AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

9-8-81
Vol. 46 No. 173
Pages 44733-44974

federal register

Tuesday
September 8, 1981

Highlights

Briefings on How To Use the Federal Register—For details on briefing in **Lexington, Ky.**, see announcement in the **Reader Aids** section at the end of this issue.

44740 **Aviation Safety** DOT/FAA established certain procedures for operation of National Air Traffic Control System.

44764 **Marine Resources** Commerce/NOAA continues suspension of regulations which prohibit hydrocarbon development within Channel Islands and Point Reyes-Farallon Islands National Marine Sanctuaries.

44935 **Radiation Protection** NRC announces availability of draft report "Methodology for Evaluation of Emergency Response Facilities".

44778 **Geothermal Energy** Interior/GS proposes to amend regulations on plans of operation and reporting of exploration expenditures.

44775 **Securities** SEC proposes to require brokers and dealers to file reports and make and preserve records pursuant to the Currency Act and related Treasury regulations.

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Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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

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

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44807 **Grant Programs—Education** ED cancels closing date for applications under the Program for Research Grants on Law and Government Studies in Education.

44790 **Medical Devices** FCC proposes to exempt devices marketed for use in hospitals from measurement, recordkeeping and labeling computing device rules.

44765 **Consumer Protection** FTC issues proposed consent agreement with Chrysler Corp. with analysis to aid public comment.

44735 **Aircraft** DOT/FAA provides for issuance of special export certificates of airworthiness for restricted category aircraft.

44797 **Transportation—Administrative Proceedings** NTSB proposes to implement Equal Access to Justice Act.

44964 **Elections** FEC proposes rules on contributions or expenditures by corporations or labor organizations for nonpartisan communications. (Part III of this issue)

44788 **Archives and Records** GSA/NARS proposes to update certain firesafety requirements and to change report period for Agency Record Center Annual Report.

44960 **Endangered and Threatened Wildlife** Interior/FWS reopens comment period on proposed reclassification of leopard in sub-Saharan Africa from Endangered to Threatened status. (Part II of this issue)

44970 **Water Pollution Control** EPA conditionally exempts spent pickle liquor from hazardous waste management regulations. (Part IV of this issue)

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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.

NUCLEAR SAFETY OVERSIGHT COMMITTEE

1 CFR Part 476

Privacy Act of 1974 Regulations

AGENCY: Nuclear Safety Oversight Committee.

ACTION: Final rule.

SUMMARY: The Nuclear Safety Oversight Committee has terminated by compliance with Executive Order 12240 which extended the Committee from September 30, 1980 to September 30, 1981.

EFFECTIVE DATE: September 30, 1981.

FOR FURTHER INFORMATION CONTACT: Dennis Condi, General Services Administration, (202) 472-9058.

SUPPLEMENTARY INFORMATION:

PART 465—NUCLEAR SAFETY OVERSIGHT COMMITTEE (PRIVACY ACT IMPLEMENTATION) [REMOVED]

The committee hereby removes Part 476 from 1 CFR.

Dated: September 1, 1981.

Steven Ebbin,

Executive Director.

[FR Doc. 81-26001 Filed 9-4-81; 8:45 am]

BILLING CODE 6820-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 932 and 944

Olives Grown in California; Grade and Size Requirements for Certain Olives

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rules.

SUMMARY: These rules approve grade and size requirements for processed olives which are used in the production of limited use style olives (e.g. halved, sliced, chopped or minced canned ripe olives) and eliminate grade requirements for color and blemishes for California and imported canned green ripe olives. These actions afford handlers opportunity to market larger quantities of olives and permits use of olives too small to be desirable for use as whole (pitted or unpitted) ripe olives to be utilized in production of other styles of olives. These actions will benefit olive users and producers.

EFFECTIVE DATE: September 1, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202-447-5975.

SUPPLEMENTARY INFORMATION: These rules have been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291 and have been designated "non-major" rules. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers. These regulations are issued under the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932), regulating the handling of olives grown in California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). These actions are based upon recommendations and information submitted by the Olive Administrative Committee, and other information.

These regulations reflect the committee's appraisal of the 1981-82 olive crop and marketing conditions and are its recommendations for the minimum grade and sizes of olives that will provide good quality fruit, in the interest of consumers and producers.

Sections 932.52(a)(2) and (a)(3) of the order specify the minimum sizes of processed olives (by variety) that may be used in the production of whole and pitted styles of canned ripe olives. The minimum sizes are expressed in terms of minimum weights for individual olives. Section 932.52(a)(3) also provides that use of processed olives smaller than the sizes prescribed for whole and pitted style may be established annually for limited use and the subparagraph further provides that such minimum sizes may also include a size tolerance as recommended by the committee and approved by the Secretary. Any such tolerances may also be recommended and approved annually. Therefore, this action approves establishment, for olives from the 1981-82 crop, of minimum sizes contained in § 932.52(a)(3) and includes a size tolerance of 25 percent for undersize Variety Group 1 olives and 20 percent for undersize Variety Group 2 olives. These requirements are the same as have been established in 9 of the past 10 fiscal years.

Section 932.150 (45 FR 62975) prescribes modified grade requirements for canned green ripe olives with respect to color and blemishes for the period ending August 31, 1981. The committee recommended that such requirements be continued through July 31, 1983, to afford handlers opportunity to market increased quantities of green ripe olives and to further test market acceptance of a modified grade of such olives. Imported olives are subject to comparable requirements under Olive Regulation 1, § 944.401. This regulation was issued under section 8e (7 U.S.C. 601e-1) of the Act, which requires that when specified commodities, including olives, are regulated under a Federal marketing order, imports of the commodity must meet the same or comparable grade, size, quality or maturity requirements as those for the domestically produced commodity. This action modifies Olive Regulation 1 by continuing a comparable change in grade requirements for color and blemishes for imported canned green ripe olives. In addition, several minor editorial changes are included to update the import regulation.

These actions with respect to California olives were recommended at a public meeting at which all present could state their views. It is 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) in that: (1) there is insufficient time between the date when information became available upon which these regulations are based and the effective date necessary to effectuate the declared policy of the Act; (2) the handling of the 1981 crop of

domestic olives is expected to begin soon and it is intended that these actions be applicable to all olives of such crop; (3) handlers are aware of these actions as proposed by the Olive Administrative Committee; (4) compliance with these regulations will require no special preparation by handlers which cannot be completed by the effective date hereof; (5) these actions relax restrictions on the handling of olives; and (6) with respect to imported olives, this amendment is mandatory under section 8e of the Act.

It is further found that amendments of Subpart—Rules and Regulations (7 CFR 932.108–932.161) by amending §§ 932.150 and 932.153 and amendment of Part 944—Fruits, Import Regulations (7 CFR Part 944) by amending § 944.401 Olive Regulation 1 is in accordance with the order and will tend to effectuate the declared policy of the Act. Therefore, such amendments, as hereinafter set forth, are approved.

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

PART 932—OLIVES GROWN IN CALIFORNIA

1. Therefore, § 932.153 of Subpart—Rules and Regulations (7 CFR 932.108–932.161) is revised to read as follows:

§ 932.153 Establishment of grade and size requirements for processed 1981–82 olives for limited use.

(a) *Grade.* On and after September 1, 1981, any handler may use processed olives of the respective variety groups in the production of limited use styles of canned ripe olives if such olives were processed after August 31, 1981, and meet the grade requirements specified in § 932.52(a)(1) as modified by § 932.149.

(b) *Sizes.* On and after September 1, 1981, any handler may use processed olives in the production of limited use styles of canned ripe olives if such olives were processed during the period September 1, 1981, through July 31, 1982, and meet the following requirements:

(1) The processed olives shall be identified and kept separate and apart from any olives processed before September 1, 1981, or after July 31, 1982;

(2) Variety Group 1 olives, except the Ascolano, Barouni, or St. Agostino varieties, shall be of a size which individually weigh 1/90 pound: *Provided,* That not to exceed 25 percent of the olives in any lot or sublot may be smaller than 1/90 pound;

(3) Variety Group 1 olives of the Ascolano, Barouni, or St. Agostino varieties shall be of a size which individually weigh 1/140 pound: *Provided,* That not to exceed 25 percent of the olives in any lot or sublot may be smaller than 1/140 pound;

(4) Variety Group 2 olives, except the Obliza variety, shall be of a size which individually weigh 1/180 pound: *Provided,* That not to exceed 20 percent of the olives in any lot or sublot may be smaller than 1/180 pound;

(5) Variety Group 2 olives of the Obliza variety shall be of a size which individually weigh 1/140 pound: *Provided,* That not to exceed 20 percent of the olives in any lot or sublot may be smaller than 1/140 pound.

2. Section 932.150 is revised to read as follows:

§ 932.150 Modified grade requirements for canned green ripe olives.

The grade requirements prescribed in § 932.52(a)(1) of this part are hereby modified with respect to canned green ripe olives of the 1981–83 crop years which are processed during the period September 1, 1981, through July 31, 1983. During such period, no requirements shall be applicable with respect to color and blemishes of such olives.

3. Section 944.401 is amended by revising paragraph (a)(5) and (b)(1) to read as follows:

PART 944—FRUITS, IMPORT REGULATIONS

§ 944.401 Olive regulation 1.

(a) * * *

(5) "USDA Inspector" means an inspector of the Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, or any other duly authorized employee of the Department.

(b) * * *

(1) Canned ripe olives shall grade at least U.S. Grade C: *Provided,* That, during the period of September 1, 1981, through July 31, 1983, no requirements shall be applicable with respect to color and blemishes for canned green ripe olives imported during such period.

§ 944.401 [Amended]

4. In the first sentence of § 944.401(c) "Processed Products Branch, Fruit and Vegetable Quality Division, Food Safety and Quality Service" is changed to read "Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service."

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

Dated: September 1, 1981.

D. S. Kuryloski,

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

[FR Doc. 81-25884 Filed 9-4-81; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Fire Protection Rule; Corrections

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule, corrections.

SUMMARY: In a final rule regarding fire protection published in the Federal Register on November 19, 1980, the Commission added a new § 50.48 and Appendix R to 10 CFR Part 50. Several errors appeared in that notice requiring correction. This notice corrects the errors and republishes the corrected text of affected sections.

EFFECTIVE DATE: September 8, 1981.

FOR FURTHER INFORMATION CONTACT: David P. Notley, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, phone 301–443–5946.

SUPPLEMENTARY INFORMATION: In a final rule published in the Federal Register on November 19, 1980 (45 FR 76602), the Commission added a new fire protection rule to its power reactor safety regulations. The rule was in two parts, a new § 50.48 in 10 CFR Part 50, and a new Appendix R to 10 CFR Part 50. The Federal Register notice announcing this rule contained several nonsubstantive errors requiring correction, including an apparent duplication of § 50.48 resulting from an earlier notice. This notice effects the required corrections.

A. The final rule preamble contains an incorrect reference. The Supplementary Information section of the preamble to that document, in the explanation of Appendix R, Section III.E, Hydrostatic Hose Test Technical Basis (45 FR 76605), incorrectly referenced National Fire Protection Association Standard No. 196—Standard for Fire Hose. The correct reference is to NFPA 1962–1979 (National Fire Protection Association Standard for Care, Use and Maintenance of Fire Hose Including Connections and Nozzles, 1979 Edition of NFPA 1962).

B. The final rule preamble contains an error consisting of two extra words. The Supplementary Information section of

the preamble to that document, in the explanation of Appendix R, Section III.M, Fire Barriers Technical Basis (45 FR 76608), contains the words "has been" between "3 hours" and "as an acceptable" in the second sentence of the third paragraph. The words "has been" were improperly inserted and should be deleted.

C. The final rule notice contains an incorrect amendatory instruction. On October 29, 1980, the Commission promulgated a temporary rule at § 50.48 (45 FR 71569) which suspended the November 1, 1980, compliance date imposed on certain licensees by their license conditions. The Commission intended that the final rule at § 50.48, published on November 19, 1980, would supersede the temporary rule published on October 29, 1980. Therefore, the amendatory instruction in the November final rule (45 FR 76610) which stated "A new § 50.48 is added to read as follows:" is corrected to read: "Section 50.48 is revised to read as follows."

D. In Appendix R to Part 50, a typographical error exists in the first sentence of the third paragraph of Section II (45 FR 76612) where "defense-in-depth" is misspelled.

E. In Appendix R to Part 50, Section III.E, Hydrostatic Hose Test (45 FR 76613), the text incorrectly set the requirement of 300 psi pressure for testing fire hose already in service. The number should have been 150 psi, the pressure level set by the National Fire Protection Association Standard for Care, Use and Maintenance of Fire Hose Including Connections and Nozzles, 1979 Edition of NFPA 1962.

F. In Appendix R to Part 50, two typographical errors appear in Section III.G.2, Fire Protection of Safe Shutdown Capability (45 FR 76613). In the first paragraph in the first line, the word "in" was omitted between "for" and "paragraph," and in the sixth line, the fifth word "of" was incorrectly printed "or."

G. In Appendix R to Part 50, Section III.H, Fire Brigade (45 FR 76613), contains a requirement that is subject to misinterpretation in regard to the additional supply of breathing air to be maintained for fire brigade use. To ensure a continuous breathing air supply for emergency personnel responding to a fire, extra individual bottles filled with breathing air are required to be available on site for quick change when an air bottle is exhausted. In addition to these spare filled bottles, a minimum 6-hour supply of breathing air is to be maintained on site to refill the individual bottles as they are exhausted during use. This 6-hour supply may consist of a large tank of breathing air or a breathing air compressor. The intent of this provision is to require sufficient extra filled bottles for a 1-hour supply. Since most licensees have self-contained breathing apparatus (SCBA) units that use ½-hour-capacity breathing air bottles, the provision was written to require two extra filled bottles for each SCBA unit. However, some licensees have SCBAs that use 1-hour-capacity breathing air bottles. To properly state the Commission's intent for all licensees regardless of the type of SCBA used, the provision in Section III.H of Appendix R to Part 50 is amended to clarify the requirement that a licensee have at least a 1-hour supply of breathing air in bottles in addition to the 6-hour supply.

In Appendix R, the third paragraph of Section III.H is corrected to read:

At least a 1-hour supply of breathing air in extra bottles shall be located on the plant site for each unit of self-contained breathing apparatus. In addition, an onsite 6-hour supply of reserve air shall be provided and arranged to permit quick and complete replenishment of exhausted air supply bottles as they are returned. If compressors are used as a source of breathing air, only units approved for breathing air shall be used and the compressors shall be operable assuming a loss of offsite power. Special care must be taken to locate the compressor in areas free of dust and contaminants.

H. In Appendix R to Part 50, Section III.L, Alternative and Dedicated Shutdown Capability (45 FR 76615), contains a requirement that has been misinterpreted by some licensees to achieve cold shutdown conditions within 72 hours following a fire. In order to clearly state the requirement so that it can be interpreted only as requiring the capability to achieve cold shutdown conditions within 72 hours, the first sentence of Section III.L.1 is republished with additional punctuation to read:

1. Alternative or dedicated shutdown capability provided for a specific fire area shall be able to (a) achieve and maintain subcritical reactivity conditions in the reactor; (b) maintain reactor coolant inventory; (c) achieve and maintain hot standby[1] conditions for a PWR (hot shutdown[2] for a BWR); (d) achieve cold shutdown conditions within 72 hours; and (e) maintain cold shutdown conditions thereafter.

Also, near the end of the first sentence of Section III.L.5, the words "can be" were omitted in the final rule document and should be inserted between the words "cold shutdown" and "achieved within 72 hours."

I. In Appendix R to Part 50, two typographical errors exist in Section III.L, Alternative and Dedicated Shutdown Capability (45 FR 76615). At the end of III.L.1, in the i.e., the word "of" between "rupture" and "any" was incorrectly printed "or." Also, near the end of III.L.5, the word "independent" is misspelled.

(Sec. 161b, Pub. L. 83-703, 68 Stat. 948; sec. 201, Pub. L. 93-438, 88 Stat. 1242 (42 U.S.C. 2201(b), 5841))

Dated at Bethesda, Md., this 10th day of August 1981.

For the Nuclear Regulatory Commission.

E. Kevin Cornell,

Deputy Executive Director for Operations.

[FR Doc. 81-26164 Filed 9-4-81; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 21

[Docket No. 17502; Amdt. No. 21-55]

Certification Procedures for Products and Parts; Export Airworthiness Approvals

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment provides for the issuance of special export certificates of airworthiness for restricted category aircraft. As amended, the rule now permits an exporter to obtain such a certificate for a restricted category aircraft under the same procedures and with the same privileges applicable to aircraft having standard airworthiness certificates. By relieving regulatory requirements applicable to exporters of restricted category aircraft, this amendment facilitates foreign sale demonstration tours and gives potential for increased export sales. Under the new rule, upon the sale of an aircraft in a foreign country, exporters will be relieved of any costs associated with having to return the aircraft to the United States or applying to an overseas FAA office to obtain an export certificate of airworthiness or, alternatively, having to seek relief via the exemption process. This amendment is in response to the petition of a manufacturer who cites the burden imposed upon it and persons similarly situated under the preexisting rule. By easing the burden imposed on exporters of U.S.-manufactured restricted category aircraft, the revised rule is in full accord with Executive Order 12291.

EFFECTIVE DATE: October 8, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph A. Sirkis, Regulatory Projects

Branch (AVS–24), Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Telephone (202) 755–9716.

Notice

This amendment is based on Notice of Proposed Rulemaking No. 80–20, published in the **Federal Register** on November 20, 1980 (45 FR 76868). All interested persons were afforded the opportunity to participate in the making of this regulation.

Background

Current export airworthiness procedures were first proposed in Federal Aviation Agency Notice No. 63–15 published on April 17, 1963 (28 FR 3728), as an amendment to Part 1 of the Civil Air Regulations (CAR). By the time the final rule was issued, however, Part 1 of the CAR had been recodified as Part 21 of the Federal Aviation Regulations (FAR), and the new amendment was issued as Subpart L of Part 21 (30 FR 8464; July 2, 1965).

Subpart L of Part 21 established eligibility criteria for the issuance of export certificates of airworthiness for aircraft in two situations: first, when an aircraft is to be exported to a particular foreign country; second, when an aircraft is to be flown to several foreign countries for the purposes of demonstration and eventual sale. In the first case, the exporter is eligible for an export certificate of airworthiness under § 21.329 prior to the aircraft's departure from the United States. This export certificate of airworthiness, which is available for both standard and restricted category aircraft, certifies to a particular importing country that the aircraft conforms to its U.S. type certificate, that it complies with any special requirement notified by the importing country, and that it is in a condition for safe operation. However, this certificate is only valid in the country to which the aircraft is being exported.

In the second situation, under § 21.339, the exporter of an aircraft that has a standard airworthiness certificate may obtain, prior to departure from the United States, a special export certificate of airworthiness covering sales demonstrations in any number of countries in which a prospective purchaser is sought. Upon finding a buyer, the exporter has, in hand, a valid export certificate of airworthiness to facilitate airworthiness acceptance by the country in which the aircraft is to be sold. This relieves the exporter of the need to return the aircraft to the United States or applying to an overseas FAA office for a certificate under § 21.329. Section 21.339, which was adopted in 1965, inadvertently did not make this procedure available for restricted category aircraft sales. A restricted category aircraft is one intended for certain "special-purpose operations," such as agricultural uses, and which is type certificated in accordance with § 21.25 or CAR Part 8, i.e., meets the airworthiness requirements of an aircraft category except for those the Administrator finds inappropriate for the special purpose involved. Prior to 1965, export approvals were governed by the administrative procedures contained in FAA Manual of Procedures (MOP) 2–4. MOP 2–4, Part 1, paragraph 13, permitted issuance of "blanket" (equivalent to the current "special") export certificates of airworthiness for restricted category aircraft. Since there evidently was no intent to change the previous export airworthiness procedures on codification of the MOP into § 21.339 in 1965, this amendment reinstates preexisting procedures by revising § 21.339 to include eligibility of restricted category aircraft for special export certificates of airworthiness.

The FAR do not require an aircraft to have an export certificate of airworthiness to be exported. However, such a certificate greatly facilitates airworthiness acceptance of U.S. aircraft by importing countries, thus increasing the foreign sales potential of these aircraft. In accordance with the bilateral agreements between the United States and other countries, the certificate will be given the same validity by the importing country as a certificate issued by its own aviation authority. However, since the importing country has the prerogative to define the airworthiness requirements that must be met for import, this amendment does not guarantee import acceptance. Exporters should consult with the airworthiness authority in the importing country to determine the eligibility of restricted category aircraft and to determine what, if any, special/additional requirements must be met before assuming import acceptance.

Discussion of Comments

The FAA received two comments in response to Notice 80–20. These comments express the views of two associations, one representing the manufacturing industry, the other representing airline pilots. The former commenter supports the proposal as published. The latter commenter has no specific comments to offer. Neither comment received in response to Notice 80–20 was unfavorable.

Discussion of Amendment

This rulemaking action was initiated by a petition for rulemaking filed by the Grumman American Aviation Corporation of Elmira, New York. The petition requested that § 21.339(a) be amended to permit issuance of special export airworthiness certificates for restricted category aircraft it manufactures and for products of other exporters similarly situated. The petitioner specifically cites the situation in connection with its Grumman Model G–164 series agricultural aircraft (Ag-Cat). In support of its request, the petitioner makes three basic arguments.

First, the petitioner contends that aircraft such as the Ag-Cat are needed throughout the world for the production and protection of food supplies. In connection with this point, the petitioner notes that extending the special certificate procedure would greatly facilitate exporting such aircraft and thereby help the U.S. balance of trade and that such an action would be in the U.S. public interest.

Second, the petitioner contends that excluding restricted category aircraft from the special certificate procedure places an unfair economic burden on the manufacturers.

Finally, the petitioner contends that permitting the procedure for restricted category aircraft would not compromise safety since the aircraft are already eligible for an export certificate of airworthiness under § 21.329(a).

With respect to the petitioner's first and second contentions, it is clear that procedures existing prior to this amendment caused an additional financial expense and delay when exporting a restricted category aircraft when compared to the procedures for exporting a standard category aircraft that is flown to several foreign countries for the purpose of sale. For example, additional expense and delays were incurred when a newly manufactured restricted category aircraft that was exported for demonstration to a particular country under § 21.329 was sold to a person in another foreign country for which the aircraft did not have an export certificate of airworthiness. In the petitioner's case, the exporter incurred an expense of $5,000 because of storage and air transportation charges incidental to inspection by an FAA inspection representative from an overseas field office. This would not have been the case with aircraft having standard airworthiness certificates which were

and currently remain eligible for a special export airworthiness approval under § 21.339. Thus, the previous rule resulted in an inequitable situation for the exporter of a restricted category aircraft who would, for each sale in a foreign country, be subjected to delays and additional expense or alternatively be required to seek relief via the exemption process.

The FAA agrees with the petitioner's third contention that this amendment will not result in a reduction in safety. Under this amendment, any restricted category aircraft covered by the new procedure must meet the FAA requirements for a U.S. restricted category airworthiness certificate under § 21.185. The aircraft must also, under § 21.339(e), meet the importing country's special airworthiness requirements. Because these two requirements also appear in § 21.329 for export certificates, the aircraft will be held to the same high standards of airworthiness that have always been required for export of restricted category aircraft.

The FAA has analyzed the possible impact of this amendment on the 23 bilateral airworthiness agreements (executive agreements) in effect between the United States and certain other countries concerning certificates of airworthiness for import aircraft. This amendment does not contravene any of those agreements, and it does not interfere with the right of the importing country to make acceptance of the special export certificate dependent upon the product's meeting any special/additional requirements which the importing country finds necessary to ensure that the aircraft meets a level of safety equivalent to that provided by its applicable laws, regulations, and requirements which would be effective for a similar aircraft produced in the importing country. There are a number of countries which place limitations on the import of restricted category aircraft; such limitations appear in those countries' "special requirements" (as published in FAA Advisory Circular 21-2) and under § 21.339 must be met by any exporter. This amendment, therefore, does not interfere with any country's internal rules. Nevertheless, in accordance with international agreements and § 21.335(d), an operator of a U.S.-registered restricted category aircraft having a special export airworthiness approval must obtain permission from each country prior to flight in that country. Such permission need not be obtained as a condition of issuance of the special export airworthiness certificate but must be obtained prior to flight in any foreign country.

This amendment will eliminate the potential financial burden and delays associated with having to return the aircraft to the United States or applying to an FAA overseas field office to obtain an export certificate of airworthiness or, alternatively, having to seek relief via the exemption process. For these reasons, the amendment fully complies with and achieves the purposes of Executive Order 12291.

Regulatory Evaluation

The FAA conducted a regulatory evaluation which is included in the regulatory docket for this action. It is summarized below.

Costs

The FAA's analysis determines that there will be no cost impact on manufacturers and exporters of restricted category aircraft and only a minimal to negligible cost impact to the Government. The Government will incur minor cost in the revision of § 21.339, which is considered already to be a part of FAA's ongoing program to simplify and ease the burden of the regulations.

Benefits

Implementation of this final rule is expected to provide benefits to FAA and to manufacturers and exporters of restricted category aircraft. Exporters of restricted category aircraft choosing to conduct foreign sale demonstration tours for the purpose of consummating a sale during the tour will benefit by being relieved of the burden of returning the aircraft to the United States or to an overseas FAA office to obtain a special export certificate of airworthiness valid in the country in which the aircraft has been sold. In addition, exporters may be encouraged to increase multination sales tours, with corresponding benefit from sales increases resulting from this additional approach to the marketing of their aircraft abroad. The FAA will benefit from the reduction in administrative costs associated with issuing special export certificates of airworthiness for restricted category aircraft to be sold potentially in more than one country.

Adoption of the Amendment

Accordingly, § 21.339(a) of the Federal Aviation Regulations (14 CFR 21.339(a)) is revised to read as follows, effective October 8, 1981:

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

§ 21.339 Special export airworthiness approval for aircraft.

* * * * *

(a) The aircraft possesses either—

(1) A standard U.S. certificate of airworthiness; or

(2) A special U.S. certificate of airworthiness in the restricted category issued under § 21.185;

* * * * *

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49)

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

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

J. Lynn Helms,

Administrator.

[FR Doc. 81-25995 Filed 9-4-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-ASW-12]

Alteration of Transition Area: Alamogordo, New Mexico

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will alter the transition area at Alamogordo, New Mexico. The intended effect of the amendment is to provide additional controlled airspace for aircraft executing instrument approach procedures to Holloman AFB and Alamogordo-White Sands Regional Airports. This amendment is necessary to provide controlled airspace for aircraft being radar vectored in the area, sometimes at minimum altitudes due to inclement weather conditions and thunderstorm activity in this area.

EFFECTIVE DATE: November 26, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: On May 4, 1981, a notice of proposed rulemaking was published in the **Federal Register** (46 FR 24959) stating that the Federal Aviation Administration proposed to alter the Alamogordo, New Mexico, transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended, effective 0901 GMT, November 26, 1981, as follows:

Alamogordo, New Mexico

That airspace extending upward from 700 feet above the surface, including airspace beginning at latitude 33°30'00" N., longitude 106°06'05" W.; to latitude 33°30'00" N., longitude 105°44'00" W.; to latitude 33°16'00" W., longitude 105°44'00" W.; to latitude 33°16'35" N., longitude 105°30'00" W.; to latitude 32°56'45" N., longitude 105°30'00" W.; to latitude 32°56'30" N., longitude 105°44'00" W.; to latitude 32°27'00" N., longitude 105°44'00" W.; to latitude 32°27'00" N., longitude 106°00'00" W.; to latitude 32°34'00" N., longitude 106°00'00" W.; to latitude 32°34'00" N., longitude 106°15'00" W.; to latitude 33°04'00" N., longitude 106°21'00" W.; to point of beginning.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(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 1103; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Fort Worth, Texas on August 26, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-25885 Filed 9-4-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-ASW-10]

Alteration of Transition Area: Guthrie, Texas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will alter the transition area at Guthrie, Texas. The intended effect of the amendment is to provide additional controlled airspace for aircraft executing new instrument approach procedures to 6666 Ranch Airport. This amendment is necessary to provide protection for aircraft executing new Area Navigation (RNAV) approaches to Runways 10 and 19 at the 6666 Ranch Airport.

EFFECTIVE DATE: November 26, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: On May 4, 1981, a notice of proposed rulemaking was published in the **Federal Register** (46 FR 24961) stating that the Federal Aviation Administration proposed to alter the Guthrie, Texas, transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended, effective 0901 GMT, November 26, 1981, as follows:

Guthrie, Texas

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of 6666 Ranch Airport (latitude 33°38'30" N., longitude 100°21'18" W.) and within 3.5 miles each side of the 012° true bearing from the 6666 Ranch Airport extending from the 6.5-mile radius area to 7.5 miles north of the airport and within 2.5 miles each side of the 198° true bearing from the airport extending from the 6.5-mile radius area to 7.5 miles south of the airport.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(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 1103; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Fort Worth, Texas, on August 26, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-25992 Filed 9-4-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-ASW-16]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Transition Area: Zuni, New Mexico

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will alter the transition area at Zuni, New Mexico. The intended effect of the amendment is to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Black Rock Airport. This amendment is necessary to protect aircraft holding on the Zuni VORTAC and executing a new instrument approach procedure from the VORTAC to the airport.

EFFECTIVE DATE: September 8, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Forth Worth, Texas 76101, telephone (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: On June 29, 1981, a notice of proposed rulemaking was published in the **Federal Register** (46 FR 33285) stating that the Federal Aviation Administration proposed to alter the Zuni, New Mexico, transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended, effective upon publication, as follows:

Zuni, New Mexico

That airspace extending upward from 700 feet above the surface within a 7.0-mile radius of the Black Rock Airport (latitude 35°04'51" N., longitude 108°47'56" W.) and airspace extending upward from 8,200 feet MSL within 7 miles north and 10 miles south of Zuni VORTAC 221° and 041° radials extending from 12 miles northeast to 20 miles southwest of the VORTAC, excluding the portion within the State of New Mexico.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(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 1103; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Fort Worth, Texas, on August 26, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-25893 Filed 9-4-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ASW-25]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Control Zone: Lubbock, Texas (Lubbock International Airport)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will alter the control zone at Lubbock, Texas. The intended effect of the amendment is to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Lubbock International Airport. This amendment is necessary to provide protection for aircraft executing a new instrument approach procedure using the instrument landing system (ILS) to Runway 26.

EFFECTIVE DATE: November 26, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: On July 6, 1981, a notice of proposed rulemaking was published in the **Federal Register** (46 FR 34808) stating that the Federal Aviation Administration proposed to alter the Lubbock, Texas (Lubbock International Airport), control zone. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

Adoption of the Amendent

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 455) is amended, effective 0901 GMT, November 26, 1981, as follows:

Lubbock, Texas (Lubbock International Airport)

That airspace within a 5-mile radius of Lubbock International Airport (latitude 33°39'33" N., longitude 101°49'41" W.); within 2 miles each side of the Lubbock VORTAC 123° radial, extending from the 5-mile radius zone to the VORTAC; within 3 miles each side of the Lubbock VORTAC 120° radial, extending from the Lubbock 5-mile radius zone to 12 miles southeast of the VORTAC; within 2.5 miles each side of the Lubbock ILS localizer east course, extending from the 5-mile radius zone to the OM; and within 2 miles each side of the Lubbock ILS localizer north course, extending from the 5-mile radius zone to the OM.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(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 1103; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Fort Worth, Texas, on August 26, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-25994 Filed 9-4-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-CE-27]

Designation of Transition Area—Lamar, Missouri

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to designate a 700-foot transition area at Lamar, Missouri, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Lamar, Missouri Airport, utilizing the Lamar Non-Directional Radio Beacon (NDB) as a navigational aid.

EFFECTIVE DATE: November 26, 1981.

FOR FURTHER INFORMATION CONTACT: Richard Haskins, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION: To enhance airport usage, a new instrument approach procedure to the Lamar, Missouri Airport is being established utilizing the Lamar NDB as a navigational aid. The establishment of an instrument approach procedure based on this approach aid entails designation of a transition area at Lamar, Missouri, at and above 700 feet above the ground (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Discussion of Comments

On pages 24958 and 24959 of the **Federal Register** dated May 4, 1981, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Lamar, Missouri. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA.

No objections were received as a result of the Notice of Proposed Rulemaking.

Accordingly, Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1981 (46 FR 540), is amended effective 0901 GMT November 26, 1981, by adding the following new transition area:

Lamar, Missouri

That airspace extending upwards from 700 feet above the surface within a 5-mile radius of the Lamar, Missouri, Airport (Latitude 37°29'22" N, Longitude 94°18'45" W) and within 3 miles each side of the Lamar, Missouri, NDB (Latitude 37°29'14" N, Longitude 94°18'37" W), 221° bearing, extending from the 5-mile radius area to 8.5 miles southwest of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.69 of the Federal Aviation Regulations (14 CFR 11.69))

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

Issued in Kansas City, Missouri, on August 24, 1981.

James O. Robinson,

Acting Director, Central Region.

[FR Doc. 81-25886 Filed 9-4-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 91

[Docket No. 22050; SFAR No. 44-1]

Special Federal Aviation Regulation No. 44-1; Air Traffic Control System; Interim Operations Plan

Note.—This document originally appeared in the **Federal Register** for Friday, September 4, 1981. It is reprinted in this issue at the request of the agency.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment to Special Federal Aviation Regulation (SFAR) No. 44 establishes certain procedures for the operation of the National Air Traffic Control System, including the establishment of air traffic reduction schedules for 22 airports, until at least April 24, 1982. Since the August 3, 1981, action by air traffic controllers has reduced the level of air traffic control services that the FAA is capable of providing, the Administrator has determined that a situation still exists which requires the continuation of the current special air traffic control provisions established under SFAR No. 44, as modified by this amendment, to provide for the efficient and safe movement of air traffic.

DATES: Effective September 9, 1981. Comments are invited on this Interim Operations Plan so long as it remains in force or until June 1, 1982, whichever date is later.

ADDRESSES: Send comments on the rule in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204) Docket No. 22050, 800 Independence Avenue, SW., Washington, DC 20591. Comments may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT:

B. Keith Potts, Airspace and Air Traffic Rules Division, Air Traffic Service (Telephone (202) 426-3731), or

John R. Ryan, Operations Division, Air Traffic Service (Telephone (202) 426-8310), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

SUPPLEMENTARY INFORMATION:

Comments Invited

Although this amendment is in the form of an emergency final rule which concerns immediate flight safety throughout the United States, and, thus, is not preceded by notice and public procedure, comments are invited on the Interim Operations Plan so long as it remains in force or until June 1, 1982, whichever date is later. The need for immediate regulatory response and background material is stated at 46 FR 39606, *et seq.* Comments on the rule should be submitted to the address indicated above. Comments are specifically invited on any aspects of the operation of the Air Traffic Control system under this amendment or SFAR No. 44 that suggest a need to modify the regulation, or which should be considered should the occasion arise in the future to operate the Air Traffic Control system under emergency conditions. Comments received will be reviewed on a continuing basis and this amendment and the Interim Operations Plan may be changed in the light of comments received. Commenters wishing the FAA to acknowledge receipt of their comments in response to this rule must submit with those comments a self-addressed, stamped post card on which the following statement is made: "Comments to Docket No. 22050." The post card will be date/time stamped and returned to the commenter.

Air Traffic Control System Interim Operations

The actions of certain members of the Professional Air Traffic Controllers Organization (PATCO) has significantly reduced the number of air traffic controllers who are available to operate the Air Traffic Control (ATC) system. This has resulted in the need to reduce the level of services that the FAA provides at various ATC facilities.

This has been accomplished by the operation of the ATC system under normal air traffic control procedures with the aid of "flow control" measures that result in a reduction of user demands on the system (SFAR No. 44 (46 FR 39606, Aug. 3, 1981)).

This procedure utilizes the airlines' published schedules in the Official Airline Guide (OAG) for allocating the reduced flight operations at airports irrespective of IFR or VFR operations. Use of the OAG eliminates the need for duplicate information to be submitted to the FAA and provides the industry and the public with a usable schedule. Since use of OAG has worked well, it forms the basis of the Interim Operations Plan. The procedures have permitted the safe and efficient operation of the ATC system based upon the air traffic work force available at each ATC facility within the system. The reduction in user demand necessary because of the reduced work force has been accomplished while allowing the air carriers the maximum possible control over their operations. In addition, it has permitted adjustments to the system to provide for many of the seasonal and other changes in air carrier schedules that routinely occur. The procedures also have permitted normal flight planning and fuel conservation techniques by users. They further provide some flexibility to accommodate new or additional services that may occur at an airport as air carrier operations and the ATC work force at that airport change. In addition, the Plan provides ATC service to meet as many other aviation needs as can be accommodated with the available work force.

Accordingly, the Administrator has determined that the National Air Traffic Control system should continue to operate under the Interim Operations Plan, as modified by this amendment, until at least April 24, 1982. The schedule reductions currently in effect

at the 22 airports specified in the Notices to Airmen (NOTAMs) issued under SFAR No. 44 and § 91.100 of the Federal Aviation Regulations will continue until further notice. Schedule reductions may also be imposed at other airports if any changes in the current status of an airport cannot be safely and efficiently handled by the controller work force at the ATC facilities involved. Changes will be coordinated in advance and the Plan will be updated as conditions at each airport change.

Many members of the public and in industry have urged the FAA to develop a plan which will be in effect for a finite period of time to allow air carriers to plan schedules, make decisions involving staffing and equipment and which would allow the public to make plans. It is for this reason that this plan will remain in effect until at least April 24, 1982. This is the date on which summer schedules are usually issued.

The FAA recognizes that an OAG which contains the complete flight schedules of the air carriers rather than the actual flights scheduled under the reductions required by the Plan is of limited value to the public in scheduling their travel. It places the burden on air carriers to inform the public of their actual flight schedules by telephone and means other than the OAG. To permit actual flight schedules to be published in future OAGs, this amendment requires air carriers to develop their normal (full) schedule at each airport they serve for the period to be covered by the OAG and then apply the specified reduction percentage for the hourly operations periods at the designated airports. Accordingly, the air carriers have been requested to develop schedules for publication in the OAG which reflect the actual flight operations of each air carrier. Thus, the schedules submitted by the air carrier to the OAG and subsequently published in the OAG for the 22 designated airports will be the reduced schedules developed in accordance with the appendix to this amendment.

To prevent possible abuse of the system as future schedules are developed by the air carriers for publication in the OAG, the number of daily arrival operations an air carrier may use as the basis for making the reductions specified for the designated airports shall not exceed the average daily arrival operations, on an hourly basis, at each airport, by the air carrier for the first six months of calendar year 1981 as shown in the OAG. The number of daily arrival operations scheduled by an air carrier at airports that are not "designated" airports shall also meet this average daily arrival criteria. New or additional services into any airport must be approved by the Director of Air Traffic Service. The schedule developed by an air carrier for a designated airport using the average daily arrival criteria may be revised and flights added or deleted from the schedule by the Director of Air Traffic Service at the request of the air carrier, if the Director determines that the changes to the schedule can be accommodated by the work force available at the ATC facilities involved. Approval of any additional flights into a designated airport will be made equitably among the air carriers requesting new or additional service into that airport. Service approved and operating today by an air carrier, which is in addition to the average daily arrival criteria, will be considered in approving additional operations. The schedule submitted to OAG should include revisions and changes requested by the air carrier and approved by the Director of Air Traffic Service.

Changes to schedules that are listed in an OAG may be requested during the period the OAG is effective. However, the requested changes should not exceed 5% of an air carrier's operations under that OAG in order that the requests may be timely considered. Requests for changes should be submitted to the FAA Air Traffic Control Command Center (ATCCC), Jacksonville, Florida, by 0800 EDT of the Wednesday prior to the week in which the change is to take effect. Approved changes shall be effective at 0600 EDT each Sunday.

A new air carrier that had an application for operating authority on file with the Civil Aeronautics Board prior to August 3, 1981, will receive approval for some operations. Other new entrants may be authorized to operate at the designated airports only if the then current capacity permits. Comments are specifically invited on the issue of how to provide service for new entrants.

Unscheduled flights by air carriers such as charters, training, extra sections, etc. into a designated airport will be approved on an individual basis by the Director of Air Traffic Service if ATC system capacity permits. General aviation and military operations will continue to be accommodated through the flow control procedures that result in a reduction in user demands on the system when needed, and will be processed basically on a first come first serve basis. International flights will continue to be processed in accordance with the current procedures established for international flight.

Requests for IFR reservations and cancellations of scheduled flights should be forwarded to the ATCCC, Jacksonville, Florida, in a timely manner to assure proper consideration requests and maintain the integrity of the ATC data base.

This amendment does not change the present authority of the Director of Air Traffic Service to restrict, prohibit or permit VFR and/or IFR operations at any airport, TCA or other terminal and enroute airspace; to give priority at any airport to flights that are military necessities, medical emergency flights, Presidential flights, and flights transporting critical FAA employees; and to implement flow control management procedures, including reduction of flight operations, at any airport or within enroute airspace. Under the current conditions in the ATC system, the FAA's Air Traffic Control Command Center has the ability to maintain an efficient flow of air traffic within a framework of predetermined levels of system capacity. Therefore, it does not appear that it will be necessary to activate the more restrictive National Air Traffic Control Contingency Plan (Phase III). However, the Director of Air Traffic Service continues to be authorized to activate that Contingency Plan if conditions develop that require its use in order to provide for the safe and efficient movement of air traffic.

The basic rules and orders necessary for operation under the Interim Operations Plan will continue to be disseminated, in accordance with § 91.100 of the Federal Aviation Regulations, by Notices to Airmen (NOTAM).

The continued operation of the National Air Traffic Control System in a safe and efficient manner requires the immediate adoption of this regulation in the public interest. Therefore, I find that further notice and public procedure thereon are impracticable and contrary to the public interest. I further find that good cause exists for making this regulation effective in less than 30 days after its publication in the **Federal Register.**

Adoption of the Rule

Accordingly, Special Federal Aviation Regulation No. 44, as amended, (14 CFR Part 91) is revised to read as follows, effective September 9, 1981:

Special Federal Aviation Regulation No. 44–1

1. Each person shall, before conducting any operation under the

Federal Aviation Regulations (14 CFR Chapter I), familiarize himself with all Notices to Airmen issued under § 91.100; when activated, with the provisions of the National Air Traffic Control Contingency Plan (FAA Order 7110.86), available for inspection at operating Air Traffic facilities and Regional air traffic division offices; and with all other available information concerning that operation.

2. Notwithstanding any provision of the Federal Aviation Regulations to the contrary, no person may operate an aircraft in the airspace under the jurisdiction of the United States—

(a) Contrary to any restriction, prohibition, procedure or other action specified in this Special Federal Aviation Regulation or specified by the Director of Air Traffic Service pursuant to paragraph 3 of this regulation and announced in a Notice to Airmen pursuant to §91.100 of the Federal Aviation Regulations, or

(b) If the National Air Traffic Control Contingency Plan is activated pursuant to paragraph 4 of this regulation, except in accordance with the pertinent provisions of the Contingency Plan (FAA Order 7110.86, dated February 27, 1981, as amended by Errata Change issued March 10, 1981, Errata Change No. 2 issued March 18, 1981, and Errata Change No. 3 issued June 19, 1981).

3. As conditions warrant or until activiation of the National Air Traffic Control Contingency Plan (Phase III), the Director of Air Traffic Service is authorized to—

(a) Restrict, prohibit or permit VFR and/or IFR operations at any airport, Terminal Control Area or other terminal and enroute airspace;

(b) Give priority at any airport to flights that are military necessities, medical emergency flights, Presidental flights, and flights transporting critical Federal Aviation Administration employees;

(c) Implement at any airport or within enroute airspace flow control management procedures, including reduction of flight operations. Reduction of flight operations shall to the extent feasible made pro rata among and between air carrier, commercial operator, military and general aviation operations; and

(d) Implement the reduction schedule set forth in the Appendix to this regulation at the 22 airports specified in that Appendix; impose schedule reductions at other airports if operations at an airport cannot be safely and efficiently handled by the controller work force at the air traffic control facilities involved; and limit the number of daily operations of an air carrier at any airport based on the average daily arrival operations, on an hourly basis, at each airport, by the air carrier during the first six months of calendar year 1981, as shown in the Official Airline Guide.

4. If the actions taken in accordance with paragraph 3 of this regulation do not provide for the orderly movement of air traffic, the Director of Air Traffic Service may activate the National Air Traffic Control Contingency Plan (Phase III).

5. Upon activation of the National Air Traffic Control Contingency Plan (Phase III) and notwithstanding any provision of the Federal Aviation Regulations to the contrary, the Director of Air Traffic Service is authorized to suspend or modify any airspace designation (or chart).

6. All restrictions, prohibitions, and procedures established, and other actions taken by the Director of Air Traffic Service under this regulation with respect to the operation of the Air Traffic Control system will be announced by Notices to Airmen issued pursuant to § 91.100 of the Federal Aviation Regulations.

7. The Director of Air Traffic Service may delegate his authority under this regulation to the extent he considers necessary for the safe and efficient operation of the National Air Traffic Control System.

Appendix—Reduction Schedule for Designated Airports

1. Each air carrier conducting operations at an airport designated in this appendix shall determine a level of operations irrespective of IFR or VFR operations at each of the airports by taking the reduction percentage, multiplied by the number of its normally scheduled arrival flights for each hour specified. However, the number of daily arrival operations an airline uses as the basis for reductions at an airport shall not exceed the average daily arrival operations, on an hourly basis, at that airport, by the air carrier during the first six months of calendar year 1981 as shown in the Official Airline Guide (OAG). The results may be rounded to the nearest whole number. One-half or greater fraction shall be rounded to the next higher whole number. However, if during any hour of the six month period, only one flight was regularly scheduled, that flight need not be cancelled.

2. Each air carrier shall submit to the Director of Air Traffic Service the average daily arrival operations per hour computed under paragraph 1 of this appendix.

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HOUR	SCHEDULED REDUCTION	HOUR	SCHEDULED REDUCTION
ATL PLAN			
1200Z	41%	2000Z	41%
1300	42	2100	43
1400	44	2200	45
1500	43	2300	45
1600	44	0000	50
1700	43	0100	50
1800	43	0200	29
1900	43	0300	41
BOS PLAN			
1100Z	29%	1900Z	57%
1200	53	2000	39
1300	21	2100	63
1400	29	2200	53
1500	36	2300	46
1600	35	0000	50
1700	25	0100	67
1800	52		
CLE PLAN			
2300Z	25%		
0000	28		
DFW PLAN			
1200Z	44%	2000Z	47%
1300	43	2100	47
1400	11	2200	60
1500	45		
1600	42		
1700	40		
1800	14		
1900	53		

HOUR	SCHEDULED REDUCTION	HOUR	SCHEDULED REDUCTION
DEN PLAN			
1400Z	44%	0100Z	48%
1500	4	0200	8
1600	46		
1700	52		
2000	40		
2100	32		
2300	49		
0000	52		
DTW PLAN			
1200Z	40%	2000Z	30%
1300	34	2100	40
1400	48	2200	52
1500	20	2300	46
1600	25	0000	42
1800	46		
1900	52		
EWR PLAN			
1200Z	24%		
1900	13		
2000	37		
2100	24		
2200	24		
2300	27		
0000	24		
0100	36		
FLL PLAN			
No reductions			
IAH PLAN			
1200	22%	2100Z	39%
1400	24	2200	39
1500	29	2300	46
1600	29	0000	38
1700	29	0100	37
1800	30	0200	20
1900	36		
2000	23		

HOUR	SCHEDULED REDUCTION	HOUR	SCHEDULED REDUCTION
JFK PLAN			
1800Z	14%		
1900	54		
2000	66		
2100	48		
2200	32		
2300	50		
0000	32		
LAS PLAN			
1600Z	34%	0200Z	8%
1700	32		
1800	31		
1900	18		
2100	34		
2200	14		
0000	13		
0100	13		
LGA PLAN			
1100Z	27%	1900Z	35%
1200	49	2000	53
1300	37	2100	57
1400	33	2200	47
1500	45	2300	45
1600	50	0000	41
1700	33	0100	33
1800	50		
LAX PLAN			
1700Z	31%		
1900	19		
2300	27		
0000	30		
0100	41		
0200	30		
0300	37		
0400	18		
MIA PLAN			
1500Z	13%		
1600	10		
MCI PLAN			
No reductions			

HOUR	SCHEDULED REDUCTION	HOUR	SCHEDULED REDUCTION
MSP PLAN			
2100Z	16%		
2200	21		
ORD PLAN			
1200Z	33%	2000Z	46%
1300	46	2100	27
1400	30	2200	56
1500	46	2300	63
1600	44	0000	38
1700	31	0100	57
1800	48		
1900	46		
PHL PLAN			
1100Z	41%	1900Z	46%
1200	40	2000	55
1300	52	2100	50
1400	35	2200	50
1500	41	2300	41
1600	42	0000	46
1700	40	0100	35
1800	41		
PIT PLAN			
1100Z	35%	2000Z	53%
1200	59	2100	41
1300	55	2200	58
1500	34	2300	60
1600	47	0000	43
1700	45		
1800	49		
1900	53		

HOUR	SCHEDULED REDUCTION	HOUR	SCHEDULED REDUCTION
SFO PLAN			
1500Z	23%	2300Z	20%
1600	33	0000	47
1700	32	0100	43
1800	44	0200	48
1900	32	0300	48
2000	35		
2100	34		
2200	20		
1200Z	12%		
1300	47		
1600	39		
1700	16		
1800	50		
2000	60		
2200	65		
2300	43		
DCA PLAN			
1200Z	46%	2000Z	43%
1300	37	2100	38
1400	35	2200	43
1500	35	2300	47
1600	35	0000	48
1700	35	0100	52
1800	38		
1900	43		

BILLING CODE 4910-13-C

3. The Director of Air Traffic Service is authorized to—

(a) Make revisions and additions to the operations schedule established by an air carrier pursuant to paragraph 1 of this appendix to the extent the controller work force at the air traffic control facilities involved can accommodate those changes.

(b) Establish schedule reductions for any hour not specified in paragraph 1 of this appendix (nonpeak-operation hours) if excessive flights are rescheduled for any of those hours.

(c) Approve new or additional service into a designated airport. A new air carrier that had its application for an operating certificate on file with the Civil Aeronautics Board prior to August 3, 1981, will receive approval for some operations. Adjustments to other air carrier operations schedules may be made by the Director of Air Traffic Service to accommodate new air carriers. Other new entrants may be authorized to operate at the designated airports only if the then current capacity permits.

(Secs. 307 (a) and (c), 313(a), and 601(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348 (a) and (c), 1354(a), and 1421(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Note.—The FAA has determined that this rule is an emergency regulation under the provisions of Section 8 of Executive Order 12291 and the Department's Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). It is impracticable for the FAA to follow the procedures of Executive Order 12291 applicable to regulations not issued in response to emergency situations because the safety and efficiency of the national air transportation system require immediate implementation of the rule. Voluntary compliance with this regulation is expected. If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis 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 persons identified under the caption "For Further Information Contact."

This is a final rule of the Administrator issued in accordance with the Federal Aviation Act of 1958, as amended. Thus, in accordance with section 1006 of the Act (49 U.S.C. 1486), 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 September 2, 1981.

J. Lynn Helms,

Administrator.

[FR Doc. 81-26155 Filed 9-3-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 95

[Docket No. 22119; Amdt. No. 95-300]

IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rule) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. These regulatory actions are needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures and Airspace Branch (AFO-730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 95 of the Federal Aviation Regulations (14 CFR Part 95) prescribes new, amended, suspended, or revoked IFR altitudes governing the operation of all aircraft in IFR flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in Part 95. The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference.

The reasons and circumstances which create the need for this amendment involve matters of flight safety, operational efficiency in the National Airspace System, and are related to published aeronautical charts that are essential to the user and provides for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment is unnecessary, impracticable, or contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly and pursuant to the authority delegated to me by the Administrator, Part 95 of the Federal Aviation Regulations (14 CFR Part 95) is amended as follows effective at 0901 GMT, October 1, 1981.

(Secs. 307 and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b)(3))

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.

Issued in Washington, D.C., on August 31, 1981.

John M. Howard,

Acting Chief, Aircraft Programs Division.

BILLING CODE 4910-09-M

§95.251 RED FEDERAL AIRWAY 51
is added to read:

FROM	TO	MEA
Sumner Strait AK NDB	Sitka, AK NDB	7000

§95.637 BLUE FEDERAL AIRWAY 37
is amended to read:

FROM	TO	MEA
Sumner Strait, AK NDB	Elephant, AK NDB	7000
Elephant AK NDB	Cape Spencer AK NDB	6000
Cape Spencer, AK NDB	Sparl INT, AK	6000

§95.115 AMBER FEDERAL AIRWAY 15
is amended to read in part:

FROM	TO	MEA
U.S. Canadian Border	Nichols, AK NDB	5000
Nichols, AK NDB	Sumner Strait AK NDB	7000
Sumner Strait, AK NDB	Coghlan Island, AK NDB	7000

§95.1001 DIRECT ROUTES—U.S.
is added to read:

FROM	TO	MEA
Aberdeen, SD VOR	Mason City, IA VOR	18000 MAA 45000
Fort Dodge IA VOR	Bradford, IL VOR	18000 MAA 45000
St Louis, MO VOR *3200 MOCA	Moline, IL VOR	*8000 MAA 30000
St Louis, Mo VOR *2100 MOCA	Peoria, IL VOR	*7000

§95.1001 DIRECT ROUTES—U.S.
Atlantic Routes
is amended to delete:

FROM	TO	MEA
B23		
Sea Isle, N.J. VORTAC	Int 112 M rad Salisbury VORTAC & 143 M rad Sea Isle VORTAC	19000 MAA—45000
Int 112 M rad Salisbury VORTAC & 143 M rad Sea Isle VORTAC	Champ INT, Offshore Atlantic	33000 MAA—45000

§95.1001 DIRECT ROUTES—U.S.
Atlantic Routes
is added to read:

FROM	TO	MEA
B24		
Sea Isle, NJ VORTAC	Lynus INT, Offshore Atlantic	10000 MAA 45000
Lynus INT Offshore Atlantic	Champ INT Offshore Atlantic	30000 MAA 45000

§95.5000 HIGH ALTITUDE RNAV ROUTES

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION	TRACK ANGLE	MEA	MAA
J804R is added to read:					
Anchorage, AK VOR/DME Nowel, AK W/P	61 2		105 285 to Nowel	18000	45000
Nowel, AK W/P Middleton Is, AK VORTAC	94		108/288 to Middleton Is	18000	45000
Middleton Is, AK VORTAC Snout, AK W/P	170 9	121 Middleton Is	095/276 to Snout	18000	45000
Snout, AK W/P Eeden, AK W/P	196 9	65 Snout	096/281 to Eeden	18000	45000
Eeden, AK W/P Fried, AK W/P	153 9	112 Eeden	102/285 to Fried	18000	45000

§95.5500 HIGH ALTITUDE RNAV ROUTES

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION	TRACK ANGLE	MEA	MAA
J997R is amended to delete:					
Nowell, Alas. W/P Tonts, Alas. W/P	79	10 Nowell	092/272 to COP 092/272 to Tonts	18000	45000
Tonts, Alas. W/P Dunks, Alas. W/P	219	120 Tonts	092/272 to COP 096/276 to Dunks	18000	45000
Dunks, Alas. W/P Holli, Alas. W/P	131	47 Dunks	098/278 to COP 101/281 to Holli	18000	45000
Holli, Alas. W/P Mocha, Alas. W/P	188	135 Holli	105/285 to COP 108/288 to Mocha	18000	45000

§95.6004 VOR FEDERAL AIRWAY 4
is amended to read in part:

FROM	TO	MEA
Tatoosh, WA VOR	*Jawbn INT, WA	8000
*5000-MCA W Bound		

§95.6006 VOR FEDERAL AIRWAY 6
is amended to read in part:

FROM	TO	MEA
Hazen, Nev. VOR Via S alter	Lovelock, NV VOR Via S alter	8000

§95.6007 VOR FEDERAL AIRWAY 7
is amended to delete:

FROM	TO	MEA
Cross City, Fla. VOR *1500-MOCA	Greenville, Fla. VOR	*2000
Greenville, Fla. VOR	Renoe INT, Ga.	2200
Renoe INT, Ga.	Pansy INT, Ala.	2000
Pansy INT, Ala.	Wiregrass, Ala. VOR	2500

§95.6007 VOR FEDERAL AIRWAY 7
is amended to delete:

FROM	TO	MEA
Pocket City, Ind. VOR Via W alter	Paton INT, Ill. Via W alter	2300
Paton INT, Ill. Via W alter *2100-MOCA	Newby INT, Ill. Via W alter	*4500
Newby INT, Ill. Via W alter	Terre Haute, Ind. VOR Via W alter	2500

§95.6007 VOR FEDERAL AIRWAY 7
is amended by adding:

FROM	TO	MEA
Cross City, FL VOR	Tallahassee, FL VOR	2000
Tallahassee, FL VOR	Oaldy INT, AL	2000
Oaldy INT, AL	Wiregrass, AL VOR	2500

§95.6007 VOR FEDERAL AIRWAY 7
is amended to read in part:

FROM	TO	MEA
Homoe INT, FL *600 MOCA	Orate INT, FL	*3000

§95.6012 VOR FEDERAL AIRWAY 12
is amended to delete:

FROM	TO	MEA
Tucumcari, N. M. VOR Via S alter	Moser INT, Tex. Via S alter	6000
Moser INT, Tex. Via S alter. *9500-MRA	*Sider INT, Tex. Via S alter	6000
Sider INT, Tex. Via S alter.	Amarillo, Tex. VOR Via S alter.	6000
Amarillo, Tex. VOR Via S alter. *4700-MOCA	Brisc INT, Tex. Via S alter.	*5300
Brisc INT, Tex Via S alter	Gage, Okla VOR Via S alter	4800

§95.6012 VOR FEDERAL AIRWAY 12
is amended to delete:

FROM	TO	MEA
Tucumcari, N. M. VOR Via N alter.	Amarillo, Tex. VOR Via N alter.	6500
Amarillo, Tex. VOR Via N alter.	Borger, Tex. VOR Via N alter.	5000
Borger, Tex. VOR Via N alter	Gage, Okla. VOR Via N Alter	4800

§95.6015 VOR FEDERAL AIRWAY 15
is amended to read in part:

FROM	TO	MEA
Barbo INT, TX Via W alter	Bosel INT, TX Via W alter	3600

§95.6015 VOR FEDERAL AIRWAY 15
is amended to read in part:

FROM	TO	MEA
St. Joseph, MO VOR *2400-MOCA	Coinn INT, IA	*2900

§95.6016 VOR FEDERAL AIRWAY 16
is amended to read in part:

FROM	TO	MEA
Blythe, CA VOR *9000-MRA	*Vicko INT, AZ	6000
Vicko INT, AZ	Buckeye, AZ VOR	6000
Parodise, CA VOR	Seter INT, CA	5500

§95.6017 VOR FEDERAL AIRWAY 17
is amended to read in part:

FROM	TO	MEA
Barbo INT, TX	Bosel INT, TX	
Via E alter	Via E alter	3600

§95.6021 VOR FEDERAL AIRWAY 21
is amended to read in part:

FROM	TO	MEA
Hunch INT, UT	Cedar City, UT VOR	
Via E alter	Via E alter	12000
*Cedar City, UT VOR	Milford UT VOR	
Via E alter	Via E alter	10000

*11400-MCA Cedar City VOR, S-Bound

§95.6025 VOR FEDERAL AIRWAY 25
is amended to delete:

FROM	TO	MEA
Paso Robles, Calif. VOR	*San Ardo INT, Calif.	
Via E alter.	Via E alter.	5000

*5500 – MRA
*5500 – MCA San Ardo INT, N-bound

San Ardo INT, Calif.	Salinas, Calif. VOR	
Via E alter.	Via E alter.	*5500

*5300 – MOCA

§95.6025 VOR FEDERAL AIRWAY 25
is amended by adding:

FROM	TO	MEA
Paso Robles, CA VOR	*Sardo INT, CA	
Via E alter	Via E alter	5000

*5500-MRA
*5500-MCA Sardo INT, N-Bound

Sardo INT, CA	Salinas, CA VOR	
Via E alter	Via E alter	5500

§95.6027 VOR FEDERAL AIRWAY 27
is amended to read in part:

FROM	TO	MEA
Ukiah, CA VOR	Fortuna, CA VOR	6700

§95.6051 VOR FEDERAL AIRWAY 51
is amended to read in part:

FROM	TO	MEA
Pahokee, FL VOR	Sheds INT, FL	*2000

*1400-MOCA

Sheds INT, FL	Vero Beach, FL VOR	1700

§95.6094 VOR FEDERAL AIRWAY 94
is amended to read in part:

FROM	TO	MEA
Crome INT, AZ	San Simon, AZ VOR	10000
Blythe, CA VOR	*Vicko INT, AZ	6000

*9000-MRA

§95.6094 VOR FEDERAL AIRWAY 94
is amended to read in part:

FROM	TO	MEA
Newman, TX VOR	Whole INT, TX	
Via N alter	Via N alter	8800
Conne INT, TX	Salt Flat, TX VOR	
Via N alter	Via N alter.	9000

§95.6157 VOR FEDERAL AIRWAY 157
is amended to read in part:

FROM	TO	MEA
Famin INT, FL	Miami, FL VOR	*2000

*1400-MOCA

§95.6222 VOR FEDERAL AIRWAY 222
is amended to read in part:

FROM	TO	MEA
Wrack INT, LA	McComb, MS VOR	*3000

*2000-MOCA

§95.6235 VOR FEDERAL AIRWAY 235
is amended to read in part:

FROM	TO	MEA
*Fairfield, UT VOR	Ft Bridger, WY VOR	14000

*12500-MCA Fairfield VOR, NE-Bound

§95.6264 VOR FEDERAL AIRWAY 264
is amended to read in part:

FROM	TO	MEA
Paradise, CA VOR	Seter INT, CA	
Via S alter	Via S alter	5500

§95.6268 VOR FEDERAL AIRWAY 268
is amended to delete:

FROM	TO	MEA
Flint INT, Pa.	Hagerstown, Md. VOR	4000

§95.6268 VOR FEDERAL AIRWAY 268
is amended by adding:

FROM	TO	MEA
Nesto INT PA	Pleez INT, PA	*4000

*3100-MOCA

Pleez INT, PA	Indian Head, PA VOR	5000
Indian Head, PA VOR	Hagerstown, MD VOR	6000

§95.6280 VOR FEDERAL AIRWAY 280
is amended to delete:

FROM	TO	MEA
Roswell, N.M. VOR	Onsom INT, N.M.	
Via S alter.	Via S alter.	
	W-bound	5000
	E-bound	7000
Onsom INT, N.M.	*Capro INT, N.M.	
Via S alter	Via S alter.	7500

*9000–MRA
*9500–MCA Capro INT NE-bound

*Capro INT, N.M.	Debra INT, N.M.	
Via S alter.	Via S alter.	**9500

*9000–MRA
*9500–MCA Capro INT, E-bound
**6500–MOCA

Debra INT, N.M.	Texico, N.M. VOR	
Via S alter.	Via S alter	*6500

*5600 – MOCA

§95.6280 VOR FEDERAL AIRWAY 280
is amended to read in part:

FROM	TO	MEA
El Paso, TX VOR	Pinon, NM VOR	8800

§95.6300 VOR FEDERAL AIRWAY 300
is amended to delete:

FROM	TO	MEA
Wrap INT, Me.	Millinocket, Me. VOR	*6000

*5700 – MOCA

Millinocket, Me. VOR	Prentiss INT, Me.	3000
Prentiss INT, Me.	U.S. Canadian Border	3000

§95.6300 VOR FEDERAL AIRWAY 300
is amended by adding:

U S Canadian Border	*Campo INT, ME	5700
*10000-MRA		
Campo INT, ME	Wrapt INT, ME	*7000
*5700-MOCA		
Wrapt INT, ME	Millinocket, ME VOR	6000
Millinocket, ME VOR	U S Canadian Border	3000

§95.6326 VOR FEDERAL AIRWAY 326
is amended to read:

FROM	TO	MEA
Fillmore, CA VOR	Van Nuys, CA VOR	5000

§95.6390 VOR FEDERAL AIRWAY 390
is added to read:

FROM	TO	MEA
Tucumcari, NM VOR	Borger, TX VOR	6500
Borger, TX VOR	Gage, OK VOR	4800

§95.6402 VOR FEDERAL AIRWAY 402
is added to read:

FROM	TO	MEA
Tucumcari, NM VOR	*Sider INT, TX	6000
*9500-MRA		
Sider INT, TX	Amarillo, TX VOR	6000
Amarillo, TX VOR	Brisc INT, TX	5300
Brisc INT, TX	Gage, OK VOR	4800

§95.7060 JET ROUTE NO.60 is amended to read in part:

FROM	TO	MEA	MAA
Joliet, IL VORTAC	Goshen, IN VORTAC	18000	45000
Goshen, IN VORTAC	Dryer, OH VORTAC	18000	45000

§95.7065 JET ROUTE NO. 65 is amended to read in part:

FROM	TO	MEA	MAA
Red Bluff, CA VORTAC	Klamath Falls, OR VORTAC	18000	45000
Klamath Falls, OR VORTAC	Seattle, WA VORTAC	#31000	45000

#MEA is established with a gap in Navigational Signal coverage.

§95.7082 JET ROUTE NO.82 is amended to read in part:

FROM	TO	MEA	MAA
Joliet, IL VORTAC	Goshen, IN VORTAC	18000	45000
Goshen, IN VORTAC	Dryer, OH VORTAC	18000	45000

§95.7180 JET ROUTE NO. 180 is amended by adding:

FROM	TO	MEA	MAA
Junction, TX VORTAC	Humble, TX VORTAC	18000	45000

2. By amending Sub-part D as follows:

§95.8003 VOR FEDERAL AIRWAY CHANGEOVER POINTS

V287W is added to read:

Newport, OR VOR	Newberg, OR VOR	29	Newport

§95.8005 JET ROUTES CHANGEOVER POINTS

AIRWAY SEGMENT FROM	TO	CHANGEOVER POINTS DISTANCE	FROM
J537 is added to read:			
Mullen Pass, ID VORTAC	U.S Canadian Border	95	Mullen Pass
J-64 is amended by adding:			
Fort Wayne, IN VORTAC	Ellwood City, PA VORTAC	112	Fort Wayne

[FR Doc. 81-25897 Filed 9-4-81: 8:45 am]
BILLING CODE 4910-09-C

14 CFR Part 97

[Docket No. 22117; Amdt. No. 1198]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATE: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—Copies of all SIAPs, mailed once every 2 weeks, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The annual subscription price is $135.00.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures and Airspace Branch (AFO-730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4 and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.M.T. on the dates specified, as follows:

1. By amending § 97.23 VOR-VOR/DME SIAPs identified as follows:

** * * Effective October 15, 1981*

Little Rock, AR—Adams Field, VOR Rwy 32, Amdt. 16
North Little Rock, AR—North Little Rock Muni, VOR Rwy 35, Amdt. 2
North Little Rock, AR—North Little Rock Muni, VOR/DME Rwy 35, Amdt. 3
Grass Valley, CA—Nevada County Air Park, VOR-A, Original
Palm Springs, CA—Palm Springs Muni, VOR-A, Amdt. 2, cancelled
Santa Barbara, CA—Santa Barbara Muni, VOR Rwy 25, Amdt. 2
Santa Rosa, CA—Sonoma County, VOR Rwy 32, Amdt. 14
Woodland, CA—Woodland-Watts, VOR-A, Amdt. 1
Lihue, HI—Lihue, VOR/DME-C, Amdt. 1
Lihue, HI—Lihue, VOR-D, Amdt. 1
Lihue, HI—Lihue, VOR/DME or TACAN Rwy 21, Amdt. 2
Lihue, HI—Lihue, VOR/DME or TACAN-A, Amdt. 7
Lihue, HI—Lihue, VOR or TACAN-B, Amdt. 4
Lihue, HI—Lihue, VOR/DME-3 Rwy 21, Amdt. 1
Fort Madison, IA—Fort Madison Muni, VOR/DME-A, Amdt. 3
Norwood, MA—Norwood Memorial, VOR Rwy 35, Amdt. 5
Hastings, NE—Hastings Muni, VOR Rwy 4, Original
Schenectady, NY—Schenectady County, VOR Rwy 4, Amdt. 2
Schenectady, NY—Schenectady County, VOR Rwy 22, Amdt. 6
Winston-Salem, NC—Smith Reynolds, VOR/DME-A, Original
Tulsa, OK—Tulsa Intl, VOR or TACAN Rwy 26, Amdt. 20
Dallas, TX—Redbird, VOR Rwy 13, Amdt. 6
Sulphur Springs, TX—Sulphur Springs Muni, VOR-A, Amdt. 2
Sulphur Springs, TX—Sulphur Springs Muni, VOR/DME-B, Amdt. 3

** * * Effective October 1, 1981*

Dothan, AL—Wheelless, VOR-B, Amdt. 5
Marianna, FL—Marianna Muni, VOR-A, Amdt. 10
Marianna, FL—Marianna Muni, VOR-B, Amdt. 1
Bainbridge, GA—Commodore Decatur, VOR-B, Amdt. 2

Bainbridge, GA—Decatur County Industrial Airpark, VOR-A, Amdt. 1
Donalsonville, GA—Donalsonville Muni, VOR/DME-A, Amdt. 2
Sandersville, GA—Kaolin Field, VOR-DME-A, Original

** * * Effective August 26, 1981*

Washington, IA—Washington Muni, VOR/DME-A, Amdt. 1

** * * Effective August 17, 1981*

Baton Rouge, LA—Ryan, VOR Rwy 4, Amdt. 14
Winchester, VA—Winchester Muni, VOR-A, Amdt. 1

Note.—The FAA published an amendment in docket No. 22048, Amdt. No. 1196 to Part 97 of the Federal Aviation Regulations (Vol 46 FR No. 151 Page 40000; dated August 6, 1981) under section 97.23 effective October 6, 1981, which is hereby amended as follows: Ogden, UT—Ogden Muni, VOR Rwy 7, Amdt 3: Change effective date to Nov. 26, 1981.

2. By amending § 97.25 SDF-LOC-LDA SIAPs identified as follows:

** * * Effective October 15, 1981*

Norwood, MA—Norwood Memorial, LOC Rwy 35, Amdt. 1
Schenectady, NY—Schenectady County, LOC Rwy 4, Amdt. 1
Westhampton Beach, NY—Suffolk County, LOC BC Rwy 6, Amdt. 1
Beaumont-Port Arthur, TX—Jefferson County, LOC BC Rwy 30, Amdt. 16

** * * Effective October 1, 1981*

Pensacola, FL—Pensacola Regional, LOC BC Rwy 34, Amdt. 8
Ogdensburg, NY—Ogdensburg Intl, LOC Rwy 27, Amdt. 1

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

** * * Effective October 15, 1981*

San Bernardino, CA—Tri City, NDB Rwy 7, Amdt. 2, cancelled
Santa Barbara, CA—Santa Barbara Muni, NDB-A, Amdt. 4
Grand Junction, CO—Walker Field, NDB Rwy 11, Amdt. 16
Campbellsville, KY—Taylor County, NDB Rwy 23, Original
Norwood, MA—Norwood Memorial, NDB Rwy 35, Amdt. 1
Worcester, MA—Worcester Muni, NDB Rwy 11, Amdt. 12
Worcester, MA—Worcester Muni, NDB Rwy 29, Amdt. 4
Schenectady, NY—Schenectady County, NDB Rwy 22, Amdt. 10
Schenectady, NY—Schenectady County, NDB Rwy 28, Amdt. 8
Westhampton Beach, NY—Suffolk County, NDB Rwy 24, Amdt. 1
Beaumont-Port Arthur, TX—Jefferson County, NDB Rwy 12, Amdt. 15
Sulphur Springs, TX—Sulphur Springs Muni, NDB Rwy 18, Amdt. 1

** * * Effective October 1, 1981*

Marianna, FL—Marianna Muni, NDB-C, Original
Pensacola, FL—Pensacola Regional, NDB Rwy 16, Amdt. 21
Pensacola, FL—Pensacola Regional, NDB Rwy 34, Amdt. 13
Ogdensburg, NY—Ogdensburg Intl, NDB Rwy 27, Original
Ogdensburg, NY—Ogdensburg, Intl, NDB-A, Amdt. 4, cancelled

** * * Effective August 26, 1981*

Washington, IA—Washington Muni, NDB Rwy 31, Amdt. 3

Note.—The FAA published an amendment in docket No. 22086, Amdt. No. 1197 to Part 97 of the Federal Aviation Regulations (Vol 46 FR No. 163 page 42655; dated August 24, 1981) under section 97.27 effective September 3, 1981, which is hereby amended as follows: Change note published for Sioux Falls, SD, Joe Foss Field NDB Rwy 3, Amdt. 9 by changing Amdt. to read as follows: Sioux Falls, SD. Joe Foss Field NDB Rwy 3 Amdt. 19.

4. By amending § 97.29 ILS-MLS SIAPs identified as follows:

** * * Effective October 15, 1981*

Santa Barbara, CA—Santa Barbara Muni, ILS Rwy 7, Amdt. 20
Santa Rosa, CA—Sonoma County, ILS Rwy 32, Amdt. 9
Grand Junction, CO—Walker Field, ILS Rwy 11, Amdt. 10
Worcester, MA—Worcester Muni, ILS Rwy 11, Amdt. 12
Westhampton Beach, NY—Suffolk County, ILS Rwy 24, Amdt. 5
Beaumont-Port Arthur, TX—Jefferson County, ILS Rwy 12, Amdt. 19

** * * Effective October 1, 1981*

Dothan, AL—Dothan, ILS Rwy 31, Amdt. 5
Pensacola, FL—Pensacola Regional, ILS Rwy 16, Amdt. 9
Baltimore, MD—Glenn L. Martin State, ILS Rwy 32, Orig.

** * * Effective August 25, 1981*

Oakland, CA—Metropolitan Oakland Intl, ILS Rwy 11, Amdt. 2

** * * Effective August 19, 1981*

Denver, CO—Jeffco, ILS Rwy 29R, Amdt. 7

5. By amending § 97.31 RADAR SIAPs identified as follows:

** * * Effective October 15, 1981*

New Bern, NC—Simmons Nott, RADAR-1, Amdt. 1
Beaumont-Port Arthur, TX—Jefferson County, RADAR-1, Amdt. 5

** * * Effective October 1, 1981*

Pensacola, FL—Pensacola Regional, RADAR-1, Amdt. 1

** * * Effective August 17, 1981*

Baton Rouge, LA—Ryan, RADAR-1, Amdt. 6

6. By amending § 97.33 RNAV SIAPs identified as follows:

** * * Effective October 15, 1981*

Fort Madison, IA—Fort Madison Muni, RNAV Rwy 16, Amdt. 1
Fort Madison, IA—Fort Madison Muni, RNAV Rwy 34, Amdt. 1
Hastings, NE—Hastings Muni, RNAV Rwy 14, Amdt. 2

** * * Effective August 26, 1981*

Washington, IA—Washington Muni, RNAV Rwy 31, Amdt. 1

** * * Effective August 17, 1981*

Winchester, VA—Winchester Muni, RNAV Rwy 14, Amdt. 1
Winchester, VA—Winchester Muni, RNAV Rwy 32, Amdt. 1

Note.—The FAA published an amendment in docket No. 22048, Amdt. No. 1196 to Part 97 of the Federal Aviation Regulations (Vol 46 FR No. 151 page 40000; dated August 6, 1981) under section 97.33 effective October 1, 1981, which is hereby amended as follows: Ogden, UT—Ogden Muni, RNAV Rwy 7, Orig: Change effective date to November 26, 1981.

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b)(3))

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. Issued in Washington, D.C. on August 28, 1981.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on December 31, 1981.

John M. Howard,

Acting Chief, Aircraft Programs Division.

[FR Doc. 81-25696 Filed 9-4-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

Delegations of Authority and Organization; Reports of Minor Violations

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulations for delegations of authority regarding issuance of reports of minor violations. This amendment adds the Chiefs of District Compliance Branches to delegates who may issue reports of minor violations. The agency has concluded that this redelegation will

improve enforcement operations in the field.

EFFECTIVE DATE: September 8, 1981.

FOR FURTHER INFORMATION CONTACT: Robert L. Miller, Office of Management and Operations (HFA–340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4976.

SUPPLEMENTARY INFORMATION: Further redelegation of the authority delegated is not authorized. Authority delegated to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis.

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), Part 5 is amended by revising § 5.37(a)(6) to read as follows:

§ 5.37 Issuance of reports of minor violations.

(a) * * *

(6) Regional Food and Drug Directors, District Directors, and Chiefs of District Compliance Branches.

* * * * *

Effective date. This regulation shall be effective September 8, 1981.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)))

Dated: August 28, 1981.

Mervin H. Shumate,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–25889 Filed 9–4–81; 8:45 am]

BILLING CODE 4110–03–M

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21 CFR Part 524

Ophthalmic and Topical Dosage Form New Animal Drugs not Subject to Certification; Nitrofurazone Ointment

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: Food and Drug Administration amends the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Happy Jack, Inc., providing for use if nitrofurazone ointment as a typical antibacterial on dogs, cats, and horses. The application provides labeling that reflects the conclusions of the National Academy of Sciences/National Research Council (NAS/NRC) review of such products

EFFECTIVE DATE: September 8, 1981.

