to Justice act.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202–426–1887

New

• Research and Special Programs Administration
Hazardous Material Shipping Papers
Other—see SF83
Businesses or other institutions
Shippers of hazardous materials
SIC: All
Small businesses or organizations
Other Transportation: 180,000,000 Responses; 6,000,000 hours; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

Needed by carriers to avoid comingling of incompatible materials, loading of forbidden materials, emergency personnel to identify types of hazardous materials being carried in case of accidents, leakage or fire.

• Coast Guard
Shipping Articles
CG–705A
On occasion
Individuals or households/Businesses or other institutions
U.S. merchant seamen and their shipping companies
SIC: 441 442
Water transportation: 2,400 responses; 4,800 hours; $46,000 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

Actual contractual agreement between the master and the crew of certain merchant vessels stating terms of the agreement. It may be used in lieu of form CG–735T for certain voyages. Submitted as permanent record of voyage and agreement. 46 USC 564, 574, 643(1) and 713.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker— 202–634–5394

New

• Internal Revenue Service
Recruit Information Record
500–5–285 (7–81)
Nonrecurring
Individuals or households
Applicants for employment, mainly college students
Central fiscal operations: 2,000 responses; 60 hours; $16,652 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The form is used by the local recruitment coordinator to record and track those students with whom follow-up is necessary. These students include all members of underrepresented groups. The information recorded is used to report on local participation in FEORP activities and in preparing the annual FEORP. Accomplishment report required by OPM under 5 CFR 720.207.

• Internal Revenue Service
MMR Program Disk Label and 405 MTR Program Tape Label
Preparation instruction for disk pack reporting label
Form 5130
5130 5064 5131
Annually
State or local governments/farms/businesses or other institutions
Those required to file IRS income information returns
SIC: All
Small Businesses or organizations

Central fiscal operations: 20,800 responses; 5,200 hours; $4,757 Federal cost; 3 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Information returns can be filed on magnetic tape, disk, and diskette. These labels are affixed to the tape reel, disk or diskette. The labels identify the filer and important IRS processing information. Form 5131 provides to transmitters of information returns who use magnetic disk packs or diskettes. The instructions tell the filer how to complete Form 5130.

• Internal Revenue Service
Explaining Why Check was not Accepted by Bank
518C
On occasion
Individuals or households/farms/businesses or other institutions
Taxpayers who pay their tax liability with a check
SIC: All
Small businesses or organizations
Central fiscal operations: 40 responses; 10 hours; $283 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

26 U.S.C. section 6657 authorizes a penalty be assessed on bad checks submitted by taxpayers in payment of tax. If the taxpayer has verification that the check was not bad, he/she can return the verification with this letter and IRS will abate the penalty.

• Internal Revenue Service
To Household Employer—Only One EIN Required
473C
On occasion
Individuals or households/farms/businesses or other institutions
Taxpayers required to file for a taxpayer I.D. number
SIC: 131 201 211 231 283 421 511 631 763 801
Small businesses or organizations
Central fiscal operations: 74 responses; 37 hours; $250 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The information is needed to maintain accurate data on all business accounts. It includes issuing employer identification numbers. The information creates an accountability for all taxpayers required to file returns with the IRS.

• Internal Revenue Service
Escrow Agreement
SWR E–2124
Nonrecurring
Individuals or households/state or local governments farms/businesses or other institutions
Estates having tax liability
SIC: Multiple
Small businesses or organizations
Central fiscal operations: 600 responses; 100 hours; $600 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This form is used by IRS to secure from the estate executor an agreement to transfer funds to escrow to ensure payment of estate tax.

• Internal Revenue Service
Request for Status of Estate
519C
Annually
Individuals or households
Estates of deceased individuals
Central fiscal operations: 395 responses; 197 hours; $473 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The letter is used by the IRS to verify the status of an estate which is paying taxes under an extended payment election. The executor of an estate certifies the status by signing the letter. Section 20.6166(f)(II) of the Code of Federal Regulations requiries the executor to provide this. The data is used to determine whether the election should be terminated.

• Internal Revenue Service
Authorization of magnetic media file
1264C
On occasion
State or local governments/farms/businesses or other institutions
Those required to file IRS income information returns
SIC: All
Small businesses or organizations
Central fiscal operations: 1,000 responses; 1,000 hours; $993 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The authorization letter advises filers that they may file information returns on magnetic media and assigns a unique transmitter number to the filer. The letter also asks filers to send IRS a test tape, disk, or diskette before submitting the original file.

• Internal Revenue Service
Confirmation letter
1117(C)
Nonrecurring
Individuals or households/farms/businesses or other institutions
Potentially the entire spectrum of taxpaying public
SIC: All
Small businesses or organizations
Central fiscal operations; 9,627 responses; 799 hours; $45,500 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

To fully satisfy some audit objectives, it is necessary to directly communicate with taxpayers and /or other knowledgeable parties to obtain verificiation of information such as correct amount of tax due, all required returns filed, etc. Response information is used to determine the accuracy of tax and general ledger accounts, etc.

• Internal Revenue Service
Magnetic Media Seminar Response Card
6390
On occasion
State or local governments /farms/businesses or other institutions
Those required to file IRS income info. returns
SIC: All
Small businesses or organizations
Central fiscal operations: 2,500 responses; 625 hours; $1,877 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This response card helps IRS plan promotional seminars on magnetic media filing of information returns. The card is used to provide a file of potential filers and contains contact information on the filers.

• Internal Revenue Service
Telephone calls/personal contacts
RC–C/Gen, 966–A
Other—see SF83
Businesses or other institutions
Any and all employers
SIC: All
Small businesses or organizations
Central fiscal operations; 1,000 responses; 70 hours; $711 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This form is used during telephonic conversations with employers to verify data on the forms W–2 attached to a taxpayer's return. The form W–2 are either typed, handwritten or altered. Without this telephonic verification, fraudulent refunds could be issued or valid refunds held up unnecessarily to the respective taxpayer.

• Internal Revenue Service
Request taxpayer complete form SS–5 for clarficiation of number
257C, 257SC
Nonrecurring
Individuals or households
All individual taxpayers who file tax returns
Central fiscal operations: 16,280 responses; 6,784 hours; $286,814 Federal cost; 2 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

26 U.S.C. 6109 requires the correct social security number be used on tax returns. When the information supplied by the taxpayer does not agree with the IRS records. Further verification is necessary in order to properly process the tax return.

• Internal Revenue Service
More info. reg. to adj. tax return
418C, 418SC
On occasion
Individuals or households/farms/ businesses or other institutions
All taxpayers indicating correction required on tax return
SIC: All
Small businesses or organizations
Central fiscal operations: 28,651 responses; 11,939 hours; $191,484 Federal cost; 2 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

26 U.S.C. 6011 requires that a tax return be filed by all taxpayers who incur a tax liability. If the taxpayer advises IRS that he/she made an error that needs to be corrected. It may be necessary to request a copy of the original return in order to process the taxpayer's request.

• Internal Revenue Service
Attachment for letter going to schools to schedule understanding tax films
505–6–14
Annually
Businesses or other institutions
High schools
SIC: All
Small businesses or organizations
Central fiscal operations: 900 responses; 45 hours; $2,561 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council; 202–426–5030

The 505–6–13 is a transmittal letter sent to high schools with form 505–6–14. The letter acknowledges the recipient's interest in IRS understanding taxes films and describes the available films. Form 505–6–14 is filled out by the recipient and when returned to IRS it serves as a request for use of a film.

• Internal Revenue Service
SSA Record—Discrepancy
138C, 138SC, 138SC/SP
Quarterly
Individuals or households/businesses or other institutions
All employers
SIC: All
Small businesses or organizations
Central fiscal operations: 1,988 responses; 994 hours; $8,867 Federal cost; 3 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The information that is being requested is needed to credit employees with their correct earnings.

• Internal Revenue Service
Filing Status of 501(3) Form 940 Filers
1430C
Other—See SF83
Businesses or other institutions
Taxpayers required to file for a taxpayer I.D. number
SIC: 131, 201, 211, 231, 283, 421, 511, 631, 763, 801
Small businesses or organizations
Central fiscal operations: 600 responses; 300 hours; $2,357 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The information is needed to maintain accurate data on all business accounts. It includes issuing employer identification numbers. The information creates an accountability for all taxpayers required to file returns with the IRS.

• Internal Revenue Service
Visitor Register
5422
On occasion
Individuals or households
Individuals visiting certain IRS offices
Central Fiscal Operations: 44,000 responses; 1,467 hours; $5,856 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

A security measure. Controls access to IRS service centers. The Data Center, and the National Computer Center. Prevents disclosure of tax and privacy information and damage to the facilities by requiring visitors to identify themselves, state their business, and why they need access.

• Internal Revenue Service
No Longer in Business—Nonreceipt of Return, Request Additional Information From Employer With No Employees
696C
On occasion
Farms, businesses or other institutions
Sole proprietors, partnerships and corporations
SIC: 019, 138, 162, 399, 446, 501, 599, 605, 739, 919
Small businesses or organizations
Central fiscal operations: 3,003 responses; 1,501 hours; $10,870 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This letter is used to correspond with employers who are no longer in business. The taxpayer may be requested to provide additional information so that the name can be removed from the mailing list.

• Internal Revenue Service
Requesting a Tax Return to Ensure Credit of Payment to Taxpayer Account
112C 112SC
On occasion
Individuals or households/farms/ businesses or other institutions
Taxpayers making a payment which a return cannot be located
SIC: All
Small businesses or oganizations
Central fiscal operations: 28,399 responses; 14,199 hours; $200,420 Federal cost; 2 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880.

26 U.S.C. 6011 requires that a tax return be filed by any taxpayer who has taxable income. When the IRS receives a payment or payments from a taxpayer and the return cannot be located, letter 112C is sent to the taxpayer requesting either a copy of the return or additional information as to where the money is to be applied.

• Internal Revenue Service
Scrambled Social Security Number Clarification
239C, 239SC, 239SP
On occasion
Individuals or households
Individual taxpayers who file tax returns
Central fiscal operations: 20,827 responses; 8,679 hours; $51,931 Federal cost; 3 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

26 U.S.C. 6109 requires that the correct social security number be entered on tax returns. If a taxpayer does not have an SSN, they are required to obtain one. If the number they are using is incorrect, verification is required before the return can be processed.

• Internal Revenue Service
Two Returns Filed—Explanation Requested
31C, 31SC, 31SP
On occasion
Individuals or households/farms/ businesses or other institutions
Taxpayers filing two tax returns for same period
SIC: all
Small businesses or organizations
Central fiscal operations: 10,482 responses; 4,368 hours; $69,691 Federal cost; 3 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

26 U.S.C. section 6011 requires that a tax return must be filed if the taxpayer has a tax liability. If the taxpayer files two returns for the same tax period.

further clarification is needed by IRS to correctly process the returns.

• Internal Revenue Service
Multiple Employer Transmittal for Magnetic Tape Reporting of Form W-4
6467
On occasion
State or local governments/farms/businesses or other institutions
Employers of various business and/or organizations
SIC: all
Small businesses or organizations
Central fiscal operations: 150 responses; 75 hours; $241 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

26 U.S.C. 3402 requires all employers making payment of wages to deduct (withhold) tax upon such payments. Employers are further required under regulation 37.3402-1, to submit certain withholding certificates (W-4) to the IRS. Transmittal form 6467 is sent to an authorized agent of the employer who will be reporting submissions of more than one employer on magnetic tape.

• Internal Revenue Service
Appraisal Contract
SWR-754
On occasion
Individuals or households/farms/businesses or other institutions
Appraisers of property
SIC: multiple
Small businesses or organizations
Central fiscal operations: 1,000 responses; 500 hours; $1,000 Federal cost; 1 form; not applicable under 3504 (h)
Kevin Broderick, 202-395-6880

Form SWR-754 is used to obtain an independent, third party appraisal of property by recognized professional experts. The appraisal is used to support or confirm actual fair market values of property.

• Internal Revenue Service
Information From Individual Claiming the Proceeds of a tax Refund Check to Joint Payees
310C
On occasion
Individuals or households
All individual taxpayers filing joint income tax returns
Central fiscal operations: 120 responses; 60 hours; $406 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

26 U.S.C. 6402(A) allows the IRS to refund the amount of any overpayment to the person who made the overpayment. When a joint return is filed and one party subsequently requests the overpayment be refunded to a single party, IRS needs to secure evidence to document the disappearance of death of the other party.

• Comptroller of the Currency
Letter Request for an Employee Compensation Plan
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce: 50 responses; 250 hours; $20,000 Federal cost; 1 form; $5,913 Public cost; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Used to support and evaluate proposal for a compensation plan.

• Comptroller of the Currency
List of National Bank Directors
CC 7029-08
Annually
Businesses or other institutions
All national banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce: 4,450 responses; 2,225 hours; $22,250 Federal cost; 1 form; $27,812 Public cost; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Reports names and addresses of elected directors and vote count.

• Comptroller of the Currency
Application to Organize an Interim National Bank
CC 7020-42
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce: 80 responses; 240 hours; $520,000 Federal cost; 1 form; $4,258 Public cost; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Used to present data in support of request for interim bank.

• Comptroller of the Currency
Materials Submitted in Advance of Hearing
On occasion
Individuals or households/businesses of other institutions
Individuals and financial service institutions
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce: 60 responses; 30 hours; $1,200 Federal cost; 1 form; $150 Public cost; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Used to present evidence and material at hearing.

• Internal Revenue Service
Exemption Form 4361, Minister's Waiver, Disapproved
286C
Nonrecurring
Individual or households
Taxpayers filing form 4361
Central fiscal operations: 628 responses; 314 hours; $1,872 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

26 U.S.C. 1402(E) authorizes an exemption from self-employment tax for qualifying members of the clergy. Form 4361 is the application form provided for in regs. 1.1401(E)-2A. Letter 286C advises the taxpayer the application has been disapproved and advises them to submit additional information for consideration.

• Internal Revenue Service
Request for Affidavit from T/P Who Explained Loss of Special Tax Stamp
227C
On occasion
Individuals or households/businesses or other institutions
Individuals, sole proprietors, partnerships, corporations
SIC: 592, 518, 348, 594, 208
Small businesses or organizations
Central fiscal operations: 15 responses; 7 hours; $56 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

The taxpayer has requested a replacement special tax stamp. This letter requests an affidavit to support request. When the affidavit is received, a new stamp is issued.

• Internal Revenue Service
Request Departing Alien Taxpayer to File Regular Income Tax Return
Nonrecurring
Individuals or households
Departing aliens filing a 1040C need to file 1040/1040NR
Central fiscal operations: 9 responses; 4 hours; $26 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

26 U.S.C. 6851(d) (1) and (2) state that aliens cannot leave the United States until they have filed a tax return and paid any tax due. At the time of departure, a form 1040C is filed. Letter 652C requests this taxpayer to file a form 1040 or 1040NR at the end of their tax year. If the taxpayer fills in the

information requested because a return was filed, the data is used to locate the return.

• Internal Revenue Service
Information Needed to Determine Correct Filing Status Under Section 501(C)(3)
5818
On occasion
Businesses or other institutions
Exempt organizations required to file taxpayer I.D. No.
SIC: 131, 201, 211, 231, 283, 421, 511, 631, 763, 801
Small businesses or organizations
Central fiscal operations: 4,555 responses; 2,277 hours; $11,009 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

The information is used to maintain accurate data on all business accounts of exempt organizations. It includes issuing employer identification numbers. The information creates an accountability for all exempt organizations required to file returns with the IRS. (26 U.S.C. 312L(b)(7))

• Internal Revenue Service
Deliver Unopened to Tape Library
4801
Annually
State or local governments/farms
Taxpayers required to file IRS income information returns
SIC: All
Small businesses or organizations
Central fiscal operations: 10,000 responses; 80 hours; $1,303 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

The form 4801 lable is affixed to the shipment of information returns filed on magnetic tape, disk or diskette. Receiving and shipping at the Service Center send the media directly to the tape library. This prevents the shipments from being misdirected or damaged.

• Internal Revenue Service
Short Period Return Received—Explanation Requested (See Supporting Statement)
90C, SC
Other—see SF83
Individuals or households/farms/businesses or other institutions
Individual and business taxpayers
SIC: 019, 138, 162, 399, 446, 501, 599, 605, 739, 919
Small businesses or organizations
Central fiscal operations: 3,295 responses; 1,647 hours; $11,988 Federal cost; 2 forms; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

This letter is used to obtain additional information which is necessary in determining why a taxpayer filed a short period return without explanation.

• Internal Revenue Service
Returning Unnecessary Documents, Forms or Payment to Taxpayer
315C, 315SC
On occasion
Individuals or households/farms/businesses or other institutions
Individual and business taxpayers
SIC: 019, 138, 162, 399, 446, 501, 599, 605, 739, 919
Small businesses or organizations
Central fiscal operations: 9,109 responses; 4,554 hours; $33,786 Federal cost; 2 forms; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

This letter is used to return unnecessary documents to the taxpayer, and provide instructions on the disposition of these documents.

• Internal Revenue Service
Request Info re Invalid SSN—Ref Delayed
487C, 487SC
On occasion
Individuals or households
Individual taxpayers who file tax returns
Central fiscal operations: 480 responses; 200 hours; $2,955 Federal cost; 2 forms; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

In order to process tax returns, 26 U.S.C. 6109 requires the correct social security number be used on the return. If the number used by the taxpayer differs from our records, the return cannot be processed until verification of the correct number is received.

• Internal Revenue Service
Estimated Penalty Letter
876C
On occasion
Individuals or households/farms/businesses or other institutions
Taxpayers required to make estimated tax payments
SIC: All
Small businesses or organizations
Central fiscal operations: 8,628 responses; 4,314 hours; $25,547 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

26 U.S.C. 6654 and 6655 authorize the IRS to assess a penalty against taxpayers who do not make estimated tax payments as required by 26 U.S.C. 6015. Letter 876C advises the taxpayer they are being assessed this penalty and explains they may qualify for one of the exceptions to the penalty.

• Internal Revenue Service
Response to Taxpayer's Inquiry About Penalty Notice
369C, 369SC
On occasion
Individuals or households/farms/businesses or other institutions
Taxpayers required to make estimated tax payments
SIC: All
Small businesses or organizations
Central fiscal operations: 26,091 responses; 10,872 hours; $182,688 Federal cost; 2 forms; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

26 U.S.C. sections 6153 and 6154 require that individuals and corporations make estimated tax payments during the year. 26 U.S.C. sections 6654 and 6655 provide for a penalty if these payments are not made. This letter requests an explanation from the taxpayer to help in determining if the penalty can be reduced or eliminated.

Revisions

• Internal Revenue Service
Statement for Recipients of Miscellaneous Income
1099-misc, 1087-misc
Annually
Businesses or other institutions
Persons paying rent, royalties, prizes/awards
SIC: All
Small businesses or organizations
Central fiscal operations: 10,204,000 responses; 3,395,000 hours; $932,109 Federal cost; 2 forms; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Form 1099-misc is used to report rents, royalties, prizes and awards (but not for services rendered) and certain other payments paid during the year, as required by IRC section 6041. Form 1087-misc is used to report the actual owner of the income. IRS uses both forms to verify income-reporting compliance by the recipients.

• Internal Revenue Service
Underpayment of estimated tax by individuals and underpayment of estimated tax by farmers and fishermen
2210
On occasion
Individuals or households/farms/businesses or other institutions
Individual farmers, and fisherman (self employed)
SIC: 091, 092, 011, 013, 016, 017, 018, 019, 021
Small businesses or organizations

Central fiscal operations: 583,336 responses; 392,747 hours; $3,494,791 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

IRC section 6654 imposes a penalty for failure to pay estimated income tax. This form is used by taxpayers to determine whether they are subject to this penalty and to compute the penalty if it applies. The service uses this information to determine whether the taxpayer subject to the penalty and, also, to verify the penalty amount.

Extensions (Burden Change)

• Bureau of Alcohol, Tobacco and Firearms
Distilled spirits tax return-deferred payment
ATF F 5110.3,5
Other-see SF83
Businesses or other institutions
Permittees removing distilled spirits from bonded premises
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 6,240 responses; 7,200 hours; $1,319 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form shows the amount and payment of distilled spirts tax by a DSP that has deferred taxes on a semi-monthly basis. Describes the taxpayer, method and amount of tax payment, calculation of taxpayment and receipt of taxpayment by IRS. On this form, billions of dollars of taxes are collected by the U.S. Government.

• Internal Revenue Service
Computation of overpaid windfall profit tax
6249
Annually
Individuals or households/businesses or other institutions
Producers of domestic crude oil
SIC: 131, 621, 651, 679, 492, 461
Small businesses or organizations
Central fiscal operations: 200,000 responses; 514,080 hours; $149,411 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 6249 is used by producers of domestically produced crude oil who have overpaid their windfall profit tax. The information is used to determine if overpayment has been correctly computed.

• Internal Revenue Service
Annual information return of windfall profit tax 6248
Annually
Individuals or households/businesses or other institutions
Purchasers of domestically produced crude oil
SIC: 131, 621, 651, 679, 492, 461
Small businesses or organizations
Central fiscal operations: 2,500,000 responses; 6,394,000 hours; $2,786,736 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 6248 is an annual information return that informs the IRS of each producer's windfall profit tax liability for the calendar year. It is used by the IRS to verify if a producer paid the correct windfall profit tax liability for the calendar year.

• Internal Revenue Service
Return by a transferor of property to a foreign corporation, foreign estate or trust, or foreign partnership
926
Nonrecurring
Individuals or households/businesses or other institutions
U.S. Taxpayer transfering property to foreign corporation
SIC: All
Small businesses, or organizations
Central fiscal operations: 34,000 responses; 26,000 hours; $6,980 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

IRC Section 1491 imposes an excise tax on the transfer of property to a foreign entity. On the date of the transfer the transaction is to be reported and the tax is to be paid. 26 CFR 1.1494–1 specifies form 926 is to be used. The information is used to verify that the transfer was correctly reported and that the tax was paid.

• Internal Revenue Service
United States short form gift tax return
709–A
Annually
Individuals or households
Individual electing to use gift-splitting
Central fiscal operations: 72,000 responses; 51,000 hours; $299,296 Federal cost; 1 form; not applicable under 3504 (h)
Kevin Broderick, 202–395–6880

Form 709–A is used to report gifts that would be taxable except that they are "split" between husband and wife. The form is a simplified version of form 709, designed to relieve these gift/taxpayers of the burden of filing form 709. IRS uses the information to assure that "gift-splitting" was properly elected.

• Internal Revenue Service
Employee moving expense information
4782
Other-see SF83
Businesses or other institutions/State or local governments
Employers
SIC: All
Small businesses or organizations
Central fiscal operations: 1,155,000 responses; 564,860 hours; $90,729 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

26 CFR 31.6051–1(E) requires that a statement be given by employers to employees showing a detailed breakdown of reimbursements or payments of moving expenses. Data is used to assist employees in determining correct amount of moving expense deduction to claim on their income tax return.

• Bureau of Alcohol, Tobacco and Firearms
Beer tax return
ATF F 2034 (5130.7)
Other—see SF83
Business or other institutions
Brewer's removing beer from premises
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 2,424 responses; 2,500 hours; $649 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The excise tax on beer is $9 a barrel. It is most often paid on a deferred basis. The tax return shows the amount of beer removed from the brewery during a 2-week period, adjustments to the return and the actual tax due. For tax collection purpose.

• Internal Revenue Service
United States quarterly gift tax return
709
Quarterly
Individuals or households
Individuals and their estates only
Central fiscal operations: 149,000 responses; 453,347 hours; $628,383 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 709 is used to report transfers subject to the gift tax and to compute the gift tax. IRS uses the information to enforce the gift tax and to compute the gift and the estate tax.

• Comptroller of the Currency
Certificate of Payment of Capital Stock and Compliance With Legal Requirements (Page 1 through 3)
CC 7020–30
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations

Other advancement and regulation of commerce: 120 responses; 60 hours; $55,800 Federal cost; 1 form; $532 public cost; not applicable under 3504(H)
Kevin Broderick, 202–395–6880

Verifies payment of stock and legal compliance.

• Comptroller of the Currency
Oath of Interim Directors
CC 7020–26
On occasion
Businesses or other institutions
Organizing national banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce: 120 responses; 30 hours; $55,800 Federal cost; 1 form; $266 public cost; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Prescribed oath of directors.

• Comptroller of the Currency
Certificate of Payment of Additional Common Stock
CC 7028–08
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce: 300 responses; 75 hours; $3,000 Federal cost; 1 form; $665 public cost; not applicable under 3504(h)
Kevin Broderick, 202–395–6800

Contains certification of captioned payment.

• Comptroller of the Currency
Certificate of Payment for Additional Common Stock (For Assets)
CC 7028–09
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce: 10 responses; 2 hours; $200 Federal cost; 1 form; $22 public cost; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Verifies payment of stock for assets.

• Internal Revenue Service
US Income Tax Return for Certain Political Organizations
1120–POL
Annually
Businesses or other institutions
Certain political organizations
SIC: 865
Small businesses or organizations
Central fiscal operations: 2,000 responses; 12,532 hours; $22,887 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880.

Form 1120–POL must be filed by certain political organizations having any taxable income. Form 1120–POL is used by political organizations to report their income subject to tax and compute their correct income tax liability. This information is used by IRS to determine the taxpayer's correct tax liability and for general statistics use.

• Internal Revenue Service
Statement for Recipients of Nonemployee Compensation
1099–NEC
Annually
Individuals or households/State or local governments/farms/businesses or other institutions
Payers of nonemployee compensation
SIC: All
Small businesses or organizations
Central fiscal operations 7,614,000 responses; 1,930,000 hours; $673,725 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Used to report payments of fees, commissions, or any other compensation for services rendered in the course of the payor's business when the recipient is not treated as an employee (IRC section 6041). The information on the form is used to verify reporting compliance on the part of the recipient.

• Comptroller of the Currency
Corporate Resolution-Board of Directors-Conversion
CC 7022–13
On occasion
Businesses, or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce: 10 responses, 5 hours; $50 Federal cost; 1 form; $89 public cost; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Documents State banks directors resolution to convert to a national bank.

• Comptroller of the Currency
Agreement of Consolidation
CC 7023–06
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce: 30 responses; 600 hours; $27,000 Federal cost; 1 form; $12,418 public cost; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Contains consolidation agreement and terms.

• Comptroller of the Currency
Sample Waiver of Notice of First Meeting of Interim Board of Directors
CC 7020–23
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce; 120 responses; 30 hours; $55,800 Federal cost; 1 form; $621 public cost; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Needed to document adherence to procedures for establishing a national bank.

• Bureau of Alcohol, Tobacco and Firearms
Monthly Report of Production Operations
ATF F 51104 0
Monthly
Businesses or other institutions
Distilleries who actually produce (distill) spirits
Federal law enforcement activities: 1,450 responses; 2,900 hours; $19,800 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form necessary for distilled spirits plants who distill (produce) spirits. Describes their operations relating to producing spirits and the disposition of the production, the quantities involved, type of spirits produced and the type of distilling materials used. Used by ATF to compile statistics and audit DSP operations.

• Bureau of Alcohol, Tobacco and Firearms
Monthly Report of Processing (Bottling) (Operations)
ATF F 51102.8
Weekly, monthly
Businesses or other institutions
Distilled spirits plants that package or bottle spirits
SIC: 208
Federal law enforcement activities: 1,500 responses; 3,000 hours; $25,100 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form used to determine whether a distilled spirits plant has complied with law and regulations and for general statistics about operations. Identifies distilled spirits plant, amount of spirits received and disposed of from the processing account and other

information for statistics. Used by ATF to audit a distilled spirits plant conducting processing operations.

• Bureau of Alcohol, Tobacco and Firearms
Monthly Report of Storage Operations
ATF F 5110.1 1
Monthly
Businesses or other institutions
Distilled spirits plants that store distilled spirits
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 2,400 responses; 4,800 hours; $22,500 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form used to determine whether a distilled spirits plant has complied with law and regulations regarding operations. Form identifies the distilled spirits plant, the amount of spirits received and disposed from the storage account, and other information for statistical purposes. Used by ATF to audit a distilled spirits plant with storage operations.

• Bureau of Alcohol, Tobacco and Firearms
Report of Bottle Strip Stamps Distilled Spirits, Stamps and Alternative Devices
ATF F 5100.8 (2260)
Quarterly
Businesses or other institutions
Distilled spirits plants and importers of distilled spirits
SIC: 208 518
Small businesses or organizations
Federal law enforcement activities: 7,000 responses; 7,000 hours; $4,600 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Report is used to determine an importer's or a distilled spirits plant use or strip stamps, distilled spirit stamps, and alternative devices for compliance with regulations and law. Identifies the person to whom stamps or alternative devices are used on spirits, the reason and amount used, and size of container to which affixed. Used to vertify reporter's accounting of receipt and use of stamps or devices.

Extensions (No Change)

• Bureau of Alcohol, Tobacco and Firearms
Remittance Transmittal (Alcohol, Tobacco and Firearms)
ATF F 4640 (5600.5)
On occasion
Businesses or other institutions
Permittees removing tobacco products from bonded premises
SIC: 519
Small businesses or organizations
Federal law enforcement activities: 300 responses; 150 hours; $183 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form is used by an export warehouse proprietor of tobacco articles to pay tax when it has become due prior to ATF assessment of tax. Describes that proprietor and location, the type and amount of tax due, method and manner of payment and receipt by IRS of payment. Form may also be made by ATR after receipt of taxes from an export warehouse proprietor.

• Comptroller of the Currency
Organization Certificate (Conversion)
CC 7022–12
On occasion
Businesses or other institutions
State-chartered banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce: 10 responses; 10 hours; $50 Federal cost; 1 form; $118 public cost; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Records State bank's agreements to organize as a national bank.

• Comptroller of the Currency
Authority for Conversion of Financial Institution
CC 7022–11
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce: 10 responses; 10 hours; $30 Federal cost; 1 form; $118 public cost; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Required to authorize conversion of a State bank to a national bank.