FOR FURTHER INFORMATION CONTACT: Sandra K. Woods, Bureau of Veterinary Medicine (HFV–114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3420.

SUPPLEMENTARY INFORMATION: Happy Jack, Inc., P.O. Box 475, Snow Hill, NC 28580, is sponsor of an NADA (121–723) providing for use of an ointment containing 0.2 percent nitrofurazone as a topical antibacterial on dogs, cats, and horses. This product is the generic equivalent of one codfied for animal use in 21 CFR 524.1580b. The section provides that since the conditions of use are NAS/NRC reviewed and found effective, applications for these uses need not include certain effectiveness data as specified by 21 CFR 514.111. Evidence of in vivo bioavailability is not required since the product is an ointment intended for local therapeutic effect (21 CFR 320.22(b)(2)). Therefore, NADA 121–723 is approved on the basis of generic equivalence, and the regulations are amended to reflect this approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 524 is amended in § 524.1580b by revising paragraph (b) to read as follows:

§ 524.1580b Nitrofurazone ointment.

* * * * *

(b) *Sponsor.* For use in dogs, cats, and horses see No. 000149, 000864, and 023851 in § 510.600(c) of this chapter. For use in dogs and horses see No. 017135 in § 510.600(c) of this chapter.

* * * * *

Effective date. This amendment is effective September 8, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: August 25, 1981.

Marvin A. Norcross,

Acting Associate Director for Research, Bureau of Veterinary Medicine.

[FR Doc. 81–25886 Filed 9–4–81; 8:45 am]

BILLING CODE 4110–03–M

DEPARTMENT OF THE INTERIOR

Geological Survey

30 CFR Part 221

Oil and Gas Operating Regulations; Reporting Requirements Modification

AGENCY: Geological Survey, Interior.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking will add a sentence to an oil and gas well-location regulation in order to modify its reporting requirements. This action is being taken to fulfill, in part, the policies contained in Executive Order 12291. The intended effect of this is to reduce the number of reports required for oil and gas drilling operations.

EFFECTIVE DATE: October 8, 1981.

ADDRESS: Conservation Division, Geological Survey, National Center, Mail Stop 650, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT: Gerald R. Daniels, (703) 860–7535, (FTS) 928–7535, Chief, Branch of Fluid Minerals.

SUPPLEMENTARY INFORMATION: The principal authors of this final rulemaking are Gerald R. Daniels, Chief, Branch of Fluid Minerals Management and Cecil Feeney, Branch of Rules and Procedures, both in the Office of Onshore Minerals Regulation, Conservation Division, U.S. Geological Survey, Reston, Virginia.

The purpose of this final rulemaking is to reduce the number of lessees who are required to submit a written justification for drilling a well within 200 feet of their lease boundaries or legal subdivision lines within their leases. This will be accomplished by adding a sentence to paragraph (a) of § 221.20. The sentence

will provide that an approved Application for Permit to Drill, which contains acceptable standards for well-spacing within the 200-foot corridors, will constitute written consent to drill in the corridors. This addition will not change the original intent of the rule. The Application for Permit to Drill Form has been approved by the Office of Management and Budget and was assigned Clearance Number 1028–0012.

One of the comments on the proposed rulemaking suggested that the regulation specify that directional drilling be allowed within the 200-foot corridors if it results in the extraction of oil and gas from outside the 200-foot corridor. This could be a legitimate request and may be allowed because the regulation, as written, provides that a lessee may be relieved of the 200-foot restriction for good cause and where not prohibited by law. However, the incidence of such drilling is so rare that we do not believe the regulation should be encumbered by special language to cover the situation. It would be reviewed in the normal procedure and probably would not require an extra document anyhow.

Another comment suggested the elimination of the requirement that lessees not drill within 200 feet of legal subdivisions. This requirement provides control over excessive drilling along subdivision boundaries of partial assignments.

Other comments received did not recommend changes in the proposed rulemaking.

An additional section (§ 221.2–1), that was not published in the proposed rulemaking, is included in this final rulemaking. It is nonsubstantive in nature and therefore unnecessary to publish as proposed rulemaking.

The Department of the Interior has determined that this document is not a major rule and does not require a regulatory analysis under Executive Order 12291 and 43 CFR Part 14. The Department has also certified that this rulemaking will not have a significant economic impact on a substantial number of small entities, thus a small entity flexibility analysis is not required.

Under the authority of 5 U.S.C. 301, the Act of February 25, 1920 (30 U.S.C. 189), and Executive Order 12291 (46 FR 13193), part 221, Chapter II, Title 30 of the Code of Federal Regulations is amended as set forth below.

Dated: August 20, 1981.

William P. Pendley,

Acting Assistant Secretary of the Interior.

PART 221—OIL AND GAS OPERATING REGULATIONS

1. Part 221 is amended by adding a new § 221.2–1 to read as follows:

§ 221.2–1 Information collection.

The information collection requirement contained in § 221.20(a) has been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned Clearance Number 1028–0012. The information is being collected in the Application for Permit to Drill to justify drilling within 200 feet of a lease boundary or legal subdivision lines within the lease. The information will be used to determine if drilling shall be allowed within the 200-foot corridors. The obligation to respond on this form is voluntary.

2. Section 221.20 is amended by revising paragraph (a) to read as follows:

§ 221.20 Well-location restrictions.

(a) The lessee shall not drill any well within 200 feet of any of the outer boundaries of the leased lands except where necessary to protect those lands against wells on land the title to which is not held by the lessor, and then only on consent first had in writing from the Deputy Conservation Manager: *Provided,* That for good cause shown in any particular case, and where not prohibited by law, a lessee may be relieved of such restrictions on written consent of the Deputy Conservation Manager. The lessee shall not drill any well within 200 feet of the boundary of any legal subdivision without first submitting adequate reasons therefor and obtaining consent in writing from the Deputy Conservation Manager, such consent to be subject to such conditions as may be prescribed by said official. Approval of the Application for Permit to Drill shall constitute the Deputy Conservation Manager's written consent when the well location conforms with a spacing order issued by a duly constituted State commission or board, and with which the Deputy Conservation Manager agrees, or when the well location is on a lease committed to an approved unit agreement or communitization agreement.

* * * * *

[FR Doc. 81–25013 Filed 9–4–81; 8:45 am]

BILLING CODE 4310–31–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 81–056]

Drawbridge Operation Regulations: Moser Channel, Monroe County, Florida

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Florida Department of Transportation, the Coast Guard is amending the regulations governing the operation of the recently damaged U.S. 1 Bridge across Moser Channel near Marathon in Monroe County, Florida to provide that the bridge need not open for navigation.

EFFECTIVE DATE: September 8, 1981.

FOR FURTHER INFORMATION CONTACT: James R. Kretschmer, Bridge Administrator, Bridge Section (oan), Room 1006, Federal Building, 51 Southwest First Avenue, Miami, Florida 33130, telephone: (305) 350–4108.

SUPPLEMENTARY INFORMATION: On March 2, 1981, the Moser Channel Drawspan was extensively damaged by an explosion and fire resulting from a vehicular accident, and cannot now be opened. During the last complete year (1980) prior to the accident, the bridge opened for the passage of vessels a total of 1,992 times or 5.4 times per day. The majority of these openings were for sailing craft. The Florida Department of Transportation, owners of the bridge, have conducted an investigation of the bridge structure and have concluded that the drawspan cannot be placed in operation without extensive repairs that would take approximately 10 months at a cost of $285,000.00. A new high level fixed bridge, authorized by Coast Guard Permit 195–78 is currently under construction adjacent to the swingspan bridge and is scheduled to be open to traffic on or about July 1, 1982; the Moser Channel Drawspan will then undergo mandatory demolition within 90 days and these regulations will be revoked. The Coast Guard has determined that it is not practical to require the Moser Channel Drawspan to be restored to operating condition in view of the high cost which would be incurred by the State of Florida compared to the expected useful life of the drawspan when the repairs are completed. In addition, there is also the possibility that the lower Florida keys may be isolated if the bridge should suffer further structural damage during repairs and operation. Facts concerning

the physical condition of the bridge are not in substantial dispute, and its orderly replacement can be expedited by providing the State of Florida with the Coast Guard's decision at the earliest possible time. Therefore, good cause exists for not providing notice and an opportunity for public comment, and for making the rule effective immediately under 5 U.S.C. 553(b)(B) and (d)(3).

Drafting Information

The principal persons involved in drafting this proposal are: Mr. M. T. Bennett, Bridge Administration Specialist, Office of Aids to Navigation, Bridge Section and Lieutenant William Petersen, Office of Commander, Seventh Coast Guard District, Legal Office.

These final regulations have been reviewed under Executive Order 12291, and determined not to be a major rule. In addition, these final regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of May 22, 1980). An economic evaluation has not been conducted since, for the reasons discussed above, its impact is expected to be minimal. Because no notice of proposed rulemaking is required under 5 U.S.C. 553, these regulations are exempt from the Regulatory Flexibility Act (94 Stat. 1164). The requirements of the Act were taken into consideration however, and it is concluded that these regulations will not have a significant economic impact on a substantial number of small entities.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a new § 117.245(h)(30) immediately after § 117.245(h)(29) to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(h) * * *

(30) Moser Channel, Seven Mile Bridge, U.S. 1 near Marathon, Monroe County, Florida. The draw of this bridge may remain closed and paragraphs (b) through (e) of this section do not apply to this bridge.

(33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(g)(3)).

Dated: August 20, 1981.

B. L. Stabile,

Commander, Seventh Coast Guard District.

[FR Doc. 81-26189 Filed 9-4-81; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-3-FRL 1904-7]

Approval of Revision of Maryland State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces the Administrator's approval of a revision to the Maryland State Implementation Plan (SIP) changing the emission limitations for the Maryland Slag Company of Baltimore, MD. This action will be effective on November 9, 1981, unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

DATE: This action is effective November 9, 1981.

ADDRESSES: Comments should be sent to Henry J. Sokolowski, P.E., Chief, Maryland, Delaware, D.C. Metro Section, Air and Hazardous Materials Division, U.S. Environmental Protection Agency, Region III, Curtis Building, 6th & Walnut Streets, Philadelphia, PA 19106, ATTN: AH030MD.

Copies of the revision of the Maryland SIP and accompanying support documentation 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 & Walnut Streets, Philadelphia, Pennsylvania 19106, ATTN: Patricia Sheridan

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

Public Information Reference Unit, Room 2922—EPA Library, U.S. Environmental Protection Agency, 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: Mr. Henry J. Sokolowski, Chief, MD-DE-DC Metro Section, Air and Hazardous Materials Division, U.S. Environmental Protection Agency, 6th & Walnut Streets, Curtis Building, Philadelphia, PA 19106 (telephone 215-597-8991).

SUPPLEMENTARY INFORMATION: On November 13, 1980, the State of Maryland submitted to EPA a Consent Agreement (Order) as a revision to the Maryland State Implementation Plan. This Order revises the emission limit for the Maryland Slag Company. The revised limit results in a reduction of particulate matter which offsets the expected emissions from a proposed new source owned by the Atlantic Cement Company.

The State of Maryland developed the Order in accordance with its regulations which were required by Section 172 of the Clean Air Act, as amended, and the January 16, 1979 emission offset interpretative ruling (44 FR 3274) which was applicable to the area where the proposed facility is located. As required by the ruling, a new major stationary source may be constructed in an area currently exceeding a national ambient air quality standard (NAAQS) only under certain conditions.

The conditions of the January 16, 1979 ruling have been met; namely, application of Lowest Achievable Emission Rate (LAER), provision of greater than one-for-one offsets, compliance of other sources owned or operated by the company, and net air quality benefit. However, one condition changes the allowable emission limits for an existing source (the Maryland Slag Company) from those in the approved SIP. The offset condition requires that emission reductions be achieved in the non-attainment area that more than offset air pollutants which cause or contribute to a violation of any NAAQS. The geographical area within which the Atlantic Cement Company is proposed to be located is exceeding the secondary NAAQS for particulate matter. Therefore, particulate matter emission offsets are required to accommodate the construction and operation of the proposed Atlantic Cement Company's facility.

The revision to the Maryland SIP will result in a decrease of one thousand, two hundred and sixty (1260) pounds per day of particulate matter at the Maryland Slag Company's facility. This will offset the emissions of the Atlantic Cement Company which will at no time exceed one thousand and forty two (1042) pounds per day.

The State of Maryland submitted proof that a public hearing with respect to this revision was held in Baltimore, Maryland on September 23, 1980 in accordance with the requirements of 40 CFR 51.4.

Based on the foregoing, the Administrator approves the above-described revision to the Maryland State Implementation Plan without prior proposal. The public should be advised that this action will be effective November 9, 1981. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

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) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. See 46 Fed. Reg. 8709 (January 27, 1981). This action constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action only approves State actions. 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 those requirements.

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

Dated: August 31, 1981.

John E. Daniel,

Acting 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 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Title 40, Code of Federal Regulations is amended in § 52.1070 by adding new paragraph (c)(49) as follows:

Subpart V—Maryland

§ 52.1070 Identification of plan.

* * * * *

(c) The Plan Revision listed below was submitted on the date certified * * *

(49) A revision submitted by the State of Maryland on November 3, 1980 consisting of a Consent Agreement (Order) between the State of Maryland and the Maryland Slag Company decreasing the particulate matter emission limitation for the Company.

[FR Doc. 81-26161 Filed 9-4-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 22

[CC Docket No. 80-189]

Amendment of the Commission's Rules To Allow a Certain Frequency Band To Be Used for One-Way Signaling on an Exclusive Basis in the Domestic Public Land Mobile Radio Service; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects a Final Rule (Report and Order) in CC Docket 80-189, Amendment of the Commission's Rules regarding the use of one-way signaling by a specific frequency band in the Domestic Public Land Mobile Radio Services. This action is necessary to correct errors in the original document.

FOR FURTHER INFORMATION CONTACT: Steven A. Weiss, Mobile Services Division, (202) 632-6450.

Errata

Released: August 26, 1981.

SUPPLEMENTARY INFORMATION: In the matter of Amendment of § 22.501(a) of the Rules to allow the 35 MHz frequency band to be used for one-way signaling on an exclusive basis in the Domestic Public Land Mobile Radio Service, CC Docket No. 80-189.

1. Appendix B of *Report and Order*, CC Docket No. 80-189, FCC 81-296, released July 15, 1981 [46 FR 38509 (July 28, 1981)] should be corrected as set forth below:

§ 22.36 [Corrected]

(a) In paragraph (2), on page 38513, column one, which adds § 22.36 [47 CFR 22.36], modify paragraph (a)(4) to remove the word "Commission's" from the next-to-last sentence and to remove the last sentence entirely so that § 22.36(a)(4) reads as follows:

(a) * * *

(4) Upon evaluation of the applications, the information submitted, and such other matters as may be officially noticed the presiding officer will issue a decision granting one proposal which it concludes would best serve the public interest, convenience and necessity. The decision will report briefly and concisely the reasons for the selection and will deny the other application(s).

* * * * *

§ 22.50 [Corrected]

(b) In paragraph (3), on page 38513, column two, which amends § 22.501(a) [47 CFR 22.501], modify paragraph (a)(3) to add the phrase "co-channel mobile frequencies of" in the first sentence so that this subsection reads as follows:

(a) * * *

(3) Applications requesting authority to establish a one-way signalling operation on a frequency of subsection (a)(1) greater than 40 MHz must be accompanied by an engineering study of the potential interference to co-channel mobile frequencies of existing two-way services within 125 miles (201 km). Authority will be granted if the predicted undesired field strength at the existing base station antenna does not exceed 14 decibels above one microvolt per meter. The predicted value shall be calculated by the methods of Bullington (Kenneth Bullington, "Radio Propagation at frequencies above 30 Megacycles", *Proceedings of the I.R.E.*, October, 1947). The field strength of concern is that which would be found at the receiving antenna of the existing base station. However, it will be satisfactory to submit interference studies assuming this antenna height is the same as that of the base transmitting antenna as filed with the Commission by the two-way station operator.

(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. 81-26081 Filed 9-4-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 12

Seizure and Forfeiture Procedures: Posting of Notices of Proposed Forfeiture

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service hereby revises § 12.23 of 50 CFR Part 12, entitled "Administrative forfeiture proceedings." The revision raises the monetary value of seized property which may be the subject of notice by posting from $250 to $1000. In addition, the requirement of posting in both the Service's enforcement office *and* the United States District Court is revised to allow posting in *either* location as well as in the United States Customhouse. The revisions reflect the increasing value of seized property as well as of alternative forms of publication, and, in some instances, the impracticability of posting in United States District Courts.

EFFECTIVE DATE: September 8, 1981.

FOR FURTHER INFORMATION CONTACT: Patricia S. Bangert, Office of the Solicitor, U.S. Department of Interior, Washington, D.C. 20240. Telephone: 202–343–2172.

SUPPLEMENTARY INFORMATION:

Background

A number of fish and wildlife conservation statutes administered by the Service provide for forfeiture to the United States of wildlife, plants and other property involved in the violation of the laws. This is generally accomplished by the Solicitor's Office of the Department of the Interior requesting that the Attorney General file a civil action to obtain forfeiture of such property. However, property subject to forfeiture under the Eagle Protection Act, 16 U.S.C. 668 *et seq.*, or the Airborne Hunting Act, 16 U.S.C. 742j–l, or any wildlife or plant subject to forfeiture under the Endangered Species Act, 16 U.S.C. 1531 *et seq.*, which is determined to have a value of not greater than $10,000 may be forfeited by means of administrative proceedings, the basis for which is the Tariff Act of 1930, 19 U.S.C. 1602–1624. Notice required for administrative proceedings, the subject of this rulemaking, is set out in § 12.23 of 50 CFR.

The proposed rulemaking was published in the **Federal Register** of December 31, 1980 (45 FR 86511–86512), and comments were invited for 30 days ending January 30, 1981. No comments were received.

Description of Regulation

Section 12.23(b)(1)(A) sets out the notice required in administrative forfeiture proceedings. This notice must be published once a week for at least three successive weeks in a newspaper of general circulation in the locality where the property was seized. Under the old regulations, if the value of the seized property is determined to be less than $250, the notice may be issued by posting, rather than by newspaper publication, for at least three successive weeks in a conspicuous place accessible to the public at the Service's enforcement office and the United States District Court nearest the place of seizure. This rulemaking revises § 12.23(b)(1)(A) in parts dealing with the monetary limit of seized property for which notice may be accomplished by posting and the locations at which posting may take place.

Increasing costs of newspaper publication have made the $250 limit on the value of property for which notice may be given by posting unrealistic. For the large number of items valued at slightly more than $250, the cost of publishing a notice of proposed forfeiture in a large urban newspaper is often nearly as great or greater than the value of the item. Furthermore, inflation has rapidly made the valuation figure of $250 obsolete and has significantly reduced the number of seized items that qualify for the notice by posting process. Therefore, the Service is increasing the $250 figure to the more realistic figure of $1,000 as the limit of the value of property which may be subject to notice by posting.

Furthermore, The Service has found that the requirement that notice be posted in the Service's enforcement office *and* the United States District Court is impractical in some cases. For example, some District Courts do not allow the posting of such notices in the courthouse. Therefore, the Service revises the regulations by allowing posting to take place alternatively in the Service's enforcement office, the United States District Court, *or* the United States Customhouse nearest the place of seizure.

The Department of Interior has determined that good cause exists for this rule to become effective upon publication. First, the rule makes only technical changes in notice requirements. Second, no public interest in the rule has been demonstrated, as evidenced by the lack of any public comment. Third, delay in the effective date for the rule will result in additional, and unnecessary, expense to the Fish and Wildlife Service through the continuation of outdated publication requirements.

The Department of Interior has determined that this rule is not a "major rule", as that term is defined in Executive Order 12291. Furthermore, the Department of Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities as the rule makes only the Fish and Wildlife Service.

The principal author of these regulations is Patricia S. Bangert, Office of the Solicitor, Department of the Interior (202/343–2172).

Regulations Promulgation

For the reasons set out in the preamble, Part 12 of Subchapter B of Chapter I of Title 50 of the Code of Federal Regulations is amended as set forth below.

PART 12—SEIZURE AND FORFEITURE PROCEDURES

1. The authority citation for Part 12 reads as follows:

Authority: Act of September 6, 1966, 5 U.S.C. 301; Bald and Golden Eagles Protection Act, 16 U.S.C. 668–668b; National Wildlife Refuge System Administration Act, 16 U.S.C. 668dd(e)–(f); Migratory Bird Treaty Act, 16 U.S.C. 706–707; Migratory Bird Hunting Stamp Act, 16 U.S.C. 718f–718g; Fish and Wildlife Act of 1956 [Airborne Hunting Amendments], 16 U.S.C. 742j–l(d)–(f); Black Bass Act, 16 U.S.C. 852d–853; Marine Mammal Protection Act of 1972, 16 U.S.C. 1375–1377, 1382; Endangered Species Act of 1973, 16 U.S.C. 1540; Lacey Act, 18 U.S.C. 43, 44; Tariff Act of 1930, 19 U.S.C. 1602–1624.

2. 50 CFR Part 12 is amended by revising paragraph (b)(1)(A) of § 12.23 to read follows:

§ 12.23 Administrative forfeiture proceedings.

* * * * *

(b) *Procedure*—(1) *Notice of proposed forfeiture.* As soon as practicable following seizure, the Solicitor shall issue a notice of proposed forfeiture.

(A) *Publication.* The notice shall be published once a week for at least three successive weeks in a newspaper of general circulation in the locality where the property was seized. If the value of the seized property as determined under § 12.12 does not exceed $1000, the notice may be published by posting, instead of newspaper publication, for at least three successive weeks in a conspicuous place accessible to the public at the Service's enforcement office, the United States District Court or the United States

Customhouse nearest the place of seizure. In cases of posting, the date of initial posting shall be indicated on the notice. In addition to newspaper publication or posting, a reasonable effort shall be made to serve the notice personally or by registered or certified mail, return receipt requested, on each person whose whereabouts and interest in the seized property are known or easily ascertainable.

Dated: July 27, 1981.

G. Ray Arnett,

Assstant Secretary, Fish and Wildlife and Parks.

[FR Doc. 81-26044 Filed 9-4-81; 8:45 am]

BILLING CODE 4310-55-M

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50 CFR Part 20

Early Seasons, Bag Limits, and Possession of Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands; Correction

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule, correction.

SUMMARY: On August 21, 1981, the Service published in the **Federal Register** seasons, limits, and shooting hours for mourning doves and certain other migratory game birds. The Service revises § 20.105(d) of 50 CFR Part 20 to correct the opening season date for ducks in Kentucky to read September 9–September 13 instead of September 19–September 23, and the beginning hour for hunting to read sunrise instead of one-half hour before sunrise, as published at 46 FR 42648.

DATE: Effective on September 8, 1981.

FOR FURTHER INFORMATION CONTACT: John Rogers, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, (202) 254–3207.

SUPPLEMENTARY INFORMATION: On August 21, 1981, The Service published in the **Federal Register** (46 FR 42648) seasons, limits, and shooting hours for mourning doves and certain other migratory game birds. In the table under § 20.105(d), Waterfowl and coots in Atlantic, Mississippi, Central, and Pacific Flyways, the season dates for Kentucky were published as September 19–September 23 and the shooting hours as one-half hour before sunrise to sunset. The Service subsequently learned these dates and hours are in error and that the dates should read September 9–September 13, and the hours sunrise to sunset.

PART 20—MIGRATORY BIRD HUNTING

1. Accordingly, the Service corrects § 20.105(d) of 50 CFR Part 20 to read as follows:

§ 20.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.

* * * * *

(d) Waterfowl and coots in Atlantic, Mississippi, Central, and Pacific Flyways.

* * * * *

Mississippi Flyway

* * * * *

	Season dates	Limits	
		Bag	Possession
Kentucky:			
Shooting (including hawking) hours: Sunrise to sunset:			
Ducks, no more than 1 of which may be a species other than teal or wood ducks, and the possession limit will be double the daily bag limit.	September 9–September 13.	4	8
* *	*	*	*

Dated: September 3, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-26258 Filed 9-4-81; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register
Vol. 46, No. 173
Tuesday, September 8, 1981

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 29

Tobacco Inspection; User Fees

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rulemaking.

SUMMARY: The Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35) approved August 13, 1981, requires the Secretary, as of October 1, 1981, to fix and collect fees and charges for inspection and certification, the establishment of standards and other services, including administrative and supervisory costs, at tobacco auction markets in all tobacco producing areas. It is, therefore, proposed that the regulations governing tobacco inspection be amended to provide for such fees. Tobacco is grown in 22 states. Prior to this proposal, inspection and grading of producer tobacco at designated markets was provided by the Department free of charge. Inspections of producer tobacco at designated auction tobacco markets will take precedence over permissive inspection, now performed by request and paid for by a prescribed hourly fee schedule. The regulations on fees for permissive inspection are unchanged from the regulations published February 3, 1981 (46 FR 10451).

DATE: Comments are due on or before September 22, 1981.

ADDRESS: Send comments in duplicate to Paul T. Donovan, Acting Director, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, Room 502 Annex Building, Washington, D.C., 20250. Comments will be available for public inspection at this location during regular business hours.

FOR FURTHER INFORMATION CONTACT: Paul T. Donovan, Acting Director, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250 (202) 447-2567.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Department proposes to amend the regulations effective October 1, 1981, to allow the Secretary to fix and collect fees and charges for inspection and certification of producer tobacco at designated tobacco auction markets throughout tobacco producing areas. These fees and charges shall, as nearly as practicable, cover the costs of the services, including administrative and supervisory costs. The authority for these regulations is contained in the Tobacco Inspection Act (49 Stat. 731; 7 U.S.C., 511 *et seq.*) as amended by the Omnibus Budget Reconciliation Act of 1981.

Since 1935, upon enactment of the Tobacco Inspection Act, the Department has provided free and mandatory inspection of tobacco at designated auction markets. Inspection services currently provided are adequate for all designated auction markets, as well as for meeting requests for permissive inspection with minimum delays. Initially, fees at designated auction markets are proposed to be set at $.0045 per pound. This fixed fee has been calculated after thorough review of historical data regarding production and marketing, and it is anticipated that it will provide the funds necessary to continue the level of services in effect as of September 30, 1981. The regulations on fees for permissive inspection are unchanged and the prescribed hourly rate for such services performed by federal tobacco graders remains in effect.

The proposed rule has been reviewed under U.S.D.A. procedures established to implement Executive Order 12291 and has been determined to be a nonmajor rule. Initial review of the regulations contained in 7 CFR Part 29, for need, currency, clarity, and effectiveness will be made within the next 5 years.

Additionally, in conformance with the provisions of the Regulatory Flexibility Act, full consideration has been given to the potential economic impact upon small business. All tobacco warehousemen and producers fall within the confines of "small business," as defined in the Regulatory Flexibility Act. The Department has informally advised all segments of the tobacco industry of the anticipated implementation of user fees and that there would be no change in the level of the services provided. It has been determined that the economic impact upon small entities would not be adverse and would in no way affect normal competition in the market place.

The Department proposes that the regulations contained in 7 CFR Part 29, be amended as follows:

1. Section 29.2 is amended to make it clear that even though the user pays for a service, this does not alter the fact that discretion by the Secretary is still necessary in limiting inspection services to effectively carry out the provisions of the Tobacco Inspection Act and to provide efficient, cost-effective services to sellers of tobacco.

2. Section 29.2(b) is amended to remove any reference to "free" inspection services previously authorized by the Tobacco Inspection Act.

3. Section 29.3(h) is amended to reflect the renaming of Commodity Stabilization Service to the Agricultural Stabilization and Conservation Service.

4. Section 29.73 is amended to correct a previous error when language was inadvertently placed in the section when it was amended in 1973. This change has no effect on the substance of the regulations.

5. Section 29.123 is amended to incorporate necessary changes for implementation of user fees.

6. Section 29.125 is amended to increase the charge for appeals from $1 to $5. This increase in the charge for appeals is necessary to recover increased costs since the time these regulations were previously amended.

7. Section 29.127 is amended by expanding upon the title to include various courses of instruction. The section is further amended to provide for collection of costs incurred by the Department for providing materials and personnel to instruct industry and other interested persons in tobacco inspection standards.

8. Section 29.129 relating to payment of charges is deleted and a new section is added to establish a National Advisory Committee for Inspection Services, as mandated by the Omnibus Budget Reconciliation Act of 1981 and is governed by the Federal Advisory Committee Act (5 U.S.C. Appendix I).

All persons who desire to submit written data, views, or arguments for consideration in connection with this

proposal may file the same, with Paul T. Donovan, Acting Director, Tobacco Division, AMS, USDA, Room 502, Annex Building, Washington, D.C. 20250 not later than September 15, 1981.

Paul T. Donovan, Acting Director, Tobacco Division, AMS, has determined that an emergency situation exists which warrants less than a 60-day comment period on this proposal because all segments of the tobacco industry must be informed of any rule changes affecting the marketing process to continue orderly marketing of their crop.

All written submissions made pursuant to this notice will be made available for public inspection at the above location during regular business hours.

PART 29—TOBACCO INSPECTION

The Department proposes to amend the regulations under the Tobacco Inspection Act contained in 7 CFR Part 29 as follows:

§ 29.2 [Amended]

1. The second sentence of § 29.2 is amended by adding immediately following the words "without limitation" the words "even though the cost of such service is paid by the seller."

2. The first sentence of § 29.2(b) *Order of priority* is amended by removing immediately following the words "markets designated for" the words "free and", and removing following the words "inspection service on" the words "a fee basis on".

§ 29.3 [Amended]

3. Amend § 29.3(h) by removing the words "Administrator, Commodity Stabilization Service" and inserting in lieu thereof the words "Administrator, Agricultural Stabilization and Conservation Service."

§ 29.73 [Amended]

4. Section 29.73 is amended by removing the second and third paragraphs therefrom.

5. Section 29.123 is revised to read as follows:

Fees and Charges

§ 29.123 Fees and charges.

Beginning October 1, 1981, fees and charges for tobacco inspection and certification service shall be collected by the Director to cover insofar as practicable, all costs of the services including establishment of standards, administrative and supervisory costs as follows:

(a) *Mandatory inspection.* The inspection and certification fee is $.0045 per pound. The fee shall be paid by sellers of tobacco at auction and assessed against the warehouse operator irrespective of ownership or interest in the tobacco. Inspection and related services shall be suspended or denied if the warehouse operator fails to collect or otherwise pay the fees and charges imposed under this section. The fee shall be based on total poundage of tobacco inspected and sold at auction during each calendar month. The fee shall be due and payable on the first sale day of the immediately following month and on the day immediately following the last sale in the warehouse each marketing year. Inspection and certification services on designated auction markets shall take precedence over permissive inspections, other than reinspections.

(b) *Permissive inspection.* Fees and charges for inspection at redrying plants and receiving points shall comprise the cost of salaries, travel, per diem, and related expenses to cover the cost of performing the service. Fees shall be for actual time required to render the service calculated to the nearest 30-minute period. The base hourly salary rate shall be $17.80. The overtime rate for service performed outside the inspector's regularly scheduled tour of duty shall be $21.30. The rate of $26.70 shall be charged for work performed on Sundays and holidays. These same fees or charges shall be applicable for hogshead, bale, case, or sample inspections.

(c) Fees and charges fixed in accordance with this subpart shall be paid by the applicant or person obtaining the service in accordance with a statement rendered by the Division. A deposit to cover all, or a part of, fees and charges for services to be rendered may be required by the Division. Fees for services rendered shall be remitted by check or draft made payable to "Agricultural Marketing Service", United States Department of Agriculture.

§ 29.125 [Amended]

6. Section 29.125 is amended by removing the figure "$1" in line one and inserting "$5."

7. Section 29.127 is revised to read as follows:

§ 29.127 Demonstrations and courses of instruction.

Charges, not in excess of the cost thereof, as may be approved by the Director, may be made for demonstrations, samples, or courses on instruction when such as furnished upon request.

8. Section 29.129 is revised to read as follows:

§ 29.129 National Advisory Committee for Inspection Services.

(a) To assist the Secretary in determining the level of inspection and related services and the fees and charges therefore, a National Advisory Committee of tobacco producers shall be appointed in accordance with the Federal Advisory Committee Act (5 U.S.C. Appendix I).

(b) The committee shall consist of 10 representatives and 10 alternates, with advisory subcommittees containing 6 representatives and 6 alternates from the flue-cured production area, 3 representatives and 3 alternates from the burley production area, 2 representatives and 2 alternates from the fire-cured and dark air-cured production area, and 1 representative and 1 alternate from the cigar tobacco production area.

(c) Recommendations to the Secretary for membership on the committee will be received from the following organizations: one alternating between Georgia Farm Bureau and Florida Farm Bureau, one from South Carolina Farm Bureau, one from Virginia Farm Bureau—to serve on both the flue-cured and dark fired subcommittees, one from North Carolina Grange, two from the North Carolina Farm Bureau, one from the Tennessee Farm Bureau, two from the Kentucky Farm Bureau, one of which will serve on both the burley and dark fired subcommittees, and one from the National Cigar Leaf Tobacco Association, Inc.

(d) The committee or subcommittees shall meet at the call of the Secretary.

Dated: September 1, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-25951 Filed 9-4-81; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 907

Navel Oranges Grown in Arizona and Designated Part of California

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Referendum order.

SUMMARY: This document directs that a referendum be conducted among growers of navel oranges in Arizona and designated part of California to determine whether they favor continuance of the marketing agreement and order program.

DATES: Referendum period October 14–24, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, telephone (202) 447-5975.

SUPPLEMENTARY INFORMATION: William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers. This action is taken under the marketing agreement and Order 907, both as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California (hereinafter referred to as the order).

Pursuant to § 907.83 of the order, and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), it is hereby directed that a referendum be conducted during the period October 14, 1981, through October 24, 1981, among the growers who, during the period November 1, 1980, through August 31, 1981 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged in the State of Arizona or designated part of the State of California, in the production of navel oranges covered by the order to ascertain whether continuance of the order is favored by the growers.

A public hearing was held in Exeter, California, in July (July 20-27). The purpose of the hearing was to provide opportunity for interested persons to submit written and/or oral comments with respect to the marketing of the 1980-81 California-Arizona navel orange crop. One of the issues raised at the hearing related to the extent of producer support for the marketing order. It was stated that many of the current producers had never had an opportunity to vote in a referendum on the order as a whole because the last continuance referendum was conducted in 1961. Based on the foregoing, the Navel Orange Administrative Committee, at a meeting on August 11, 1981, unanimously requested that the Department conduct a continuance referendum on the order.

Roland G. Harris and John H. Clark, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, 845 S. Figueroa, Suite 540, Los Angeles, California 90017, are hereby designated as referendum agents of the Secretary of Agriculture to conduct said referendum. The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (7 CFR 900.400 *et seq.*).

Ballots to be cast in the referendum will be mailed to all known navel orange growers in the designated areas.

Dated: September 1, 1981.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 81-26130 Filed 9-4-81; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 81-ASW-41]

Control Zone: Paris, Texas; Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Aviation Administration proposes to revoke the control zone at Paris, Texas. The intended effect of the proposed action is to revoke unnecessary controlled airspace for aircraft executing instrument approach procedures to the Cox Field Airport. This action is necessary since consistent weather reports are not available to meet the requirements for a control zone.

DATES: Comments must be received on or before October 8, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8 a.m. and 4:30 p.m. The FAA Rules Docket is located in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch, ASW-535, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone: (817) 624-4911, extention 302.

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart F 71.171 as republished in the **Federal Register** on January 2, 1981 (46 FR 455), contains the description of control zones designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Revocation of the control zone at Paris, Texas, will necessitate an amendment to this subpart.

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the 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. 81-ASW-41." 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 recieved. 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 Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, or by calling (817) 624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the office listed above.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by revoking the Paris, Texas, control zone.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, Texas, on August 26, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-25895 Filed 9-4-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ACE-13]

Control Zone—Liberal, Kansas; Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to alter the Liberal, Kansas, Municipal Airport Control Zone to provide additional controlled airspace for a VOR approach to Runway 3.

DATE: Comments must be received on or before October 14, 1981.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Charles M. Bumstead, Chief, Airspace and Procedures Section, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested person may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before October 14, 1981 will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106 or by calling (816) 374-3408.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Subpart F, Section 71.171 of the Federal Aviation Regulations (14 CFR 71.171) by altering the control zone at Liberal, Kansas. To enhance airport usage, a new VOR approach to Runway 3 is being developed for the Liberal, Kansas, Municipal Airport. A 3.5-mile extension of the control zone to the southwest is necessary to contain the new procedure. Control zones are designed to contain IFR operations in controlled airspace to the surface around airports within a specified radius and along the final approach course of the IAP. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Subpart F, Section 71.171 of the Federal Aviation Regulations (14 CFR 71.171) as republished on January 2, 1981 (46 FR 455), by altering the following control zone:

Liberal, Kansas

Within a 5-mile radius of Liberal Municipal Airport (latitude 37°02'35" N, longitude 100°57'45" W); within 2 miles each side of the Liberal VORTAC 025° radial, extending from the 5-mile radius zone to 8 miles northeast of the VORTAC; and within 2 miles each side of the Liberal VORTAC 153° radial, extending from the 5-mile radius zone to 8 miles southeast of the VORTAC, within 3 miles each side of the Liberal VORTAC 206° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.65 of the Federal Aviation Regulations (14 CFR 11.65))

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

Issued in Kansas City, Missouri, on August 25, 1981.

James O. Robinson,

Acting Director, Central Region.

[FR Doc. 81-25896 Filed 9-4-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Parts 935 and 936

Channel Islands and Point Reyes-Farallon Islands National Marine Sanctuaries; Partial Suspension of Regulations

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rules.

SUMMARY: The Office of Coastal Zone Management within NOAA is considering continuing the suspension until March 30, 1982, of those provisions of the regulations issued pursuant to the designations of the Channel Islands and Point Reyes-Farallon Islands National Marine Sanctuaries which would directly prohibit or have the effect of prohibiting hydrocarbon development within each Sanctuary. NOAA is reconsidering the regulations in accordance with Executive Order 12291. This reconsideration involves preparation of a formal regulatory impact analysis which is not yet complete. The continued suspension will not result in any substantive impact on either sanctuary.

DATES: The provisions in §§ 935.6, 935.7 and 936.6 which would directly prohibit or have the effect of prohibiting hydrocarbon development would be suspended until March 30, 1982. Comments will be accepted until September 25, 1981.

ADDRESS: Send comments to: Dallas Miner, Director, Sanctuary Programs Office, Office of Coastal Zone Management, 3300 Whitehaven Street, N.W., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT:
Dallas Miner, telephone (202) 634–4236.

SUPPLEMENTARY INFORMATION: The majority of the regulations issued pursuant to the designation of the Channel Islands and Point Reyes-Farallon Islands National Marine Sanctuaries became effective on March 30, 1981, and April 5, 1981, respectively.

On March 30, 1981 (46 FR 19227), NOAA suspended those portions of the regulations which would directly prohibit or have the effect of prohibiting hydrocarbon development within each Sanctuary for a period of 30 days during which it considered whether to suspend them for an additional period of up to 6 months, and on April 29, 1981 (46 FR 23924), suspended such portions of the regulations until September 30, 1981, while it reconsidered their substantive impact in accordance with Executive Order 12291.

Executive Order 12291 directs Federal agencies to reconsider pending "major" regulations in accordance with the objectives of the Executive Order and prepare a Regulatory Impact Analysis. A major regulation is defined as one likely to result in:

1. An annual effect on the economy of $100 million or more;
2. A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or
3. Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

NOAA has awarded a contract for the preparation of a formal regulatory impact analysis, a major element of the reconsideration. This analysis will not be completed prior to September 30, 1981. NOAA will need an adequate period of time to review its options with respect to the regulations. Therefore, it proposes to continue the suspension of §§ 935.6 and 936.6(a)(1) prohibiting hydrocarbon development as well as §§ 935.7(a)(2) and (36.6(a)(2), (3) which might indirectly have such effect but only insofar as these sections relate to hydrocarbon activities. As to other activities the regulations are effective.

No lease sales involving either Sanctuary have been held since designation and none will be held during the period of the continued suspension. No other activities which could impact either sanctuary substantively will result from this continued suspension. Since this suspension action will not result in any practical effect on either Sanctuary, NOAA finds no advantage to changing the current status of the regulations to interim final status.

Conversely, the continued suspension will not restrict or prohibit any activity and the Administrator has determined therefore that the suspension is not a "major" rule under Executive Order 12291, nor will it have a significant economic impact on small entities under the Regulatory Flexibility Act. Comments on whether the suspension should be continued are invited until September 25, 1981.

Dated: August 27, 1981.

James P. Walsh,

Deputy Administrator.

[FR Doc. 81-26014 Filed 9-4-81; 8:45 am]
BILLING CODE 3510-08-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 802 3009]

Chrysler Corp.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, would require, among other things, a Highland Park, Mich. motor vehicle manufacturer and distributor to cease misrepresenting or failing to disclose the limited applicability of material standards for its oil filters and other products; and failing to have competent and reliable substantiation for claims concerning such standards. The firm would be required to notify after market manufacturers, dealers and owners of certain vehicles of the inaccuracy of its oil filter material standard, and provide them with ways to avoid or remedy any resulting problems. Further, all future owner and service manuals would have to contain accurate oil filter use information. The order would additionally require the company to maintain a reasonably-priced subscription service to provide subscribers with up-to-date material standards; and advertise the existence of this service in *Automotive News*.

DATE: Comments must be received on or before November 3, 1981.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:
FTC/P, James H. Sneed, Washington, D.C. 20580, (202) 523–3727.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's rules of practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9 (b)(14)).

[File No. 802–3009]

Chrysler Corp.; Agreement Containing Consent Order To Cease and Desist

The Federal Trade Commission having initiated an investigation of certain acts and practices of Chrysler Corporation, a corporation, and it now appearing that Chrysler Corporation, a corporation, sometimes hereinafter referred to as proposed respondent, is willing to enter into an agreement containing an order to cease and desist

from the use of the acts and practices being investigated.

It is here agreed by and between Chrysler Corporation, by its duly authorized officer, and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent, Chrysler Corporation, is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Delaware, with its office and principal place of business located at 12000 Lynn Townsend Drive, in the City of Highland Park, State of Michigan.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission may either withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the United States Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that is may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

8. By its final acceptance of this Agreement, the Commission waives its right to commence a proceeding or action against proposed respondent seeking consumer redress or other relief under Section 5 or Section 19 of the Federal Trade Commission Act with respect to the specific acts or practices alleged in paragraphs FIVE through FIFTEEN of the draft complaint here attached, which occurred prior to the date of service of the order.

Order

For purposes of this order, the following definitions shall apply:

1. "Vehicle" shall mean any automobile, pickup truck, van, or recreational vehicle.

2. "MMC vehicle" shall mean any vehicle manufactured or assembled by or for Mitsubishi Motor Corporation of Japan, or any subsidiary thereof, and sold by Chrysler Corporation in the United States, but shall not mean any vehicle model presently being manufactured by Chrysler in the United States or Canada or any succesor to such model.

3. "Material Standard" shall mean any document, excluding drawings, which specifies, in whole or in part, performance or material requirements to be used in the design of a particular part for a vehicle.

4. "Dealer" shall mean any individual or other entity in the United States with which Chrysler Corporation has a Direct Dealer Agreement or an agreement of another name which is substantially similar to a Direct Dealer Agreement in nature.

5. "Owner" shall mean any individual or other entity in whose name a vehicle is currently or has been previously registered or titled with the appropriate state authority, including, but not limited to, vehicles held for resale.

6. "Current owner" shall mean any owner in whose name a vehicle is currently registered or titled with the appropriate state authority according to information provided respondent by a commercial locator service engaged by respondent pursuant to the provisions of Part IX of this order.

7. "Original owner" shall mean any individual or other entity to whom respondent's records show the original sale of the vehicle from a Chrysler Corporation dealer.

8. "Purchaser" shall mean any individual or other entity to whom a vehicle is sold on or after the first date any particular notice is disseminated by respondent pursuant to the provisions of this order to any current or original owner.

Part I

It is ordered, That respondent Chrysler Corporation, a corporation, its successors and assigns, and its officers agents, representatives, and employees, directly or indirectly or through any corporation, subsidiary, division, or other device, in connection with the manufacture, advertising, offering for sale, sale or distribution of any vehicle or vehicle part, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from representing, directly or by implication, in any Chrysler material standard for oil filters, that an oil filter which meets a hydrostatic burst strength requirement of 200 pounds per square inch will or may be capable of withstanding any oil pressure generated in the lubricating system of any MMC or Omni/Horizon vehicle under any operating condition, assuming no malfunction of the lubricating system unless, at the time of making such representation, respondent possesses and relies upon competent and reliable engineering evidence which substantiates the truthfulness of such representation.

Part II

It is further ordered, That respondent Chrysler Corporation, a corporation, its successors and assigns, and its officers agents, representatives, and employees,

directly or indirectly or through any corporation, subsidiary, division, or other device, in connection with the manufacture, advertising, offering for sale, sale or distribution of any vehicle or vehicle part, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

A. Representing, directly or by implication, that any of respondent's material standards apply to every vehicle sold by respondent unless, at the time of making such representation, respondent possesses and relies upon a reasonable basis, consisting of competent and reliable engineering evidence, which substantiates such representation.

B. Failing to disclose clearly and conspicuously in any of respondent's material standards, in those cases where such standard does not apply in all respects to every vehicle sold by respondent, that such standard is limited in its applicability.

C. Representing, directly or by implication, that any of respondent's material standards, any performance or material requirement for any replacement part to which such standard applies unless, at the time of making such representation, respondent possesses and relies upon a reasonable basis, consisting of competent and reliable engineering evidence, which substantiates such representation.

D. Failing to disclose clearly and conspicuously in writing to each person to whom respondent provides any material standard(s), at the same time such standard is provided to such person, that (i) material standards are subject to constant revision, and (ii) respondent's Engineering Standards and Product Information Office, or the then current equivalent office by name, is in possession of the most current versions of all material standards, and (iii) respondent offers, at reasonable cost, a subscription service to its material standards through its Engineering Standards and Product Information Office, or the then equivalent office by name, which will automatically provide any subscriber with the most current version of any material standard subscribed to, and (iv) non-subscribers should make sure they have the most current version of any particular material standard.

Part III

It is further ordered, That respondent Chrysler Corporation, a corporation, its successors and assigns, and its officers, agents, representatives, and employees, directly or indirectly or through any corporation, subsidiary, division, or other device, in connection with the manufacture, advertising, offering for sale, sale or distribution of any vehicle or vehicle part, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, shall:

A. 1. Offer at reasonable cost a subscription service to its material standards to any individual or other entity that pays the required annual subscription fee.

2. Allow subscription at reasonable cost to any particular subject category, or other grouping of related material standards, or to all of its material standards depending on the subscriber's choice.

3. Supply promptly to each subscriber the most current version of any particular material standard to which that subscriber has subscribed at the time such version first becomes available.

B. No later than thirty (30) days after this order is served upon respondent, purchase to be placed in six (6) consecutive issues of *Automotive News* which contain the service management section of that publication, beginning as soon as space becomes available, a black and white display advertisement, no smaller than three (3) columns by six (6) inches in size which effectively communicates the following information: (i) Respondent's material standards for parts are available to any individual or company at reasonable cost through a subscription service; and (ii) the subscription service allows the subscriber to choose whether to receive part or all of respondent's material standards, and (iii) the subscription service will automatically provide most current versions of all material standards subscribed to, and (iv) more information about the subscription service may be obtained by contacting respondent's Engineering Standards and Product Information Office, or the then equivalent office by name.

Part IV

It is further ordered, That respondent Chrysler Corporation, a corporation, its successors and assigns, and its officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the manufacture, advertising, offering for sale, sale or distribution of any MMC vehicle, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from representing, directly or by implication, in any post-purchase written communication to any owner or purchaser of any MMC vehicle, including, but not limited to, any communication in owner's manuals or service manuals, that any replacement part recommended for use in such vehicles will not or may not substantially impair the reliability, durability, or performance of such vehicle unless, at the time of making such representation, respondent possesses and relies upon a reasonable basis, consisting of competent and reliable engineering evidence, which substantiates such representation.

Part V

It is further ordered, That respondent, Chrysler Corporation, a corporation, its successors and assigns, and its officers, agents, representatives, and employees, directly or indirectly or through any corporation, subsidiary, division or other device, in connection with the manufacture, advertising, offering for sale, sale, or distribution of any MMC vehicle, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, shall:

A. Once it ascertains, or should have ascertained, had it used due care, that use and care information supplied in writing to owners of any MMC vehicle or part thereof, if followed, could substantially impair the reliability, durability or performance of such vehicle, provide within sixty (60) days revised or additional information to:

(a) Each current owner, where the information pertains to any model year prior to the then current model year MMC vehicle; and

(b) Each original owner, where the information pertains to the then current model year MMC vehicle; and

(c) Each purchaser, where the information pertains to unsold MMC vehicles.

This revised or additional information shall clearly explain, in a conspicuous and easily readable format, the cause and nature of the problem and clearly state what steps, if known, can be taken to avoid it. This information shall be provided by letter or postcard where current and/or original owners are to be notified. This information shall be provided at the time of sale by an insertion placed into the owner's manual which accompanies any affected unsold vehicle, where purchasers are to be notified.

B. Accurately maintain the following records which may be inspected by Commission staff members upon fifteen (15) days' notice: all communications from any source concerning substantial

impairment of vehicle reliability, durability or performance which (1) specifically refer to possibly erroneous use and care information or (2) respondent should reasonably understand from the content of the communication relate to possibly erroneous use and care information covered by Part V.A. of this order. Such records shall include, but not be limited to (a) all written communications; and (b) all oral communictions which are reduced to writing and maintained in the ordinary course of business.

For purposes of this part of the order, "use and care information" shall mean any information disseminated by respondent regarding routine and periodic maintenance or servicing of a MMC vehicle, including, but not limited to, information disseminated in owner's manuals or service manuals.

Part VI

It is further ordered, That:

A. Respondent shall send to each oil filter manufacturer whose name and address is listed on Exhibit A, a copy of the letter marked Exhibit B and a copy of Chrysler Specification MS 2999 within thirty (30) days after service of this order.

B. Respondent shall send to each of its dealers, via respondent's normal service bulletin routing procedure, a copy of the Technical Service Bulletin marked Exhibit C and a copy of the Parts Marketing Bulletin marked Exhibit D within thirty (30) days after service of this order.

C. Respondent shall send to each of its aftermarket parts wholesalers a copy of the Technical Service Bulletin marked Exhibit C and a copy of the Wholesaler Bulletin marked Exhibit E within thirty (30) days after service of this order.

D. Respondent shall send to each of its warehouse distributors a copy of the Technical Service Bulletin marked Exhibit C and a copy of the Warehouse Distributor Bulletin marked Exhibit F within thirty (30) days after service of this order.

E. Respondent shall send on a 4¼" x 5¼" postcard to each current owner of any 1971–1980 model year MMC vehicle with a 1600 cubic centimeter engine and to each current owner of any 1974–1980 MMC vehicle with a 2000 cubic centimeter engine a copy of Exhibit G within sixty (60) days after service of this order.

F. Respondent shall, beginning in the 1982 model year, effectively communicate the following information in a clear and conspicuous manner in its owner's manuals that accompany MMC vehicles with 1600 or 2000 cubic centimeter engines:

(1) That serious engine damage may occur because of oil filter failure, unless they use an oil filter that is strong enough to withstand engine oil pressures of at least 256 pounds per square inch; and

(2) The brand name and part number of at least one replacement oil filter which is adequate for use on such vehicle.

Provided, however, Respondent shall no longer be required to make the disclosure set forth in part VI.F of this order if respondent can show, to the satisfaction of the staff of the Federal Trade Commission, that peak oil pressures typically generated by the engine of such MMC vehicle at start under cold ambient conditions do not significantly exceed peak oil pressures typically generated by the engines of respondent's domestic vehicles at start under cold ambient conditions.

For the purpose of Part VI.F. of this order, "domestic vehicle" shall mean any vehicle in which the engine is manufactured by Chrysler Corporation, as of the date this Agreement Containing Consent Order to Cease and Desist is signed by respondent.

Part VII

It is further ordered, That respondent shall accurately maintain the following records which may be inspected by Commission staff members upon fifteen (15) days' notice:

A. A list containing the name and address of:

(1) Each oil filter manufacturer to whom Exhibit B and a copy of Chrysler Specification MS 2999 was sent and the date such exhibit and Chrysler Specification MS 2999 were sent to each;

(2) Each dealer to whom Exhibit C and Exhibit D was sent and the date such bulletins were sent to each;

(3) Each aftermarket parts wholesaler to whom Exhibit C and Exhibit E was sent and the date such exhibits were sent to each;

(4) Each warehouse distributor to whom Exhibit C and Exhibit F was sent and the date such bulletins were sent to each;

(5) Each current owner of an MMC venicle to whom Exhibit G was sent and a list with the date such exhibit was sent to each;

B. All communications received by respondent after the date this order is served on respondent from any source concerning a failed oil filter on any MMC vehicle. Such documents shall include, but not be limited to (a) all written communications; and (b) all oral communications which are reduced to writting and maintained in the ordinary course of business.

C. All records referred to in Part VIII shall be retained by respondent for a period of three (3) years from the last date appearing on any list referred to in this part of the order.

Part VIII

It is further ordered, That all correspondence required by the provisions of this order shall be sent, via first class mail. All correspondence to be sent in a letter shall be on respondent's corporate stationery. All envelopes, and where postcards are permitted to be used, the front side of the postcard, shall contain no marking other than respondent's name and return address, the name and address of the addressee, and the words "IMPORTANT NOTICE" conspicuously disclosed.

Part IX

It is further ordered, That respondent shall engage in a commercial locator service, as required to be in compliance with the provisions of this order, to search, in the same manner that it conducts similar such search requests, all vehicle registration and title lists in the United States for the name and address of each individual or other entity in whose name any affected MMC vehicle is registered.

Part X

It is further ordered, That no provision of this order shall be construed to limit, in any way, any private right of action which any individual, partnership, corporation or other entity might have against respondent or against any other party.

Part XI

It is further ordered, That the respondent shall forthwith distribute a copy of the summary of this order attached as Exhibit K to each of its operating divisions, to its successors and assigns, and to each of its officers, agents, representatives, or employees who are supervisors of any department engaged in the engineering of any vehicle or vehicle part sold by respondent.

Part XII

It is further ordered, That the respondent notify the Commission at least thirty (30) days prior to the effective date of any proposed change in the respondent such as dissolution, assignment, or sale, resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect

compliance obligations arising out of the order.

Part XIII

It is further ordered, That the respondent shall within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it intends to comply with this order. Respondent shall also which it intends to comply with this order. Respondent shall also within one hundred eighty (180) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Exhibit A

Oil Filter Manufacturers

AC Spark Plug Division, General Motors Corporation, 1300 North Dort Highway, Flint, MI 48556
J. A. Baldwin Manufacturing Company, Kearney, NE 68847
Champion Laboratories, Inc., P.O. Box 307, West Salem, IL 62476
FDI, Inc., 18451 Euclid Avenue, Cleveland, OH 44112
Ford Motor Company, Ford Parts & Services Division, P.O. Box 1902, 3000 Schaefer Road, Room 308, Dearborn, MI 48121
Hastings Manufacturing Company, 325 North Hanover Street, Hastings, MI 49058
Ohio Filter Company, 2658 Airport Road, Bethel, OH 45106
STP Corporation, 1400 West Commercial Boulevard, Fort Lauderdale, FL 33310
Aero-Mobile Systems, Inc., 200 Elm Street, Battle Creek, MI 49017
Campbell Filter Company, P.O. Box 880, Tulsa, OK 74101
Deluxe Filter Company, Walker Manufacturing Co., 1201 Michigan Boulevard, Racine, WI 53402
Fleetguard, Inc., A Cummins Company, 1340 River Bend Drive, Dallas, TX 75247
Fram Corporation, Fram Automotive Division, 105 Pawtucket Avenue, Providence, RI 02916
Hutchens Industries, Inc., 2730 Melby Street, P.O. Box 184, Eau Claire, WI 54701
Purolator Products, Inc., 970 New Brunswick Avenue, Rahway, NJ 07065
Wix Corporation, P.O. Box 1967, Gastonia, NC 28052

Exhibit B

Sirs:

Enclosed please find Chrysler Specification MS 2999 which pertains to oil filters manufactured for use on certain Chrysler rear wheel drive vehicles. Please also be advised that MS 2999 *does not apply* to oil filters made for application on the Dodge Omni and Plymouth Horizon as well as on all Mitsubishi vehicles sold by Chrysler (*Plymouth Arrow, Plymouth Arrow Pickup Truck, Plymouth Sapporo, Plymouth Champ, Dodge Colt, Dodge Colt Hatchback, Dodge Challenger, Dodge D-50 Pickup Truck*). One of the reasons it does not apply to such vehicles is because such vehicles develop significantly higher oil pressures than most of Chrysler's domestic vehicles.

The oil filters manufactured for application on Omni/Horizon vehicles with a 1.7 liter engine should be able to withstand an internal hydraulic pressure of at least *290* psi while those manufactured for application on Mitsubishi vehicles should be able to withstand an internal hydraulic pressure of at least *256* psi. Of course, just because an oil filter meets a pressure standard does not make it proper for use on a vehicle unless the filter meets all the construction and dimensional requirements for the vehicle.

You should also be advised that owners of certain Mitsubishi vehicles are being notified by Chrysler Corporation that they should purchase oil filters for their vehicles which will withstand internal hydraulic pressures of 256 psi and should look for labels on the oil filter package and tell them this. Since oil filter boxes do not ordinarily provide this information to consumers, we would suggest specifically labeling the box of any oil filter recommended for use on these vehicles which meets the above pressure standard with a statement that the filter can withstand 256 psi.

Chrysler Corporation, Engineering Standards and Product Information Office

ENGINEERING OFFICE

Chrysler Corporation Material Standard

[MS 2999; Change—G; ASL Req'd.]

Oil Filter—Engine Lubricating—Fuel Flow

A—*General:*

1—This standard covers full flow filter elements, replaceable filter element assemblies, and removable cartridge filter assemblies. The flow in all filter element designs shall be from outside in.

2—The filter assemblies shall function in such a manner to provide clean lubricant at the required flow to maintain the proper operation of the engine and to insure adequate life. These filters are recommended for engine operation up to a maximum temperature of 275° F.

B—*Materials:*

1—The filter media shall not consist of any abrasives of any type, and shall be so secured that it cannot be discharged into the engine lubrication system. This test is described in section E-4 of this standard.

2—The filter elements and/or assemblies shall not contain any materials that disintegrate, dissolve in engine lubricating oils and their water mixtures, or are detrimental to engine wear or operation. These tests shall be conducted in accordance with Material Standard MS-CP60.

3—The filter media shall be compatible with engine oil additives. All filter assemblies and elements shall be tested in accordance with paragraph 4.3.3 of Military Specification MIL-F-20707, except that the flow rate will be 2.5 gpm, the volume of test oil shall be 6000 ml, and the oil shall be Military Specification MIL-L-2104A Qualification No. M-54. The lubricating oil shall retain not less than 90% of its original additive content.

*4—A filter element or filter assembly shall not show a pressure drop increase greater than 2.0 psi when tested using clean Military Specification MIL-L-15016 oil, symbol 3065, at 100° F. Hourly water additions of 6 ml shall be made to a sump containing 6000 ml of oil. A flow rate of 2.5 gpm shall be maintained for a period of 24 hours.

5—Coatings such as paint or grit on metal housings or shells shall adhere satisfactorily and shall not be brittle, chip, or flake off, when in transit or when being handled in production.

C—*Workmanship:*

1—The inside surfaces and passages of all filters and/or assemblies shall be free from foreign materials such as dirt, scale, core sand, metal chips, slivers, etc.

2—The adhesive used to secure the filter paper to the end caps shall be so adhered that the adhesive cannot be peeled from the end caps.

3—All of the filter paper ends shall be adhered securely to the end cap adhesive. Physical removal of the paper shall cause tearing of the paper.

4—The paper shall have no breaks or tears and shall have the pleat ends securely sealed either by a full length metal strip or by a cementing operation.

5—Sealing gaskets which are part of a spin-on filter shall be fastened securely by mechanical means.

6—Housings which are part of cartridge assemblies shall be securely fastened to the base by an acceptable double lock-seam. An assembly which has been dropped once on a concrete surface from a height of 2 feet on the lock-seam shall not leak air up to 100 psi.

7—All welds shall show metal fusion. Distortion of welded parts shall cause tearing of the metal at the weld.

D—*Mechanical and Hydraulic Strength:*

*1—The elements and/or assemblies shall be of a suitable design to withstand 100 hours on a vibration test fixture without failure, distortion or leakage. The test assemblies shall be filled with SAE 30 oil and tested under a pressure of 70 psi. The test fixture shall meet the following or equivalent conditions:

a—The horizontal mounting platform of the vibration fixture shall be of sufficient rigidity to transfer the desired motion to the filter mounting without deflection.

b—The filter assembly shall be tested vertically with the filter base located 3.38 inches above the mounting platform.

c—Direction of motion shall correspond to the lateral vibration of the engine.

d—The static length of travel from one extreme to the other shall not exceed a range of 0.030 inches to 0.035 inches. In no case

*** Denotes Area of Change From Previous Issue**

Date	Effective M code	PCR No.	Change	Releases—changes and cancellations
9-14-67	3/MC	70901-021	G	Standard updated.
1-17-63	3/SC	30107-021X	F	Par. D-2, D-6, E-3, and E-b-g revised.
9-26-49				Date issued (Dept. 7680).

shall the total dynamic amplitude of the platform exceed 0.065 inches.

e—The frequency shall vary from 500 cpm to 4000 cpm, and the cycle shall be repeated every 55 seconds while operating for 25% of the time at 4000 cpm.

2—The sealed and spin-on filter assemblies shall withstand an internal hydraulic pressure of 200 psi for one minute without leakage. All assemblies including replaceable element designs shall withstand an internal air pressure of 100 psi for one minute without leakage or permanent deformation.

*3—The filter assemblies shall withstand a minimum of 60,000 pulse cycles without leakage or failure at a rate of 30 cpm when operated hydraulically through a pressure range of 0 psi to 70 psi. The test fluid shall be SAE 10 or equivalent.

4—The filter elements shall withstand a differential pressure of 50 psi without damage, channeling or collapse of the end caps or center tubes. These tests shall be conducted using a high viscosity fluid such as SAE-140 at a temperature range of 90° F to 100° F. The elements shall be tested using essentially the same supports as in actual usage.

5—The filter elements shall withstand a differential pressure of 50 psi as noted in paragraph D-4, after operation with Military Specification MIL-L-2104-A oil, Qualification No. M-54, at 240° F with a rated flow of 2.5 gpm for a period of 40 hours.

6—The shells, covers, housings, etc. in an assembly shall be made from materials having adequate strength for proper installation without distortion or malfunctioning in production and service.

Spin-on filter assemblies shall withstand a minimum tightening torque of 75 ft-lbs without stripping the attaching threads or loosening of any part of the attaching assembly. The filter base gasket shall be lubricated with SAE 30 oil and tested on a Chrysler filter base.

Spin-on filter assemblies incorporating removal features shall withstand a minimum tightening torque of 65 ft-lbs using the recommended removal tool designed for the specific purpose:

E—*Performance:*

1—All pressure differential valves included in assemblies shall meet the requirements specified on the individual prints. The pressure rise above the valve opening pressure shall not exceed 8 psi when tested using a 38 SUS mineral oil at a flow of 6 gpm. The valve leakage using the same fluid at 3.5 psi shall not exceed a rate of 400 ml per hour.

2—The filters shall be checked for pressure drop using a 110 SUS mineral oil at 160° F. At a flow of 2.5 gpm, the pressure drop shall not exceed 3 psi on assemblies and 2 psi on elements.

3—Filter assemblies incorporating anti-drainback valves shall show a leakage rate not exceeding 20 ml/hr. using a 45 SUS mineral oil at room temperature with a head of two feet. The test sample shall be initially flow flushed at a rate of 2.5 gpm for one minute using the test fluid. The leakage between the threads of the filter base and adapter shall be blocked during this test. The test assembly shall be installed finger tight plus ½ turn.

The anti-drainback valve shall conform to the above test conditions after being operated with Military Specification MIL-L-2104-A oil, Qualification No. M-54, at 240° F with a rated flow of 2.5 gpm for a period of 40 hours.

4—The filter assembly shall show media migration not exceeding 5 milligrams per filter. The test shall be conducted in accordance with Military Specification MIL-F-0020627-A (Ships) paragraphs 4.5.3 and 4.5.4, except that the fluid used shall be Military Specification MIL-L-2104A, Qualification No. M-54, at 180° F with a flow of 2.5 gpm.

5—The filter assemblies shall function properly without restricting the flow of oil to the engine at −20° F. A total of ten cold starts shall be a satisfactory test. This test will be conducted in the Chrysler Engineering Office Cold Test Laboratory.

6—The filter life and average efficiency test shall be made using the SAE Lube Oil Filter Performance Test TR-160. The conditions of the test are:

*a—The test oil shall be heavy duty, SAE 30, as specified by the Coordinating Research Council Specification No. RFO-3. The source for this oil is: Southwest Research Institute, 8500 Culebra Road, San Antonio, Texas 78206.

b—Volume of oil in sump: 6,000 ml.

c—The test temperature at the filter shall be 160° F ± 5° F.

d—The test shall be conducted using a flow of 2.5 gpm.

e—Oil samples shall be taken at the end of every 10 hour period and also at the end of the test.

6—f—The contaminant add rate shall be 2.5 grams of dry solids per hour. The contaminant SOFTC-2A (Standardized Oil Filter Test Contaminant-Synthetic) is obtainable from: Baltimore Paint and Color Works, 2325 Annapolis Avenue, Baltimore, Maryland.

The laboratory number for this material is X-7682. It shall contain 22% solids and 78% Military Specification MIL-L-15016 Straight Mineral Oil, Symbol 3065. The specified composition is:

(1)—Sixteen parts by weight of carbon black having an average size of 85 millimicrons.

(2)—Two parts by weight of ferric oxide, 95% by count of the particles in the range from 0 to 5 microns.

(3)—Four parts by weight of PV resin. The particle sizes of this material are as follows:

100% to pass through a 30 mesh screen.

90% to pass through a 80 mesh screen.

60% to pass through a 200 mesh screen.

g—The limiting differential pressure, life and efficiency for the test shall be as listed below:

Part No. or equivalent	Pressure differential, psi	Life, hours, minutes	Minute average efficiency, percent
1851658	8	30	75

*F—*Control:*

1—Chrysler Engineering Office Mechanical Development Laboratory approval must be obtained on original production samples and samples made after Material, Process, or design changes.

2—The filters covered by this standard shall be purchased only from sources which appear on the Chrysler Engineering Approved Source List. This informtion can be obtained from the Chrysler Corporation Purchasing Department.

3—This standard refers to the following standard.

Matrial Standard MS-CP60.

Note.—The above standards and/or specifications are for use in supplying orders of Chrysler Corporation or its subsidiaries. Suppliers should determine the currency of their copies prior to use. The risk of compliance with the current standards and/or specifications is on the suppliers. Distribution hereof to others, whether paid or free, is for information only.

Copies are available from the Enginering Standards and Data Department, Engineering Office.

BILLING CODE 6750-01-M

Exhibit C

Technical Service Bulletin

Service & Parts Division

Technical Information +
Professional Service =
Customer Satisfaction

SERVICE

Of Interest ☐ General Manager ☐ Sales Manager ☐ Service Manager ☐ Parts Manager ☐ Service Technicians

Some reported oil filter leakages have resulted in serious engine damage to MMC vehicles of various model years, caused by using inadequate aftermarket oil filters.

To avoid leakage and engine damage due to the use of improper filters, owners of these vehicles should use an oil filter which will withstand 256 pounds per square inch of oil pressure, such as the filters indicated below:

Model	Part No.
All MMC except Champ and Colt Hatchback models	MD 001445
Champ and Colt Hatchback models only	MD 030795

Note:

Issuance of the above cancels MoPar Oil Filter (L-42) #4026486 previously specified. See Parts Marketing #XX-XX-XX

Models

MMC Passenger Cars and Trucks

Subject

Oil Filter Usage

Index

Engine

Date:

XX-XX-XX

No.

XX-XX-XX

CHRYSLER CORPORATION

(THIS BULLETIN IS SUPPLIED AS TECHNICAL INFORMATION ONLY AND IS NOT AN AUTHORIZATION FOR REPAIRS) REPRINT OF THIS MATERIAL NOT AUTHORIZED UNLESS APPROVED.

CHRYSLER Dodge Plymouth Dodge Trucks

Exhibit D

Mopar

Parts Marketing Bulletin

PARTS SALES AND SERVICE

Mopar

ATTENTION: ☒ DEALER ☒ SERVICE MANAGER ☐ INSERT INTO MARKETING PROGRAMS BINDER UNDER TAB _____
☒ SALES MANAGER ☒ PARTS MANAGER

SUBJECT: OIL FILTERS - #4026486 (L-42) NUMBER

All Dealers are requested to examine their stock of oil filters.

Any (L-42) #4026486 Oil Filters that are in stock should be returned for credit via normal M.R.A. (Material Return Authorization) procedures.

The subject filters should not be used.

This bulletin will act as your authorization to return subject oil filters to your facing depot.

M. G. KELLY
Marketing Manager

THE NEW CHRYSLER CORPORATION

Wholesaler Bulletin Mopar

Subject: Oil Filters—#4026486 (L–42).

All Warehouse and Jobber Distributors are requested to examine their stock of oil filters.

Any (L–42) #4026486 Oil Filters that are in stock should be returned for credit via normal M.R.A. (Material Return Authorization) procedures.

The subject filters should *not* be used.

This bulletin will act as your authorization to return subject oil filters to the Indianapolis Depot.

M. G. Kelly,

Marketing Manager.

Warehouse Distributor Bulletin Mopar

Subject: Oil Filters—#4026486 (L–42).

All Warehouse and Jobber Distributors are requested to examine their stock of oil filters.

Any (L–42) #4026486 Oil Filters that are in stock should be returned for credit via normal M.R.A. (Material Return Authorization) procedures.

The subject filters should *not* be used.

This bulletin will act as your authorization to return subject oil filters to the Indianapolis Depot.

M. G. Kelly,

Marketing Manager.

Exhibit G

Important Maintenance Information

Dear Owner: Our records show that you are the owner of a Dodge Colt, Dodge Challenger, Plymouth Arrow, Plymouth Sapporo, Plymouth Arrow Pickup, Dodge D–50 Pickup, Plymouth Champ or Dodge Colt Hatchback which has either a 1600 cc engine with a 1971–1980 model year designation or a 2000 cc engine with a 1974–1980 model year designation.

The Problem: Weak Filters

Certain kinds of replacement oil filters may not be strong enough to withstand the pressure in your car's lubricating system, particularly in cold weather. Weak oil filters can cause serious engine damage. What happens to cause the damage is this: If an oil filter is too weak, it may suddenly spring a leak. If the filter leaks, the engine loses oil and does not get enough lubrication and *the engine may be very seriously damaged.*

Warning: Protect Your Engine

It is strongly recommended that you buy a new replacement oil filter now. A replacement filter costs only a few dollars. You must use a brand of filter strong enough to withstand 256 pounds per square inch of oil pressure. (Look on the oil filter box for a label with this information.) Chrysler's Mopar Filters (Part Number MD001445 for all vehicles *except* Champ and Colt Hatchback, and Part Number MD030795 for Champ and Colt Hatchback vehicles) meet the needs of your vehicle. These filters can be bought at any Chrysler Corporation dealer or auto parts store carrying this brand.

Replace the Filter Soon

If your car has the wrong kind of replacement filter, you should not postpone buying a new filter.

If you are leasing your car to another person, please make sure the person leasing it from you sees this notice.

Chrysler Corporation.

Please staple or tape this notice to your Owner's Manual.

Chrysler Corporation,

416–15–19, P.O. Box 1919, Detroit, Michigan 48288 U.S.A.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Chrysler Corporation.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments from interested parties. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

I. Introduction

Staff of the Federal Trade Commission has reached agreement with Chrysler Corporation on a consent order which remedies an informational problem regarding oil filters for its Japanese import vehicles made by Mitsubishi Motor Corporation (MMC) and its Dodge Omni and Plymouth Horizon vehicles.[1]

The problem involves Chrysler's alleged failure to correct inaccurate design information in a material standard[2] that specified the required hydrostatic burst strength for oil filters used in Chrysler vehicles. The burst strength specified in the material standard was allegedly not high enough to withstand the oil pressures generated by Chrysler's MMC vehicles or its Dodge Omni and Plymouth Horizon vehicles. The material standard was provided to aftermarket oil filter manufacturers. The oil filter probelm also involves Chrysler's alleged misrepresentation of oil filter use information on 1971–1980 model year MMC vehicle owner's and service manuals, and its allegded failure to provide certain MMC owners with information in the need to use special strength oil filters to avoid serious engine damage.[3] The complaint alleges that, due to these misrepresentations and non-disclosures, aftermarket manufacturers built oil filters which were incompatible for use on MMC vehicles, and owners purchased filters which sometimes leaked or burst, causing extensive and expensive engine damage.

The leakage involves rapid oil loss through the filter when the oil, through pressure, either unravels the filter's cannister seam or pushes out a rubber gasket around the filter's bottom. The leakage occurs because peak engine oil pressure is higher than the pressure that the oil filter on the vehicle is built to withstand. The resultant lack of engine lubrication has let to, on the average, a repair bill of $500 to correct engine damage. It is important to note that this leakage problem is not a design defect *per se* because, according to lubrication systems experts, there is nothing inherently improper about designing an engine's lubrication system to have high peak engine oil pressure. In fact, no leakage problem would occur at all if the replacement oil filter used on the car were strong enough to withstand the oil pressures generated by the engine. However, the complaint alleges that Chrysler disseminated inaccurate information both to aftermarket filter manufacturers regarding how they should build their filters and to owners regarding what filters to buy, and that this dissemination of inaccurate information precipitated the leakage problem.

II. the Proposed Complaint

The proposed Section 5 complaint contains the following charges of unfair or deceptive acts or practices:

Paragraphs Five and Six allege that Chrysler has disseminated its material standard for oil filters, MS–2999, in commerce, and that it knew or should have known that this and other material standards may have been and may now be used by manufacturers of replacement parts in the design of such parts. paragraph Seven further alleges that through MS–2999, its material standard for oil filters, Chrysler has represented, directly or by implication, that:

(1) MS–2999 specifies performance and materials requirements for oil filters made for use on each and every vehicle sold by respondent;

[1] MMC vehicles include the Dodge Colt, Plymouth Arrow, Dodge Challenger, Plymouth Sapparo, Dodge D–50 pickup truck, Plymouth Arrow pickup truck, Plymouth Champ and Dodge Colt Hatchback.

[2] Material standards are documents which contain the design specifications, performance standards and material requirements for building replacement parts for a vehicle.

[3] This problem does not include Chrysler's Dodge Omni and Plymouth Horizon vehicles because a truthful representation was made in the owner's manuals for these vehicles. The Omni/Horizon vehicle owner's manuals advised owners to buy the original equipment replacement oil filter which was in fact strong enough to withstand the pressures generated by these vehicles.

(2) if an oil filter meets the performance and materials requirements specified in MS–2999, that oil filter will not substantially impair the reliability, durability, or performance of any vehicle sold by respondent on which the oil filter was made to be used;

(3) if an oil filter meets the 200 pounds per square inch (p.s.i.) hydrostatic burst strength requirement specified in Paragraph D–2 of MS–2999, that filter will not substantially impair the reliability, durability, or performance of any vehicle sold by respondent on which the oil filter was made to be used.

Paragraph Eight charges that, contrary to these representations:

(1) MS–2999 does not specify performance and materials requirements for oil filters made for use on each and every vehicle sold by respondent;

(2) if an oil filter meets the performance and materials requirements specified in MS–2999, that oil filter may nevertheless substantially impair the reliability, durability, or performance of certain vehicles sold by respondent on which the oil filter was made to be used;

(3) if an oil filter meets the 200 p.s.i. hydrostatic burst strength requirement specified in Paragraph D–2 of MS–2999, that oil filter may substantially impair the reliability, durability, or performance of certain vehicles sold by respondent on which the oil filter was made to be used.

Therefore, the representations referred to in Paragraph Seven are alleged to be deceptive or unfair.

B. Paragraph Nine states that Chrysler disseminated owner's and service manuals for 1971–1981 model year MMC vehicles in which it instructed owners to "use a high quality filter only". Paragraph Ten alleges that through such instructions Chrysler represented, directly or by implication, that any reputable brand of oil filter when used in certain MMC vehicles will not substantially impair the reliability, durability or performance of these vehicles. Paragraph Eleven charges that, contrary to this representation, certain reputable brands of oil filters may substantially impair the reliability, durability, or performance of certan MMC vehicles. Therefore the representation referred to in Paragraph Ten is alleged to be deceptive or unfair.

C. Paragraph Twelve alleges that the use on certain MMC vehicles of an oil filter which is not of adequate hydrostatic burst strength may substantially impair the reliability, durability or performance of these vehicles. Paragraph Thirteen charges that Chrysler knew or should have known of brands and part numbers of replacement oil filters which would substantially impair the reliability, durability or performance of these vehicles. Paragraph Thirteen also charges that Chrysler knew or should have known of filters that were appropriate for use on MMC vehicles. Paragraph Fourteen alleges that product use and care information, namely (1) a recommendation of specific oil filters which are of adequate burst strength and (2) a warning that the failure to use such filters could substantially impair vehicle reliability, durability or performance, would allow owners to avoid substantial economic loss and damage to the engines of their MMC vehicles. Therefore, the complaint states, such information is material product information.