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Christine Scoby—202–287–0793

New

• NPDES Discharge Monitoring Report
EPA 3320–1
Monthly, quarterly, semiannually, annually
State or local governments/businesses or other institutions
Businesses, State and local governments, instit.
SIC: all
Small businesses or organizations
Pollution control and abatement: 212,480 responses; 36,122 hours; $334,170 Federal cost; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Data obtained through the discharge monitoring report is used by EPA and/or State permitting authority as the primary information source in NPDES permit compliance/enforcement. The data from DMRS can also be used to generate a national datum of effluent quality from which trends can be established over varying time periods, for geographical locations for various categories of dischargers, etc. These trends provide a means for measuring the effectiveness of the NPDES strategy.

FEDERAL RESERVE SYSTEM

Agency Clearance Officer— 202–452–1983

Extensions (No Change)

• Report of Condition for Foreign Subsidiaries
FR2314
Annually
Businesses or other institutions
Foreign subsidiaries of U.S. banks
SIC: 602, 605, 671
General government: 900 responses; 5,031 hours; $40,000 Federal cost; 1 form; $100,620 public cost; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The report provides the only source of comprehensive and systematic data on the assets and liabilities of foreign subsidiaries of U.S. banking institutions. The data is used to monitor the growth and activity of the subsidiaries, to supervise the overall operations of the parent institution(s), and is a source of data on the foreign operations of the U.S. banking system needed for formulating monetary policy.

FEDERAL TRADE COMMISSION

Agency Clearance Officer—Carl Hevener—202–523–3373

New

• Application for legal position
Nonrecurring
Individuals or households
Law stu., recent law sch. grad. and attys may use this form
Other advancement and regulation of commerce: 3,000 responses; 1,500 hours; $37,000 Federal cost; 1 form; not applicable under 3504(h)
Paula Daigneault, 202–395–7340

This form will be used by applicants for legal (attorney, law clerk, legal intern) positions at the Commission. It will be used by the Division of Personnel and the operating bureaus as a source of information when evaluating applicant's qualifications and to gather

statistical data on the applicant pool as required by a court order.

INTERNATIONAL TRADE COMMISSION

Agency Clearance Officer—Charles Ervin—202–523–0267

Revisions

- Synthetic Organic Chemicals, U.S. Production and Sales

CD–A1
Annually
Businesses or other institutions
Producers of synthetic organic chemicals
SIC: 282, 283, 284, 286, 291
Small businesses or organizations
Conduct of foreign affairs: 800 responses; 8,800 hours; $125,000 Federal cost; 1 form; not applicable under 3504(h)
Phillip T. Balazs, 202–395–4814

The subject report covers all synthetic organic chemicals on an individual product basis, and shows production and sales data wherever business confidential data would not be disclosed. The report is the only source for these data (in the detail supplied) and is used extensively by Government and the public.

NUCLEAR REGULATORY COMMISSION

Agency Clearance Officer—Stephen Scott—301–492–8585

Extensions (No Change)

- Application for Materials License—Medical

313M
On occasion
Businesses or other institutions
NRC Medical licensees and applicants
SIC: 493
Small businesses or organizations
Energy information, policy, and regulation: 500 responses; 1,000 hours; $320,000 Federal cost; 1 form; not applicable under 3504(h)
Jefferson B. Hill, 202–395–7340

NRC regulations 10 CFR 35.4 require that applicants for specific licenses to possess and use byproduct materials in human beings provide information relative to the applicant's training, experience, equipment, facilities, and procedures to determine their adequacy to protect the public health and safety.

RAILROAD RETIREMENT BOARD

Agency Clearance Officer—Pauline Lohens—312–751–4692

New

- Gross Earnings Reports

Annually
Businesses or other institutions
Railroad employers
SIC: 401
Small businesses or organizations
General retirement and disability insurance: 304 responses; 128 hours; $7,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

Section 7(c)(2) of the RR Act requires a financial interchange between the OASDI trust funds and the railroad retirement account. The collection obtains gross earnings of railway employees on a 1-percent basis. The information will be used for determining the amount which would place the OASDI trust funds in the position they would have been if railroad service had been covered by the SS and FIC Acts.

SECURITIES AND EXCHANGE COMMISSION

Agency Clearance Officer—George G. Kundahl—202–272–2142

New

- Customer Protection—Reserves and Custody of Securities

Rule 15C3–3 (17 CFR 240.15C3–3), Rule No. for 17 CFR 240 15C3–3, Rule 15C3–3
On occasion, weekly, monthly
Businesses or other institutions
Reg. Bkr-dealers and reg. nat'l SE and the reg. nat'l Sec. Asso.
SIC: 621
Other advancement and regulation of commerce: 23,200 responses; 116,000 hours; $15,000 Federal cost; 1 form; $1,740,000 public cost; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Rule 15C3–3 was adopted in 1972 to provide protection for the integrity of customer funds and securities. The rule sets standards for the acceptance, custody and use of customers' securities and the maintenance of reserves with respect to customer deposits and credit balances or monies obtained from use of customer securities.

- Temporary Exemption of Substituted or Additional Securities

Rule 12A–5 (A7 CFR 240.12A–5) and Form 26 (17 CFR 249.26), Rule No. for 17 CFR 240. 12A–5, Rule 12A–5, Form No. 26: 483
On occasion
Business or other institutions
National securities exchanges
SIC: 623
Other advancement and regulation of commerce: 50 responses; 16 hours; $1,000 Federal cost; 1 form; $650 public cost; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Under section 12(a) of the Securities Exchange Act of 1934 ("act") transactions ordinarily may not be effected on a national securities exchange in a security unless such security is registered pursuant to section 12 of the act. Rule 12A–5 permits certain temporary exceptions to section 12(a) for additional securities of the same class or substituted securities. Form 26 is used by the exchange to notify the Commission of the use of rule 12A–5.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—202–389–2146

New

- Asset Information Collection and Screening Program

10–10F
On occasion
Individuals or households
Veterans or their representatives
Hospital and medical care for veterans: 560,000 responses; 112,000 hours; $959,790 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

This form will be used to help determine whether certain nonservice connected veterans are considered able to defray the cost of needed medical care though personal and other resources.

Arnold Strasser,

Acting Assistant Administrator for Reports Management.

[FR Doc. 81–20578 Filed 8–26–81; 8:45 am]

BILLING CODE 3110–01–M

POSTAL SERVICE

Inquiry Concerning Proposal for Selling Advertising Space

AGENCY: Postal Service.

ACTION: Notice of inquiry.

SUMMARY: The Postal Service is considering suggestions that it accept various forms of advertising as a means of trying to offset some of the costs of the postal system. This would involve some relaxation of previous policy which long has sought to avoid association of U.S. postal activities with specific commercial or other private enterprises. In order to develop a better idea of what the attitude of the public might be toward such a shift in policy, what potential markets might be available for various kinds of advertising, and how the details of such an advertising program might be administered, the Postal Service is publishing this document to invite public comments.

DATE: Comments must be received on or before October 26, 1981.

ADDRESS: Send comments to W. L. Davidson, Jr., Director, Office of Consumer Marketing, Customer Services Department, U.S. Postal Service, 475 L'Enfant Plaza, West, SW., Washington, D.C. 20260, or deliver them to Room 5637, 475 L'Enfant Plaza, Washington, D.C., between 9:00 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: W. L. Davidson, Jr., (202) 245–5739.

SUPPLEMENTARY INFORMATION: Under the proposal being considered, revenue would be raised through the sale of advertising for display at postal facilities, on postal equipment, and on stamp booklets and other products, but not in the design of postage stamps or postal indicia on aerograms or embossed envelopes. The Postal Service is interested in receiving information and commment on the issues raised by the following questions pertaining to this proposal. In addition, any and all general comments addressing the subject of a postal advertising program will be given careful consideration.

Questions for Comment

1. Do you believe Postal Service policy should be changed so as to allow the display of advertisements in postal facilities and on postal equipment? In particular, would you favor the placement of advertising material in post office lobbies or on postal vehicles, collection boxes, the unmarked sides of stamp booklets, aerograms, postage stamp pre-cancellations, postmarks, postal cards, embossed envelopes, the reverse side of stamps, or Postal Service postage meter strips? If so, explain in detail. Although done infrequently in the past, the Bureau of Printing and Engraving can no longer print on the reverse side of stamps, due to an employee safety consideration which rules out the use of ungummed stamp paper. Anyone supporting this medium of advertising should suggest a cost-effective means of surmounting this obstacle.

2. If the Postal Service decided to sell space for advertising in facilities and on equipment, do you believe all forms—commercial, political, charitable, religious, and governmental—should be accepted? If not, why?

3. With regard to commercial advertising, should it be limited to institutional advertising as opposed to product advertising? If so, why? If product advertising is accepted, should any products be excluded? Furthermore, can and should the Postal Service take steps to ensure that the advertising is not misleading or not in bad taste? That any advertised product is safe?

4. If you believe any restrictions should be imposed, how should the Postal Service administer and enforce them? Are there efficient ways to avoid disputes or litigation with those whose proposals are turned down?

5. How should advertising space be sold? Should the Postal Service follow a competitive highest bid system or establish a rate schedule and sell the ad space on a first come, first served basis?

6. What would be a fair market-place price for the space on the following potential advertising mediums? The number of items currently in each category is provided to give some idea as to the degree of exposure an advertisement appearing on that specific object might receive.

a. Postal vehicles (122,555)

b. Post office lobbies (39,486; 7.1 million daily visitors)

c. Collection boxes (no current figure is available)

d. Stamp booklets (249,735,900 per year)

e. Reverse side of stamps (30 billion stamps per year)

f. Postal Service meter strips (not quantifiable)

g. Aerograms (42,025,000 per year)

h. Postage stamp pre-cancellations (894,706,568 per year)

i. Postmarks (3,402 mechanized cancelling devices)

j. Postal cards (511,971,750 per year)

k. Embossed envelopes (898,022,500 per year)

Do you believe any of these potential advertising forms would be a popular means of carrying messages to the public? As an advertiser, would you be willing to use these forms of advertising? Which would you find most attractive? Least attractive? How would these various forms compare to other methods of advertising, such as television, radio, newspaper and magazine ads? How much might the advertising industry be expected to spend on particular forms and for postal advertising as a whole? For a particular number of exposures within an advertising medium? On a monthly basis? On an annual basis?

A summary of comments received pursuant to this notice will be published in the **Federal Register** along with the Postal Service's conclusions concerning the appropriateness of pursuing this advertising program.

W. Allen Sanders,

Associate General Counsel, General Law and Administration.

[FR Doc. 81-24990 Filed 8-26-81; 8:45 am]

BILLING CODE 7710-12-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 11915; 812-4898]

Sentinel Cash Management Fund, Inc.; Filing of Application

August 21, 1981.

Notice is hereby given that Sentinel Cash Management Fund, Inc. ("Applicant"), National Life Drive, Montpelier, Vermont 05602, a registered open-end, diversified, management investment company, filed an application on June 22, 1981, requesting an order of the Commission, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder, to the extent necessary to permit Applicant to value the assets of its initial series, Sentinel Cash Management Fund, Inc. ("Fund"), using the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is a Maryland corporation structured as a "series company" with one initial series of shares, those of the Fund. Applicant further represents that the Fund is to be a "money market" fund designed as an investment vehicle for investors who are seeking to earn a high level of income and to minimize fluctuations in the value of their investment while retaining the flexibility to liquidate their investment at any time. Applicant states that the objective of the Fund is to seek to achieve as high a rate of current income as is consistent with preservation of capital and maintenance of liquidity by investing in a portfolio of a variety of money market instruments. To realize this objective the Fund's portfolio may be invested in a wide variety of short-term money market instruments consisting of securities issued or guaranteed by the United States Government or its agencies, authorities or instrumentalities; bankers' acceptances and certificates of deposit, including those issued by domestic banks, and savings and loan associations and dollar denominated obligations of foreign branches of United States banks and United States branches of foreign banks; and high grade commercial paper or other corporate obligations.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the

market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by an investment company's board of directors.

Rule 22c–1 provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security.

Rule 2a–4 provides, as here relevant, that the current net asset value of a redeemable security issued by a registered investment company used in computing its price for the purpose of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by an investment company's board of directors. Prior to the filing of the application, the Commission expressed its view that, among other things, Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and it would be inconsistent generally with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

According to the application, Applicant's board of directors has determined in good faith that, absent unusual or extraordinary circumstances, the amortized cost method of valuing the portfolio securities of the Fund is appropriate and in Applicant's best interests and will reflect the fair value of such securities. Applicant also avers that is board of directors is of the view that it will be advantageous to shareholders of the Fund to have the conveniences and advantages of the stable purchase and redemption price of $1.00 per share which the amortized cost method of valuing portfolio securities would provide. Applicant submits that its use of the amortized cost method of valuing the portfolio securities of the Fund, subject to certain conditions to which it agrees, will benefit those shareholders by enabling the Fund to maintain a $1.00 per share purchase and redemption price.

Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionally exempt any person, security, or transaction or any class or classes of persons, securities, or transactions, from any provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant states that it believes the granting of the requested exemption by the Commission is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Accordingly, Applicant requests that an order be granted to exempt Applicant from Section 2(a)(41) and Rules 2a–4 and 22c–1 under the Act to the extent necessary to permit it to maintain a $1.00 per share purchase and redemption price for shares of the Fund by means of the amortized cost method of portfolio valuation. If the requested exemptions are granted by the Commission, Applicant agrees to adhere to the following conditions:

1. In supervising the Fund's operations and delegating special responsibilities involving management of the Fund's portfolio to Applicant's investment adviser, Applicant's management—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and the Fund's investment objectives, to stabilize the Fund's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the board of directors shall be the following:

(a) Review by Applicant's board of directors, as it deems appropriate and at such intervals as are reasonable in light of current market asset value per share of the Fund as determined by using available market quotations from the $1.00 amortized cost price per share, and the maintenance of records of such review.[1]

(b) In the event such deviation from the $1.00 amortized cost price per share of the Fund exceeds ½ of 1 percent, a requirement that the directors will promptly consider what action, if any, should be initiated.

(c) Where Applicant's board of directors believes the extent of any deviation from the Fund's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the Fund's average maturity of portfolio instruments; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will cause the Fund to maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share for the Fund; provided, however, that the Fund will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1 above, and will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit the portfolio investments of the Fund, including repurchase agreements, to those United States dollar-denominated instruments which the directors determine present

[1] To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its board of directors in the exercise of its discretion to be appropriate indicators of value which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, the Fund will invest its available cash in such a manner as to reduce its dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by Applicant's directors.

6. Applicant will include in each of its quarterly reports, as an attachment to Form N–1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than September 15, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-25055 Filed 8-26-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18054; (SR-NASD-80-20)]

National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change

August 21, 1981.

On October 28, 1980, the National Association of Securities Dealers, Inc. ("NASD"), 1735 K Street, N.W., Washington, D.C. 20006, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act") and Rule 19b–4 thereunder, copies of a proposed rule change which revises Parts II and XII of Schedule D of the NASD's By-Laws to increase the initial and maintenance requirements for inclusion of securities in the NASDAQ System. The NASD stated that the purpose of the increase is to reflect the effects of inflation since the existing requirements were instituted in 1971.