Paragraph Fifteen charges that Chrysler has not disclosed to owners of 1971–1980 model year MMC vehicles, through its owner's or service manuals or otherwise, either brands and part numbers of replacement oil filters which would not substantially impair the reliability, durability or performance of MMC vehicles or the fact that the failure to use such filters could substantially impair vehicle reliability, durability or performance. Therefore, Chrysler's failure to disclose this material product information is alleged to be deceptive or unfair.

III. The Proposed Consent Agreement

Through the proposed order Chrysler Corporation has agreed to the following:

(1) Not to represent, absent a reasonable basis, in any material standard for oil filters that an oil filter which meets a hydrostatic burst strength requirement of 200 pounds per square inch will be capable of withstanding any oil pressures generated in Chrysler's MMC or Omni/Horizon vehicles.

(2) To disclose the limited applicability of any material standard.

(3) Not to represent, absent a reasonable basis, any performance or material requirement for building a replacement part in its material standards.

(4) To disclose in writing to each person to whom Chrysler provides a material standard that:

(i) Material standards are subject to constant revision, and (ii) respondent's Engineering Standards and Product Information Office is in possession of the most current versions of all material standards, and (iii) respondent offers, at reasonable cost, a subscription service to its materials standards through its Engineering Standards and Product Information Office which will automatically provide any subscriber with the most current version of any material standard subscribed to, and (iv) non-subscribers should make sure they have the current version of any particular material standard.

(5) To offer, at a reasonable cost, a subscription service to its material standards which automatically provides subscribers with the most recent, up-to-date standards.

(6) To advertise the availability of the material standard subscription service in the *Automotive News*.

(7) To send a letter to the manufacturers of aftermarket oil filters which explains the limited applicability of the oil filter material standard and provides accurate information on the hydrostatic burst strength requirement for filters built for MMC and Omni/Horizon vehicles.

(8) Not to make parts recommendations, absent a reasonable basis, in owner's and service manuals of affected MMC vehicles.

(9) To send a notice to owners of 1971–1980 model year MMC vehicles with 1600 or 2000 cubic centimeter engines telling them about the need to use a special strength oil filter to avoid serious engine damage.

(10) To disclose, in the future, accurate oil filter use information in owner's manuals of affected MMC vehicles.

(11) To disclose to owners and purchasers, when problems arise in the future on MMC vehicles which stem from the dissemination of inaccurate or incorrect maintenance information, information about the problem and ways to avoid it.

IV. Impact of the Order

The order requires that certain notification costs be incurred due to Chrysler's failure to disclose important information about significant problems and how to avoid them. The Commission believes, however, that the costs imposed by this order are reasonable.

To remedy the problem with its oil filter material standard, Chrysler will inform the sixteen companies that produce replacement oil filters of the limited applicability of Chrysler's material standard for oil filters, MS–2999, and provide them with the correct hydrostatic burst strength requirements for building filters for Omni-Horizon and MMC vehicles. Chrysler will also notify its dealers and aftermarket parts distributors that certain Mopar filters that were of inadequate burst strength should be removed from inventory and inform them of the correct Mopar filter that should be used on MMC vehicles. The cost of these disclosures will be minimal.

Finally, to remedy the oil filter problem, Chrysler must provide accurate use and care information to owners and purchasers of affected MMC vehicles. Chrysler will notify 709,000 owners whose vehicles need a special oil filter. The cost of this notification will be about $90,000. The order permits Chrysler to send the notice by postcard rather than letter, at a savings of $50,000. The Commission believes that this cost to Chrysler is clearly justified by the evidence in this case concerning the average cost of repair should the filter burst under pressure. The notice to purchasers will be provided in the owner's manuals that accompany the sale of MMC vehicles. Thus, Chrysler will incur no additional costs in making this disclosure and owners of new vehicles will have the information they need to purchase adequate replacement filters. Moreover, the order permits Chrysler to cease making the disclosure whenever it can show that its MMC vehicles do not require special strength filters.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Carol M. Thomas,

Secretary.

Chrysler Corporation, File No. 802 3009

Separate Statement of Acting Chairman Clanton and Commissioner Bailey

The Commission has voted unanimously to accept a consent agreement with Chrysler Corporation that remedies certain alleged information problems concerning replacement oil filters for its Japanese import vehicles and its Dodge Omni and Plymouth Horizon cars. Commissioner Pertschuk has stated that he would also have required Chrysler to pay consumers for the premature wear of engine balancer chains in the company's 1976–77 Mitsubishi-manufactured cars. We do not believe that the Commission can demand such relief from Chrysler because we are convinced that no law violation has occurred as to the vast majority of cars sold with the engineering development of a balancer chain.

In 1975, Chrysler introduced balancer chains in cars manufactured for the company by Mitsubishi. The balancer chain was developed to reduce engine vibration. Over the next year, Chrysler began to receive complaints that the balancer chains on its cars were wearing out prematurely. It is important to keep in mind that balancer chains were never intended to last the lifetime of the car; rather, the company anticipated that they would have to be replaced at least once.

In about September of 1976, the company had received enough complaints to indicate that some modification of the balancer chain design was necessary. The company immediately moved to discover such a "fix." Within a very short period of time, an effective fix had been implemented. The only use and care information that the company could have communicated to current owners during that time might have reduced the likelihood of premature balancer chain wear was to advise them to use unleaded gasoline. An analysis by the Commission's economists indicates, however, that had consumers switched to unleaded gasoline, the difference in cost between leaded and unleaded gas would have at least equaled and probably exceeded the cost of dealing with any premature problems with the balancer chain.

Commissioner Pertschuk, in his separate statement, suggests that "the facts are open to reasonable dispute." On the contrary, the facts, as developed in the staff's investigation, are clear. It is the application of the law to those facts that is in dispute here.

The staff's investigation has shown that the company was possibly in technical violation of the Federal Trade Commission Act for a short time period (approximately four months), when it did not inform prospective purchasers of the cars in question that a possible design defect existed. In view of Chrysler's relatively prompt action to develop a solution to the problem, and the limited extent of injury to prospective purchasers, we conclude that as a matter of prosecutorial discretion the company should not be charged with a violation of the Federal Trade Commission Act.

Every car buyer must sustain many costs of repairing his or her automobile over its lifetime. There are only certain circumstances in which it is legally appropriate for the Commission to intervene. This is not one of them.

Separate Statement of Commissioner Pertschuk

This Consent Agreement with the Chrysler Corporation does not go far enough. My disagreement with the Commission's action stems not from the useful relief that will be provided concerning oil filters for Chrysler cars, but from the Commission's failure to require Chrysler to redress consumers who suffered millions of dollars in total damages from another serious engine problem in certain Chrysler imports. Specifically, the Consent Agreement fails to compensate Chrysler customers for early failure of the balancer chain, a $150 to $250 device designed to reduce engine wear. This problem has affected as many as 38,000 Dodge Colts and Plymouth Arrows sold from the beginning of the 1976 model year through the middle of the 1977 model year. Chrysler failed to tell its customers of this problem after learning about it.

Acting Chairman Clanton and Commissioner Bailey do not believe the Commission should remedy Chrysler's failure to disclose the balancer chain problem. I disagree. Though the facts are open to reasonable dispute, I think there is reason to believe that Chrysler had a duty under the FTC Act to disclose the balancer chain problem to its customers. It is true that Chrysler moved to find a fix after discovering the problem and eventually landed upon one several months later. In my view, however, a manufacturer has a duty promptly to inform prospective purchasers of a serious defect affecting a substantial portion of a line of its vehicles as soon as it becomes aware of it,* whether or not it begins working on a future fix at the same time. Disclosure gives these customers—who will not benefit from any future fix—an opportunity to protect themselves against the defect by, for example, bargaining on price or other terms. There is reason to believe that Chrysler breached this duty to disclose in this case.

In addition, I believe a manufacturer has a duty to disclose material "use and care" information which will help owners solve or mitigate a serious defect and avoid substantial injury. An analysis by the Commission's Bureau of Consumer Protection indicates that consumers could have benefited from the information, known to Chrysler at the time, that the use of unleaded gas would eliminate or alleviate the balancer chain problem. Thus, there is reason to believe that Chrysler also breached this duty in this case.

Overall, the evidence indicates that consumers could have avoided or deferred substantial economic loss if they had been told about the balancer chain failure in time. Therefore, while I concur in this Consent Agreement as far as it goes, I must dissent from the Commission's decision to settle for less than appears justified.

[FR Doc. 81-25956 Filed 9-4-81; 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-18073; File No. S7-904]

Recordkeeping by Brokers and Dealers

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes to adopt a rule under the Securities Exchange Act of 1934 (the "Exchange Act") which would require brokers and dealers to file reports and make and preserve records pursuant to the Currency and Foreign Transactions Reporting Act of 1970 (the "Currency Act") and the regulations of the Department of the Treasury promulgated thereunder.

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

ADDRESSES: Persons wishing to submit written comments should file six copies thereof with George A. Fitzsimmons, Secretary Securities and Exchange

* The manufacturer may also be said legally to be aware of the problem, based upon information available to, or in the possession of, responsible corporate officials.

Commission, 500 North Capitol Street, Washington, D.C. 20549. All submissions should refer to File No. S7-904 and will be available for public inspection at the Commission's Public Reference Room, 1100 L Street, Washington, D.C.

FOR FURTHER INFORMATION CONTACT:
Elizabeth S. York, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C., 20549, (202) 272-2376.

SUPPLEMENTARY INFORMATION:

Background

The Currency and Foreign Transactions Reporting Act of 1970 (the "Currency Act") [1] and the Department of the Treasury regulations (the "Treasury regulations") promulgated thereunder,[2] require that certain financial institutions, including securities brokers and dealers, make reports and maintain records on, among other things, domestic currency transactions of more than $10,000 and the import and export of currency and monetary instruments of $5,000 or more.

According to the Currency Act, the Treasury is responsible for implementing and administering the reporting and recordkeeping requirements of the Currency Act. With respect to securities brokers and dealers, the Treasury has delegated to the Commission the responsibility for assuring compliance with the Currency Act and Treasury regulations.[3]

The most effective means of enforcing compliance with the reporting and recordkeeping requirements is through on-site examinations of broker-dealer firms conducted by the Commission and the self-regulatory organizations (the "SROs"). In order to assure such compliance, the Commission is proposing Rule 17a-8 under the Exchange Act. The proposed rule would require brokers and dealers to file reports and make and retain the records specified in the Treasury regulations.

The Currency Act and Treasury Regulations

The Currency Act requires brokers and dealers to file three types of reports. First, domestic financial institutions are required to report the payment, receipt, or transfer of United States currency or other monetary instruments.[4] Second, any person who exports or imports monetary instruments in an amount exceeding $5,000 is required to file with the Treasury.[5] Finally, any resident or citizen of the United States or person doing business therein who engages in any transaction or maintains any relationship with a foreign financial agency is required to file with the Treasury regarding such relationship.[6]

The Treasury regulations were adopted in 1972, in order to implement the above provisions of the Currency Act. Currently, the Treasury regulations require brokers and dealers to file three different reports. First, they must file a report with the Internal Revenue Service (the "IRS") [7] of any transaction in currency exceeding $10,000.[8] Second, a report must be filed with the Commissioner of Customs [9] when a person exports or imports currency or monetary instruments in an amount exceeding $5,000.[10] A final reporting provision requires all persons subject to the jurisdiction of the United States to file a report with the Treasury regarding any financial interest or authority over a bank, securities or other financial account in a foreign country.[11]

In addition to the above reporting requirements, the Treasury regulations require financial institutions to make and preserve certain records. For example, a record of extensions of credit in excess of $5,000, a record of transactions involving the transfer of funds of more than $10,000 to outside the United States and a record of financial interests in foreign financial accounts must be made and retained for five years.[12]

The Treasury regulations also require certain additional records to be made and retained by brokers and dealers. Specifically, a broker or dealer must maintain for a period of five years: (1) a record of its customer's taxpayer identification number; (2) a copy of each document granting authority over a customer's account; (3) each record described in Rule 17a-3(a)(1)-(9); and (4) a record of any transaction exceeding $10,000 to or from a person, acount or place outside the United States.[13]

Proposed Rule 17a-8

Proposed Rule 17a-8 would require brokers and dealers to make the records and reports required by the Treasury regulations as outlined above. The proposed rule does not specify the required reports and records so as to allow for any revisions the Treasury may adopt in the future.

The proposed Rule 17a-8 would require brokers and dealers to retain the records required by the Currency Act for the time specified in the Treasury regulations. Currently, that time period is 5 years. However, where an Exchange Act rule and Treasury regulation require the retention of identical records for varying periods of time, brokers and dealers would be required to retain the records for the longer period of time so as to satisfy the requirements of both the Exchange Act and the Currency Act.

The Commission believes that the proposed rule is consistent with the purpose of the Exchange Act and the Commission's obligation to enforce broker-dealer recordkeeping requirements. Adoption of this rule by the Commission would clarify the authority of the SROs to assure compliance by brokers and dealers with the recordkeeping and retention requirements of the Currency Act.

Regulatory Flexibility Act Considerations

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, which became effective on January 1, 1981, imposes new procedural steps applicable to agency rulemaking which has "a significant economic impact on a substantial number of small entities."[14] The Chairman of the Commission has certified pursuant to the Regulatory Flexibility Act that the proposed Rule

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[1] Pub. L. 91-508, 84 Stat. 1114, 12 U.S.C. 1730d, 1829b, 1951-1959, 31 U.S.C. 1051-1122.

[2] 31 CFR 103.11-103.51, 37 FR 6912 (April 5, 1972).

[3] 31 CFR 103.46(a)(6).

[4] 31 U.S.C. 1081.

[5] 31 U.S.C. 1101.

[6] 31 U.S.C. 1121.

[7] 31 CFR 103.25(a).

[8] 31 CFR 103.22.

[9] 31 CFR 103.25 (b) and (c).

[10] 31 CFR 103.23.

[11] 31 CFR 103.24.

[12] *See*, 31 CFR 103.31, 103.32, 103.33 and 103.36.

[13] 31 CFR 103.35.

[14] Although Section 601(b) of the Regulatory Flexibility Act defines the term "small entity," the statute permits agencies to formulate their own definitions. The Commission has published its proposed definitions in Securities Exchange Act Release No. 17645 (March 20, 1981), 46 FR 19251 (March 30, 1981). A broker-dealer under the Commission's proposed definition of "small business" or "small organization" is one that:

(1) Is permitted to maintain the amount of net capital specified in § 240.15c3-1 (a)(2) or (a)(3);

(2) Had less than six partners, officers and employees on the last business day of the preceding calendar year (or in the time that it has been in business, if shorter); and

(3) Is not affiliated with any person other than a natural person, that is not a small business, or small organization as defined in this section.

Since the Commission is using this definition for purposes of proposed Rule 17a-8, it welcomes comment on whether this definition of "small business" is appropriate in the context of this rulemaking proceeding.

17a–8, if adopted, will not have a significant economic impact on a substantial number of small entities because it codifies as part of the Commission's rules the existing requirements contained in the Treasury regulations with which brokers and dealers currently must comply.

Statutory Basis

Pursuant to the Securities Exchange Act of 1934, particularly Sections 3, 10, 15, 17 and 23 thereof, the Commission proposes to amend Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by adding § 240.17a–8 to read as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

§ 240.17–a Financial recordkeeping and reporting of currency and foreign transactions.

Every registered broker or dealer who is subject to the requirements of the Currency and Foreign Transactions Reporting Act of 1970 shall comply with the reporting, recordkeeping and record retention requirements of Part 103 of Title 31 of the Code of Federal Regulations. Where Part 103 of Title 31 of the Code of Federal Regulations and § 240.17a–4 of this chapter require the same records or reports to be preserved for different periods of time, such records or reports shall be preserved for the longer period of time.

By the Commission.

George A. Fitzsimmons,

Secretary.

August 31, 1981.

Regulatory Flexibility Act Certification

I, John Shad, Chairman of the Securities and Exchange Commission, hereby certify pursuant to 5 U.S.C. 605(b) that the proposed Rule 17a–8 set forth in Securities Exchange Act Release No. 34–18073, if promulgated, will not have a significant economic impact on a substantial number of small entities. The reasons for this certification are that: the proposed rule does not require brokers and dealers to take any action other than that which is presently required by the Currency and Foreign Transactions Reporting Act of 1970. The proposed rule, however, will enable the Commission to ensure that the subject brokers and dealers comply with the requirements of the Currency and Foreign Transactions Reporting Act.

Dated: September 1, 1981.

John S. R. Shad,

Chairman.

[FR Doc. 81–26133 Filed 9–4–81; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 154

[Docket Nos. RM78–23 and RM81–37]

Louisiana First Use Tax: Refund Procedures for Primary and Secondary Pipelines

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of petition for waiver of regulations.

SUMMARY: The Commission has issued interim rules establishing uniform refund procedures for use by interstate primary pipelines (46 FR 38681, July 29, 1981) and secondary pipelines (46 FR 38906, July 30, 1981) in flowing-through the Louisiana First-Use Tax which was overturned by the Supreme Court. In submitting its comments on the rules, El Paso Natural Gas Company also petitioned for waiver of the rules and suggests a different procedure essentially because of the small amount of refunds El Paso receives.

DATE: Comments on the petition are due on or before September 11, 1981.

ADDRESS: Mail comments to Kenneth F. Plumb, Secretary, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Kenneth F. Plumb, Secretary 220–357–8400.

Louisiana First Use Tax: Refund Procedures for Primary Pipelines, Docket No. RM78–23; Louisiana First Use Tax: Refund Procedures for Secondary Pipelines, Docket No. RM81–37.

Notice of Comments of El Paso Natural Gas Company on Interim Rules and Petition for Waiver of Regulations Under the Natural Gas Act.

August 25, 1981.

Take notice that, on August 12, 1981, El Paso Natural Gas Company ("El Paso"), tendered for filing its comments and petitioned the Federal Energy Regulatory Commission ("Commission"), pursuant to § 1.7 of the Commission's Rules of Practice and Procedure, for waiver of Section 154.38(h) of the Commission's Regulations Under the Natural Gas Act as prescribed by the interim rules issued July 17, 1981 (Order No. 10–D) and July 22, 1981, at Docket Nos. RM78–23 and RM81–37, respectively, to the extent requested therein.

El Paso states that on July 17, 1981 (Order No. 10–D) and July 22, 1981 the Commission issued separate interim rules, hereinafter respectively referred to as the Primary Pipeline Rule and the Secondary Pipeline Rule, establishing uniform refund procedures for use by interstate "primary pipelines" and "secondary pipelines" if flowing through the Louisiana First-Use Tax ("LFUT") refunds including interest earned thereon.[1] Said interim rules essentially codify a proposed Stipulation for Resolution of Litigation filed with the Commission on July 10, 1981 by fifteen (15) primary pipelines to which EL Paso was *not* a party. El Paso fully recognizes its firm obligation to flow-through LFUT refund with interest to El Paso's customers; however, El Paso does object to, and seeks waiver of, the flow-through procedures as ordered by the Commission.

The Primary Pipeline Rule directs primary pipelines to flow-through, by check, the jurisdictional portion of the LFUT refunds received from the State of Louisiana within thirty (30) days of the disbursement date of the initial refund and within twenty-five (25) days of the disbursement date of subsequent refunds. The Primary Pipeline Rule also provided that a primary pipeline may defer flow-through to customers until refund monies received from the State of Louisiana cumulatively exceed the greater of $250,000 or one fourth (¼th) mill per Mcf (or Dkt) of the primary pipelines' sales during the period April 1, 1979 through April 30, 1981. Based on the interim rules described above, El Paso will be obligated to make cash refunds to its jurisdictional customers each time El Paso has accumulated approximately $640,000 of LFUT refunds.

El Paso believes its customers' interest would best be served if El Paso were to credit the jurisdictional portion of the LFUT refunds to Account 191 in the month such refunds are received in lieu of cash refund procedures established by the Primary Pipeline Rule and the Secondary Pipeline Rule.

El Paso states that it recognizes that cash refunds as so directed by the Commission are appropriate for those pipelines who are a party to the aforementioned Stipulation for Resolution of Litigation because of the large sums of LFUT refunds those pipelines will receive from the State of Louisiana; however, El Paso as a primary pipeline will receive a very small amount of the LFUT refund compared to the total refund to be

[1] Primary pipelines refers to interstate pipelines which paid the LFUT directly to the State of Louisiana and receive the LFUT refunds directly from the State of Louisiana whereas secondary pipelines refers to interstate pipelines that will receive LFUT refunds from another pipeline.

allocated on the basis of a pipeline's total sales volumes subject to the LFUT charges. Cash refunds are not only an administrative burden to El Paso and its customers but the cost incurred by El Paso in preparing a refund check is approximately $150. In administering cash refunds as set forth in Order 10-D, approximately 53% of El Paso's jurisdictional customers would receive checks for less than $150. Furthermore, El Paso is also a secondary pipeline and will receive even smaller refunds which would result in a significant increase of the percentage of checks for under $150.

For these reasons, El Paso proposed to credit the jurisdictional portion of the LFUT refunds to Account 191 in the month such refunds are disbursed by the State of Louisiana. The jurisdictional portion of the LFUT refunds shall be determined pursuant to §§ 154.38(h)(3)(v)(b) and 154.38(h)(9)(vi)(b) of the Commission's regulations as set forth in the Primary and Secondary Rules, respectively, except El Paso proposes to use the sales volumes for the period April 1, 1979 through May 31, 1981 since this is the period El Paso billed its customers the LFUT charges. Further, El Paso will credit the jurisdictional portion of the LFUT amounts overcollected from its customers to Account 191 in July, 1981 business.

Because of the small LFUT refund amounts to be flowed-through by El Paso, El Paso believes that crediting the jurisdictional amounts to Account 191 in the month the State of Louisiana disburses the refunds would result in El Paso's customers receiving the benefits from such refunds just as timely as if El Paso were to distribute such refunds on a cash basis (i.e. El Paso's projection for primary refunds received after September, 1981 would not activate the one-fourth (¼th) mill per Mcf mechanism for cash refunds until after May, 1982, therefore, El Paso's jurisdictional customers would not receive the benefits of the LFUT refund until late May, 1982). Further, by crediting the jurisdictional LFUT refund amounts to Account 191 and thereby lowering the balance in Account 191, El Paso's customers benefit by paying a lesser amount of carrying charges.

Accordingly, in order to permit El Paso to act with prudence respecting the flow-through of the LFUT refunds to its customers and at the same time meet the Commission's objectives established by the Primary and Secondary Pipeline Rules, El Paso respectfully requested waiver of § 154.38(h) of the Commission's Regulations, to the extent necessary to permit El Paso to credit to Account 191 (i) the jurisdictional portion of the LFUT refunds in the month such refunds are disbursed by the State of Louisiana and (ii) the jurisdictional portion of the amounts overcollected. In all other respects, El Paso intends to follow the procedures for refunds as set forth in the Commission's Primary and Secondary Pipeline Rules.

El Paso has been authorized to state on behalf of Pacific Gas and Electric Company and Southern California Gas Company (El Paso's California customers who would receive approximately 83% of the total jurisdictional refund) that they do not object to El Paso's proposal to credit the jurisdictional portion of the LFUT refunds to Account 191 in the month such refunds are received. Further the California Public Utilities Commission also has advised El Paso that it does not object to El Paso's proposal.

El Paso also states that copies of the instant filing have been served upon, and to all of El Paso's interstate transmission system customers and all interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said filing should, on or before September 11, 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). Protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's rules. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26183 Filed 9-4-81; 8:45 am]

BILLING CODE 6560-85-M

DEPARTMENT OF THE INTERIOR

Geological Survey

30 CFR Part 270

Geothermal Regulations; Plans of Operation and Reporting of Exploration Expenditures

AGENCY: Geological Survey, Interior.

ACTION: Proposed rulemaking.

SUMMARY: This proposed rulemaking would amend geothermal regulations that relate to plans of operation and the reporting of exploration expenditures. The changes are needed to clarify the data collection requirements to be contained in a plan of operation and to reduce the frequency of reporting about expenditures for diligent exploration credit. The intended effects of this rulemaking are to prevent misinterpretation and to reduce the quantity of required reports.

DATE: Comments on this proposed rulemaking must be received by October 8, 1981.

ADDRESS: Comments may be mailed to: Mr. John J. Dragonetti, Deputy Division Chief, Onshore Minerals Regulation, Conservation Division, Geological Survey, National Center, Mail Stop 650, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald R. Daniels, (703) 860-7535, (FTS) 928-7535; or Mr. Cecil Feeney, (703) 860-6259, (FTS) 928-6259.

SUPPLEMENTARY INFORMATION: The principal authors of this proposed rulemaking are Mr. William Isherwood, Acting Deputy Conservation Manager for Geothermal, Geological Survey, Menlo Park, California and Mr. Cecil R. Feeney, Branch of Rules and Procedures, Office of Onshore Minerals Regulation, Conservation Division, Geological Survey, Reston, Virginia.

The revision of 30 CFR 270.34 is intended to make it clear that—

1. Geothermal prouction may begin 1 year after the start of environmental data collection;

2. Some of the data collection would continue during production and abandonment operations for the evaluation of environmental impacts; and

3. A Geological Survey supervisor may reduce the level and duration of data collection.

The revision of 30 CFR 270.77 is intended to allow a lessee to report exploration expenditures only for those years in which diligence credit is desired rather than every year.

It is hereby determined that this proposed rulemaking does not constitute a major federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (43 U.S.C. 4332(2)(C)) is required.

The information collection requirements contained in § 270.34 have been submitted to the Office of Management and Budget for approval as

required by 44 U.S.C. 3507. The collection of this information will not be required until it has been approved by the Office of Management and Budget.

The Department of the Interior has determined that this document is not a major rule and does not require a regulatory analysis under Executive Order 12291 and 43 CFR Part 14. The Department has also certified that this rulemaking will not have a significant economic impact on a substantial number of small entities, thus a small entity flexibility anlaysis is not required.

PART 270—GEOTHERMAL RESOURCES OPERATIONS ON PUBLIC, ACQUIRED, AND WITHDRAWN LANDS

Under the authority of section 24 of the Geothermal Steam Act of 1970, 84 Stat. 1573 (30 U.S.C. 1023), it is proposed to amend Part 270, Chapter II, Title 30 of the Code of Federal Regulations as set forth below:

1. Section 270.34 is amended by revising paragraph (k), and by adding a new paragraph immediately below paragraph (k) to read as follows:

§ 270.34 Plan of operation.

* * * * * *

(k) Provisions for collecting data concerning the existing air and water quality, noise, seismic and subsidence activities, and ecological systems of the leased lands for a period of at least 1 year prior to production with some of the collection to be continued during production and abandonment.

The Supervisor may reduce the data collection requirements of paragraph (k) of this section, including the duration of data collection, commensurate with the level of potential environmental impacts from proposed projects.

* * * * *

2. Section 270.77 is revised to read as follows:

§ 270.77 Report of expenditures for diligent exploration operations.

For exploration expenditures to be considered for qualification as diligent exploration under 43 CFR 3203.5, the lessee or operator must submit to the Supervisor a report of the expenditures within 60 days after the end of the lease year in which the expenditures were made.

Dated: July 30, 1981.

Daniel N. Miller,

Assistant Secretary for Energy and Mineral.

[FR Doc. 81-26012 Filed 9-4-81; 8:45 am]

BILLING CODE 4310-31-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 109 and 110

[CGD3-81-1A]

Anchorage Grounds, Port of New York and Vicinity

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to enlarge Anchorage No. 21 (Bay Ridge Anchorage) and reduce Anchorage No. 20 in the Upper Bay, New York Harbor, New York. This change is desired in order to increase safety by allowing extra room for vessels at anchor to swing without encroaching into the main shipping channel. The boundaries of Anchorage Nos. 20, 21, 23, 24, and 25 would be redescribed by geographic coordinates in place of the present description in which awkward and outdated terminology is used. In addition, this proposal incorporates changes to the Ports and Waterways Safety Act of 1972, under which the anchorage regulations for the Port of New York were promulgated, made by the Port and Tanker Safety Act of 1978.

DATES: Comments must be received on or before October 23, 1981.

ADDRESS: Comments should be submitted to, and are available for examination from 8:00 a.m. to 4:30 p.m. Monday through Friday at the Office of Commander (mps) Third Coast Guard District, Building 108, Governors Island, New York 10004.

FOR FURTHER INFORMATION CONTACT: Commander Peter T. Muth, Chief, Port Safety Branch, Third Coast Guard District (mps), Building 108, Room 106, Governors Island, New York 10004, (Tel: 212-668-7179). Normal working hours are indicated above.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each comment should indicate the writer's name and address, identify this notice (CGD3-81-1A) and the specific section of the proposal to which the comment applies, and give the reasons for the comment. Persons wishing acknowledgement of their comments should include a stamped, self-addressed postcard. All comments received before expiration of the comment period will be considered before final action is taken on this proposal.

Drafting Information

The principal persons involved in drafting this proposal are: Lieutenant Ernest J. Fink, Project Officer, Port Safety Branch, Third Coast Guard District and Lieutenant Ronald L. Nelson, Project Attorney, Legal Division, Third Coast Guard District.

Discussion of Proposed Regulations

The Port of New York anchorage regulations, 33 CFR 110.155, were promulgated on 26 August 1976 under the authority of the "Ports and Waterways Safety Act of 1972" (Pub. L. 92-340). On 17 October 1978 the "Port and Tanker Safety Act of 1978" (Pub. L. 95-474) became law amending the "Ports and Waterways Safety Act of 1972". Together these two laws are known as the "Ports and Waterways Safety Act". The revised statutory civil and criminal penalty provisions and the name change are reflected in the proposed changes to 33 CFR 109.07 and 110.1a.

Since the early 1970's various interests have expressed the need for additional deep draft anchorage area in the Port of New York. In past years, especially during winter months, Anchorage Nos. 23 and 24 in New York Harbor were congested. While older vessels with drafts less than 33 feet (10 meters) are not constrained in the New York and New Jersey channels, today's deep draft tank vessels must lighter before proceeding through the New York and New Jersey channels to the receiving facilities. Deep draft vessels, such as lash vessels and large tank barges, anchoring in Anchorage No. 21 need the deep water found near the anchorage's western boundary. If vessels are so anchored as to swing into the main ship channel, they will be required by the Captain of the Port to relocate. The Coast Guard proposes enlargement of Anchorage No. 21 westward to enhance safety by providing extra room for deep draft vessels to swing without encroaching into the channel. The change in the western boundary of Anchorage No. 21 will reduce by approximately 10 per cent the number of times vessels anchored there swing into the channel and must relocate. A discussion concerning changes to the anchorages in the Port of new York was conducted as a scheduled item at a public meeting of the New York Vessel Traffic Service Advisory Committee meeting held on 27 February 1981 following the announcement in the **Federal Register** at 46 FR 9835. The minutes of the meeting, including discussion regarding the Port

of New York anchorages, are included in the docket of this rulemaking.

Several problems also exist with the present anchorage area descriptions. The use of outdated geographical names such as Bedloe's Island, now known as Liberty Island, are omitted from nautical charts and are ambiguous. Also the descriptive method used in the regulations sets up large unenclosed anchorage areas (20, 20–A, 20–B), inside of which there are prohibitions from anchoring in channels. This has resulted in the chart for the area (#12334) marking the prohibited areas with lines unsupported by the regulations. In this proposal, Federal Anchorage Nos. 20, 21, 23, 24 and 25 would be redescribed using geographic coordinates (Lat-Long system) to replace the existing, awkward and outdated anchorage descriptions. The actual boundary changes involve shifting the western boundary of Anchorage No. 21 approximately 200 yards (182.9 meters) to the west. The eastern boundary of Anchorage No. 20 would also be shifted approximately 200 yards (182.9 meters) to the west to allow for continuance of a 2,000 foot (609.6 meter) wide main channel which would be shifted to naturally deep water. There would be a net increase of approximately 60 acres (24.3 hectares) in usuable deep draft anchorage space in New York Harbor. Anchorage No. 21 would increase more than the corresponding decrease in Anchorage No. 20. In addition, the increased area of Anchorage No. 21 will be located in more usable deep water than the acreage reduced in Anchorage No. 20. Anchorage No. 20, which consists of 3 distinct anchorage areas (20, 20–A and 20–B), is reserved as a temporary anchorage for naval vessels and for vessels arriving in and leaving port. This anchorage is mostly unusable by deep draft vessels due to insufficient depth of water. However, it should also be noted that the use of Anchorage No. 20 by shallow draft vessels (i.e. stake boats and sand/gravel barges) is only a fraction of its present capacity. These vessels will be accommodated by the remaining portion of Anchorage No. 20 with no adverse impact. The overall change in the anchorage boundaries of Anchorage Nos. 20 and 21 is an accommodation of existing uses. This proposal is not intended to accommodate new or increased traffic levels. For the most part accomplishment of these changes would be effected by the repositioning of buoys to mark the channel, amendment of relevant nautical charts to reflect the new anchorage boundaries, and the relocation of the Federal Anchorage Channel to accommodate the anchorage expansion. Thus the actual implementation of the proposed regulations is contingent upon prior approval of the Chief of Engineers, U.S. Army Corps of Engineers for a minor modification to an existing Federal Project, "Anchorage Channel".

An environmental review of this proposal has been performed by the Third Coast Guard District. Preparation of an environmental assessment is not required since the proposal is categorically excluded in accordance with 2.B.3.g of COMMANDANT INSTRUCTION M16475.1A.

This proposed regulation is considered to be non-significant in accordance with guidelines set out in "Policies and Procedures for Simplification, Analysis and Review of Regulations" (DOT Order 2100.5 of 22 May 1980). An economic evaluation of this proposal has not been conducted since its impact is expected to be minimal. In accordance with 33 CFR 109.05(b), the Commander, Third Coast Guard District has consulted with and received no objections from the U.S. Army Corps of Engineers, the Commandant of the Third Naval District, and the Officer in Charge, Quarantine Station, U.S. Public Health Service. Also of note, the U.S. Fish and Wildlife Service, EPA, and the U.S. Army Corps of Engineers endorse the proposed anchorage changes. The expansion of Anchorage No. 21 and reduction of Anchorage No. 20 are not matters on which there is substantial public controversy, nor involve impacts on competition, businesses, state or local governments, or the regulations of other programs and agencies. It should be noted that the area into which the channel will be relocated has remained naturally deep for many years and possibly may never have to be maintained. However, in the event that a future change in harbor hydraulic patterns occurs due to some other actions not associated with the proposed anchorage changes, and shoaling does occur causing an increase in the amount of dredged material to be maintained, it is expected to be a small amount with minimal impact.

Moreover, this proposal is not a major rule as defined by Executive Order 12291 of February 17, 1981. This proposal, once enacted, will not affect the economy to any measurable degree, result in any increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions, or result in any adverse effects on competitions, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Likewise, it is hereby certified that this proposal will not, if promulgated, have any economic impact on a substantial number of small entities, as described in the Regulatory Flexibility Act (Pub. L. 96–354; 5 U.S.C. 601, et seq.): This certification is made in accordance with Section 605 of Title 5 of the United States Code.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Parts 109 and 110 of Title 33, Code of Federal Regulations, as set forth below:

PART 109—GENERAL

1. By revising 33 CFR 109.07 to read as follows:

§ 109.07 Anchorages under Ports and Waterways Safety Act.

The provisions of section 4 (a) and (b) of the Ports and Waterways Safety Act as delegated to the Commandant of the U.S. Coast Guard in 49 CFR 1.46(n)(4) authorize the Commandant to specify times of movement within ports and harbors, restrict vessel operations in hazardous areas and under hazardous conditions, and direct the anchoring of vessels. The sections listed in § 110.1a of this Subchapter are regulated under the Ports and Waterways Safety Act.

PART 110—ANCHORAGE REGULATIONS

2. By revising 33 CFR 110.1a to read as follows:

§ 110.1a Anchorages under Ports and Waterways Safety Act.

(a) The anchorages listed in this section are regulated under the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.):

(1) Section 110.155 *Port of New York.*

(b) Any person who violates any regulation issued under the Ports and Waterways Safety Act—

(1) Is liable to a civil penalty, not to exceed $25,000 for each violation;

(2) If the violation is willful, is fined not more than $50,000 for each violation or imprisoned for not more than five years, or both

* * * * *

3. By revising 33 CFR 110.155(d) to read as follows:

§ 110.155 Port of New York.

* * * * *

(d) *Upper Bay*—(1) *Anchorage No. 20–A.* That area enclosed by coordinates

starting at 40°42'02.5" N., 74°02'25.5" W.; to 40°42'06.5" N., 74°02'19.5" W.; to 40°42'05.0" N., 74°01'58.4" W.; to 40°41'54.5" N., 74°01'59.2" W.; thence to 40°41'53.0" N., 74°02'23.0" W.

(i) See 33 CFR 110.155 (d)(6), (d)(16), and (1).

(2) *Anchorage No. 20–B.* That area enclosed by coordinates starting at 40°41'47.0" N., 74°02'31.5" W.; to 40°41'42.0" N., 74°02'02.0" W.; to 40°41'35.3" N., 74°02'04.2" W.; to 40°41'29.9" N., 74°02'07.8" W.; to 40°41'42.6" N., 74°02'32.7" W.; thence back to 40°41'47.0" N., 74°02'31.5" W.

(i) See 33 CFR 110.155 (d)(6), (d)(16), and (1).

(3) *Anchorage No. 20–C.* That area enclosed by coordinates starting at 40°41'42.0" N., 74°02'43.0" W.; to 40°41'25.4" N., 74°02'10.7" W.; to 40°41'01.7" N., 74°02'26.2" W.; to 40°41'09.0" N., 74°02'41.5" W.; to 40°41'20.0" N., 74°02'59.2" W.; thence back to 40°41'42.0" N., 74°02'43.0" W.

(i) See 33 CFR 110.155 (d)(6), (d)(16), and (1).

(4) *Anchorage No. 20–D.* That area enclosed by coordinates starting at 40°41'09.5" N., 74°02'49.5" W.; to 40°40'59.2" N., 74°02'27.9" W.; to 40°40'44.5" N., 74°02'37.5" W.; to 40°40'42.7" N., 74°03'07.6" W.; thence back to 40°41'09.5" N., 74°02'49.5" W.

(i) See 33 CFR 110.155 (d)(6), (d)(16), and (1).

(5) *Anchorage No. 20–E.* That area enclosed by coordinates starting at 40°40'38.2" N., 74°02'59.6" W.; to 40°40'39.4" N., 74°02'40.9" W.; to 40°40'09.2" N., 74°03'00.7" W.; to 40°40'24.4" N., 74°03'24.6" W.; thence back to 40°40'38.2" N., 74°02'59.6" W.

(i) See 33 CFR 110.155 (d)(6), (d)(16), and (1).

(6) No vessel may occupy this anchorage for a period of time in excess of 72 hours without the prior approval of the Captain of the Port.

(7) *Anchorage 20–F.* That area enclosed by coordinates starting at 40°40'12.1" N., 74°03'41.6" W.; to 40°39'53.7" N., 74°03'10.8" W.; 40°39'34.7" N., 74°03'23.3" W.; to 40°39'49.9" N., 74°03'57.8" W.; thence back to 40°40'12.1" N.; 74°03'41.6" W.

(i) See 33 CFR 110.155(d)(9), (d)(16), and (1).

(8) *Anchorage 20–G.* That area encolsed by coordinates starting at 40°39'30.1" N., 74°04'08.0" W.; to 40°39'32.0" N., 74°03'53.5" W.; to 40°39'27.5" N., 74°03'42.5" W.; to 40°39'13.0" N., 74°03'51.0" W.; to 40°39'09.5" N., 74°04'23.1" W.; thence back to 40°39'30.1" N., 74°04'08.0" W.

(i) See 33 CFR 110.115(d)(9), (d)(16), and (1).

(9) This anchorage is designated a naval anchorage. The Captain of the Port may permit commercial vessels to anchor temporarily in this anchorage, ordinarily not more than 24 hours, when the anchorage will not be needed for naval vessels. Upon notification of an anticipated naval arrival, any commercial vessel so anchored must relocate at its own expense.

(10) *Anchorage 21–A.* That area enclosed by coordinates starting at 40°40'22.5" N., 74°01'35.2" W.; to 40°40'20.5" N., 74°01'27.7" W.; to 40°39'48.9" N., 74°01'22.4" W.; to 40°38'54.7" N., 74°02'18.9" W.; to 40°39'03.0" N., 74°02'28.3" W.; thence back to 40°40'22.5" N., 74°01'35.2" W.

(i) See 33 CFR 110.155(d)(16) and (1).

(11) *Anchorage No. 21–B.* That area enclosed by coordinates starting at 40°40'23.8" N., 74°02'10.9" W.; to 40°40'26.2" N., 74°01'49.5" W.; to 40°40'22.5" N., 74°01'35.2" W.; to 40°39'03.0" N., 74°02'28.3" W.; to 40°38'54.7" N., 74°02'18.9" W.; to 40°38'43.7" N., 74°02'30.3" W.; to 40°39'19.3" N., 74°03'03.3" W.; to 40°39'22.3" N., 74°03'02.4" W.; to 40°40'18.6" N., 74°02'25.5" W.; thence back to 40°40'23.8" N., 74°02'10.9" W.

(i) See 33 CFR 110.115(d)(16) and (1).

(ii) No vessel with a draft of 10 feet (3.048 meters) or less may occupy this anchorage without the prior approval of the Captain of the Port.

(12) *Anchorage No. 21–C.* That area enclosed by coordinates starting at 40°39'19.3" N., 74°03'03.3" W.; to 40°38'43.7" N., 74°02'30.3" W.; to 40°38'41.6" N., 74°02'32.5" W.; to 40°38'03.0" N., 74°02'48.7" W.; to 40°38'03.0" N., 74°03'03.5" W.; to 40°38'38.4" N., 74°03'15.5" W.; thence back to 40°39'19.3" N., 74°03'03.3" W.

(i) See 33 CFR 110.155(d)(16) and (1).

(ii) No vessel with a draft of 33 feet (10.0584 meters) or less may occupy this anchorage without the prior approval of the Captain of the Port.

(13) *Anchorage No. 23–A.* That area enclosed by coordinates starting at 40°38'36.5" N., 74°04'13.5" W.; to 40°38'37.0" N., 74°03'49.0" W.; to 40°38'23.4" N., 74°03'37.2" W.; to 40°37'49.5" N., 74°03'25.7" W.; to 40°37'49.5" N., 74°04'07.0" W.; thence back to 40°38'36.5" N., 74°04'13.5" W.

(i) See 33 CFR 110.155(d)(16) and (1).

(ii) No vessel may occupy this anchorage for a period of time in excess of 48 hours without the prior approval of the Captain of the Port.

(iii) No vessel with a length overall in excess of 670 feet (204.216 meters) may occupy this anchorage without the prior approval of the Captain of the Port.

(iv) No vessel with a draft of 40 feet (12.192 meters) or more may ocupy this anchorage without the prior approval of the Captain of the Port unless it anchors within 5 hours after ebb current begins at the Narrows.

(14) *Anchorage No. 23–B.* That area enclosed by coordinates starting at 40°37'49.5" N., 74°04'07.0" W.; to 40°37'49.5" N., 74°03'25.7" W.; to 40°37'27.0" N., 74°03'18.1" W.; to 40°37'23.0" N., 74°03'59.0" W.; to 40°37'30.5" N., 74°04'04.4" W.; thence back to 40°37'49.5" N., 74°04'07.0" W.

(i) See 33 CFR 110.155(d)(13)(ii) and (iv), (d)(16), and (1).

(ii) No vessel with a length overall of 670 (204.216 meters) or less may occupy this anchorage without the prior approval of the Captain of the Port.

(15) *Anchorage No. 24.* That area enclosed by coordinates starting at 40°37'23.0" N., 74°03'59.0" W.; to 40°37'27.0" N., 74°03'18.1" W.; to 40°36'40.1" N., 74°03'02.2" W.; to 40°36'25.5" N., 74°02'56.4" W.; to 40°36'21.0" N., 74°03'11.0" W.; to 40°36'25.0" N., 74°03'17.5" W.; thence back to 40°37'23.0" N., 74°03'59.0" W.

(i) See 33 CFR 110.155(d)(13)(ii) and (iv), (d)(16), and (1).

(ii) No vessel with a length overall of less then 800 feet (243.84 meters), or with a draft of less then 40 feet (12.192 meters) may occupy this anchorage without the prior approval of the Captain of the Port.

(16) any vessel anchored in or intending to anchor in Federal Anchorage 20–A through 20–G, 21–A through 21–C, 23–A and 23–B, 24, or 25 must comply with the following requirements:

(i) No vessel may anchor unless it notifies the Captain of the Port when it anchors, of the vessel's mane, length, draft, and it position in the anchorage.

(ii) Each vessel anchored must notify the Captain of the Port when it weighs anchor.

(iii) No vessel may conduct lightering operations unless it notifies the Captain of the Port before it begins lightering operations.

(iv) Each vessel lightering must notify the Captain of the Port at the termination of lightering.

(v) No vesel may anchor unless it maintains a bridge watch, guards and answers Channel 16 FM, and maintains an accurate position plot.

(vi) If any vessel is so close to another that a collision is probable, each vessel must communicate with the other vessel and the Captain of the Port on Channel 16 FM, and shall act to eliminate the close proximity situation.

(vii) No vessel may anchor unless it maintains the capability to get underway within 30 minutes except with

the prior approval of the Captain of the Port.

(viii) No vessel may anchor in a "dead ship" status (propulsion or control unavailable for normal operations) without the prior approval of the Captain of the Port.

(ix) Each vessel in a "dead ship" status must engage an adequate number of tugs alongside during tide changes. A tug alongside may assume the Channel 16 FM radio guard for the vessel after it notifies the Captain of the Port.

(x) No vessel may lighter in a "dead ship" status without prior approval from the Captain of the Port.

* * * * *

4. By revising 33 CFR 110.155(e) to read as follows:

* * * * *

(e) *Lower Bay.* (1) *Anchorage No. 25.* That area enclosed by coordinates starting at 40°35'58.2" N., 74°02'18.4" W.; to 40°36'12.0" N., 74°01'29.0" W.; to 40°36" 03.0 N., 74°00'52.5" W.; to 40°34'57.5" N., 74°00'25.0" W.; to 40°34'40.0" N., 74°01'03.0" W.; to 40°34'53.0" N., 74°01'56.1" W.; to 40°35'23.9" N., 74°02'04.8" W.; thence back to 40°35'58.2" N., 74°02'18.4" W.

(i) See 33 CFR 110.155(d)(16) and (1).

(ii) When the use of this anchorage is required by naval vessels, any commercial vessels anchored therein must move when directed by the Captain of the Port.

* * * * *

5. By amending 33 CFR 110.155 by renumbering paragraphs (l)(1) through (13) as (2) through (14) and adding a new paragraph (l) (1) as follows:

* * * * *

(l)(1) No vessel in excess of 800 feet (243.84 meters) in length overall or 40 feet (12.192 meters) in draft may anchor unless it notifies the Captain of the Port at least 48 hours prior to entering Ambrose Channel.

* * * * *

(33 U.S.C. 1221 et seq.; 33 U.S.C. 471; 49 U.S.C. 1655(g)(1); 49 CFR 1.46(n); 49 CFR 1.46(c)(1))

R. I. Price,

Vice Admiral, U. S. Coast Guard, Commander, Third Coast Guard District.

[FR Doc. 81-26100 Filed 9-4-81; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 110

[CGD05-81-6R]

Elizabeth River, Norfolk, Va.; Anchorage Regulations

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: Upon the petition of the Commonwealth of Virginia, Virginia Port Authority, the Coast Guard is proposing to amend the anchorage regulations by amending the northern boundary of the anchorage ground, Anchorage K-2, located generally east of the Craney Island and Norfolk Harbor Reaches of the Elizabeth River and across the mouth of the Lafayette River. Additionally, certain other existing boundaries of this anchorage ground will be amended to conform to current channel and shoreline configurations. The basis for these boundary revisions are to (1) accommodate a set of mooring structures proposed for construction by the Virginia Port Authority (See Department of the Army, Norfolk District, Corps of Engineers, Joint Federal State Public Notice NAOOP-P 81-0178-01 for details of this project); and (2) realign the boundaries of Anchorage K-2 to eliminate areas where the anchorage ground extends into a channel or berthing area, or where it overlaps shore areas. This acton will shift the northern boundary of Anchorage K-2 a maximum of 800 yards south at one point. This proposal will enhance navigation safety by separating navigating vessels from those at anchor within the anchorage.

DATES: Comments must be received by October 23, 1981.

ADDRESSES: Comments should be addressed to Commander (mps), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23705. Comments will be available for inspection at the Office of the Commander, Fifth Coast Guard District (mps), Room 412, Federal Building, 431 Crawford Street, Portsmouth, Virginia 23705.

FOR FURTHER INFORMATION CONTACT: Captain E. E. Moran, Chief, Port Safety Branch, Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23705, (804) 398-6389.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, data or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD05-81-6R) and the specific section of the proposal to which their comments apply, and give the reasons for each comment. Receipt of comments will be acknowledged if a stamped, self-addressed envelope is enclosed.

The proposed amendment may be changed in light of the comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid in the rulemaking process.

Drafting Information

The principal persons involved in drafting this notice are Lieutenant Commander J. G. Kotecki, Project Manager, Port Safety Branch, Fifth Coast Guard District, and Lieutenant M. L. Goodwin of the office of the District Legal Officer, Fifth Coast Guard District.

Discussion of the Proposed Regulations

The anchorage ground which is proposed to be amended lies in the Elizabeth River, Norfolk, Virginia, along the eastern side of the Craney Island and Norfolk Harbor Reaches, and at the confluence of the Lafayette River. With the exception of the dredged berthing area proposed to be eliminated by this amendment, the maximum charted depth of water available in this anchorage ground is seventeen feet. The majority of water in this anchorage ground has depths of ten feet or less. Consequently, this anchorage ground is considered usable only by small, shallow draft vessels. Adoption of this proposal would result in a minor reduction in the overall size of Anchorage K-2. However, adoption will also result in (1) the elimination of a use conflict between anchored vessels and vessels attempting to maneuver or moor in the dredged berthing area near Norfolk International Terminals; (2) allowing the proposed mooring dolphins to be constructed outside the anchorage ground at its northwestern end; (3) elimination of channel and shore areas contained within the existing anchorage boundaries; and (4) enhancement of the safety of navigation in and around Anchorage K-2 through clarification of the intended use of those waters.

An environmental assessment is currently being undertaken. An initial determination, however, is that this minor boundary revision would result in no impact on the quality of the human environment. The economic impact of this proposed rule on small businesses, nonprofit organizations, and government entities is considered to be minimal because, if adopted, the proposed rule will result in only (1) small boundary revisions to Anchorage K-2 that will cause the elimination of existing use conflicts within its boundaries, and (2) a minor reduction in the overall size of the anchorage ground, by eliminating a portion of it generally unused by the public. Thus, the changes to this

anchorage ground are not matters on which there is substantial public interest or controversy, nor do they involve impacts on competition, business, state or local government, or the regulatons of other programs and agencies.

This proposed regulation has been reviewed under the provisions of Executive Order 12291 and has been determined not to be a major rule. In addition, this proposed regulation is considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analaysis, and Review of Regulations (DOT Order 2100.5 of May 22, 1980). An economic evaluation has not been conducted since, for the reasons discussed above, its impact is expected to be minimal. In accordance with Section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

PART 110—ANCHORAGE REGULATIONS

In consideration of the foregoing, it is proposed to amend Part 110 of Title 33, Code of Federal Regulations, by revising § 110.168(c)(2) to read as follows:

§ 110.168 Hampton Roads, Va., and adjacent waters.

* * * * *

(c) *East of Norfolk Harbor channel—*

* * *

(2) *Anchorage K–2.* On the east side of Norfolk Harbor Reach and Craney Island Reach at the mouth of the Lafayette River, and within the boundaries described as follows: Starting at Tanner Point, latitude 36°54'13" N., longitude 76°19'25" W.; across the mouth of the Lafayette River to Boushs Bluff, latitude 36°54'14" N., longitude 76°18'43" W.; thence southerly along the shore to latitude 36°52'58.8" N., longitude 76°19'24.6" W.; thence to a point on the east side of the dredged area alongside Craney Island Reach at latitude 36°53'04.5" N., longitude 76°19'58.5" W.; thence northerly along the side of the dredged area to latitude 36°53'27" N., longitude 76°20'02" W.; thence northerly along the side of the dredged area to latitude 36°53'31" N., longitude 76°20'06" W.; thence northerly along the east side of Craney Island Reach and Norfolk Harbor Reach to latitude 36°54'46" N., longitude 76°20'14.6" W.; thence southeasterly to latitude 36°54'35" N., longitude 76°19'46.7" W.; thence south to latitude 36°54'25" N., longitude 76°19'46.7" W.; thence east to latitude 36°54'25" N., longitude 76°19'34" W.; thence along the shore to the point of beginning.

* * * * *

(Sec. 7, 38 Stat. 1053 (33 U.S.C. 471); sec. 6(g)(1)(B), 80 Stat. 937 (49 U.S.C. 1655(g)(1)(B), 49 CFR 1.46(c)(2) and 1.45(b))

Dated: July 2, 1981.

John D. Costello,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 81-26191 Filed 9-4-81; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-4-FRL 1925-5]

Approval and Promulgation of Implementation Plans; Florida: Proposed Florida Plan Revision for Point Source Emission Testing

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: EPA today proposes approval of all of the point source emission testing methods in the State Implementation Plan (SIP) revisions which the Florida Department of Environmental Regulation (FDER) has submitted on December 30, 1980, and May 29, 1981 This SIP revision is intended to replace the existing SIP regulations on testing which the FDER has not been allowed to enforce due to legal constraints. However, in this revision FDER did not submit testing regulations (methods) for all sources, thereby leaving numerous regulated sources without a test method. For all source categories for which FDER did not submit a test regulation, EPA will enforce the regulations using EPA test methods identified in 40 CFR Parts 60 and 61 until the State adopts and submits acceptable test methods. The public is invited to submit written comments on those proposed actions.

DATE: Comments must be received by October 8, 1981 to be considered.

ADDRESSES: Written comments should be addressed to Barry Gilbert of EPA Region IV's Air Programs Branch (see EPA Region IV address below). Copies of the material submitted by Florida 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

Department of Environmental Regulation, Twin Tower Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32302

Library, Environmental Protection Agency, Region IV, 345 Courtland Street, N.W., Atlanta, Georgia 30365

FOR FURTHER INFORMATION CONTACT: Barry Gilbert at the EPA Region IV address above or call 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: On December 30, 1980, and May 29, 1981, EPA received from the State of Florida an SIP revision that pertains to point source emission testing procedures used to enforce the emission regulations. The previous stationary source sampling procedures, which were adopted in 1971 by the predecessor of the Florida Environmental Regulation Commission and approved by EPA, were based on a wet impingement method and the ASTM in-stack method for particulate sampling and Western Precipitator (WP)–50 Bulletin (containing basic stack sampling procedures). EPA reference Methods 1–20 (Appendix A of 40 CFR Part 60) have been developed since 1971. Revisions to the Florida sampling manual were adopted in 1974 and 1975 prior to amendment of the Florida Administrative Procedures Act in 1974. These revisions reflected both extent EPA methods and the earlier Florida methods. These sampling procedures were never adopted as a rule under the revised Florida Administrative Procedures Act. As a result, they became void and unenforceable as of October 1, 1975. Present adoption of source sampling procedures by FDER responds to the need to resolve that issue as well as to remedy a deficiency in the SIP.

The regulations submitted December 30, 1980, and May 29, 1981, completely replace the State's previously adopted test method regulations. EPA proposes to approve all the regulations submitted. However, in this revision FDER did not submit testing regulations (methods) for all sources, but instead reserved sections, thereby leaving numerous regulated sources without a test method. Some of the source categories for which FDER did not submit test methods are as follows:

Particulate emissions from citrus plants controlled by a scrubber and subject to the process weight table (17–2.05(2)).

TRS emissions from recovery furnaces at kraft pulp mills (17–2.05(6)D).

Sulfur dioxide emissions from fossil fuel system steam sources (17–2.05(6)E).

Emissions from portland cement plants (17-2.05(6)F).

Particulate and visible emissions from carbonaceous fuel burning equipment (17-2.05(6)I).

EPA will enforce the above regulations using EPA test methods identified in 40 CFR Parts 60 and 61 until the State has adopted and submitted approvable test methods for these source categories. The public is invited to submit written comments on these proposed actions.

Discussion

The December 30, 1980, submission contained SIP revisions relating to FDER rule Sections 17-2.02 (Definitions), 17-2.08 (Sampling and Testing), 17-2.23 (Stationary Point Source Emissions Test Procedures) and 17-2.24 (Severability). The May 29, 1981, submittal modified and replaced the entire FDER rule Sections 17-2.23 (Stationary Point Source Emissions Test Procedures) and 17-2.24 (severability. EPA is proposing to approve FDER rule Sections 17-2.23 (Stationary Point Source Emissions Test Procedures) and 17-2.24 (Severability) as submitted May 29, 1981; and FDER rule Sections 17-2.02 (Definitions: (15) Batch Process and (69) Isokinetic Sampling or Isokinetic Conditions), and 17-2.08 (Sampling and Testing) as submitted December 30, 1980.

Sections 17-2.23, Florida Administrative Code (FAC), as adopted by the Florida Environmental Regulation Commission, limits the procedures for source sampling to regulatory provisions required by law. Procedures of FDER adopted in Section 17-2.23, FAC, are brought to agreement with EPA Methods where EPA methods are applicable. The differences between FDER Methods and EPA Methods are minor except for Method 2.

In regulation 17-2.23(6) (a) and (b), FAC, the following EPA Reference Methods are adopted in their entirety: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13A and 13B, 14, 15, 17, 19, and 20. For sources required to use EPA Method 5, flexible tubing may be inserted between the heated filter and the first impinger. The allowable length of the tubing is not specified. In addition the following FDER methods have been adopted: 1, 2, 3, 5, 6, and 9. FDER Methods 1 through 3, and 6 are substantially identical to the EPA Methods of the same number but are designed to apply to existing sources.

In regulation 17-2.23(6)(a)2., FAC, FDER Method 2, Stack Gas, Velocity and Volumetric Flow Rate, the State has relaxed the cyclonic flow restrictions for applying Method 2 to existing sources by increasing the allowed deviation from parallel flow 10 degrees to 20 degrees. The FDER feels the lack of adopted procedures for cyclonic flow sampling, the small number of affected major sources and the exceptional expense for alternate sampling methods and facilities, justifies this exception. This procedure is unacceptable according to the procedure as stated in the Code of Federal Regulations and the EPA Quality Assurance Handbook for Air Pollution System, and supported in the R & D Report titled "Angular Flow Insensitive Pitot Tube Suitable for Use with Standard Stack Testing Equipment", EPA Report 600/4-79-042. Because the pollutant emission rate is based upon the average stack gas velocity and volumetric flow rate measurements, it is critical to obtain accurate velocity readings. So unless the true direction of the flow is known and the "S" pitot tube is aligned with the flow, it cannot accurately measure the flow. For this reason, the USEPA Method 2 limits the "S" pitot tube to conditions of angular flow less than 10° from the stack axis. Exception to the 10° maximum limit may be considered on a case-by-case determination in advance of the test when EPA's proposed method to adjust for cyclonic flow is incorporated into the test procedure. Otherwise there should be no deviation from this maximum allowable limit as stipulated in Method 2 and in the "Quality Assurance Handbook for Air Pollution Measurement Systems, Vol. III.

In a June 17, 1981, letter to EPA, FDER stated that it had adopted the following procedure:

1. Measure the angle of flow at each traverse point and record the maximum angle observed.

2. Select the proper nozzle by conventional determination.

3. If maximum angle is less than ten degrees, do nothing since the percent error is only 1.5 percent for a maximum angle of 10°.

4. If maximum angle is more than ten degrees, multiply the actual nozzle diameter by the cosine of the largest angle observed in order to calculate the effective apparent nozzle diameter.

5. Put the effective apparent nozzle diameter on the nomograph and on the data sheet to figure isokinetic flow.

EPA can therefore approve FDER Method 2 with this modifying procedure.

Sections 17-2.600 (5) and (6) and 17-2.650 (2)(c)1. allow the use of certified transmissometers in determining compliance with the visible emissions standard. This special condition does not preclude the use of a certified visible emission reader in determining compliance with the applicable visible emission standard.

Sections 17-02.23(1)(c) and 17-2.23(3) provide that the FDER Secretary can, at his discretion, approve alternative test procedures. Further, the document entitled "Comparative Appraisal of SIP Revision With Previous Source Sampling Procedures", which accompanies the SIP submittal, provides in paragraph 5.e. that "for EPA test methods which are adopted by reference, the Secretary of the Department or his designee may approve alternative procedures whenever the EPA Method authorizes the Administrator to make such a determination."

Any alternative procedures adopted by FDER will not be effective under the SIP unless and until they are submitted to and approved by EPA as SIP revisions. Therefore, EPA is neither approving or disapproving such statements within the regulations.

Action

EPA today proposes approval of all of the point source emission testing methods which the FDER has submitted to provide procedures for point source emission sampling. For all source categories for which FDER did not submit a test regulation, EPA will enforce the regulations using EPA test methods identified in 40 CFR Parts 60 and 61 until the State has adopted and submitted acceptable testing methods or regulations.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified (46 FR 8709) that this proposed 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.

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.

(Sec. 110 of the Clean Air Act, as amended (42 U.S.C. 7410))

Dated: July 31, 1981.

John A. Little,

Acting Regional Administrator.

[FR Doc. 81-26194 Filed 9-4-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-4-FRL 1844-8]

Approval and Promulgation of Implementation Plans; Florida: Revision of Sulfur Dioxide Rule for Tampa Electric Company's Gannon Station

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: On December 3, 1980, the Florida Department of Environmental Regulation (DER) submitted a revision to its State implementation plan (SIP) as it applies to the Tampa Electric Company's (TECO) Gannon station. The SIP revision allows units 1–4 to convert back to burning coal while establishing a plantwide emission cap on the six units operating at the plant to prevent violations of the ambient air quality standards. EPA is today proposing to approve the submitted SIP revision.

DATE: To be considered, comments must be received on or before October 8, 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 System Branch, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460

Air Programs Branch, Environmental Protection Agency Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30365

FOR FURTHER INFORMATION CONTACT: Archie Lee, at the above address, 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: On December 3, 1980 DER submitted to EPA a SIP revision for the TECO Gannon Station which allows Units 1–4 to revert from oil back to coal. Since the area is measuring ambient concentrations of sulfur dioxide close to the Florida Ambient Air Quality Standard (FAAQS) for sulfur dioxide (Note: The FAAQS is 260 $\mu g/M^3$, or approximately 71% of the National Ambient Air Quality Standard), no increase in actual emissions of sulfur dioxide was allowed as part of the conversion to coal. The requirements imposed on the plant include a cap of 10.6 tons per hour (TPH) on a weekly average bubbled across the six units at the plant which is equivalent to current status quo emissions and a maximum unit limit of 2.4 lbs sulfur dioxide (SO_2) per million BTU (MBTU) heat input on a weekly average.

As the units were capable of burning coal prior to August 17, 1971, these units are not subject to the prevention of significant deterioration (PSD) requirements nor are the units subject to the new source performance standard (NSPS) requirements.

In the control strategy demonstration submitted with the plan revision, compliance with the 24-hour ambient proved to be the most restrictive case. The modeling analysis performed indicated that the Florida 24-hour ambient SO_2 standard of 260 $\mu g/m^3$ could be exceeded at plant operating rates of 10,500 MBtu/hour or greater with all units operating at the rate of 2.4 lbs/MBtu. Therefore, a compliance plan will be incorporated into the operating permit of each unit at the plant which will include pre-daily fuel analysis and load shifting when peak loads are projected to exceed 10,500 MBtu/hour. This load projection and fuel analysis are designed to prevent violations of the Florida 24-hour standard when threatened by high operating rates. The weekly average of 2.4 lbs/MBtu will prevail otherwise. To enforce the 2.4 lbs/MBtu limit, the operator will collect and store daily fuel samples. If the weekly average emission rate is in excess of 2.4 lbs/MBtu, the operator may be required to analyze the daily fuel samples to produce rolling 7-day average emission rates and, thus, determine the number of days of violation. Although Florida has adopted a plan revision to meet ambient standards more restrictive than the NAAQS, EPA's review only addressed the adequacy of meeting the NAAQS.

The State has submitted a control strategy which demonstrates that the proposed regulation, in its present form, will protect the 24-hour and 3-hour SO_2 NAAQS under worst case conditions. Given the margin of safety between the State 24-hour standard of 260 $\mu g/m^3$ which is the goal of this revision and the Federal standard of 365 $\mu g/m^3$, it is EPA's judgment that no violations of the short-term SO_2 NAAQS will occur. Therefore, EPA is proposing to approve the State's revision as submitted. The Agency is, however, soliciting comments on the approvability of the weekly averaging provision in the context of this revision.

DER did not include a testing procedure for coal analysis in the SIP revision, nor is there such a procedure in the State's test methods. Until DER submits a test procedure to accompany the adopted regulation, EPA will not be able to approve the submittal. After the test method and/or procedure for conducting the coal analysis is received, EPA will determine the approvability of such plan and then finalize the approval/disapproval action on the SIP revision. EPA is soliciting comments on this proposed action.

Proposed Action

The conversion of oil-fired units back to coal is consistent with our nation's plan to reduce our reliance upon oil for generating electricity. Since this plan revision does not jeopardize the maintenance of the NAAQS, EPA is today proposing to approve the TECO Gannon SIP emission limits and the State's use of coal analysis as a means of determining continual compliance. After reviewing all comments received and the supplemental material from DER, EPA will approve or disapprove the plan revision.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator has certified (46 FR 8709) that the attached rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements. Moreover, due to the nature of the federal-state relationship, federal inquiry into the economic reasonableness of the state actions would serve no practical purpose and could well be improper.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Anaylsis. This regulation is not major because it is not expected to have an annual effect on the economy of $100 million or more.

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

(Section 110(a) of the Clean Air Act (42 U.S.C. 7410))

Dated: May 4, 1981.

Rebecca W. Hanmer,

Regional Administrator.

[FR Doc. 81-26195 Filed 9-4-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-3-FRL-1910-8]

Commonwealth of Pennsylvania; Proposed Revision of the Pennsylvania State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: On May 18, 1981, the Commonwealth of Pennsylvania

submitted a proposed revision to its State Implementation Plan (SIP) which provides for attainment of the Total Suspended Particulate (TSP) National Ambient Air Quality Standards (NAAQS) in the area around Neville Island (the North Boroughs area) in Allegheny County, and establishes an alternative emission reduction plan (bubble) at the Shenango, Inc., Coke and Iron Works (Shenango) facility on Neville Island. The revision was developed in accordance with EPA's Bubble Policy as published in the Federal Register on December 11, 1979 (44 FR 71789) and other applicable SIP requirements. The proposed plan allows the trade-off of cast-house fugitive particulate emissions for particulate emissions from roads and parking areas within the plant boundaries. Control of emissions from roads and parking areas will result in a net air quality benefit, while costing much less than traditional cast-house controls.

DATE: Comments must be submitted on or before October 8, 1981.

ADDRESSES: Copies of the proposed SIP revision and the accompanying support documents are available for inspection during normal business hours at the following locations:

Environmental Protection Agency, Air Media & Energy Branch, 6th & Walnut Streets, Philadelphia, PA 19106, Attn: Patricia Sheridan (3AH11)

Allegheny County Health Department, Bureau of Air Pollution Control, 301 Thirty-ninth Street, Pittsburgh, PA 15201, Attn: Mr. Ronald J. Chleboski

Pennsylvania Department of Environmental Resources, Bureau of Air Quality Control, 200 North 3rd Street, Harrisburg, PA 17120, Attn: Mr. James Hambright

Public Information Reference Unit, Room 2922, EPA Library, Environmental Protection Agency, 401 M Street, S.W. (Waterside Mall), Washington, DC 20460

All comments on the proposed revision should be directed to: Mr. Glenn Hanson, Chief, Pennsylvania Section (3AH11), Air and Hazardous Materials Division, Environmental Protection Agency, Region III, Curtis Building, 10th Floor, 6th and Walnut Streets, Philadelphia, PA 19106, Attn: (AH027PA).

FOR FURTHER INFORMATION CONTACT: Mr. David L. Arnold, Environmental Protection Agency, Region III, Air Media & Energy Branch, Curtis Building, 10th Floor, 6th and Walnut Streets, Philadelphia, PA 19106, (215) 597-7936.

SUPPLEMENTARY INFORMATION:

Introduction

The proposed changes to the Pennsylvania SIP were submitted by Secretary Clifford L. Jones, on May 18, 1981. A public hearing on this revision was held on March 24, 1981, and the amendments were approved by the Allegheny County Commissioners on April 30, 1981.

The North Boroughs area of Allegheny County is currently designated as a primary and secondary nonattainment area for Total Suspended Particulates under Section 107 of the Clean Air Act. In nonattainment areas, the Act requires states to develop plans which demonstrate attainment of the TSP NAAQS as expeditiously as practicable, but not later than December 31, 1982.

On April 4, 1979, (44 FR 20372) EPA published a proposed rule entitled "General Preamble for proposed Rulemaking on Approval of State Implementation Plan Revisions for Nonattainment Areas," and published the following supplements on July 2, 1979, 44 FR 38583; August 28, 1979, 44 FR 50371; September 17, 1979, 44 FR 53761; and November 23, 1979, 44 FR 67182. The general preamble supplements this proposal, by identifying the major considerations that will guide EPA's evaluation of the submittal.

This proposed revision to the Pennsylvania SIP provides for the attainment of the TSP NAAQS in the North Boroughs area, and establishes an alternative emission reduction plan at the Shenango facility on Neville Island. This revision will be incorporated into the Part D plan for Allegheny County which was proposed in the Fed. Reg. on June 10, 1981 (46 FR 30655). Today's notice presents a discussion of the attainment demonstration, and then a description of the alternative emission reduction plan (bubble) at the Shenango facility.

Demonstration of Attainment

The attainment demonstration submitted with this revision consists of diffusion modeling for the base year (1979), for the existing SIP-approved regulations in 1982, and for the alternative plan which is discussed later in this notice. The model used was the EPA-approved Industrial Source Complex (ISC) model. Existing data on ambient levels of TSP were available from three monitors operated by the Allegheny County Bureau of Air Pollution Control (BAPC). These monitors indicate ambient TSP levels exceeding the primary NAAQS of 1975 $\mu g/m^3$ (annual geometric mean). Four additional monitors were installed and operated in areas of expected high concentrations which were predicted by a preliminary run of the ISC model. This data base was used in order to test attainment strategies through further modeling. This modeling predicted ambient TSP levels exceeding the annual standard in 1979 (the validation run) over a portion of the North Boroughs area. A small nonattainment area was predicted in the area surrounding the Stowe monitor (on the southeastern side of the river below Neville Island) for 1982. However, no exceedances of the annual standard were predicted for 1982 under the alternative plan, as discussed later in this notice.

The demonstration of attainment for the primary 24-hour TSP standard consisted of a statistical analysis techique (Larsen's transformation) which indicated that if the annual TSP standard was met, the 24-hour ambient TSP levels would also be below the standard.

Attainment of the secondary standard (150 $\mu g/m^3$ for a 24-hour average) was demonstrated by an analysis of ambient air quality and emission trend data. The results of this analysis indicate that reductions beyond those necessary to attain the secondary standard can be achieved.

EPA has reviewed the information submitted by the Commonwealth as a basis for this SIP revision. Based on this review, EPA is today proposing to approve this attainment demonstration as a part of the Pennsylvania SIP.

Alternative Emission Reduction Plan

The alternative emission reduction plan (bubble) submitted by the Commonwealth involves the Coke and Iron Works of Shenango, Incorporated, located on Neville Island in the North Boroughs area. This bubble would allow the control of in-plant fugitive emissions from road surfaces in lieu of controlling fugitive blast furnace cast-house emissions as required by Sections 401 and 402, Chapter IV, Article XX of the Allegheny County Health Department regulations. These regulations were porposed for approval as reasonably available control technology on June 10, 1981 (46 FR 30655). This plan was developed in accordance with EPA's Bubble Policy published on December 11, 1979, 44 FR 71789 and a federal court decree allowing for such a plan. Controls provided by this plan have been implemented and compliance data is being reported. The alternative plan will result in a net air quality benefit in addition to significant cost savings to Shenango, Incorporated.

The regulations implementing this bubble are contained in Section 902, Chapter IX, Article XX of the Allegheny County Health Department. This section applies only to fugitive emissions from Shenango's blast furnance "B", or to blast furnace "A", when "B" is shut down for routne maintenance, and relieves the source from compliance with Section 401 with respect to fugitive emissions when in compliance with this section.

The alternative emission reduction plan requires Shenango to properly maintain and repair all paved roads and parking lots; to vacuum sweep all roads once a day and parking lots once a week weather permitting; and to apply a chemical dust suppressant once a month to all unpaved roads and once every three months to all berms and parking areas at an application rate sufficient to achieve optimum dust suppression. In addition, in-plant traffic will be limited to a speed of 5 miles per hour, or 15 miles per hour on the access road.

In order to ensure compliance with the above procedures, sampling and recordkeeping requirements have been established. For a period of one year, surface aggregate samples must be collected from varying locations, and at varying times, from paved roads and parking lots, unpaved roads, and unpaved berms and parking areas. This sampling will occur at least once a week on unpaved roads and once a month on the other areas. Methods of analysis are specified in the regulation, and records must be kept on the locations, times, and most recent sweeping or dust suppressant application for each sample location. Plant traffic must be monitored at varying locations until January 1, 1983, at which time this requirement may be reduced by the BAPC depending on improvements in TSP air quality. In addition, records must be kept on the operation of the vacuum sweeper and on the purchase and application of the chemical dust suppressant.

Ambient monitoring will be required for TSP in the vicinity of the plant in order to evaluate the effectiveness of this bubble plan. Quarterly reports must be submitted to the BAPC which describe activities undertaken under this plan, and include minimum records as specified in the regulation on efforts to control non-traditional fugitive emissions. In the regulation it is stated that in the event of failure to comply with any of the requirements of this regulation, remedies under Section 305 of Article XX may be applied.

In order to demonstrate the effectiveness of the non-traditional controls in reducing ambient levels of TSP, a six-month site specific monitoring analysis was conducted. This analysis included monitoring before and after a portion of the non-traditional controls were implemented. The results indicated a 70 percent reduction of emissions was achieved by controlling of unpaved roads, while 80 percent control was achieved on the paved roads. County regulations controlling fugitive emissions from non-traditional sources are currently scheduled to become effective in 1982. These would require 35 percent control of these sources. The amount of controlled emissions above 35 percent is providing the net air quality benefit for this bubble. This reduction amounts to 297 tons per year from road and parking area controls. This reduction exceeds the TSP emission reductions that would occur from the installation of fugitive cast-house emission controls, 90 tons per year according to EPA estimates, providing for an overall reduction in TSP emissions of 207 tons per year.

EPA has reviewed this proposed bubble according to the Bubble Policy and SIP revision requirements, and is today proposing approval of this bubble.

The public is invited to submit, to the address stated above, comments on whether the proposed changes to the regulations should be approved as a revision to the Pennsylvania State Implementation Plan.

The Administrator's decision to approve or disapprove the proposed revision will be based on the comments received and on a determination of whether the amendments meet the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

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, if promulgated, 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) the Administrator has certified that SIP approvals under sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. See 46 FR 8709 (Juanuary 27, 1981). This action, if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action only approves State actions. It imposes no new requirements.

(42 U.SC. 7401–642)

Dated: July 15, 1981.

Jack N. Schramm,

Regional Administrator.

[FR Doc. 81-28193 Filed 9-4-81; 8:45 am]

BILLING CODE 6560-38-M

[A-5-FRL-1922-8]

40 CFR Part 81

Designation of Areas for Air Quality Planning Purposes; Ohio; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correction to proposed rule.

SUMMARY: This notice corrects the proposed sulfur dioxide nonattainment area boundaries in Lake County, Ohio which were partially omitted from the text of the **Federal Register** dated July 27, 1981, (46 FR 38386). That notice proposed to revise the total suspended particulate and sulfur dioxide attainment status designation for Lake County.

FOR FURTHER INFORMATION CONTACT: Sharon Kraft of the EPA Region V Air Programs Branch at (312) 886–6034.

SUPPLEMENTARY INFORMATION: The proposed total suspended particulate secondary nonattainment area includes Fairport Harbor and Grand River. The proposed sulfur dioxide primary nonattainment area in Lake County should read as follows: Primary Nonattainment: Cities of Eastlake, Timberlake, Lakeline, Willoughby (north of U.S. 20), and Mentor (north of U.S. 20, east of S.R. 306).

Attainment: Remainder of Lake County.

(Section 107(d) of the Clean Air Act, as amended)

Dated: August 17, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-28196 Filed 9-4-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 81

[A-2-FRL 1925-3]

Designation of Areas for Air Quality Planning Purposes; Revisions to Section 107 Attainment Status Designations for New York State

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The purpose of this notice is to propose Environmental Protection Agency approval of a request from New York State to revise the attainment status designations of the northwest portion of Staten Island, New York from "does not meet primary standards" to "better than national standards" for carbon monoxide. Such designations are required by section 107(d) of the Clean Air Act and may be revised from time to time at the request of the state. This request for redesignation was received from New York State on August 7, 1981.