Specifically, the proposed amendments to Part II of Schedule D raise the requirements for initial inclusion in the NASDAQ System from $1 million in total assets and $500,000 in total capital and surplus to $2 million in total assets and $1 million in total capital and surplus. In addition, the filing raises the maintenance requirements of the NASDAQ System from $500,000 in total assets and $250,000 in total capital and surplus to $750,000 in total asets and $375,000 in total capital and surplus. These amendments apply to Authorized Domestic Securities, as well as Authorized Foreign Securities and American Depository Receipts. The rule change will apply to all applications for inclusion on NASDAQ received by the NASD or completed with the NASD after August 21, 1981, except for new issues awaiting only Commission approval of the issuer's registration statement. However, the proposed rule change delays the increase in maintenance requirements for twelve months following the effective date of the rule change to allow companies additional time to comply with the increased standards. In addition, the proposed rule change amends Part XII of Schedule D which permits companies not on NASDAQ to be included on local lists without regard to price if such companies report no less than the amended minimum assets and capital and suplus required for inclusion in the NASDAQ System.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by issuance of a Commission Release (Securities Exchange Act Release No. 17281, November 10, 1980) and by publication in the **Federal Register** (45 FR 75411, November 11, 1980). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD and, in particular, the requirements of Section 15A and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-25057 Filed 8-26-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18052; (SR-NSCC-80-15)]

National Securities Clearing Corporation ("NSCC"); Order Approving Proposed Rule Change

August 21, 1981.

On May 5, 1981, NSCC, 55 Water Street, New York, New York 10041, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exhange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b–4 thereunder, copies of a proposed rule change that would permit NSCC to accept letters of credit in addition to cash or government securities for clearing fund purposes.

Notice of the proposed rule change, including a prepublication amendment, together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34–16876, June 6, 1980) and by publication in the **Federal Register** (45 FR 40270, June 13, 1980). Five favorable written comments were received by the Commission.

On April 2, 1981 NSCC submitted Amendment No. 2 to the filing, which raised the minimum requirement for cash contributions to the clearing fund if a participant uses letters of credit. Notice of the amendment and its terms of substance was given by publication of a Commission Release (Securities Exchange Act Release No. 34–17712, April 13, 1981) and by publication in the **Federal Register** (46 FR 22522, April 17, 1981). No written comments were received by the Commission. On July 29, 1981, NSCC submitted further clarifying technical amendments.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to clearing agencies and, in particular, the requirements of Section 17A and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change be, and it hereby is, approved.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-25052 Filed 8-26-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22174; (70-6627)]

Georgia Power Co.; Proposed Transactions Related to Financing of Pollution Control Facilities

August 21, 1981.

Georgia Power Company ("Georgia"), 333 Piedmont Avenue, N.E., Atlanta, Georgia 30308, an electric utility subsidiary of The Southern Company, a registered holding company, has filed an application-declaration with this Commission pursuant to Sections 6(b) and (12(d) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 44 and 50 thereunder.

In order to comply with prescribed environmental standards of the State of Georgia with respect to air and water quality, Georgia must construct certain air and water pollution control facilities at its Bowen, Branch, Scherer and Vogtle plants located in Bartow, Putnam, Monroe and Burke Counties, Georgia respectively.

It is proposed that a Development Authority of each county ("Authority") would issue tax exempt pollution control revenue bonds, and, in the case of Monroe and Burke Counties, industrial development revenue bonds("Revenue Bonds") in amounts based upon the cost of the respective facilities for the purpose of making loans to Georgia to pay the costs of the acquisition, construction, installation and equipping of the pollution control facilities located within its jurisdiction The aggregate principal amount of the Revenue Bonds to be issued is estimated not to exceed $50,000,000 of which $48,000,000 will be pollution control revenue bonds and $2,000,000 will be industrial development revenue bonds.

Each Authority would, pursuant to a loan agreement, loan to Georgia the Revenue Bonds' proceeds and Georgia would issue a non-negotiable promissory note therefor providing for payments thereon corresponding to the payments of principal, interest and premium, if any, on the Revenue Bonds as they become due. The proceeds of the Revenue Bonds would be deposited with a trustee ("Trustee") under a trust indenture to be entered into between the Authority and the Trustee pursuant to which the Revenue Bonds would be issued and secured. Georgia will use the proceeds to pay the construction cost of each pollution control facility.

Each agreement will provide for the assignment to the Trustee of the Authority's interest in and of the moneys receivable by the Authority under the agreement and the note. Each agreement will also obligate Georgia to pay the fees and charges of the Trustee and will provide that Georgia may at any time prepay the amount due under the note.

Each trust indenture will provide that the Revenue Bonds issued thereunder will be redeemable (i) at any time on or after a date not later than 10 years from the date of issuance, in whole or in part, at the option of Georgia, initially with a premium of up to 3% of the principal amount and declining by not less than ½ of 1% annually thereafter, and (ii) in whole, at the option of Georgia, in certain other extenuating cases, such redemption of all such outstandingother extenuating cases, such redemption of all such outstanding Revenue Bonds to be at the principal amount thereof plus accrued interest, but without premium. It is proposed that the Revenue Bonds will mature from one to to 30 years from the first day of the month in which they are initially issued and may, in the case of a maturity of 15 to 30 years and if it is advisable for purpose of the marketability of the Revenue Bonds, be entitled to the benefit of mandatory redemption sinking funds calculated to retire a portion of the aggregate amount of the issue prior to maturity.

In order to obtain the benefit of ratings for the Revenue Bonds equivalent to the rating of Georgia's first mortgage bonds outstanding under the indenture dated as of March 1, 1941 between Georgia and Chemical Bank, as supplemented and amended ("Mortgage"), Georgia may determine to secure its obligations under each note by delivering to the Trustee, to be held as collateral, a series of its first mortgage bonds ("Collateral Bonds") in principal amount equal to the principal amount of the Revenue Bonds. Each series of Collateral Bonds will be issued under a supplemental indenture to the Mortgage to be dated as of the first day of the month in which the Collateral Bonds are to be issued and delivered, will bear interest at a rate equal to the interest rate to be borne by the related Revenue Bonds, will mature on the maturity date of such Revenue Bonds and will be non-transferable by the Trustee.

The supplemental indenture will provide, however, that the obligation of Georgia to make payment with respect to the Collateral Bonds will be satisfied to the extent that payments are made under the note sufficient to meet payments when due in respect of the related Revenue Bonds. The supplemental indenture will provide that, upon acceleration by the Trustee of the principal amount of all related outstanding Revenue Bonds under the trust indenture, the Trustee may demand the mandatory redemption of the related Collateral Bonds at a redemption price equal to the principal amount thereof plus accrued interest, if any, to the date fixed for redemption. The supplemental indenture may also provide that, upon the optional redemption of the Revenue Bonds, in whole or in part, at any time after they have been outstanding for a period not longer than 10 years, an equal principal amount of the Collateral Bonds will be redeemed at an initial premium of up to 3 percent and declining by not less than one-half of 1 percent annually thereafter.

The trust indenture will provide that, upon deposit with the Trustee of funds sufficient to pay or redeem all or any part of the related Revenue Bonds, or upon direction to the Trustee by Georgia to so apply funds available therefor, or upon delivery of such outstanding Revenue Bonds to the Trustee by or for the account of Georgia, the trustee will be obligated to deliver to Georgia, or for the account of Georgia, the Collateral Bonds then held as collateral in an aggregate principal amount equal to the aggregate principal amount of such Revenue Bonds for the payment or redemption of which such funds have been deposited or applied or which shall have been so delivered.

Because interest accrues in respect of the Collateral Bonds until satisfied by payments under the note, annual interest charges in respect of the Collateral Bonds will be included in computing the interest earnings requirement of the Mortgage which restricts the amount of first mortgage bonds which may be issued and sold to the public in relation to Georgia's net earnings. The Collateral Bonds would be issued on the basis of unfunded net property additions.

As an alternative to or in conjunction with Georgia's securing its obligations through the issuance of the Collateral Bonds, Georgia may cause an irrevocable Letter of Credit of a bank to be delivered to the Trustee. The Letter of Credit would be an irrevocable obligation of the bank to pay to the Trustee, upon request, up to an amount necessary in order to pay the principal of and accrued interest on the Revenue Bonds when due. Pursuant to a separate

agreement with the bank, Georgia would agree to pay to the bank on demand all amounts that are drawn under the Letter of Credit, as well as certain fees and expenses. Such delivery of the Letter of Credit to the Trustee would obtain for the Revenue Bonds the benefit of a rating equivalent to the credit rating of the bank. In the event that the Letter of Credit is delivered to the Trustee as an alternative to the issuance of the Collateral Bonds, Georgia may also convey to each Authority a subordinated security interest in the respective pollution control facility or other property of Georgia as further security for Georgia's obligations under the Agreement. Such subordinated security interests would be assigned by the Authorities to the Trustee.

As a further alternative to, or in conjunction with, securing its obligations under each Agreement and note and in order to obtain a "AAA" rating for the Revenue Bonds by Standard and Poor's Corporation, Georgia may cause an insurance company to issue separate policies of insurance guaranteeing the payment when due of the principal of and interest on each series of the Revenue Bonds. Each such insurance policy would extend for the term of the related Revenue Bonds and would be non-cancelable by the insurance company for any reason. Non-refundable, one-time insurance premiums for the policies would be fully paid by Georgia at the time the policies are issued. In addition, Georgia may be obligated to make payments of certain specified amounts into separate escrow funds and to increase the amounts on deposit in such funds under certain circumstances. The amount in each escrow fund would be payable to the insurance company as indemnity for any amounts paid pursuant to the related insurance policy in respect of principal of or interest on the related Revenue Bonds.

If Georgia is unable or determines not to issue the Collateral Bonds or to deliver the Letter of Credit to the Trustee or to cause insurance policies to be issued, the Revenue Bonds would be issued without the benefit of such security. In that event Georgia may convey to each authority a subordinated security interest in the respective pollution control facility as security for its obligations under each note. Such subordinated security interests would be assigned by the Authorities to the Trustee.

It is contemplated that the Revenue Bonds will be sold by the Authorities pursuant to arrangements with one or more underwriters. In accordance with the laws of the State of Georgia, the interest to be borne by the Revenue Bonds will be fixed by the Boards of Directors of the Authorities and will be either a fixed rate or a rate which will fluctuate in accordance with a specified prime or base rate or rates, and, if Collateral Bonds are issued, such a fluctuating rate will not exceed a specified maximum rate or fall below a specified minimum rate. While Georgia will not be party to the underwriting arrangements for the Revenue Bonds, such arrangements will provide that the terms of the Revenue Bonds and their sale by the Authorities shall be satisfactory to Georgia.

The obligations of Georgia under the separate Agreements relating to the industrial development revenue bonds would be secured by separate series of Collateral Bonds. The industrial development revenue bonds would be marketed contemporaneously with the other Revenue Bonds. Georgia would grant the Monroe and Burke County Authorities, respectively, in connection with the industrial development revenue bonds, a lien on certain property of Georgia other than the pollution control facility. Each such lien would be subordinate to the lien of the Mortgage and will be assigned by the respective Authority to the Trustee.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by September 14, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-25053 Filed 8-26-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22172; (70-6311)]

General Public Utilities Corp., et al.; Proposed Issuance and Sale of Short-Term Notes and First Mortgage Bonds to Banks by Guaranty by Holding Co.

In the matter of General Public Utilities Corporation, 100 Interpace Parkway, Parsippany, New Jersey 07054; Jersey Central Power & Light Company, Madison Avenue at Punch Bowl Road, Morristown, New Jersey 07960; Metropolitan Edison Company, 2800 Pottsville Pike, Muhlenberg Township, Berks County, Pennsylvania 19605; and Pennsylvania Electric Company, 1001 Broad Street, Johnston, Pennsylvania 15907.

General Public Utilities Corporation ("GPU"), a registered holding company, and its electic utilitiy subsidiaries, Jersey Central Power and Light Company ("JCP&L"), Metropolitan Edison Company ("Met-Ed"), and Pennsylvania Electric Company ("Penelec"), have filed with this Commission a further post-effective amendment to their application-declaration in this proceeding pursuant to Sections 6(e), 6(b), 7, and 10(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 45 thereunder.

By orders dated June 19, 1979, October 30, 1979, August 18, 1980, October 21, 1980, and July 8, 1981 (HCAR Nos. 21107, 21276, 21681, 21751, 22125), this Commission, among other things, authorized GPU, JCP&L, Met-Ed, and Penelec (collectively, the "GPU Companies") to issue, sell, and renew their respective promissory notes ("Notes") having a maturity of not more than six months from the date of issue from time to time through October 1, 1981. The Notes are being issued, sold, and renewed under and pursuant to a certain revolving credit agreement, as amended and supplemented ("Credit Agreement") with a group of commercial banks ("Banks").

The Credit Agreement generally limits aggregate borrowings by the GPU Companies thereunder initially to approximately $292 million, which amount may be increased to approximately $412 million with approval of the Banks holding 85 percent of the Notes outstanding, with individual sublimits applicable to each GPU Company. Such sublimits are: GPU—$75 million; JCP&L—$122 million; Met-Ed—125 million; and Penelec—$116 million. The GPU and JCP&L sublimits may be increased to a maximum of $150 million and $160 million, respectivley, by the Banks holding 85 percent of the Notes outstanding. At July 31, 1981, the GPU Companies had an aggregate of

$139 million in borrowings outstanding under the Credit Agreement as follows: GPU—$42 million; JCP&L—$53 million; and Met-Ed—$44 million (including $13 million principal amount of first mortgage bonds referred to below). Penelec had no borrowings outstanding.

In January 1980, Met-Ed issued and sold to the Banks $13 milion aggregate principal amount of First Mortgage Bonds. These bonds, which are treated as Notes for purposes of computing the amount of additional Notes issuable by Met-Ed under the Credit Agreement, also mature on October 1, 1981, and bear interest at the same rate as the Notes.

The GPU Companies now propose to issue, sell, and renew to the Banks from time to time during the period October 1, 1981, through December 31, 1982, their respective new promissory notes ("New Notes") under and pursuant to the terms of a revised credit agreement ("Revised Credit Agreement") up to the following principal amounts: GPU—$43 million; JCP&L—$125 million; Met-Ed—$50 million; and Penelec—$75 million or, in the cases of JCP&L, Met-Ed, and Penelec, such lesser amounts as may be permitted by their respective articles of incorporation. The New Notes would (a) mature not more than three months from the date of issue from time to time with a final maturity date of December 31, 1982, (b) bear interest at 107 percent of the higher of (i) Citibank's base rate as in effect from time to time or (ii) ½ of 1 percent above the three-week moving average of offering rates for three-month certificates of deposit of major banks, (c) be prepayable without penalty at any time, and (d) be subject to acceleration by the Banks under certain conditions including the occurrence of a material adverse change in revenues or income. Aggregate borrowings under the Revised Credit Agreement would be limited to $200 million, and a total of $150 million would be available initially, subject to increase with the approval of the Banks having 85 percent of the total commitment. The amounts applicable to each GPU Company are subject to certain restrictions and limitations.