DATE: Comments must be received on or before October 8, 1981.

ADDRESSES: All comments should be addressed to: Richard T. Dewling, Ph.D., Acting Regional Administrator, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278.

Copies of the State's request are available for public inspection during normal business hours at:

U.S. Environmental Protection Agency, Air Programs Branch, Room 1005, Region II Office, 26 Federal Plaza, New York, New York 10278

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

New York State Department of Environmental Conservation, Division of Air, 50 Wolf Road, Albany, New York 12233.

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278, (212) 264–2517.

SUPPLEMENTARY INFORMATION: Section 107(d) of the Clean Air Act directed each state to submit to the Administrator of the Environmental Protection Agency (EPA) a list of national ambient air quality standard attainment status designations for all areas within the state. EPA received such designations from the states and promulgated them on March 3, 1978 (43 FR 8962). As authorized by the Clean Air Act, these designations have been revised from time to time at a state's request. Today's notice deals with such a request from New York State. On August 7, 1981, the New York State Department of Environmental Conservation (NYSDEC) requested that the northwest portion of Staten Island, defined by the Tri-State Regional Planning Commission (the Metropolitan Planning Organization for the New York City metropolitan area) as Traffic Analysis Zone 16, be redesignated from "does not meet primary standards" to "better than national standards" for carbon monoxide.

The State bases its carbon monoxide redesignation request on the results of a carbon monoxide "hot-spot" air quality modeling analysis. This analysis was conducted at six potential "hot-spot" intersections and six roadway segments identified jointly by the technical staff of EPA Region II and the NYSDEC as having the greatest potential to have ambient violations. The analysis utilized EPA's HIWAY 2 carbon monoxide air quality model in conjunction with conservative worst-case traffic data, meteorological conditions and existing ambient background concentrations. It was performed in a manner consistent with EPA's "Guidelines for Air Quality Maintenance Planning and Analysis, Volume 9 (revised): Evaluating Indirect Sources" (EPA–450/4–78–001, September, 1978).

The analysis indicated that in all but one location the eight-hour national ambient air quality standard for carbon monoxide is being attained throughout the study area. In all cases the one-hour standard is currently being attained.

The one exception relates to the predicted nonattainment of the eight-hour standard in an area within approximately 10 meters of the highway right-of-way immediately adjacent to the toll booth area at the Goethals Bridge. This area, however, is not readily accessible to the public and, for this reason, EPA has determined that this limited area represents an "unreasonable" ambient receptor location as defined in the previously referenced EPA document on evaluating indirect sources. Moreover, NYSDEC has submitted an analysis which indicates that based on the tailpipe emissions reductions from the Federal Motor Vehicle Emission Control Program and the implementation of New York's automobile emissions inspection and maintenance program, the carbon monoxide standard in the toll booth area will be attained during 1982 and thereafter.

Therefore, based on EPA's review of the technical material submitted by the State, EPA proposes to approve the State's request for redesignation to attainment.

EPA's proposed decision regarding approval of this proposed redesignation was based on its meeting the requirements of sections 107 and 301 of the Clean Air Act and applicable EPA guidelines.

Interested persons are invited to comment on any element of the subject proposal and on whether it meets Clean Air Act requirements. Comments received by October 8, 1981 will be considered in EPA's final decision. All comments received will be available for inspection at the Region II Office of EPA at 26 Federal Plaza, Room 1005, New York, New York 10278.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that attainment status redesignations under section 107(d) of the Clean Air Act will not have a significant economic impact on a substantial number of small entities (40 FR 8790; January 27, 1981). The proposed action constitutes such an attainment status redesignation under section 107(d) within the terms of the January 27 certification. This proposed action imposes no regulatory requirements but only changes area air quality designations. Any regulatory requirements which may become necessary as a result of this action will be dealt with in a separate action.

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 imposes no requirements. Its purpose is to change the attainment status designations for certain areas from nonattainment to attainment.

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

(Sections 107 and 301 of the Clean Air Act, as amended (42 U.S.C. 7407, 7601))

Dated: August 24, 1981.

Richard T. Dewling,

Acting Regional Administrator, Environmental Protection Agency.

[FR Doc. 81-26197 Filed 9-4-81; 8:45 am]

BILLING CODE 6560-38-M

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service

41 CFR Part 101–11

Records Management; Updating Certain Firesafety Requirements

AGENCY: General Services Administration.

ACTION: Proposed rule.

SUMMARY: The General Services Administration (GSA) proposes to amend its regulations to update certain firesafety requirements; to change the report period for the Agency Record Center Annual Report (Interagency Report Number 1097–GSA–AN) from 60 to 30 calendar days following the close

of each fiscal year; and to clarify coverage of these regulations.

DATE: Comments must be received on or before November 9, 1981.

ADDRESS: Written comments should be sent to the General Services Administration (NC), Washington, DC 20408.

FOR FURTHER INFORMATION CONTACT: Mr. George N. Scaboo, Acting Assistant Archivist for Federal Records Centers (202–724–1614).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purpose 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.

Accordingly, GSA proposes to amend 41 CFR Part 101–11 as follows:

PART 101–11—RECORDS MANAGEMENT

Subpart 101–11.4—Disposition of Federal Records

1. Section 101–11.412 is revised to read as follows:

§ 101–11.412–1 Authority.

Federal agencies are authorized to maintain and operate records centers for the storage, servicing and disposal of their own noncurrent records when such centers are approved by the Administrator (44 U.S.C. 3103). Centers operated by Federal agencies are referred to in this Part 101–11 as "agency records centers."

2. Section 101–11.412–2 is amended by revising paragraphs (a)(1), (b)(1), (b)(7), (b)(14), (b)(18), and by adding a new paragraph (c) to read as follows:

§ 101–11.412–2 Facility standards for agency records centers.

* * * * *

(a) *General.*

(1) The facility should be a single-story building, at or above grade-level, constructed with noncombustible materials.

* * * * *

(b) *Fire safety.*

(1) All walls separating records storage areas from each other and from other portions of the building shall be 4-hour fire resistant. The records area shall not exceed 40,000 square feet each. Two-hour-rated firewalls shall be provided between the records storage areas and other auxiliary spaces. Penetrations in the walls shall not reduce the specified fire-resistance ratings.

* * * * *

(7) Where light steel roof or floor supporting members (e.g., bar joists having top chords with angles 2 by 1½ inches or smaller, ¼-inch thick or smaller, and $^{13}/_{16}$-inch or smaller web diameters) are present, they shall be protected either by applying a 10 minute fire resistive coating to the top chords of the joists, or by retrofitting the sprinkler system with large drop sprinkler heads. Retrofitting may require modifications to the piping system to ensure that adequate water capacity and pressure are provided in the areas to be protected with these large drop sprinkler heads.

* * * * *

(14) The sprinkler system shall be equipped with a water-flow alarm connected to a continuously staffed fire department or central station, with responsibility for immediate response.

* * * * *

(18) Interior firehose stations equipped with a 1½-inch diameter hose shall be provided in the records storage areas, enabling any point in the records storage area to be reached by a 50-foot hose stream from a 100-foot hose lay. The fire hoses shall not be provided, however, unless training in the handling and use of small hose, protective gear, and breathing equipment has been given, and these protective items are available for brigade members.

* * * * *

(c) *Archives.*

(1) Archival materials, whether on paper, plastic, or other media, generally require a much higher level of protection than temporary records, such as environmentally controlled and filtered storage space, and other safety measures not included in this section on agency records centers.

(2) Firesafety criteria for archives shall be the same as that for records centers, except that fire detection shall be incorporated into the archival storage area in accordance with NFPA Standard 72E, and fire divisions in the archival storage areas may be reduced in size to reflect a management decision on the maximum amount of archives subject to damage or loss from fire.

3. Section 101–11.412–3 is amended by revising paragraphs (a)(1), (a)(2), and (d) to read as follows:

§ 101–11.412–3 Requests for authority to establish or relocate records centers.

(a) *Exclusions.* For purposes of this section, the term "agency records center" excludes:

(1) Staging areas containing less than 5,000 square feet of storage space each used by agencies for the temporary storage of materials before their transfer to a records center or other disposition provided no records are held in these staging areas more than 5 years. The facility standards in § 101–11.412–2 apply to these staging areas.

(2) Holding areas of less than 5,000 square feet each used solely for the storage of noncurrent records that are not suitable for transfer to a records center or archives for economic, high security, technical servicing, or other reasons. The facility standards in § 101–11.412–2 apply to these records areas.

* * * * *

(d) Annual agency records center report. Each Federal agency operating one or more agency records centers shall submit to the General Services Administration (NC) a report on Standard Form 137, Agency Recores Center Annual Report (see § 101–11.4905), for each center within 30 calendar days after the close of each fiscal year. This standard form will be revised to show the new reporting period as 30 calendar days after the close of each fiscal year. Agencies may use existing supplies of SF 137's pending availability of the revised form.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: August 14, 1981.

Robert M. Warner,

Archivist of the United States.

[FR Doc. 81–26009 Filed 9–4–81; 8:45 am]

BILLING CODE 6820–26–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[Gen. Docket No. 81–499]

Equal Access to Justice Act Rules; Correction

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects the FCC number assigned to the Notice of Proposed Rule Making in Gen. Docket 81–499 concerning Equal Access to Justice Act Rules. Due to a typographical error, the FCC number was mentioned as being *81–336*. The correct number is *FCC 81–386*.

FOR FURTHER INFORMATION CONTACT:
Sue Preskill, Office of General Counsel, (202) 632-6990.

SUPPLEMENTARY INFORMATION:

Released: August 25, 1981.

On August 4, 1981, the Commission adopted a Notice of Proposed Rule Making in the above-captioned proceeding (46 FR 43068; August 26, 1981). Inadvertently, the FCC number assigned was stated as being *81-336*. The correct FCC number should read *81-386*.

William J. Tricarico,
Secretary.

[FR Doc. 81-26071 Filed 9-4-81; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 15

[Gen. Docket No. 81-461; RM-3797; FCC 81-319]

Request of General Electric Co. To Exempt Medical Diagnostic Equipment From the Commission's Rules

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This Notice responds to petitions from the General Electric Company and the Health Industries Manufacturers Association to exempt from the measurement, recordkeeping and labeling computing device rules those medical devices marketed for use in hospitals.

DATE: Comments due October 5, 1981. Reply comments due October 20, 1981.

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

FOR FURTHER INFORMATION CONTACT:
Mr. L. Art Wall, Office of Science and Technology, RF Devices Branch, Washington, D.C. 20554. (202) 653-8247. Room 8302.

SUPPLEMENTARY INFORMATION:

Adopted: July 16, 1981.

Released: August 28, 1981.

By the Commission: Commissioner Dawson abstaining from voting.

In the matter of Request of General Electric Company to Exempt Medical Diagnostic Equipment from Subpart J of Part 15 of the Rules of the Federal Communications Commission, GEN Docket 81-461, RM-3797.

1. Over the past several years the Commission has been concerned with the potential for interference to radio and television reception caused by equipment utilizing digital electronics technology (computing devises). In an effort to control both radiated and conducted emissions, the Commission initiated a Notice of Proposed Rulemaking in Docket 20780 looking towards establishing radio frequency emanation limits on computing equipment. On October 11, 1979, the Commission released rules establishing technical standards and equipment authorization procedures for computing equipment.[1] These rules were revised on reconsideration. The revised rules were released on April 9, 1980.[2]

2. These rules, which are in Subpart J of Part 15, establish two classes of computing equipment: Class B which is basically marketed for use in a residential environment; and, Class A marketed for use in a commercial environment. They specify limits for conducted and radiated interference as well as specify the equipment authorization procedure to be used to demonstrate compliance. Finally, the rules provide a labeling procedure to make the purchaser aware of compliance with our rules and the interference potential of the equipment.

3. On October 16, 1980, the Health Industry Manufacturers Association (HIMA) filed a petition asking the Commission to waive the requirements in § 15.805 for an interim label and an instruction manual insert for medical computing devices.[3] HIMA argued that the interim label, required between January 1, 1981, and October 1, 1981, on all non-complying Class A computing devices, would at a minimum, cause confusion among users and Food and Drug Administration (FDA) inspectors. Furthermore, HIMA stated the interim labeling requirement might actually require manufacturers to be in violation of FDA labeling requirements.[4] Comments filed in response to this petition were received from the General Electric Company (GE—a manufacturer of medical devices), the American Hospital Association (AHA), and the Food and Drug Administration (FDA).[5] The GE and AHA comments were generally supportive of the HIMA arguments, and, in fact, GE followed submission of their comments to the HIMA petition with a petition of their own requesting that medical diagnostic equipment be placed with the four other categories of equipment currently exempt from the emanation limits and measurement requirements of the Commission's computing device rules.[6] The GE petition is the subject of this Notice.

4. On December 4, 1980, the Commission responded to the HIMA petition by granting a waiver of the interim labeling requirement for medical computing devices pending the outcome of the instant proceeding.[7,8]

The GE Request for Exemption

5. The GE petition argues that the Commission had not thoroughly examined the need for, or the costs of, their regulations with respect to medical devices used in hospitals and clinics. Its arguments included: a rationale why radio frequency interference (RFI) caused by these devices is extremely unlikely; assertion of enormous economic burden on manufacturers of these devices; and a discussion of possible overlapping authority between two federal regulatory agencies.

6. GE's assertion that medical computing devices used in hospitals and clinics are unlikely to create RFI problems hinged on a number of specific assumptions:

(a) Because equipment reliability is critical in the health care field, electromagnetic compatibility/electromagnetic interference (EMC/EMI) considerations must be, and are, designed into medical devices;

(b) More than 95% of GE's medical devices are installed in hospitals and clinics;

(c) The operating environment for medical devices is such as to limit the probability of interference occurring, since most hospitals and clinics are located substantial distances from other spectrum users, and since most hospitals and clinics are constructed with steel reinforced concrete walls that further shield other spectrum users from emanations from medical devices;

(d) The operating power supplied to hospitals and clinics is usually at extremely high voltage, stepped down

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[1] First Report and Order in Docket 20780, adopted September 18, 1979, released October 11, 1979, 79 FCC 2d 28 (1979), 44 FR 59530, October 16, 1979.

[2] Order Granting in Part Reconsideration in Docket 20780, adopted March 27, 1980, released April 9, 1980, 79 FCC 2d 67 (1980), 45 FR 24154, April 9, 1980.

[3] This petition was put on public notice on October 23, 1980.

[4] The required interim label stated the equipment had not been tested to determine compliance with FCC specifications. In fact, equipment might have been tested and yet not in compliance.

[5] The GE comment was received on November 5, 1980; the AHA comment was received on November 7, 1980; and the FDA comment was received on November 24, 1980.

[6] GE's petition was considered a rulemaking. It was assigned number RM-3797 and placed on public notice November 25, 1980. Comments were received from Health Industry Manufacturers Association (HIMA—on December 29, 1980), Association of Maximum Service Telecasters, Inc. (AMST—January 5, 1981), and the National Electrical Manufacturers Association (NEMA—December 9, 1980).

[7] Order Waiving Section 15.805 for Medical Devices, adopted December 4, 1980, released December 11, 1980, 45 FR 83504, December 19, 1980.

through transformers that further act to isolate the power network from emanations from medical devices.

7. GE's assertion of economic impact on manufacturers of medical equipment used in hospitals and clinics is based on a number of specific problems that may be unique to this industry:

(a) Most individual models are manufactured in relatively low volume (GE says lots of 10's or 100's are not unusual), therefore, the number of individual measurements required for a particular firm may be very large, and consequently, very expensive;

(b) Because of FDA's strict prohibition against mislabeling, the number of units of a particular model, and the number of different configurations of a particular system that must be tested for compliance is probably much larger than for computing device manufacturers outside the medical device field;

(c) Many of the medical devices GE and others manufacture are extremely large, physically, and require high voltages and currents to operate. These physical and electrical restraints reduce the number of testing facilities that can perform compliance tests on these particular types of equipment—thereby increasing delay before a product can be marketed, hence increasing manufacturers' costs;[9]

(d) On site testing, as permitted by the computing device rules, is generally unfeasible because of the high ambient noise conditions present at most hospitals and clinics, and because of the unique structural materials used in some areas where these devices might be routinely operated (e.g., lead lined x-ray rooms);

(e) Many manufacturers in the medical diagnostic industry assumed that their equipment was exempt from the computing device rules since one of the categories specifically relieved of the requirements was "medical test equipment," and, they, therefore, had not begun to make the necessary tests and modifications until very recently.[10] This will cause more delays and add to increased costs.

8. GE's final argument concerns the possibility of two federal regulatory agencies (specifically, the FCC and the FDA) having overlapping authority in a particular area, and the resulting confusion among that segment of the public coming under both sets of regulations. GE urges the Commission to coordinate any contemplated regulatory activities with the FDA to insure this does not occur. In particular, the FDA has been moving in the area of promulgating EMC/EMI standards that are somewhat different than the FCC's.[11] If, and when, FDA establishes regulatory standards in this area, the medical equipment industry might be required to meet two somewhat conflicting regulatory requirements, GE asserts.

Comments From HIMA and NEMA

9. The comments from HIMA and NEMA generally supported GE's contentions that the Commission's regulations with respect to medical devices were unnecessary, extremely costly, and could be in conflict with upcoming or existing FDA regulations. In addition, HIMA advanced two areas the Commission should consider in this proceeding. First, HIMA recognized that some particular medical devices may offer a much higher potential for interference to radio and television reception than the group as a whole, and they urged the Commission to study the entire area to determine what these products are, and to establish an appropriate set of regulations to deal with these products. Second, HIMA states that if the current proceeding results in regulations requiring medical device manufacturers to verify compliance of their products, the existing compliance timetable is impossible to meet—both the date of October 1, 1981 for newly manufactured products, and October 1, 1983, for all products. The October 1, 1981, date presents problems because of both the uncertainty presented by this proceeding and the (now) known time lag of developing a product and scheduling it for tests. The 1983 date presents problems because of the long life of medical device designs. For example, a product designed before the promulgation of the computing device rules may still be in manufacture after the 1983 compliance date.

AMST Comment

10. The one comment that was not entirely supportive of the GE petition was received from the Association for Maximum Service Telecasters, Inc. (AMST), an organization of approximately 250 television broadcast licensees. While not denying that the GE petition had merit, AMST argued that the Commission should ascertain that no interference to television reception was occurring before granting GE's requested exemption. AMST suggested one way of the Commission being sure of this fact was to obtain evidence similar to that received earlier in this proceeding, where specific emission measurement results were submitted.[12]

Discussion

11. We are persuaded that some of GE's arguments appear to have merit. Further, we recognize some confusion may have existed from the ambiguity of the language in the Reconsideration Order that exempted test equipment (i.e., equipment used to test medical equipment) from the computing rules, and this was a major part of our rationale in our issuance of an interim waiver for medical computing devices. In spite of these concerns, we continue to believe positive action by the FCC is required to control interference to radio and television reception from all sources including medical computing devices.

12. We are particularly sensitive to the possibility of overlapping regulations between ourselves and the Food and Drug Administration. Informal discussions between FCC and FDA staff, however, indicate that FDA is not considering the promulgation of any mandatory, across the board, EMC/EMI standard. The FDA standard is currently voluntary, and although the FDA does provide a mechanism for conforming with the standard, application of the mechanism can result in many parts of the standard not being met. We do not believe this existing regulatory structure provides adequate protection to existing spectrum users, and we cannot, therefore, defer to the FDA in this area. Although the prospects are currently unlikely, we do recognize that in the future the FDA may promulgate these or other EMI standards into regulation. At that time, we will move to revise our requirements.

13. We feel government-mandated EMI standards designed to prevent *all* interference are not cost-effective since in many instances, the interference is "intra-user" in nature (e.g., interference from a person's computer to their television receiver). Therefore, our existing interference emanation standards were established to protect communications from interference generated by computing devices that were physically close to, but not under the control of, the communications user. This general philosophy resulted in the establishment of the two tier standard currently in our rules. This Standard

[9] GE estimated that the cost for testing 100 units would be approximately $1 million.

[10] Section 15.801(c)(3). In this rule section, the phrase "medical test equipment" is meant to exempt equipment used to test and repair medical devices. This rule section is not intended to exempt medical computing equipment.

[11] FDA Electromagnetic Compatibility Standard for Medical Devices, MDS-201-0004 (1979).

[12] "Limits and Methods of Measurement of Electronic Data Processing and Office Equipment," CBEMA/ESC 5/77/29 (1977).

permits computing devices in a commerical environment (Class A), where the probability of inter-user interference is low, to emit more radio frequency radiation than computing equipment in a home or residential environment (Class B), where the probability of inter-user interference is high.[13] Since our files do not contain any reports of interference from medical devices to other spectrum users, and since we are willing to initially accept GE's contention that the vast majority of medical devices are likely to be installed in hospitals—areas generally at substantial distance from other spectrum users—we propose to add a new category of equipment that is currently exempt from the requirements of our computing rules.[14] Specifically, we propose a new § 15.801(c)(5) which would include among those computing devices subject to § 15.803 but currently exempt from complying with other requirements of that subpart, medical computing devices marketed for use in hospitals.[15] (These and other proposed rules are included in Appendix A.) We are currently unsure how the term hospitals should be defined, and we hope to receive some guidance on this point in the public comment. Initially, we believe the term should include those facilities designed for more than 10 inpatients.

14. We propose to require the remainder of medical devices utilizing digital techniques (medical computing equipment marketed for use in areas outside of hospitals notwithstanding their use in hospitals) to meet the current emanation, verification, and labeling requirements depending on how they are marketed. For example, equipment marketed for residential use will be Class B verified equipment. The remainder will be Class A verified equipment.[16] We specifically request comments on whether doctors' offices should be considered residential environments.

15. In order to provide manufacturers of medical computing equipment which will remain subject to the verification requirements sufficient time to bring their products into compliance, we propose to modify the compliance timetable contained in § 15.814(a). Specifically, we propose to require equipment first manufactured 10 months after the new rules are finalized to be in compliance. In addition, we propose to require that existing equipment meet the labeling requirement of § 15.805 by that date. The October 1, 1983, date (by which all equipment must be in compliance) will be extended a similar period of time.

16. Although we have granted a waiver of the interim labeling rules, once this proceeding is completed at least some equipment may be required to be labeled. While it is conceivable the current interim labeling requirements can present a problem for medical computing device manufacturers, we do not believe the best solution is to eliminate the requirement.[17] The current interim labeling language was drafted so as to both alert users of computing equipment that did not meet the technical standards to the possibility of interference, and provide manufacturers of this equipment with an incentive to have their equipment meet the standards before the date required by the regulations in order to utilize a label with less harsh language. In order to keep this incentive structure, and at the same time relieve all manufacturers (not just medical device manufacturers) of any mislabeling charges, we suggest that optional labeling language be provided in the rules that can be used in lieu of that contained in § 15.805(a)(1). Specifically, the following language is proposed:

> This equipment does not meet current emanation requirements contained in new FCC Rules (47 CFR Part 15) designed to limit interference to radio and TV reception. While these regulations permit the sale of this equipment, its operation in a residential area may cause unacceptable interference requiring the operator to take whatever steps are necessary to correct the interference.

17. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 601 *et seq.*, the Commission issues the following initial regulatory flexibility analysis:

I. *Reason for action.*

It appears computing devices installed or located in hospitals may pose significantly lower probability of interference than other categories of computing devices. If this is true, the proposed action will relieve manufacturers of this equipment of an apparent undue economic burden.

II. *The objective.*

The Commission is proposing to exempt computing devices located in hospitals from complying with the specific emanation limits and labeling requirements being imposed on most other computing devices.

III. *Legal basis.*

The legal basis for the FCC to promulgate regulations governing the RF interference potential of equipment is contained in 47 U.S.C. 302(a).

IV. *Entities affected; nature of economic impact; significant alternatives.*

The rules proposed in this Notice would relieve a regulatory burden on all manufacturers of medical computing devices marketed for hospitals. In the Commission's view, this would have an economically beneficial effect on these manufacturers. There will, however, be a relatively small number of different models of medical computing devices which will continue to be subject to these regulations. For manufacturers of these products the economic impact in complying will not change, as no new reporting, recordkeeping or other compliance requirements are being proposed.

We currently do not know exactly how many small businesses will be included among these firms manufacturing products remaining subject to FCC regulations. Even for these firms, however, the regulated products are likely to represent a relatively small fraction of their total product line.[18] Affected parties are invited to submit comments on these points.

At this time we cannot perceive any significant alternative compliance schemes for the products that will continue to be regulated which will minimize the interference generated by those products to acceptable levels. As mentioned in paragraph 12 above, however, we are sensitive to the future possibility of overlapping regulations in this area between the FCC and the FDA. Such an overlap does not now exist but if FDA adopts radio frequency emanation standards for medical

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[13] For a complete discussion of the rationale behind this two tier regulatory approach see, paragraphs 63–72 of footnote 1, infra.

[14] Existing rule section 15.801(c) provides an exemption from the computing device rules for four classes of equipment (those devices in vehicles; control or power systems in an industrial plant; test equipment; and appliances) pending resolution of Docket 20780 and related proceedings.

[15] Section 15.803 can require the operator of any computing device to cease operation upon a finding that such device is creating harmful interference and that it is in the public interest to stop operation until the interference problem has been corrected.

[16] We believe these requirements on equipment marketed for use outside of a hospital environment are less likely to cause the kinds of economic burdens on manufacturers GE referred to in their petition because such equipment is more likely to be mass produced and less likely to present physical and electrical testing problems.

[17] In response to the HIMA petition, the FDA's Bureau of Medical Devices (BMD) stated the FDA does not anticipate enforcing their misbranding rules, and would consider issuing a notice to their field inspectors to disregard the FCC-required label.

[18] GE suggested only 5% of their products were manufactured for use outside of hospitals and clinics.

devices, we will move to reconsider our regulations.

V. *Recording, recordkeeping and other compliance requirements;* None.

Procedural Matters

18. Pursuant to the procedures set forth in § 1.415 of the Commission's Rules, interested persons may file comments on or before October 5, 1981, and reply comments on or before October 20, 1981. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

19. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rule making until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commisson 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. A summary of Commission procedures governing *ex parte* presentations in informal rule making is available from the Consumer Assistance and Information Division, FCC, Washington, D.C. 20554.

20. As required by section 603 of the Regulatory Flexibility Act, the FCC has prepared an initial regulatory flexibility analysis (IFRA) of the expected impact of these proposed policies and rules on small entities. The IRFA is set forth in paragraph 17. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the *Notice,* but they must have a separate and distinct heading designating them as responses to the regulatory flexibility analysis. The Secretary shall cause a copy of this Notice, including the intitial regulatory flexibility analysis, to be sent to the Chief Counsel for Advocacy of the Small Business Administration in accordance with Section 603(a) of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601 et seq).

21. In accordance with the provisions of § 1.419 of the Commission's Rules, formal participants shall file an original and five copies of their comments and other materials. Participants wishing each Commissioner to have a copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All comments should be clearly marked General Docket No. 81-461, and will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C. All written comments should be sent to: Secretary, Federal Communications Commission, Washington, D.C. 20554. For further information on this proceeding, contact Art Wall at (202) 653-8247. For general information on how to file comments, please contact the FCC Consumer Assistance and Information Division at (202) 632-7000.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1063; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

PART 15—RADIO FREQUENCY DEVICES

1. Section 15.801 is proposed to be amended by adding a new paragraph (c)(5) as follows:

§ 15.801 Scope of this subpart.

* * * * *

(c) Pending resolution of the proceeding in FCC Docket No. 20780 and related proceedings dealing with restricted radiation and computing devices, the following computing devices remain subject to § 15.803 but are exempt from complying with other requirements of this subpart. * * *

(5) Medical computing devices marketed for use in hospitals facilities designed for more than 10 inpatients.

2. Section 15.805(a)(1) is proposed to be revised as follows:

§ 15.805 Interim labeling and information requirements for non-complying devices.

(a) A Class A or Class B computing device manufactured after January 1, 1981, which has not been verified by the manufacturer as complying with the specifications of this Subpart shall:

(1) Have permanently attached in a conspicuous location on the device for the user to observe a label with one of the following statements:

(i) "This equipment has not been tested to show compliance with new FCC Rules (47 CFR Part 15) designed to limit interference to radio and TV reception. Operation of this equipment in a residential area is likely to cause unacceptable interference to radio communication requiring the operator to take whatever steps are necessary to correct the interference."

(ii) "This equipment does not meet current emanation requirements contained in new FCC Rules (47 CFR Part 15) designed to limit interference to radio and TV reception. While these regulations permit the sale of this equipment, its operation in a residential area may cause unacceptable interference requiring the operator to take whatever steps are necessary to correct the interference."

[FR Doc. 81-26112 Filed 9-4-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 15

[Gen. Docket No. 81-462; RM-3738; RM-3789; FCC 81-320]

Amendment of the Commission's Rules To Reclassify Coin-Operated Electronic Games From Class B to Class A Computing Devices

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This Notice of Proposed Rulemaking responds to petitions for rulemaking filed by Atari Inc. and Williams Electronics, which seek to reclassify coin operated arcade games

as Class A (commercial) computing devices instead of the current Class B (residential), under Part 15 Subpart J. The computing device requirements, designed to prevent interference to TV and radio, are more stringent for Class B. This Notice proposes to place coin operated games in the Class A category, and relieves manufacturers of such devices from obtaining FCC equipment approval.

DATES: Comments due October 5, 1981.

Reply comments due October 20, 1981.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Mr. Sydney Bradfield, Office of Science and Technology, RF Devices Branch, Washington, DC 20554, (202) 653–8247, Room 8313.

SUPPLEMENTARY INFORMATION:

Adopted: July 16, 1981.

Released: August 27, 1981.

By the Commission: Commissioner Dawson abstaining from voting.

In the matter of amendment of part 15 subpart J to reclassify coin-operated electronic games from class B to class A computing devices. Gen. Docket 81–462, RM–3738, RM–3789.

1. This Notice of Proposed rulemaking (Notice) is issued in response to petitions for rulemaking submitted by Atari Inc. and Williams Electronics Inc. (Williams) asking for relief for coin-operated electronic games (hereafter coin-op games) under the computing device regulations.[1] [2] The coin-op game industry later requested that both petitions be consolidated for evaluation by the Commission.[3] The request for consolidation was granted in the public notices that announced the receipt of these petitions.

2. Comments in support of the Williams and Atari petitions were submitted by Atari, Bally Manufacturing Corporation (Bally), Stern Electronics (Stern) and Sega Enterprises Inc. (Sega), all of which are manufacturers of coin-op games. Other parties[4] who manufacture coin-op games sent in letters supporting the requests and claims made by Atari and Williams in the subject Petitions for Rulemaking. These letters were treated as comments in this proceeding and filed in the record. No comments opposing the petitions were received.

[1] RM–3738 filed by Williams Electronics Inc. on August 7, 1980. RM–3789 filed by Atari Inc. on October 24, 1980.

[2] 47 CFR Part 15 Subpart J.

[3] Petition for Consolidation filed October 29, 1980.

[4] Centuri, Inc. of Hialeah, Florida; Taito America Corporation of Elk Grove Village, Illinois; D. Gottlieb & Co.; Game Plan, Inc. of Addison, Illinois; and Cinematronics, Inc.

Background of This Proceeding

3. On September 18, 1979, the Commission adopted new rules (47 CFR Part 15 Subpart J) designed to control the interference potential to radio and television reception caused by digital electronic devices.[5] On reconsideration, a number of changes were made in these rules and the compliance date was deferred in an Order adopted March 27, 1980.[6] Under these rules electronic coin-op games are classified as Class B computers and are subject to certification.

4. Shortly after the adoption of these rules a number of petitions were received asking for changes in the regulatory status of electronic games. At about the same time, petitions were received asking that the compliance date be stayed while the Commission considered the petitions for reclassification of the coin-op games. This date was stayed from January 1, 1981 to October 1, 1981 in an Order adopted by the Commission on December 4, 1980.[7]

5. Williams requests that the Commission change the equipment authorization requirement for coin-op games from certification to verification.[8] Atari supports verification of coin-op games and goes further to propose that coin-op games should be placed in the more lenient Class A category of computing equipment. Presently, the rules for computing devices require that coin-op games meet the more stringent Class B emission limits and be certificated by the Commission. Class A computing equipment is defined as equipment marketed for use in a commercial or industrial environment, whereas, Class B computing devices are defined as computing devices marketed to the general public for use in a residential environment.[9] As discussed in the First Report and Order, the Commission required that coin-op games meet the Class B limits and be certificated because coin-op games are widely distributed and were found to be sources of interference to police radio communications.[10] The Commission stated in the same Order that equipments found to be sources of interference could be required to meet the Class B emission limits and be certificated regardless of classification.[11]

6. Atari and the majority of the commentors concede that the Commission has the authority to place in Class B any device which is widely used in a residential environmental or had created a large number of interference cases. However, the coin-op game industry alleges that there have been no documented cases of interference since 1977 involving coin-op games. According to the industry, technological advances in electronic games involving the use of microprocessor technology have significantly reduced emission levels thus eliminating the interference that had been reported in 1976. Stern contends that almost all manufacturers of coin-op electronic games presently market games using microprocessors.

7. Further, most of the coin-op game manufacturers state that older games are quickly replaced by new games to maintain customer interest. In support of its claims, Atari points out that, from their discussions and tests performed with the Oregon State Police and Nevada Highway Patrol, no interference problem exists today from coin-op games with the exception of older generation games using outmoded logic circuitry. According to the test results[12], no noticeable or significant interference to policy radio communications was generated at several arcade locations where coin-op games are used and where interference had previously occurred.[13] The coin-op game industry contends that, due to the current record of performance and technological improvements, the Commission's original position with regard to classification of coin-op games is no longer valid.

8. Atari, Stern, Bally, Sega and others make the point that the Commission was inconsistent in applying its regulatory philosophy to coin-op games. The coin-op game industry contends that coin-op games should be classified as Class A devices. Atari along with other manufacturers of coin-op games point

[5] *First Report and Order* in Docket 20780; 44 FR 59530 (October 16, 1979).

[6] *Order Granting in Part Reconsideration* in Docket 20780; 45 FR 24154 (April 9, 1980).

[7] Order staying the January 1, 1981 compliance date for coin-operated electronic games, adopted December 4, 1980 (FCC 80–706).

[8] Both certification and verification require the manufacturer to measure the emissions from the equipment. Under certification, this data is submitted to the Commission for review. Marketing is prohibited until the Commission has issued a Grant of Equipment Authorization. Under verification no submission to the Commission is required and the equipment may be marketed as soon as the manufacturer satisfies himself that the equipment complies.

[9] Definitions of a class A and B computing device are given by Section 15.4 (o) and (p).

[10] *First Report and Order* in Docket 20780 at paragraph 12.

[11] Ibid at paragraphs 31 and 72.

[12] Test reports appended to the Atari Petition (RM–3789) and its Comments in Support of the Petition.

[13] F.O.B. Case No. 77–W–570, Salem, OR and correspondence with Oregon and Nevada State Police from 1965 to 1977.

out that, like Class A computing devices, coin-op games are marketed for use in a commercial, industrial environment. In addition, Atari states that the circumstances of operation and components of the equipment are similar to Class A computers. Atari further states that regular and professional maintenance is performed on coin-op games. Sega affirms that the same sophisticated computer technology is used in coin-op games as in other Class A devices and that these coin-op games are not suitable for home use due to size and expense. Bally states that the Commission recognized the fact that some Class A computing devices could find their way into the home and instituted a labelling requirement to warn of the increased potential for interference if used in a residential environment.

9. Both Atari and Sega assert that the limits for Class B were designed to avoid interference to TV receivers located 10 meters away from the interfering computing device. Limits developed on this basis are not realistic when applied to coin-op games which are invariably operated in a commercial location.

10. Notwithstanding that there were instances of interference to policy communications in the past, most of the coin-op game manufacturers regard the Class A limits to be adequate to protect police radio communications. Much is made of the tests performed by Atari in conjunction with the Oregon and Nevada State Police. Atari measured the wall attenuation of a typical arcade building in which coin-op games are commonly located at 14dB.[14] It then set up a generator to radiate a signal at the limited permitted a Class A computer. This signal was reduced by 14dB on the assumption that the coin-op game would be inside a building and its external effect would be reduced by attenuation when passing throgh the walls of the building. The Class A signal when so reduced was found not to cause interference to policy communication receivers located at 30m from the interference source.

11. The manufacturers generally allege that heavy costs will be inflicted on industry and on the public who play these games, if compliance to the Class B standards and certification is required. Moreover, there is no counterbalancing benefit such as reduced interference potential. As discussed previously, the coin-op industry points out that Class A limits are sufficient to protect radio communications and that no recent cases of interference have been reported.

12. Williams and the other coin-op manufacturers contend that the certification requirements will delay the marketing of a new game and hurt the coin-op industry since the viability of the industry is dependent upon expedient introduction of new games to keep customer interest.

Discussion

13. The Commission stated in the First Report and Order in Docket 20780 that certain computing devices may require tighter control.[15] Specifically, the Commission retained authority to require any computing device to comply with the Class B standards regardless of its classification as a Class A computing device under the definitions in § 15.4. Such a requirement would be imposed, the Commission said, if the device was found to create a large number of interference cases or is widely used in the residential environment. In addition, the Commission required certification for those computing devices identified as having a high potential for interference. In the case of coin-op games, the Commission had received a number of complaints of harmful interference from the Oregon State Police and Nevada Highway Patrol. Since coin-op games were found to be the source of this interference, the Commission imposed the more stringent Class B requirement on coin-op games even though the coin-op games have other characteristics more closely related to Class A computers.

14. However, in view of the fact that newer generation games are not causing the same interference experienced between 1974 and 1977 allegedly due to use of advanced electronics such as microprocessors, the Commission is persuaded to relax the requirements on coin-op games. The Commission performed tests on a sampling of coin-op games and the results indicate that the current coin-op games can meet the Class A limits. Both the radiated and conducted emissions, with negligible exceptions, were found to be below the Class A limits.

15. Atari has assured the Commission that the Class A limits are sufficient to protect police radio communications. This assurance is based on the tests described in paragraphs 7 and 10 above and is supported by a statement from the Communications Officer of the Oregon State Police that he was satisfied after these tests that that Class A limits are adequate.[16]

16. Accordingly, we are proposing to reclassify coin-op games as Class A computers. The proposed rule changes are set out in the Appendix. If these rules are adopted, coin-op games would be subject to the verification procedure instead of the certification procedure. We further propose to continue to waive the certification requirement for coin-op games until a date 90 days after this proceeding has concluded and rule changes have become effective.

17. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 601 *et seq.* the Commission issues the following initial regulatory flexibility analysis.

I. Reason for Action

It appears that current generation coin-op games have a reduced interference potential. This proposed action will relieve manufacturers of this equipment of an unnecessary economic burden.

II. The Objective

The Commission is proposing to reclassify coin-op games under the less stringent Class A regulations for computing devices.

III. Legal Basis

The legal basis for the FCC to promulgate regulations governing the RF interference potential of equipment is contained in 47 U.S.C. 302(a).

IV. Entities Affected; Nature of Economic Impact; Significant Alternatives

The rules proposed in this Notice would relieve a regulatory burden on all manufacturers of coin-op games. From all indications, coin-op games will not require re-design to meet the relaxed emission standards of Class A. Hence, the Commission expects that coin-op game manufacturers would have to expend very little time and money in complying with Class A standards as opposed to the more stringent Class B requirements. In addition, if the proposed rules are adopted, the less burdensome verification procedure of equipment authorization instead of certification would allow manufacturers to introduce new games more quickly resulting in a healthier industry. The Commission has attempted to make the verification program as flexible as possible to minimize the economic

[14] The Commission in establishing limits for computing devices has used a value of 8dB for wall attenuation.

[15] First Report and Order in Docket 20780, paragraphs 31 and 72.

[16] Memo to Lt. James Wiliams from C. Robert Suing, Sergeant, Dist. II Communications Officer of Oregon State Police, attachment to Atari Petition (RM-3789).

impact to firms in testing products to determine compliance with our regulations.

At this time we cannot perceive any significant alternative compliance schemes for this equipment. We feel that these proposed relaxed regulations are necessary as a minimum to protect radio communications.

V. Recording, Recordkeeping and Other Compliance Requirements: No New Requirements

Procedural Matters

18. *Who should file comments?* We urge the viewing public, television equipment manufacturers, broadcasters, and all other interested parties to participate in this proceeding. You may participate by sending information and opinions that are relevant to the questions raised in this Notice.

19. *How comments should be prepared.* Your comments must clearly show this docket number "General Docket No. 81–462," at the top of the first page. Please label your responses so that it will be clear whether you are addressing a specific proposed rule change or a more general issue. If your comments are general, and not related to a specific rule change, please state the issue being addressed.

20. *How many copies should be sent?* Section 1.419 of the Rules requires that you file the original and five copies of your comments. If you want each Commissioner to receive a personal copy of your comments, you should include 6 additional copies. The FCC will fully consider all comments, even if only the original is filed.

21. *Where to send comments.* Send your comments to: Secretary, Federal Communications Commission, Washington, D.C. 20554.

22. *How to see the comments of other parties.* All comments will be available for public inspection in the FCC Dockets Reference Room, Room 239, 1919 M Street NW., Washington, D.C. The FCC is open weekdays between 8:00 a.m. and 5:30 p.m. You can reply to comments submitted by another party by following the same procedure as you do for commenting.

23. *Deadline for filing Comments.* Comments must be received by October 5, 1981. You are encouraged to submit a one-page summary of your comments at the time you file. Reply comments are due by October 20, 1981.

24. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rule making until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's Rules, 47 CFR 1.1231. A summary of Commission procedures governing *ex parte* presentations in informal rule making is available from the Consumer Assistance and Information Division, FCC, Washington, D.C. 20554.

25. As required by section 603 of the Regulatory Flexibility Act, the FCC has prepared an initial regulatory flexibility analysis of the expected impact of these proposed policies and rules on small entities. The initial analysis is set forth in paragraph 17. Written public comments are requested on the initial analysis. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the *Notice*, but they must have a separate and distinct heading designating them as responses to the regulatory flexibility analysis. The Secretary shall cause a copy of this Notice, including the initial regulatory flexibility analysis, to be sent to the Chief Counsel for Advocacy of the Small Business Administration in accordance with section 603(a) of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601, et seq.).

26. This action is taken pursuant to the authority contained in sections 4(i), 302, 303 (f), (g), and (r) and 403 of the Communications Act as amended. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order. The contact person for further information regarding this proceeding is Sydney Bradfield, (202) 653–8247.

27. Further, it is ORDERED that the stay of the compliance date for certification of coin-op games be extended to a date 90 days after the effective date of the rules in this proceeding.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

PART 15—RADIO FREQUENCY DEVICES

Part 15 is proposed to be amended as follows:

1. Section 15.4(p) is amended by adding the parenthetical phrase "(excluding coin-operated electronic games)" after the words "electronic games". As amended, §15.4(p) reads as follows:

§ 15.4 General definitions.

* * * * *

(p) *Class B computing device.* A computing device that is marketed for use in a residential environment notwithstanding use in commercial, business and industrial environment. Examples of such devices include, but are not limited to, electronic games (excluding coin-operated electronic games), personal computers, calculators, and similar electronic devices that are marketed for use by the general public.

Note.—A manufacturer may also qualify a device intended to be marketed in a commercial, business or industrial environment as a Class B computing device, and in fact is encouraged to do so, provided the device complies with the technical specifications for a Class B computing device. In the event that a particular type of device has been found to repeatedly cause harmful interference to radio communications, the Commission may classify such a computing device as a Class B computing device, regardless of its intended use.

2. Section 15.834 is amended by revising subparagraph (a)(1) as follows:

§ 15.834 Class B computing device: compliance requirement.

(a) * * *

(1) Electronic games exclusive of coin-operated games and games that meet all the conditions in paragraph (d) of this section.

* * * * *

[FR Doc. 81-26217 Filed 9-4-81; 8:45 am]
BILLING CODE 6712-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

49 CFR Part 826

Equal Access to Justice Act; Implementation

AGENCY: National Transportation Safety Board.

ACTION: Proposed rule.

SUMMARY: The purpose of this notice is to request comments on procedural regulations that are being proposed by the Board to implement the Equal Access to Justice Act (the Act). That Act provides for the award of attorney fees and other expenses to certain parties who prevail against the United States in certain adversary adjudications conducted by Federal agencies. The Safety Board has concluded that it conducts two types of proceeding that are encompassed by the Act. These are: (1) the review on appeal of the suspension or revocation of certain airman and other FAA certificates issued by the Federal Aviation Administration (FAA) (safety enforcement proceedings), and (2) the review on appeal of the decisions of the Commandant of the United States Coast Guard, on appeals from the orders of any Coast Guard, on appeals from the orders of any Coast Guard administration law judge revoking or suspending a license, certificate, document, or register. The procedural regulations that are proposed herein will provide for the hearing of fee award proceedings by Safety Board administrative law judges in FAA safety enforcement cases, with Board review, when appropriate, and for the review on appeal of any fee award decision of the Commandant, United States Coast Guard, in cases that have been appealed to and decided by the Safety Board. The initial hearing of fee award proceedings in United States Coast Guard (USCG) cases will be conducted by the USCG in accordance with procedural rules that will be promulgated by the Department of Transportation (DOT).

DATES: Comments must be received on or before September 25, 1981. Procedural rules to implement the Equal Access to Justice Act shall be effective on October 1, 1981.

ADDRESS: Comments should be directed to: Office of the General Counsel, National Transportation Safety Board, 800 Independence Avenue, SW., Washington, D.C. 20594.

FOR FURTHER INFORMATION CONTACT: John Stuhldreher, General Counsel, National Transportation Safety Board, 800 Independence Avenue, SW., Washington, D.C. 20594; telephone (202-382-6540).

SUPPLEMENTARY INFORMATION:

Comments Invited: Interested persons are invited to participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. All communications received on or before September 25, 1981, the closing date for comments, will be considered by the Board in the issuance of its final rule. Comments should reflect the fact that the regulations that must be promulgated by October 1, 1981, the effective date of the Equal Access to Justice Act, and shall be a reflection of the requirements of that legislation. The Act mandates promulgation of a procedural regulation that will take effect on October 1, 1981; however, the Board will consider the feasibility of issuance of an interim rule if the comments received indicate that rulemaking on an interim basis is warranted. We also invite comments from the FAA and the USCG on the entire proposal, especially with respect to maximum allowable fees for expert witnesses and proposed § 826.40, the payment of fee awards.

Background: Congress enacted the Equal Access to Justice Act (Pub. L. 96-481, 94 Stat. 2325) to provide for the award of attorney fees and other expenses to certain parties who prevail against the United States in adversary adjudications conducted by Federal agencies (proceedings under section 554 of the Administrative Procedure Act, 5 U.S.C. 554, in which the position of the United States is represented by counsel or otherwise). The Safety Board has concluded that it conducts two types of proceedings: (1) the review on appeal of the suspension or revocation of certain airman and other FAA certificates listed under section 609(a) of the Federal Aviation Act of 1958 (U.S.C. 1429(a) (safety enforcement proceedings)), and (2) the review on appeal of the decisions of the Commandant, United States Coast Guard, on appeals from the orders of any USCG administrative law judge revoking or suspending a license, certificate, document, or register under Section 4450 of the Revised Statutes of the United States (46 U.S.C. 239), *inter alia*, an authority found in Section 304(a)(9) of the Independent Safety Board Act of 1974 (49 U.S.C. 1093). The award of fees in USCG appeals will be conducted under rules that will promulgated by the DOT. If an individual who has sought and obtained Board review of a decision of the Commandant, United States Coast Guard, under Part 825 of the Board's Rules of Procedure for Merchant Marine Appeals (49 CFR Part 825), and who has received a Board decision favorable to his position, desires to pursue a possible award of fees, that individual may do so by submitting an application in accordance with the rules of procedure that will be promulgated by the DOT on or before October 1, 1981. In the event that issues still remain unresolved after pursuit of a fee award from the USCG itself, made pursuant to DOT rules of procedure, Board review of a fee award case will be available in accordance with the rules of procedure proposed herein.

On March 10, 1981, a notice of proposed rulemaking requesting comments on draft model rules to implement the Equal Access to Justice Act was issued by the Administrative Conference of the United States (46 FR 15895). Together with other agencies of Government, including the United States Department of Justice and Office of the Secretary, DOT, the Board's comment on the model rules expressed some reservations regarding its role in adjudicating fee awards that may involve the ordering by the Board of the disbursement of another Government agency's funds. The matter was given consideration by the Administrative Conference and is addressed in the preamble to the Model Rules in a section entitled, *Proceedings Involving Two Agencies* (46 FR 32900, June 25, 1981). The Administrative Conference acknowledged that dual-agency situations do exist but concluded that they are within the coverage of the Act, a conclusion that, the Conference believes, is supported by the language of the Act and its legislative history (citations appear in 46 FR 32900).

Although the Act itself has been a matter of public record since its enactment on October 21, 1980, this notice is the first notification to the public of the proceedings conducted by the Board that the Board has determined are covered by the Act. The Act includes within its coverage all "adversary adjudications" conducted under section 554 of the Administrative Procedure Act in which the position of the United States is represented by counsel or otherwise, "but excludes any adjudication for the purpose of establishing or fixing a rate or for the

purpose of granting or renewing a license" (5 U.S.C. 554). On the basis of its application of that statutory language, the Board has decided that appeals brought under section 602 of the Federal Aviation Act (49 U.S.C. 1422) are not covered by the Equal Access to Justice Act.

The regulations proposed herein will, when promulgated, establish uniform procedures for the award of fees in administrative proceedings under section 609 of the Federal Aviation Act, an action mandated by the Equal Access to Justice Act. (The matter of appeals from decisions of the Commandant, United States Coast Guard, is discussed below.) Those procedures will apply to certain persons, identified with specificity in the proposed rules, when such an identified person prevails in an appeal to the Board under section 609 and will require that the Board award fees and other expenses incurred in connection with that appeal, unless the Board's administrative law judge who heard and initially decided the appeal finds that the position of the FAA was substantially justified in bringing the enforcement action that was the subject of the appeal or that special circumstances make an award unjust. Any initial decision made in response to a request for the award of fees will be appealable to the full Board in order to ensure uniformity of application of the Equal Access to Justice Act to all safety enforcement proceedings in which a fee award is sought. When an award is administratively final, it will be recoverable by submission of the award to the FAA official who will be identified with specificity in the final rule. The general rules applicable to all petitions for review, appeals to the Board, and initial decisions, found in Subpart B of Part 821 are applicable to the proceedings proposed herein. Moreover, appeals to the full Board from initial fee award decisions of Board administrative law judges and appeals to the full Board from the final fee award decisions of the Commandant, United States Coast Guard, in any case already heard and decided by the full Board, shall be conducted in accordance with Subpart H of Part 821 of the Board's Rules of Procedure in Air Safety Proceedings (49 CFR 821.47–821.50) and Part 825, the Board's Rules of Procedure for Merchant Marine Appeals, respectively.

Regulatory Flexibility: Under the criteria of the Regulatory Flexibility Act, this proposed rule at promulgation will not impose any kind of regulatory burden on any entity. Paperwork Reduction: It is the Board's understanding that a copy of the Model Rules proposed by the Administrative Conference has been submitted to the Director of the Office of Management and Budget for his consideration and approval.

The Proposed Regulation: In consideration of the foregoing, the Safety Board proposes to add a new Part 826 to Chapter VIII, of title 49, Code of Federal Regulations, the regulations of the National Transportation Safety Board, to read as follows:

PART 826—RULES IMPLEMENTING THE EQUAL ACCESS TO JUSTICE ACT OF 1980

Subpart A—General Provisions.

Sec.

826.1 Purpose of these rules.
826.2 When the Act applies.
826.3 Proceedings covered.
826.4 Eligibility of applicants.
826.5 Standards for awards.
826.6 Allowable fees and expenses.
826.7 Rulemaking on maximum rates for attorney fees.
826.8 Awards against other agencies—Federal Aviation Administration or United States Coast Guard.

Subpart B—Information Required From Applicants

826.21 Contents of application.
826.22 Net worth exhibit.
826.23 Documentation of fees and expenses.
826.24 When an application may be filed.

Subpart C—Procedures for Considering Applications

826.31 Filing and service of documents.
826.32 Answer to application.
826.33 Reply.
826.34 Comments by other parties.
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Authority: Sec. 203(a)(1), Pub. L. 96–481, 94 Stat. 2325 [5 U.S.C. 504 (c)(1)].

Subpart A—General Provisions

§ 826.1 Purpose of these rules.

The Equal Access to Justice Act, 5 U.S.C. 504 (the Act), provides for the award of attorney fees and other expenses to eligible individuals and entities who are parties to certain administrative proceedings (adversary adjudications) before this Board. An eligible party may receive an award when it prevails over the Federal Aviation Administration (FAA) or the United States Coast Guard (USCG), unless the Government agency's position in the proceeding was substantially justified or special circumstances make an award unjust. The rules in this part describe the parties eligible for awards and the proceedigs that are covered. They also explain how to apply for awards, and the procedures and standards that this Board will use to make them. As used hereinafter, the term "agency" applies to the FAA or the USCG, as appropriate.

§ 826.2 When the Act applies.

The Act applies to any adversary adjudication identified in § 826.3 as covered under the Act that is pending before the Board at any time between October 1, 1981, and September 30, 1984. This includes proceedings begun before October 1, 1981, if final Board action has not been taken before that date, and proceedings pending on September 30, 1984, regardless of when they were initiated or when final Board action occurs.

§ 826.3 Proceedings covered.

(a) The Act applies to certain adversary adjudications conducted by the Board. These are adjudications under 5 U.S.C. 554 in which the position of either the FAA or the USCG is presented by an attorney or other representative who enters an appearance and participates in the proceeding. Proceedings to grant or renew certificates or documents, hereinafter referred to as "licenses," are excluded, but proceedings to modify, suspend, or revoke licenses are covered if they are otherwise "adversary adjudications." For the Board, two types of proceedings generally covered include: (1) Aviation enforcement cases appealed to the Board under Section 609 (49 U.S.C. 1429), and (2) appeals from decisions of the Commandant, United States Coast Guard, in cases involving either suspensions, modifications, or revocations that were appealed to and finally decided by the Board under Part 825 of the Board's Rules of Practice (49 CFR Part 825). In the event that an individual who has sought and obtained Board review of a decision of the Commandant, United States Coast Guard, under Part 825 of the Board's Rules, and who receives a Board decision favorable to his position, desires to pursue an award of fees, that individual may do so by submitting an application in accordance with the rules of procedure that will be promulgated by the DOT. After having exhausted the administrative remedies provided by the DOT, that individual may appeal to the Board in accordance with the Rules of Part 825. In that event, the administrative record upon which the final fee award decision, conducted in accordance with the DOT procedural

rules, was based shall be transmitted to the Board.

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

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

§ 826.4 Eligibility of applicants.

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

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

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

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

(3) A charitable or other tax-exempt organization described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) with not more than 500 employees;

(4) A cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)) with not more than 500 employees; and

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

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

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

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

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

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

§ 826.5 Standards for awards.

(a) A prevailing applicant may receive an award for fees and expenses incurred in connection with a proceeding, or in a significant and discrete substantive portion of the proceeding, unless the position of the agency over which the applicant has prevailed was substantially justified. The burden of proof that an award should not be made to an eligible prevailing applicant is on the agency counsel, who may avoid an award by showing that the agency's position was reasonable in law and fact.

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

§ 826.6 Allowable fees and expenses.

(a) Awards will be based on rates customarily charged by persons engaged in the business of acting as attorneys, agents, and expert witnesses, even if the services were made available without charge or at a reduced rate to the applicant.

(b) No award for the fee of an attorney or agent under these rules may exceed $75 per hour. No award to compensate an expert witness may exceed the highest rate at which the agency pays expert witnesses. However, an award may also include the reasonable expenses of the attorney, agent, or witness as a separate item, if the attorney, agent, or witness ordinarily charges clients separately for such expenses.

(c) In determining the reasonableness of the fee sought for an attorney, agent, or expert witness, the administrative law judge shall consider the following:

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

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

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

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

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

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

§ 826.7 Rulemaking on maximum rates for attorney fees.

(a) If warranted by an increase in the cost of living or by special circumstances (such as limited availability of attorneys qualified to handle certain types of proceedings), the Board may adopt regulations providing that attorney fees may be awarded at a rate higher than $75 per hour in some or all of the types of proceedings covered by this part. The Board will conduct any rulemaking proceedings for this propose under the informal rulemaking procedures of the Administrative Procedure Act.

(b) Any person may file with the Board a petition for rulemaking to increase the maximum rate for attorney fees. The petition should identify the rate the petitioner believes the Board should establish and the types of proceedings in which the rate should be used. It should also explain fully the reasons why the higher rate is warranted. The Board will respond to the petition within 60 days after it is filed, by initiating a rulemaking proceeding, denying the petition, or taking other appropriate action.

§ 826.8 Awards against other agencies—Federal Aviation Administration or United States Coast Guard.

When an applicant is entitled to an award because it prevails over an agency of the United States that participates in a proceeding before the Board and takes a position that is not substantially justified, the award shall be made against that agency.

Subpart B—Information Required From Applicants

§ 826.21 Contents of application.

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

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

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

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

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

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

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

§ 826.22 Net worth exhibit.

(a) Each applicant except a qualified tax-exempt organization or cooperative association must provide with its application a detailed exhibit showing the net worth of the applicant and any affiliates (as defined in § 826.4(f) of this part) when the proceeding was initiated. The exhibit may be in any form convenient to the applicant that provides full disclosure of the applicant's and its affiliates' assets and liabilities and is sufficient to determine whether the applicant qualifies under the standards in this part. The administrative law judge may require an applicant to file additional information to determine the eligibility for an award.

(b) Ordinarily, the net worth exhibit will be included in the public record of the proceeding. However, an applicant that objects to public disclosure of information in any portion of the exhibit and believes there are legal grounds for withholding it from disclosure may submit that portion of the exhibit directly to the administrative law judge in a sealed envelope labeled "Confidential Financial Information," accompanied by a motion to withhold the information from public disclosure. The motion shall describe the information sought to be withheld and explain, in detail, why it falls within one or more of the specific exemptions from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. 552(b)(1)–(9), why public disclosure of the information would adversely affect the applicant, and why disclosure is not required in the public interest. The material in question shall be served on counsel representing the agency against which the applicant seeks an award, but need not be served on any other party to the proceeding. If the administrative law judge finds that the information should not be withheld from disclosure, it shall be placed in the public record of the proceeding. Otherwise, any request to inspect or copy the exhibit shall be disposed of in accordance with the Board's established procedures under the Freedom of Information Act as implemented by part 801 of the Board's rules.

§ 826.23 Documentation of fees and expenses.

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

§ 826.24 When an application may be filed.

(a) An application may be filed whenever the applicant has prevailed in the proceeding, but in no case later than 30 days after the Board's final disposition of the proceeding.

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

(c) For purposes of this rule, final disposition means the later of (1) the date on which an unappealed initial decision by an administrative law judge becomes administratively final; (2) issuance of an order disposing of any petitions for reconsideration of the Board's final order in the proceeding; (3) if no petition for reconsideration is filed, the last date on which such a petition could have been filed; or (4) issuance of a final order or any other final resolution of a proceeding, such as a settlement or voluntary dismissal, which is not subject to a petition for reconsideration.

Subpart C—Procedures for Considering Applications

§ 826.31 Filing and service of documents.

Any application for an award or other pleading or document related to an application shall be filed and served on all parties to the proceeding in the same manner as other pleadings in the proceeding, except as provided in § 806.22(b) for confidential financial information.

§ 826.32 Answer to application.

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

(b) If agency counsel and the applicant believe that the issues in the

fee application can be settled, they may jointly file a statement of their intent to negotiate a settlement. The filing of this statement shall extend the time for filing an answer for an additional 30 days, and further extensions may be granted by the administrative law judge upon request by agency counsel and the applicant.

(c) The answer shall explain in detail any objections to the award requested and identify the facts relied on in support of agency counsel's position. If the answer is based on any alleged facts not already in the record of the proceeding, agency counsel shall include with the answer either supporting affidavits or a request for further proceedings under § 826.36.

§ 826.33 Reply.

Within 15 days after service of an answer, the applicant may file a reply. If the reply is based on any alleged facts not already in the record of the proceeding, the applicant shall include with the reply either supporting affidavits or a request for further proceedings under § 826.36.

§ 826.34 Comments by other parties.

Any party to a proceeding other than the applicant and agency counsel may file comments on an application within 30 days after it is served or on an answer within 15 days after it is served. A commenting party may not participate further in proceedings on the application unless the administrative law judge determines that the public interest requires such participation in order to permit full exploration of matters raised in the comments.

§ 826.35 Settlement.

The applicant and agency counsel may agree on a proposed settlement of the award before final action on the application, either in connection with a settlement of the underlying proceeding, or after the underlying proceeding has been concluded. If a prevailing party and agency counsel agree on a proposed settlement of an award before an application has been filed, the application shall be filed with the proposed settlement.

§ 826.36 Further proceedings.

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

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

§ 826.37 Decision.

The administrative law judge shall issue an initial decision on the application within 60 days after completion of proceedings on the application. The decision shall include written findings and conclusions on the applicant's eligibility and status as a prevailing party and an explanation of the reasons for any difference between the amount requested and the amount awarded. The decision shall also include, if at issue, findings on whether the agency's position was substantially justified, whether the applicant unduly protracted the proceedings, or whether special circumstances make an award unjust.

§ 826.38 Agency review.

Either the applicant or agency counsel may seek review of the initial decision on the fee application, or the agency may decide to review the decision on its own initiative, in accordance with Subpar H of Part 821 for FAA safety enforcement matters appealed under Section 609 of the Federal Aviation Act, or Part 825 for appeals from decisions of the Commandant, United States Coast Guard. If neither the applicant nor agency counsel seeks review and the Board does not take review on its own initiative, the initial decision on the application shall become a final decision of the Board 30 days after it is issued. Whether to review a decision is a matter within the discretion of the Board. If review is taken, the Board will issue a final decision on the application or remand the application to the administrative law judge who issued the initial fee award determination for further proceedings.

§ 826.39 Judicial review.

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

§ 826.40 Payment of award.

An applicant seeking payment of an award shall submit to the comptroller or other disbursing official of the FAA or of the USCG, in the event that the Board is required to review a fee award decision issued by the Commandant, a copy of the Board's final decision granting the award, accompanied by a statement that the applicant will not seek review of the decision in the United States courts. (Names and addresses of specific agency officials to be furnished by the FAA and USCG, or specified by the Board, will appear in the final rule.) The agency will pay the amount awarded to the applicant within 60 days, unless judicial review of the award or of the underlying decision of the adversary adjudication has been sought by the applicant or any other party to the proceeding.

Signed in Washington, D.C. on September 2, 1981.

James B. King,

Chairman.

[FR Doc. 81-26162 Filed 9-4-81; 8:45 am]

BILLING CODE 4910-58-M

Notices

Federal Register
Vol. 46, No. 173
Tuesday, September 8, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

Western Farmers Electric Cooperative, Inc.; Finding of No Significant Impact

The Rural Electrification Administration (REA) has prepared a Finding of No Significant Impact which concludes that there is no need for REA to prepare a supplemental environmental impact statement in connection with proposed supplementary financing assistance by REA for Western Farmers Electric Cooperative, Inc., (WFEC) of Anadarko, Oklahoma, for the completion of the Hugo Unit No. 1 coal-fired power plant (Project).

The environmental effects of the Project are discussed and evaluated in the Final Environmental Impact Statement (FEIS) issued in October 1978, the Borrower's Environmental Report (BER) dated May 1981, and the Environmental Assessment which was prepared by REA.

Threatened and endangered species, important farmlands, archaeological and historic sites, wetlands and floodplains, and other potential impacts of the Project are adequately considered in the FEIS, WFEC's BER and the REA Environmental Assessment.

Based on the REA Environmental Assessment, and a review of the FEIS and WFEC's BER, a Finding of No Significant Impact was reached in accordance with REA Bulletin 20–21–320–21.

Various alternatives were considered by REA. The alternatives include no action (resulting in termination of the project), alternative sources of power, and completion of the project now under construction. After considering these alternatives, REA determined that the proposed action of providing additional financing assistance to WFEC for completion of the Project is the best alternative.

Copies of REA's Finding of No Significant Impact, REA's Environmental Assessment and the BER may be reviewed in the office of the Director, Power Supply Division, Room 0230, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250, telephone (202) 382–1400 or at the office of Western Farmers Electric Cooperative, Inc., P.O. Box 429, Anadarko, Oklahoma 73005.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 31st day of August 1981.

Jack Van Mark,
Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-26110 Filed 9-4-81; 8:45 am]
BILLING CODE 3410-15-M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations; Week Ended August 28, 1981

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
Aug. 25, 1981	39955	Transamerica Airlines, Inc., Box 2504 Airport Station, Oakland, California 94614. Application of Transamerica Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests an amendment of its certificate of public convenience and necessity for Route 194 authorizing it to engage in foreign air transportation of passengers, property and mail by adding the following segment: "Between a point or points in the United States, on the one hand, and a coterminal point or points in the Bahama Islands, Jamaica, Haiti, Dominican Republic, St. Maarten, St. Kitts, St. Lucia, Antigua, Guadeloupe, Martinique, Barbados, Grenada, Trinidad and Tobago, Curacao, Aruba, Belize, El Salvador, Guatemala, Honduras, Nicarauga, and Panama, and the terminal point Baranquilla, Colombia." Conforming Applications, motions to modify scope, and Answers may be filed by September 22, 1981.
Do	39956	Middle East Airlines, c/o G. Joseph Minetti, Dickstein, Shapiro & Morin, 2101 L Street, N.W., Washington, D.C. 20037. Application of Middle East Airlines pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations requests that it be issued a permit authorizing it to engage in foreign air transportation of persons, property and mail between any point in Lebanon and the point New York, New York, via the intermediate point Paris, France. MEA requests both scheduled and charter authority. Answers may be filed by September 22, 1981.
Aug. 26, 1981	39959	Hispaniola Airways, C.porA., c/o Howard G. Feldman, O'Connor & Hannan, 1919 Pennsylvania Ave., N.W., Washington, D.C. 20006. Application of Hispaniola Airways, C.porA. pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations requests a foreign air carrier permit authorizing the carriage of persons, property and mail between: Points in the Dominican Republic and the coterminal points New York, N.Y., San Juan, Puerto Rico and Miami, Florida. Answers may be filed by September 23, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-26187 Filed 9-4-81; 8:45 am]
BILLING CODE 6320-01-M

[Docket Nos. 30494, etc.]

Susan and Stanley Fogel v. American Airlines, et al.; Assignment of Proceedings

In the matter of Susan and Stanley Fogel v. American Airlines, Inc., Docket 30494; Angelo L. Pera v. American Airlines, Inc., Docket 31620; Michael B. Hirsch v. American Airlines, Inc., Docket 31830; Ralph Bashan v. American Airlines, Inc., Docket 32016; Stephen P. Gall v. American Airlines, Inc., Docket 32057; Charles Victor Freed v. American Airlines, Inc., Docket 32071; Marilyn Protas Freed v. American Airlines, Inc., Docket 32072; and American Airlines, Inc., Compliance with Part 252, Dockets 35665, 39302, 39303.

The above-entitled proceedings have been assigned to Administrative Law Judge John M. Vittone. Future communications should be addressed to Judge Vittone.

Dated at Washington, D.C., September 1, 1981.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 81-26188 Filed 9-4-81; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Michigan Advisory Committee; Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Michigan Advisory Committee to the Commission will convene at 9:30 a.m. and will end at 5:00 p.m., on September 25, 1981, at the Federal Building and Courthouse, Room 649, 231 W. Lafayette Street, Detroit, Michigan 48226. The purpose of this meeting is to gather information on the project, Bigotry and Violence: State and Local Government Response to Organized Hate Group Activities.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Miss Jo Ann W. Terry, 18922, Fairfield, Detroit, MI 48221, 313/342-9388 or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604, 312/353-7479.

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

Dated at Washington, D.C., September 1, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-26186 Filed 9-4-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committee on Population Statistics; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463 as amended by Pub. L. 94-409), notice is hereby given that the Census Advisory Committee on Population Statistics will convene on October 2, 1981, at 9:30 a.m. The Committee will meet in Room 2424, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee on Population Statistics advises the Director, Bureau of the Census, on current programs and on plans for the decennial census of population.

The Committee is composed of six members appointed by the Secretary of Commerce, and nine members designated by the President of the Population Association of America from the membership of that Association.

The agenda for the meeting, which is scheduled to adjourn at 4:15 p.m., is: (1) introductory remarks by the Director of the Bureau of the Census and his staff, including staff changes, legal issues, Census Bureau budget, and the status of the 1980 census; (2) 1980 census evaluation research; (3) 1980 census publication schedule; (4) 1980 public use microdata samples; (5) issues in preparing 1970-1980 population estimates; (6) Survey of Income and Program Participation (SIPP) content for 1982 surveys; (7) SIPP—definition of household in successive longitudinal surveys; (8) industry and occupation classification; and (9) Committee recommendations, agenda for the next meeting, and election of the chairperson-elect.

The meeting will be open to the public, and a brief period will be set aside for public comments and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting or who wish to submit written statements may contact the Committee Control Officer, Dr. Campbell Gibson, Room 2266, Federal Building 3, Suitland, Maryland. (Mailing address: Washington, D.C. 20233). Telephone (301) 763-1408.

Dated: September 2, 1981.

Daniel B. Levine,

Acting Director, Bureau of the Census.

[FR Doc. 81-26114 Filed 9-4-81; 8:45 am]

BILLING CODE 3510-07-M

Estimates of Cubans and Haitians Who Entered the United States Between April 1, 1980 and October 1, 1980; Correction

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice; correction.

SUMMARY: This notice corrects a table showing estimates of Cubans and Haitians who entered the United States between April 1, 1980 and October 1, 1980. The table was published June 24, 1981 (46 FR 32602).

FOR FURTHER INFORMATION CONTACT: Jennifer Marks (301) 763-5184.

The following line should be added after Pinellas County, Florida:

St. Petersburg—50.

Dated: September 2, 1981.

Daniel B. Levine,

Acting Director, Bureau of the Census.

[FR Doc. 81-26113 Filed 9-4-81; 8:45 am]

BILLING CODE 3510-07-M

International Trade Administration

Muhammed Ali Hijazi, et al.; Order Temporarily Denying Export Privileges

In the Matter of: Muhammed Ali Hijazi a.k.a. Ali M. Hijazi, President, United African Airlines, 185 September Street, Tripoli, Libya, and Haute Savoie, France, and Geneva, Switzerland; United African Airlines, 185 September Street, Tripoli, Libya, and Luxembourg, Grand Duchy of Luxembourg, and Malta Airport, Malta; and Greenline Aviation, 7 Rue Bertels, Luxembourg, Grand Duchy of Luxembourg.

The Department of Commerce, pursuant to the provisions of § 388.19 of the Export Administration Regulations, has petitioned the Hearing Commissioner for an order temporarily denying all export privileges to the above-named respondents.

The Department states that the above-named respondents are being investigated by the Compliance Division of the Office of Export Administration. the investigation gives the Department reason to believe that the above-named respondents have engaged in a scheme to procure United States-origin aircraft for use in, for, or by Libya without

obtaining the requisite validated export licenses or reexport authorization and contrary to United States export control restrictions applicable to the export to Libya of U.S.-origin aircraft valued in excess of $3,000,000.

The investigation, which is continuing, gives the Department substantial reason to believe that the public interest is best protected by the issuance of an order immediately denying all export privileges to these respondents in order to prevent further export, reexport, and acquisition of U.S.-origin commodities by respondents. I concur that the order denying the parties all export privileges is necessary.

All persons who are now or may in the future be dealing with the above-named respondents in transactions which in any way involve U.S.-origin commodities or technical data are specifically alterted to the provisions set forth in Paragraph IV below.

Accordingly, it is hereby

Ordered

I. All outstanding validated export licenses in which respondents appear or participate, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Administration for cancellation.

II. The respondents, their successors or assignes, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Administration Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity, (a) as parties or as representatives of a party to a validated export license application, (b) in the preparation or filing of any export license application or reexportation authorization, or of any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part, exported or to be exported from the United States, and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any successor and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Administration, shall do any of the following acts, directly or indiretly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with any named respondent or related party, or whereby any named respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any named respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

V. In accordance with the provisions of § 388.19(b) of the Export Administration Regulations, the respondents may move at any time to vacate or modify this temporary denial order by filing with the Hearing Commissioner, International Trade Administration, U.S. Department of Commerce, Room 3810, 14th and Constitution Avenue, N.W., Washington, D.C. 20230, an appropriate motion for relief, supported by substanttial evidence, and may also request an oral hearing thereon, which if requested, shall be held before the Hearing Commissioner at the earliest convenient date.

VI. This order is effective immediately. It remains in effect until the final disposition of any administrative or judicial proceeding or proceedings initited against the named respondents have been completed. A copy of this order shall be served upon the respondents.

Dated: September 1, 1981.

Bertram Freedman,

Hearing Commissioner.

[FR Doc. 81-26002 Filed 9-4-81; 8:45 am]

BILLING CODE 3510-25-M

Viscose Rayon Staple Fiber From France; Preliminary Results of Adminstrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on viscose rayon staple fiber from France. The review is limited to the only known producer of the merchandise, Rhone-Poulenc Textile and the only known exporter, Achille Bayart et Cie, for the time period March 1, 1980 through February 28, 1981. The producer and the exporter claimed they made no shipments of the merchandise during the period of review. The Department's records indicate there were shipments. The Department has preliminarily determined to assess dumping duties based on the dumping margin during the fair value investigation as best evidence. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: September 8, 1981.

FOR FURTHER INFORMATION CONTACT: J. Linnea Bucher or David R. Chapman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-4273).

SUPPLEMENTARY INFORMATION

Procedural Background

On February 23, 1981 the Department of Commerce ("the Department") published in the **Federal Register** the final results of its first administrative review of the above finding and announced its intent to conduct the next administrative review by the end of March 1982 (46 FR 13536-37). As required by section 751 of the Tariff Act of 1930 ("the Tariff Act") the Department has now conducted that administrative review of the antidumping duty finding on viscose rayon staple fiber from France.

Scope of the Review

This review covers imports of viscose rayon staple fiber, except solution dyed, in noncontinuous form, not carded, not combed and not otherwise processed, wholly of filaments (except laminated filaments and plexiform filaments). These fibers are currently classifiable under items 309.4320 and 309.4325 of the Tariff Schedules of the United States Annotated (TSUSA).

The only known French exporter to the United States is Achille Bayart et Cie. The only known producer is Rhone-Poulenc Textile. The review covers the period March 1, 1980 through February 28, 1981. The producer, Rhone-Poulenc Textile, and the exporter, Achille Bayart et Cie, claimed they made no shipments of the merchandise during the period of review. The Department's records indicate shipments were made during the period of review.

Preliminary Results of the Review

As a result of our review, we preliminarily determine to assess dumping duties of 24%, based upon the dumping margin during the fair value investigation as best evidence, on the unreported shipments. The Department will issue appraisement instructions directly to the Customs Service.

As required by § 353.48(b) of the Commerce Regulations, we preliminarily determine that a cash deposit of estimated duties of 24%, based on the dumping margin during the fair value investigation, shall be required on all shipments of viscose rayon staple fiber from France entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. This requirement shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results on or before October 8, 1981, and may request disclosure and/or a hearing on or before September 23, 1981. The Department will publish the final results of its analysis of any such comments or hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

September 1, 1981.

[FR Doc. 81-26003 Filed 9-4-81; 8:45 am]

BILLING CODE 3510-25-M

Fireplace Mesh Panels From Taiwan; Initiation of Antidumping Investigation

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of antidumping investigation.

SUMMARY: On the basis of a petition filed in proper form with the United States Department of Commerce, we are initiating an antidumping investigation to determine whether fireplace mesh panels from Taiwan are being sold in the United States at less than fair value. We are notifying the U.S. International Trade Commission of this action, so that it may preliminarily determine whether these imports are materially injuring or threatening to materially injure a U.S. industry.

EFFECTIVE DATE: September 8, 1981.

FOR FURTHER INFORMATION CONTACT: Steve Garment, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230 (202-337-1756).

SUPPLEMENTARY INFORMATION:

Initiation of Investigation

On August 11, 1981, we received a petition from the International Management Service Associates, Inc. of Sinking Spring, Pennsylvania, on behalf of the U.S. fireplace mesh panels industry. The petition complies with the filing requirements of § 353.36 the Department of Commerce Regulations (19 CFR 353.36).

The petitioner alleges that fireplace mesh panels from Taiwan are being sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended ("the Act") and that such sales are materially injuring a U.S. industry.

The petitioner also alleges that sales of fireplace mesh panels are not made in the home market, but are sold to third countries. These third country sales allegedly are also being made at prices below the cost of production. We have determined that the methodology utilized by the petitioner is reasonable, and that we have a sufficient basis for initiating an inquiry into the cost of producing fireplace mesh panels in Taiwan. This inquiry will permit the determination of whether, in fact, third country sales are being made at prices less than the cost or production within the meaning of section 773(b) of the Act.

After conducting a summary review of the petition as section 732(c)(1) of the Act requires, we have found that the petitioner's allegations and supporting information warrant further investigation. Therefore, we are initiating an antidumping investigation to determine whether fireplace mesh panels are sold in the United States at less than fair value, and we are publishing this notice in accordance with 19 CFR 353.37(b). Unless we extend this investigation, we will make our preliminary determination by January 18, 1981.

Scope of Investigation

For purposes of this investigation, the fireplace mesh panels are defined as pre-cut, flexible mesh panels, both finished and unfinished, which are constructed of interlocking spirals of steel wire and are of a kind used in the manufacture of safety screening by U.S. manufacturers of fireplace accessories and wood-burning stoves. Fireplace mesh panels are currently believed classifiable under item numbers 642.8700 or 654.0045, of the Tariff Schedules of the United States Annotated, depending on their stage of processing.

ITC Notification and Preliminary Determination

Section 732(d) of the Act also requires us to notify the U.S. International Trade Commission (ITC) of this decision. We will make available to the ITC all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration. The ITC will determine by September 25, 1981, whether there is a reasonable indication that fireplace mesh panels from Taiwan are materially injuring or are likely to materially injure a U.S. industry.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-26127 Filed 9-4-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

National Marine Fisheries Service; Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorize by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: Drs. Jennifer Buchwald & Carl Shipley (P204B).

b. Address: Department of Phsysiology; Psychology, and Brain Research Institute; University of California, Los Angeles, California 90024.

2. Type of Permit: Scientific Research.

3. Name and Number of Animals: Northern elephant seals (*Mirounga angustirostris*)—60.

4. Type of Take: To mark with bleach, to be able to identify and record individuals in order to study their vocalizations.

5. Location of Activity: San Nicolas Island, California.

6. Period of Activity: 1 year.

Concurrent with the publication of this notice in the Federal Register, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administration for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Services, 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: September 1, 1981.

R. B. Brumsted,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-26198 Filed 9-4-81; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF EDUCATION

Advisory Council on Developing Institutions; Meeting

AGENCY: Department of Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Advisory Council on Developing Institutions. This notice also describes the functions of the Council. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act.

DATE: September 24–25, 1981.

ADDRESS: September 24—Special Functions Room, ROB–3 Cafeteria September 25—Gold Room, ROB–3, Room 3652.

FOR FURTHER INFORMATION CONTACT: Dr. Paul H. Carnell, Executive Director, Advisory Council on Developing Institutions, Regional Office Building 3, (202) 245–2455, 7th and D Streets, SW., Washington, D.C. 20202.

SUPPLEMENTARY INFORMATION: The Advisory Council on Developing Institutions is established under Section 3030 of the Higher Education Act of 1965, as amended (20 U.S.C. 1051–1056), unless otherwise noted.

The Council is estalbished to—

Identify developing institutions through which the purposes of this title may be achieved; and establish the priorities and criteria to be used in making grants under Section 304(a).

Determine, for a Professor Emeritus Grant exceeding two academic years, the period of the additional award; and

Determine the stipend and dependency allowance for a Professor Emeritus Grant for each academic year of teaching or research.

The meeting of the Council shall be open to the public.

The proposed agenda includes:

First Day—Thursday, September 24, 1981

9:00 am–9:15 am—Introductory Comments, Dr. Thomas P. Melady, Assistant Secretary for Postsecondary Education

9:15 am–12:00 pm—Analysis of the proposed rules for title III—Institutional Aid (Public Law 96–374, October 3, 1980)

12:00 pm–1:30 pm—Lunch

1:30 pm–4:00 pm—Continuation of analysis of proposed rules for Title III—Institutional Aid (Public Law 96–374, October 3, 1980)

Second Day—Friday, September 25, 1981

9:00 am–12:00 pm—Analysis of proposed technical amendments to Title III—Institutional Aid

12:00 pm–1:30 pm—Lunch

1:30 pm–4:00 pm—Discussion of content of Annual Report to Congress

Records are kept of all Council proceedings, and are available for public inspection at the Office of the Executive Director of the Advisory Council on Developing Institutions, Room 3068, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C. 20202.

Signed at Washington, D.C. on September 2, 1981.

Thomas P. Melady,

Assistant Secretary for Postsecondary Education.

[FR Doc. 81-26128 Filed 9-4-81; 8:45 am]

BILLING CODE 4000-01-M

Office of Special Education and Rehabilitative Services; Handicapped Personnel Preparation Program; Closing Date for Transmittal of Applications for Fiscal Year 1982

AGENCY: Department of Education.

ACTION: Notice of closing date for transmittal of applications for fiscal year 1982.

Applications are invited for *new projects* and *non-competing continuation projects* under the Handicapped Personnel Preparation Program.

Closing date for transmittal of applications: Applications for *new awards* must be mailed or hand delivered by November 6, 1981. To be assured of consideration for funding, applications for non-competing continuation awards should be mailed or hand delivered by December 1, 1981. If an application for a non-competing continuation award is received after that date, the Department of Education may lack sufficient time to review it with the non-competing continuation applications and may decline to accept it.

All applications submitted for competition (regardless of state or priority area addressed) will receive equal consideration. The former practice of funding according to State cycle has been eliminated. Under the fiscal year 1982 competitions, applicants may propose project activities for a maximum of up to thirty-six (36) months.

Applications delivered by mail: An application sent by mail must be addressed to the Department of Education, Application Control Center, Washington, D.C. 20202–3561. Attention: 84.–029.

An applicant for *new awards* 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 the local post office.

Applicants for new and non-competing continuation awards are encouraged to use registered or at least first class mail.

Each late applicant for *new awards* will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand-delivered must by taken to the Department of Education, Application Control Center, Room 5673, Regional Office Building 3, Seventh and D Streets, S.W., 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.

Hand-delivered applications for *new awards* will not be accepted after 4:30 p.m. on the closing date.

Program information: Authority for this program is contained in Sections 631, 632, and 634 of Part D of the Education of the Handicapped Act (20 U.S.C. 1431, 1432, and 1434).

This program issues awards to institutions of higher education, other appropriate nonprofit institutions or agencies, and State education agencies.

The purpose of the awards is to improve the quality and increase the supply of special educators and support personnel at both the preservice and inservice levels.

The range of training audiences and disciplines covered by this discretionary program is exceptionally diverse, including: special educators, speech, language and hearing professionals, early childhood specialists, administrators, teacher aides (paraprofessionals), physical educators, recreation specialists, health/medical personnel, physical therapists, occupational therapists, psychologists, vocational/career educators, regular educators, parents and volunteers. The support of training activities for this broad spectrum of educators and support personnel is consistent with the methods of service delivery provided for the education of our Nation's handicapped children and youth.

Available funds: The total amount of funds awarded under this grant program for fiscal year 1981 was $43.5 million, $32.2 million for non-competing continuation applications and $11.3 million for new applications. At this time the fiscal year 1982 appropriation is undetermined. An estimated 850 grants (both non-competing continuation and new) will be awarded with an average grant totaling $52,000. These figures are only estimates and do not bind the Department of Education.

Application forms: Application forms and program information packages are available and may be obtained by writing to the Division of Personnel Preparation, Office of Special Education, Department of Education, Room 4805, Donohoe Bldg., 400 Maryland Ave., S.W., Washington, D.C. 20202–4714.

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 75 pages in length. The Secretary further urges that only the information required by the application form be submitted.

Applicable regulations: The following regulations apply under this program:

(a) Regulations governing Training Personnel in the Education of the Handicapped (34 CFR Part 318). Amendments to Part 318 were published in the **Federal Register**:

(1) On April 19, 1977, (42 FR 20298–20300);

(2) On April 3, 1980 (45 FR 22532); and

(3) On January 19, 1981 (46 FR 5372–5392). (The Department is currently reviewing the selection criteria for the Handicapped Personnel Preparation Program that were published in final on January 19, 1981. If the Department proposes substantial changes in the selection criteria for Fiscal Year 1982 awards, the closing date for applications will be extended.)

(b) The Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 75 and 77), which were published in the **Federal Register** on April 3, 1980 (45 FR 22493–22631) and amended on December 22, 1980 (45 FR 84058–60) and January 14, 1981 (45 FR 3205–06).

FOR FURTHER INFORMATION: For further information contact Dr. Herman Saettler, Acting Director, Division of Personnel Preparation, Office of Special Education, Department of Education, Room 4805, Donohoe Building, 400 Maryland Avenue, S.W., Washington, D.C. 20202–4714. Telephone (202) 245–9886.

(20 U.S.C. 1431, 1432, 1434)

(Catalog of Federal Domestic Assistance No. 84.029, Handicapped Personnel Preparation)

Dated: September 1, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-25920 Filed 9-4-81; 8:45 am]

BILLING CODE 4000-01-M

Program for Research Grants on Law and Government Studies in Education

AGENCY: Department of Education.

ACTION: Notice of cancellation of application notice inviting grant applications for Fiscal Year 1982 funding.

SUMMARY: The Secretary cancels the closing date in the Application Notice published in the **Federal Register** on June 13, 1980 (45 FR 40200). That notice invited the submission of grant applications under the National Institute of Education's *Program for Research Grants on Law and Government Studies in Education. The closing date for the transmittal of applications was established as September 10, 1981.Q02*

SUPPLEMENTARY INFORMATION:

The cancellation of the closing date is a consequence of the reduction in funds for Fiscal Year 1982 projected for this program. Because of the reduction, the Secretary has determined that the funds currently anticipated for the program are insufficient to warrant having a new grants competition. Consequently, the Secretary has decided to use the limited funds available to support activities approved in FY 1981, but for which funds were rescinded.

FOR FURTHER INFORMATION CONTACT: Dr. Donald W. Burnes, Legal and Governmental Studies Team, National Institute of Education, 1220 19th Street, N.W., Washington, D.C. 20208. Telephone: (202) 254–6070.

(Catalog of Federal Domestic Assistance Number 84.117, Educational Research and Development)

Dated: September 3, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-26341 Filed 9-4-81; 11:49 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket No. ERA-FC-79-005; OFC Case No. 61004-9018-05-11]

Air Products and Chemicals, Inc.; Powerplant and Industrial Fuel Use; Availability of Tentative Staff Analysis on Petition for Exemption

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of availability of tentative staff analysis on petition for exemption from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE), hereby gives notice of the availability of the Tentative Staff Analysis on the petition filed by Air Products and Chemicals, Incorporated (Air Products or the Company) for a temporary exemption from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act). Title II prohibits the use of petroleum and natural gas as a primary energy source in certain new major fuel burning installations (MFBI's) unless an exemption for such use has been granted by ERA. Pertinent criteria and procedures for petitioning for an exemption from the prohibitions of FUA are contained in 10 CFR Parts 500, 501 and 503 published on June 6, 1980, at 45 FR 38276 and 38302.

Air Products' petition, filed with ERA on September 17, 1979, requested a temporary exemption from the prohibitions of Title II of FUA for a new major fuel burning installation (MFBI) at its Calvert City, Kentucky, chemical plant. The exemption request, based upon section 211(b) of FUA, asserts that at the end of a 5-year exemption period the Company will be able to comply with the applicable prohibitions through the use of a synthetic liquid fuel derived from coal.

The ERA staff has reviewed and analyzed the information presently contained in the record of this proceeding and has completed a Tentative Staff Analysis which recommends that ERA issue an order granting Air Products the requested temporary exemption. Pursuant to 10 CFR 501.64, Notice of Availability of the Tentative Staff Analysis is hereby made and interested persons are provided a 14-day period to make written comment on the Tentative Staff Analysis or to request a public hearing. A summary of the Tentative Staff Analysis is contained in the SUPPLEMENTARY INFORMATION section below.

ERA will issue a final order granting or denying Air Products' petition for a temporary exemption from the prohibitions of the Act within six months after the public comment period provided for in this notice has expired, unless ERA extends such period. Notice of any extension, and the reasons therefor, will be published in the **Federal Register.**

DATE: Written comment on the Tentative Staff Analysis or a request for public hearing, must be filed with ERA on or before September 22, 1981.

ADDRESS: Fifteen copies of writtten comments, or a request for a public hearing, shall be submitted to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street, NW., Washington, D.C. 20461.

Docket Number ERA-FC-79-005 should be printed clearly on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Constance L. Buckley, Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, D.C. 20461, Phone (202) 653-4226

Robert Goodie, Case manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, D.C. 20461, Phone (202) 653-4257

Marya A. Rowan, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B-178, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone (202) 252-2967

A public file containing a copy of the Tentative Staff Analysis and other documents and supporting materials on this proceeding is available upon request at: ERA, Room B-110, 2000 M Street, NW., Washington, D.C. Monday-Friday, 8:00 a.m.-4:30 p.m.

SUPPLEMENTARY INFORMATION: Air Products' petition was filed under the provisions of the then-effective interim rule implementing certain provisions of FUA, published in the **Federal Register** on May 15, 1979, at 44 FR 28530, and on May 17, 1979, at 44 FR 28950. Subsequently, ERA's implementing FUA rule was finalized and became effective on August 5, 1980. (Codified at 10 CFR Parts 500, 501 and 503, published on June 6, 1980, at 45 FR 38276 and 38302.)

The final rule simplified the eligibility and evidentiary requirements for the synthetic fuels exemption authorized by section 211(b) of FUA and the ERA staff's determinations and recommendations contained in the Tentative Staff Analysis are based upon analysis of Air Products' petition under the criteria established in the final rule at 10 CFR 503.24.

The MFBI for which the temporary exemption is requested is a new packaged boiler (hereafter, "new MFBI") having a design heat rate input of 86 million Btu's per hour and is capable of burning either petroleum or natural gas. Under the criteria of 10 CFR 500.5(b)(1), the new MFBI, when aggregated with other existing boilers at the same site, is jurisdictional for purposes of FUA.

In accordance with the procedural requirements of FUA and 10 CFR 501.64 of the then-effective interim rule, ERA published notice of its acceptance of Air Products' petition in the **Federal Register** on November 6, 1979, at 44 FR 64105. The notice provided a 45-day comment period during which interested persons could submit written comments on the petition for exemption and request that a public hearing be convened. The period expired on December 21, 1979. No comments were received and no person requested a public hearing.

As required by section 701(f) and (g) of the Act, ERA provided a copy of Air Products' petition to the Environmental Protection Agency and the Federal Trade Commission for their comment. No comments have been received from these agencies.

Section 701(c)(3) of FUA and 10 CFR 501.68 requires that an order either granting or denying a petition for exemption must be issued within 6 months after the end of the last period for public comment and hearing. The close of the last period for public comment and hearing on Air Products' petition was December 21, 1979, the expiration of the 45-day comment period provided in ERA's Notice of Acceptance. However, because of Air Products continued inability to satisfy the requirement that it produce evidence of a binding contract for the purchase of synthetic fuel, ERA, as authorized by section 701(c)(3) of FUA and 10 CFR 501.68(a)(2), has thrice extended, in six-month increments, the period for issuance of the final order on Air Products' petition for exemption. Such extensions were noticed in the **Federal Register** at 45 FR 42004, June 23, 1980; 45 FR 84119, December 22, 1980; and 46 FR 32304, June 22, 1981. The third extension period expires on December 21, 1981.

On July 17, 1981, Air Products filed with ERA evidence of a binding contract for the purchase of the synthetic fuel to be use as a primary energy source in the new MFBI upon the expiration of the requested temporary exemption.

Eligibility and evidentiary requirements governing the temporary exemption based upon the future use of synthetic fuels, authorized under section 211(b) of FUA, are set forth at 10 CFR 503.24. To qualify for the exemption a petitioner must certify that he will be able to comply with the applicable prohibitions imposed by FUA at the end of the proposed exemption period by the use of a synthetic fuel and that he will be unable to be in compliance until the end of the proposed exemption period. In support of his certification the petitioner must provide a description of the synthetic fuel proposed to be used and a compliance plan, which pursuant to 10 CFR 503.12(b), shall detail the schedule of progressive events to take place in order to achieve eventual compliance with the prohibitions of FUA and will include evidence of a binding contract for fuel, or for facilities for the production of fuel, required for compliance.

On August 18, 1981, Air Products filed with ERA a certification, executed by a duly authorized representative of the Company, attesting that Air Products is not able to comply with the applicable prohibitions of the Act until the end of the proposed exemption period, but will comply by the use of coal derived liquid fuel in accordance with the schedule contained in the previously filed compliance plan.

In describing the synthetic fuel to be used in the new MFBI, Air Products states that it is a principal member of a joint venture, the International Coal Refining Company (ICRC) which, under contract with DOE, will design, construct and operate a plant to demonstrate on a commercial scale the economical and technical feasibility of the solvent refined coal process, known as SRC–I, to produce solid and liquid fuel products from coal. The SRC–I Demonstration Plant, to be located near Newman, Kentucky, will process up to 6,000 tons per day of Kentucky No. 9 or similar coal into various solid and liquid fuels during a demonstration period scheduled for a term of five years. Commencing with the demonstration period, Air Products will purchase and use in the new MFBI, and other untis at its Calvert City site, a SRC–I liquid product similar to middle distillate (referred to hereafter as "SRC–I middle distillate").

With the July 17, 1981, filing Air Products also submitted a revised compliance plan updating the pertinent milestones leading to its eventual compliance with the prohibitions of the Act.

The contract entered into by Air Products with ICRC for the purchase of the SRC–I middle distillate stipulates that ICRC's obligation to furnish Air Products with a specified amount of the SRC–I middle distillate commences upon and continues during the SRC–I Demonstration Plant's demonstration period, which is currently planned by ICRC to run for a term of five years. The contract also provides that if ICRC elects to convert the Demonstration Plant to a commercial plant, ICRC and Air Products will negotiate in good faith for the continuing supply of the SRC–I middle distillate.

In the Tentative Staff Analysis the ERA staff states it has determined, based upon examination of all documents filed by Air Products during this proceeding, and other materials relative to the SRC process, that Air Products has sufficiently demonstrated, pursuant to the criteria contained at 10 CFR 503.24, the eligibility of its new MFBI for a temporary exemption based upon the future use of synthetic fuels. Specific determinations are:

The certification filed by Air Products on August 18, 1981, fulfills the requirements of 10 CFR 503.24(b)(1).

Based upon review of studies, reports and analyses of the SRC process and the properties of coal-derived test fuels produced, it was concluded that coal-derived liquid fuels are sufficiently similar in composition to petroleum fuels and that with minor modifications to burner nozzles, burning in conventional oil-fired equipment is technically feasible.

The revised, updated schedule of events filed on July 17, 1981, sufficiently details the schedule of progressive events to take place which will lead to the use of the SRC–I middle distillate as a primary energy source in the new MFBI.

The Office of the General Counsel, DOE, has examined the contract filed with ERA on July 17, 1981, and has determined that it is a binding contract within the meaning of the term in 10 CFR 503.12(b)(1)(ii). The OGC's review of the contract is incorporated in the Tentative Staff Analysis.

That with its filing of July 17, 1981, Air Products has satisfied the requirement for submission of a final compliance plan pursuant to 10 CFR 503.24(c).

The ERA staff has recommended in the Tentative Staff Analysis that ERA issue an order which, subject to certain recommended terms and conditions, would grant Air Products a temporary exemption for its new MFBI and that such temporary exemption be in force for a period of five years from the commencement of operation of the new MFBI under the provisions of the granted exemption, or until the start of the demonstration period of the SRC–I Demonstration Plant, whichever occurs first. The ERA staff further recommended, for the purposes of effectiveness of the order, that the documents filed by Air Products on July 17, 1981, be accepted and approved as Air Products' final compliance plan pursuant to 10 CFR 503.12(b)(2).

Section 214 of the Act gives ERA the authority to attach terms and conditions to any order granting an exemption which are appropriate and consistent with the purposes of the Act. In the Tentative Staff Analysis the ERA staff has recommended that any order which would grant Air Products the requested temporary exemption be subject to specified terms and conditions.

In developing certain of the recommended terms and conditions, the ERA staff considered that its recommendation to grant the requested exemption is based primarily on Air Products demonstration that a supply of synthetic fuel will be available for use in the new MFBI at the end of the exemption period, as evidenced by the Air Products/ICRC contract. Therefore, the continued application of the exemption during the exemption period is contingent upon a reasonable, continued assurance that the synthetic fuel contracted for will be produced and available to the petitioner at the end of the exemption period.

Accordingly, any order which would permit Air Products to use petroleum or natural gas in the new MFBI until the contracted-for SRC–I middle distillate becomes available, must contain a term and condition designed to terminate the provisions of the exemption if, during the period the exemption is in force, it became a certainty that the synthetic fuel will not be produced or will not be available in sufficient quantity to serve as the primary energy source of the new MFBI. Additionally, it must be specified in the terms and conditions that if after expiration of the temporary exemption the supply of synthetic fuel became permanently unavailable, then another exemption available under FUA would have to be obtained by Air Products before the use of petroleum and natural gas in the new MFBI could be resumed. (Under 10 CFR 501.192, the use of petroleum and natural gas in the new MFBI may be permitted during any temporary shortage of synthetic fuel, provided the criteria contained therein are met.)

Following is a summary of the terms and conditions recommended by the ERA staff in the Tentative Staff Analysis:

(1) Air Products shall certify to ERA the date the new MFBI is first operated under the provisions of the exemption order.

(2) The exemption order shall terminate on the fifth anniversary of the date the new MFBI is first operated under the provisions of the exemption order or at the date of startup of the demonstration period of the SRC–I Demonstration Plant, whichever date occurs earlier. Once terminated, the exemption order is not reinstatable.

(3) If prior to the expiration of the exemption order it becomes certain that a synthetic fuel will not be available for the new MFBI, the continued use of petroleum and natural gas in the new MFBI is subject to Air Products qualifying the new MFBI for another exemption available under FUA.

(4) Air Products will obtain all necessary environmental permits prior to burning petroleum, natural gas or a synthetic fuel in the new MFBI.

(5) The quality of any petroleum burned in the new MFBI will be the lowest grade available and feasible.

(6) Air Products shall submit updates to its compliance plan annually, whenever any changes occur, or at anytime ERA, in its discretion, determines that a revised compliance plan is necessary.

(7) At the termination of the temporary exemption, Air Products shall certify to ERA that the use of petroleum and natural gas as a primary energy source in the new MFBI has ceased.

(8) Any petition for extension of the temporary exemptions shall be filed in the manner and time frame prescribed by ERA rule.

Environmental Analysis

In accordance with section 763(1) of FUA, the granting or denial of any temporary exemption is not deemed to be a major Federal action for the purposes of section 102(2)(C) of the National Environmental Policy Act of 1969. Therefore, in connection with Air Products' petition for a temporary exemption, ERA is not required to prepare an environmental impact statement.

The Tentative Staff Analysis does not constitute a decision by ERA to grant the requested exemption. Such a decision will be made in accordance with 10 CFR 501.68 on the basis of the entire record of this proceeding, including any comments received on the Tentative Staff Analysis.

Issued in Washington, D.C. on August 31, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-26005 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ID-1661-000]

John Adams; Application

September 1, 1981.

The filing individual submits the following:

Take notice that on August 24, 1981, John Adams filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Director, Monongahela Power Company.

Director, Vice President, The Potomac Edison Company.

Director, West Penn Power Company.

Director, Ohio Valley Electric Corporation.

Director, Indiana-Kentucky Electric Corporation.

Director, Allegheny Generating Company.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 25, 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. 81-26031 Filed 9-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. QF81-52-000]

Arcata Lumber Co.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

September 1, 1981.

On July 30, 1981, the Arcata Lumber Co., of Manlo Park, California filed with the Federal Energy Regulatory Commission (Commission) an application to be certified as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility is located at Smith River, California and consists of a 3.25 megawatt and 6.75 megawatt turbine generators fired by two 80,000 pound boilers. The total capacity of the facility is 10 megawatts. The primary energy source of the facility is biomass. The applicant does not own any other small power production facilities and no electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, 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 30 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. 81-26030 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-179-000]

Arizona Public Service Co.; Order Granting Rehearing for Purposes of Further Consideration

Issued August 31, 1981.

On July 30, 1981, Citizens Utilities Company (Citizens), an intervenor in this docket, filed an application for rehearing of the Commission's order of July 2, 1981.[1] That order, *inter alia*, vacated a previously imposed five month suspension with respect to Arizona Public Service Company's (APS) increased rates to Citizens, interpreted certain disputed contract language between APS and Citizens as permitting APS to make unilateral rate change filings for that customer, and

[1] "Subsequent Order Regarding Contract Issues." *See also* order issued February 27, 1981, Docket No. ER81-179-000.

imposed a one day suspension of APS' revised rates to Citizens. On rehearing, Citizens challenges the Commission's earlier contract interpretation and the resulting determinations.

In order to afford additional time for consideration of the issues raised in the application for rehearing, we shall grant rehearing of the July 2, 1981 order for the limited purpose of further consideration.

The Commission Orders

(A) Rehearing of the July 2, 1981 order is hereby granted for the limited purpose of further consideration.

(B) As provided in § 1.34(d) of the Commission's Rules of Practice and Procedure, no answers to the applications for rehearing will be entertained by the Commission, since this order does not grant rehearing upon any substantive issue.

(C) the Secretary shall promptly publish this order in the **Federal Register.**

By the Commission. Commissioner Holden concurred on the limited issue of rehearing with a separate statement attached.

Kenneth F. Plumb,

Secretary.

Holden, Commissioner, concurring on the limited issue of rehearing:

(Issued August 31, 1981)

The Commission tolls the period for action on the applications of Citizen's Utility Company and the Papago Tribal Utility Authority for rehearing of the Commission's order permitting APS to file unilaterally under section 205(d) of the Federal Power Act to change its contract rate.

I concur, for reasons stated in my dissent to the original order, on the limited issue of granting rehearing, since it is better than the alternative of denying rehearing.

However, I do not believe that it is sufficient. I continue to believe that the holding in *Papago Tribal Utility Authority, et al.* v. *FERC,* 610 F.2d 914 (D.C. Cir. 1979), controls this case on both the facts and the law. On that basis, what the majority should do is grant rehearing and reverse its original position.

Matthew Holden, Jr.,

Commissioner.

[FR Doc. 81-25045 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-698-000]

Arizona Public Service Co.; Filing

August 31, 1981.

The filing Company submits the following.

Take notice that on August 24, 1981, Arizona Public Service Company (APS) tendered for filing as an initial rate schedule an Agreement for Sale of Energy Interchange between Arizona Electric Power Cooperative, Inc. and Arizona Public Service Company dated June 29, 1981.

APS requests that the effective date of this filing be 60 days after filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with §§ 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 21, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26030 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-577-000]

Arkansas Power & Light Co.; Order Accepting for Filing and Suspending Revised Rates, Denying Motion, Granting Waiver, Ordering Summary Rejection, Granting Interventions, and Establishing Price Squeeze and Hearing Procedures

Issued: August 28, 1981.

On June 30, 1981, Arkansas Power and Light Company (AP&L) tendered for filing revised rates for firm service to its seven wholesale customers located in Arkansas (Arkansas customers) and three wholesale customers located in Missouri (Missouri customers).[1] The proposed rates (W81) would increase revenues from these customers by approximately $12,772,000 (28.32%) for the twelve months ending December 31, 1981. AP&L requests an effective date of August 29, 1981, for the proposed rates.

As a part of its filing, AP&L also submitted a settlement agreement between the company and the Arkansas customers dated June 17, 1981. The agreement contains proposed settlement rates (W81S) which would increase revenues from the Arkansas customers by approximately $8,456,000. The Missouri customers have not joined in the settlement agreeement and therefore would be subject to the W81 rate, which would increase revenues from these customers by approximately $1,093,000.

The settlement agreement provides that if the Commission suspends the proposed rates for no longer than one day, AP&L will defer implementation of the settlement rates until the company implements increased retail rates now pending before the Arkansas Public Service Commission in Docket No. 81-144-U, either pursuant to an order of that Commission or by the company subject to refund, whichever date is earlier.[2] The settlement further provides that if AP&L implements retail rates which are lower than those originally proposed in Docket No. 81-144-U, the company will reduce, on a proportionate basis, the rate increase to its wholesale customers in the instant proceeding. AP&L has stated in its letter of transmittal that it is willing to implement the proposed settlement rates for its Missouri customers, despite the fact they have not approved the settlement, in the event of a one-day suspension of the proposed rate increase.

On August 10, 1981,[3] pleadings were filed by Missouri Utilities Company (MU), the Cities of Thayer[4] and Campbell, Missouri (Missouri Cities), and a group of Arkansas customers which were parties to the June 17, 1981 settlement agreement. The Missouri Cities contend that the proposed rates (both W81 and W81S) are unjust and unreasonable and request that the Commission (1) initiate an investigation and hearing, (2) suspend the proposed rates for five months, and (3) allow the Missouri Cities to intervene in the proceeding. In addition, the Missouri Cities state that the settlement between AP&L and its Arkansas customers has no relationship to the proposed increase to the remaining customers and they assert that it would be improper to

[1] *See* Attachment A for rate schedule designations and customer identification. The Missouri customers were served by the Arkansas-Missouri Power Company (Ark-Mo) until Ark-Mo merged with AP&L on January 1, 1981.

[2] Settlement agreement paragraph (b). Unless authorized by the Arkansas commission to become effective sooner, the increased retail rates in Docket No. 81-144-U would become effective as of September 28, 1981, subject to refund.

[3] Notice of AP&L's filing was issued on July 8, 1981, with protests or petitions to intervene due on or before July 27, 1981. On July 24, 1981, AP&L filed a motion for an extension of the Comment deadline so that the company and its customers could pursue further settlement discussions. On July 27, 1981, the time for filing petitions to interrvene was extended until August 10, 1981.

[4] The City of Thayer filed a separate petition to intervene on July 24, 1981, which did not raise any substantive issues.

apply the settlement rates to the Missouri customers. The Missouri Cities also raise issues concerning demand allocation, fuel adjustment charges, rate of return, and price squeeze.

MU's pleading is in the form of a motion to dismiss the filing as to MU or, alternatively, a petition to intervene and request for a maximum suspension. In support of its motion to reject, MU alleges that the filing, and notice thereof, is applicable to nine municipal and two electric cooperative customers and therefore does not apply to MU, which is an investor-owned utility, according to MU, it is not a member of the customer class described in the notice of filing or in either rate schedule W81 or W81S, and AP&L has not sought to terminate its presently effective contract with MU (adopted by AP&L when it merged with Ark-Mo.[5]

The group of Arkansas customers which were parties to the settlement with AP&L filed a petition to intervene and assent to the settlement agreement and associated deferred rate increase. In their petition, the customers request that the Commission suspend the settlement rates for one day and approve the settlement agreement in its entirety.

Discussion

Initially, we find that participation in this proceeding by each of the petitioners is in the public interest. Accordingly, we shall grant the petitions to intervene.

The Commission finds that MU's motion to discuss the filing insofar as it affects MU is without merit. As a result of AP&L's recent merger with Arkansas-Missouri Utilities Company (Ark-Mo), AP&L now provides service to MU by delivery of electrical requirements to the communities of Popular Bluff and Arbyrd, Missouri. Although the instant submitted does not specifically describe MU as an investor-owned utility, AP&L cost of service study indicates that the service characteristics of these MU customers are not unlike those of the other municipalities to which AP&L's rates apply. Absent any evidence to the contrary, we cannot conclude that AP&L's treatment of the Poplar Bluff and Arbyrd delivery points as part of its municipal class is unreasonable. Furthermore, according to AP&L's transmittal letter, MU was provided with a copy of AP&L's rate filing at the time it was submitted to the Commission,[6] thus providing MU with notice of the proposed rate increase for its two delivery points. Under these circumstances, we find that MU was given reasonable notice of AP&L's proposed rate increase and we shall deny MU's motion to reject.

Our preliminary analysis indicates that the proposed settlement with the Arkansas customers is just and reasonable and therefore we shall accept that settlement and the W81S rates for filing. Consistent with the agreement of the parties as reflected in their settlement, we shall suspend the W81S rates as applied to the Arkansas customers for one day, without hearing,[7] although they shall become effective subject to refund on the date that AP&L's retail rates in Docket No. 81–144–U are implemented either pursuant to an order of the Arkansas commission, or by AP&L subject to refund, whichever is earlier.

In light of this action, AP&L shall promptly notify the Commission of the effective date of any increase in retail rates pending in Docket NO. 81–144–U. In the event that retail rates lower than those proposed by AP&L in Docket No. 81–144–U become effective, AP&L is hereby notified that the proportionate reduction in wholesale rates contemplated by the settlement agreement must be filed with the Commission as a change in rate schedule under § 35.13 of the Commission's regulations.

Since the MIssouri customers have not executed the settlement agreement and, in fact, have disavowed that agreement, AP&L proposed W81 rates are applicable to those customers. Our analysis indicates that the proposed W81 rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the W81 rates for filing as to the Missouri customers and suspend them as ordered below.

In a number of suspension orders,[8] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. No such circumstances have been presented here. Accordingly, we shall suspend the W81 rates for a period of five months, permitting the rates to take effect subject to refund thereafter on January 30, 1982.

Our analysis further indicates that the proposed fuel clause which is included in both the W81 and W81S rates is not in conformance with § 35.14 of the Commission's regulations.[9] The proposed fuel clause is improper in that it incorporates (1) an estimated replacement cost of energy that is added to nuclear fuel costs during the months in which nuclear generation is operating to offset fuel costs incurred in months when nuclear units are down for refueling, and (2) a net change in capacity equalization revenues reflected in the monthly fuel adjustment calculation. However, the Commission notes that the proposed fuel clause is identical to that filed by AP&L for its retail service and that the settlement agreement with the Arkansas customers provides that the wholesale fuel clause shall track the retail fuel clause to maintain parity between wholesale and retail rate increases.[10] In light of these considerations, the Commission shall grant waiver of the § 35.14 fuel clause requirements and accept the proposed fuel clause for service to the Arkansas customers.

The Missouri customers, however, have not joined in the settlement agreement and there is no question as to these customers concerning parity with the fuel clause applicable to AP&L's retail service in Arkansas. Therefore, with respect to service to the Missouri customers, the Commission will summarily reject AP&L's non-conforming fuel clause and direct AP&L

[5] On August 19, 1981, AP&L and the Arkansas customers submitted a response to the pleadings filed by the Missouri Cities and MU. The response states that the objections raised by the Missouri Cities and MU are not directed *per se* at the settlement agreement between AP&L and the Arkansas customers and that, therefore, the objections should have no impact on the Commission's disposition of the proposed settlement.

[6] See § 35.(2)[3] of the Commission's regulations, 18 CFR 35.[2][3].

[7] The suspension without hearing is intended to provide refund protection in the event that lower retail rates are approved by the Arkansas Commission and the wholesale rates are adjusted pursuant to the settlement agreement. This action is consistent with the Commission's letter order in AP&L's prior wholesale rate increase in Docket No. ER80–713 (October 21, 1980).

[8] *E.g., Boston Edison Co.*, Docket No. ER80–508 (August 29, 1980) (five month suspension); *Alabama Power Co.*, Docket Nos. ER80–506, *et al.* (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80–488 (August 22, 1980) (one day suspension).

[9] 18 CFR 34.14.

[10] It is further noted that paragraph (e) of the settlement agreement provides for AP&L to file a revised fuel clause with this Commission in the event that the Arkansas commission orders a change in AP&L's retail fuel clause.

to file a revised fuel clause which does conform to the requirements of § 35.14 of the Commission's regulations.

In light of the price squeeze allegations raised in Missouri Cities' petition to intervene, we shall order that phased price squeeze procedures be established in accordance with the Commission's order issued August 6, 1979, in *Arkansas Power and Light Company*, Docket No. ER79–339.

Finally, we take this opportunity to advise AP&L that any adjustment which may be contemplated pursuant to the tax adjustment clause contained in the company's submittal will have to be filed as a change in rates under § 35.13 of the Commission's regulations. It is our policy not to permit such tax clauses to be the basis for automatic changes in rates.[11]

The Commission orders:

(A) MU's motion to dismiss the filing insofar as it applies to MU is hereby denied.

(B) With respect to the Arkansas customers, the proposed settlement agreement is hereby accepted for filing and, pursuant to that agreement, the associated W81S rates are suspended for one day without hearing, to become effective subject to refund on the date that AP&L's retail rates in Docket No. 81–144–U are implemented either pursuant to an order of the Arkansas commission, or by AP&L subject to refund, whichever date is earlier.

(C) AP&L shall promptly notify the Commission when its increased retail rates become effective, and in the event that rates lower than those proposed in Docket No. 81–144–U become effective, the proportionate reduction in wholesale rates contemplated by the settlement

[11] *See, e.g., Boston Edison Co.*, Docket No. ER78–304 (May 30, 1978); *Kansas City Power & Light Co.*, Docket No. ER79–141 (March 13, 1979); *Kansas City Power & Light Co.*, Docket No. ER79–166 (March 28, 1979).

set forth in their petitions to intervene; and *Provided, further*, That the

(D) With respect to the Missouri customers, AP&L's proposed rates (W81) are hereby accepted for filing, and suspended for five months from sixty days after filing, to become effective, subject to refund, on January 30, 1982.

(E) The Commission hereby grants waiver of the fuel clause requirements contained in § 35.14 of the Commission's regulations with respect to the W81S rates applicable to the Arkansas customers.

(F) The Commission hereby rejects the proposed fuel adjustment clause contained in the W81 rate schedule as applied to the Missouri customers. Within thirty (30) days of the date of this order, AP&L shall file a revised fuel clause which eliminates (1) the estimated replacement cost of energy charged to the monthly cost of nuclear fuel, and (2) the net change in capacity equalization revenues from the monthly fuel adjustment calculation. Such revised fuel clause shall become effective subject to refund on January 30, 1982.

(G) Pursuant to the authority contained in, and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure, and the regulations under the Federal Power Act [18 CFR, Chapter I], a public hearing shall be held concerning the justness and reasonableness of AP&L's W81 rates.

(H) The petitions to intervene are hereby granted subject to rules and regulations of the Commission; *Provided however*, That participation by the intervenors shall be limited to matters

agreement shall be filed with the Commission pursuant to § 35.13 of the Commission's regulations. admission of the intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(I) The Commission staff shall serve top sheets in this proceeding on or before August 31, 1981.

(J) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The designated law judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(K) We hereby order initiation of price squeeze procedures and further order that this proceeding shall be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for a consideration of price squeeze, would be just and reasonable. The presiding judge may order a change in this schedule for good cause. The price squeeze portion of this case shall be governed by the procedures set forth in § 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(L) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A.—*Arkansas Power & Light Co.*

[Docket No. ER81-577-000, rate schedule designations]

Designation	Customer	Description
1. Supplement No. 15 to Rate Schedule FPC No. 45	Farmers Electric Cooperative Corp	Settlement Agreement.
2. Supplement No. 16 to Rate Schedule FPC No. 45 (Supersedes Supp. No. 13 as supplemented)	do	Rate Schedule W81S.
3. Supplement No. 12 to Rate Schedule FPC No. 49	City of North Little Rock, Arkansas	Settlement Agreement.
4. Supplement No. 13 to Rate Schedule FPC No. 49 (Supersedes Supp. 10 as supplemented)	do	Rate Schedule W81S.
5. Supplement No. 11 to Rate Schedule FPC No. 50	Hope Water & Light Commission	Settlement Agreement.
6. Supplement No. 12 to Rate Schedule FPC No. 50 (Supersedes Supp. No. 9 as supplemented)	do	Rate Schedule W81S.
7. Supplement No. 10 to Rate Schedule FPC No. 56	City of Prescott, Arkansas	Settlement Agreement.
8. Supplement No. 11 to Rate Schedule FPC No. 56 (Supersedes Supp. No. 8 as supplemented)	do	Rate Schedule W81S.
9. Supplement No. 11 to Rate Schedule FPC No. 60	Benton Municipal Light & Water Works	Settlement Agreement.
10. Supplement No. 12 to Rate Schedule FPC No. 60 (Supersedes Supp. No. 9 as supplemented)	do	Rate Schedule W81S.
11. Supplement No. 14 to Rate Schedule FPC No. 63	City of Osceola, Arkansas	Settlement Agreement.
12. Supplement No. 15 to Rate Schedule FPC No. 63 (Supersedes Supp. No. 12 as supplemented)	do	Rate Schedule W81S.
13. Supplement No. 8 to Rate Schedule FPC No. 62 (Supersedes Supp. No. 7)	North Arkansas Electric Coop., Inc.	Rate Schedule W81S.
14. Supplement No. 5 to Rate Schedule FERC No. 90 (Supersedes Supp. No. 4)	City of Campbell, Missouri	Rate Schedule W81.
15. Supplement No. 5 to Rate Schedule FERC No. 86 (Supersedes Supp. No. 3 to Supplement No. 4)	City of Thayer, Missouri	Rate Schedule W81.

Attachment A.—*Arkansas Power & Light Co.*—Continued

[Docket No. ER81-577-000, rate schedule designations]

Designation	Customer	Description
16. Supplement No. 7 to Rate Schedule FERC No. 85 (Supersedes Supp. No. 6)	Missouri Utilities Company	Rate Schedule W81.

[FR Doc. 81-26035 Filed 9-4-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ID-1883-000]

Klaus Bergman; Application

September 1, 1981.

The filing individual submits the following:

Take notice that on August 24, 1981, Klaus Bergman filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Director, Vice President, West Penn Power Company
Director, Ohio Valley Electric Corporation
Director, Allegheny Generating Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 25, 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. 81-26032 Filed 9-4-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. QF81-56-000]

Burlington Environmental Management Services, Inc.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

September 1, 1981.

On August 10, 1981, the Burlington Environmental Management Services, Inc. of Vincetown, New Jersey filed with the Federal Energy Regulatory Commission (Commission) an application for certification as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The proposed facility will be located in Burlington County, Vincetown, New Jersey. The applicant states that the facility will be located at a site containing an existing sanitary landfill which has been used for disposing of municipal and private waste. A by-product of the accumulation of biomass in the landfill is methane gas, which results from the anaerobic digestion of the organic material in the landfill. Methane gas will be collected from the landfill and used to produce electricity. The capacity of the facility is 10 megawatts. There is no planned use of natural gas, oil or coal. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 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. 81-26081 Filed 9-4-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-702-000]

Central Telephone & Utilities Corp.; Filing

September 1, 1981.

The filing Company submits the following:

Take notice that Central Telephone & Utilities Corporation (CTU) on August 25, 1981, tendered for filing a proposed Appendix No. 1 to Service Schedule P (Participation Power Service) and Appendix No. 1 to Service Schedule J (Displacement Power Service), both as a part of the Electric Interconnection and Interchange Agreement between CTU and Sunflower Electric Cooperative, Inc. dated April 9, 1980. These Appendixes contain the rate determination calculations for the contract year beginning June 1, 1981 and ending May 31, 1982.

CTU proposes an effective date of June 1, 1981 for the proposed Appendixes and therefore request waiver of the Commission's notice requirements.

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 21, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26033 Filed 9-4-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4675-000]

Borough of Charleroi, Pa.; Application for Preliminary Permit

September 2, 1981.

Take notice that the Borough of Charleroi, Pennsylvania (Applicant) filed on May 18, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4675 known as the Monongahela Lock and Dam No. 4 Project located on the Monongahela River in Washington County, Pennsylvania. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed

to: Mr. Ronald G. Halkias, Borough Manager, 4th and Fallowfield, Charleroi, Pennsylvania 15022.

Project Description—The proposed project would utilize the existing Corps of Engineers' Monongahela Lock and Dam No. 4 and would consist of a powerhhouse containing one or more generating units with a rated capacity between 10–13.3 MW, a penstock, a switchyard, transmission facilities, and all other appurtenant facilities. The Applicant estimates that the average annual energy output would be approximately 50 to 60 GWH.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The proposed term of the requested permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and study of environmental impacts. Based on results of these stuides, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $65,000.

Competing Applications—This application was filed as a competing application to the Monongahela Lock and Dam No. 4 Project No. 35522 filed on October 2, 1980 by Atlantic Power Development 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 October 26, 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 response to this notice of application for preliminary permit for Project No. 4675. 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. 81-26046 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4855-000]

Clark-Skamania Joint Operating Agency; Application for Preliminary Permit

August 31, 1981.

Take notice that Clark-Skamania Joint Operating Agency (Applicant) filed on June 11, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4855 to be known as the Little White Salmon River Waterpower Project located on the Little White Salmon River in Skamania County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William F. Yee, Manager, Public Utility District No. 1 of Skamania County, P.O. Box 500, Carson, Washington 98610.

Project Description—The proposed project would consist of: (1) a 30-foot high diversion dam; (2) 22,000 feet of diversion tunnel and pipeline; (3) a powerhouse containing one generating unit rated at 54,000 kW; and (4) a 115-kV transmission line. The Applicant estimates that the average annual energy output would be 191 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, economic, and feasibility studies, and prepare a FERC license application. Applicant stated that field studies may necessitate new access road construction and exploratory borings. The cost of the work to be performed under the preliminary permit is estimated to be $1,000,000.

Competing Applications—Anyone désiring to file a competing application must submit to the Commission, on or before October 30, 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 recieved on or before October 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. 81-26016 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-21-001 (PGA81-2 and AP81-2)]

Columbia Gas Transmission Corp.; Order Accepting for Filing and Suspending Proposed Tariff Sheets, Subject to Conditions, Consolidating Proceedings, and Establishing Procedures

Issued August 31, 1981.

Columbia Gas Transmission Corporation (Columbia) filed revised tariff sheets [1] on July 31, 1981, reflecting increased purchased gas costs, an advance payment adjustment and a surcharge adjustment. Columbia proposed an effective date of September 1, 1981.

The PGA adjustment provides for the recovery of $381,896,469 in increased purchased gas costs for the six month period ending February 28, 1982. There has been no reduction by Columbia to its total gas acquisition costs for amounts due to Maximum Surcharge Absorption Capability (MSAC) since those Columbia customers who supply non-exempt industrial boiler fuel facilities reported no MSAC's for the PGA period. In addition, the commodity surcharge adjustment provides for the recovery of a deferred purchased gas balance of $124,890,831, as of June 30, 1981, over the six month period from September 1, 1981 through February 28, 1982. Columbia's PGA filing also reflects producer price escalations pursuant to area rate clauses.

Public notice of the filing was issued on August 7, 1981, providing for protests or petitions to intervene to be filed on or before August 19, 1981. Petitions to intervene were filed by the petitioners listed in Appendix A to this order. Having demonstrated an interest in this proceeding warranting their participation, each of these petitioners shall be granted intervention.

In addition to petitioning to intervene, Consumers' Counsel, State of Ohio; Baltimore Gas and Electric Company; Cities of Charlottesville and Richmond, Virginia [2] and Ohio Public Interest Campaign, Inc. have filed protests. All four of these protestants request rejection of Columbia's filing, alleging, among other things, that it contains costs which should not be allowed due to fraud, abuse or similar grounds. In the alternative, these protestants request suspension of Columbia's filing and a hearing specially addressing Columbia's purchasing activities and the pass-through of high priced Section 107 gas through its PGA. These issues are currently under investigation in Columbia's prior PGA filing.[3] In view of this continuing investigation and the substantial increase in Section 107 purchasing by Columbia in the instant filing, the Commission shall consolidate the issue of the section 107 purchases with the proceedings in Docket No. TA81-1-21.

Ohio Public Interest Campaign, Inc., also requests that the hearing be held in the State of Ohio so that affected consumers may participate. This request shall be referred to the Presiding Administrative Law Judge.

Based upon a review of Columbia's filing, the Commission finds that the proposed tariff sheets have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, the Commission shall accept Columbia's filing and suspend the effectiveness so that it shall become effective on September 1, 1981, subject to refund and subject to the conditions described below.

In a number of suspension orders,[4] the Commission has addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust, unreasonable or that it may run afoul of the other statutory standards. It has been acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. A rate change filed pursuant to Commission authorized tracking authority is the type of circumstance which justifies a shortened suspension period. Accordingly, we believe we should exercise our discretion to suspend the rate, but permit the rate to take effect September 1, 1981, subject to refund, and subject to the conditions set forth in the body of this order and in the ordering paragraphs below.

Columbia's filing also contains a provision allowing Columbia to track increases in the cost of gas resulting from payments to Columbia LNG Corporation (Columbia LNG). Under the Columbia LNG tariff, sales of LNG are priced to Columbia on a full cost of service basis as long as deliveries continue. The tariff further provides for payment of only out-of-pocket expenses under a minimum bill provision during periods of nondelivery. The current PGA billing projects payments under the minimum bill provision of $10.7 million during the six month period from September 1, 1981 through February 28, 1982, to Columbia LNG. This projection was made because no deliveries of LNG are forecasted due to the interruption of LNG shipments from Algeria. Therefore, the 10.7 million should simply reimburse Columbia LNG for out-of-pocket expenses under the minimum bill provisions of the tariff. Since the issues involving Columbia LNG's implementation of the minimum bill provision are currently under suspension and investigation in Columbia's prior PGA filing, *Columbia Gas Transmission Corporation,* Docket No. TA80-2-21 (August 29, 1980),[5] the appropriateness of Columbia's payments under the minimum bill provision shall be suspended and made subject to the Commission's determination in that proceeding.

Included in Columbia's unrecovered purchased gas cost account, Account 191, are certain unpaid, but accrued, purchased gas costs. Purchased gas costs should not be included in Account 191 until they are actually paid, and the costs reflected in the Account 191 surcharge calculation should only be outstanding due to normal billing and

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[1] Seventy-Third Revised Sheet No. 16, Twenty-First Revised Sheet No. 16A, Eighteenth Revised Sheet No. 64 and Fifth Revised Sheet Nos. 64E through 64I to FERC Gas Tariff, Original Volume No. 1.

[2] Energy Action Educational Foundation assertedly joins in the protest of Cities of Charlottesville and Richmond, Virginia.

[3] Columbia's Section 107 purchases are the subject of an investigation in Docket No. TA81-1-21 (PGA81-1), established by Commission order of February 28, 1981.

[4] *E.g., Valley Gas Transmission, Inc.,* Docket No. RP80-98 (August 22, 1980) (one day suspension); *Great Lakes Gas Transmission Co.,* Docket No. RP80-134 (September 24, 1980) (five month suspension).

[5] The investigation of LNG costs in Columbia's prior PGA filing, Docket No. TA80-2-21, was subsequently consolidated with the LNG cost issue in Consolidated Gas Supply Corporation's PGA filing in Docket No. TA80-2-21, *et al.,* and with Southern Natural Gas Company in Docket No. RP80-136.

accounts payable payment cycles. Accordingly, Columbia is directed to remove any unpaid accruals and the interest charge associated with these amounts from Account 191 and the Account 191 surcharge rate in the instant filing.

Furthermore, the Commission notes that Columbia's filing also includes increases pursuant to area rate clauses in its contracts with producers. The Commission's acceptance of this filing shall not constitute a determination that any or all of the area rate clauses permit NGPA prices. Should it ultimately be determined—in accordance with the procedures prescribed in Order No. 23, as amended by subsequent orders prescribed in Docket No. RM79-22—[*] that a producer is not entitled to an NGPA price under an area rate clause, the refunds made by the producer to Columbia shall be flowed through to the ratepayers in accordance with the procedures prescribed in Columbia's PGA clause.

The Commission Orders:

(A) Columbia Gas Transmission Corporation's proposed Seventy-Third Revised Sheet No. 16, Twenty-First Revised Sheet No. 16A, Eighteenth Revised Sheet No. 64 and Fifth Revised Sheet Nos. 64E through 64I to FERC Gas Tariff, Original Volume No. 1 are accepted for filing and suspended, so that the filing shall become effective September 1, 1981, subject to refund.

(B) Pursuant to the authority of Section 601 of the Natural Gas Policy Act, the Natural Gas Act, particularly sections 4, 5, 7, 8 and 15 thereof, and the Corporation's Regulations, a public hearing shall be held concerning the issue of the Section 107 purchased gas costs.

(C) The issue of the section 107 purchased gas costs shall be consolidated with the proceeding in Docket No. TA81-1-21 (PGA81-1).

(D) The issue regarding payment of LNG costs shall be subject to the Commission's determination in Docket Nos. TA80-2-21, *et al.*

(E) Columbia shall eliminate any unpaid accruals and interest thereon from the calculation of its rates within 15 days of the issuance of this order.

(F) Columbia shall file revised Tariff Sheets to reflect downward modification of pipeline supplier rates tracked in this filing.

(G) The petitioners listed in Appendix A to this order are permitted to intervene in this proceeding subject to the rules and regulations of the Commission; provided, however, that the participation of the intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in their petitions to intervene and provided, further, that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order entered in this proceeding.

By the Commission.

Kenneth F. Plumb,

Secretary.

Appendix A

Baltimore Gas and Electric Company
Cincinnati Gas and Electric Company and Union Light, Heat and Power Company
Columbia Gas Distribution Companies
Consumers' Counsel, State of Ohio
Dayton Power and Light Company
Elizabethtown Gas Company
Energy Action Education Foundation
Ohio Manufacturers' Association
Owens-Illinois, Inc.
Process Gas Consumers Group
Public Service Commission of the State of New York
Roanoke Gas Company
UGI Corporation
Washington Gas Light Company, Frederick Gas Company and Shenandoah Gas Company
West Virginia Public Service Commission

[FR Doc. 81-26047 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[*] These orders were recently affirmed in *Pennzoil Company* v. *Federal Energy Regulatory Commission*, —— F. 2d ——, Nos. 79-1247, 79-1602 (5th Cir., May 20, 1981).

[Docket No. CP81-468-000]

Columbia Gas Transmission Corp.; Application

August 31, 1981.

Take notice that on August 18, 1981, Columbia Gas Transmission Corporation (Applicant), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP81-468-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of 63 interconnecting tap facilities to provide additional points of delivery to existing wholesale customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes the following new points of delivery for the following wholesale customers:

(1) Columbia Gas of Kentucky, Inc., 8 taps for residential service, 1 tap for commercial service—Estimated annual usage of 1,329 Mcf.

(2) Columbia Gas of Ohio, Inc., 26 taps for residential service, 2 taps for commercial service, 1 tap for industrial service—Estimated annual usage of 8,030 Mcf.

(3) Columbia Gas of Pennsylvania, Inc., 5 taps for residential service, 1 tap for industrial service—Estimated annual usage of 4,950 Mcf.

(4) Columbia Gas of West Virginia, Inc., 17 taps for residential service, 1 tap for commercial service, 1 tap for industrial service—Estimated annual usage of 4,396 Mcf.

It is estimated that the total cost of the interconnections proposed herein is $19,000 to be financed through internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 21, 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. 81-26021 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-471-000]

Columbia Gas Transmission Corp.; Application

August 31, 1981

Take notice that on August 19, 1981, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP81-471-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued sale of natural gas to Columbia Gas of Virginia, Inc. (Columbia of Virginia), Consumers Natural Gas Company (Consumers), and The Dayton Power and Light Company (Dayton) under revised service agreements, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to revised service agreements, Applicant specifically proposes to increase Columbia of Virginia's winter contract quantity from 1,100,000 dekatherms (dt) equivalent of gas to 1,364,000 dt equivalent under Rate Schedule WS in Zone 2, convert Applicant's service to Consumers from Rate Schedule G to Rate Schedule SGS, and reduce Dayton's contract demand from 346,900 Mcf of gas per day to 326,050 Mcf of gas per day under Rate Schedule CDS in Zone 4, all effective November 1, 1981.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 21, 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 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. 81-26022 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-717]

Connecticut Yankee Atomic Power Co.; Refund Report

August 31, 1981.

Take notice that on July 27, 1981, Connecticut Yankee Atomic Power Company tendered for filing a refund report in accordance with the Commission's order, issued June 12, 1981 in Docket No. ER80-717.

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 21, 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. 81-26034 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-22-001 (PGA81-2) (IPR81) (RD&D81-2) (TT81-2) (AP81-2)]

Consolidated Gas Supply Corp.; Order Accepting for Filing and Suspending Proposed Tariff Sheets Subject to Conditions

Issued: August 31, 1981.

On July 31, 1981, Consolidated Gas Supply Corporation (Consolidated) filed revised tariff sheets [1] reflecting, among other things, a 14.30 cent per dth increase in the cost of gas purchased from various producer suppliers, a 29.28 cent per dth increase in the cost of gas purchased from pipeline suppliers, a 8.10 cent per dth increase in the PGA surcharge, a 2.11 cent per dth increase attributable to increases in transportation costs above those costs included in Article X of the settlement agreement in Docket No. RP80-61,[2] and a 0.26 cent per dth decrease to reflect the repayment of advance payments pursuant to Article XI of the settlement agreement in Docket No. RP81-61. The proposed effective date is September 1, 1981.

Public notice of the filing was issued on August 7, 1981, providing for protests or petitions to intervene to be filed on or before August 19, 1981. Petitions to intervene were filed by the petitioners listed in the appendix to this order. Having demonstrated an interest in this proceeding warranting their participation, intervention shall be granted.

Consolidated's filing contains a provision allowing Consolidated to track increases in the cost of gas resulting from payments to Consolidated LNG Company (Consolidated LNG). Under the Consolidated LNG tariff, sales of LNG are priced to Consolidated on a full cost of service basis as long as deliveries continue. The tariff further provides for payment of only out-of-pocket expenses under a minimum bill provision during periods of non-delivery. The current PGA filing projects payments of approximately $2.1 million per month to Consolidated LNG under the minimum bill provision because no deliveries of LNG are forecasted due to the interruption of LNG shipments from Algeria. Therefore, the approximately $2.1 million per month should simply reimburse Consolidated LNG for out-of-pocket expenses under the minimum bill provisions of the tariff. Since the issues involving Consolidated LNG's implementation of the minimum bill provision are currently under suspension and investigation in Consolidated's prior PGA filings, *Consolidated Gas Supply Corporation*, Docket No. TA80-2-22 (August 29, 1980), and Docket No. TA81-1-22-002 (February 27, 1981),[3] the appropriateness of Consolidated's payments under the minimum bill provision should be made subject to the Commission's determination in that proceeding.

[1] Twenty-Seventh Revised Sheet No. 16 and Fifth Revised Sheet No. 72-C to FERC Gas Tariff, Third Revised Volume No. 1.

[2] *See*, "Stipulation and Agreement Resolving Cost of Service and PGA Issues" approved by letter order issued April 3, 1981.

[3] The investigation of LNG costs in Consolidated's prior PGA filings was subsequently consolidated with the LNG cost issue in Columbia's PGA filing in Docket No. TA80-2-21, *et al.*, and with Southern Natural Gas Company in Docket No. RP80-136.

The filing also contains a credit of $777,142 to the deferred purchase gas account to return overcollections due to pricing errors on company-owned wells included in past PGA filings. Consolidated has indicated that it is continuing to review its company owned production and, upon completion of its review, will make further credits to the deferred purchase gas account. Consolidated has indicated that it would be willing to meet with Staff at a later date to resolve any problems concerning the amount of credit. Therefore, the subject filing will be suspended and permitted to go into effect subject to further review of the company-owned production overcharges.

The filing also reflects increased producer costs pursuant to Sections 102, 103, 104, and 108 of the Natural Gas Policy Act of 1978 (NGPA).[4] Certain of these increases are the result of area rate clause provisions in the respective contracts. The Commission's acceptance of the revised tariff sheets for filing does not constitute a determination that any or all of the area rate clauses permit NGPA prices. Should it ultimately be determined—in accordance with the procedures prescribed in Order No. 23, as amended by subsequent orders in Docket No. RM79–22—that a producer is not entitled to an NGPA price under an area rate clause, the refunds made by the producer to Consolidated shall be flowed through to the ratepayers in accordance with the procedures prescribed in Consolidated's PGA clause.

In addition, the filing fails to provide the calculations required by Section 282.602 of the NGPA which requires that the monthly debit and credit entries to Accounts 192.1, 192.2 and 805.2 be submitted when filing a reduced PGA under the incremental pricing provisions. The Commission's acceptance of the revised sheets for filing will thus be conditioned upon Consolidated's prompt submission of the required calculations.

Included in Consolidated's unrecovered purchase gas cost account, Account 191, are certain unpaid, but accrued, purchased gas costs. Purchased gas costs should not be included in Account 191 until they are actually paid, and the costs reflected in the Account 191 surcharge calculation should only be outstanding due to normal billing and accounts payable payment cycles. Accordingly, Consolidated is directed to remove any unpaid accruals and the interest charge associated with these amounts from Account 191 and the Account 191 surcharge rate in the instant filing.

Based upon a review of Consolidated's filing, the Commission finds that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, and unduly discriminatory, or otherwise unlawful. Accordingly, the Commission shall accept Consolidated's tariff sheets for filing and suspend the effectiveness such that the rates will go into effect on September 1, 1981, subject to refund.

In a number of suspension orders,[5] the Commission has addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust, unreasonable or that it may run afoul of other statutory standards. It has been acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. A rate change filed pursuant to Commission authorized tracking authority is the type of circumstance which justifies a shortened suspension period. Accordingly, we believe we should exercise our discretion to suspend the rate, but permit the rate to take effect on September 1, 1981, subject to refund, and subject to the conditions set forth in the body of this order and in the ordering paragraphs below.

The Commission Orders

(A) Consolidated's proposed tariff sheets are accepted for filing and suspended so that the rates may become effective September 1, 1981, subject to refund, and subject to the outcome of the proceedings in Docket No. TA80–2–21, *et al.*, and to further review of the surcharge credit related to past period errors in pricing company-owned production after Consolidated's internal audit is completed.

(B) Acceptance of Consolidated's tariff sheets is conditioned upon the filing, within 15 days, of calculations showing the monthly debits and credits to Accounts 192.1, 192.2 and 805.2.

(C) Acceptance of Consolidated's tariff sheets is further conditioned upon the removal of any unpaid accruals and the interest charge associated with these amounts from Account 191 and the Account 191 surcharge rate in the instant filing.

(D) The petitioners listed in the appendix to this order are permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *provided, however,* that the participation of the intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in their petitions to intervene and *provided, further,* that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order entered in this proceeding.

By the Commission.

Kenneth F. Plumb,

Secretary.

Appendix

Southern Tier Gas Corporation.
The Process Gas Consumers Group.
The Public Service Commission of the State of New York.

[FR Doc. 81–26046 Filed 9–4–81; 8:45 am]

BILLING CODE 6450–85–M

[4] There is no deregulated NGPA Section 107 gas in the filing.

[5] *E.g., Valley Gas Transmission Inc.*, Docket No. RP80–98 (August 22, 1980) (one day suspension); *Great Lakes Gas Transmission Co.*, Docket No. RP80–134 (September 24, 1980) (five month suspension).

[Project No. 5147–000]

Ralph and Raleigh Coppedge; Application for Exemption for small Hydroelectric Power Project Under 5 MW Capacity

September 2, 1981

Take notice that on July 28, 1981, Ralph and Raleigh Coppedge (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. 5147) would be located on the Guadalupe River in the City of Cuero, DeWitt County, Texas. Correspondence with the Applicant should be directed to: James E. Keith, 6040 Telephone Road, Houston, Texas 77087.

Project Description—The proposed project, utilizing existing facilities, would consist of: (1) a 15-foot high, 139-foot long concrete spillway dam; (2) a 125-foot long gate section containing six gates at the west abutment of the dam; (3) a reservoir with a total storage capacity of 608 acre-feet; (4) a powerhouse, located at the east dame abutment, containing three turbine generator units, in need of repair, with a total rated capcacity of 1074 kW; (5) a transmission line; and (6) appurtenant

facilities. The project would produce up to 7,277,000 kWh annually.

Purpose of Project—Energy produced at the project would be utilized by a metal manufacturing facility and/or sold to the local utility.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Texas Parks and Wildlife Department 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 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—The application was filed as a competing application to the preliminary permit application filed on December 11, 1980 by the Guadalupe-Blanco River Authority FERC No. 3866. No further competing applications will be accepted for filing.

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, protest, or petition to intervene must be received on or before October 10, 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, 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. 81-28049 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1979-000]

James E. Davis; Application

September 1, 1981.

The filing individual submits the following:

Take notice that on August 24, 1981, James E. Davis filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Director, The Potomac Edison Company.

Director, Vice President, Allegheny Generating Company.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 25, 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. 81-28035 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5063-000]

Diamond International Corp.; Application for Preliminary Permit

August 25, 1981.

Take notice that Diamond International Corporation (Applicant) filed on July 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 5063 to be known as the South Fork Battle Creek Project located on South Fork Battle Creek and Cold 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. Roy D. Berridge, Manager, California Timber and Lands, Diamond International, P.O. Box D, Red Bluff, California 96080.

Project Description—The proposed project would consist of: (1) a 5-foot-high diversion structure on South Fork Battle Creek; (2) a 3- to 4-foot high diversion structure on Cold Creek; (3) a 4,000-foot long and 3-foot diameter penstock; (4) a powerhouse containing a 5,700 kW generating unit; and (5) a 3,000-foot long, 21-kV transmission line connecting to an existing 21-kV Pacific Gas and Electric transmission line. The Applicant estimates that the average annual energy output would be 27 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 time 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 $130,000.

Competing Applications—This application was filed as a competing application to the South Fork Battle Creek Project No. 4527 filed on April 14, 1981, by North Valley Hydro, 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 19, 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. 81-26023 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-465-000]

El Paso Natural Gas Co.; Application

August 31, 1981.

Take notice that on August 14, 1981, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP81-465-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of certain existing natural gas facilities for the sale of natural gas for resale to the City of Willcox, Arizona (Willcox), and the removal of certain maximum daily delivery limitations, 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 operate certain existing meter facilities with appurtenances necessary to provide natural gas service to Willcox at the Arizona Electric Power Cooperative, Inc. (AEPCO) Cochise power plant in Cochise County, Arizona. Applicant also proposes to remove the current maximum daily delivery limitation so as to deliver quantities of natural gas to Willcox at the AEPCO delivery point necessary to satisfy AEPCO's requirements up to Applicant's available daily capacity.

It is stated that Applicant and Willcox entered into a gas transportation agreement on December 15, 1980, which provided that Applicant would transport and deliver pursuant to Subpart B of Part 284 of the Commission's Regulations up to 20,000 Mcf of natural gas per day that Willcox acquired from other pipeline companies and/or independent producers for a term of two years commencing with the date of initial delivery. Applicant submits that upon receipt of natural gas for Willcox's account Applicant would concurrently deliver to Willcox at the AEPCO Cochise plant a quantity of natural gas equivalent on a volumetric basis to 95 percent of the natural gas received by Applicant for Willcox's account at mutually agreeable points located on Applicant's system. It is stated that as a compensation for the proposed service Willcox would pay Applicant the rate in effect and reflected from time to time as the Mainline Transmission Charge-Arizona which is currently 15.28 cents per Mcf.

Applicant submits that in connection with the transportation agreement it was necessary for Applicant to evaluate its metering capacity for deliveries of natural gas at the Cochise electric generating plant. Under certain circumstances, AEPCO's Cochise plant can require up to approximately 53,000 Mcf of gas on a peak day which would be served from Applicant's available gas supply allocated under its permanent allocation plan supplemented as necessary with the best-efforts transportation volumes Applicant has agreed to transport for Willcox and deliver to AEPCO's Cochise plant, it is asserted. Applicant states that its existing meter facilities were inadequate to handle the anticipated volumes of natural gas. As a result of such analysis Applicant contends that it has modified the existing AEPCO power plant meter station to permit the accurate measurement of natural gas delivered and sold to Willcox for resale to AEPCO at the Cochise plant. Applicant and Willcox propose to operate said modified meter facilities on a permanent basis and not solely for the transportation arrangement pursuant to Subpart B of Part 284 of the Commission's Regulations.

Applicant also proposes to remove the current maximum daily delivery limitation of 20,250 Mcf to permit Applicant to deliver quantities of natural gas to Willcox at the AEPCO delivery point pursuant to the permanent allocation plan and the Docket No. RP72-6 Stipulation and Agreement necessary to satisfy AEPCO's requirements up to Applicant's available daily capacity. Applicant states that Willcox would be unable to take full advantage of the volumes available to it at the AEPCO power plant meter station under the permanent allocation plan unless the current delivery limitation of 20,250 Mcf per day is removed.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 21, 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. 81-26024 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1496-000]

Frank J. Eppich; Application

September 1, 1981.

The filing individual submits the following:

Take notice that on August 24, 1981, Frank J. Eppich filed an application pursuant to section 305(b) of the Federal Power Act to hold the following position:

Director, Vice President—Monogahela Power Company.

Director, Vice President—Allegheny Generating Company.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with 1.8 and 1.10 of the Commisssion's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 25, 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. 81-26036 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5089-000]

Fall River Rural Electric Cooperative, Inc.; Application for Preliminary Permit

September 2, 1981.

Take notice that Fall River Rural Electric Cooperative, Inc. (Applicant) filed on July 20, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5089 to be known as the Felt Hydroelectric Project located on the Teton River in Teton County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Calvin H. Wickham, Fall River Rural Electric Cooperative, Inc., 714 Main Street, Ashton, Idaho 83420.

Project Description—The Applicant-owned project presently consists of the following existing and operating facilities: (1) a 12-foot high 135-foot long dam having a 90-foot long spillway section with crest elevation 5,530 feet m.s.l.; (2) a reservoir having a surface area of 10 acres and a storage capacity of 40 acre-feet; (3) three intake structures along the reservoir right bank; (4) flowline No. 1 consisting of a 170-foot long tunnel and an inoperative 530-foot long 54-inch diameter wood-stave penstock; (5) flowline No. 2 consisting of a 215-foot long tunnel and a 395-foot long 59-inch diameter steel penstock; (6) flowline No. 3 consisting of a 180-foot long tunnel and a 405-foot long 59-inch diameter steel penstock; (7) a powerhouse containing: (a) generating units 1, 2 and 3 having a total rated capacity of 650 kW and connected to flowline No. 1; (b) generating unit 4 having a rated capacity of 720 kW and connected to flowline No. 2; (c) generating unit 5 having a rated capacity of 500 kW and connected to flowline No. 3; (8) a short 2.3-KV transmission line; (9) a plant substation; (10) a 1,000-foot long 46-kV transmission line; (11) the Badger Substation; and (12) appurtenant facilities.

Applicant proposes to study three alternative proposals for redevelopment of the existing facilities as follows: (1) Replace the generating units with new units having a total rated capacity of 2,700 kW; or (2) Construct a 200-foot long penstock and a new powerhouse containing a generating unit having a rated capacity of 3,700 kW; or (3) Construct a 2,600-foot long penstock and a new powerhouse containing two generating units having a total rated capacity of 6,670 kW. The new construction would affect lands of the United States under the jurisdiction of the Bureau of Land Management. Project energy would be used within Applicant's system or sold. Applicant estimates that the average annual energy output would be between 15,000 MWh and 38,100 MWh.

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 complete a currently under-way feasibility study, including technical, environmental, economic and financial aspects, prepare a preliminary design, conduct an environmental study, and would prepare an application for an FERC license. Applicant estimates the cost of the work under the permit would be $40,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 1, 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 and 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 November 1, 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. 81-26072 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. QF81-50-000]

Fayette Manufacturing Corp., Application for Commission Certification of Qualifying Status of a Small Power Production Facility

September 1, 1981.

On July 28, 1981, the Fayette Manufacturing Corporation of Clearfield, Pennsylvania, filed with the Federal Energy Regulatory Commission (commission) an application for certification as a small power production facility pursuant to § 292.207 of the Commission's rules.

The applicant states that it will construct a wind farm consisting of 300 machines rated at 75 kilowatts per machine for a total of 22.5 megawatts. The facility will be located at the JJJ Ranch, Alameda County, California. The primary energy source of the facility is wind. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, 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 30 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. 81-26063 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1379-001]

Charles B. Finch; Application

September 1, 1981.

The filing individual submits the following:

Take notice that on August 24, 1981, Charles B. Finch filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Director, Chairman of the Board of Directors—Monongahela Power Company.

Director, Chairman of the Board of Directors—The Potomac Edison Company.

Director, Chairman of the Board of Directors—West Penn Power Company.

Director—Ohio Valley Electric Corporation.

Director, President—Allegheny Generating Company.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with § 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 25, 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. 81-26037 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-701-000]

Florida Power & Light Co.; Filing

September 1, 1981.

The filing Company submits the following:

Take notice that Florida Power & Light Company (FPL) on August 25, 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 Fire 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 (Ft. Pierce) as is required by Ft. Pierce in the implementation of its interchange agreement with the City of Gainesville.

FPL requests that waiver of § 35.3 of the Commission's Regulations be granted and that the proposed Exhibit 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, DC 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 21, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26038 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-588-000]

Florida Power & Light Co., Order Accepting for Filing and suspending Revised Rates, Denying Motions for Rejection and Summary Disposition, Granting Interventions, and Establishing Price Squeeze, CWIP, and Hearing Procedures

Issued September 2, 1981.

On July 1, 1981, Florida Power & Light Company (FP&L) tendered for filing revised rates (1) for firm power service to six municipal and eight cooperative customers and (2) for transmission service to eleven municipal customers and two public utilities.[1] In addition, FP&L tendered for filing amendments to its firm power service agreement with Seminole Electric Cooperative, and to its transmission service agreements with the city of New Smyrna Beach, Florida, and the Jacksonville Electric Authority.[2] Based on the Period II test year ending September 30, 1982, the revisions would increase the company's revenues by approximately $40,000,000 (18.35%).

FP&L originally requested that these rates and contract amendments become effective on september 1, 1981, subject to suspension for a period no longer than one day; the company stated, however, that it would defer implementation of the proposed rate increase until January 1, 1982. Subsequently, on August 10, 1981, FP&L filed an executed agreement on behalf of the company, the municipal customers, and the cooperative customers requesting the Commission to suspend the revised rates for five

[1] Four of the six municipal customers receiving firm power service also receive transmission service.

[2] *See* Attachment A for rate schedule designations and a list of affected customers.

months from September 3, 1981, to become effective on February 3, 1982.[3]

As part of its submittal, FP&L also has applied for permission to prospectively include all construction work in progress (CWIP) in rate base on the ground that it is experiencing severe financial difficulty within the meaning of § 2.16 of the Commission's regulations. The CWIP-based rates would increase test period revenues by approximately $50,300,000 (23.05%). FP&L requests that an expedited hearing be held concerning the CWIP issue.

FP&L also requests waiver of § 35.14 of the Commission's regulations so as to recover through its fuel adjustment clause capacity charges associated with purchased power whenever the total cost of purchased power is less than FP&L's system incremental fuel costs.

A timely protest and petition to intervene was filed by the Cities of Starke, Homestead, and Vero Beach, and the utilities Commissions of Fort Pierce and New Smyrna Beach ("Municipals").[4] The Municipals request: (1) summary rejection of the request for CWIP relief; (2) that any grant of CWIP relief be conditioned upon a showing by FP&L that it has considered alternative means of alleviating its alleged financial condition; and (3) that the rate increase be suspended for the maximum statutory period. In support of their requests, the Municipals contend that the company has not demonstrated severe financial difficulty and that its alleged history of anticompetitive conduct is responsible, in part, for its present financial condition. the Municipals also claim that the proposed increase in rates may create a price squeeze.

A timely joint petition was also filed on behalf of seven cooperative customers ("Cooperatives").[5] The Cooperatives request that FP&L's filing be rejected as to the application for CWIP relief. In addition, the Cooperatives request that FP&L be directed to treat Seminole Electric Cooperative, rather than its members, as the company's wholesale customer. According to the Cooperatives, the failure of FP&L to recognize Seminole as its wholesale customer is anticompetitive and has impaired the Cooperatives' ability to develop independent sources of bulk power. The Cooperatives also oppose FP&L's request for waiver of the fuel adjustment clause regulations and allege that the proposed rates may produce a price squeeze.

The protests raise a variety of cost of service issues and request summary disposition with respect to six specific matters: (1) use of a 21.5% rate of return on common equity in deriving the non-CWIP rates; (2) inclusion in rate base of nuclear fuel in process; (3) inclusion in rate base of certain generating units; (4) inclusion in transmission rates of purportedly improper demand related costs; (5) inclusion in cash working capital of nuclear fuel expense; and (6) purportedly improper calculation of interest synchronization.

On August 21, 1981, FP&L responded to the petitions and protests. FP&L objects to the requests for rejection or summary disposition, contends that the matters raised by the intervenors are issues appropriately resolved on the basis of a hearing, and asks that consideration of its application for CWIP relief be deferred pending the outcome of the Commission's recently initiated rulemaking on that subject (Docket No. RM81-38).

Discussion

Initially, we find that participation by the Municipals and the Cooperatives is in the public interest and, accordingly, we shall grant their petitions to intervene.

Under the Commission's present standards, a utility requesting the inclusion of CWIP in rate base[6] must show clearly and convincingly that it is experiencing severe financial difficulty which cannot be alleviated by traditional forms of rate relief without materially increasing the cost of electricity.[7] As we stated recently, however, the time has come to reexamine these standards. Based upon this belief, the Commission recently issued a notice of proposed rulemaking in order properly to reconsider the CWIP issue.[8] In order to maintain the *status quo ante* pending further Commission action and to avoid any prejudice to the parties, we shall set for hearing the issue of FP&L's CWIP application and phase that issue to follow the rulemaking proceeding. Such phasing will allow FP&L to go forward on its CWIP application under such standards as will be developed through public notice and comment on the proposed rulemaking.[9] Accordingly, the Commission will grant FP&L's request to phase consideration of its CWIP application, and we shall deny the intervenors' request for summary rejection of the company's CWIP filing.