GPU proposes unconditionally to guarantee the New Notes, the $13 million aggregate principal amount of Met-Ed's First Mortgage Bonds to be issued to the Banks as described below ("New Met-Ed Bonds") and the other obligations of JCP&L, Met-Ed, and Penelec under the Revised Credit Agreement. As security for such unconditional guaranty, GPU proposes to pledge to the Banks all of the common stock of JCP&L, Met-Ed, Penelec, and GPU Service Corporation.

Met-Ed proposes to pledge and grant to the Banks as additional collateral for its New Notes, the New Met-Ed Bonds, and its other obligations under the Revised Credit Agreement, first priority security interests in all Met-Ed's right, title, and interest in and to (i) certain uranium yellowcake and the related contract between Met-Ed and Kerr-McGee providing for the conversion and delivery thereof, (ii) Met-Ed's customer accounts receivable from the sale of electricity at retail, and (iii) certain of its coal inventories. Moreover, Met-Ed proposes to pledge to the Banks $40 million aggregate principal amount of First Mortgage Bonds ("New Met-Ed Pledged Bonds") as further collateral for its New Notes and other obligations under the Revised Credit Agreement (described below).

JCP&L proposes to pledge and grant to the Banks as additional collateral for its New Notes and other obligations under the Revised Credit Agreement a first priority security interest in all its right, title, and interest in and to certain uranium yellowcake and the related contract between JCP&L and Kerr-McGee providing for the conversion and delivery thereof.

The GPU Companies proposes to continue paying an annual commitment fee of ½ of 1% of the total commitment, whether used or unused, and an annual agent's fee of $250,000.

Met-Ed also proposes to issue and sell to the Banks the $13 million of New Met-Ed Bonds and to issue and pledge to the Banks as collateral for Met-Ed's New Notes and other obligations under the Revised Credit Agreement the $40 million of New Met-Ed Pledged Bonds. The New Met-Ed Bonds and the New Met-Ed Pledged Bonds would be issued under and pursuant to the Company's Indenture dated November 1, 1944. The New Met-Ed Bonds and the New Met-Ed Pledged Bonds would mature on December 31, 1982, and the New Met-Ed Bonds would bear interest at the same interest rate applicable to the New Notes issued under the Revised Credit Agreement; interest would be payable on the New Met-Ed Pledged Bonds only upon a default by Met-Ed under the Revised Credit Agreement. Met-Ed would issue the New-Ed Bonds and the New Met-Ed Pledged Bonds to the Banks against cancellation of like principal amounts of Met-Ed's first mortgage bonds (i) sold to the Banks in January 1980 as described above and (ii) previously pledged to the Banks as collateral, respectively.

The net proceeds of the New Notes and the New Met-Ed Bonds proposed to be issued and sold would be used by the GPU Companies (i) to repay the maturing borrowings under the Credit Agreement and Met-Ed's $13 million of first mortgage bonds heretofore issued and sold to the Banks and (ii) to provide for working capital and other corporate requirements.

The post-effective amendment to application-declaration and any further amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by September 14, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as now amended or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary

[FR Doc. 81-25054 Filed 8-26-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11916; (812-4937)]

MFS Separate Account Money Market Trust; Filing of Application for an Order Pursuant to Section 6(c) of the Act Exempting Applicant From the Provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 Thereunder

August 21, 1981.

Notice is hereby given that MFS Separate Account Money Market Trust ("Applicant"), 200 Berkeley Street, Boston, Massachusetts 02116, a registered open-end, diversified, management investment company, filed an application on August 5, 1981, requesting an order of the Commission, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") and Rules 2a-4 and 22c-1 thereunder, to the extent necessary to permit Applicant to value its assets using the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the

representations contained therein, which are summarized below.

Applicant was established under Massachusetts law as a Massachusetts business trust under a declaration of trust dated June 30, 1981. Massachusetts Financial Services Company acts as Applicant's investment adviser. Applicant's investment objectives are to seek as high a level of current income as is considered consistent with the preservation of capital and liquidity by investing in a variety of money market instruments.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by an investment company's board of trustees. Rule 22c–1 provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security. Rule 2a–4 provides, as here relevant, that the current net asset value of a redeemable security issued by a registered investment company used in computing its price for the purpose of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by an investment company's board of trustees. Prior to the filing of the application, the Commission expressed its view that, among other things, Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and it would be inconsistent generally with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant requests an order of the Commission pursuant to Section 6(c) of the Act, exempting it from the provisions of Section 2(a)(41) and Rules 2a–4 and 22c–1 to the extent necessary to permit it to use the amortized cost method of valuation for all its portfolio securities. In support of its request, Applicant submits that many of its potential investors require an investment vehicle that offers a constant net asset value per share and relatively smooth stream of investment income. Applicant states that use of the amortized cost method of valuation will permit it to provide investment vehicles with those features. In addition, Applicant represents that its board of trustees has determined that, absent unusual circumstances, amortized cost will represent the fair value of its portfolio securities. Applicant maintains that the exemptions they request satisfy the exemptive standard set forth in Section 6(c) of the act. In addition, Applicant consents to the imposition of the following conditions to any order granting it the requested relief:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, the board of trustees of Applicant undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the board of trustees of Applicant shall be the following:

(a) Review by the board of trustees, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from the $1.00 amortized cost price per share, and the maintenance of records of such review.[1]

(b) In the event such deviation from the $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the board of trustees will promptly consider what action, if any, should be initiated by it.

(c) Where the board of trustees believes the extent of any deviation from the $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the average maturity of portfolio instruments; witholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable new asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1 above, and will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written connection with the discharge of their responsibilities, as set forth above, to be included in the minutes of the board of trustees' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

[1] To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by the board of trustees in the exercise of its discretion to be appropriate indicators of value which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which its board of trustees determines present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by its board of trustees.

6. Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action

Notice is further given that any interested person may, not later than September 15, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-25056 Filed 8-26-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–81–24]

Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before September 16, 1981.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–204), Petition Docket No. ——, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426–3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on August 21, 1981.

Edward P. Faberman,

Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemption

Docket No.	Petitioner	Regulations affected	Description of relief sought
21991	United Air Lines, Inc	14 CFR 63.39 and 121.425(a)	To permit petitioner to show by the use of an approved pictorial means instead of an airplane, that those persons can satisfactorily perform a preflight inspection and to show, in an approved simulator using a line-oriented flight training (LOFT) program, that a flight engineer applicant can satisfactorily perform the normal duties and procedures relating to the airplane, airplane engines, propellers (if appropriate), systems, and appliances and to show, in an approved simulator LOFT program, that its flight engineers and flight engineers of other carriers can satisfactorily perform assigned duties accomplished from the flight engineer station during taxi, runup, takeoff, climb, cruise, descent, approach, and landing.
21977	Orlando Helicopter Airways, Inc	14 CFR 65.91(c)(1)	To enable petitioner to become eligible for an inspection authorization without meeting the requirement to have held an A&P License for 3 years.
21883	Mr. Vasilios E. Patouhas	14 CFR 65.71	To enable petitioner to become eligible for an airframe mechanic's certificate without meeting the requirements to complete the airframe exams within 2 years.
21904	Anthony R. LeClair	14 CFR 61.151(a)	To permit petitioner to obtain an airline transport pilot certificate before reaching his 23rd birthday.
22080	Midway Airlines, Inc	14 CFR 121.311(f)	To permit petitioner to operate their newly acquired or soon to be acquired Douglas DC–9–31 aircraft in Part 121 operations without having installed the required approved shoulder harnesses for all flight attendant seats.
19504	Lineas Aereas Costarricenses, S.A	14 CFR Parts 21, 61, 63, and 91	To allow petitioner to continue to operate leased U.S.-registered B–727 aircraft using an FAA-approved master minimum equipment list and continuous airworthiness maintenance program.
21812	Albuquerque Int'l Balloon Fiesta, Inc	14 CFR 61.3 and 91.27	To allow certain pilots and foreign balloons to participate in the 10th Annual Albuquerque Int'l Balloon Fiesta without meeting the pilot certification and airworthiness requirements.
21959	Deere and Company	14 CFR Portions of Parts 21 and 91	To permit petitioner to operate its G–1159, C–500, and L–1329 airplanes under Part 91 using minimum equipment lists.

Petitions for Exemption—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought
21789	Air Transport Assoc	14 CFR 61.49	To allow petitioners members and others in similar situation to retake a written or flight check without waiting 30 days provided that the Part 121 authorized instructor has given the applicant flight or ground instruction as appropriate and finds the applicant competent to pass the test.
21962	John A. Burke	14 CFR 135.1	To allow petitioner to operate nonstop sightseeing flights in excess of the 25-statute-mile radius of the airport limit. The proposed flights would originate at the Cannon International Airport and would include the Lake Tahoe area which would be approximately 35 statute miles in both directions.
22053	Zantop Int'l Airlines, Inc.	14 CFR 91.305	To allow petitioner to operate DC-8 aircraft in the U.S. until January 1985 without meeting the January 1, 1983 phased fleet noise compliance requirement of 50 percent.

Dispositions of Petitions for Exemption

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
20418	Northern Air Cargo, Inc.	14 CFR 121.185(a)	Reconsideration of the Denial of Exemption No. 3120 to allow the operation of DC-6 aircraft into Savoonga and Gambell, St. Lawrence Island, Alaska, using 70 percent of the effective length of the runway for landing and stopping. *Denied Aug. 17, 1981.*
19943	Airline Training Institute	14 CFR 61.63(d)(2) and (3) and 61.157(d)(1)	Extension of Exemption No. 2936A which permits petitioner's trainees to complete the same practical test for issuance of a type rating to be added to a pilot certificate, regardless of its grade, in an airplane simulator as set forth in Appendix A of Part 61, as is done by the trainees of those operators who have an operating certificate issued under Part 121. *Granted Aug. 19, 1981.*
21794	Compania Mexicana de Aviacion, S.A. and Western Airlines, Inc.	14 CFR Portions of Parts 21, 43, 91 and 121	To permit petitioner to use its own continuous airworthiness maintenance and inspection program for its leased U.S.-registered DC-10-15 aircraft, registration Nos. N1003L and N10045. *Granted Aug. 12, 1981.*
22087	Thomas R. Costello, et al.	14 CFR 93.185(c) and 93.187(c)	To permit certain pilots to operate to and from Flushing Airport, New York, without obtaining Air Traffic Control (ATC) authorization or establishing and maintaining two-way radio communication with LaGuardia Tower, and without prohibition on the direction of takeoff or landing. *Granted Aug. 14, 1981.*
21780	Civil Air Patrol	14 CFR 61.118	To permit petitioner's member pilots to be reimbursed for fuel, oil, and maintenance while serving on official CAP missions. *Granted Aug. 13, 1981.*
17922	Air Midwest, Inc.	14 CFR 135.261(b)	Extension of Exemption No. 2582A. The present exemption permits petitioner to assign a flight crewmember and to permit a flight crewmember to accept an assignment for duty when that assignment does not provide for at least 10 consecutive hours of rest during the 24 hours preceding the planned completion of the assignment. *Denied Aug. 17, 1981.*
21732	Mr. Charles Webber	14 CFR 65.104(a)(2)	To permit petitioner to become eligible for a repairman certificate (experimental aircraft builder) without meeting the full requirement of the FAR. *Denied Aug. 17, 1981.*
18895	Alaska Island Air and Mr. Lloyd Roundtree	14 CFR 135.243(b)(3)	To permit petitioner to serve as pilot in command without holding an instrument rating. *Denied Aug. 18, 1981.*
18712	Harold D. Hauck	14 CFR 135.243	To permit petitioner to serve as pilot in command without holding an instrument rating. *Denied Aug. 18, 1981.*
21266	Flight Management Co.	14 CFR 91.169 and 91.18(a)	To permit petitioner's clients to place all of the airplanes operated by its clients under Part 91, Subpart D, and allow the operation of small civil airplanes of U.S. registry under the operating rules of Part 91. *Granted July 24, 1981.*
21235	Tanner Aviation	14 CFR 135.243(b)(3)	To allow Petitioner to operate as a pilot in command in his Part 135 operation without an instrument rating. *No longer required Aug. 14, 1981.*

[FR Doc. 81-24900 Filed 8-26-81; 8:45 am]
BILLING CODE 4910-13-M

[Docket No. ST7954WE-D]

Application for Supplemental Type Certificate: Installation of CFM International CFM56-2 Turbofan Engines on McDonnell Douglas Model DC-8-60 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Announcement of certification status and statement of type certification basis.

SUMMARY: The McDonnell Douglas Corporation (MDC) has applied for a supplemental type certificate for the re-engining of its DC-8-60 series airplanes. Supplemental type certification is an evaluation process leading to the approval of a major change in the type design of an aircraft. This announces the certification program for this modification and provides information on the type certification basis to be established under the Federal Aviation Regulations (FAR). As appropriate, subsequent announcements will provide updates of the certification status. This is a nonrulemaking proceeding within the meaning of the administrative procedure provisions of 5 U.S.C. 551 *et. seq.* If rulemaking becomes necessary during the processing of this application, it would be initiated separately by a Notice or Notices of Proposed Rulemaking for the following:

—The issuance of Special Conditions under § 21.16 where it is found that the airworthiness regulations otherwise applicable do not contain adquate or appropriate safety standards because of a novel or unusual design feature; and

—The application of special retroactive airworthiness regulations which are required by the Administrator pursuant to the policies announced in the disposition of proposal 8-2 of Airworthiness Review Program Amendment No. 8 (45 FR 60154) on September 11, 1980.

A certification docket has been established to receive comments on the certification basis set forth in this announcement. The FAA will address all significant comments received.

DATE: Comments on this announcement must be received on or before October

23, 1981. Subsequent announcements will contain their own closure dates.

ADDRESS: Comments must be mailed in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, Attention: Certification Docket, Docket No. ST7954WE-D, 9010 East Marginal Way South, Seattle, Washington 98108; or they may be delivered in duplicate to Room 300S at the same address. Comments may be inspected at Room 300S between 7:30 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: Keith D. Anderson, Chief, Los Angeles Area Aircraft Certification Office, ANW-100L, 4344 Donald Douglas Drive, Long Beach, California, telephone (213) 548-2861.

Comments Invited

Announcements of the certification status and the type certification basis of an aircraft are part of the FAA's continuing efforts to keep the public informed of the type certification programs conducted by the FAA. They are in addition to the rulemaking process which provides the public an opportunity to participate directly in the establishment of specific airworthiness standards. While the FAA seeks innovative ways for involving the public in the type certification process for aircraft, it is neither appropriate nor possible for the public to be involved in the detailed findings of type design conformity of regulatory compliance—responsibilities specifically charged by the Congress to the FAA. In this conneection, it should be noted that the task of establishing that an aircraft meets the applicable certification standards is a large and technically complex one extending over several years and including thousands of hours of technical data review and ground testing of systems and structural components, and hundreds of hours of flight testing, in which FAA engineers, inspectors, and flight test pilots participate.