Our review of FP&L's filing indicates that nuclear fuel in process has been included in rate base only for purposes of the company's CWIP-based rates. Because we have viewed this item as being equivalent to CWIP,[10] FP&L's inclusion of nuclear fuel in process in the rate base associated with the CWIP application appears appropriate. We shall therefore deny the Cooperatives' motion for summary disposition on this question. With respect to all other issues as to which summary disposition is requested, we find that they present questions of law and fact most appropriately resolved on the basis of an evidentiary hearing.

For the reasons discussed below, we shall deny without prejudice FP&L's request for waiver of § 35.14 of the Commission's regulations to allow the inclusion of certain demand related costs in its fuel adjustment clause (*i.e.*, whenever the total cost of purchased power is below FP&L's incremental fuel cost). In establishing the present fuel adjustment clause regulations, the Commission determined that a fuel clause should be used to reflect changes in fuel costs.[11] The single exception concerns energy purchased on an economic dispatch basis where the Commission permits the recovery of "the net energy costs." Even in the case of purchased power, the Commission has determined that the recovery of demand charges is inappropriate.[12] Arguably, however, where energy is purchased on an economic dispatch basis and demand costs are being incurred solely to reduce enegy costs (that is, the purchase is unnecessary with respect to adequacy of reserves), such purchases would not be inconsistent with the intent of § 35.14.

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[3] The cooperative customers filed a pleading on August 13, 1981, expressing their concurrence in FP&L's amended request.

[4] Notice of the filing was issued on July 9, 1981, with responses due on or before July 28, 1981. The comment deadline was extended until August 3, 1981, in response to a motion by several of FP&L's customers.

[5] Seminole Electric Cooperative Inc.; Clay Electric Cooperative, Inc.; Glades Electric Cooperatives, Inc.; Lee County Electric Cooperative, Inc.; Okefenoke Rural Electric Membership Corporation; Pierce River Electric Cooperative, Inc.; and Suwannee Valley Electric Cooperatives, Inc.

[6] Other than CWIP associated with pollution control and fuel conversion facilities.

[7] 18 C.F.R. § 2.16(b)(3).

[8] *Construction Work in Progress for Public Utilities*, Docket No. RM81-38, *Notice of Proposed Rulemaking* (July 27, 1981).

[9] *See, El Paso Electric Company*, Docket No. ER81-426-000 (June 30, 1981); *Central Power and Light Company*, Docket No. ER81-387-000 (July 27, 1981).

[10] *See, e.g., Kansas City Power and Light Company*, Docket No. ER79-166, (March 28, 1979); *Florida Power and Light Company*, Docket No. E-8008, Opinion No. 784 (December 15, 1976).

[11] *See* Order No. 517 (November 13, 1974).

[12] Section 35.14(a)(2)(iii) provides that fuel costs shall include: "The net energy cost of energy purchases, *Exclusive of capacity or demand charges . . .* when such energy is purchased on an economic dispatch basis (emphasis added)."

FP&L has not advanced this argument nor has it demonstrated any other good cause for waiver of the fuel clause regulations. The only argument proffered by the company is that the Florida Commission permits such recovery in retail rates. Furthermore, we note that FP&L is proposing to recover such demand charges through its proposed energy charges without including them in the base cost of fuel in the fuel adjustment clause. Such treatment may allow FP&L to recover the costs twice. Under these circumstances, we shall deny FP&L's request for waiver without prejudice to the company's opportunity to show at hearing that its purchased power demand costs are being incurred solely to reduce energy costs and that such purchases are unnecessary with respect to adequacy of reserves. Since such fuel clause treatment of purchased power demand costs would be a departure from current Commission policy, we would permit any such recovery to become effective, if at all, prospectively only upon final Commission determination.

FP&L also has requested that it be allowed to recover—through its fuel adjustment clause—capacity charges paid to co-generators and small power producers. Again, such treatment is inconsistent with current practice and the company has not thus far shown good cause for waiver of § 35.14. Again waiver of § 35.14 will be denied without prejudice and with any relief to be prospective only.

Our analysis indicates that the non-CWIP rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Therefore, we shall accept these rates for filing and suspend them as directed below.

In a number of suspension orders,[13] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspension for the maximum period may lead to harsh and inequitable results. In the instant proceeding, we need not reach such questions inasmuch as the company and its affected customers have agreed to a maximum suspension running from September 3, 1981. Accordingly, consistent with this request, we shall suspend FP&L's non-CWIP rates for five months, to become effective subject to refund on February 3, 1982.

In light of the price squeeze allegations raised by the intervenors, we shall institute price squeeze procedures and phase those proceedings in accordance with Commission policy established in *Arkansas Power and Light Company*, Docket No. ER79-339, order issued August 6, 1979.

The Cooperatives' request that FP&L be required to recognize Seminole as its wholesale customer arises out of Seminole's attempt to develop bulk power resources for the benefit of its members. Specifically, Seminole has obtained loans from the Rural Electrification Administration (REA) in order to finance the construction of generation facilities. The terms of the REA loan require that Seminole enter into wholesale power contracts with its members in which they agree to purchase all of their power and energy needs from Seminole to the extent possible and that each member assign to Seminole any contracts it has with other power suppliers. According to the Cooperatives, they have executed such assignments, but FP&L has refused to recognize them. We note that FP&L's service agreements require the company's written consent to a customer's assignment of its interests. In contrast, however, FP&L's full and partial requirements tariffs contain availability language which appears to permit any generation and transmission cooperative to receive such service as is available to its member cooperatives. This apparent disparity raises questions of law and fact which should be considered on the basis of an evidentiary record. As a result, we shall defer action on the Cooperatives' request pending the outcome of a hearing.

Finally, we take this opportunity to advise FP&L that any adjustment which may be contemplated pursuant to the tax adjustment clause contained in the company's submittal will have to be filed as a change in rates under § 35.13 of the Commission's regulations. It is our policy not to permit such tax clauses to be the basis for automatic changes in rates.[14]

The Commission Orders

(A) The motions of the Municipals and the Cooperatives to reject FP&L's application for authorization to include CWIP in rate base are hereby denied.

(B) FP&L's motion to expedite hearings on its application to include CWIP in rate base is hereby denied. The company's subsequent request to defer the CWIP phase of this proceeding is hereby granted.

(C) All motions for summary disposition with respect to the issues raised by the intervenors are hereby denied.

(D) FP&L's request for waiver of the Commission's fuel adjustment clause regulations is herey denied without prejudice as noted in the body of this order.

(E) FP&L's non-CWIP rates are hereby accepted for filing and suspended for five months from September 3, 1981, to become effective, subject to refund, on February 3, 1982.

(F) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I], a public hearing shall be held concerning the justness and reasonableness of FP&L's rates and services.

(G) The petitioners are hereby permitted to intervene in this proceeding subject to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act; *Provided, however,* That participation by such intervenors shall be limited to the matters set forth in the petitions to intervene; and *provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved by any order or orders entered by the Commission in this proceeding.

(H) We hereby order initiation of price squeeze procedures and further order that the proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for consideration of price squeeze, would be just and reasonable. The presiding judge may order a change in this schedule for good cause. The price squeeze portion of this case shall be governed by the procedures set forth in section 2.17 of

[13] *E.g., Boston Edison Co.*, Docket No. ER80-508 (August 29, 1980) (five-month suspension); *Alabama Power Co.*, Docket Nos. ER80-506, *et al.* (August 29, 1980) (one-day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80-488 (August 22, 1980) (one-day suspension).

[14] *See, e.g., Boston Edison Co.*, Docket No. ER78-304 (May 30, 1978); *Kansas City Power & Light Co.*, Docket No. ER79-141 (March 13, 1979); *Kansas City Power & Light Co.*, Docket No. ER79-166 (March 28, 1979).

the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(I) FP&L's application for authorization to include CWIP in rate base is hereby phased so that the application will be heard subsequent to Commission action in Docket No. RM81-38.

(J) The Commission staff shall serve top sheets in this proceeding on or before September 4, 1981.

(K) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss) as provided for in the Commission's Rules of Practice and Procedure.

(L) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A—Florida Power & Light Company

[Docket No. ER81-588-000]

Designations and Description

(1) FPC Electric Tariff 1st Revised Volume No. 1—Firm Power—Full or Partial Requirements Service

4th Revised Sheet No. 5 supersedes 3rd Revised Sheet No. 5.

3rd Revised Sheet No. 6 supersedes 2nd Revised Sheet No. 6.

4th Revised Sheet No. 7 supersedes 3rd Revised Sheet No. 7.

3rd Revised Sheet No. 8 supersedes 2nd Revised Sheet No. 8.

5th Revised Sheet No. 9 supersedes 4th Revised Sheet No. 9.

Original Sheet No. 9-A supersedes—

Affected customers: City of New Smyrna Beach, City of Homestead, City of Starke, Fort Pierce Utilities Authority, City of Vero Beach, City of Clewiston, Okefenoke R.E.M.C., Lee County Electric Cooperative, Clay Electric Cooperative, Glades Electric Cooperative, Florida Keys Electric Cooperative, Pierce River Electric Membership Cooperative, Suwannee Valley Electric Cooperative.

Designation and Description

(2) Supplement No. 2 to Lee County's Service Agreement under FPC Electric Tariff, 1st Revised Volume No. 1 (Supersedes Supplement No. 1 to Service Agreement)—Amendment to the Nov. 19, 1979, agreement to provide firm power service between FP&L and Seminole Electric Cooperative (acting as an agent for Lee County Electric Cooperative).

(3) FERC Electric Tariff, Original Volume No. 2—Transmission service-Emergency, Short Term, Firm Economy, or Firm Services.

1st Revised Sheet No. 4 supersedes Original Sheet No. 4.

1st Revised Sheet No. 5 supersedes Original Sheet No. 5.

1st Revised Sheet No. 6 supersedes Original Sheet No. 6.

Affected Customers: City of St. Cloud, City of Vero Beach, City of Gainesville, City of Homestead, City of Kissimmee, Fort Pierce Utilities Authority, Jacksonville Electric Authority, Lake Worth Utilities Authority, Utilities Commission of New Smyrna Beach, Orlando Utilities Commission, Sebring Utilities Commission, Florida Power Corporation and Tampa Electric Company.

Designation

(4) Supplement No. 1 to Supplement No. 5 to Jacksonville's Service Agreement under FERC Electric Tariff, Original Volume No. 2—Amendment No. 2 to the February 14, 1980, contract between FP&L Jacksonville and Southern Company Services.

(5) Supplement No. 13 to New Smyrna Beach's Service Agreement under FERC Electric Tariff, Original Volume No. 2—Amendment No. 2 to the January 28, 1977 contract between FP&L and New Smyrna Beach.

[FR Doc. 81-26172 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5204-000]

Stephen J. Gaber; Application for Preliminary Permit

September 3, 1981.

Take notice that Stephen J. Gaber (Applicant) filed on August 7, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a) 825(r)] for Project No. 5204 to be known as the Kidney Creek Hydroelectric Project located on Kidney Creek in Whatcom County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Stephen J. Gaber, 2551 Mount Baker Hiway, Bellingham, Washington 98225.

Project Description—The project would consist of: (1) a 10-foot high diversion structure on Kidney Creek; (2) a 42-inch diversion conduit; (3) a 30-inch diameter penstock; (4) a powerhouse with a total installed capacity of 4,000 kw; and (5) a 0.5-mile long transmission line from the powerhouse to an existing Puget Sound Power & Light 55-kV transmission line. The Applicant estimates that the average annual energy production would be 15 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 technical, environmental and economic studies, and also prepare an FERC license application. The Applicant estimates that the cost of undertaking the studies would be $200,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 4, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than 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 November 4, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing

application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26173 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-97-000]

Great Lakes Gas Transmission Co.; Order Accepting for Filing and Suspending Proposed Tariff Sheets, Subject to Conditions, and Establishing Procedures

Issued August 31, 1981.

On July 31, 1981, Great Lakes Gas Transmission Company (Great Lakes) filed revised trariff sheets [1] to its FERC Gas Tariff proposing a general rate increase under section 4(e) of the Natural Gas Act that will result in increased annual jurisdictional revenues of $13,621,208. The filing represents an increase of 2.1% compared to the rates presently effective subject to refund, and a 14.22% increase above present revenues attributable to costs exclusive of purchased gas costs. The increased rates are based on actual costs for the 12 month period ended April 30, 1981, adjusted for known and measurable changes through January 31, 1982. The proposed effective date is September 1, 1981.

Notice of this filing was issued on August 7, 1981, with petitions to intervene due by August 19, 1981. Petitions to intervene were filed by the petitioners listed in Appendix B. The Commission finds that all petitioners have demonstrated an interest in this proceeding warranting their participation. The petitions shall be granted.

Great Lakes states that the proposed rate change is necessary due to (1) increased operating expenses; (2) an increased depreciation expense resulting from increased plant in service;[2] (3) increased Federal and state income taxes; (4) increased other taxes including payroll, ad valorem, use, and Michigan Single Business taxes; and (5) an increased overall return requirement. Great Lakes claims a need for an overall rate of return of 13.13% which would provide a 16.75% return on common equity constituting 38.76% of the capitalization.

We note that Great Lakes' filing reflects utilization of the *Atlantic Seaboard (Seaboard)*[3] methodology of cost classification, cost allocation and rate design. Great Lakes is placed on notice of its potential liability for undercollections in the event that the cost classification, allocation, and rate design adopted in this proceeding assigns more fixed costs to the commodity component that would be assigned under the *Seaboard* formula.

Based upon a review of Great Lakes' filing, the Commission finds that the proposed tariff sheets have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, the Commission shall accept Great Lakes' filing, suspend the effective date of the tendered revised tariff sheets, subject to refund and to the conditions set forth below, and set the matter for hearing.

In a number of suspension ordrs,[4] the Commission has addressd the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. It has been acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have not been presented here. Accordingly, we shall suspend the rates for a period of five months, permitting them to take effect, subject to refund, on February 1, 1982.

The Commission Orders

(A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 8 and 15 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of the rate increases proposed by Great Lakes.

(B) Pending hearing and decision, and subject to the conditions described in the body of this order, Great Lakes' revised tariff sheets listed in Appendix A are accepted for filing and suspended for five months until February 1, 1982, subject to refund.

(C) Staff shall file top sheets in this proceeding on or before December 1, 1981.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)), shall convene a prehearing conference in this proceeding to be held within 10 days after the service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 824 North Capitol Street, N.E., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary to conduct further proceedings in accordance with this order and the Rules of Practice and Procedure.

(E) The petitioners identified in Appendix B to this order are permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* That the participation of the intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in their petitions to intervene and *Provided, further,* That the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order entered in this proceeding.

(F) Pursuant to § 154.63(e)(2)(ii) of the Regulations, Great Lakes shall file revised tariff sheets prior to February 1, 1982, reflecting elimination of that portion of its gas plant which has been certificated but is not in service as of January 31, 1982, the end of the test period.

By the Commission.

Kenneth F. Plumb,

Secretary.

Appendix A—Great Lakes Gas Transmission Company

Docket No. RP81-97-000

First Revised Volume No. 1

Eleventh Revised Sheet No. 4
Fortieth Revised Sheet No. 57

Original Volume No. 2

Seventeenth Revised Sheet No. 53
Eighth Revised Sheet No. 77
Second Revised Sheet No. 183
Second Revised Sheet No. 223
Second Revised Sheet No. 245
First Revised Sheet No. 294

Appendix B

Michigan Wisconsin Pipe Line Company

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[1] A list of filed revised tariff sheets is set forth in Appendix A to this order.

[2] Great Lakes has included $39,557,585 of gas plant that was certificated but not in service at the end of the base period. We note that under Section 154.63(e)(2)(ii) of the Commission's Regulations, only those facilities which are certificated and placed in service by the end of the test period may remain in rate base. Accordingly, Great Lakes shall remove all costs associated with that portion of this plant which is not in service as of January 31, 1982, the end of the test period.

[3] The *Seaboard* method of cost classification, allocation, and rate design takes its name from the Commission's decision in *Atlantic Seaborad Corporation*, 11 F.P.C. 43 (1952).

[4] *E.g., Valley Gas Transmission, Inc.*, Docket No. RP80-96 (August 22, 1980) (one day suspension); *Great Lakes Gas Transmission Company*, Docket No. RP80-134 (September 24, 1980) (five month suspension).

Natural Gas Pipeline Company of America
Michigan Consolidated Gas Company
Inter-City Gas Corporation
Michigan Power Company
TransCanada PipeLines Limited
[FR Doc. 81-26050 Filed 9-4-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4908-000]

Mary Jane Hirschey; Application for Preliminary Permit

August 25, 1981

Take notice that Mary Jane Hirschey (Applicant) filed on June 18, 1981, and revised on July 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4908 to be known as the Tannery Island Project located on the Black River in the Village of Carthage, 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: Mr. Stephen F. Burke, 620 Washington Avenue, Rensselaer, New York 12144.

Project Description—The existing facilities consist of: (1) 14-foot high, 125-foot long concrete gravity overflow-type Dam A; (2) 10-foot high, 115-foot long concrete gravity overflow-type Dam B; (3) 10-foot high, 290-foot long concrete gravity overflow-type Dam C; (4) a reservoir having a surface area of 8.5 acres and a storage capacity of 60 acre-feet at normal pool elevation 717.97 feet m.s.l.; (5) a forebey having trash racks; (6) a 24-foot deep steel frame/concrete panel open flume having 8 steel head gates and containing 10 turbines connected to four shafts; (7) a 6-foot diameter 60-foot long penstock; (8) a powerhouse containing 2 turbines; and (9) appurtenant facilities.

Applicant proposes to redevelop the existing facilities and would: (1) rehabilitate the turbines and install 4 new generators having a total rated capacity of 1,000-kW; or (2) replace the turbines with two new generating units having a total rated capacity of 3,000-kW at a head of 14 feet and a flow of 2,900 c.f.s.; and (3) construct a 500-foot long 13.2-kV transmission line. Project energy would be sold to Niagara Mohawk Power Corporation. Applicant estimates that the average annual energy output would be between 7,450,000 kWh and 21,000,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would perform engineering studies, investigations and surveys, develop maps, plans and design materials, and would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $70,000.

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. 81-26087 Filed 9-4-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 5102-000]

Homestake Consulting & Investments, Inc.; Application for Preliminary Permit

September 1, 1981.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on July 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5102 to be known as the Brush Creek Water Power Project located on Brush Creek in Lincoln County, Montana. The application is on file with the Commission and is available for public inspection. Corresponsence with the Applicant should be directed to: Mr. William H. Delp, II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

Project Description—The Project would consist of: (1) a 2-foot high diversion structure; (2) a 5000-foot long, 10-inch diameter penstock; (3) a powerhouse with total installed capacity of 100 kW; and (4) a 400-foot long, 120/240–V transmission line which would connect the powerhouse to the existing Northern Lights, Inc. transmission line. The Applicant estimates that the average annual energy production would be 499,300 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 technical, environmental and economic studies; and prepare an FERC License application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $3,300.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 30, 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 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, Application 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. 81-26004 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5108-000]

Homestake Consulting & Investments, Inc.; Application for Preliminary Permit

September 1, 1981.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on July 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a) 825(r)] for Project No. 5108 to be known as the Curley Creek Water Power Project located on Curley Creek in Boundary County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp, II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

Project Description—The project would consist of: (1) a 2-foot high diversion structure; (2) a 3200-foot long, 20-inch diameter penstock; (3) a powerhouse with total installed capacity of 300 kW; (4) a 3300-foot long, 5-kV transmission line which would connect the powerhouse to the existing Northern Lights, Inc. transmission line. The Applicant estimates that the average annual energy production would be 2,084,900 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 technical, environmental, and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $3,500.

Competing Applications—Alyone desiring to file a competing application must submit to the Commission, on or before October 30, 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 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.

[Project No. 5109-000]

Homestake Consulting & Investments, Inc.; Application for Preliminary Permit

September 1, 1981.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on July 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a) 825(r)] for Project No. 5109 to be known as the Hellroaring Creek Water Power Project located on Hellroaring Creek in Boundary County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp, II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

Project Description—The project would consist of: (1) a 2-foot high diversion structure; (2) a 5700-foot long, 1-inch diameter penstock; (3) a powerhouse with total installed capacity of 125 kW; and (4) a 2400-foot long, 5-kV transmission line which would connect the powerhouse to the existing Northern Lights, Inc. transmission line. The Applicant estimates that the average annual energy production would be 569,400 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 technical, environmental and economic

studies; and prepare; an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $4,550.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 30, 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 (d) (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 30, 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.D. 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 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. 81-26066 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5093-000]

Homestake Consulting & Investments, Inc.; Application for Preliminary Permit

September 2, 1981.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on July 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 5093 to be known as the Yew Creek Water Power Project located on Yew Creek in Lake County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp, II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

Project Description—The project would consist of: (1) a 2-foot high diversion structure; (2) a 4,200-foot long, 12-inch diameter penstock; (3) a powerhouse with total installed capacity of 100 kW; and (4) a 13,500-foot long, 5-kV transmission line which would connect the powerhouse to the existing Pacific Power & Light Company transmission line. The Applicant estimates that the average annual energy production would be 359,200 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 technical, environmental and economic studies; and would prepare a FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $3,250.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 1, 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 November 1, 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. 81-26051 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5110-000]

Homestake Consulting & Investments, Inc.; Application for Preliminary Permit

September 2, 1981.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on July 21, 1981 an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5110 to be known as the Curtis Creek Water Power Project located on Curtis Creek in

Bonner County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp, II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

Project Description—The project would consist of: (1) a 2-foot high diversion structure; (2) a 3,000-foot long, 10-inch diameter penstock; (3) a powerhouse with total installed capacity of 50 kW; and (4) a 400-foot long, 120/240–V transmission line which would connect the powerhouse to the existing Northern Lights, Inc. transmission line. The Applicant estimates that the average annual energy production would be 280,300 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 technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $2,750.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 1, 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 November 1, 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. 81-26052 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5103-000]

Homestake Consulting & Investments, Inc.; Application for Preliminary Permit

September 2, 1981.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on July 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5103 to be known as the Squaw Creek Water Power Project located on Squaw Creek in Sanders County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp, II, Independent Power Developers, Inc. P.O. Box 1467, Noxon, Montana 59853.

Project Description—The project would consist of: (1) a 2-foot high diversion structure; (2) 3500-foot long, 10-inch diameter penstock; (3) a powerhouse with total installed capacity of 35 kW; and (4) a 1100-foot long, 5-kV transmission line which would connect the powerhouse to the existing Montana Power Company transmission line. The Applicant estimates that the average annual energy production would be 236,500 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 technical, environmental and economic studies; and prepare a FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates the cost of undertaking these studies would be $2,750.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 1, 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 November 1, 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. 81-26073 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5101-000]

Homestake Consulting & Investments, Inc.; Notice of Application for Preliminary Permit

September 2, 1981

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on July 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5101 to be known as the Deep Creek Water Power Project located on Deep Creek in Stevens County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp, II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

Project Description—The project would consist of: (1) a 2-foot high diversion structure; (2) a 2300-foot long, 20-inch diameter penstock; (3) a powerhouse with total installed capacity of 150 kW; and (4) a 1600-foot long, 5-kV transmission line which would connect the powerhouse to the existing Washington Water Power Company transmission line. The Applicant estimates that the average annual energy production would be 735,800 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 technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $2,850.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 1, 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 November 1, 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. 81-26074 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5045-000]

Jordan-Riewerts; Application for Preliminary Permit

August 25, 1981.

Take notice that Jordan-Riewerts (Applicant) filed on July 18, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5045 to be known as the Boise Creek Water Project located on Boise 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. Donald Riewerts, 822 G Street, Arcata, California 95521.

Project Description—The project would consist of: (1) a 4-foot high, 18-foot long diversion structure; (2) a 23,000-foot long, 36-inch diameter steel conduit, and a concrete pressure box; (3) a 1,560-foot long, 30-inch diameter steel penstock; (4) a powerhouse with total installed capacity of 2,600 kW; and (5) a half-mile long, 12-kV transmission line which would connect the powerhouse to the existing Pacific Gas & Electric Company 12-kV line near the Klamath River. The Applicant estimates that the average annual energy production would be 10.7 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 technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $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 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 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. 81-26094 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER78-417]

Kentucky Utilities Co.; Compliance Filing

August 28, 1981.

Take notice that on August 7, 1981, Kentucky Utilities Company tendered for filing a compliance report pursuant to Opinion Nos. 116 and 116-A dated April 2, 1981 and June 1, 1981, respectively.

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 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. 81-26025 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5132-000]

Craig W. Knight; Application for Preliminary Permit

September 4, 1981.

Take notice that Craig W. Knight (Applicant) filed on July 27, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5132 to be known as the South Fork Pit River Hydroelectric Project located on South Fork Pit River in Modoc 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. Craig W. Knight, P.O. Box 97, Adin, California 96006.

Project Description—The project would consist of: (1) a 5-foot high, 60-foot long concrete diversion structure; (2) a 4,000-foot long, 60-inch diameter conduit; (3) a 300-foot long, 48-inch diameter penstock; (4) a powerhouse with total installed capacity of 900 kW and (5) a 2-mile long, 12-kV transmission line which would connect the powerhouse to an existing Surprise Valley transmission line. The Applicant estimates that the average annual energy production would be 7.8 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which time it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $45,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 8, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 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 November 8, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26174 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4682-000]

Long Lake Energy Corp.; Application for Preliminary Permit

August 25, 1981.

Take notice that Long Lake Energy Corporation (Applicant) filed on May 18, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4682 to be known as the Minetto Dam—Lock No. 5 Project located on the Oswego River and Oswego Canal in Oswego 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: Messrs. Paul J. Elston and Donald E. Hamer, 330 Madison Aveune, 7th Floor, New York New York 10017.

Project Description—The proposed run-of-the-river project would consist of:

(1) the existing Minetto Dam, owned by the New York State Department of Transportation, a curved concrete gravity structure 500 feet long and 22.5 feet high; (2) Lock No. 5; (3) an existing reservoir with a surface area of 642 acres and 6,400 acre-feet of storage at surface elevation 307 feet m.s.l.; and new project works at the east (right) abutment of the dam to include (4) an intake structure; (5) a power canal or penstock(s); (6) a powerhouse with an installed capacity of 3,300 kW; (7) a tailrace; and (8) other appurtenances. The Niagara Mohawk Power Corporation currently operates for the State of New York a hydroelectric project on the west bank of the river, and the Applicant proposes to develop the presently undeveloped energy potential of the site. Applicant estimates annual generation for Project No. 4682 would average about 9,250,000 kWh. Project energy would be marketed to Niagara Mohawk Power Corporation.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under permit would be $110,000.

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. 81-26026 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4685-000]

Long Lake Energy Corp.; Application for Preliminary Permit

September 2, 1981.

Take notice that Long Lake Energy Corporation (Applicant) filed on May 18, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4685 to be known as the Oswego River and Canal/Lock No. 7 Project located on the Oswego River and Oswego Canal in Oswego 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: Messrs. Paul J. Elston and Donald E. Hamer, 330 Madison Avenue, 7th Floor, New York, New York 10017.

Project Description—The proposed project would consist of existing project works including: (1) Oswego Dam, owned by the New York State Department of Transportation, a curved masonry structure 517 feet long and 14 feet high with a 250-foot long side channel spillway; (2) Lock No. 7; (3) a reservoir with a surface area of 47 acres and 650 acre-feet of storage at surface elevation of 268.5 m.s.l.; and new project works to include; (4) an intake structure and low level box culvert penstocks; (5) a powerhouse with an installed capacity of 3,170 kW; (6) a tailrace; (7) a switchyard; (8) a transmission line; and (9) other appurtenances. Applicant estimates average annual energy production would be 8,650,000 kWh. Project energy would be marketed to Niagara Mohawk Power Corporation.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under permit would be $110,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 28, 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 28, 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. 81-26075 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4715-000]

Long Lake Energy Corp., Application for Preliminary Permit

August 25, 1981.

Take notice that Long Lake Energy Corporation (Applicant) filed on May 22, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4715 known as the Felts Mills Project located on the Black 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: Messrs. Paul J. Elston and Donald E. Hamer, 330 Madison Avenue, 7th Floor, New York, New York 10017.

Project Description—The Applicant proposes to study the feasibility of developing the head and flow of the Black River, from the headwaters of the dam at Great Bend, New York to the tailwaters of the dam at Felts Mills, New York. The proposed run-of-river project would consist of: (1) three existing dams, (a) the Lower Dam located in Felts Mills; (b) the Middle Dam located 1.1 miles upstream of the Lower Dam, (c) the Upper Dam situated 1.4 miles upstream of the Middle Dam and located in Great Bend; (2) three existing reservoirs with, (a) a surface area of 68 acres at surface elevation of 585 feet m.s.l. at the Lower Dam, (b) a surface area of 39 acres at surface elevation of 595 feet m.s.l. at Middle Dam, and (c) a surface area of 165 acres at surface elevation of 610 feet m.s.l. at the Upper Dam. The facilities proposed by Applicant include two alternatives: (1) at each Dam (i) an intake structure to direct flow to; (ii) a penstock or power canal to serve; (iii) turbine/generator units with rated capacities of 5800 kW at Lower Dam, 4100 kW at Middle Dam, and 5100 kW at Upper Dam to give a total rated capacity of 15000 kW housed in; (iv) a powerhouse which will discharge into; (v) a tailrace; (vi) a switchyard; and (vii) transmission lines; (2)(i) An intake structure at Upper Dam; (ii) a penstock or power canal; (iii) a powerhouse in the vicinity of the Lower Dam containing one or more generating units with a total capacity of 21,000 kW; (iv) a tailrace, (v) a switchyard; and (vi) transmission lines. All existing project facilities are owned by Niagara Mohawk Power Corporation. The Applicant estimates that the average annual energy output would be a maximum of 87.0 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and environmental studies. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application fpr a FERC license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $140,000.

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 paragrapah of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26084 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER81-457-000 and EL81-13-000]

Louisiana Power & Light Co.; Order Granting Rehearing for Purposes of Further Consideration

Issued: September 2, 1981.

On August 7, 1981, Louisiana Power & Light Company (LP&L) filed an application for rehearing of the Commission's order of July 10, 1981, in these dockets. The underlying order concerned a complaint filed by the City of Winnfield, Louisiana, and a rate change filing submitted by LP&L. Among other things, the order suspended LP&L's increased rates for five months, denied waiver of notice, directed LP&L to continue serving Winnfield under LP&L's effective filed rates for that customer, ordered the company to refund any amounts already collected under the increased rates, and set the complaint and rate filing for an expedited hearing.

In order to afford additional time for consideration of the issues raised in the application for rehearing, we shall grant rehearing of the July 10, 1981 order for the limited purpose of further consideration.

The Commission orders:

(A) Rehearing of the July 10, 1981 order is hereby granted for the limited purpose of further consideration.

(B) As provided in § 1.34(d) of the Commission's Rules of Practice and Procedure, no answers to the applications for rehearing will be entertained by the Commission, since this order does not grant rehearing upon any substantive issue.

(C) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26175 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4728-000]

Marin Municipal Water District; Application for Preliminary Permit

August 25, 1981.

Take notice that Marin Municipal Water District (Applicant) filed on May 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act 16 U.S.C. 791(a)-825(r)] for Project No. 4728 to be known as the Kent Lake Water Power Project located on Kent Lake on Lagunitas Creek in Marin 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. Verne E. Spangenberg, General Manager, Marin Municipal Water District, 220 Nellen Avenue, Corte Madera, California 94924.

Project Description—The proposed project would consist of: (1) an inline powerhouse installed on an existing 36-inch scour line of the existing Kent Lake Reservoir and Dam, with a total installed capacity of 950 kW; and (2) a 5-mile long, 12-kV transmission interconnecting with an existing Pacific Gas and Electric Company transmission line.

The Applicant estimates that the average annual production would be 0.87 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, and economic studies; negotiate with the Pacific Gas and Electric Company; and investigate the water rights necessary for the project. No new roads are needed for conducting these studies which are estimated to cost $11,300.

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 petitions 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, Application 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. 81-26028 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4723-000]

Marin Municipal Water District; Application for Preliminary Permit

August 25, 1981.

Take notice that Marin Municipal Water District (Applicant) filed on May 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4723 to be known as the Soulajule Reservoir Water Power Project located on Soulajule Reservoir on Arroyo Sausal in Marin 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. Verne E. Spangenberg, General Manager, Marin Municipal Water District, 220 Nellen Avenue, Corte Madera, California 94925.

Project Description—The proposed project would consist of: (1) an inline powerhouse installed on an existing 48-inch scour line of the existing Soulajule Reservoir and Dam, with a total installed capacity of 975 kW; and (2) a 13-mile long, 12-kV transmission interconnecting with an existing Pacific Gas and Electric Company transmission line.

The Applicant estimates that the average annual production would be 0.7 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, and economic studies; negotiate with the Pacific Gas and Electric Company; and investigate the water rights necessary for the project. No new roads are needed for conducting these studies which are estimated to cost $11,300.

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, protests, or petitions to intervene must be recieved 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. 81-26029 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4730-000]

Marin Municipal Water District; Application for Preliminary Permit

August 25, 1981.

Take notice that Marin Municipal Water District (Applicant) filed on May 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4730 known as the Nicasio Reservoir Water Power Project located on Nicasio Reservoir on Arroy Nicasio in Marin 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. Verne E. Spangenberg, General Manager, Marin Municipal Water District, 220 Nellen Avenue, Corte Madera, California 94925.

Project Description—The proposed project would consist of: (1) a inline powerhouse installed on an existing 36-inch scour line of the existing Nicasio Reservoir and Dam, with a total installed capacity of 290 kW; (2) and 8-mile long transmission line interconnecting with an existing Pacific Gas and Electric Company transmission line. The Applicant estimates that the average annual production would be 1.065 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, and economic studies; negotiate with the Pacific Gas and Electric Company; and investigate the water rights necessary for the project. No new roads are needed for conducting these studies which are estimated to cost $11,300.

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 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. 81-26085 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4734-000]

Marin Municipal Water District; Application for Preliminary Permit

August 25, 1981.

Take notice that Marin Municipal Water District (Applicant) filed on May 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4734 to be known as the Alpine Lake Water Power Project located on Alpine Lake on Lagunitas Creek in Marin 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. Verne E. Spangenberg, General Manager, Marin Muncipal Water District, 220 Nellen Avenue, Corte Madera, California 94925.

Project Description—The proposed project would consist of: (1) a powerhouse installed on an existing 26-inch discharge pipe of the existing Alpine Lake Reservoir and Dam, with a total installed capacity of 230 kW; and (2) a 7-mile long, 12-kV transmission interconnecting with an existing Pacific Gas and Electric Company transmission line.

The Applicant estimates that the average annual production would be 0.83 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, and economic studies; negotiate with the Pacific Gas and Electric Company: and investigate the water rights necessary for the project. No new roads are needed for conducting these studies which are estimated to cost $11,300.

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, protests, or petitions 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. 81-26088 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5127-000]

Mega-Hydro, Inc.; Application for Preliminary Permit

September 4, 1981.

Take notice that Mega-Hydro, Inc. (Applicant) filed on July 24, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a) 825(r)] for Project No. 5127 known as the Rush Creek Feather River Power Project located on Rush Creek, near the town of Quincy 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. Chuck Chain, 1646 East Street, Redding, California 96001.

Project Description—The proposed project would consist of: (1) a 110-foot long, 5-foot high rock and concrete diversion structure; (2) a 10,250-foot long diversion conduit; (3) a 2,560-foot long, 20-inch diameter penstock; (4) a powerhouse with a total rated capacity of 937 kW and associated electrical switch gear; and (5) a 500-foot 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 studies as well as preparing an application for an FERC license. No new roads would be required to conduct these studies. The estimated cost of conducting these studies and preparing an application for an FERC license is $43,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before *November 7, 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 section 1.8 or section 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 November 7, 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. 81-26176 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5126-000]

Mega-Hydro, Inc.; Application for Preliminary Permit

September 4, 1981.

Take notice that Mega-Hydro, Inc. (Applicant) filed on July 24, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5126 to be known as the West Fork-Feather River Power Project located on West Fork Creek in Butte 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. Chuck Chain, President, Mega-Hydro, Inc., 1646 East Street, Redding, California 96001.

Project Description—The project would consist of: (1) a 4-foot high, 60-foot long diversion structure; (2) a 22,650-foot long, 24-inch diameter low pressure conduit; (3) a 2,740-foot long, 20-inch diameter penstock; (4) a powerhouse with total installed capacity of 1,000 kW and (5) a 0.1-mile long, 12.5-kV transmission line which would connect the powerhouse to an existing Pacific Gas and Electric transmission line. The Applicant estimates that the average annual energy production would be 3.96 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 time it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $51,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 8, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 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.

Comment, 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 November 8, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENT", "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. 81-26177 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER78-174]

Missouri Edison Co.; Refund Compliance Filing

August 28, 1981.

Take notice that on August 3, 1981, Missouri Edison Company (Missouri Edison) tendered for filing a refund compliance report pursuant to the Commission's final order dated September 2, 1980, in Union Electric Company, Docket No. ER77-614.

On January 4, 1978, Missouri Edison filed revised municipal wholesale rates. As ordered by the Commission, in Docket No. ER78-174, the rates became effective, subject to refund, pending the final outcome of proceedings in Union Electric Company, Docket No. ER77-614.

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 21, 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. 81-26088 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5115-000]

Modesto Irrigation District; Application for Preliminary Permit

September 2, 1981.

Take notice that Modesto Irrigation District (Applicant) filed on July 22, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5115 to be known as the Pine Creek Project located on Pine Creek, near Bishop in Inyo County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Lee DeLano, Modesto Irrigation District, 1231 11th Street, P.O. Box 4060, Modesto, California 95352.

Project Description—The proposed project would consist of: (1) a 6-foot high concrete dam; (2) a 4,200-foot long and 3-foot diameter penstock; (3) a powerhouse containing a generating unit of 1,450 kW; and (4) a transmission line. The Applicant estimates that the average annual energy output would be 8.7 million kilowatt hours.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would conduct engineering, 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 $45,000.

Competing Applications—This application was filed as a competing application to the Pine Creek Project No. 3884 filed on February 20, 1981, by California Renewable Resources, 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 25, 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. 81-26076 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4937-001]

Modesto Irrigation District; Application for Preliminary Permit

September 2, 1981.

Take notice that Modesto Irrigation District (Applicant) filed on August 7, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4937 to be known as the Deer Creek Hydroelectric Project located on Deer 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. A. Lee DeLano, P.O. Box 4060, Modesto, California 95352.

Project Description—The proposed project would consist of: (1) a 4-foot high diversion structure across Deer Creek; (2) a 13,000-foot-long conduit; (3) a 48-inch-diameter, 1,000-foot-long penstock; and (4) a powerhouse containing a single generating unit with a rated capacity of 2,500 kW. The Applicant estimates that the annual average 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 24-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 $45,000.

Competing Applications—This application was filed as a competing application to the Deer Creek Hydroelectric Project No. 4637 filed on May 8, 1981, by North Valley Land 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 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 9, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26053 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5124-000]

Montpelier Hydroelectric Co.; Application for Preliminary Permit

September 2, 1981.

Take notice that Montpelier Hydroelectric Company (Applicant) filed on July 22, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5124 to be known as the North Branch #3 Project located on the North Branch of the Winooski River in Washington County, Vermont. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Richard I. Rubin, P.O. Box 121, Barre, Vermont 05641.

Project Description—The proposed project would consist of: (1) the existing State-owned Wrightsville Flood Control Dam, 1,600 feet long and 105 feet high; (2) the reservoir with a surface area of 600 acres and a storage capacity of 21,000 acre-feet at a spillway elevation of 687 feet m.s.l.; (3) new trash racks and head gates; (4) an existing power conduit 8 feet square and 665 feet long leading to a new penstock six feet in diameter and 900 feet long; (5) a new 30 by 25-foot powerhouse containing two 350–kW turbine/generator units to produce an estimated 2,000,000 kWh yearly; (6) a new 7.2–kV transmission line 1,200 feet long and (7) appurtenant facilities. All power would be sold to the Green Mountain Power Corporation.

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 perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for

FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be $25,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 1, 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 November 1, 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. 81-26077 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5016-000]

Morgan City Corp.; Application for Preliminary Permit

September 2, 1981.

Take notice that Morgan City Corporation (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. 5016 to be known as the Echo Hydro Project located on the Weber River in Summit 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. Dennis Woolsey, Superintendent, Power Department, Morgan City Corporation, P.O. Box 276, Morgan, Utah 84050.

Project Description—The proposed project would utilize the existing Bureau of Reclamation's Echo Dam and Reservoir, operated and maintained by the Weber River Water Users Association, and would consist of: (1) a penstock utilizing the existing the existing outlet works near the left dam abutment; (2) a new powerhouse containing generating units having a total rated capacity of 4,000 kW; (3) a tailrace; (4) a new transmission line, approximately 400 feet long, connecting to an existing 46-kV line; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 18,400,000 kWh. Project energy would be utilized by Morgan City for residential, industrial and farm users.

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 Utah Hydro Corporation's application for Project No. 3545 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 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 26, 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. 81-26054 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RP81-126-000, et al.]

National Fuel Gas Supply Corp., et al.; Filing of Pipeline Refund Reports and Refund Plans

August 28, 1981.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before September 14, 1981. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

Appendix

Filing date	Company	Docket No.	Type filing
8/17/81	National Fuel Gas Supply Corp.	RP81-126-000[1]	Report.
8/17/81	Columbia Gas Transmission Corp.	RP78-20	Report.
8/20/81	Cities Service Gas Co.	RP81-127-000[1]	Report.
8/21/81	Transcontinental Gas Pipe Line Corp.	RP81-125-000[1]	Report.
8/21/81	Alabama-Tennessee Natural Gas Co.	RP81-128-000[1]	Report.
8/21/81	Mississippi River Transmission Corp.	RP81-129-000[1]	Report.
8/24/81	Southern Natural Gas Co.	RP77-31-009	Report.

[1] All future LFUT flow-through refunds will retain the same by-company docket number.

[FR Doc. 81-26089 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-520-003]

Natural Gas Pipeline Company of America; Petition To Amend

August 31, 1981

Take notice that on August 11,1981, Natural Gas Pipeline Company of America (Petitioner), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in docket No. CP80-520-003 a petition to amend the order issued January 27, 1981, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorized an extension in the period of the term of the sale and transportation of nautral gas for Energy Gathering Inc. (Energy Gathering) and an increase in the daily delivery volume, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued January 27, 1981, it was authorized to sell natural gas to Energy Gathering for resale for a term expiring on January 31, 1982. It is further stated that Petitioner was authorized to sell up to 10,000,000,000 Mcf of gas to energy Gathering on an interruptible basis with a maximum of 50,000 Mcf of gas delivered on any day.

Petitioner explains that inasmuch as the delivery of gas did not commence until July 23, 1981, because of certain conditions in the January 27, 1981, order and the impact of such conditions upon Energy Gathering's market and transportation arrangements it proposes the sale and transportation of natural gas for a term of one year from the date of first deliveries ending on July 23, 1982, or until the total volume of gas has been delivered by Petitioner to Energy Gathering whichever last occurs.

It is stated that on August 3, 1981, Petitioner and Energy Gathering amended the daily delivery volume provision of the August 13, 1980, gas sales agreement. The daily delivery volume was increased from a daily maximum volume of 50,000 Mcf to 100,000 Mcf provided however, that Energy Gathering may from time to time request to purchase volumes of gas in excess of 1000,000 Mcf per day and Petitioner may in its sole judgment sell additional daily volumes to Energy Gathering, it is asserted.

Petitioner states that the daily delivery volume was increased to provide a larger swing potential for the peak-shaving requirements of Energy Gathering's primary market, Houston Lighting and Power. The total volume of gas to be sold remains the same, it is submitted.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 21, 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 appropriated 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. 81-26090 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 137-002]

Pacific Gas and Electric Co.; Revised Application for New License (Major)

August 25, 1981.

Take notice that on April 8, 1981, the Pacific Gas and Electric Company (Applicant) filed revisions to its application [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for a new major license for its Mokelumne River Project No. 137. Correspondence with the Applicant should be directed to: Mr. W. M. Gallavan, Vice President—Rates and Valuation, Pacific Gas and Electric Company, 77 Beale Street, San Francisco, California 94106.

The revisions to the application reflect proposed improvements to the existing project. The improvements would consist of: (1) increase the height of the Lower Bear River Dam to raise the reservoir's maximum water surface elevation by 32 feet and increase the storage capacity from 52,025 to 78,432 acre-feet; (2) increase the height of the Cole Creek Diversion Dam by 27 feet; (3) increase the capacity of the Tiger Creek Conduit and the Electra Tunnel; (4) add 1.5 feet of freeboard to the top of the radial gates at the Tiger Creek Afterbay; (5) construct the 7.6-MW Salt Springs Powerhouse Unit 3; (6) construct the 750-kW Doaks Ridge Powerhouse at the drop from the Tiger Creek Regulator into the Tiger Creek Conduit; (7) replace the turbine runners and enlarge the wheel housings at the Tiger Creek and Electra powerhouses; (8) construct the 7.0-MW West Point Powerhouse Unit 2; (9) add 5 feet of removable flashboards at the Electra Afterbay Dam; (10) construct the 1.4-MW Mokelumne Powerhouse at the Electra Afterbay Dam; and (11) construct associated electrical and transmission facilities.

The proposed improvements to the Mokelumne River Project would result in an increase in average annual generation at the project of approximately 163,100 MWh.

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 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 preliminary permit for Project No. 137. 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. 81-26002 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 77-002]

Pacific Gas and Electric Co.; Application for Amendment of a Major License

August 25, 1981.

Take notice that on May 26, 1981, the Pacific Gas and Electric Company (Applicant), filed an application for an amendment of a major license with the Federal Energy Regulatory Commission [Pursuant to the Federal Power Act, 16 U.S.C., 791(a)—825(r)] to include construction, operation, and maintenance of the Scott Powerhouse would be located on the Eel River in Lake County, California. Correspondence concerning the application should be sent to: Mr. M. W. Gallavan, Vice President—Rates and Valuation, Pacific Gas and Electric Company, 77 Beale Street, Room 1087, San Francisco, California 94106.

Project Description.—The proposed project would consist of: (1) a 60-foot long, 72-inch diameter penstock tapped into the existing outlet pipe of the Scott Dam, bifurcating into two 48-inch diameter penstocks—one 30-foot long and the other 18-foot long; (2) a powerhouse with a total installed capacity of 3 MW; (3) a switchyard located 300 feet from the powerhouse; and (4) an 11.8-mile long, 60-kV transmission line interconnecting with the transmission system at the Potter Valley Powerhouse.

The Applicant estimates that the cost for the proposed project is $11,326,000. The power generated by the project would be integrated into the Applicant's interconnected transmission and distribution system.

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 Federal Energy Regulatory 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 2, 1981. The Commission's address: 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. 81-26091 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4851-000]

Pacific Gas & Electric Co.; Application for Transmission Line License

September 1, 1981.

Take notice that Pacific Gas and Electric Company (Applicant) filed on June 10, 1981, an application for a license for a project involving a transmission line only [pursuant to Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4851 located in Butte 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. W. M. Gallavan, Vice President, Rates and Valuation, Pacific Gas and Electric Company, 77 Beale Street, San Francisco, California 94106.

Project Description—The proposed project would consist of a 5.4-mile long, 115-kV, wood pole transmission line extending from Oroville-Wyandotte Irrigation District's Sly Creek Power Plant (FERC Project No. 2088) to Applicant's Woodleaf-Palermo 115kV-Transmission Line (FERC Project No. 2281).

The transmission line is necessary to transmit the power generated by the Sly Creek Powerhouse to Applicant's distribution system. The project is estimated to cost $691,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 30, 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).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protests, 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 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", "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 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. 81-26007 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-75-000]

Pacific Power & Light Co.; Application

September 1, 1981.

Take notice that on August 26, 1981, Pacific Power & Light Company (Applicant) filed an application with the Federal Energy Regulatory Commission, pursuant to section 204 of the Federal Power Act, seeking an order authorizing it to issue and sell not to exceed $100,000,000 in aggregate principal amount of its First Mortgage Bonds.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 25, 1981 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26008 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-694-000]

Pennsylvania Electric Co.; Filing

August 31, 1981.

The filing Company submits the following:

Take notice that on August 18, 1981, Pennsylvania Electric Company (Penelec) tendered for filing a Revised Index of Purchasers—designated Fifth Revised Sheet No. 4 as requested by the Commission's July 29, 1981 letter order. In addition, Penelec also tendered for filing a revised Table of Contents designated Fifth Revised Sheet No. 2.

Penelec requests waiver of the notice requirements to permit an effective date of August 20, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 21, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26040 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5053-000]

Plumas County Flood Control and Water Conservation District; Application for Preliminary Permit

August 25, 1981.

Take notice that Plumas County Flood Control and Water Conservation District (Applicant) filed on July 2, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5053 to be known as the Yellow Creek 1.5 Water Power Project located on Yellow 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. Lawrence J. Brock, Coordinator, PCFC & WCD, Rte. 1, Box 279, Quincy, California 95971.

Project Description—The proposed project would consist of: (1) a diversion structure; (2) a 10,000-foot long conduit; (3) a 700-foot long, 40-inch diameter penstock; (4) a powerhouse to contain generating units with a combined rated capacity of 4,580 kW; and (5) a 3-mile long, 12.5-kV transmission line. The estimated average annual energy output is 28.1 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 technical, environmental and economic feasibility studies as well as, consult with Federal, State, and local agencies to 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 FERC license application is $50,000.

Competing Applications—This application was filed as a competing application to the Yellow Creek 1.5 Project No. 4382 filed on March 20, 1981, by Consolidated Hydroelectric, 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 ar 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 18, 1981.

Filing and service of Responsive Documents—Any filings must bear in al 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. 81-26003 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2516-000]

Potomac Edison Co.; Application for Amendment of License

September 1, 1981.

Take notice that on July 15, 1981, the Potomac Edison Company (licensee) filed an application [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-

825(r)] for its Dam Number Four Project No. 2516-000, located on the Potomac River in Berkeley County, West Virginia. Correspondence with the Licensee should be directed to: Mr. Elmer B. Kaelin, Executive Vice President, The Potomac Edison Company, Downsville Pike, Hagerstown, Maryland 21740.

Licensee requests that its license be amended to authorize: (1) upgrading the existing generating facilities in bays one and two of the existing powerhouse; and (2) installing a new turbine and generator in bay three of the existing powerhouse. The proposed changes would increase the total capacity of the project from 1140 kW to 2300 kW. Annual average generation at the project would be increased by almost 7,200,000 kWh.

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 Procdedure, 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 petition to intervene must be received on or before October 9, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26069 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project Nos. 4678-000, 4686-000]

Power Authority of the State of New York and Long Lake Energy Corp.; Application for Preliminary Permit

September 1, 1981.

Take notice that the Power Authority of the State of New York, and Long Lake Energy Corporation (Applicants) filed on May 18, 1981, applications for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Projects Nos. 4678 and 4686, respectively, known as the Crescent Hydroelectric Project located on the Mohawk River in Albany, Saratoga, and Schenectady Counties, New York. The applications are on file with the Commission and are available for public inspection. Correspondence with the Applicant should be directed to: Thomas R. Frey, Esq., General Counsel, Power Authority of the State of New York, 10 Columbus Circle, New York, New York 10019, and Paul J. Elston and Donald E. Hamer, Long Lake Energy Corporation, 330 Madison Avenue, 7th Floor, New York, New York 10017.

Project Description—Each proposed run-of-the-river project would utilize the following constructed works: (1) Crescent Dam, owned by the State of New York, a concrete gravity structure consisting of two sections with a total length of 1486 feet and a height of 36 feet at spillway crest elevation 184 feet m.s.l. and provisions for the installation of 1-foot high flashboards; (2) a reservoir control structure at the west (right) abutment; (3) a reservoir with a surface area of 2,000 acres and storage capacity of 50,000 acre-feet at a surface elevation of 183 feet m.s.l.; and (4) the lock gates at Lock No. 6 on the Erie Canal.

Additional project works for Project No. 4678 at the west abutment would include: (1) an existing intake structure, headrace, and forebay at the west abutment; (2) an existing powerhouse with existing capacity of 5,600 kW and a proposed new additional capacity of 5,800 kW; (3) an existing tailrace; and (4) other appurtenances. Applicant estimates annual generation for Project No. 4678 would average about 23,600,000 kWh. Project energy would be marketed based on project cost and market conditions at project completion.

Additional project works for Project No. 4686 at the east abutment would include: (1) a new forebay and intake structure; (2) a new power canal or penstock; (3) a new powerhouse with an installed capacity of 5,300 kW; (4) a new tailrace; and (5) other appurtenances. Applicant estimates annual generation for Project No. 4686 would average about 16,600,000 kWh. Project energy would be sold to Niagara Mohawk Power Corporation.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Power Authority of the State of New York (PASNY) seeks issuance of a preliminary permit for a period of 24 months, and Long Lake Energy Corporation (LLEC) for a period of 36 months. During the term of the Permit, each Applicant would accomplish hydraulic, construction, economic, environmental, historic, and recreational studies, and if the proposed project is determined feasible, prepare an application for an FERC license. PASNY estimates the costs of studies under the permit would not exceed $50,000, and LLEC estimates costs of studies would not exceed $100,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 29, 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 applications. Copies of the applications may be obtained by agencies directly from the Applicants. 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 October 29, 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 Projects Numbers 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 Applicants specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26070 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2457-000]

Public Service Company of New Hampshire; Notice of Application for Amendment of License

September 2, 1981.

Take notice that on February 6, 1981, Public Service Company of New Hampshire (Licensee) filed an application [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for amendment of its license for the Eastman Falls Hydroelectric Project No. 2457 located on the Pemigewasset River near the City of Franklin, Merrimack County, New Hampshire. Correspondence with the Licensee should be addressed to: Mr. John Lyons, Public Service Company of New Hampshire, 1000 Elm Street, P.O. Box 330, Manchester, New Hampshire 03105.

Licensee proposes that its project license be amended to authorize the addition of a single 4.15 MW turbine-generator to replace its number 2 generator, rated at 1.2 MW, which was irreparably damaged by debris ingestion. Installation of the new turbine-generator would allow the production of an additional 13,000,000 kWh annually. The project would continue to be operated as a run-of-the-river facility.

Anyone desiring to be heard or to make any protest 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 14, 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. 81-26055 Filed 9-4-81; 8:45am]

BILLING CODE 6450-85-M

[Project No. 5179-000]

Puget Sound Power & Light Co.; Application for Preliminary Permit

September 3, 1981.

Take notice that Puget Sound Power & Light Company (Applicant) filed on August 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5179 known as the Canyon Creek Project located on Canyon Creek in Whatcom County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert V. Myers, Vice President, Generation Resources, Puget Sound Power & Light Company, Puget Power Building, Bellevue, Washington 98009 with a copy to: Perkins, Coie, Stone, Olson & Williams, Attention F. T. Thomsen, 1900 Washington Building, Seattle, Washington, 98101.

Project Description.—The proposed project would consist of: (1) a 15-foot high by 250-foot long concrete gravity diversion dam with an uncontrolled spillway creating a small pond with no storage capacity; (2) a 2.2-mile long water conduit; (3) a 1,600-foot long, 60-inch diameter steel penstock; (4) a powerhouse to be operated under a net head of 980 feet with an installed capacity of 11.8 MW; (5) a tailrace channel; and (6) a 6,200-foot long, 55-kV transmission line to connect to an existing Applicant transmission line.

Proposed Scope of Studies Under Permit.—A preliminary permit, if issued, does not authorize construction. The applicant seeks issuance of a 24-month preliminary permit to study the feasibility of constructing and operating the proposed project and to prepare an FERC license application. All surveys, tests, and investigations, to be conducted during the study period, would be performed such that no significant alteration or disruption would occur to the lands or waters in the project area. Test borings near the proposed dam and powerhouse sites and along the water conduit and penstock would be done in a manner to minimize impacts. The ground surface would be left in its pre-study state to the greatest extent possible.

Competing Applications.—This application was filed as a competing application to the Canyon Creek Project No. 4312 filed on March 10, 1981, by Water Song Resources, 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.

Comment, 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," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26176 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4910-000]

City of Redding, California; Application for Preliminary Permit

August 25, 1981.

Take notice that City of Redding, California (Applicant) filed on June 19, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 4910 to be known as the Sacramento River Hydroelectric Project No. 5 located on Anderson-Cottonwood Irrigation District (ACID) Canal in Shasta 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. W. Brickwood, City Manager, City of Redding, 760 Parkview Avenue, Redding, California 96001.

Project Description.—The proposed project would consist of: (1) a powerhouse with a total installed capacity of 1,600 kW, to be located at the bottom of a siphon carrying the water of Anderson-Cottonwood Irrigation Distric (ACID) Canal underneath Clear Creek; and (2) a 200-foot long, 12.5-kV transmission line interconnecting with the City of Redding distribution line. The Applicant estimates that the average annual energy output would be 9.69 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 with it would conduct engineering, economic and environmental studies; conduct property surveys; apply for state water rights for the project; negotiate with the Anderson-Cottonwood Irrigation District for the utilization of the waters of the ACID Canal, and prepare an FERC license application. No new roads would be required for conducting these studies which are estimated by the Applicant to cost $55,000.

Competing Applications.—Any one 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 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 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. 81-26082 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4912-000]

City of Redding, Calif.; Application for Preliminary Permit

August 25, 1981.

Take notice that City of Redding, California (Applicant) filed on June 19, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4912 to be known as the Sacramento River Hydroelectric Project No. 4 located on Anderson-Cottonwood Irrigation District (ACID) Canal in Shasta 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. W. Brickwood, City Manager, City of Redding, 760 Parkview Avenue, Redding, California 96001.

Project Description.—The proposed project would consist of: (1) a powerhouse with a total installed capacity of 150 kW to be located at an existing overflow conduit of the Anderson-Cottonwood Irrigation District (ACID) Canal near South Bonnyview Road, and (2) a 600-foot long, 12.5-kV transmission line interconnecting with the City of Redding distribution system. The Applicant estimates that the average annual energy output would be 0.963 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, economic and environmental studies; conduct property surveys; apply for state water rights for the project; negotiate with the Anderson-Cottonwood Irrigation District for the utilization of the waters of the ACID Canal, and prepare an FERC license application. No new roads would be required for conducting these studies which are estimated by the Applicant to cost $55,000.

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 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, NW., 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. 81-26083 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4911-000]

City of Redding, California; Application for Preliminary Permit

August 25, 1981

Take notice that City of Redding, California (Applicant) filed on June 19, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4911 to be known as the Sacramento River Hydroelectric Project No. 2 located on Sacramento River in Shasta 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. W. Brickwood, City Manager, City of Redding, 760 Parkview Avenue, Redding, California 96001.

Project Description—The proposed project would consist of: (1) a powerhouse with a total installed capacity of 800 kW receiving water through a 72-inch diameter penstock which is a part of the proposed Lake Redding Dam (FERC Project No. 2828); and (2) a 300-foot long, 12.5-kV transmission line interconnecting with the City of Redding distribution system. The Applicant estimates that the average annual energy output would be 60.088 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, economic and environmental studies; conduct property surveys; apply for state water rights for the project; negotiate with the Anderson-Cottonwood Irrigation District for the utilization of the waters of the ACID Canal, and prepare an FERC license application. No new roads would be required for conducting these studies which are estimated by the Applicant to cost $55,000.

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 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 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. 81-26017 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4909-000]

City of Redding, California; Application for Preliminary Permit

August 25, 1981

Take notice that City of Redding, California (Applicant) filed on June 19, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 4909 to be known as the Sacramento River Hydroelectric Project No. 6 located on Anderson-Cottonwood Irrigation District (ACID) Canal in Shasta 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. W. Brickwood, City Manager, City of Redding, 760 Parkview Avenue, Redding, California 96001.

Project Description—The proposed project would consist of: (1) a powerhouse with a total installed capacity of 125 kW, to be located at the bottom of the existing transfer conduit of the Anderson-Cottonwood Irrigation District (ACID) Canal near South Street in Anderson; and (2) a 200-foot long, 12-kV transmission line interconnecting with an existing Pacific Gas and Electric Company transmission line. The Applicant estimates that the average annual energy output would be 1.015 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, economic and environmental studies; conduct property surveys; apply for state water rights for the project; negotiate with the Pacific Gas & Electric Company, and prepare a FERC license application. No new roads would be required for conducting these studies which are estimated by the Applicant to cost $55,000.

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 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 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 Licenising, 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. 81-26018 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4913-000]

City of Redding, California; Application for Preliminary Permit

August 25, 1981.

Take notice that City of Redding, California (Applicant) filed on June 19, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4913 to be known as the Sacramento River Hydroelectric Project No. 3 located on Andersen-Cottonwood Irrigation District (ACID) Canal in Shasta 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. W. Brickwood, City Manager, City of Redding, 760 Parkview Avenue, Redding, California 96001.

Project Description—The proposed project would consist of: (1) a powerhouse with a total installed capacity of 150 kW to be located at an existing overflow conduit of the Anderson-Cottonwood Irrigation District (ACID) Canal Parkview Avenue; and (2) a 60-foot long, 12.5-kV transmission line interconnecting with the City of Redding distribution system. The Applicant estimates that the average annual energy output would be 0.771 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, economic and environmental studies; conduct property surveys; apply for state water rights for the project; negotiate with the Anderson-Cottonwood Irrigation District for the utilization of the waters of the ACID Canal, and prepare an FERC license application. No new roads would be required for conducting these studies which are estimated by the Applicant to cost $55,000.

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 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 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 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. 81-26019 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4991-000]

City of Rohnert Park, California; Application for Preliminary Permit

August 25, 1981

Take notice that the City of Rohnert Park (Applicant) filed on June 24, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 4991 known as the Corral and Gates Creek Power Project located on the Corral Creek and Gates Creek in Trinity County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant

should be directed to: Mr. Robert A. Lewis, City of Rohnert Park, 6750 Commerce Blvd., Rohnert Park, California 95427.

Project Description—The proposed project would consist of: (1) two diversion structures; (2) an 8,000-foot long diversion conduit; (3) a 66-inch diameter, 1,060-foot long penstock; and (4) a powerhouse containing one or more generating units with a total rated capacity of 3,870 kW. The Applicant estimates that the average annual energy output would be 15.2 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 Corral and Gates Creek Power Project No. 4095 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 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 petitions to intervene must be received on or before September 18, 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 Regulary 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. 81-26020 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4970-000]

City of Rohnert Park, California; Application for Preliminary Permit

September 1, 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. 4970 to be known as the Kill Dry Creek, Glenn Power Project located on Kill Dry Creek in Glenn 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, 84-foot long diversion structure; (2) a 48-inch diameter, 7,700-foot long diversion conduit; (3) a 37-inch diameter, 1,000-foot long penstock; and (4) a powerhouse containing one or more generating units with a total rated capacity of 2,880 kW. The Applicant estimates that the annual average energy output would be 11.3 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 Kill Dry Creek, Glenn Power Project No. 4343 filed on March 16, 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 23, 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 Capitaol 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. 81-26082 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4849-000]

Saranac Energy Corp.; Application for Preliminary Permit

September 2, 1981.

Take notice that Saranac Energy Corporation (Applicant) filed on June 10, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4849 to be known as the Inglis Dam Hydropower Project located on the Withlacoochee River in Levy County, Florida. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Charles B. Mierek, Saranac Energy Corporation, 838 Arlington Drive, Tucker, Georgia 30084.

Project Description.—The proposed project would utilize a U.S. Army Corps of Engineers' Dam and Reservoir. Project No. 4849 would consist of: (1) a proposed powerhouse located downstream of the spillway structure with an estimated installed capacity of 2.5 MW; (2) proposed transmission lines; and (3) appurtenant facilities. The Applicant estimates that the average annual energy output would be 16 GWh.

Proposed Scope of Studies Under Permit.—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $100,000.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before October 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 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 appropriated 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 10, 1981.

Filing and Service of Responsive Documents.—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 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. 81-26078 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5206-000]

David H. Scott; Application for Preliminary Permit

September 3, 1981.

Take notice that David H. Scott (Applicant) filed on August 10, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5206 to be known as the West Manton Power Project located on North Fork Battle Creek and Digger Creek in Shasta 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. David H. Scott, 280 Hemsted Drive, Redding, California 96002.

Project Description.—The proposed project would consist of: (1) a 250-foot long, 5-foot high diversion structure on Battle Creek; (2) a 210-foot long, 5-foot high diversion structure on Digger Creek; (3) a 4,630-foot long, 30-inch diameter diversion conduit; (4) a 3,780-foot long, 24-inch diameter diversion conduit; (5) a 7,460-foot long, 32-inch diameter penstock; (6) a powerhouse with a total rated capacity of 1,146 kW; and (7) a 0.3-mile long, 12.5-kV transmission line from the powerhouse to an existing Pacific Gas & Electric Company transmission line. The Applicant estimates that the average annual energy production would be 5.6 million kWh.

Proposed Scope of Studies Under Permit.—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct technical, environmental and economic studies, and also prepare an FERC license application. The Applicant estimates that the cost of undertaking these studies would be $48,000.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before November 4, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than 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 obtined 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 itervene must be received on or before November 4, 1981.

Filing and Service of Responsive Documents.—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26179 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5144-000]

City of Searcy, Arkansas and Little Red Power Developers; Application for Preliminary Permit

September 3, 1981.

Take notice that the City of Searcy, Arkansas and Little Red Power Developers (Applicant) filed on July 27, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5144 to be known as the Upper Dam Project located on the Little Red River in White County, Arkansas. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Glenn N. Sink, Little Red Power Developers, P.O. Box 1052, Searcy, Arkansas 72143.

Project Description.—The proposed project would consist of: (1) an existing City-owned concrete dam, 350 feet long and 5 feet high, to be raised to a height sufficient to provide a power head of 10 feet; (2) a small reservoir; (3) a new powerhouse at the southern end of the dam housing turbine/generator units rated at 1,354 kW; (4) a new switchyard; (5) a new transmission line leading to an Arkansas Power & Light Company (AP&L) substation in Searcy; and (6) appurtenant facilities. The average annual generation of 5.1 million kWh is expected to be sold to AP&L.

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 two years, during which time it would perform surveys and gelogical investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be $14,000.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before November 6, 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 November 6, 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. 81-26171 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-700-000]

Southern California Edison Co.; Filing

September 1, 1981

The filing Company submits the following:

Take notice that on August 24, 1981, Southern California Edison Company (Edison) tendered for filing an interruptible transmission service agreement with The Department of Water and Power of the City of Los Angeles (Los Angeles).

Under the terms and conditions of the agreement, Edison or Los Angeles will make available to the other party interruptible transmission service between the Victorville-Lugo Interconnection near Victorville, California, and the McCullough-Eldorado interconnection near Boulder City, Nevada.

Edison states that, with respect to sales by Edison, this Agreement is proposed to become effective 60 after acceptance for filing by the Commission.

Copies of this filing were served upon the Public Utilities Commission of the State of California and the Department of Water and Power of the City of Los Angeles.

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 21, 1981. Protests will be considered by the Commission in determining the appropraite action to be taken, but will not serve to make protestants parties to

the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26041 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-699-000]

Southwestern Electric Power Co.; Filing

August 31, 1981.

The filing Company submits the following:

Take notice that on August 24, 1981, Southwestern Electric Power Company (SWEPCO) tendered for filing a letter agreement between SWEPCO and Gulf States Utilities Company (GSU) dated April 3, 1981. SWEPCO indicates the agreement provides for SWEPCO to transmit power and energy GSU purchased from Oklahoma Gas and Electric Company (OGE) through the system of SWEPCO to the system of GSU.

SWEPCO requests waiver of the prior notice requirement and the agreement be accepted for filing to become effective May 1, 1981, the date service under the agreement was instituted.

Copies of the filing were furnished to the Public Utility Commission of Texas, the Louisiana Public Service Commission, Oklahoma Gas and Electric Company, and Gulf States Utilities Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 21, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26043 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-697-000]

St. Joseph Light & Power Co.; Filing

August 31, 1981.

The filing Company submits the following:

Take notice that St. Joseph Light & Power Company (St. Joseph) on August 24, 1981, tendered for filing an Amendment to the Interconnection Agreement between St. Joseph Light & Power Company and Associated Electric Cooperative, Incorporated, FERC Rate Schedule No. 13.

Said Amendment has been filed to comply with Order No. 84 of the Federal Energy Regulatory Commission in Docket No. RM79-29 which requires revenue limits to be placed on the operation of percentage adders in rate schedules used for the transmission or third party resale of electric power. The effective date of this Amendment was September 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 §§ 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 21, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26039 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4918-000]

Swan Lumber Co.; Application for Preliminary Permit

August 25, 1981.

Take notice that The Swan Lumber Company (Applicant) filed on June 19, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4918 known as the Pistol River Water Power Project located on Pistol River in Curry 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. Robert J. Swan, 13285 S.W. Bull Mountain Road, Tigard, Oregon 97223.

Project Description.—The proposed project would consist of: (1) a 20-foot high, 200-foot long concrete gravity dam; (2) a 3000-foot long diversion canal; (3) Three penstocks each 300 feet long; (4) a powerhouse with three turbine generators with total installed capacity of 8500-kW and (5) a 4-mile long transmission line which would connect to the Coos Curry Cooperative Utility existing distribution lines. The Applicant estimates that the average annual energy production would be 29 million kWh.

Proposed Scope of Studies Under Permit.—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new access roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $50,000.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before October 26, 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 26, 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. 81-26027 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-581-000]

Tapoco, Inc.; Order Accepting for Filing and Suspending Revised Agreement, Granting Waiver of Notice, Granting Intervention, Denying Summary Disposition, and Establishing Procedures

Issued: August 28, 1981.

Tapoco, Inc. (Tapoco), Aluminum Company of America (Alcoa), Nantahala Power and Light Company (Nantahala), and Tennessee Valley Authority (TVA) are parties to a power coordination and exchange agreement commonly referred to as the New Fontana Agreement.[1] Under the terms of the Agreement, TVA is given control of the generation of four Tapoco hydroelectric plants and eight Nantahala hydro electric plants. In exchange for this control, which includes a right to manage dispatching and to receive all generation at each plant's bus bar, TVA returns to Nantahala and Tapoco jointly a fixed annual power and energy entitlement. The allocation of the entitlement between Tapoco and Nantahala is governed by a separate agreement commonly referred to as the 1971 Apportionment Agreement.[2] The reasonableness of the allocation of the currently available power and energy between Tapoco and Nantahala is awaiting Commission decision on exceptions to an Initial Decision issued on April 10, 1981, in Docket Nos. ER76-828 and EL78-18.

On June 29, 1981, Tapoco filed an executed amendment to the New Fontana Agreement providing for a reduction of TVA's estimated station use and transmission losses under the agreement from 6,000 kW to 4,099 kW thereby making 1901 kW of additional power available for return to Tapoco and Nantahala. Tapoco concurrently filed an executed amendment to the 1971 Apportionment Agreement providing for the allocation of 951 kW of that additional power to Tapoco and the remaining 950 kW to Nantahala.[3] A certificate of concurrence in Tapoco's filings executed by Nantahala was submitted on July 13, 1981. Tapoco requests waiver of the notice requirements and a May 1, 1981 effective date for the changes.

Notice of the filing was issued on July 10, 1981, with comments, protests, or petitions to intervene due on or before July 31, 1981. On July 31, 1981, the Town of Highlands, North Carolina (Highlands), a Nantahala wholesale customer, filed a protest, petition to intervene, motion for one-day suspension and motion for summary judgment. Highlands alleges that the allocation of the additional power is unfair to Nantahala's customers in that the 1901 kW of additional power has been made available solely by operating improvements on Nantahala's system and all such power should be allocated to Nantahala. Therefore, Highlands requests that the Commission (1) suspend the filing for one day, (2) summarily reject the letter agreement amendment to the 1971 Apportionment Agreement as unjust and unreasonable, and (3) establish a just and reasonable rate for the apportionment with appropriate refunds.

On August 3, 1981, the Attorney General for the State of North Carolina (North Carolina) filed an untimely protest, petition to intervene, motion for interlocutory relief and alternative request for a five-month suspension. North Carolina requests that the Commission order modification of the proposed amendment to allocate all of the 1901 kW of additional power to Nantahala, or in the alternative, suspend the amendment for five months as it applies to Tapoco and for one day as it applies to Nantahala. North Carolina also filed a petition for leave to intervene one day out of time noting that there had been inadequate time to secure the necessary authorization to file the intervention, but stating that service of the pleading was made on all parties by mail on July 31, 1981.

Discussion

Initially, we find that participation in this proceeding by Highlands and North Carolina is in the public interest. Further, we find that good cause exists to accept North Carolina's petition to intervene one day out of time. Accordingly, each of the petitions will be granted.

Tapoco has stated that the equal apportionment of the additional power between Tapoco and Nantahala "acknowledges the fundamental and essentially irreconcilable differences in [the companies'] respective positions and settles them without evaluation or acknowledgement of their merits."[4] The equal apportionment is, in effect, a settlement with respect to the allocation of the additional power. Although the method of apportionment under the 1971 agreement is currently before the Commission for decision in Docket Nos. ER76-828 and EL78-18, the instant submittal represents a separate methodology for allocating an additional entitlement which should be evaluated on its own merits. Because the information currently available to the Commission is insufficient for purposes of resolving the issues raised, we shall deny the requests for summary disposition and interlocutory relief and we shall set the matter for hearing.

Our analysis of the filing indicates that the proposed agreement has not been shown to be just and reasonable and that it may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the amendments for filing and suspend them as ordered below.

In a number of suspension orders,[5] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of

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[1] Tapoco, Inc. Rate Schedule FPC No. 3.

[2] Supplement No. 2 to Tapoco Rate Schedule FPC No. 3.

[3] See Attachment A for rate schedule designations.

[1] It is noted, however, that although the parties reached an agreement concerning the allocation, Tapoco's position was that pursuant to the methodology underlying the 1971 Apportionment Agreement between the parties, all of the 1901 kW should be available to Tapoco; Nantahala's position was that most, if not all, of the 1901 kW should be allocated to Nantahala because the changes in Nantahala system operations since 1962 are largely responsible for a substantial reduction in line losses suffered by TVA.

[5] *E.g., Boston Edison Co.*, Docket No. ER80-508 (August 29, 1980) (five month suspension); *Alabama Power Co.*, Docket Nos. ER80-506, *et al.* (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80-488 (August 22, 1980) (one day suspension).

other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. The Commission notes that while substantive concerns have been expressed by the intervenors, an extended suspension period may prevent both Tapoco and Nantahala from utilizing the additional power from TVA, and would not be in the public interest. Thus, we do not believe that a maximum suspension is necessary or appropriate. A nominal suspension and a refund obligation should provide adequate protection to the intervenors pending the outcome of a hearing. Further, it is noted that TVA agreed to make the additional power available as of May 1, 1981, and that the revised agreements were submitted shortly thereafter. Accordingly, we find that good cause exists to waive the notice requirements, and we shall suspend the proposed amendments to become effective on May 1, 1981, subject to refund.

The Commission orders:

(A) Tapoco's request for waiver of the notice requirements is hereby granted.

(B) The motions of Highlands and North Carolina to reject or modify Tapoco's filing are hereby denied.

(C) Tapoco's proposed contractual amendments are hereby accepted for filing and suspended, to become effective on May 1, 1981, subject to refund pending hearing and decision.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of Tapoco's amended agreements.

(E) Highlands and North Carolina are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* That participation by the intervenors shall be limited to matters set forth in their petitions to intervene; and *provided, further,* That the admission of the intervenors shall not be construed as recognition by the Commission that they might be aggreived because of any order or orders by the Commission entered in this proceeding.

(F) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the issuance of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. the designated law judge is authorized to establish procedural dates, and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules and Practice and Procedure.

(G) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A

Tapoco, Inc.

Docket No. ER81-581-000

Rate Schedule Designations

Designation	Description
Tapoco, Inc.:	
(1) Supplement No. 4 to Rate Schedule FPC No. 3.	Amendment to Section 1 of Article IV of New Fontana Agreement.
(2) Supplement No. 1 to Supplement No. 3 to Rate Schedule FPC No. 3.	May 14, 1981 letter agreement between Tapoco, Inc. and Nantahala Power and Light Company.
Nantahala Power and Light Company:	
(3) Supplement No. 3 to Rate Schedule FPC No. 1 (concurs in (2) above).	Certificate of concurrence.

[FR Doc. 81-26095 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CP66-269, *et al.*]

Tennessee Gas Pipeline Company, a Division of Tenneco Inc.; Motion To Modify Opinion

August 31, 1981.

Take notice that on August 10, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket Nos. CP66-269, *et al.* a motion pursuant to § 1.12 of the Commission's Rules of Practice and Procedure (18 CFR 1.12) moving that the Commission modify FPC Opinion No. 667 and order issued October 24, 1973,[1] all as more fully set forth in the motion which is on file with the Commission and open to public inspection.

It is submitted that Opinion No. 667 (50 FPC 1194) approved certain stipulations for settling contested issues arising out of a lease sale agreement between Tennessee and Amoco Production Company (Amoco) including a requirement of a refund of $8,000,000 by Amoco to Tennessee to be flowed through by Tennessee to its customers and a provision that Amoco could receive a credit against such obligation at the rate of 1.0 cent per Mcf of new gas reserves committed by Amoco to Tennessee during a period of eight years following the issuance of the order approving the settlement.