Interested parties are invited to provide comments, written data, views, or arguments relative to the type certification basis of the MDC DC-8-60 series airplane modification as contained in this announcement. Communications should reference Certification Docket No. ST7954WE-D and be submitted in duplicate to the address specified above. All communications received on or before the closing date specified will be considered by the Administrator.

Availability of Additional Copies of Announcement

Any person may obtain additional copies of this announcement by submitting a request to the Federal Aviation Administration, Public Affairs Officer, Northwest Region, 9010 East Marginal Way South, Seattle, Washington 981098, telephone (206) 767-2680. Each communication must identify the docket number.

Program Process

Any person who alters an aircraft by introducing a major change in a type design, not great enough to require a new application for a type certificate, must apply to the FAA for a Supplemental Type Certificate (STC) (except that the holder of a type certificate may apply for an amendment of the original type certificate). MDC has elected to apply for an STC.

The administrative process for major aircraft projects in which supplemental type certification or the modification of an existing aircraft is involved parallels the steps for original type certification which are as follows:

1. Establishment of a Type Certification Board which programs its meetings according to need, but generally includes at least three significant phases (preliminary, preflight, and final).

2. Issuance of a Type Inspection Authorization (TIA) when the examination of the technical data required for type certification is completed or has reached a point when it appears that the aircraft will meet the pertinent regulations. The TIA is the authorization for FAA personnel to conduct ground inspections and begin flight testing to assure that the test aircraft meets design standards. The preflight type board may also be held at this time. After these inspections and flight testing are complete, the final type board is held to resolve any outstanding matters.

3. Preparation of the STC Data Sheet and approval of the Airplane Flight Manual, setting forth the limitations prescribed by the applicable airworthiness regulations and any other limitations and information found necessary for type certification. In addition, the applicant must prepare appropriate maintenance information and instructions; the adequacy of which is subject to FAA review.

4. Issuance of a publicly available "decision document" that summarizes the basis for the decision to issue a major supplemental type certificate, including an identification of all applicable regulations, issues, means of compliance (including tests and analyses), and resolution of issues. The issuance of "decision documents" was initiated by the FAA with the type certification of the McDonnell-Douglas DC-9-80 and announced in the **Federal Register** on August 28, 1980 (45 FR 57638).

After: (1) All outstanding items have been resolved, (2) all applicable airworthiness and aircraft noise and emissions regulations and any special conditions have been met, (3) the Administrator has found no feature or characteristic that makes the aircraft unsafe for the category in which supplemental type certification is requested, (4) the decision document has been approved, (5) the airplane is considered safe and reliable in its operational environment, and (6) the changes to the Airplane Flight Manual have been approved, then an aircraft supplemental type certificate will be issued. Reviews are conducted for aircraft intended for use in air carrier service, during and parallel to the certification process, from the time the type certification board is convened to the final issuance of a supplemental type certificate to establish the operational suitability of the aircraft. These reviews include evaluation of the aircraft for operations under such FAR's as Parts 91, 121, and 125, the ICAO Annexes, and FAA Advisory Circulars, and for airport and air traffic control compatibility and development of required changes to the master minimum equipment lists, and training requirements.

Background

On September 19, 1979, MDC applied to the FAA for the supplemental type certification of a modification to its DC-8-60 series airplane. MDC plans to complete its certification activities on or before December 31, 1981.

The proposed modification to the MDC DC-8-60 series airplanes provides for the replacement of the existing JT3D engines with advanced technology CFM56-2 engines manufactured by CFM International, a joint company of SNECM France, and General Electric Company, USA. This modification will bring to the DC-8 the advantages of high bypass engine technology. These advantages include lower operating costs, reduced noise, and increased fuel efficiency.

Program Status

A project initiation meeting between the applicant and the FAA project team was held on November 29, 1979, for the purpose of defining certification

procedures and methodology. Numerous subsequent meetings between FAA and industry specialists have been convened for discussion and deliberation and for the development of a type certification basis. As of this date, aircraft redesign has been completed by MDC but a significant amount of substantiating data is yet to be submitted to the FAA.

Type Certification Basis—General

The applicable airworthiness standards are those regulations designated in accordance with § 21.101 and are known as the "type certification basis" for the airplane design.

Section 21.101 provides that an applicant for a change to a type certificate must comply with either (1) the regulations incorporated by reference in the type certificate, or (2) the applicable regulations in effect on the date of the application, plus any other amendments the Administrator finds to be directly related. Section 21.101 also provides that if the Administrator finds that a proposed change consists of a new design or a substantially complete redesign of a component, equipment installation or system installation, and the regulations incorporated by reference in the type certificate for the product do not provide adequate standards with respect to the proposed change, the applicant must comply with:

1. The applicable FAR on the date of the application for the change that the Administrator finds necessary and provide a level of safety equal to that established by the requirements incorporated in the original type certificate, and

2. Any special conditions, and amendments to those special conditions prescribed by the Administrator to provide full equipment safety level.

Special Conditions, as appropriate, would be issued after public notice in accordance with §§ 11.28 and 11.29(b), effective October 14, 1980, and would become part of the type certification basis in accordance with § 21.101(b)(2).

Exemptions from the applicable airworthiness standards designed by § 21.101(a), if granted, would also become part of the type certification basis. Petitions for exemption are published in the **Federal Register**, and the petitions are acted upon after review of comments received, in accordance with § 11.27.

In addition, should the FAA conclude that recent or future regulatory amendments should be applied to this airplane that would not otherwise be applied under § 21.101(a), then an amendment to require retroactive application will be proposed and acted upon consistent with the general rulemaking procedures of Part 11, with DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979), and with the regulatory policies of Executive Order 12291. Such retroactive regulations would be in lieu of those issued as Special Conditions because of having satisfied the novel and unusual design feature criteria of § 21.16. This procedure is described in the disposition of proposal 8–2 in Amendment 8A of the Airworthiness Review Program (45 FR 60154; September 11, 1980).

In addition, there are special retroactive noise requirements prescribed as a matter of law. In the case of the re-engined DC–8, Stage 1 noise limits are required by § 36.7(c). However, MDC intends to demonstrate compliance to the Stage 3 noise level requirements to qualify the re-engined DC–8 as a replacement aircraft under § 91.306.

Statement of Supplemental Type Certification Basis

Based on the date of application (September 19, 1979), and pursuant to § 21.101(a)(2), the type certification basis of the modified DC–8–60 series airplanes will be as published in Type Certificate Data Sheet 4A25, with the addition of Special Federal Aviation Regulation 27 and Part 36 of the FARs, plus those later effective amendments to Part 25 with which the applicant has chosen to voluntarily comply.

The certification basis of the 60 series DC–8, as extracted from Type Certificate Data Sheet 4A25 is as follows:

—Part 4b of the Civil Air Regulations (effective December 31, 1953), Amendment 4b–1 through 4b–5 (effective May 18, 1954, August 25, 1955, March 13, 1956, April 1, 1957, and April 9, 1957, respectively); Amendment 4b–6, Items 5, 7, 11, 14, 16, 17, 18, 20, 21, 22, 23, 25, 27, 28, 31, 32, 34, 35, 38, and 39 (effective August 12, 1957); Amendment 4b–7 (effective October 17, 1957); Amendment 4b–8, Item 18 (effective May 17, 1958); Amendment 4b–9 (effective September 1, 1958); Amendment 4b–11, Items 4 and 24 (effective October 1, 1959); and Amendment 4b–14 (effective May 22, 1964).

—Special Civil Air Regulation SR–422B

—Special Civil Air Regulation SR–450A

—Attachment A to FAA letter dated October 22, 1957

—Attachment A to FAA letter dated July 5, 1966

—CAR 4b.361, Ditching provisions

—CAR 4b.640, Ice protection

The certification basis of the modified airplane will also include:

—Part 36 of the Federal Aviation Regulations (effective December 1, 1969), Amendments 36–1 through 36–10 (effective July 31, 1978).

—Special Federal Aviation Regulation 27, Fuel Venting Requirements (effective December 28, 1973), Amendments 27–1 through 27–3 (effective January 1, 1978)

Pursuant to § 21.101(a)(2), and with the concurrence of the FAA, MDC has elected to comply voluntarily with the following additional sections of CAR 4b and FAR 25:

—Part 4b of the Civil Air Regulations (effective December 31, 1953), Amendment 4b–8, Items 15, 20, and 23 (effective May 17, 1958); Amendment 4b–11, Items 25, 34, 35, and 36 (effective October 1, 1959); and Amendment 4b–12, Items 33, 65, 66, 68, 69, 70, 71, 72, 73, 77, 78, 97, and 98 (effective May 3, 1962).

—FAR 25.571(d), Amendment 25–45 (effective December 1, 1978), Sonic fatigue strength.

—FAR 25.903 (a), (b), (d), and (e), Amendment 25–40 (effective May 2, 1977), Engine provisions.

—FAR 25.1529, Amendment 25–21 (effective January 8, 1970), Maintenance manual provisions.

—FAR 36.7(e), Amendment 36–7 (effective March 3, 1977), Stage 3 noise levels.

Exemptions

As of the date of this announcement, MDC has not petitioned the FAA for any exemptions relative to the supplemental type certification of the DC–8–60 series airplanes.

Special Conditions

At this time, the FAA is aware of no novel or unusual design features of this modification which would necessitate the issuance or amendment of Special Conditions.

Issued in Seattle, Washington, August 17, 1981.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 81–24822 Filed 8–26–81; 8:45 am]

BILLING CODE 4910–13–M

Federal Highway Administration

Environmental Impact Statement: Coos County, Oregon

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway in Coos County, Oregon.

FOR FURTHER INFORMATION CONTACT: Richard R. Arnold, Environmental Coordinator, Federal Highway Administration, Equitable Center, Suite 100, 530 Center Street NE., Salem, Oregon 97301, Telephone: (503) 378-3832.

SUPPLEMENTARY INFORMATION: The FHWA in cooperation with the Oregon Department of Transportation will prepare an environmental impact statement (EIS) on a proposal to re-route approximately 3 miles of the existing Coos Bay-Roseburg Highway (State Route 35/ORE 42) to the southwest, around the CBD and core area of Coquille in Coos County, Oregon. The proposed facility would be approximately 2.3 miles long.

Alternatives under consideration include (1) taking no action; (2) re-routing the highway as proposed with a two- or four-lane facility, and with various design options; (3) other feasible alternatives that may develop during the project study stage.

Information describing the proposed action will be sent to the appropriate Federal, State, and local agencies and to private organizations and citizens who have previously expressed interest in this proposal. Necessary public meetings will be held and a public hearing will be held. No formal scoping meeting is planned at this time.

Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued on: August 18, 1981.

E. J. Valach,

Program Development Engineer, Oregon Division, Salem, Oregon.

[FR Doc. 81-24812 Filed 8-26-81; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement: Curry County, Oregon

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway in Curry County, Oregon.

FOR FURTHER INFORMATION CONTACT: Richard R. Arnold, Environmental Coordinator, Federal Highway Administration, Equitable Center, Suite 100, 530 Center Street NE., Salem, Oregon 97301, Telephone: (503) 378-3832.

SUPPLEMENTARY INFORMATION: The FHWA in cooperation with the Oregon Department of Transportation will prepare an environmental impact statement (EIS) on a proposal to reconstruct a 0.6 mile section of the Oregon Coast Highway (State Route No. 9/U.S. 101) in Curry County, Oregon. The project extends from the southern end of the Rogue River Bridge into the City of Gold Beach, a section whose land use is dominated by commercial activity.

Alternatives under consideration include (1) taking no action; (2) reconstruction of the existing narrow winding two-lane road to current four-lane standards in an urban area; and (3) other feasible alternatives that may develop during the project study stage.

Information describing the proposed action will be sent to the appropriate Federal, State, and local agencies and to private organizations and citizens who have previously expressed interest in this proposal. Necessary public meetings will be held and a public hearing will be held. No formal scoping meeting is planned at this time.

Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued on: August 18, 1981.

E. J. Valach,

Program Development Engineer, Oregon Division, Salem, Oregon.

[FR Doc. 81-24811 Filed 8-26-81; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement: Linn County, Oregon

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway in Linn County, Oregon.

FOR FURTHER INFORMATION CONTACT: Richard R. Arnold, Environmental Coordinator, Federal Highway Administration, Equitable Center, Suite 100, 530 Center Street NE., Salem, Oregon 97301, Telephone: (503) 378-3832.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Oregon Department of Transportation, will prepare an environmental impact statement (EIS) on a proposal to reconstruct a 4 mile section of the Corvallis-Lebanon Highway (State route no. 210/ORE 34) in Linn County, Oregon. The project would upgrade the last substandard unit in the roadway connecting Corvallis with the Pacific Highway, I-5. The project is located in an agricultural area, with commercial and light-industrial activity along the existing roadway, and passes north of the community of Tangent, 7 miles east of Corvallis and 2 miles west of I-5. The proposed improvements are considered necessary to provide for the existing and projected traffic demand and a safe and efficient highway meeting modern design standards.

Alternatives under consideration include (1) taking no action; (2) reconstructing and realigning the existing narrow two lane road to minimum current 5-lane standards, including several design options; and (3) other feasible alternatives that may develop during the project study stage.

Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued on: August 18, 1981.

E. J. Valach,

Program Development Engineer, Oregon Division, Salem, Oregon.

[FR Doc. 81-24810 Filed 8-26-81; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement: Shasta County, Calif.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a project proposing highway construction on a portion of Interstate 5 in Shasta County.

DATE: A formal scoping meeting has been scheduled for 1:00 p.m., Tuesday Sept. 29 1981.

ADDRESS: Scoping meeting will be held at the Holiday Inn, 1900 Hilltop Drive, Redding, California.

FOR FURTHER INFORMATION CONTACT: D. L. Eyres, District Engineer, Federal Highway Administration, P.O. Box 1915, Sacramento, California 95809, Telephone: (916) 440–3541.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation will prepare an Environmental Impact Statement (EIS) on a project proposing the improvement of the Interstate freeway on Route 5 in Shasta County. This will complete a 13-mile gap in the otherwise completed freeway between Mexico and Canada. This improvement which begins about 28 miles north of Redding is located in the Sacramento River Canyon, a corridor of mountainous terrain used by highway, railroad, power transmission, and communication facilities.

The EIS will discuss improving the existing 4-lane expressway to full freeway standards. This discussion will include several alternate proposals such as: doing nothing except installation of median barriers, improvement to the existing alignment with and without interchanges to replace the 9 at-grade intersections, and new alignment on the opposite side of the canyon. Each alternate will be considered with varying median widths, and in some cases with separated roadways. Extra lanes for trucks will also be considered if needed.

The purpose of bringing this section of highway up to full Interstate standards is to improve traffic efficiency and safety.

Anticipated environmental effects are: (1) Loss of wildlife habitat; (2) conceivably a negative aesthetic effect resulting from heavy grading on the previously undisturbed eastern slopes of the Sacramento River Canyon; (3) possible involvement of archaeological resources; (4) potential for water quality degradation resulting from constructing bridges over the Sacramento River; and (5) possible infringement on habitat of either rare or endangered wildlife or plantlife species.