Tennessee now proposes that the Commission modify such order so as to extend for two years the period during which Amoco may dedicate reserves to obtain a refund credit. Tennessee states that it has submitted such modification to Amoco and the active customer participants in the proceeding, The Brooklyn Union Gas Company, Consolidated Edison Company of New York, Inc., Long Island Lighting Company and Public Service Electric and Gas Company, and that such customers either support or have no objection to the proposed modification.

It is stated that to date Amoco has dedicated to Tennessee approximately twenty-five percent of the new gas reserves required to eliminate its cash refund obligation. Tennessee asserts that there is insufficient time to accomplish dedication of sufficient new gas reserves to satisfy Amoco's obligation to Tennessee prior to the expiration of the period originally provided for under the stipulation approved in Opinion No. 667 and consequently, requests *that Opinion No. 667 be accordingly modified.*

Any person desiring to be heard or to make any protest with reference to said motion should on or before September 21, 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. 81-26096 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[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.

[Docket Nos. TA81-2-29-001 (PGA81-2, IPR81-2, DCA81-2), TA81-1-29 (PGA81-1), RP80-117 and TA81-1-29-002]

Transcontinental Gas Pipeline Corp.; Order Accepting for Filing and Suspending Proposed Tariff Sheets Subject To Refund and Conditions and Consolidating Proceedings

Issued: August 31, 1981.

On July 31, 1981, Transcontinental Gas Pipeline Corporation (Transco) filed tariff sheets[1] reflecting a decrease of approximately $169 million to track a decrease of 38.5 cents per dth in the commodity charge of Rate Schedules CD, G, OG, E, PS and S–2, a decrease of 39.6 cents per dth under the ACQ schedule and an increase of 1.1 cents per dth in the delivery charge of Rate Schedule X–20. Transco requests an effective date of September 1, 1981.

This filing reflects the following adjustments: (1) an 8.9 cents per dth increase in the commodity charge of Rate Schedules CD, G, OG, E, PS, S–2 and ACQ to track increases in the cost of purchased gas ($39,139,292); (2) a decrease of 48.5 cents per dth (from 34.5 cents to negative 14.0 cents) in the deferred surcharge of Rate Schedules CD, G, OG, E, PS, S–2 and ACQ to return over-recoveries of $61,618,142 in the deferred account; and (3) an increase of 1.1 cents per dth for curtailment related credits in Rate Schedules CD, G, OG, E, PS, S–2 and X–20.

Public notice of the filing was issued on July 31, 1981, providing for protests or petitions to intervene to be filed on or before August 19, 1981. Petitions to intervene were filed by the Elizabethtown Gas Company, Atlanta Gas Light Company, Washington Gas Light Company and Frederick Gas Company, Inc., Process Gas Consumers Group, Public Service Electric and Gas Company, Piedmont Natural Gas Company, Inc., and Philadelphia Gas Works. Also notices of intervention were filed by the Public Service Commission of New York (New York) and the North Carolina Utilities Commission (North Carolina). Having demonstrated an interest warranting their participation, intervention is granted.

In addition to noticing its intervention, New York filed a protest and request for a hearing. North Carolina joined in New York's protest and also requested that the Commission consolidate any hearing with the ongoing investigation of Transco's previous PGA filing.[2] Specifically, New York requests a hearing on the issues of whether the prices paid by Transco for Section 107 deregulated gas to nonaffiliated producers are excessive due to fraud, abuse or similar grounds and whether the prices paid to affiliated producers for Section 107 gas exceed the prices paid in comparable transactions by non-affiliated parties.[3] Since these issues are currently under investigation in Transco's prior PGA filing, and in view of the significant increases cited by New York of prices paid by Transco for Section 107 gas, the Commission concludes that Transco's pending PGA rate increase investigation is a more appropriate forum to address the potential issues raised in the instant filing. Consequently, the instant filing shall be consolidated with the proceedings in Docket No. TA81–1–29 for purposes of hearing and decision.

Also, New York alleges that while the instant filing involves a decrease of 39.6 cents per dt in the commodity charges, this decrease is the result of a gross underestimate by Transco of the amount of gas it would sell in the six month period March 1 through August 31, 1981, which has resulted in an overcollection of $61,618,142 or approximately 48.5 cents per Mcf. New York states that in such situations where the rates which become effective were almost 50 cents in excess of what they should have been, retail customers with alternative fuel capability will receive the wrong market signals as to the potential cost of gas and may switch to alternative fuels rather than depending on possible refunds from Transco.

The Commission finds that there is insufficient information contained in the filing as to show why Transco overestimated its PGA rates. Accordingly, the Commission will defer any action on this issue pending receipt from Transco of an answer to New York's petition setting out in detail its reasons for the resulting overestimate.

Based upon a review of Transco's filing, the Commission finds that the proposed tariff changes have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, the Commission shall accept the revisions to the tariff sheet for filing and suspend their effectiveness, subject to refund and conditions, as indicated below.

In a number of suspension orders,[4] the Commission has addressed the regarding rate suspensions. For the reasons given there, we have concluded that rate filings sould generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust, unreasonable, or that it may run afoul of the other statutory standards. It has been acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. Since this filing is not intended to increase revenues, the Commission shall suspend the effectiveness of the proposed tariff sheets such that they shall become effective on September 1, 1981, subject to refund and subject to modification in the consolidated proceedings established by this order.

Further, the Commission in its investigation of Transco's general rate increase in Docket No. RP80–117 found that Transco's current method of pricing of injections and withdrawals from storage service may result in a double recovery of a portion of the storage gas costs. Accordingly, the instant filing shall be suspended and made subject to refund pending the final disposition of the proceedings in Docket No. RP80–117.

Transco's instant filing fails to provide the carrying charge calculations on their deferred account balances (account No. 191) shown in their deferred surcharge calculations. Accordingly, the Commission's acceptance of Transco's filing shall be conditioned on Transco supplying those calculations.

Transco's filing includes increases pursuant to area rate clauses in its contracts with producers. The Commission's acceptance of this filing shall not constitute a determination that any or all of the area rate clauses permit NGPA prices. Should it ultimately be determined in accordance with the procedures prescribed in Order No. 23, as amended by susequent orders in Docket No. RM79–22,[5] that a producer is not entitled to an NGPA price under an area rate clause, the refunds made by the producer to Transco shall be flowed through to the ratepayers in accordance with the procedures prescribed in Transco's PGA clause.

The Commission Orders:

(A) Subject to the conditions set forth in the body of this order and in the ordering paragraphs below, Transco's

[1] Twenty-Second Revised Sheet Nos. 12 and 15 and Fourth Revised Sheet No. 16 to Second Revised Volume No. 1 and Twenty-Eighth Revised Sheet No. 121 to Original Volume No. 2.

[2] Transco's previously filed PGA rate increase in Docket No. TA81–1–29 (PGA81–1), effective March 1, 1981, was accepted for filing and suspended by Commission order issued February 28, 1981, for further investigation into Transco's gas purchase practices and policies. Specifically, this proceeding is examining the issue of whether Transco's gas purchase prices are excessive due to "fraud, abuse of similar grounds" under Section 601(c)(2) of the NGPA.

[3] *See:* Section 601(b)(1)(E) of the NGPA.

[4] *E.g., Valley Gas Transmission, Inc.*, Docket No. RP80–98 (August 22, 1980) (one day suspension); *Great Lakes Gas Transmission Company*, Docket No. RP81–134 (September 24, 190) (five month suspension).

[5] These orders were recently affirmed in *Pennzoil Company* v. *Federal Energy Regulatory Commission*, —— F. 2d ——, Nos. 79–1247, 79–1602 (5th Cir., May 20, 1981).

Twenty-Second Revised Sheet Nos. 12 and 15 and Fourth Revised Sheet No. 16 to Second Revised Volume No. 1 and Twenty-Eighth Revised Sheet No. 121 to Original Volume No. 2 are accepted for filing and suspended, and waiver of notice requirements is granted so that they may go into effect September 1, 1981, subject to refund.

(B) Pursuant to the authority of Section 601 of the Natural Gas Policy Act, the Natural Gas Act, particularly sections 4, 5, 7, 8 and 15 thereof, and the Commission's Regulations, a public hearing shall be held concerning the issue of the Section 107 purchased gas costs.

(C) Transco's revised tariff sheets are made subject to the final disposition of the storage pricing issue in the proceedings in Docket No. RP80-117.

(D) The hearing into the "fraud, abuse or similar grounds" question in this docket is consolidated with the pending investigation in Docket No. TA81-1-29 (PGA81-1).

(E) Transco shall within 15 days, file with the Commission Account No. 191 carrying charge calculations on the balances in Account No. 191 reflected in the rates in this filing.

(F) The petitioners identified in the body of this order are permitted to intervene in this proceeding subject to the rules and regulations of the Commission; provided, however, that the participation of the intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in their petitions to intervene; and provided, further, that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order entered in this proceeding.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26056 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-30-001]

Trunkline Gas Co.; Order Accepting for Filing and Suspending Proposed Tariff Sheets Subject to Conditions and Establishing Procedures

Issued August 31, 1981.

On July 17, 1981, Trunkline Gas Company (Trunkline) filed revised tariff sheets with a proposed effective date of September 1, 1981.[1] The revised tariff sheets contain an overall PGA increase of 166.31 cents per dth composed of: (1) a 145.11 cents per dth increase in the cost of purchased gas; (2) a 20.91 cents per dth increase in the surcharge to recover the remaining balance of $51,266,692 in the deferred purchased gas cost account; and (3) a .29 cents per dth increase in the surcharge to recover the balance of $292,762 in the deferred purchased gas carrying cost account.

Trunkline's filing reflects projected gas purchases from a new supplier, Trunkline LNG Company (Trunkline LNG), which accounts for approximately 120.26 cents per dth or about 72 percent of the PGA increase. Trunkline's filing also reflects purchases of NGPA Section 107 gas from non-affiliated producers. These purchases comprise 10.25 percent of total purchased gas volumes and 17.42 percent of total purchased gas costs.[2]

Public notice of the filing was issued on July 7, 1981, providing for protests or petitions to intervene to be filed on or before August 14, 1981. Petitions to intervene were filed by those petitioners listed in Appendix A. Having demonstrated an interest in this proceeding warranting their participation, they shall be granted intervention. A protest was filed by the City of Hickman, Kentucky, objecting to the overall increase in Trunkline's filing, particularly that portion related to LNG supplies, but intervention status was not specifically requested.

One petitioner, Consumers Power Company (Consumers) requests that a hearing be held to determine the lawfulness of the tariffs filed by Trunkline in this proceeding. Consumers also requests that the portion of the PGA Rate Adjustment related to supplies from Trunkline LNG in the Trunkline filing be suspended for five months or until the date of initial delivery of LNG to Trunkline, whichever comes first. A joint motion was filed by Consumers and by Michigan Gas Storage Company (Michigan Gas) to consolidate the investigation of tariffs filed in this proceeding with any investigation of tariffs filed by Panhandle Eastern Pipe Line Company in Docket No. TA81-2-28-001. Consumers and Michigan Gas maintain that consolidation is appropriate because both filings reflect projected purchases from Trunkline LNG under identical billing procedures. Four other petitioners express similar concerns about Trunkline's proposed tariff because it permits billing for LNG costs prior to the date of actual deliveries. The petitioners request that collection begin either on the first day of the succeeding month or be prorated from the day following initial delivery during the current month.[3]

Trunkline supplemented its July 17 filing by letter filed August 18, 1981, wherein Trunkline modified its filing by indicating that the rates as filed will be billed starting with the date on which gas has been received from Trunkline LNG Company.

Before addressing the merits of the petitioners' arguments, the Commission notes that Trunkline did not seek the requisite waiver of § 154.38(d)(4) (footnote 1) of the Commission's Regulations which requires prior Commission approval to pass through LNG supplies through a purchased gas adjustment. Accordingly, the Commission shall not permit Trunkline to pass through costs of LNG supplies until such approval has been sought and obtained by Trunkline.

With respect to the issue raised by petitioners regarding the pass-through of LNG cost prior to commencement of deliveries, Trunkline's PGA clause, and the Commission's PGA clause regulations, do not permit Trunkline to include in its PGA rates costs which are not being reserved as of the effective date of the PGA rate adjustment. Accordingly, the Commission shall require Trunkline to file revised tariff sheets, effective September 1, 1981, which reflect deletion of all costs attributable to LNG supplies. Such costs may not be passed through the PGA clause until prior approval is obtained to include LNG costs in the PGA and not until LNG supplies are flowing.

Accordingly, in light of this action taken by the Commission, the petitioners' requests for hearing regarding the instant filing are rendered moot and therefore, shall be denied by the Commission. The joint motion of Consumers and of Michigan Gas for consolidation of this proceeding with the Panhandle PGA filing in Docket No. TA 81-2-28-001 is denied because the common issues are similarly disposed of

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[1] Thirty Seventh Revised Sheet No. 3-A and Fifth Revised Sheet No. 3-B to its FERC Gas Tariff, Original Volume No. 1.

[2] These purchases were the subject of a protest in Trunkline's prior PGA filing in Docket No. TA81-1-30-000, which the Commission suspended, made effective March 1, 1981, subject to refund, and set for hearing the matter of Section 107 purchases in its order of February 28, 1981. On July 22, 1981, the protestants, the State of Michigan and the Michigan Public Service Commission, filed a joint motion withdrawing their protest and request for hearing which the Presiding Judge has certified to the Commission.

[3] Laclede Gas Company, Central Illinois Light Company, General Service Customer Group, and Michigan Gas Utilities Company raise this issue. Also, the petition of Laclede Gas Company urges the Commission to reject the concept of using estimated LNG volumes in this filing and to require that Trunkline use actual LNG delivery volumes in any subsequent PGA filing.

by the Commission's order in each docket.

Based upon a review of Trunkline's filing, the Commission finds that the proposed tariff changes have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission will accept the revised tariff sheets for filing and suspend their effectiveness, subject to refund and to the conditions set forth in this order.

In a number of suspension orders,[4] the Commission has addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may by unjust and unreasonable or that it may run afoul of the other statutory standards.

It has been acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. The portion of the instant PGA filing which relates to LNG supplies is the only portion for which Consumers' petition was seeking a five month suspension period. The Commission 's action described below with respect to LNG supplies alleviates the need for an extended suspension period. Also, a rate change filed pursuant to Commission authorized tracking authority is the type of circumstance which justifies a shortened suspension period. Therefore, the filing of Trunkline will be suspendeed so that it may become effective September 1, 1981, subject to refund and to the conditions set forth in this order.

Trunkline also seeks to pass through producer price increases pursuant to area rate clauses in contracts governing the subject transactions. Acceptance of Trunkline's filing does not constitute a Commission determination that all or any of these contractual area rate clauses permit escalations up to NGPA price levels. The application of NGPA pricing provisions to these contracts should be determined in accordance with the procedures prescribed in Order No. 23, as amended by subsequent orders in Docket No. RM79-22.[5] Should it be determined that a producer is not entitled to an NGPA price under an area rate clause, the refunds made by the producer to Trunkline shall be flowed through to the ratepayers in accordance with the procedures in Trunkline's PGA clause.

The Commission Orders

(A) Trunkline's proposed tariff sheets tendered for filing on July 17, 1981, are accepted for filing, as conditioned by this order, and suspended until September 1, 1981, at which time they may become effective subject to refund.

(B) Acceptance of Trunkline's filing is conditioned on Trunkline filing, within 20 days of the date of issuance of this order, reduced rates reflecting the elimination of all costs associated with LNG Gas not flowing by September 1, 1981.

(C) Passthrough of purchased gas costs related to LNG supplies shall be denied until such time as Trunkline complies with § 154.38(d)(4) (footnote 1) of the Commission's Regulations.

(D) Passthrough of purchased gas costs related to NGPA Section 107 deregulated gas purchases is made subject to the final Commission action in Docket No. TA81-1-30-000.

(E) The petitioners identified in Appendix A to this order are permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* That the participation of the intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in their petitions to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order entered in this proceeding.

By the Commission.

Kenneth F. Plumb,

Secretary.

Appendix A—Petitioners for Intervention

Central Illinois Light Company.
Central Illinois Public Service Company.
Consumers Power Company.
General Service Customer Group.
Illinois Power Company.
Laclede Gas Company.
Michigan Gas Utilities Company.
Pabst Brewing Company.
Process Gas Consumers Group.
Village of Milford, Illinois.

[FR Doc. 81-26057 Filed 9-4-81; 8:45 am]
BILLING CODE 6450-85-M

[4] *E.g., Valley Gas Transmission, Inc.*, Docket No. RP80-98 (August 22, 1980) (one day suspension); *Great Lakes Gas Transmission Company*, Docket No. RP80-134 (September 24, 1980) (five month suspension).

[5] These orders have been affirmed in *Pennzoil Company* v. *Federal Energy Regulatory Commission.*——*F.2d*, Nos. 79-1247, 79-1602 (5th Cir. May 20, 1981).

[Project No. 5137-000]

Twin River Resources; Application for Preliminary Permit

September 4, 1981.

Take notice that Twin River Resources (Applicant) filed on July 27, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5137 to be known as the Owl Creek Water Power Project located on Owl Creek in Jefferson County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William L. Devine, 8040 Mt. Baker Highway, P.O. Box 68, Maple Falls, Washington 98226.

Project Description.—The project would consist of: (1) a 4-foot high, 75-foot long concrete gravity dam; (2) a 8,000-foot long, 36-inch diameter penstock; (3) a powerhouse with total installed capacity of 1,500 kW; and (4) a 0.25-mile long transmission line which would connect the powerhouse to an existing transmission line. The Applicant estimates that the average annual energy production would be 9 million kWh.

Proposed Scope of Studies Under Permit.—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $150,000.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before November 7, 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 November 7, 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. 81-26180 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4357-000]

Tuscarora Yarns, Inc.; Application for Preliminary Permit

September 3, 1981.

Take notice that Tuscarora Yarns, Inc. (Applicant) filed on March 17, 1981 an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4357 known as the Clifton No. 2 Power Project located on the Pacolet River in Spartanburg County, South Carolina. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Bill Flanary, Tuscarora Yarns, Inc., P.O. Box 218, Mt. Pleasant, North Carolina 28124.

Project Description.—The proposed project No. 4357 would consist of: (1) an existing rock rubble masonry gravity dam 352 feet long and 18 feet high; (2) an existing reservoir with a gross storage capacity of 100 acre-feet and a 320 square-mile drainage area; (3) two existing non-operating powerhouses containing three generating units with a combined capacity of 532 kW and an estimated annual energy output of 3,200,000 kWh; (4) proposed transmission lines; and (5) appurtenant facilities. Potential customers for the project energy include nearby towns and Duke Power Company. 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 $45,000.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before November 5, 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 reqirements 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 inervene 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 November 5, 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 Reguatory 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. 81-26181 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-450-000]

Union Electric Co.; Order Granting Rehearing for Purposes of Further Consideration

Issued September 2, 1981.

On August 3, 1981, the W-3 Defense Group (WDG), which consists of eight wholesale customers of Union Electric Company (Union), filed an application for rehearing of the Commission's order of July 2, 1981, in this docket.[1] The customers challenge the underlying order insofar as it (1) accepted Union's increased rates for filing (subject to suspension), as modified by certain summary dispositions, prior to Union's submittal of compliance rates incorporating the summary dispositions; (2) denied summary disposition as to several issues raised by the intervenors; and (3) imposed a one-day suspension with respect to Union's rates. In addition, WDG requests that the Commission stay the effective date of Union's rates until it is verified that the complicance rates are consistent with the conclusions expressed in the July 2 order.

In order to afford additional time for consideration of the issues raised in the applications for rehearing, we shall grant rehearing of the July 2, 1981 order

[1] Order Accepting For Filing And Suspending Revised Rates, Granting Summary Disposition In Part, Granting Intervention, And Establishing Price Squeeze And Hearing Procedures.

for the limited purpose of further consideration.

The Commission orders:

(A) Rehearing of the July 2, 1981 order is hereby granted for the limited purpose of further consideration.

(B) As provided in § 1.34(d) of the Commission's Rules of Practice and Procedure, no answers to the application for rehearing will be entertained by the Commission, since this order does not grant rehearing upon any substantive issue.

(C) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26184 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-696-000]

Virginia Electric and Power Co.; Cancellation

August 31, 1981.

The filing Company submits the following:

Take notice that Virginia Electric Company (VEPCO) on August 21, 1981, tendered for filing a Notice of Cancellation of service to Central Virginia Electric Cooperative (FERC Rate Schedule No. 94-21 dated September 18, 1972).

VEPCO requests an effective date of July 14, 1981, and therefore requests waiver of the Commission's notice requirements.

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 Capital 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 21, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26043 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4923-000]

Weber Basin Water Conservancy District; Application for Preliminary Permit

September 2, 1981.

Take notice that Weber Basin Water Conservancy District (Applicant) filed on June 19, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4923 known as the Lost Creek Hydro Project located on the Lost Creek tributary of the Weber River in Morgan 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. Keith Jensen, Manager, Weber Basin Water Conservancy District, 2837 East Highway 193, Layton, Utah 84041.

Project Description.—The proposed project would utilize the existing Bureau of Reclamation's Lost Creek Dam and Reservoir, operated and maintained by the Weber Basin Water Conservancy District, 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 1,000 kw; (3) a tailrace; (4) a new transmission line connecting to an existing 46-kV main transmission line; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 3,485,000 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 two 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 aplication for an FERC license. Applicant estimates the cost of the studies under the permit would be $45,000.

Competing Applications.—This application was filed as a competing application to Utah Hydro Corporation's application for Project No. 3542 filed on October 8, 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 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 9, 1981.

Filing and Service of Responsive Documents.—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any 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. 81-26058 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 1889-004]

Western Massachusetts Electric Co., Application for Approval of Exhibit R

September 2, 1981.

Take notice that Western Massachusetts Electric Company filed on July 6, 1981, an application for approval of Exhibit R (Recreational Development Plan) for its Turners Falls Hydroelectric Project, FERC No. 1889. The project is located on the Connecticut River in the counties of Franklin, Massachusetts, Windham,

Vermont, and Cheshire, New Hampshire. Correspondence with the Applicant should be addreessed to: Mr. W. G. Counsil, Senior Vice President, Northeast Utilities, P.O. Box 270, Hartford, Connecticut 06101..

The Recreational Development Plan, filed in accordance with Article 33 of the license, describes existing facilities and proposes to provide additional and upgraded recreational facilities consisting of fishing access areas, a visitors center, and a picnic area.

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 9, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26059 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4115-002]

Terry G. White; Application for Exemption of Small Conduit Hydroelectric Facility

September 2, 1981.

Take notice that on August 11, 1981, Mr. Terry G. White of Buhl, Idaho (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 White Ranch Project (FERC Project No. 4115) would be located on the Applicant's fish hatchery system near the town of Buhl in Twin Falls county, Idaho. Correspondence with the Applicant should be directed to: Consulting Associates, Inc., P.O. Box 893, boise, Idaho 83701.

Purpose of Project.—Project energy would be sold to a local utility.

Project Description.—The proposed project would consist of: (1) an intake structure within the southern bank of the Applicant's existing fish rearing pond; (2) a 270-foot long penstock; (3) two outdoor generating units with a combined rated capacity of 150 kW discharging into Mud Creek (the water is rediverted into the hatchery system 1/4 mile downstream); and (4) a 3,000-foot long transmission line to connect the generating units with an existing Idaho Power Company's transmission line.

Agency Comments.—The 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 19, 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. 81-26079 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued September 1, 1981.

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION							
-A G HILL		RECEIVED: 08/14/81 JA: TX					
8145515	F-06-031412	4242300000	108-ER	BINA RAYFORD #1	TRAVIS PEAK	0.0	UNITED GAS P L CO
-ADA OIL EXPLORATION CORP		RECEIVED: 08/14/81 JA: TX					
8145562	F-03-034320	4205100000	102-2	BOYD V WOLFE #1	GIDDINGS	182.5	PHILLIPS PETROLEU
-ADOBE OIL & GAS CORPORATION		RECEIVED: 08/14/81 JA: TX					
8145574	F-7B-035145	4213332409	102-4	KERR NO 4	MANGUM NORTH (3200)	50.0	ODESSA NATURAL CO
8145622	F-8A-036574	4244530921	103	MULDROW A #1	PRENTICE (NORTHWEST)	23.0	AMOCO PRODUCTION
-ALPAR RESOURCES INC		RECEIVED: 08/14/81 JA: TX					
8145572	F-10-034978	4235731047	102-4	HARBAUGH #22-147	LONE BUTTE (NOVI)	24.0	PHILLIPS PETROLEU
-AMERICAN DELTA CORP		RECEIVED: 08/14/81 JA: TX					
8145621	F-03-036549	4205131296	102-2	ARTHUR TIETJEN #1	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-AMOCO PRODUCTION CO		RECEIVED: 08/14/81 JA: TX					
8145792	F-08-038407	4200332480	103	BLOCK 9 FUHRMAN-MASCHO UNIT #117	FUHRMAN MASCHO	16.1	PHILLIPS PETROLEU
8145791	F-08-038406	4200332261	103	BLOCK 9 FUHRMAN-MASCHO UNIT #124	FUHRMAN-MASCHO	5.1	PHILLIPS PETROLEU
8145480	F-05-030065	4234931371	102-4	ELECTRA BROWN GAS UNIT WELL NO 1	CHENEYBORO SW/9585/	365.0	LONE STAR GAS CO
8145480	F-05-030065	4234931371	107-TF	ELECTRA BROWN GAS UNIT WELL NO 1	CHENEYBORO SW/9585/	365.0	LONE STAR GAS CO
8145653	F-06-037173	4220330815	102-4	JUSTICE GAS UNIT WELL NO 1	BLOCKER/COTTON VALLEY/	475.0	UNITED GAS PIPELI
8145653	F-06-037173	4220330815	107-TF	JUSTICE GAS UNIT WELL NO 1	BLOCKER/COTTON VALLEY/	475.0	UNITED GAS PIPELI
8145514	F-05-031395	4216130624	102-4	MARY HORN UNIT /A/ WELL NO 1	CHENEYBORO SW /9585/	146.0	LONE STAR GAS CO
8145514	F-05-031395	4216130624	107-TF	MARY HORN UNIT /A/ WELL NO 1	CHENEYBORO SW /9585/	146.0	LONE STAR GAS CO
8145690	F-08-037845	4222732213	103	MRS CORA LEE ECHOLS B #37	COAHOMA N (FUSSEL)	53.7	GETTY OIL CO
8145634	F-05-036924	4234931426	102-4	TEXAS INDUSTRIES INC GAS A #1	CHENEYBORO/TRAVIS PEAK/	122.0	LONE STAR GAS CO
-ANDERSON PETROLEUM INC		RECEIVED: 08/14/81 JA: TX					
8145525	F-7C-031664	4210532971	103	ALMEDA M HOOVER ET AL C 1-23	OZONA (CANYON SAND)	35.0	ANDERSON PIPELINE
8145525	F-7C-031664	4210532971	107-TF	ALMEDA M HOOVER ET AL C 1-23	OZONA (CANYON SAND)	35.0	ANDERSON PIPELINE
-ARCO OIL AND GAS COMPANY		RECEIVED: 08/14/81 JA: TX					
8145519	F-04-031540	4213134970	103	J R FOSTER #63	HAGIS RANCH (750)	124.0	NATURAL GAS PIPEL
-ARKLA EXPLORATION COMPANY		RECEIVED: 08/14/81 JA: TX					
8145564	F-06-034483	4236531164	102-3	WILLIAMS-INGRAM #1	CARTHAGE (COTTON VALLEY)	150.0	ARKANSAS LOUISIAN
-ARLEN G HOWLE JR		RECEIVED: 08/14/81 JA: TX					
8145674	F-7B-037565	4242932483	103	G E LANGFORD #1-A (89577)	STEPHENS COUNTY REGULAR	9.0	WARREN PETROLEUM
-BALL PRODUCING CO		RECEIVED: 08/14/81 JA: TX					
8145650	F-7B-037077	4236332529	102-4	HART 866 #1	MINERAL WELLS N (ELLENBU	485.0	LONE STAR GAS CO
-BARRON KIDD		RECEIVED: 08/14/81 JA: TX					
8145660	F-08-037309	4231732250	103	H P MORRISON #1-A	SPRABERRY (TREND AREA)	14.8	PHILLIPS PETROLEU
-BEN J TAYLOR		RECEIVED: 08/14/81 JA: TX					
8145660	F-7B-036203	4236730831	103	HUTCHESON A WELL NO 4	CATERVILLE (STRAWN UPPER	0.0	LONE STAR GAS CO
-BILL HEROD		RECEIVED: 08/14/81 JA: TX					
8145785	F-7B-038375	4213332097	102-4	R PRUET NO 1	RANGER N W (MARBLE FALLS	0.0	LONE STAR GAS CO
-BLOCKER EXPLORATION CO		RECEIVED: 08/14/81 JA: TX					
8145569	F-06-034758	4200131043	102-4	WILLIAM R CADY ET AL #2	S W PRAIRIE LAKE (RODESS	730.0	SEAGULL PIPELINE

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-BURK ROYALTY CO						RECEIVED: 08/14/81 JA: TX			
8145741	F-09-038177	4223733038			103	T D WILLIAMS B #1	TTE (ATOKA 4700)	84.0	LONE STAR GAS CO
-BUTTES RESOURCES CO						RECEIVED: 08/14/81 JA: TX			
8145443	F-03-026836	4204130030			103	RAYMOND BUCHANAN #1	KURTEN (WOODBINE)	30.0	
-C J S ENERGY CO						RECEIVED: 08/14/81 JA: TX			
8145556	F-78-034052	4204932428			103	BEN OVERTON #1	DELAY (DUFFER)	274.0	SOUTHWESTERN GAS
-CA-TEX PETROLEUM INC						RECEIVED: 08/14/81 JA: TX			
8145640	F-09-037027	4200934228			102-1	J PRIDEAUX A #1 RRC #20627	ARCHER COUNTY REGULAR	5.4	MID STATES GAS CO
8145641	F-09-7037028	4200934270			102-1	J PRIDEAUX A #2 RRC #20627	ARCHER COUNTY REGULAR	5.4	MID STATES GAS CO
8145639	F-09-037026	4200934589			102-1	J PRIDEAUX A #3 RRC #20627	ARCHER COUNTY REGULAR	5.4	MID STATES GAS CO
8145638	F-09-037025	4200934305			102-1	J PRIDEAUX B #1 RRC #20542	ARCHER COUNTY REGULAR	104.0	MID STATES GAS CO
8145642	F-09-037029	4200934372			102-1	MARSHALL #3 RRC #20425	YOUNG COUNTY REGULAR	41.2	MID STATES GAS CO
-CAG PETROLEUM CORP						RECEIVED: 08/14/81 JA: TX			
8145679	F-03-037689	4205131436			102-2	TELG NO 1	GIDDINGS AUSTIN CHALK	365.0	CLAJON GAS CO
-CARLTON DRILLING CO						RECEIVED: 08/14/81 JA: TX			
8145763	F-7C-038259	4209530495			103	COLE ID #92917	PAINT ROCK (STRAWN LIME)	0.0	SUN GAS GATHERING
8145762	F-7C-038258	4209530494			103	HUTCHESON ID #92652	PAINT ROCK (STRAWN LIME)	0.0	SUN GAS GATHERING
-CARTER ENERGY CORP						RECEIVED: 08/14/81 JA: TX			
8145470	F-09-029203	4223732592			103	LOWELL COOPER #1	WHITLEY (CONGL 5500) FIE	146.0	TEXAS UTILITIES F
-CENTAUR PETROLEUM CORP						RECEIVED: 08/14/81 JA: TX			
8145739	F-78-038163	4236330867			108	T W REILLY WELL 3 RRC NO 65244	REILLY RANCH (CONGL)	11.0	BRAZOS FUEL CO IN
8145738	F-78-038162	4236331041			108	THELMA HART WELL 1 RRC NO 68728	REILLY RANCH (CONGL)	15.3	BRAZOS FUEL CO IN
-CHAMPLIN PETROLEUM COMPANY						RECEIVED: 08/14/81 JA: TX			
8145472	F-08-029686	4238331761			102-2	ESTELLE COUNCIL 70 NO 2 (26104)	CONGER SW (PENN)	338.0	NORTHERN NATURAL
8145472	F-08-029686	4238331761			103	ESTELLE COUNCIL 70 NO 2 (26104)	CONGER SW (PENN)	338.0	NORTHERN NATURAL
8145442	F-03-025965	4205100000			102-2	JAMES SEBESTA NO 1	GIDDINGS	0.0	FERGUSON CROSSING
8145442	F-03-025965	4205100000			103	JAMES SEBESTA NO 1	GIDDINGS	0.0	FERGUSON CROSSING
8145563	F-03-034343	4205100000			102-2	THOMAS PAYNE NO 1	GIDDINGS	0.0	FERGUSON CROSSING
8145563	F-03-034343	4205100000			103	THOMAS PAYNE NO 1	GIDDINGS	0.0	FERGUSON CROSSING
-CHARLES H BENTLEY						RECEIVED: 08/14/81 JA: TX			
8145482	F-10-080463	4229500000			108	ECCLES UNIT (32300)	BECHTOLD/SOUTH (TONKAWA)	4.0	NORTHERN NATURAL
-CIMMARON OIL CO INC						RECEIVED: 08/14/81 JA: TX			
8145507	F-78-031299	4222130591			102-4	MCGUFFIN #1	GRANBURY N E (ATOKA)	91.2	EMPIRE PIPE LINE
8145748	F-78-038212	4214330694			102-4	MONTGOMERY NO 1 ID NO 93645	MORGAN MILL (MARBLE FALL	180.0	SOUTHWESTERN GAS
8145506	F-78-031298	4222130606			102-4	NUTT #2	GRANBURY N E (ATOKA)	114.9	EMPIRE PIPE LINE
8145508	F-78-031306	4222130582			102-4	TANTON #2	GRANBURY N E ATOKA	182.5	EMPIRE PIPE LINE
-CLAYTON W WILLIAMS JR						RECEIVED: 08/14/81 JA: TX			
8145587	F-03-035662	4205100000			102-2	AUGUST PETERS UNIT #1	GIDDINGS	0.0	VALERO TRANSMISSI
8145636	F-03-037006	4214930596			102-2	ELMO PIETSCH UNIT WELL #1	GIDDINGS	0.0	VALERO TRANSMISSI
8145455	F-06-028129	4236500000			102-4	HILLIN ESTATE #1	PINEHILL S E (RODESSA GL	0.0	VALERO TRANSMISSI
8145554	F-03-033837	4205100000			102-2	J D AUTREY #1	GIDDINGS	0.0	VALERO TRANSMISSI
8145531	F-03-032009	4205100000			102-2	JAMES MCFARLAND #1	GIDDINGS	0.0	VALERO TRANSMISSI
8145620	F-06-036459	4236531188			102-4	JESSIE SEALEY NO 1	PINEHILL SE (RODESSA GLO	113.0	VALERO TRANSMISSI
8145619	F-06-036458	4236531204			102-4	JEWELL JONES NO 1	PINEHILL SE (TRAVIS PEAK	113.0	VALERO TRANSMISSI
8145588	F-03-035663	4205100000			102-2	JOHN KACER #2	GIDDINGS	0.0	VALERO TRANSMISSI
8145503	F-03-031235	4205100000			102-2	LEROY CALVIN UNIT #1	GIDDINGS	0.0	VALERO TRANSMISSI
8145530	F-03-032007	4205100000			102-2	LOIS GRAHAM A #1	GIDDINGS	0.0	VALERO TRANSMISSI
8145488	F-03-030821	4205131062			102-2	POLANSKY-SOBOTIK UNIT #1	GIDDINGS	116.8	VALERO TRANSMISSI
8145591	F-03-035970	4205130873			102-2	RAYMOND KNESEK #1	GIDDINGS	0.0	VALERO TRANSMISSI
8145573	F-03-035017	4205100000			102-2	THARP-SCHWARTZ #2	GIDDINGS	0.0	VALERO TRANSMISSI
-COASTAL OIL & GAS CORP						RECEIVED: 08/14/81 JA: TX			
8145511	F-10-031347	4237530712			103	BIVINS 5018 RO	PANHANDLE (RED CAVE)	13.0	COLORADO INTERSTA
8145526	F-10-031670	4237530714			103	BIVINS 6016	PANHANDLE (RED CAVE)	3.0	COLORADO INTERSTA

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8145527	F-10-031671	4237530715		103		BIVINS 6020	PANHANDLE (RED CAVE)	3.0	COLORADO INTERSTA
8145790	F-10-038405	4237530837		103		MASTERSON B 8351P	PANHANDLE (RED CAVE)	12.0	COLORADO INTERSTA
-CONOCO INC				RECEIVED: 08/14/81 JA: TX					
8145487	F-10-03615	4206500000		108		C E DEAHL NO 3-R	WEST PANHANDLE	10.0	CITIES SERVICE GA
8145768	F-04-038299	4213100000		108		ROBERT DRISCOLL #350	CONOCO - DRISCOLL	4.0	TRANSCO GAS PIPEL
-COTTON PETROLEUM CORPORATION				RECEIVED: 08/14/81 JA: TX					
8145593	F-10-036025	4235700000		108		LANDRUM NO 1	W PERRYTON (MORROW)	0.0	NORTHERN NATURAL
8145630	F-10-036759	4229530911		102-4		WEINETTE B NO 1	MAY (BASAL MORROW)	1825.0	DIAMOND SHAMROCK
8145630	F-10-036759	4229530911		103		WEINETTE B NO 1	MAY (BASAL MORROW)	1825.0	DIAMOND SHAMROCK
-CRAWFORD ENERGY				RECEIVED: 08/14/81 JA: TX					
8145740	F-78-038176	4236731905		102-2		BRADBURY #1 91993	MOBY DICK/STRAWN/FIELD	33.6	NATURAL GAS PIPEL
-CRYSTAL OIL COMPANY				RECEIVED: 08/14/81 JA: TX					
8145567	F-06-034589	4236531185		103		E DOUGLAS A #1 - U	BETHANY	793.9	UNITED GAS PIPELI
8145479	F-02-030060	4229732174		102-4		EL PASO NATURAL GAS #1 - B	CLEGG (LULING) FIELD	1091.3	VALERO TRANSMISSI
-CZAR RESOURCES INC				RECEIVED: 08/14/81 JA: TX					
8145471	F-03-029507	4214930430		103		JOHNSON #1 - 13333	GIDDINGS (AUSTIN CHALK)	34.7	PHILLIPS PETROLEU
-DAWSON OPERATING CO INC				RECEIVED: 08/14/81 JA: TX					
8145643	F-78-037060	4236332606		103		COSTELLO #1	PALO PINTO COUNTY REGULA	108.0	SOUTHWESTERN GAS
-DCW PRODUCTION				RECEIVED: 08/14/81 JA: TX					
8145673	F-10-037531	4206500000		103		S B BURNETT #9	PANHANDLE	70.0	PHILLIPS PETROLEU
-DELTA DRILLING CO				RECEIVED: 08/14/81 JA: TX					
8145598	F-7C-036112	4210500000		103		BEAN B #2	OZONA FLD	0.0	NORTHERN NATURAL
8145598	F-7C-036112	4210500000		107-TF		BEAN B #2	OZONA FLD	0.0	NORTHERN NATURAL
8145432	F-06-020229	4242300000		108-ER		CALDWELL HUGHES DELAY & ALLEN 15931	CHAPEL HILL (ODESSA) F1	9.8	UNITED GAS PIPELI
8145438	F-06-023161	4220300000		102-2		J E JORDAN #1	WILDCAT (COTTON VALLEY)	85.0	TENNESSEE GAS PIP
8145438	F-06-023161	4220300000		107-TF		J E JORDAN #1	WILDCAT (COTTON VALLEY)	85.0	TENNESSEE GAS PIP
8145477	F-06-029869	4240100000		102-4		TYRA BROTHERS #1	WILDCAT (HAYNESVILLE)	85.0	LONE STAR GAS CO
-DIAMOND SHAMROCK CORPORATION				RECEIVED: 08/14/81 JA: TX					
8145544	F-10-032743	4229530914		103		C H HYDE NO 2	BRADFORD	0.0	SOUTHWESTERN PUBL
8145422	F-10-004981	4242100000		108-ER		CAMERON WALLS NO 1	TEXAS HUGOTON	8.0	NORTHERN NATURAL
8145559	F-10-034216	4221131265		103		CHARLES TUBB B NO 3	HUMPHREYS	229.0	NORTHERN NATURAL
8145534	F-78-032270	4236732011		103		E B SMITH A NO 2	RENO	0.0	SOUTHWESTERN GAS
8145543	F-10-032742	4221100000		103		JOHN C ISAACS JR 2-199	CANADIAN SW	0.0	
8145566	F-10-034579	4229530915		103		JOHN PEIL NO 2	BRADFORD	500.0	SOUTHWESTERN PUBL
8145658	F-10-037281	4239330852		103		LOIS WEBB NO 5-83	MENDOTA NW	129.0	
8145558	F-10-034157	4229530929		103		OTTO WEIDNER NO 1	MAMMOTH CREEK NORTH	380.0	
8145424	F-10-005308	4242100000		108-ER		PRICE B NO 1	TEXAS HUGOTON	8.0	PANHANDLE EASTERN
-DISCOVERY OPERATING INC				RECEIVED: 08/14/81 JA: TX					
8145637	F-7C-037007	4241330891		102-4		BAR #1	GWYN (CANYON)	57.6	CRA INC
8145637	F-7C-037007	4241330891		107-TF		BAR #1	GWYN (CANYON)	57.6	CRA INC
-DORCHESTER EXPLORATION INC				RECEIVED: 08/14/81 JA: TX					
*8145659	F-08-037302	4243130906		103		REYNOLDS 3	CONGER (PENN)	216.0	TEXAS UTILITY FUE
-DYCO PETROLEUM CORPORATION				RECEIVED: 08/14/81 JA: TX					
8145529	F-10-031847	4221131208		103		GLISAN STEEN #1-13	BUFFALO WALLOW (A CHERT)	100.0	EL PASO NATURAL G
-EASTLAND OIL CO				RECEIVED: 08/14/81 JA: TX					
8145611	F-08-036405	4233500000		102-4		A D HARRIS NO 1	CHAMPION LAKE (YATES)	7.0	ODESSA NATURAL CO
8145612	F-08-036410	4233500000		102-4		A D HARRIS NO 2	CHAMPION LAKE (YATES)	5.0	ODESSA NATURAL CO
8145609	F-08-036407	4233500000		102-4		HARRELL NO 1	CHAMPION LAKE (YATES)	5.0	ODESSA NATURAL CO
8145613	F-08-036411	4233500000		102-4		ODELL FULLER NO 1	CHAMPION LAKE (YATES)	5.0	ODESSA NATURAL CO
8145610	F-08-036408	4233500000		102-4		WULFJEN A NO 1	CHAMPION LAKE (YATES)	30.0	ODESSA NATURAL CO
8145614	F-08-036412	4233500000		102-4		WULFJEN A NO 2	CHAMPION LAKE (YATES)	3.0	ODESSA NATURAL CO
8145615	F-08-036413	4233500000		102-4		WULFJEN C NO 1	CHAMPION LAKE (YATES)	5.0	ODESSA NATURAL CO
8145616	F-08-036414	4233500000		102-4		WULFJEN C NO 2	CHAMPION LAKE (YATES)	5.0	ODESSA NATURAL CO

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8145607	F-08-036404	4233500000		102-4		WULFJEN D NO 1	CHAMPION LAKE (YATES)	5.0	ODESSA NATURAL CO
8145608	F-08-036406	4233500000		102-4		WULFJEN F NO 1	CHAMPION LAKE (YATES)	6.0	EASTLAND OIL CO
				RECEIVED: 08/14/81 JA: TX					
-ECHOLS OIL CO									
8145778	F-78-038347	4242900000		103		DANIELS NO 1	STEPHENS CO REGULAR (GAS	150.0	WEL-GAS INC OF TE
				RECEIVED: 08/14/81 JA: TX					
-EL PASO NATURAL GAS COMPANY									
8145419	F-10-002642	4208726047		108-ER		CANTRELL A 1	PANHANDLE EAST	12.2	EL PASO NATURAL G
8145547	F-7C-033031	4243519208		108		DEBERRY A #3	SONORA CANYON UPPER GAS	16.0	EL PASO NATURAL G
8145418	F-10-002435	4208726082		108-ER		GLENN 3	PANHANDLE EAST	8.8	EL PASO NATURAL G
8145548	F-10-033033	4208726153		108		LUTES #6	PANHANDLE EAST BROWN DOL	19.0	EL PASO NATURAL G
8145524	F-10-031642	4221131246		103		MEEK #2	BUFFALO WALLOW GRANITE W	365.0	EL PASO NATURAL G
				RECEIVED: 08/14/81 JA: TX					
-ENERGY RESERVES GROUP INC									
8145786	F-01-038379	4228200287		108		C N COOKE C #1	COOKE (EDWARDS LIME)	13.8	TRANSCONTINENTAL
8145771	F-7C-038306	4223500000		108		ELA C SUGG 53 #1	SPRABERRY (TREND AREA)	1.6	NORTHERN NATURAL
				RECEIVED: 08/14/81 JA: TX					
-ENSERCH EXPLORATION INC									
8145617	F-8A-036422	4244530870		103		HERTEL NO 1	WILDCAT	41.0	
8145618	F-04-036424	4247932971		103		T MIDDLETON E NO 6	LAS TIENDAS E	254.0	LONE STAR GAS CO
				RECEIVED: 08/14/81 JA: TX					
-ERSO INC									
8145652	F-06-037132	4236500000		103		CARTHAGE GAS UNIT WELL #37	CARTHAGE	365.0	TENNESSEE GAS PIP
8145652	F-06-037132	4236500000		107-TF		CARTHAGE GAS UNIT WELL #37	CARTHAGE	365.0	TENNESSEE GAS PIP
8145486	F-06-030512	4236500000		103		CARTHAGE UNIT WELL #30	CARTHAGE	365.0	TENNESSEE GAS PIP
8145486	F-06-030512	4236500000		107-TF		CARTHAGE UNIT WELL #30	CARTHAGE	365.0	TENNESSEE GAS PIP
				RECEIVED: 08/14/81 JA: TX					
-ESTATE OF WM D MCBEE									
8145532	F-06-032082	4245930446		103		BARBER GAS UNIT #1 WELL #1	ROSEWOOD (HOSSTON-COTTON	350.0	WESTERN GAS CORP
8145532	F-06-032082	4245930446		107-TF		BARBER GAS UNIT #1 WELL #1	ROSEWOOD (HOSSTON-COTTON	350.0	WESTERN GAS CORP
				RECEIVED: 08/14/81 JA: TX					
-ESTATE OIL & GAS CORP									
8145528	F-06-031700	4220330765		102-4		HENRY PITTS NO 2	LANSING NORTH (COTTON VA	0.0	TEJAS GAS CORP
8145528	F-06-031700	4220330765		107-TF		HENRY PITTS NO 2	LANSING NORTH (COTTON VA	0.0	TEJAS GAS CORP
				RECEIVED: 08/14/81 JA: TX					
-EXCELSIOR OIL CORP									
8145737	F-06-038132	4245900000		103		WILLIAM M LEONARD NO 1 93300	ROSEWOOD (HOSSTON-COTTON	150.0	WESTERN GAS CORP
8145737	F-06-038132	4245900000		107-TF		WILLIAM M LEONARD NO 1 93300	ROSEWOOD (HOSSTON-COTTON	150.0	WESTERN GAS CORP
				RECEIVED: 08/14/81 JA: TX					
-EXXON CORPORATION									
*8145579	F-06-035345	4245930433		102-4		DELROSE GAS UNIT 4 #1	DELROSE (HAYNESVILLE)	600.0	ARMCO STEEL CORP
*8145579	F-06-035345	4245930433		107-TF		DELROSE GAS UNIT 4 #1	DELROSE (HAYNESVILLE)	600.0	ARMCO STEEL CORP
*8145578	F-06-035344	4225930436		102-4		DELROSE GAS UNIT 8 #1	DELROSE (HAYNESVILLE)	876.0	ARMCO STEEL CORP
*8145578	F-06-035344	4225930436		107-TF		DELROSE GAS UNIT 8 #1	DELROSE (HAYNESVILLE)	876.0	ARMCO STEEL CORP
8145655	F-08-037222	4200332575		103		FULLERTON CLEARFORK UNIT #1819	FULLERTON	15.0	PHILLIPS PETROLEU
*8145551	F-06-033279	4245930457		102-4		GLADEWATER GAS UNIT 7 #1	GLADEWATER (HAYNESVILLE)	438.0	ARMCO STEEL CORP
*8145551	F-06-033279	4245930457		107-TF		GLADEWATER GAS UNIT 7 #1	GLADEWATER (HAYNESVILLE)	438.0	ARMCO STEEL CORP
8145520	F-08-031565	4249531164		107-DP		HALEY UNIT #502	EVETTS (SILURIAN)	350.0	INTRATEX GAS CO
8145656	F-10-037223	4229530932		103		HENRY FRASS JR H #5	FRASS (TONKAWA)	7.0	TRANSWESTERN PIPE
8145670	F-7C-037521	4208130969		103		I A B UNIT #520	I A B (MENIELLE PENN)	99.0	SUN GAS CO
*8145769	F-04-038300	4204730867		102-4		K R LAGUNA LARGA 26 (93325)	FLOWELLA (VICKSBURG 4)	292.0	ARMCO STEEL CORP
*8145433	F-04-022101	4227331185		103		KING RANCH BORREGOS M-23-B	BORREGOS	40.0	ARMCO STEEL CO
8145672	F-08-037523	4200332646		103		MEANS/SAN ANDRES/ UNIT #858	MEANS	15.0	PHILLIPS PETROLEU
8145606	F-08-036319	4200332641		103		MEANS/SAN ANDRES/UNIT #1576	MEANS	20.0	PHILLIPS PETROLEU
8145671	F-08-037522	4200332657		103		MEANS/SAN ANDRES/UNIT #2062	MEANS	15.0	PHILLIPS PETROLEU
*8145677	F-03-037633	4247330325		102-4		NORTH KATY GAS UNIT 1 #1	KATY (WILCOX SPARKS SEG	796.0	ARMCO STEEL CORP
*8145749	F-04-038217	4204730682		103		RJK JR TR BARROSA PAST 5-D (9236)	PITA N W (H-50)	360.0	ARMCO STEEL CORP
*8145436	F-04-022794	4226130457		102-4		SANTA FE RANCH-MULA PAST 18 86920	STILLMAN (L-46)	730.0	ARMCO STEEL CO
				RECEIVED: 08/14/81 JA: TX					
-FAIR OIL CO									
8145675	F-06-037584	4231530547		103		GROGAN-VEACH UNIT (93104)	GREEN FOX (SMITH ZONE)	548.0	EAST TEXAS INDUST
				RECEIVED: 08/14/81 JA: TX					
-FELDERHOFF PRODUCTION CO									
8145743	F-09-038194	4223733316		103		MCCLURE #2 (91747)	JACKSBORO SOUTH (ATOKA S	730.0	SOUTHWESTERN GAS

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-FISHER-WEBB INC						RECEIVED: 08/14/81 JA: TX			
8145745	F-7C-038201	4208130976			103	HARRIS B NO 1	BLOODWORTH SOUTH (5700 S	10.0	SUN GAS CO
-FOREST OIL CORPORATION						RECEIVED: 08/14/81 JA: TX			
8145760	F-08-038254	4230130272			107-DP	WOODY J 45 WELL 1	ANNA K (ATOKA)	365.0	VALERO TRANSMISSI
-FRAC INC						RECEIVED: 08/14/81 JA: TX			
8145770	F-08-038301	4200332531			103	MUNGER-NIX NO 1-5 (10704)	FUHRMAN-MASCHO	12.8	PHILLIPS PETROLEU
-GAGE & CO						RECEIVED: 08/14/81 JA: TX			
8145575	F-08-035181	4235330987			103	JAMEW JAMESON E #1	JAMESON NORTH (STRAWN)	0.0	SUN OIL CO
8145557	F-09-034107	4223733394			103	STEPHENS B #1	JUPITER (CONGLOMERATE UP	226.4	SOUTHWESTERN GAS
-GENESIS PETROLEUM CORP						RECEIVED: 08/14/81 JA: TX			
8145631	F-03-036904	4232100000			103	STATE TRACT 309 #3 UNASSIGNED	OLIVER POINT S (3950)	73.0	DOW CHEMICAL CO
-GETTY OIL COMPANY						RECEIVED: 08/14/81 JA: TX			
8145518	F-06-031492	4236500000			103	BLANKENSHIP A #1	CARTHAGE (TRAVIS PEAK 64	0.0	UNITED GAS PIPELI
8145686	F-78-037728	4243331148			103	FLOWERS CANYON SAND UNIT #179	FLOWERS (CANYON SAND)	2.0	CITIES SERVICE CO
8145685	F-78-037727	4243331147			103	FLOWERS CANYON SAND UNIT #180	FLOWERS (CANYON SAND)	2.0	CITIES SERVICE CO
8145684	F-78-037725	4243331149			103	FLOWERS CANYON SAND UNIT #181	FLOWERS (CANYON SAND)	11.0	CITIES SERVICE CO
8145683	F-78-037715	4243331194			103	FLOWERS CANYON SAND UNIT #182	FLOWERS (CANYON SAND)	12.0	CITIES SERVICE CO
8145787	F-10-038392	4223331103			103	HERRING A TR 2 #112	PANHANDLE HUTCHINSON	3.7	PANHANDLE EASTERN
8145789	F-10-038394	4223331102			103	HERRING A TR 2 #113	PANHANDLE HUTCHINSON	3.5	PANHANDLE EASTERN
8145625	F-10-036716	4223330949			103	HUTH NO 1-5	PANHANDLE HUTCHINSON	3.7	
8145552	F-04-033352	4200730664			102-4	T S T 212 #1	WILDCAT	388.0	
8145463	F-04-028474	4235531573			102-4	T S T 72 #1	MARINA (11200)	1660.0	HOUSTON PIPELINE
8145768	F-10-038393	4223330962			103	WATKINS B NO 18	PANHANDLE HUTCHINSON	1.8	INTERNORTH INC
8145779	F-06-038357	4236500000			108	WERNER-BRELSFORD #2 RRC ID#45083	BELLE BOWER (PALUXY)	12.0	TEXAS GAS TRANSMI
-GO OIL CORP						RECEIVED: 08/14/81 JA: TX			
8145704	F-09-037959	4249732002			102-4	FRANKLIN NO 1 ID NO 92777	FRANKLIN (STRAWN)	0.0	NATURAL GAS PIPEL
-GOLDKING PRODUCTION COMPANY						RECEIVED: 08/14/81 JA: TX			
8145496	F-02-030965	4212331084			103	E R RODE #1-C	COTTONWOOD CREEK S	103.0	HOUSTON PIPE LINE
-GOOD HOPE REFINERIES INC						RECEIVED: 08/14/81 JA: TX			
8145512	F-04-031351	4247932426			102-4	VAQUILLAS NO 2 API 42-479-32426	VAQUILLAS RANCH (WILCOX	547.0	VALERO TRANSMISSI
8145505	F-04-031297	4247932530			102-4	VAQUILLAS NO 3 API 42-479-32530	VAQUILLAS RANCH (WILCOX	730.0	VALERO TRANSMISSI
8145513	F-04-031356	4247932639			102-4	VAQUILLAS NO 4 API 42-479-32639	VAQUILLAS RANCH (WILCOX	730.0	VALERO TRANSMISSI
-GULF OIL CORPORATION						RECEIVED: 08/14/81 JA: TX			
8145489	F-08-030841	4247531986			103	HUTCHINGS STOCK ASSN WELL NO 1098	WARD-ESTES NORTH	40.0	CABOT CORP
8145445	F-10-027654	4239300000			108-ER	JOHN HAGGARD #24	QUINDUNO/LOWER ALBANY CO	3.0	NATURAL GAS PIPEL
-H V RISIEN						RECEIVED: 08/14/81 JA: TX			
8145736	F-04-038130	4224931237			103	HRANICKY ET AL #1 RRC ID#93281	WADE CITY (4250)	351.0	VALERO TRANSMISSI
-H-M OIL CO						RECEIVED: 08/14/81 JA: TX			
8145667	F-04-037496	4213133970			103	TREVINO #1	TREVINO #1	0.0	GHR ENERGY CORP
-HAWKEYE OIL & GAS CORP						RECEIVED: 08/14/81 JA: TX			
8145427	F-09-012870	4223700000			102-4	CAMPBELL NO 1 - RRC# 80206	CAMPBELL (ATOKA CONGL)	180.0	NATURAL GAS PIPEL
-HENDRIKS HOLDING U S A LTD						RECEIVED: 08/14/81 JA: TX			
8145626	F-02-036717	4217500000			108	PAUL BETHKE NO 1	KAREN BEAUCHAMP	9.0	UNITED GAS PIPELI
-HERITAGE OPERATING CO INC						RECEIVED: 08/14/81 JA: TX			
8145533	F-03-032095	4203931584			102-4	G C CANNAN UNIT WELL NO 1-A	ANGLETON NE (TEX-MISS 11	1500.0	NATURAL GAS PIPEL
-HINTON PRODUCTION COMPANY						RECEIVED: 08/14/81 JA: TX			
8145499	F-06-031082	4234730446			102-4	IMOGENE VARDEMAN NO 1	WILDCAT	300.0	TEJAS GAS CORP
8145498	F-03-031029	4234730446			102-4	IMOGENE VARDEMAN NO 1 92410	TRAWICK N (TRAVIS PEAK)	300.0	TEJAS GAS CORP
8145681	F-06-037698	4240131067			102-4	TEMPLE 2	MT ENTERPRISE (PETTIT)	500.0	
-HNG OIL COMPANY						RECEIVED: 08/14/81 JA: TX			
8145555	F-08-033936	4230130271			103	LUDEMAN 25 WELL NO 1	LUDEMAN (ATOKA)	684.0	INTRATEX GAS CO
8145555	F-08-033936	4230130271			107-TF	LUDEMAN 25 WELL NO 1	LUDEMAN (ATOKA)	684.0	INTRATEX GAS CO
-HOUSTON OIL & MINERALS CORPORATION						RECEIVED: 08/14/81 JA: TX			

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8145663	F-8A-037414	4231700000		103		COOK #2	ACKERLY (DEAN SAND)	30.0	ADOBE OIL & GAS C
-HUGGS INCORPORATED						RECEIVED: 08/14/81 JA: TX			
8145571	F-06-034922	4220330785		103		FURRH UNIT WELL NO 3	WILDCAT	146.0	UNITED GAS PIPE L
-IKE LOVELADY INC						RECEIVED: 08/14/81 JA: TX			
8145627	F-08-036734	4237133151		103		RAYNER #1	LEHN-APCO SO (WICHITA-AL	547.5	ADOBE GAS CO
-INTEGRAL ENERGY CORP						RECEIVED: 08/14/81 JA: TX			
8145568	F-04-034616	4235500000		103		REDFISH BAY PROPERTIES LTD #1	STEDMAN ISLAND (C-6)	6.0	HOUSTON PIPE LINE
-INTREPID OIL & GAS CO						RECEIVED: 08/14/81 JA: TX			
8145761	F-7B-038256	4205932615		102-4		FRED DANIELS NO 1 WELL LSE # 16975	PUTNAM NE (3750)	6000.0	LONE STAR GAS CO
-J CLEO THOMPSON						RECEIVED: 08/14/81 JA: TX			
8145504	F-7C-031256	4243532349		102-4		MAYER NO 2	MAYER RANCH (STRAWN)	152.0	NORTHERN NATURAL
8145484	F-7C-030476	4210532737		103		P L CHILDRESS #6	OZONA NE (CANYON 7520)	162.0	PHILLIPS PETROLEU
8145484	F-7C-030476	4210532737		107-TF		P L CHILDRESS #6	OZONA NE (CANYON 7520)	162.0	PHILLIPS PETROLEU
8145485	F-7C-030477	4210532442		103		P L CHILDRESS E #1	OZONE NE (CANYON 7520)	316.0	PHILLIPS PETROLEU
8145485	F-7C-030477	4210532442		107-TF		P L CHILDRESS E #1	OZONE NE (CANYON 7520)	316.0	PHILLIPS PETROLEU
8145483	F-7C-030475	4241330845		103		ROUSSELOT #5	OZONA NE (CANYON 7520)	207.0	PHILLIPS PETROLEU
8145483	F-7C-030475	4241330845		107-TF		ROUSSELOT #5	OZONA NE (CANYON 7520)	207.0	PHILLIPS PETROLEU
-JACKSON EXPLORATION INC						RECEIVED: 08/14/81 JA: TX			
8145459	F-03-028324	4215731107		102-4		COOK #1	KATY S (FIRST WILCOX)	730.0	HOUSTON PIPE LINE
8145459	F-03-028324	4215731107		103		COOK #1	KATY S (FIRST WILCOX)	730.0	HOUSTON PIPE LINE
-JAKE L HAMON						RECEIVED: 08/14/81 JA: TX			
8145654	F-7C-037184	4210532990		103		SUTTON NO 3	INGHAM QUEEN	15.0	EL PASO NATURAL G
-JAMES K ANDERSON INC						RECEIVED: 08/14/81 JA: TX			
8145596	F-7B-036081	4244131504		102-4		ALEX SEARS 159 #1	E J (GARDNER)	120.0	UNION TEXAS PETRO
8145490	F-7C-030845	4239931595		103		VANCIL A NO 1	WINTERS SW (GARDNER LIME	12.0	UNION TEXAS PETRO
-KEITH D GRAHAM						RECEIVED: 08/14/81 JA: TX			
8145509	F-03-031338	4205131145		102-2		BENTKE UNIT #1	GIDDINGS (AUSTIN CHALK)	190.5	CHAMPLIN PETROLEU
8145549	F-03-033084	4205131241		102-2		BENTKE UNIT A #1	GIDDINGS (AUSTIN CHALK)	160.6	CHAMPLIN PETROLEU
8145577	F-03-035260	4205131313		102-2		ONDRASEK UNIT #1	GIDDINGS (AUSTIN CHALK)	138.0	CHAMPLIN PETROLEU
-KEITH-STEVENS RESOURCES INC						RECEIVED: 08/14/81 JA: TX			
8145475	F-09-029757	4250333056		103		MCCLATCHY #1 19340	JEAN NW (CADDO)	12.0	GAS ASSOCIATED SY
8145474	F-09-029755	4250333527		103		MCCLATCHY #2 19340	JEAN NW (CADDO)	12.0	GAS ASSOCIATED SY
-KEN PETROLEUM CORP						RECEIVED: 08/14/81 JA: TX			
8145676	F-02-037586	4223931627		103		SRUBAR WELL NO 2	STERLING (4800)	400.0	UNITED TEXAS TRAN
-L E JONES PRODUCTION COMPANY						RECEIVED: 08/14/81 JA: TX			
8145767	F-09-038293	4218130763		102-4		COLLUM NO 1	JUD (FOSTER SAND)	36.5	UNION TEXAS PETRO
-LADD PETROLEUM CORPORATION						RECEIVED: 08/14/81 JA: TX			
8145430	F-7B-016516	4236731053		103		ANDERSON UNIT NO 2	TOTO (BEND CONGLOMERATE	375.0	LONE STAR GAS CO
8145425	F-09-005549	4236731006		103		CAMPBELL UNIT #2	BOONSVILLE	250.0	LONE STAR GAS CO
8145417	F-7B-002159	4226730590		103		STANLEY UNIT #2	TOTO	0.0	LONE STAR GAS CO
-LAWBAR PETROLEUM INC						RECEIVED: 08/14/81 JA: TX			
8145752	F-01-038243	4216300000		103		J H CALVERT #7-C	PEARSALL (AUSTIN CHALK)	1.1	T G P INC
-LECLAIR OPERATING CO INC						RECEIVED: 08/14/81 JA: TX			
8145440	F-7C-023920	4241300000		108		MARY DAVIS COUPE #4 ID-60554	HENRY-SPECK (CANYON) FIE	1.0	NORTHERN NATURAL
-LEWIS ENERGY CORP						RECEIVED: 08/14/81 JA: TX			
8145449	F-04-027675	4204730802		102-4		A J GARCIA NO 1 WELL	ALTA MESA N E (8400) FIE	150.0	VALERO INTERSTATE
-LONDON & WAGGONER						RECEIVED: 08/14/81 JA: TX			
8145576	F-7B-035200	4236731991		103		R FELLERS NO 1	RENO (CONGL)	183.0	SOUTHWESTERN GAS
-M D ABEL						RECEIVED: 08/14/81 JA: TX			
8145668	F-02-037502	4217531466		103		RALPH W RAMSEY #5	A-B-R (VICKSBURG UPPER S	73.0	CORONADO TRANSMIS
-MCCANN CORP						RECEIVED: 08/14/81 JA: TX			
8145429	F-08-014226	4222731719		102-2		READ A - #1	COAHOMA NORTH (FUSSELMAN	45.0	GETTY OIL CO
8145429	F-08-014226	4222731719		103		READ A - #1	COAHOMA NORTH (FUSSELMAN	45.0	GETTY OIL CO

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-MCCARRICK GOUGER & MITCHELL						RECEIVED: 08/14/81 JA: TX			
8145687	F-02-037738	4229700000		102-4		JAMES D SULLIVAN NO 8	MAXINE EAST (9700)	365.0	NATURAL GAS PIPEL
-MCCORMICK OPERATING CO						RECEIVED: 08/14/81 JA: TX			
8145469	F-06-029008	4240130853		102-3		MALONEY GAS UNIT NO 2	OAK HILL (COTTON VALLEY)	465.0	HYDROCARBON TRANS
8145469	F-06-029008	4240130893		107-TF		MALONEY GAS UNIT NO 2	OAK HILL (COTTON VALLEY)	465.0	HYDROCARBON TRANS
-NEWBOURNE OIL COMPANY						RECEIVED: 08/14/81 JA: TX			
8145497	F-10-030975	4229530879		103		BURCHFIEL A #2 WELL RRC ID	MAMMOTH CREEK N (CLEVELA	200.0	NORTHERN NATURAL
-NEXIA GAS CO INC						RECEIVED: 08/14/81 JA: TX			
8145450	F-05-027682	4229300000		108		LOUISA GAMBLE 78273	NEXIA (NACATOCH)	12.4	LONE STAR GAS CO
-MITCHELL ENERGY CORPORATION						RECEIVED: 08/14/81 JA: TX			
8145431	F-09-017048	4249700000		108		ANNIE HAMILTON #3 17351	MORRIS (CONSOL CONGL)	9.0	NATURAL GAS PIPEL
8145464	F-09-028561	4249700000		108		ARRA THOMAS #1 21171	ALVORD (ATOKA CONGL)	11.2	NATURAL GAS PIPEL
8145421	F-09-004969	4249700000		108-ER		C P HAYNES #1 28670	BOONSVILLE BEND CONG	10.3	NATURAL GAS PIPEL
8145781	F-09-038360	4223700000		108		CRAFT-JONES #3 86517	ALLEN 6 (4800)	9.1	SOUTHWESTERN GAS
8145782	F-78-038362	4242900000		108		E LEE KENNEDY #1 58355	IVAN SE (3900)	7.9	LONE STAR GAS CO
8145435	F-09-022577	4249700000		108		EMMA MONTFORD #2 80869	BOONEVILLE (BEND CONGL G	91.6	NATURAL GAS PIPEL
8145457	F-78-028243	4236300000		108		FEE #2	PALO PINTO COUNTY REG (G	13.0	SOUTHWESTERN GAS
8145632	F-09-036914	4249731955		103		FRANK MENN NO 1	BOONSVILLE (BEND CONGL G	125.0	NATURAL GAS PIPEL
8145468	F-09-028861	4249700000		108		G W PAYNE #1 10013	ALVORD (ATOKA CONGL)	11.0	NATURAL GAS PIPEL
8145780	F-09-038358	4223700000		108		HENRY COX #1 41076	BOONSVILLE (BEND CONGL G	3.1	SOUTHWESTERN GAS
8145784	F-78-038364	4236300000		108		HENRY HOLUB #1 71059	STRAWN N (BEND CONGL)	0.4	SOUTHWESTERN GAS
8145561	F-09-034231	4249700000		108		J M SAUDER #1	BOONSVILLE (BEND CONGL G	26.5	NATURAL GAS PIPEL
8145565	F-09-034517	4223700000		108		J R HALSELL #2		12.0	SOUTHWESTERN GAS
8145446	F-09-027657	4249700000		108		J V HAMPTON #1 28667	BOONSVILLE (BEND CONGL G	13.2	NATURAL GAS PIPEL
8145662	F-09-037328	4223733454		103		J W LOVING ESTATE NO 6	JERRYN WEST (CADDO)	0.8	SOUTHWESTERN GAS
8145465	F-09-028563	4249700000		108		JOE COOK #1 44072	BOONSVILLE (BEND CONGL G	7.0	NATURAL GAS PIPEL
8145423	F-09-005095	4249700000		108-ER		K C WHITESELL #1 46431	BOONSVILLE BEND CONG	4.4	NATURAL GAS PIPEL
8145664	F-78-037437	4236332568		103		KAYLER REESE NO 1	MINERAL WELLS SOUTH (CON	485.0	SOUTHWESTERN GAS
8145595	F-09-036051	4249700000		108		KIRK NEWBERRY #1 32997	BOONSVILLE (BEND CONGL G	11.7	NATURAL GAS PIPEL
8145466	F-78-028566	4236700000		108		LOUISE HUSE #1 46106	MILLSAP S E (CONGL 4900)	6.0	SOUTHWESTERN GAS
8145458	F-09-028247	4223700000		108		M F MARTIN A #1 71545	BOLING CRUM	1.0	SOUTHWESTERN GAS
8145476	F-03-029759	4249700000		108		MCDERMOTT #1 63212	NADA (MIOCENE 2050)	13.0	TENNESSEE GAS PIP
8145594	F-09-036050	4249700000		108		NEVA RIGGS #2 13369	ALVORD (ATOKA CONGL)	1.0	NATURAL GAS PIPEL
8145560	F-09-034225	4249700000		108		O T FINLAYSON #1	BOONSVILLE (BEND CONGL G	0.0	NATURAL GAS PIPEL
8145447	F-09-027659	4249700000		108		PAUL CURTNER #2 17349	MORRIS (CONSOLIDATED CON	13.0	NATURAL GAS PIPEL
8145592	F-05-035990	4229330553		103		R F JACKSON B-1	POKEY EAST (COTTON VALLE	300.0	SOUTHWESTERN GAS
8145592	F-05-035990	4229330553		107-TF		R F JACKSON B-1	POKEY EAST (COTTON VALLE	300.0	SOUTHWESTERN GAS
8145453	F-78-028057	4236300000		108		R H GAULDIN #7 73818	GRAFORD WEST (CADDO CONG	13.0	SOUTHWESTERN GAS
8145456	F-78-028190	4205900000		108		ROY TATUM #1 73193	DELIGHT (DUFFER)	1.5	SOUTHWESTERN GAS
8145783	F-09-038363	4223700000		108		S WILLIS #1 74457	PERRIN N E (ATOKA CONGL)	7.6	SOUTHWESTERN GAS
8145491	F-09-030852	4249731878		103		SAM LYNCH #1	GREENWOOD (ATOKA 6650)	120.0	
8145599	F-7C-036132	4210532915		103		SAVELL 118 #1	ADAMS-BAGGETT RANCH (CAN	195.0	VALERO TRANSMISSI
8145599	F-7C-036132	4210532915		107-TF		SAVELL 118 #1	ADAMS-BAGGETT RANCH (CAN	195.0	VALERO TRANSMISSI
8145584	F-09-035609	4249731935		103		T C W B NO 26	BOONSVILLE (BEND CONGL G	285.0	NATURAL GAS PIPEL
8145454	F-09-028058	4249700000		108		T W PERKINS #1 33560	BOONESVILLE (BEND CONGL	4.0	NATURAL GAS PIPEL
8145546	F-09-032988	4249700000		108		W B MITCHELL #1	BOONSVILLE (BEND CONGL G	0.0	SOUTHWESTERN GAS
8145420	F-09-004096	4249700000		108-ER		ZINA FOX #1 41727	BOONSVILLE BEND CONG	10.7	NATURAL GAS PIPEL
-MONSANTO COMPANY						RECEIVED: 08/14/81 JA: TX			
8145441	F-08-025843	4247531728		103		JUAREZ #1			
8145441	F-08-025843	4247531728		107-DP		JUAREZ #1	RODGERS ELLENBERGER	100.0	
-MOSBACHER PRODUCTION CO						RECEIVED: 08/14/81 JA: TX	RODGERS ELLENBERGER	100.0	
8145742	F-03-038190	4245730307		102-4		WM RICE INSTITUTE NO 3			
-MOTE RESOURCES INC						RECEIVED: 08/14/81 JA: TX	HICKSBAUGH (WILCOX 2-A)	916.0	ARCO OIL & GAS CO

JD NO	JA DAT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8145651	F-09-037110	4249731959			103	RHOADS HEIRS RRC # NOT ASSIGNED	EANES CONGLOMERATE	60.0	NATURAL GAS PIPEL
-MWJ PRODUCING COMPANY						RECEIVED: 08/14/81 JA: TX			
8145623	F-7C-036620	4223531705			103	JAY NO 1	ROCK PEN (CANYON	10.0	NORTHERN NATURAL
-NORTH AMERICAN ROYALTIES INC						RECEIVED: 08/14/81 JA: TX			
8145747	F-08-038205	4222731706			102-4	I W WILLIAMS EST #1 (25387)	ISAAC (PENN UPPER)	50.0	GETTY OIL CO
-NUCORP ENERGY INC						RECEIVED: 08/14/81 JA: TX			
8145553	F-01-033541	4217730236			103	JOHN STEEN DUBOSE #06598	PILGRIM (AUSTIN CHALK)	37.0	TIPPERARY GATHERI
-PARAFFINE OIL CORP						RECEIVED: 08/14/81 JA: TX			
8145589	F-02-035669	4205730990			102-4	WELDER B NO 7-U	KATIE WELDER (L-7)	140.0	FLORIDA GAS TRANS
8145589	F-02-035669	4205730990			103	WELDER B NO 7-U	KATIE WELDER (L-7)	140.0	FLORIDA GAS TRANS
-PARKER OPERATING CO INC						RECEIVED: 08/14/81 JA: TX			
8145444	F-7B-027437	4214300000			103	COVINGTON #1	MORGAN MILL (MARBLE FALL	33.0	NORTHERN GAS PROD
-PEERLESS OIL CO INC						RECEIVED: 08/14/81 JA: TX			
8145494	F-7B-030892	4236731680			102-2	B E HERRING #1	WEATHERFORD (ATOKA MIDDL	30.0	NATURAL GAS PIPEL
-PENNZOIL PRODUCING COMPANY						RECEIVED: 08/14/81 JA: TX			
8145689	F-02-037780	4225500000			103	B U SPIELHAGEN NO 3-F	BURNELL (MACKHANK)	164.0	UNITED GAS PIPE L
8145682	F-04-037700	4235531167			102-0	C P TALBERT NO 17-F	AGUA DULCE (7800)	70.0	UNITED GAS PIPE L
8145682	F-04-037700	4235531167			103	C P TALBERT NO 17-F	AGUA DULCE (7800)	70.0	UNITED GAS PIPE L
8145657	F-04-037269	4235531512			103	C P TALBERT NO 21	AGUA DULCE (YAHUDE RESER	292.0	UNITED GAS PIPE L
-PERRYMAN OPERATING CO INC						RECEIVED: 08/14/81 JA: TX			
8145582	F-05-035465	4221300000			102-2	ALSTON NO 1	HAM FOX (RODESSA)	228.0	TEXAS UTILITIES F
8145582	F-05-035465	4221300000			103	ALSTON NO 1	HAM FOX (RODESSA)	228.0	TEXAS UTILITIES F
8145581	F-05-035464	4221300000			102-2	KELLEY ESTATE NO 1	HAM FOX (RODESSA)	403.0	TEXAS UTILITIES F
8145581	F-05-035464	4221300000			103	KELLEY ESTATE NO 1	HAM FOX (RODESSA)	403.0	TEXAS UTILITIES F
-PETRO-LEWIS CORPORATION						RECEIVED: 08/14/81 JA: TX			
8145461	F-03-028370	4215731105			103	KALDIS #1	LONG POINT (FRIO)	350.0	DOW CHEMICAL CO
-PETROLEUM CORPORATION OF TEXAS						RECEIVED: 08/14/81 JA: TX			
8145732	F-08-038115	4213533356			103	BLAKENEY 32 WELL NO 4	COWDEN NORTH	18.3	PHILLIPS PETROLEU
8145734	F-08-038126	4213533535			103	BLAKENEY 32 WELL NO 5	COWDEN NORTH	3.7	PHILLIPS PETROLEU
8145669	F-08-037516	4249531180			103	BROWN-ALTMAN D #6	EMPEROR (DEEP)	3.7	NORTHERN NATURAL
-PETRUS OPERATING CO INC						RECEIVED: 08/14/81 JA: TX			
8145580	F-06-035444	4240100000			102-4	M G MOORE NO 1	EZIM (PETTIT) FIELD	0.0	
8145580	F-06-035444	4240100000			103	M G MOORE NO 1	EZIM (PETTIT) FIELD	0.0	
-PHILLIPS & SPRADLEY						RECEIVED: 08/14/81 JA: TX			
*8145601	F-04-036274	4240931467			102-4	KIRK GAS UNIT NO A-3	WHITE POINT EAST DEEP (C	460.8	VALERO TRANSMISSI
-PHILLIPS PETROLEUM COMPANY						RECEIVED: 08/14/81 JA: TX			
8145735	F-09-038128	4200901287			108	BULLINGTON #2	VOGTSBERGER	1.4	
8145451	F-08-028038	4200310151			108	BUM-A #9 (19444)	GOLDSMITH N (SAN ANDRES	22.0	EL PASO NATURAL G
8145751	F-08-038237	4200304521			108	EMBAR B #23 (08769)	GOLDSMITH (5600)	20.2	EL PASO NATURAL G
8145765	F-08-038283	4249503463			108	F P MCCABE #13 (21555)	HALLEY	0.9	EL PASO NATURAL G
8145764	F-08-038282	4213507894			108	GS ANDECTOR BL-18 (21193)	GOLDSMITH (CLEARFORK)	12.1	EL PASO NATURAL G
8145452	F-7C-028039	4238310205			108	ZULETTE NO 14 (03593)	SPRABERRY (TREND AREA)	23.0	NORTHERN NATURAL
-PIONEER PRODUCTION CORP						RECEIVED: 08/14/81 JA: TX			
8145517	F-10-031485	4221131234			103	LINDLEY #4	CANADIAN EAST (DOUGLAS)	730.0	PIONEER NATURAL G
-PIONEER PRODUCTION CORPORATION						RECEIVED: 08/14/81 JA: TX			
8145492	F-10-030878	4221131231			103	SHELL-GEORGE #4-169	CANADIAN EAST (DOUGLAS)	450.0	PIONEER NATURAL G
-PLAZA OIL & GAS INC						RECEIVED: 08/14/81 JA: TX			
8145590	F-02-035924	4246931674			102-4	OLGA URBAN WELL NO 1	PRICHAM LAKE (3950 FRIO)	110.0	VALERO TRANSMISSI
8145590	F-02-035924	4246931674			103	OLGA URBAN WELL NO 1	PRICHAM LAKE (3950 FRIO)	110.0	VALERO TRANSMISSI
-QUINTANA PETROLEUM CORP						RECEIVED: 08/14/81 JA: TX			
8145773	F-02-038323	4239131154			103	MAUDE WILLIAMS ET AL A D-91	LAKE PASTURE (H-440 SAND	15.0	UNITED TEXAS TRAN
8145772	F-02-038322	4239131173			103	MAUDE WILLIAMS ET AL A D-93	LAKE PASTURE (H-440 SAND	18.0	UNITED TEXAS TRAN
8145774	F-02-038328	4239131239			103	MAUDE WILLIAMS ET AL C 4-U	TOM O CONNOR SAND FIELD	27.0	UNITED TEXAS TRAN