A formal interdisciplinary team approach is planned for this study to insure the interaction of different disciplines through all stages of development of the environmental document. This interdisciplinary team will include representatives from the appropriate Federal, State, and local agencies and any other organizations that have an interest in the study. A formal scoping meeting has been scheduled for 1:00 P.M. on Tuesday, September 29, 1981, at the Holiday Inn, 1900 Hilltop Drive, Redding, California.

To ensure that the full range of issues is addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning the proposal and the EIS should be directed to the FHWA at the address provided above.

Issued on: August 19, 1981.

David L. Eyres,

District Engineer, Sacramento, California.

[FR Doc. 81-24918 Filed 8-26-81: 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

Federal Motor Vehicle Safety Standards; Glazing Materials

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Denial of petition for rulemaking.

SUMMARY: This notice denies a petition for rulemaking filed by the Insurance Institute for Highway Safety (IIHS) regarding Safety Standard No. 205 *Glazing Materials.* IIHS petitioned NHTSA to rescind immediately the requirement that the inside surface of windshields be resistant to abrasion. Such action would permit the use of glass-plastic windshields whose inside surface is plastic in motor vehicles. The agency is already conducting a rulemaking proceeding to consider whether to rescind that requirement. However, IIHS believes that that proceeding should be terminated and the abrasion requirements should be deleted as soon as possible, because of evidence indicating that glass-plastic windshields could reduce the number of lacerations that occur when a vehicle occupant strikes the windshield in an accident. NHTSA is denying IIHS's petition, because the agency believes that it does not yet know enough about the tradeoffs that might be involved in the use of glass-plastic glazing.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Jettner, Office of Vehicle Safety Standards, Room 5320, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (Docket Hours: 8:00 a.m. to 4:00 p.m.)

SUPPLEMENTARY INFORMATION: Safety Standard No. 205, *Glazing Materials,* specifies performance requirements for glazing materials to be used in motor vehicles and motor vehicle equipment, and also specifies the vehicle locations in which the various types of glazing may be used. The standard incorporates by reference the American National Standard "Safety Code for Glazing Materials for Glazing Motor Vehicles Operating on Land Highways," Z26.1–1966 (ANS Z26). The requirements of Standard No. 205 are set forth in ANS Z26 in terms of performance tests that the various types of "Items" of glazing must pass. There are 13 "Items" of glazing for which requirements are specified in the standard. The only items of glazing that can be used in the windshield of a motor vehicle are Item 1, *Safety Glazing Materials for Use Anywhere in Motor Vehicle,* and Item 10, *Bullet Resistant Glass for Use Anywhere in Motor Vehicle.* NHTSA has interpreted the standard to require that Item 1 glazing pass Test No. 18, *Abrasion Resistance,* when either side of the material is tested.

The issue of whether the inboard side of a windshield should be required to meet a minimum level of abrasion resistance is central to one of the agency's ongoing rulemaking proceedings regarding Standard No. 205. On January 26, 1981, NHTSA published an ANPRM regarding the use of glass-plastic glazing materials in motor vehicles. The petitioner in that proceeding, Saint-Gobain Vitrage (SGV), requests that NHTSA amend Standard No. 205 to permit the use of glass-plastic windshields such as "Securiflex," a product SGV manufactures. The Securiflex windshield is made of laminated glass to which a layer of polyurenthane is bonded on the inboard side. SGV alleges that glass-plastic windshields will reduce the risk of lacerations to a car occupant who strikes the windshield in an accident. However, the glazing used in Securiflex does not qualify as Item 1 glazing because the interior side does not meet the abrasion requirements of Test No. 18.

On April 1, 1981, the Insurance Institute for Highway Safety (IIHS) filed a petition for rulemaking that is concerned with the agency's handling of the SGV petition. IIHS believes that "excellent evidence long on file with NHTSA" adequately demonstrates that glass-plastic windshields such as Securiflex could prevent countless numbers of laceration injuries each year. Yet NHTSA's response to the SGV petition has been nothing but "a series of bureaucratic and rulemaking maneuvers," according to IIHS. As a result of such actions, NHTSA has "[held] back technological progress and competition in the marketplace" and has "[contributed] to needless large scale

human damage * * *." Thus, IIHS petitioned NHTSA "to undertake the deregulatory steps necessary to remove totally and promptly from Standard 205 any and all requirements with respect to the abrasion resistance of the surface of the windshield closest to the vehicle's occupants."

NHTSA is denying IIHS's petition for rulemaking in this notice. The agency does not agree with IIHS's contention that it would be in the public interest to immediately delete the abrasion requirements for the inboard side of Item 1 windshield glazing. NHTSA simply does not yet know enough about glass-plastic glazing to make a proper decision about the use of such materials in the windshields of motor vehicles. As IIHS asserts in its petition, there is evidence indicating that glass-plastic windshields may reduce the number of laceration injuries that are suffered each year. However, the agency is concerned that there may be safety hazards associated with glass-plastic glazing that outweigh this and other possible safety benefits. For example, NHTSA is concerned that a vehicle occupant who strikes a glass-plastic windshield in a crash may be more likely to suffer head of neck injuries than an occupant who strikes a standard laminated windshield. The agency believes that such injuries might occur because glass-plastic glazing material may be more rigid than typical laminated glass.

Also, the agency is concerned about the long-term ability of glass-plastic glazing to resist haze. Haze is surface damage that is produced by abrasive action, such as rubbing. Haze scatters the light passing through the glazing in a way that makes vision through the glazing very difficult. NHTSA has only recently acquired some data on the extent to which Securiflex windshields accumulate haze over a period of years.

Because the agency is unsure about the possible safety hazards associated with glass-plastic glazing, immediate deletion of the abrasion requirements as requested by IIHS in inappropriate and unwise. Adherence to the notice and comment rulemaking procedures set forth in the Administrative Procedure Act will help NHTSA to obtain the information in needs to make a reasoned decision on the issue of glass-plastic glazing. Accordingly, IIHS's petition for rulemaking is denied.

The agency stresses that the issue of abrasion requirements for glass-plastic glazing will be considered in the context of the SGV rulemaking proceeding.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 49 CRF 501.8)

Issued on August 10, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81-25089 Filed 8-26-81; 8:45 am]

BILLING CODE 4910-59-M

Urban Mass Transportation Administration

Section 15 Reporting System Advisory Committee

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Notice.

SUMMARY: The Urban Mass Transportation Administration (UMTA) announces in this notice the establishment of the Section 15 Reporting System Advisory Committee. Section 15 of the Urban Mass Transportation Act of 1964, as amended, concerns the reporting of public mass transportation financial and operating information. The Committee will provide advice concerning the quality and usefulness of the reporting system.

FOR FURTHER INFORMATION CONTACT: Mr. Donald M. Chapman, Office of Transportation Management, Room 6432, 400 7th Street, SW., Washington, D.C. 20590; telephone (202) 426-9157.

SUPPLEMENTARY INFORMATION: Section 15 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1611) requires the Secretary of Transportation to, "develop, test, and prescribe a reporting system to accumulate public mass transportation financial and operating information . . . ." The authority to exercise this function was delegated to the UMTA Administrator by 49 CFR 1.51(a). The purpose of the collection of this information is to assist individual public mass transportation systems and Federal, State, and Local governments in planning public transportation services.

Pursuant to the requirements of Section 9 of the Federal Advisory Committee Act (5 U.S.C. 9 (App. I 1981)), UMTA announces the establishment of the Section 15 Reporting System Advisory Committee. The Committee has been chartered pursuant to the procedures set forth in that Act and will be composed of representatives of local transit authorities, planning commissions, the public at large, trade associations, and other transit interest groups. The Committee will offer advice to UMTA's Associate Administrator for Planning, Management, and Demonstrations with respect to the quality and usefulness of the Section 15 Reporting System in providing meaningful financial and operating data for the analysis of the transit industry. The results of the Committee will be in the form of reports and recommendations.

The Committee shall open all of its meetings to the public. Announcement of those meetings will be made in the **Federal Register** at least 15 days prior to the meeting date. Shorter notice may be given in emergency situations, which will be explained in the notice. With the Chairman's approval, members of the public may speak at meetings in accordance with procedures established by the Committee. A written statement may be filed with the Committee at any time.

Issued in Washington, D.C. on: August 19, 1981.

Arthur E. Teele, Jr.,

Urban Mass Transportation Administrator.

[FR Doc. 81-25011 Filed 8-26-81; 8:45 am]

BILLING CODE 4910-57-M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1981 Rev., Supp. No. 3]

Surety Companies Acceptable on Federal Bonds

A certificate of authority as an acceptable surety on Federal bonds is hereby issued to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $895,000 has been established for the company.

Name of Company:
CNA CASUALTY OF PUERTO RICO
Business Address:
GPO Box SA
San Juan, Puerto Rico
Incorporated in the Commonwealth of:
Puerto Rico

Certificates of authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR, Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1981 Revision, at page 33964 to reflect this addition. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: August 21, 1981.

W. E. Douglas,

Commissioner.

[FR Doc. 81-25129 Filed 8-26-81; 8:45 am]

BILLING CODE 4810-35-M

Office of the Secretary

[Supplement to Department Circular; Public Debt Series—No. 26-81]

Series U-1983 Notes; Interest Rate

The Secretary announced on August 20, 1981, that the interest rate on the notes designated Series U-1983, described in Department Circular—Public Debt Series—No. 26-81, dated August 17, 1981, will be 16¼ percent. Interest on the notes will be payable at the rate of 16¼ percent per annum.

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. 81-24931 Filed 8-26-81; 8:45 am]

BILLING CODE 4810-40-M

UPPER MISSISSIPPI RIVER BASIN COMMISSION

Approval of Draft Comprehensive Master Plan for the Management of the Upper Mississippi River System; Special Meeting

A Special Meeting of the Upper Mississippi River Basin Commission will be held Monday, September 14, 1981, from 9:30 a.m. to 4 p.m. in Des Plaines, Illinois, in the West C Room of the Ramada O'Hare Inn. The purpose of the meeting is to approve a draft Comprehensive Master Plan for the Management of the Upper Mississippi River System for publication on October 1, for subsequent public review.

Rodney N. Searle,

Chairman-Designate.

[FR Doc. 81-24902 Filed 8-26-81; 8:45 am]

BILLING CODE 8410-02-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 166
Thursday, August 27, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Federal Deposit Insurance Corporation	1
Federal Home Loan Bank Board	2
Federal Maritime Commission	3
Federal Reserve System	4

1

FEDERAL DEPOSIT INSURANCE CORPORATION.

Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, August 24, 1981, the Corporation's 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 the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Request for relief from adjustment for violations of Regulation Z: Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)).

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable.

Dated: August 24, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1294-81 Filed 8-25-81; 1:41 pm]

BILLING CODE 6714-01-M

2

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 10 a.m., Thursday, September 3, 1981.

PLACE: 1700 G Street, N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

MATTERS TO BE CONSIDERED:

Trust Department Application—Clearwater Federal Savings & Loan Association, Clearwater, Florida
Service Corporation Activity (Small Business Investment Co.)—Metropolitan Savings Association, Shaker Heights, Ohio
Trust Department Application—Dominion Federal Savings & Loan Association, McLean, Virginia
Trust Department Application—Berkeley Federal Savings & Loan Association of New Jersey, Millburn, New Jersey
Waiver of Section 563.23 for Rehabilitation Loans—City of Wichita, Kansas
Application for Merger—Coast Federal Savings & Loan Association, Gulfport, Mississippi *into* First Federal Magnolia Federal Savings & Loan Association, Hattiesburg, Mississippi
Elimination of Crime Reports
Equal Access to Justice
No. 534, August 25, 1981.

[S-1292-81 Filed 8-25-81; 10:20 am]

BILLING CODE 6720-01-M

3

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 9 a.m., September 2, 1981.

PLACE: Hearing Room One, 1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Agreement No. 10380: Establishment of the Medafrica-Nigeria America Shipping Line Limited Joint Service.
2. Special Docket No. 771: Application of Lykes Bros. Steamship Co., Inc., for the benefit of Texas Turbo Jets, Inc.—Review of Supplemental Initial Decision.

Portions closed to the public:

1. Erich H. Trendel—Application for an Independent Ocean Freight Forwarder License.
2. Docket No. 81-10: General Rate Increases in the Puerto Rico and Virgin Island Trades—Consideration of Request for Oral Argument and Possible Consideration of the Record.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523-5725.

[S-1293-81 Filed 8-25-81; 11:08 am]

BILLING CODE 6730-01-M

4

FEDERAL RESERVE SYSTEM.

(Board of Governors)

TIME AND DATE: 10 a.m., Wednesday, September 2, 1981.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: August 26, 1981.

William W. Wiles,

Secretary of the Board.

[S-1295-81 Filed 8-25-81; 3:44 pm]

BILLING CODE 6210-01-M

federal register

Thursday
August 27, 1981

Part II

Federal Trade Commission

Trade Regulation Rule; Sale of Used Motor Vehicles; Corrections

FEDERAL TRADE COMMISSION

16 CFR Part 455

Trade Regulation Rule; Sale of Used Motor Vehicles; Corrections

AGENCY: Federal Trade Commission.

ACTION: Correction.

SUMMARY: This document corrects a Commission document previously published in the **Federal Register** on Friday, August 14, 1981, regarding sale of used motor vehicles.

DATE: These corrections are effective August 27, 1981.

FOR FURTHER INFORMATION CONTACT: FTC/PR, Susan M. Liss, Washington, D.C. 20580. (202) 523–1670.

SUPPLEMENTARY INFORMATION: In FR Doc. 81–23538, appearing in the **Federal Register** issue for Friday, August 14, 1981, 46 FR 41328, the following corrections should be made:

On page 41356, substitute the text of footnote 406 for the text of footnote 405. On the same page, first column, after the first full paragraph that ends with "exceed the costs.", enter a new reference to footnote 406. For the text of new footnote 406, substitute the text of old footnote 405. Starting on page 41356 and continuing through page 41358, footnote references 406 through 423 are changed to footnote references 407 through 424, respectively. On page 41358 footnote 424 is changed to footnote 425, and insert the following as text of new footnote 425:

[425] In the Vocational Schools Rule, all of the consumer notices were written in "plain English." 43 FR 60796, 60812 (1978). The Octane Posting Rule marked the first instance in which an entire regulation was written in readily understandable language. 44 FR 19160 (1979). In the R-Value Rule, the consumer disclosures required for fact sheets and advertisements and text of the Rule were all written in clear, understandable language. 44 FR 50218 (1979).

Carol M. Thomas,

Secretary.

[FR Doc. 81–25064 Filed 8–26–81; 8:45 am]

BILLING CODE 6750–01–M

16 CFR Part 455

Trade Regulation Rule; Sale of Used Motor Vehicles

Correction

In FR Doc. 81–23538 appearing on page 41328 in the issue of Friday, August 14, 1981, make the following changes:

1. On page 41341, third column, the last sentence of footnote 242 should read as follows:

"[242] * * * This standard was recently held applicable to Section 18 rulemaking. *American Optometric Ass'n v. FTC*, 626 F.2d 896, 911 n.8 (D.C. Cir. 1980)."

2. On page 41350, first column, first full paragraph, ninth line, "* * * had * * *" should read "* * * has * * *".

3. On page 41359, second column, § 455.1(c)(1), third line from the top, "then * * *" should read "than * * *"; third column, § 455.2(a)(2), fifth line, "* * * blank * * *" should read "* * * black * * *".

4. On pages 41360 and 41361, the following form is being republished because pertinent information was omitted.

BILLING CODE 1505–01–M

1/16" Rule

USED CAR BUYERS GUIDE

60 pt Helvetica Compact

1/16" Rule

IMPORTANT: Spoken promises are difficult to enforce. Ask the dealer to put all promises in writing. Keep this form.

12/12 Helvetica Bold c&lc flush left ragged right maximum line 38 picas

VEHICLE MAKE MODEL YEAR ID NUMBER

Hairline rule

7 pt Helvetica

NOTICE: For your protection and safety

12 pt Helvetica Bold

1/16" Rule

Ask about the current condition of the following major mechanical and safety systems of this car. See below which of these systems, if any, are covered by a warranty and which systems are known by the dealer to contain major defects. Dealers must inform you in writing if they know of certain defects in this car's major systems.

12/12 Helvetica Bold c&lc flush left ragged right maximum line 38 picas

Frame & Body	Brake System
Engine	Steering System
Transmission and Drive Shaft	Suspension System
Differential	Tires
Cooling System	Wheels
Electrical System	Exhaust System
Fuel System	Accessories

12/15 Helvetica Bold line for line

PRE-PURCHASE INSPECTION: Ask the dealer if you may have this car inspected by your mechanic either on or off the lot.

10/10 Helvetica Bold c&lc flush left ragged right maximum line 38 picas

WARRANTIES FOR THIS CAR:

12 pt Helvetica Bold

1/16" Rule

☐ **NO IMPLIED WARRANTY—"AS IS". This means you will pay all costs for any repairs needed when you buy the car or after the time of sale. If this box is checked, the dealer makes no written promises about this car's condition.**

10/10 Helvetica Bold c&lc flush left ragged right maximum line 38 picas

☐ **FULL ☐ LIMITED WARRANTY. The dealer will pay ____% of the total repair bill for covered systems that fail during the warranty. Ask the dealer for a copy of the warranty document for a full explanation of warranty coverage, exclusions, and the dealer's repair obligations. Under state law, "implied warranties" may give you even more rights.**

10/10 Helvetica Bold c&lc flush left ragged right maximum line 38 picas

SYSTEMS COVERED: **DURATION:**

10 pt Helvetica Bold caps

Hairline rule

SERVICE CONTRACT. A service contract is available from _____ for $ _____ extra. This service contract adds to the dealer's responsibilities under any warranty. If you buy a service contract within 90 days of the time of sale, state law "implied warranties" may give you additional rights.

10/10 Helvetica Bold c&lc flush left ragged right maximum line 38 picas

1/16" Rule

MAJOR KNOWN DEFECTS: Dealers must tell you in the space below if they know about certain defects in this car's major systems. The defects that must be disclosed if known are listed on the back of this form. However, there may be defects that are unknown to the dealer. If nothing is listed, the car is not necessarily free of defects.

10/10 Helvetica Bold c&lc flush left ragged right maximum line 38 picas

Hairline rule

See the back of this form for important additional major defect information.

12/12 Helvetica Bold c&lc flush left ragged right maximum line 38 picas

12/12 Helvetica Bold c&lc flush left, ragged right maximum line 36 picas

Below is a list of some major defects that may occur in used cars.

1/16" Rule

Frame & Body
- Frame-cracks, corrective welds, or rusted through
- Dogtracks—bent or twisted frame

Engine
- Oil leakage, excluding normal seepage
- Cracked block or head
- Belts missing or inoperable
- Knocks or misses related to camshaft lifters and push rods
- Abnormal exhaust discharge

Transmission & Drive Shaft
- Improper fluid level or leakage, excluding normal seepage
- Cracked or damaged case which is visible
- Abnormal noise or vibration caused by faulty transmission or drive shaft
- Improper shifting or functioning in any gear
- Manual clutch slips or chatters

Differential
- Improper fluid level or leakage excluding normal seepage
- Cracked or damaged housing which is visible
- Abnormal noise or vibration caused by faulty differential

Cooling System
- Leakage, including radiator
- Improperly functioning water pump

Electrical System
- Battery leakage
- Improperly functioning alternator, generator, battery or starter

Fuel System
- Visible leakage

Inoperable Accessories
- Gauges or warning devices
- Air conditioner
- Heater & Defroster

Brake System
- Failure warning light broken
- Pedal not firm under pressure (DOT specs.)
- Not enough pedal reserve (DOT specs.)
- Does not stop vehicle in straight line (DOT specs.)
- Hoses damaged
- Drum or rotor too thin (Mfgr. specs.)
- Lining or pad thickness less than 1/32 inch
- Power unit not operating or leaking
- Structural or mechanical parts damaged

10/10 Helvetica with Helvetica Bold c&lc flush left, ragged right maximum line 18 picas 1 em indent on 2nd line

Steering System
- Too much free play at steering wheel (DOT specs.)
- Free play in linkage more than 1/4 inch
- Steering gear binds or jams
- Front wheels aligned improperly (DOT specs.)
- Power unit belts cracked or slipping
- Power unit fluid level improper

Suspension System
- Ball joint seals damaged
- Structural parts bent or damaged
- Stabilizer bar disconnected
- Spring broken
- Shock absorber mounting loose
- Rubber bushings damaged or missing
- Radius rod damaged or missing
- Shock absorber leaking or functioning improperly

10/10 Helvetica with Helvetica Bold c&lc flush left, ragged right maximum line 18 picas 1 em indent on 2nd line

Tires
- Tread depth less than 2/32 inch
- Sizes mismatched
- Visible damage

Wheels
- Visible cracks, damage or repairs
- Mounting bolts loose or missing

Exhaust System
- Leakage

1/16" Rule

Hairline rule

DEALER

7 pt. Helvetica

ADDRESS

SEE FOR COMPLAINTS

1/16" Rule

IMPORTANT: The information on this form is part of any contract to buy this vehicle. Removal of this label before consumer purchase (except for purpose of test-driving) is a violation of federal law (16 C.F.R. 455).

10/10 Helvetica with Helvetica Bold c&lc flush left, ragged right maximum line 36 picas

Defect disclosure specifications are printed in Volume 16 C.F.R. (Code of Federal Regulations) Part 455.

BILLING CODE 1505-01-C

5. On page 41362, first column, § 455.2(a)(2), third line from the top, insert "and" after "Section".

6. On page 41363, first column, last paragraph of footnote 5, the second sentence should read as follows:

"* * * Puede obtenerse un contrato de servicio de———por la suma adicional de US$———.* * *".

7. On pages 41364 and 41365, the following form is being republished because pertinent information was omitted.

BILLING CODE 1505-01-M

1/16" Rule

GUIA DEL COMPRADOR

60 pt. Helvetica Compact

1/16" Rule

IMPORTANTE: Las promesas verbales son difíciles de hacer cumplir. Solicite al vendedor que ponga todas las promesas por escrito. Conserve este formulario.

12/12 Helvetica Bold c&lc flush left, ragged right maximum line 38 picas

Hairline rule

Marca del vehículo | Modelo | Año | Número de identificación

7 pt. Helvetica

AVISO: Para su protección y seguridad

12 pt. Helvetica Bold

1/16" Rule

Infórmese acerca de la condición actual de los siguientes sistemas mecánicos y de seguridad de este automóvil. Vea a continuación cuáles de estos sistemas, si los hubiere, están amparados por una garantía y qué sistemas conoce el vendedor que contienen importantes defectos. Los vendedores están obligados a informarle por escrito si conocen ciertos defectos en los principales sistemas de este automóvil.

12/12 Helvetica Bold c&lc flush left ragged right maximum line 38 picas

Chasis y carrocería	Sistema de frenos
Motor	Sistema de dirección
Transmisión y eje de cardan	Sistema de suspensión
Diferencial	Llantas
Sistema de refrigeración	Ruedas
Sistema eléctrico	Sistema de escape
Sistema de combustible	Accesorios

12/15 Helvetica Bold line for line

INSPECCION PREVIA A LA COMPRA: Pregunte al vendedor si puede usted traer un mecánico para que inspeccione el automóvil o llevar el automóvil para que éste lo inspeccione en su taller.

10/10 Helvetica Bold c&lc flush left, ragged right maximum line 38 picas

GARANTIAS PARA ESTE AUTOMOVIL:

12 pt. Helvetica Bold

1/16" Rule

☐ SIN GARANTIA IMPLICITA—"AS IS" (TAL Y COMO ESTA). Significa que usted pagará todos los gastos de las reparaciones que sean necesarias al comprar usted el automóvil o después de efectuarse la venta. Si se ha marcado este recuadro, el vendedor no hace promesas escritas acerca de la condición de este automóvil.

10/10 Helvetica Bold c&lc flush left, ragged right maximum line 38 picas

GARANTIA ☐ COMPLETA ☐ LIMITADA. El vendedor pagará _____% de la factura total de reparar los sistemas cubiertos que dejen de funcionar durante el período de garantía. Pida al vendedor una copia del documento de garantía donde se explican detalladamente la cobertura de la garantía, exclusiones y las obligaciones que tiene el vendedor de realizar reparaciones. Conforme a la ley estatal, las "garantías implícitas" pueden darle a usted incluso más derechos.

10/10 Helvetica Bold c&lc flush left, ragged right maximum line 38 picas

SISTEMAS CUBIERTOS POR LA GARANTIA:	DURACION:

10 pt. Helvetica Bold caps

Hairline rule

☐ CONTRATO DE SERVICIO. Puede obtenerse un contrato de servicio de _____ por la suma adicional de US $_____. Este contrato de servicio aumenta las responsabilidades del vendedor en virtud de cualquier garantía. Si adquiere usted un contrato de servicio dentro del plazo de 90 días a partir del momento de la venta, las "garantías implícitas" de la ley estatal pueden darle derechos adicionales.

10/10 Helvetica Bold c&lc flush left ragged right maximum line 38 picas

1/16" Rule

DEFECTOS IMPORTANTES CONOCIDOS: Los vendedores le indicarán en el espacio a continuación si conocen la existencia de ciertos defectos en los sistemas principales de este automóvil. Los defectos que deberán indicarse si se conocen se relacionan al dorso de este formulario. Sin embargo, pueden haber defectos desconocidos para el vendedor. El hecho de que no se indique ninguno no quiere decir necesariamente que el automóvil esté libre de defectos.

10/10 Helvetica Bold c&lc flush left ragged right maximum line 38 picas

Hairline rule

Véase el dorso de este formulario donde se proporciona información adicional importante sobre los principales defectos.

12/12 Helvetica Bold c&lc flush left ragged right maximum line 38 picas

A continuación figura una lista de algunos de los principales defectos que pueden ocurrir en automóviles usados.

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1/16" Rule

Chasis y carroceria
- Chasis-grietas, soldaduras correctivas u oxidado
- Chasis doblado o torcido

Motor
- Fuga de aceite, excluyendo el escape normal
- Bloque o tapa de recámara agrietados
- Correas que faltan o no funcionan
- Fallo o pistoneo
- Emisión excesiva de humo por el sistema de escape

Transmisión y eje de cardan
- Nivel de líquido inadecuado o fuga, excluyendo filtración normal
- Cubierta agrietada o dañada visible
- Vibración o ruido anormal ocasionado por una transmisión o eje de cardan defectuoso
- Cambio de marchas o funcionamiento inadecuado en cualquier marcha
- Embrague manual patina o vibra

Diferencial
- Nivel de líquido inadecuado o fuga, excluyendo filtración normal
- Cubierta agrietada o dañada visible
- Ruido o vibración anormal ocasionado por diferencial defectuoso

Sistema de refrigeración
- Fuga, incluido el radiador
- Bomba de agua defectuosa

Sistema eléctrico
- Fuga en las baterías
- Alternador, generador, batería o motor de arranque defectuosos

Sistema de combustible
- Escape visible de combustible

Accesorios averiados
- Indicadores o medidores del cuadro de instrumentos
- Acondicionador de aire
- Calefactor y descarchador

Sistema de frenos
- Luz de advertencia de falla dañada
- Pedal no firme bajo presión (Especif. del Dpto. de Transp.)
- Juego insuficiente en el pedal (Especif. del Dpto. de Transp.)
- No detiene el vehículo en línea recta (Especif. del Dpto de Transp.)
- Conductos dañados
- Tambor o disco muy delgados (Especif. del fabricante)
- Grosor de las bandas de los frenos menor de 1/32 de pulgada
- Sistema de servofreno dañado o con escape
- Partes estructurales o mecánicas dañadas

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Sistema de dirección
- Juego excesivo en el volante (Especif. del Dpto. de Transp.)
- Juego en el varillaje en exceso de 1/4 de pulgada
- Engranaje del volante de dirección se agarrota
- Ruedas delanteras mal alineadas (Especif. del Dpto. de Transp.)
- Correas del sistema de servodirección agrietadas o flojas
- Nivel del líquido del sistema de servodirección inadecuado

Sistema de suspensión
- Sellos de conexión de rodamientos defectuosos
- Piezas estructurales dobladas o dañadas
- Barra de estabilización desconectada
- Resorte roto
- Montura del amortiguador floja
- Bujes de goma dañados o ausentes
- Estabilizador para curvas dañado o ausente
- Amortiguador tiene fuga o funciona defectuosamente

10/10 Helvetica with Helvetica Bold c&lc flush left, ragged right maximum line 18 picas 1 em indent on 2nd line

Llantas
- Profundidad de la banda de rodamiento menor de 2/32 de pulgada
- Diferentes tamaños de llanta
- Daños visibles

Ruedas
- Grietas visibles, daños o reparaciones
- Pernos de montaje sueltos o ausentes

Sistema de escape
- Fuga

1/16" Rule

Vendedor

Hairline rule

Dirección

7 pt. Helvetica

Véase para reclamaciones

1/16" Rule

IMPORTANTE: La información contenida en este formulario forma parte de todo contrato de compra de este vehículo. Constituye una contravención de la ley federal (16 C.F.R. 455) quitar este rótulo antes de la compra del vehículo por el consumidor (salvo para conducir el automóvil en calidad de prueba).

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Las especificaciones para la divulgación de los defectos están impresas en el Volumen 16 C.F.R. (Código de Disposiciones Federales), Parte 455.

BILLING CODE 1505-01-C

8. On page 41368, first column, in the Appendix, fourth line of *Illustration 2*, "purchases." should read "purchased."

9. On page 41373, first column, paragraph numbered 2, third line, "know * * * " should read "known * * * "; second column, footnote 40, tenth line, "* * * on * * *" should read "* * * of * * *".

10. On page 41374, second column, first line, the beginning of the sentence was omitted and should read as follows:

"More importantly, however, consumers * * *".

11. On page 41376, third column, last line, insert the following after "staff": "believed that such a disclosure would".

BILLING CODE 1505-01-M

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Thursday, August 27, 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/FSQS		DOT/FAA	USDA/FSIS
DOT/FHWA	USDA/FSIS		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.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

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