JD NO	DA CKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8145777	F-02-038332	4239130581		103		MRS FANNIE V W HEARD 96-L	TOM O CONNOR (5900 SAND)	78.0	UNITED TEXAS TRAN
8145775	F-02-038330	4239131209		103		MRS FANNIE V W HEARD 97-L	TOM O CONNOR (5900 SAND)	85.0	UNITED TEXAS TRAN
8145776	F-02-038331	4239131209		103		MRS FANNIE V W HEARD 97-U	TOM O CONNOR (5500 SAND)	15.0	UNITED TEXAS TRAN
-R L ADKINS CORP				RECEIVED: 08/14/81 JA: TX					
8145680	F-78-037694	4215131129		103		WICKHAM C #1	WICKHAM (PALO PINTO)	9.0	PALO DURO PIPELIN
-RIDDLE OIL CO				RECEIVED: 08/14/81 JA: TX					
8145633	F-06-036922	4220330737		102-4		RIDDLE OIL CO HENRY PITTS WELL #2	LANSING NORTH (PETTIT)	0.0	ADVANCE TRANSPORT
8145633	F-06-036922	4220330737		103		RIDDLE OIL CO HENRY PITTS WELL #2	LANSING NORTH (PETTIT)	0.0	ADVANCE TRANSPORT
-ROCK OIL & GAS CO				RECEIVED: 08/14/81 JA: TX					
8145644	F-10-037066	4206500000		108		J L NOEL (00182) NO 1	PANHANDLE CARSON COUNTY	4.0	GETTY OIL CO
8145645	F-10-037067	4206500000		108		J L NOEL (00182) NO 2	PANHANDLE CARSON COUNTY	2.0	GETTY OIL CO
8145646	F-10-037068	4206500000		108		J L NOEL (00182) NO 4	PANHANDLE CARSON COUNTY	6.0	GETTY OIL CO
8145647	F-10-037069	4206500000		108		J L NOEL (00182) NO 5	PANHANDLE CARSON COUNTY	1.0	GETTY OIL CO
8145648	F-10-037070	4206500000		108		J L NOEL (00182) NO 6	PANHANDLE CARSON COUNTY	7.0	GETTY OIL CO
-ROY FARRELL				RECEIVED: 08/14/81 JA: TX					
8145481	F-10-030295	4206530794		103		C L CULVER #1A	WEST PANHANDLE FIELD	100.0	NATURAL GAS PIPEL
-RUTHERFORD OIL CORP				RECEIVED: 08/14/81 JA: TX					
8145602	F-03-036277	4216700000		102-4		STATE TRACT 104-L WELL #1	GALVESTON BLK 104-6 (SD	1500.0	DOW CHEMICAL CO
-S & B ENTERPRISES INC				RECEIVED: 08/14/81 JA: TX					
8145721	F-08-038084	4237133335		103		OLIX B #3	PAYTON	5.5	PERRY GAS PROCESS
-SAFARI DRILLING CO				RECEIVED: 08/14/81 JA: TX					
8145583	F-78-035498	4209932256		102-2		RAMON CARRUTH #1	BLANKET (MARBLE FALLS)	36.0	LONE STAR GAS CO
-SANCHEZ-OBRIEN OIL & GAS CORP				RECEIVED: 08/14/81 JA: TX					
8145570	F-04-034805	4235532682		102-4		PAVELKA GAS UNIT NO 1 WELL NO 2	BOBBY LYNN KING (SEG B 8	500.0	UNITED TEXAS TRAN
-SECURITY PETROLEUM DRILLING INC				RECEIVED: 08/14/81 JA: TX					
8145550	F-10-033245	4217930785		103		SHERIDAN #4 04640	PANHANDLE GRAY COUNTY	109.0	CABOT PIPELINE CO
-SENTINEL PETROLEUM CORP				RECEIVED: 08/14/81 JA: TX					
8145473	F-78-029728	4213332165		102-4		GARRETT #1	MANGUM SOUTH	0.0	ODESSA NATURAL CO
8145478	F-78-029887	4213331540		102-4		LOIS MURPHY #1 15191	MANGUM WEST (3100)	36.5	ODESSA NATURAL CO
-SHELL OIL CO				RECEIVED: 08/14/81 JA: TX					
8145448	F-02-027667	4228500000		108		FAY ROUSE NO 1	PROVIDENT CITY (WILCOX 9	15.0	TEXAS EASTERN TRA
-SOUTHERN UNION EXPLORATION COMPANY				RECEIVED: 08/14/81 JA: TX					
8145693	F-03-037920	4228730754		103		FRED M WARREN #1	GIDDINGS	452.0	CLAJON GAS CO
-STALLWORTH OIL & GAS INC				RECEIVED: 08/14/81 JA: TX					
8145545	F-78-032825	4236731830		102-4		STALLWORTH OIL & GAS INC - BIRD #4	BUCKNER (BEND)	0.0	SOUTHWESTERN GAS
8145545	F-78-032825	4236731830		103		STALLWORTH OIL & GAS INC - BIRD #4	BUCKNER (BEND)	0.0	SOUTHWESTERN GAS
-STRINGER OIL & GAS				RECEIVED: 08/14/81 JA: TX					
8145510	F-01-031344	4250731329		102-4		#1 ALBIN P SLOVAK ET AL (92167)	TRM (OLMOS)	175.0	NORTHERN NATURAL
8145510	F-01-031344	4250731329		103		#1 ALBIN P SLOVAK ET AL (92167)	TRM (OLMOS)	175.0	NORTHERN NATURAL
-SULLIVAN DRILLING CO				RECEIVED: 08/14/81 JA: TX					
8145439	F-08-023838	4238900000		108		W E BILL NO #1 11271	SULLIVAN (W E BILL) SEC	3.6	PHILLIPS PETROLEU
-SUPERIOR OIL CO				RECEIVED: 08/14/81 JA: TX					
8145495	F-03-030923	4228730782		102-2		E-C-F OIL UNIT NO 1	GIDDINGS (AUSTIN CHALK)	183.0	PHILLIPS PETROLEU
8145434	F-02-022504	4228531410		102-3		RANDOW GAS UNIT WELL NO 1	NORTH WORD (EDWARDS)	0.0	
-TAUBERT & STEED				RECEIVED: 08/14/81 JA: TX					
8145539	F-8A-032363	4226930346		102-4		S B BURNETT ESTATE NA 14	BIG-N-(TANNEHILL)	2.7	LONE STAR GAS CO
8145538	F-8A-032362	4226930347		102-4		S B BURNETT ESTATE NA 16	BIG-N-(TANNEHILL)	0.3	LONE STAR GAS CO
8145537	F-8A-032361	4226930351		102-4		S B BURNETT ESTATE NA 17	BIG-N-(TANNEHILL)	1.6	LONE STAR GAS CO
8145536	F-8A-032360	4226930350		102-4		S B BURNETT ESTATE NA 18	BIG-N-(TANNEHILL)	4.1	LONE STAR GAS CO
8145542	F-8A-032366	4226930353		102-4		S B BURNETT ESTATE NA 20	BIG-N-(TANNEHILL)	0.4	LONE STAR GAS CO
8145541	F-8A-032365	4226930361		102-4		S B BURNETT ESTATE NA 21	BIG-N-(TANNEHILL)	6.3	LONE STAR GAS CO
8145540	F-8A-032364	4226930908		102-4		S B BURNETT ESTATE NA 26	BIG-N-(TANNEHILL)	2.6	LONE STAR GAS CO
8145535	F-8A-032358	4226930317		102-4		S B BURNETT ESTATE NA 9	BIG-N-(TANNEHILL)	0.5	LONE STAR GAS CO

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-TAYLOR BROTHERS OIL CO						RECEIVED: 08/14/81 JA: TX			
8145746	F-10-038202	4234130610		103		SHELBY #1 (04688)	PANHANDLE MOORE COUNTY	60.0	PHILLIPS PETROLEU
-TENNECO OIL COMPANY						RECEIVED: 08/14/81 JA: TX			
8145501	F-04-031149	4235531634		103		EAST SIDE BLOCK NO 14	AGUA DULCE	365.0	
-TEX-STAR PETROLEUM						RECEIVED: 08/14/81 JA: TX			
8145750	F-78-038225	4244131695		103		ROY LAFOON #1 (16984)	TAYLOR COUNTY REGULAR	65.0	UNION TEXAS PETRO
-TEXACO INC						RECEIVED: 08/14/81 JA: TX			
8145733	F-8A-038119	4211531370		103		C W SHAFER #19	SPRABERRY DEEP (SPRABERR	8.0	WESTAR TRANSMISSI
8145666	F-06-037490	4240131114		102-4		GARNETT GAS UNIT O/A #1	OAK HILL N W (COTTON VAL	730.0	TRANSCONTINENTAL
-TEXAS AMERICAN OIL CORP						RECEIVED: 08/14/81 JA: TX			
8145753	F-10-038244	4248330600		108		G R CLOSE A NO 1	EAST PANHANDLE	1.0	TRANSWESTERN PIPE
8145754	F-10-038245	4248330599		108		HOLLY NO 2	EAST PANHANDLE	8.1	TRANSWESTERN PIPE
8145755	F-10-038247	4248330622		108		L LAYCOCK C NO 1	EAST PANHANDLE	1.3	TRANSWESTERN PIPE
8145758	F-10-038250	4248330627		108		O O TATE NO 1	EAST PANHANDLE	1.9	TRANSWESTERN PIPE
8145756	F-10-038248	4248330489		108		RENEAU NO 1	EAST PANHANDLE	3.8	TRANSWESTERN PIPE
8145757	F-10-038249	4248330578		108		SMITH NO 1	EAST PANHANDLE	15.0	TRANSWESTERN PIPE
8145759	F-10-038251	4248330529		108		W H BOWEN JR NO 1	EAST PANHANDLE	4.0	TRANSWESTERN PIPE
-TEXAS INTERNATIONAL PET CORP						RECEIVED: 08/14/81 JA: TX			
8145649	F-03-037072	4228700000		102-2		CHRISTOPHER UNIT #1	GIDDINGS (AUSTIN CHALK)	30.0	CLAJON GAS CO
8145603	F-03-036296	4205131100		102-2		GIESSEL #1	GIDDINGS (AUSTIN CHALK)	200.0	CLAJON GAS CO
8145605	F-03-036300	4205131312		102-2		GIESSEL A-1	GIDDINGS (AUSTIN CHALK)	275.0	CLAJON GAS CO
8145604	F-03-036299	4205131401		102-2		STERN #2	GIDDINGS (AUSTIN CHALK)	274.0	CLAJON GAS CO
-TEXAS OIL & GAS CORP						RECEIVED: 08/14/81 JA: TX			
8145502	F-08-031167	4237100000		102-4		BLACKSTONE SLAUGHTER B #5	WILDCAT (PENN DETRITAL)	50.0	DELHI GAS PIPELIN
8145467	F-05-028781	4216130498		103		HALE #2	REED (HAYNESVILLE)	0.0	DELHI GAS PIPELIN
8145467	F-05-028781	4216130498		107-TF		HALE #2	REED (HAYNESVILLE)	0.0	DELHI GAS PIPELIN
8145428	F-06-013472	4220330638		102-4		HARRIS E #1	WOODLAWN (PETTIT-PAGE)	250.0	UNITED GAS PIPELI
8145428	F-06-013472	4220330638		103		HARRIS E #1	WOODLAWN (PETTIT-PAGE)	250.0	UNITED GAS PIPELI
8145500	F-04-031141	4240931366		103		PATERSON C #1	FOX HERD FIELD	0.0	DELHI GAS PIPELIN
8145665	F-05-037472	4216130464		103		UTLEY B #2	MIMMS CREEK (BOSSIER)	0.0	DELHI GAS PIPELIN
8145665	F-05-037472	4216130464		107-TF		UTLEY B #2	MIMMS CREEK (BOSSIER)	0.0	DELHI GAS PIPELIN
8145437	F-05-022843	4216100000		102-4		WILLIFORD A #1	REED N (COTTON VALLEY LI	500.0	
8145437	F-05-022843	4216100000		107-TF		WILLIFORD A #1	REED N (COTTON VALLEY LI	500.0	
-THE DOW CHEMICAL COMPANY						RECEIVED: 08/14/81 JA: TX			
8145766	F-7C-038290	4210533076		102-4		H S CARPENTER NO 1	CARPENTER (WOLFCAMP)	15.0	
-THREE-B OIL CO						RECEIVED: 08/14/81 JA: TX			
8145585	F-08-035644	4237133222		103		JACKSON NO 1 WELL #26185	PAYTON (YATES)	36.0	PERRY GAS PROCESS
-TIPPERARY OIL AND GAS CORP						RECEIVED: 08/14/81 JA: TX			
8145710	F-01-037972	4216331615		103		ARTHUR HURT JR #1	PEARSALL (AUSTIN CHALK)	5.8	T G P INC
8145705	F-01-037961	4216331616		103		ARTHUR HURT JR #2	PEARSALL (AUSTIN CHALK)	5.7	T G P INC
8145691	F-01-037899	4216331585		103		BONNYE H HALM #1	PEARSALL (AUSTIN CHALK)	5.1	T G P INC
8145692	F-01-037900	4216331598		103		BONNYE H HALM #2	PEARSALL (AUSTIN CHALK)	0.7	T G P INC
8145699	F-01-037952	4216331609		103		BONNYE H HALM A #1	PEARSALL (AUSTIN CHALK)	2.8	T G P INC
8145696	F-01-037947	4216331619		103		BONNYE H HALM B #2	PEARSALL (AUSTIN CHALK)	1.2	T G P INC
8145695	F-01-037946	4216331626		103		BROWN A #2	PEARSALL (AUSTIN CHALK)	26.0	T G P INC
8145694	F-01-037945	4216331645		103		BROWN A #4	PEARSALL (AUSTIN CHALK)	24.0	T G P INC
8145718	F-01-038065	4216300000		103		C S WHITWELL #3	PEARSALL (AUSTIN CHALK)	6.3	T G P INC
8145719	F-01-038066	4216300000		103		C S WHITWELL #4	PEARSALL (AUSTIN CHALK)	4.3	T G P INC
8145720	F-01-038067	4216331453		103		C S WHITWELL #5	PEARSALL (AUSTIN CHALK)	2.3	T G P INC
8145700	F-01-037953	4216331586		103		CARLTON MASSEY #6	PEARSALL (AUSTIN CHALK)	37.0	T G P INC
8145701	F-01-037954	4216331587		103		CARLTON MASSEY #7	PEARSALL (AUSTIN CHALK)	37.0	T G P INC
8145698	F-01-037949	4216331660		103		CARLTON MASSEY #8	PEARSALL (AUSTIN CHALK)	37.0	T G P INC
8145730	F-01-038106	4216331530		103		DICKSON #4	PEARSALL (AUSTIN CHALK)	37.0	T G P INC

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ID NO	DOCKET	API NO	DIST	SEC	CAT	WELL NAME
8145729	F-01-038105	4216331681			103	ENGLISH #1
8145728	F-01-038104	4216331685			103	ENGLISH #2
8145727	F-01-038103	4216331794			103	ENGLISH #6
8145726	F-01-038102	4216331706			103	HARRIS D #1
8145725	F-01-038101	4216331710			103	HARRIS D #2
8145724	F-01-038100	4216331715			103	HARRIS D #3
8145723	F-01-038099	4216331718			103	HARRIS D #4
8145715	F-01-038061	4216331693			103	HARRIS E #5
8145714	F-01-038054	4216331696			103	HARRIS E #6
8145713	F-01-038053	4216331699			103	HARRIS E #7
8145712	F-01-038052	4216331701			103	HARRIS E #8
8145709	F-01-037970	4216331856			103	HARRIS F #1
8145708	F-01-037969	4216331658			103	HARRIS F #2
8145707	F-01-037967	4216331674			103	HARRIS F #5
8145706	F-01-037962	4216331675			103	HARRIS F #6
8145697	F-01-037948	4216331636			103	HURT ARTHUR A #2
8145703	F-01-037956	4216331612			103	LEANA BURGER B #1
8145702	F-01-037955	4216331613			103	LENA BUERGER BB #2
8145716	F-01-038062	4216300000			103	PATTIE THOMPSON #10
8145711	F-01-038050	4216300000			103	PATTIE THOMPSON #5
8145635	F-01-036971	4217730911			103	REESE A #1
8145731	F-01-038114	4216331741			103	SMITH #1
8145717	F-01-038063	4216300000			103	WEATHERSBY #2
-UNIT DRILLING & EXPLORATION CO					RECEIVED: 08/14/81 JA: TX	
8145661	F-10-037312	4229530864			103	RANDALL #5
-W A MONCRIEF JR					RECEIVED: 08/14/81 JA: TX	
8145523	F-7B-031627	4236730400			108	A E TRIGG NO 1
8145522	F-7B-031602	4236730990			108	BUCKNER #1
8145516	F-7B-031414	4236730276			108	KEMP #1 (LT)
8145521	F-7B-031600	4236730116			108	W L GREMMINGER #1
-W E POPE					RECEIVED: 08/14/81 JA: TX	
8145460	F-7B-028336	4214300000			108	CREIGHTON MAYNARD #1
-W R EDWARDS JR					RECEIVED: 08/14/81 JA: TX	
8145624	F-10-036709	4223300000			103	COBLE CATTLE CO #8-1
-WAYMAN W BUCHANAN					RECEIVED: 08/14/81 JA: TX	
8145462	F-03-028467	4214930403			102-2	MORGAN A NO 1
8145597	F-03-036093	4205131123			102-2	NOVOSAD-SLOVACEK AC 2
8145586	F-03-035649	4241930351			102-2	ROSANKY NO 1
-WCS PETROLEUM INC					RECEIVED: 08/14/81 JA: TX	
8145678	F-03-037636	4205131194			102-2	HALL UNIT NO 1
-WILBROOK EXPLORATION INC					RECEIVED: 08/14/81 JA: TX	
8145744	F-7B-038196	4242932382			103	P NALL (15951) #1
-WILLIAM PERLMAN					RECEIVED: 08/14/81 JA: TX	
8145415	F-7C-000680	4243500000			103	BROCKMAN 54-2
8145426	F-7C-008158	4243500000			103	FANNIE WADE 44-2
8145416	F-7C-000685	4243500000			103	GEO BROCKMAN 37 NO 3
-WILSON ENERGY INC					RECEIVED: 08/14/81 JA: TX	
8145493	F-7C-030887	4210500000			103	UNIVERSITY 13 B #3 RRC #08640
-WINDSOR PRODUCING CO					RECEIVED: 08/14/81 JA: TX	
8145686	F-03-037770	4228730896			102-2	KORB UNIT #1
8145688	F-03-037770	4228730896			103	KORB UNIT #1
8145629	F-03-036751	4228700000			103	MAE #2
8145628	F-03-036750	4228730831			103	MELVIN #1

FIELD NAME	PROD	PURCHASER
PEARSALL (AUSTIN CHALK)	14.0	T G P INC
PEARSALL (AUSTIN CHALK)	13.0	T G P INC
PEARSALL (AUSTIN CHALK)	9.0	T G P INC
PEARSALL (AUSTIN CHALK)	7.3	T G P INC
PEARSALL (AUSTIN CHALK)	60.0	T G P INC
PEARSALL (AUSTIN CHALK)	7.3	T G P INC
PEARSALL (AUSTIN CHALK)	15.7	T G P INC
PEARSALL (AUSTIN CHALK)	4.0	T G P INC
PEARSALL (AUSTIN CHALK)	1.8	T G P INC
PEARSALL (AUSTIN CHALK)	2.1	T G P INC
PEARSALL (AUSTIN CHALK)	2.6	T G P INC
PEARSALL (AUSTIN CHALK)	3.7	T G P INC
PEARSALL (AUSTIN CHALK)	4.4	T G P INC
PEARSALL (AUSTIN CHALK)	6.6	T G P INC
PEARSALL (AUSTIN CHALK)	2.6	T G P INC
PEARSALL (AUSTIN CHALK)	8.0	T G P INC
PEARSALL (AUSTIN CHALK)	85.0	T G P INC
PEARSALL (AUSTIN CHALK)	0.1	T G P INC
PEARSALL (AUSTIN CHALK)	37.0	T G P INC
PEARSALL (AUSTIN CHALK)	4.0	T G P INC
PEACH CREEK (AUSTIN CHAL	0.0	VALERO TRANSMISSI
PEARSALL (AUSTIN CHALK)	2.4	T G P INC
PEARSALL (AUSTIN CHALK)	6.4	T G P INC
BRADFORD (TONKAWA)	5.0	PHILLIPS PETROLEU
TINTOP (ATOKA)	2.5	SOUTHWESTERN GAS
TINTOP (ATOKA)	3.1	SOUTHWESTERN GAS
TINTOP (ATOKA)	12.1	SOUTHWESTERN GAS
TINTOP (ATOKA)	13.6	SOUTHWESTERN GAS
MORGAN MILL (MARBLE FALL	4.0	NORTHERN GAS PROD
PANHANDLE HUTCHINSON	90.0	PANHANDLE PRODUCI
GIDDINGS-AUSTIN CHALK	32.0	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHALK)	122.2	FERGUSON CROSSING
GIDDINGS (AUSTIN CHALK)	17.3	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHALK)	0.0	CLAJON GAS CO
STEPHENS COUNTY REGULAR	65.0	SOUTHWESTERN GAS
SAWYER (CANYON)	0.0	EL PASO GAS TRANS
SAWYER (CANYON)	0.0	EL PASO GAS TRANS
SAWYER (CANYON)	0.0	EL PASO GAS TRANS
FARMER (SAN ANDRES)	36.0	BIG LAKE GASOLINE
GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS
GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS
GIDDINGS (AUSTIN CHALK)	219.0	PGP GAS PRODUCTS
GIDDINGS (BUDA)	36.5	PGP GAS PRODUCTS

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8145722	F-03-038087	4228700000		103		OLGA ASCHENBECK #1	GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS

OTHER PURCHASERS VOLUME NO :500

8145433	E I DUPONT DE NEMOURS & CO INC
8145436	E I DUPONT DE NEMOURS & CO INC
8145551	E I DUPONT DE NEMOURS & CO INC
8145578	E I DUPONT DE NEMOURS & CO INC
8145579	E I DUPONT DE NEMOURS & CO INC
8145611	FLORIDA GAS TRANS CO
8145659	TEXAS UTILITY FUEL CO
8145677	E I DUPONT DE NEMOURS & CO INC
8145749	E I DUPONT DE NEMOURS & CO INC
8145765	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 23, 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. 81-26103 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: September 1, 1981.

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
OHIO DEPARTMENT OF NATURAL RESOURCES							
-APPALACHIAN PETROLEUM CORP		RECEIVED: 08/17/81	JA: OH				
8145801		3416725254	108	DEVOL #1		3.5	COLUMBIA GAS TRAN
8145799		3416725223	108	DIETZ #1		3.5	COLUMBIA GAS TRAN
8145802		3416725300	108	HUNTER #1		3.5	COLUMBIA GAS TRAN
8145797		3416725185	108	KNOCH #2		3.5	COLUMBIA GAS TRAN
8145796		3416725184	108	KNOCH #3		3.5	COLUMBIA GAS TRAN
8145800		3416725237	108	NEUMAN #2		3.5	COLUMBIA GAS TRAN
8145798		3416725187	108	PICKERING #1		3.5	COLUMBIA GAS TRAN
8145793		3416725179	108	PICKERING #2		3.5	COLUMBIA GAS TRAN
8145795		3416725182	108	STOUT #2		3.5	COLUMBIA GAS TRAN
8145794		3416725181	108	STOUT #3		3.5	COLUMBIA GAS TRAN
-BEREA OIL AND GAS CORPORATION		RECEIVED: 08/17/81	JA: OH				
8145804		3411924970	103	ELLIOTT #1	RICH HILL	0.0	COLUMBIA GAS TRAN
8145804		3411924970	107-TF	ELLIOTT #1	RICH HILL	0.0	COLUMBIA GAS TRAN
8145806		3415521035	108	KOCHES-TURNER UNIT #1	VIENNA	14.1	EAST OHIO GAS CO
8145809		3415521199	108	KUPENSKY #1A	VIENNA	6.3	EAST OHIO GAS CO
8145808		3415521095	108	MARGRET ANN MEALY #1	VIENNA	8.1	EAST OHIO GAS CO
8145810		3415521201	108	ONEILL #1	VIENNA	15.9	EAST OHIO GAS CO
8145811		3415521202	108	ONEILL #2	VIENNA	15.9	EAST OHIO GAS CO
8145807		3415521036	108	WILLIAM POWELL #1	VIENNA	7.7	EAST OHIO GAS CO
8145805		3415521034	108	WILLIAM POWELL UNIT #1	VIENNA	7.8	EAST OHIO GAS CO
-BKK PROSPECTING LTD		RECEIVED: 08/17/81	JA: OH				
8145803		3412122516	103	HARRY SMITH #2	ELK	30.0	COLUMBIA GAS TRAN
-BRENDEL PRODUCING CO		RECEIVED: 08/17/81	JA: OH				
8145818		3415720196	108	E ZEIGLER #1		6.4	EAST OHIO GAS CO
8145819		3415720263	108	G SCHAAR #1		5.8	EAST OHIO GAS CO
8145820		3415720811	108	J M MOSS ET AL #1		2.3	EAST OHIO GAS CO
8145814		3415720048	108	MARSH LUMBER #1		10.7	STONE CREEK BRICK
8145813		3415720032	108	ROBINSON-CLAY #1		2.5	EAST OHIO GAS CO
8145817		3415720165	108	SCHWARM #1		6.7	EAST OHIO GAS CO
8145815		3415720050	108	STOW-FULLER #1		1.9	EAST OHIO GAS CO
8145816		3415720062	108	YACKEY #1		1.0	EAST OHIO GAS CO
-BRUSK JOINT VENTURE		RECEIVED: 08/17/81	JA: OH				
8145822		3411921814	108	FISHER #1		1.9	COLUMBIA GAS TRAN
8145821		3411921813	108	FISHER #2		1.9	COLUMBIA GAS TRAN
8145823		3411921815	108	FISHER #3		1.9	COLUMBIA GAS TRAN
8145824		3411921816	108	FISHER #4		1.9	COLUMBIA GAS TRAN
8145828		3411921833	108	MURPHY #1		1.7	COLUMBIA GAS TRAN
8145825		3411921817	108	MURPHY #2		1.7	COLUMBIA GAS TRAN
8145827		3411921819	108	MURPHY #3		1.7	COLUMBIA GAS TRAN
8145826		3411921818	108	MURPHY #4		1.7	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-CALLANDER & KIMBREL INC						RECEIVED: 08/17/81 JA: OH			
8145829		3403124341		103		D & D HEDRICK #5	WEST BEDFORD	8.0	
8145830		3403124343		103		MAUDE SHEARN #5	NEW GUILFORD	9.0	
8145831		3403124344		103		MAUDE SHEARN #6	NEW GUILFORD	9.0	
8145832		3403124345		103		MAUDE SHEARN #7	NEW GUILFORD	9.0	
8145833		3403124397		103		RICE #1	WARSAW	8.0	
-DEVON PETROLEUM CORP						RECEIVED: 08/17/81 JA: OH			
8145836		3416726669		103		CHARLES WAGNER #5	DECATUR	18.0	COLUMBIA GAS TRAN
8145835		3416726417		103		L JOHNSON-R BARTH #2	BARLOW	20.0	COLUMBIA GAS
8145834		3416726394		103		SAMPLES GATES FRAME #1	BARLOW	15.0	COLUMBIA GAS TRAN
-ENERGY DEVELOPMENT CORP						RECEIVED: 08/17/81 JA: OH			
8145837		3400721635		103		CHELCIU WELL #3	ROME	0.0	
8145837		3400721635		107-TF		CHELCIU WELL #3	ROME	0.0	
8145838		3400721709		103		SPANG WELL #1	DENMARK	0.0	
8145838		3400721709		107-TF		SPANG WELL #1	DENMARK	0.0	
-ENERGY INVESTMENTS INCORPORATED						RECEIVED: 08/17/81 JA: OH			
8145839		3412122059		108		GRIMES HEIRS #1		4.0	COLUMBIA GAS TRAN
-ENERGY RECOVERY CO						RECEIVED: 08/17/81 JA: OH			
8145841		3408924015		103		EVANS #2	PERRY	10.0	
8145842		3411925505		103		MADDEN #4	HOPEWELL	15.0	
8145840		3404520680		103		MILLER #2	RUSHCREEK	20.0	
-ENTERPRISE GAS & OIL INC						RECEIVED: 08/17/81 JA: OH			
8145843		3405922357		108		WAGLER #4-A		0.0	
-FORAKER PRODUCING COMPANY INC						RECEIVED: 08/17/81 JA: OH			
8145844		3411925176		107-TF		MEREDITH #1	NEWTON	10.0	TEXAS EASTERN TRA
-GASEARCH INC						RECEIVED: 08/17/81 JA: OH			
8145845		3415521666		103		STONEYBROOK #2	HUBBARD	20.0	EAST OHIO GAS CO
8145845		3415521666		107-TF		STONEYBROOK #2	HUBBARD	20.0	EAST OHIO GAS CO
-HILLTOP DEVELOPMENT CORP						RECEIVED: 08/17/81 JA: OH			
8145847		3411924121		103		#1 STEVE MORAN	JACKSON	2.0	NATIONAL GAS & OI
-HORTIN & HUFFMAN						RECEIVED: 08/17/81 JA: OH			
8145848		3400523404		103		NO 4 HOOVER	MOHICAN	1.0	COLUMBIA GAS TRAN
-JERRY MOORE INC						RECEIVED: 08/17/81 JA: OH			
8145867		3403123840		103		DANNY ELLIOTT UNIT NO 1	KEENE	3.0	COLUMBIA GAS TRAN
8145867		3403123840		107-TF		DANNY ELLIOTT UNIT NO 1	KEENE	3.0	COLUMBIA GAS TRAN
8145869		3403124285		103		HENRY E GEHRKE NO 1	COSHOCTON	5.0	COLUMBIA GAS TRAN
8145869		3403124285		107-TF		HENRY E GEHRKE NO 1	COSHOCTON	5.0	COLUMBIA GAS TRAN
8145871		3403124325		103		HENRY E GEHRKE NO 2	COSHOCTON	3.0	COLUMBIA GAS TRAN
8145871		3403124325		107-TF		HENRY E GEHRKE NO 2	COSHOCTON	3.0	COLUMBIA GAS TRAN
8145870		3403124289		103		JACK DICKEY NO 1	CANAL LEWISVILLE	5.0	COLUMBIA GAS TRAN
8145870		3403124289		107-TF		JACK DICKEY NO 1	CANAL LEWISVILLE	5.0	COLUMBIA GAS TRAN
8145868		3403124139		103		WOODROW BICKEL UNIT NO 1	KEENE	4.0	COLUMBIA GAS TRAN
8145868		3403124139		107-TF		WOODROW BICKEL UNIT NO 1	KEENE	4.0	COLUMBIA GAS TRAN
-L & M OPERATING INC						RECEIVED: 08/17/81 JA: OH			
8145849		3416724864		108		RAYMOND RAUCH #2		12.8	GAS TRANSPORT INC
-L & M PETROLEUM INC						RECEIVED: 08/17/81 JA: OH			
8145850		3412725098		103		LESTER ESSINGTON #1	PIKE	7.0	FORAKER GAS CO IN
8145850		3412725098		107-TF		LESTER ESSINGTON #1	PIKE	7.0	FORAKER GAS CO IN
-LAKE REGION OIL INC						RECEIVED: 08/17/81 JA: OH			
8145851		3403124212		103		RONALD DAVIS #1	BETHLEHAM	15.0	COLUMBIA GAS TRAN
8145851		3403124212		107-TF		RONALD DAVIS #1	BETHLEHAM	15.0	COLUMBIA GAS TRAN
-M B OPERATING CO INC						RECEIVED: 08/17/81 JA: OH			
8145856		3415123322		103		G & E FOX UNIT #1	MARLBORO	3.7	REPUBLIC STEEL CO
8145856		3415123322		107-TF		G & E FOX UNIT #1	MARLBORO	3.7	REPUBLIC STEEL CO

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-MEIGS JOINT VENTURE		RECEIVED: 08/17/81 JA: OH							
8145859		3411924734		108		GALLOGLY #1		1.8	COLUMBIA GAS TRAN
8145858		3411924407		108		GALLOGLY #10		1.8	COLUMBIA GAS TRAN
8145857		3411924406		108		GALLOGLY #11		1.8	COLUMBIA GAS TRAN
8145864		3411924753		108		GALLOGLY #12		1.8	COLUMBIA GAS TRAN
8145865		3411924788		108		GALLOGLY #3		1.8	COLUMBIA GAS TRAN
8145866		3411924805		108		GALLOGLY #4		1.8	COLUMBIA GAS TRAN
8145860		3411924739		108		GALLOGLY #5		1.8	COLUMBIA GAS TRAN
8145861		3411924740		108		GALLOGLY #6		1.8	COLUMBIA GAS TRAN
8145862		3411924747		108		GALLOGLY #7		1.8	COLUMBIA GAS TRAN
8145863		3411924748		108		GALLOGLY #8		1.8	COLUMBIA GAS TRAN
-MUSK JOINT VENTURE		RECEIVED: 08/17/81 JA: OH							
8145878		3411924483		108		MITCHELL #4		0.4	COLUMBIA GAS TRAN
8145872		3411924393		108		MITCHELL #5		0.4	COLUMBIA GAS TRAN
8145874		3411924697		108		MITCHELL #6		0.4	COLUMBIA GAS TRAN
8145873		3411924696		108		MITCHELL #7		0.4	COLUMBIA GAS TRAN
8145877		3411924767		108		YERIAN #1		1.1	COLUMBIA GAS TRAN
8145875		3411924733		108		YERIAN #2		1.1	COLUMBIA GAS TRAN
8145876		3411924765		108		YERIAN #3		1.1	COLUMBIA GAS TRAN
8145879		3411924799		108		YERIAN #4		1.1	COLUMBIA GAS TRAN
-NOBLE OIL CORP		RECEIVED: 08/17/81 JA: OH							
8145880		3402920848		107-TF		GRAY #1	HANOVER	20.0	COLUMBIA GAS TRAN
-OHIO NATURAL FUEL CO		RECEIVED: 08/17/81 JA: OH							
8145881		3407522952		103		SMETZER #1	KNOX	9.0	COLUMBIA GAS TRAN
-OHIO PARTNERS OIL CO		RECEIVED: 08/17/81 JA: OH							
8145882		3415516980		103		SCOTT #3	VIENNA	20.0	COLUMBIA GAS TRAN
8145882		3415516980		107-TF		SCOTT #3	VIENNA	20.0	COLUMBIA GAS TRAN
-OXFORD OIL CO		RECEIVED: 08/17/81 JA: OH							
8145884		3411925405		103		CHASE-RAMBO UNIT #1	CLAY	10.0	
8145884		3411925405		107-TF		CHASE-RAMBO UNIT #1	CLAY	10.0	
8145885		3412122608		103		DELMAR MCFARLAND #1	JACKSON	10.0	
8145883		3408924166		103		SCHELL BROS #1	LICKING	10.0	
-PATRICK T DONNELLY DBA LANDPROVEST		RECEIVED: 08/17/81 JA: OH							
8145852		3411925588		103		EVERETT & FLORENCE LEEDOM #4	PERRY	0.0	
8145852		3411925588		107-TF		EVERETT & FLORENCE LEEDOM #4	PERRY	0.0	
-PETROLEUM SECURITIES FUND 79		RECEIVED: 08/17/81 JA: OH							
8145891		3416922303		103		GEORGE & BEULAH MILLER #4	WAYNE	12.0	COLUMBIA GAS TRAN
8145890		3416922302		103		GEORGE & BEULAH MILLER #5	WAYNE	12.0	COLUMBIA GAS TRAN
8145892		3416922318		103		PAUL SNURE #2	WAYNE	12.0	COLUMBIA GAS TRAN
8145888		3416922299		103		REICHERT #1	CHESTER	12.0	COLUMBIA GAS
8145889		3416922301		103		ROBERT & CATHERINE OSMUNDSEN #1	CLINTON	12.0	COLUMBIA GAS TRAN
8145886		3416922273		103		ROBERT MOOREHEAD #3	CLAYTON	12.0	COLUMBIA GAS TRAN
8145887		3416922274		103		THOMAS SPARR #1	CLINTON	12.0	COLUMBIA GAS TRAN
-R GENE BRASEL DBA BRASEL & BRASEL		RECEIVED: 08/17/81 JA: OH							
8145812		3405320552		103		F PHILLIPS #3	ADDISON	0.0	COLUMBIA GAS TRAN
-RELIANCE ENERGY		RECEIVED: 08/17/81 JA: OH							
8145893		3416922249		107-TF		JOHN J ZOOK #1	SALT CREEK	15.0	COLUMBIA GAS TRAN
8145894		3416922505		107-TF		MARK A TROYER #1	SALT CREEK	15.0	COLUMBIA GAS TRAN
-RIMCO OPERATING INC		RECEIVED: 08/17/81 JA: OH							
8145897		3416922645		103		M MARTIN #1	CHESTER	12.0	COLUMBIA GAS TRAN
8145898		3416922647		103		M MARTIN #2	CHESTER	12.0	COLUMBIA GAS TRAN
8145899		3416922648		103		M MARTIN #3	CHESTER	12.0	COLUMBIA GAS TRAN
8145896		3416922543		103		MAIRS #1	PLAIN	12.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8145901		3416922745		103		REED #1	CHESTER	12.0	COLUMBIA GAS TRAN
8145895		3416922523		103		RICHARDS #5	CHESTER	12.0	COLUMBIA GAS TRAN
8145900		3416922672		103		TEGTMEIER #1	CONGRESS	12.0	COLUMBIA GAS TRAN
-SUPERIOR PETROLEUM INC				RECEIVED: 08/17/81 JA: OH					
8145902A		3401320334		103		BARKER #1	SOMERSET	0.0	TEXAS EASTERN TRA
8145902B		3401320334	D	107-TF		BARKER #1	SOMERSET	0.0	TEXAS EASTERN TRA
8145905A		3401321389		103		MWCD #10-E	MONROE	0.0	EAST OHIO GAS CO
8145905B		3401321389	D	107-TF		MWCD #10-E	MONROE	0.0	EAST OHIO GAS CO
8145906A		3401921387		103		MWCD #3-E	MONROE	0.0	EAST OHIO GAS CO
8145906B		3401921387	D	107-TF		MWCD #3-E	MONROE	0.0	EAST OHIO GAS CO
8145904A		3401320396		103		PLUMLY #4	SOMERSET	0.0	TEXAS EASTERN TRA
8145904B		3401320396	D	107-TF		PLUMLY #4	SOMERSET	0.0	TEXAS EASTERN TRA
8145903A		3401320352		103		STIRES #1	WAYNE	0.0	TEXAS EASTERN TRA
8145903B		3401320352	D	107-TF		STIRES #1	WAYNE	0.0	TEXAS EASTERN TRA
-W J LYDIC INC				RECEIVED: 08/17/81 JA: OH					
8145853		3411923842		108		PERINE #1		5.0	COLUMBIA GAS TRAN
8145855		3411923860		108		PERINE #2		5.0	COLUMBIA GAS TRAN
8145854		3411923853		108		WILSON #2		13.0	COLUMBIA GAS TRAN
-WILLIAM F HILL				RECEIVED: 08/17/81 JA: OH					
8145846		3407523089		103		YODER LUMBER CO #1-A	MONROE	7.0	
-WILLIAM N TIPKA				RECEIVED: 08/17/81 JA: OH					
8145907		3415723197		108		J MOZENA #2		0.0	COLUMBIA GAS TRAN
-WOA INC & MELLENCO INC				RECEIVED: 08/17/81 JA: OH					
8145908		3413322429		103		BROOKPARK IND SITES INC #1	AURORA	20.0	
8145908		3413322429		107-TF		BROOKPARK IND SITES INC #1	AURORA	20.0	
**********									
OKLAHOMA CORPORATION COMMISSION									
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-AMERICAN QUASAR PETROLEUM CO				RECEIVED: 08/17/81 JA: OK					
8145941	12151	3509520257		102-4		COWEN 1-12	WILLIS	0.0	TEXACO INC
-ANADARKO PRODUCTION COMPANY				RECEIVED: 08/17/81 JA: OK					
8145964	09977	3500320783		103		BLACKLEDGE B 1-29	LAMBERT	73.0	PIONEER GAS PRODU
8145943	10078	3502520381		103		S E BURTON NO 6-5	S E BURTON #6-5	21.0	PHILLIPS PETROLEU
-APOLLO PRODUCTION LTD				RECEIVED: 08/17/81 JA: OK					
8145955	12063	3501721825		102-4		HALKO NO 4-2	NORTHWEST PIEDMONT	0.0	SID RICHARDSON CA
8145955	12063	3501721825		103		HALKO NO 4-2	NORTHWEST PIEDMONT	0.0	SID RICHARDSON CA
8145914	12128	3507322902		102-4		REHERMAN NO 15-9	NE OKARCHE	0.0	SID RICHARDSON CA
8145914	12128	3507322902		103		REHERMAN NO 15-9	NE OKARCHE	0.0	SID RICHARDSON CA
-ARCO OIL AND GAS COMPANY				RECEIVED: 08/17/81 JA: OK					
8145948	11960	3510320963		102-4		PM SCHULTZ NO 1	STILLWATER AIRPORT NW	36.5	
-ARROW OIL & GAS INC				RECEIVED: 08/17/81 JA: OK					
8145971	09504	3507322510		103		GALLIGAN #2-30	WILDCAT	40.0	CITIES SERVICE GA
-BEARD OIL COMPANY				RECEIVED: 08/17/81 JA: OK					
8145946	10090	3511920306		103		DOWNEY #1	PARADISE	8.0	CITIES SERVICE GA
-BOBBY J DARNELL				RECEIVED: 08/17/81 JA: OK					
8145999	10093	3508321462		103		LEAFGREEN NO 1	WILDCAT	54.8	EASON OIL CO
8145991	10101	3508300000		103		ROUT NO 1	CRESCENT-LOVELL	0.0	EASON OIL CO
8145934	10094	3508321535		103		WEBB NO 1	WEST PRAIRIE VIEW	18.3	EASON OIL CO
-BOGERT OIL CO				RECEIVED: 08/17/81 JA: OK					
8145988	07968	3507322531		103		HUGH 1-35	SOONER TREND	195.0	EASON OIL CO
8145997	08552	3507322608		103		RUTH ANN #1-8	SOONER TREND	120.0	CONOCO INC
-BROWN & BORELLI INC				RECEIVED: 08/17/81 JA: OK					
8145998	08578	3507322711		103		BLAIR B	SOUTHWEST DOVER	54.0	CITIES SERVICE GA

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-BULLOCK ENGINEERING CO						RECEIVED: 08/17/81 JA: OK			
8145933	10139	3504722235		103		CRAWFORD #1	SOONER TREND	73.0	WELLHEAD ENTERPRI
-BURKHART PETROLEUM CORP						RECEIVED: 08/17/81 JA: OK			
8145959	09912	3515321130		103		BOHNER 1-19	KEENAN NE	122.6	
8145990	10088	3504722338		103		WELCH 1-9	NORTH ENID	43.8	CHAMPLIN PETROLEU
-CANEY VALLEY OIL & GAS CO						RECEIVED: 08/17/81 JA: OK			
8145956	12069	3514722403		102-2		ATOR #2		36.5	DIAMOND S GAS SYS
8145957	12070	3514721729		102-2		GORDON #2		36.5	DIAMOND S GAS SYS
-CHEROKEE ENERGY CORP						RECEIVED: 08/17/81 JA: OK			
8145931	10157	3508121059		103		MARY JANE 1-21	MARY JANE 1-21	14.6	SUN OIL CO
8145939	10159	3508121164		103		PATSY LEE 1-21	PATSY LEE 1-21	14.6	SUN OIL CO
8145930	10158	3508120837		103		R KINDER 1-21	R KINDER 1-21	14.6	SUN OIL CO
-CLARK RESOURCES INC						RECEIVED: 08/17/81 JA: OK			
8145960	03221	3507322264		102-4		BINGO 1-1 (PRUE)	SOONER TREND	297.5	CITIES SERVICE GA
8145969	12269	3504722706		102-4		WELLS 13-4	GARFIELD	225.0	CRA INC
8145969	12269	3504722706		103		WELLS 13-4	GARFIELD	225.0	CRA INC
-CONOCO INC						RECEIVED: 08/17/81 JA: OK			
8145950	10143	3501700000		103		BOMHOFF NO 3	CALUMET	215.3	ONG WESTERN INC
8145944	10098	3507322767		103		COFFEY NO 26-1		0.0	PHILLIPS PETROLEU
-CONTINENTAL RESOURCES CORP						RECEIVED: 08/17/81 JA: OK			
8145984	13466	3504321206		107-DP		WALKER #36-1	ALEDO FIELD	1100.0	
-COTTON PETROLEUM CORPORATION						RECEIVED: 08/17/81 JA: OK			
8145949	11891	3512920546		102-4		CLAY NO 1	NORTHWEST REYDON	1095.0	EL PASO NATURAL G
8145949	11891	3512920546		103		CLAY NO 1	NORTHWEST REYDON	1095.0	EL PASO NATURAL G
-CURRIE PETROLEUM & GAS CORP						RECEIVED: 08/17/81 JA: OK			
8145993	11451	3510120903		103		OAR-MUK (MURPHY)	W HASKELL	84.0	PHILLIPS PET CO
-DEMINEX US OIL COMPANY						RECEIVED: 08/17/81 JA: OK			
8145992	10141	3511900000		103		STATE OF OKLAHOMA NO 1		2.2	AMINOIL USA INC
-DEVON CORPORATION						RECEIVED: 08/17/81 JA: OK			
8145916	11999	3505121018		102-2		DICKENSON #1	CHICKASHA	182.5	ARKANSAS LOUISIAN
-DYNE EXPLORATION CO						RECEIVED: 08/17/81 JA: OK			
8145919	12199	3510721014		102-4		JOHNSON - CHAPMAN #1	SOUTHEAST LAFFOON FIELD	182.5	
8145918	12200	3510721015		102-4		JOHNSON-DUKES #1	SOUTHEAST LAFFOON FIELD	182.5	
-FARMERS ENERGY CORP						RECEIVED: 08/17/81 JA: OK			
8145953	10190	3507700000		103		WHITE K 1	S QUINTON	73.0	ARKANSAS LOUISIAN
-GEORGE E FEARS						RECEIVED: 08/17/81 JA: OK			
8145963	09936	3508300000		103		CRAVEN B-1		0.0	EASON OIL CO
8145961	09934	3508321383		103		MARGARET CRAVEN 1	WEST MULHALL	0.0	EASON OIL CO
8145972	09935	3508321430		103		MILLER B-1		0.0	EASON OIL CO
8145962	09949	3508321207		103		OLIVER #1		0.0	EASON OIL CO
-GETTY OIL COMPANY						RECEIVED: 08/17/81 JA: OK			
*8145936	10164	3513722566		103		DOMA SPEARS NO 12	SHO-VEL-TUM	20.0	OKLAHOMA NATURAL
*8145937	10163	3513722565		103		DOMA SPEARS NO 13	SHO-VEL-TUM	20.0	OKLAHOMA NATURAL
-GMC OIL AND GAS CORP						RECEIVED: 08/17/81 JA: OK			
8145995	10155	3510321016		103		GANG NO 2		75.0	AMINOIL USA INC
-HELMERICH & PAYNE INC						RECEIVED: 08/17/81 JA: OK			
8145979	12195	3504321117		102-2		CROOKED FINGER NO 1-34	EAST SEILING	146.0	MICHIGAN WISCONSI
8145925	12196	3504321248		102-2		WARD NO 1-4	EAST SEILING	182.0	MICHIGAN WISCONSI
-HOLD OIL CORP						RECEIVED: 08/17/81 JA: OK			
8146002	09986	3506321238		103		HOLD OIL CORPORATION PEARL HARJO #2	SOUTHEAST HORNTOWN	70.0	WELLHEAD ENTERPRI
-J & G OPERATING CO						RECEIVED: 08/17/81 JA: OK			
8145989	10171	3508100000		103		CLIFT #1-A	CLIFT 1-A	0.0	SUN PRODUCTION CO
-J C MOUSER						RECEIVED: 08/17/81 JA: OK			

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8145958	12230	3510700000		102-4		DOLLIE DINDY (ZACKERY) NO 1	CLEARVIEW	182.0	PHILLIPS PET CO
-JACK BOWLES				RECEIVED: 08/17/81 JA: OK					
8145915	12059	3504722672		102-4		TRICKEY A-1	KREMLIN	100.0	CRA INC
-JET OIL COMPANY				RECEIVED: 08/17/81 JA: OK					
8145983	10186	3504722349		103		BROWN #1	N ELKHORN	146.0	EASON OIL CO
-JIM L HANNA DBA HANNA OIL AND GAS C				RECEIVED: 08/17/81 JA: OK					
8145951	10149	3504722374		103		BRAINARD #1	SOONER TREND	0.0	PANHANDLE EASTERN
8145913	11683	3506120267		102-4		WAGNON FIELD #1	NORTH RUSSELLVILLE	0.0	ARKANSAS LOUISIAN
8145910	11682	3506120267		102-4		WAGNON HILL #1	KINTA	0.0	ARKANSAS LOUISIAN
-L & N EXPLORATION INC				RECEIVED: 08/17/81 JA: OK					
8145968	10116	3508321459		103		J D WATTS NO 1	NORTH GUTHRIE	1.0	
8145967	10115	3508121216		103		RICH NO 1-34	S E ARLINGTON	9.0	
-LINCOLN RESOURCES CORP				RECEIVED: 08/17/81 JA: OK					
8145932	10147	3508121038		103		STATE 1-16	STATE 1-16	60.0	SUN OIL CO
-LOMA OIL CORP				RECEIVED: 08/17/81 JA: OK					
8145977	07995	3507121695		103		COURTNEY #1		0.0	CORONADO TRANSMIS
8145996	07997	3507121693		103		HOECKER #2	N E BLACKWELL	0.0	CORONADO TRANSMIS
-M-T DRILLING CO				RECEIVED: 08/17/81 JA: OK					
8145928	11852	3508321625		102-2		EVANS NO 1	S MULHALL	1.0	EASON OIL CO
-MCCALLISTER AND MAPLES				RECEIVED: 08/17/81 JA: OK					
8145921	10575	3512920544		102-2		LOGSDON NO 19	NORTH TALALA	50.0	DIAMOND S GAS SYS
-MEWBOURNE OIL COMPANY				RECEIVED: 08/17/81 JA: OK					
8145954	10240	3504520899		102-4		REDELSPERGER #2 OTC 045-65668	STUART RANCH	20.0	MICHIGAN WISCONSI
-MICHIGAN WISCONSIN PIPE LINE CO				RECEIVED: 08/17/81 JA: OK					
*8145924	12186	3514921048		102-2		FANNIE BROWN #1	S W BURNS FLAT	157.7	MICHIGAN WISCONSI
-NATIONAL OIL COMPANY				RECEIVED: 08/17/81 JA: OK					
8145965	09983	3502720415		103		NAILON 027-64338	NORTHWEST NORMAN	90.0	SUN GAS CO
-PAUL BOGIE				RECEIVED: 08/17/81 JA: OK					
8145940	11853	3511123033		103		GALE #4	EAST MORRIS	0.0	PHILLIPS PETROLEU
-PCX CORP				RECEIVED: 08/17/81 JA: OK					
8145978	12043	3512920513		102-2		MERRICK #1		100.0	
-PETRO-LEWIS CORPORATION				RECEIVED: 08/17/81 JA: OK					
8145942	12181	3505121097		102-4		BURRIS UNIT #2	WEST MARLOW	54.8	ARKANSAS LOUISIAN
-PITCO				RECEIVED: 08/17/81 JA: OK					
8145970	13426	3507700000		102-4		SHAW #1-14	WILBURTON	36.5	ARKANSAS LOUISIAN
-POTTS-STEPHENSON EXPLORATION CO				RECEIVED: 08/17/81 JA: OK					
8145909	10063	3512120781		103		DAVENPORT #1-11	FEATHERSTON	18.5	
8146000	10064	3512120792		103		REA #2-4	FEATHERSTON	255.5	SOUTHEAST TRANSMI
8146001	10062	3512120791		103		ROBERTS #2-3	FEATHERSTON	365.0	SOUTHEAST TRANSMI
-RAMBLER OIL CO				RECEIVED: 08/17/81 JA: OK					
8145973	12350	3509321966		102-2		FEASTER #1-15	SE ORION	870.0	DELHI GAS PIPELIN
8145973	12350	3509321966		103		FEASTER #1-15	SE ORION	870.0	DELHI GAS PIPELIN
8145975	12352	3509322109		102-2		MARLIN #1-15	SE ORION	890.0	DELHI GAS PIPELIN
8145975	12352	3509322109		103		MARLIN #1-15	SE ORION	890.0	DELHI GAS PIPELIN
8145974	12351	3509322070		102-2		OVIATT #2-22	SE ORION	746.0	DELHI GAS PIPELIN
8145974	12351	3509322070		103		OVIATT #2-22	SE ORION	746.0	DELHI GAS PIPELIN
-REPUBLIC GAS GATHERING SYSTEMS INC				RECEIVED: 08/17/81 JA: OK					
8145938	10162	3500700000		103		SPANGLER ET AL NO 1	NW ELMWOOD	156.0	PHILLIPS PETROLEU
-RESOURCES INVESTMENT CORPORATION				RECEIVED: 08/17/81 JA: OK					
8145986	10188	3502720421		103		JACKSON 1-1	N W NORMAN	61.4	SUN GAS CO
8145980	10189	3502724240		103		WELSH #2	N W NORMAN	337.6	SUN GAS CO
-S K TUTHILL & B J BARBEE				RECEIVED: 08/17/81 JA: OK					
8145912	11691	3515321179		102-2		SIMPSON WALKER NO 1-34	SOUTH FREEDOM	50.0	PANHANDLE EASTERN

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-SAXON OIL COMPANY						RECEIVED: 08/17/81 JA: OK			
8145923	12251	3503120673		107	-OP	QUANAH PARKER NO 1		0.0	MICHIGAN-WISCONSI
-SEARCH DRILLING CO						RECEIVED: 08/17/81 JA: OK			
8145952	10166	3500721956		103		GREGORY #1-28	E BALKO	15.0	PHILLIPS PETROLEU
-SHAR-ALAN OIL CO						RECEIVED: 08/17/81 JA: OK			
8145976	12319	3507322410		103		LYDIA V WILLIAMS NO 1	WEST CASHION	285.0	PHILLIPS PETROLEU
-SOTRANA-TEXAS CORP						RECEIVED: 08/17/81 JA: OK			
8145917	12134	3513921321		102	-4	BLEHM 1-31	HOOKER-OPTIMA FIELD	146.0	NATURAL GAS PIPEL
-SOUTHWESTERN EXPLOR CONSULTANTS INC						RECEIVED: 08/17/81 JA: OK			
8145966	10013	3508300000		103		AUDREY #2		0.0	EASON OIL CO
-TEXAS OIL & GAS CORP						RECEIVED: 08/17/81 JA: OK			
8145945	10095	3504321181		103		BODEN #1	NORTH OAKWOOD	147.8	DELHI GAS PIPELIN
8145981	12207	3500722093		102	-2	TRETBAR #1	E LORENA	170.0	
-THE GHK COMPANY						RECEIVED: 08/17/81 JA: OK			
8145927	11890	3503920389		102	-0	ALLISON 1-35	CANUTE	700.8	
-TRANSIERRA EXPLORATION CORP						RECEIVED: 08/17/81 JA: OK			
8145985	10187	3510321236		103		DONOVAN YOST NO 3-15	S E BILLINGS FIELD	34.0	ARCO OIL & GAS CO
-TRIGG DRILLING COMPANY INC						RECEIVED: 08/17/81 JA: OK			
8145994	10154	3503920370		103		COLLINS #1-6	SOUTH CUSTER CITY	0.0	
-TRIPLEDEE DRILLING CO						RECEIVED: 08/17/81 JA: OK			
8145920	12185	3501922172		102	-4	NORMA #1		180.0	AMINOIL USA INC
-UNION OIL COMPANY OF CALIF						RECEIVED: 08/17/81 JA: OK			
8145982	12243	3508520399		102	-2	D JOYCE COFFEY #1-30	NEW HOPE	46.0	
8145982	12243	3508520399		103		D JOYCE COFFEY #1-30	NEW HOPE	46.0	
8145922	10099	3501720965		103		KOLAR #1-16	S W YUKON	30.0	
-UNIT DRILLING & EXPLORATION CO						RECEIVED: 08/17/81 JA: OK			
8145911	09993	3505120971		103		GRAY NO 1	N W CHITWOOD	258.0	TRANSOK PIPELINE
-UNIVERSAL RESOURCES CORPORATION						RECEIVED: 08/17/81 JA: OK			
8145987	10060	3501721790		103		HOLLIS #1-30	RICHLAND N W	73.0	PHILLIPS PETROLEU
-VIERSEN & COCHRAN						RECEIVED: 08/17/81 JA: OK			
8145926	11980	3501721964		102	-4	SPURLIN #4-14	EAST EL RENO	200.0	DELHI GAS PIPELIN
8145926	11980	3501721964		103		SPURLIN #4-14	EAST EL RENO	200.0	DELHI GAS PIPELIN
-WAGNER & BROWN						RECEIVED: 08/17/81 JA: OK			
8145929	11187	3512900000		102	-2	POSTLEWAIT #1-10	N REYDON (MORROW)	91.0	
-WHEATLAND OIL CO						RECEIVED: 08/17/81 JA: OK			
8145935	11742	3507323056		102	-4	CORNELSEN #1	W LACY	73.0	PHILLIPS PETROLEU
*8145947	10087	3509322073		103		HAMM #1	RINGWOOD	91.3	RINGWOOD GATHERIN

OTHER PURCHASERS

8145924 NATURAL GAS PIPE LINE COMPANY OF AM
8145936 LONE STAR GAS CO
8145937 LONE STAR GAS CO
8145947 PIONEER GAS PRODUCTS CO

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 23, 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. 81–26182 Filed 9–4–81; 8:45 am]

BILLING CODE 6450–85–M

Oil Pipeline; Tentative Valuation

The Federal Energy Regulatory Commission by order issued February 10, 1978, established an Oil Pipeline Board and delegated to the Board its functions with respect to the issuance of valuation reports pursuant to Section 19a of the Interstate Commerce Act.

Notice is hereby given that a tentative valuation is under consideration for the common carrier by pipeline listed below:

1975, 1976, 1977, 1978, 1979 Consolidated Report

(September 3, 1981)

Valuation Docket No. PV–1456–000—
Owensboro-Ashland Company, 1409 Winchester Avenue, Ashland, KY 41101

On or before October 13, 1981, persons other than those specifically designated in section 19a(h) of the Interstate Commerce Act having an interest in this valuation may file, pursuant to rule 70 of the Interstate Commerce Commission's "General Rules of Practice" (49 CFR 1100.70), an original and three copies of a petition for leave to intervene in this proceeding.

If the petition for leave to intervene is granted the party may thus come within the category of "additional parties as the FERC may prescribe" under section 19a(h) of the Act, thereby enabling it to file a protest. It is required that a copy of the petition to intervene be served on the individual company at the address shown above and that an appropriate certificate of service be attached to the petition. Persons specifically designated in section 19a(h) of the Act need not file a petition; they are entitled to file a protest as a matter of right under the statute.

Francis J. Connor,

Administrative Officer, Oil Pipeline Board.

[FR Doc. 81–26157 Filed 9–4–81; 8:45 am]

BILLING CODE 6450–85–M

Oil Pipelines; Tentative Valuations

The Federal Energy Regulatory Commission by order issued February 10, 1978, established an Oil Pipeline Board and delegated to the Board its functions with respect to the issuance of valuation reports pursuant to Section 19a of the Interstate Commerce Act.

Notice is hereby given that tentative valuations are under consideration for the common carriers by pipeline listed below:

1980 Reports

September 3, 1981.

Valuation Docket No. PV—

1364–000 Acorn Pipe Line Company, P.O. Box 5008, Houston, TX 77012
1414–000 Allegheny Pipeline Company, P.O. Box 2521, Houston, TX 77001
1439–000 Amdel Pipeline, Inc., P.O. Box 2159, Dallas, TX 75221
1440–000 American Petrofina Pipe Line Company, P.O. Box 2159, Dallas, TX 75221
1302–000 Amoco Pipeline Company, P.O. Box 6110–A, Chicago, IL 60680
1378–000 Arapahoe Pipe Line Company, 1650 East Golf Road, Schaumburg, IL 60196
1329–000 Arco Pipe Line Company, Arco Building, Independence, KS 67301
1291–000 Ashland Pipe Line Company, 1409 Winchester Avenue, Ashland, KY 41101
1381–000 Badger Pipe Line Company, P.O. Box 300, Tulsa, OK 74102
1430–000 Belle Fourche Pipeline Company, P.O. Drawer 2360, Casper, WY 82602
1425–000 Black Lake Pipe Line Company, P.O. Box 308, Independence, KS 67301
1322–000 Buckeye Pipe Line Company, P.O. Box 368, Emmaus, PA 18049
1382–000 Butte Pipe Line Company, P.O. Box 2648, Houston, TX 77001
1404–000 Calnev Pipe Line Company, 1901 Slover Avenue, Bloomington, CA 92316
1416–000 Chevron Pipe Line Company, P.O. Box 9240, Concord, CA 94524
1368–000 Cheyenne Pipeline Company, P.O. Box 370, Cody, WY 82414
1427–000 Chicap Pipe Line Company, 1650 East Golf Road, Schaumburg, IL 60196
1312–000 Cities Service Pipe Line Company, P.O. Box 300, Tulsa, OK 74102
1433–000 Collins Pipeline Company, P.O. Box 2511, Houston, TX 77001
1422–000 Colonial Pipeline Company, Lenox Towers, P.O. Box 18855, Atlanta, GA 30326
1316–000 Continental Pipe Line Company, P.O. Drawer 1267, Ponca City, OK 74601
1426–000 Cook Inlet Pipe Line Company, P.O. Box 900, Dallas, TX 75221
1341–000 CRA, Inc., P.O. Box 7305, Kansas City, MO 64116
1365–000 Crown-Rancho Pipe Line Corporation, 4747 Bellaire Blvd., Suite 500, Bellaire, TX 77401
1349–000 Diamond Shamrock Corporation, P.O. Box 631, Amarillo, TX 79173
1411–000 Dixie Pipeline Company, P.O. Box 2220, Houston, TX 77001
1385–000 Emerald Pipe Line Corporation, P.O. Box 631, Amarillo, TX 79173
1338–000 The Eureka Pipe Line Company, P.O. Drawer 808, Parkersburg, WV 26101
1441–000 Explorer Pipeline Company, P.O. Box 2650, Tulsa, OK 74101
1394–000 Exxon Pipeline Company, P.O. Box 2220, Houston, TX 77001
1389–000 Four Corners Pipeline Company, 5900 Cherry Avenue, Long Beach, CA 90805
1402–000 Getty Pipeline Inc., P.O. Box 5568, Denver, CO 80217
1436–000 Gulf Central Pipeline Company, 1200 Thompson Building, Tulsa, OK 74103
1333–000 Gulf Refining Company, P.O. Box 3706, Houston, TX 77001
1409–000 Hess Pipeline Company, P.O. Box 502, Woodbridge, NJ 07095
1431–000 Hydrocarbon Transportation, Inc., 2223 Dodge Street, Omaha, NE 68102
1406–000 Jayhawk Pipeline Corporation, P.O. Box 1030, Wichita, KS 67201
1413–000 Jet Lines, Inc., 522 Cottage Grove Road, Bloomfield, CT 06002
1375–000 Kaneb Pipe Line Company, P.O. Box 22029, Houston, TX 77027
1299–000 Kaw Pipe Line Company, P.O. Box 42130, Houston, TX 77042
1399–000 Kenai Pipe Line Company, 225 Bush Street, San Francisco, CA 94101
1429–000 Kerr-McGee Pipeline Corporation, Kerr-McGee Center, Oklahoma City, OK 73125
1435–000 Kiantone Pipeline Corporation, P.O. Box 780, Warren, PA 16365
1419–000 Lake Charles Pipe Line Company, P.O. Drawer 1267, Ponca City, OK 74601
1354–000 Lakehead Pipe Line Company, Inc., 3025 Tower Avenue, Superior, WI 54880
1403–000 Laurel Pipe Line Company, P.O. Box 3706, Houston, TX 77001
1392–000 Marathon Pipe Line Company, 539 South Main Street, Findlay, OH 45840
1395–000 Mid-America Pipeline Company, 1800 South Baltimore Avenue, Tulsa, OK 74119

1353-000 Mid-Valley Pipeline Company, P.O. Box 2039, Tulsa, OK 74102
1384-000 Minnesota Pipe Line Company, P.O. Box 2256, Wichita, KS 67201
1311-000 Mobil Pipe Line Company, First International Building, 1201 Elm, Dallas, TX 75270
1332-000 National Transit Company, 206 Seneca Street, Oil City, PA 16301
1292-000 Ohio River Pipe Line Company, 1409 Winchester Avenue, Ashland, KY 41101
1417-000 Olympic Pipe Line Company, P.O. Box 900, Dallas, TX 75221
1456-000 Owensboro-Ashland Company, P.O. Box 391, Ashland, KY 41101
1420-000 Paloma Pipe Line Company, 1600 First National Bank Building, Dallas, TX 75202
1320-000 Phillips Pipe Line Company, 890 Adams Building, Bartlesville, OK 74004
1372-000 Pioneer Pipe Line Company, P.O. Drawer 1267, Ponca City, OK 74601
1343-000 Plantation Pipe Line Company, P.O. Box 18616, Atlanta, GA 30326
1367-000 Platte Pipe Line Company, 539 South Main Street, Findlay, OH 45840
1410-000 Portal Pipe Line Company, 2900 First National Bank Building, Dallas, TX 75202
1347-000 Portland Pipe Line Corporation, P.O. Box 2590-30 Hill Street, South Portland, ME 04106
1437-000 Powder River Corporation, 890 Adams Building, Bartlesville, OK 74004
1327-000 Pure Transportation Company, 1650 East Golf Road, Schaumburg, IL 60196
1428-000 Santa Fe Pipeline Company, 1200 Thompson Building, Tulsa, OK 74103
1369-000 The Shamrock Piple Line Corporation, P.O. Box 631, Amarillo, TX 79173
1326-000 Shell Pipe Line Corporation, P.O. Box 2648, Houston, TX 77001
1335-000 Sohio Pipe Line Company, 760 Midland Building, Cleveland, OH 44115
1424-000 Southcap Pipe Line Company, 1650 East Golf Road, Schaumburg, IL 60196
1393-000 Southern Pacific Pipe Lines, Inc., 610 South Main Street, Los Angeles, CA 90014
1370-000 Sun Oil Line Company of Michigan, P.O. Box 2039, Tulsa, OK 74102
1315-000 Sun Pipe Line Company, P.O. 2039, Tulsa, OK 74102
1386-000 Tecumseh Pipe Line Company, P.O. Box 308, Independence, KS 67301
1300-000 Texaco-Cities Service Pipe Line Company, P.O. Box 42130, Houston, TX 77042
1408-000 Texas Eastern Transmission Corporation, (Little Big Inch Division), P.O. Box 2521, Houston, TX 77001
1293-000 Texas-New Mexico Pipe Line Company, P.O. Box 42130, Houston, TX 77042
1330-000 The Texas Pipe Line Company, P.O. Box 42130, Houston, TX 77042
1449-000 Texoma Pipe Line Company, 1210 Fourth National Bank Building, Tulsa OK 74119
1357-000 Total Pipeline Corporation, P.O. Box 231, Alma, MI 48801
1379-000 Trans Mountain Oil Pipe Line Corporation, 400 East Broadway, Vancouver, British Columbia, Canada V5T1X2
1412-000 Trans-Ohio Pipeline Company, P.O. Box 2621, Houston, TX 77001
1388-000 West Emerald Pipe Line Corporation, P.O. Box 631, Amarillo, TX 79173
1396-000 West Shore Pipe Line Company, 200 East Randolph Drive, Chicago, IL 60601
1362-000 West Texas Gulf Pipe Line Company, P.O. Box 3706, Houston, TX 77001
1421-000 White Shoal Pipeline Corporation, Kerr-McGee Center, Oklahoma City, OK 73102
1423-000 Williams Pipe Line Company, P.O. Drawer 3448, Tulsa, OK 74101
1377-000 Wolverine Pipe Line Company, P.O. Box 900, Dallas, TX 75221
1355-000 Wyco Pipe Line Company, 200 East Randolph Drive, Chicago, IL 60601
1373-000 Yellowstone Pipe Line Company, P.O. Drawer 1267, Ponca City, OK 74601

On or before October 13, 1981, persons other than those specifically designated in section 19a(h) of the Interstate Commerce Act having an interest in these valuations may file, pursuant to rule 70 of the Interestate Commerce Commission's "General Rules of Practice" (49 CFR 1100.70), an original and three copies of a petition for leave to intervene in this proceeding.

If the petition for leave to intervene is granted the party may thus come within the category of "additional parties as the FERC may prescribe" under section 19a(h) of the Act, thereby enabling it to file a protest. It is required that a copy of the petition to intervene be served on the individual company at the address shown above and that an appropriate certificate of service be attached to the petition. Persons specifically designated in section 19a(h) of the Act need not file a petition; they are entitled to file a protest as a matter of right under the statute.

Francis J. Connor,

Administrative Officer, Oil Pipeline Board.

[FR Doc. 81-26156 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

Western Area Power Administration

Thermopolis-Alcova Electrical Transmission System, Wyoming; Intent to Prepare Environmental Impact Statement; Scoping Meetings

AGENCY: Western Area Power Administration, DOE.

ACTION: Intent to prepare an environmental impact statement and to conduct public scoping meetings.

SUMMARY: Notice is hereby given that in accordance with the National Environmental Policy Act of 1969 (NEPA), the Western Area Power Administration (Western) has commenced preparation of an environmental impact statement (EIS) and intends to hold public scoping meetings to assess the environmental effects of a proposed Western action to upgrade the Thermopolis-Alcova electrical transmission system. The proposed action would be located in Wyoming in the counties of Hot Springs, Fremont, and Natrona. The EIS and scoping meetings will also address the cumulative impacts of the proposed action relative to other electrical transmission improvements in the system. Western will be the lead agency for the EIS preparation, with the Wyoming State Office of the Bureau of Land Management being designated as a cooperating agency (ref. CEQ Regulations, §§ 1501.5 and 1506.5).

Western operates and maintains an existing electrical transmission system between the Yellowtail, Montana, area and northern Colorado. This system is an integral part of the overall Wyoming-Colorado transmission system. The basic design for the system utilizes wood poles with H-frame structures. The overall transmission system of approximately 500 miles will be in need of eventual replacement and/or upgrading to accommodate increasing demands of firm power. It appears practical and feasible to replace or rebuild segments of line rather than replace the entire system at the same time. Therefore, it is proposed that the segment between Thermopolis, Wyoming, and Alcova Dam be evaluated for immediate replacement due to the deteriorating condition of the line.

Environmental evaluations will be made of the proposed action and the alternatives to determine what effects would result should structures be located within floodplains or wetlands, impacts on Federal- or State-listed or proposed threatened or endangered species and their critical habitats, aesthetic impacts, land use impacts, and cultural resource impacts.

Western will consider all reasonable alternatives to the proposed action and their environmental impacts developed during the scoping process and/or the environmental evaluation for preparation of the EIS. The preliminary alternatives that have been identified and will be assessed in the EIS include the no-action alternative, rebuilding the existing line at the existing voltage, upgrading the line to 230 kV or above on the existing right-of-way, and upgrading 230 kV or above on a new right-of-way.

It is planned that public scoping meeting will be held to gather information and obtain assistance in defining the range of issues and

concerns for the preparation of the EIS. The public scoping meetings will be held as follows:

1. Museum Cultural Center, 700 Broadway, Thermopolis, WY—September 21, 1981, 7:00 p.m.
2. Central Wyoming College, Highway 26, Riverton, WY—September 22, 1981, 7:00 p.m.
3. Natrona County Library, 307 East 2nd, Casper, WY—September 23, 1981, 7:00 p.m.

The draft EIS is tentatively scheduled to be released to the public for review and comment during February 1983. The final EIS is tentatively scheduled for release during July 1983.

All interested agencies, organizations, and persons are invited to attend the public scoping meetings and submit questions, comments, and suggestions on the proposed scope of the EIS, including issues and alternatives. Comments may be submitted by mail or presented at the scoping meetings. Written questions, comments, and suggestions should be submitted on or before September 14, 1981.

ADDRESS: Send comments or suggestions to: Peter G. Ungerman, Area Manager, Western Area Power Administration, U.S. Department of Energy, P.O. Box 2650, Fort Collins, CO 80522, Phone: (303) 224-7201.

FOR FURTHER INFORMATION CONTACT: Gary W. Frey, Environmental Manager, Western Area Power Administration, U.S. Department of Energy, P.O. Box 3402, Golden, CO 80401, Phone: (303) 231-1527.

Issued at Golden, Colorado, August 28, 1981.

Robert L. McPhail,

Administrator.

[FR Doc. 81-26004 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59057A; TSH-FRL-1930-2]

Copolymer of Acrylamide; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA received an application for a test marketing exemption (TM-81-25) under section 5 of the Toxic Substances Control Act (TSCA) on July 13, 1981. Notice of receipt of the application was published in the Federal Register of July 28, 1981 (46 FR 38582). EPA has granted the exemption.

EFFECTIVE DATE: This exemption is effective on August 28, 1981.

FOR FURTHER INFORMATION CONTACT: Kathleen M. Ehrensberger, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-222, 401 M St., SW., Washington, D.C. 20460, (202-426-8815).

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

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

On July 13, 1981, EPA received an application for an exemption from the requirements of sections 5(a) and 5(b) of TSCA to import a new chemical substance for test marketing purposes. The application was assigned test marketing exemption number TM-81-25. The submitter claimed its identity, the chemical identity, use, process information, and production volume as confidential business information under section 14 of TSCA. The generic name of the chemical is copolymer of acrylamide. Its generic use is a paper additive. Test marketing of the chemical will occur during a test marketing period of less than a year. A notice published in the Federal Register of July 28, 1981 (46 FR 38582) announced receipt of this application and requested comment on the appropriateness of granting the exemption. The agency did not receive any comments concerning the application.

EPA has established that the test marketing of the substance described in TM-81-25 under the conditions set out in the application will not present any unreasonable risk of injury to health or environment. There were no significant health or environmental concerns for the TME substance.

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

1. This exemption is granted solely to this importer.

2. The applicant must maintain records of the date(s) of processing and quantities processed and must make these records available to EPA upon request.

3. The importation volume of the new substance may not exceed the quantity described in the test marketing exemption application.

4. The test marketing activity approved in this notice is limited to a period of one year commencing on the date of signature of this notice by the Administrator.

5. The number of workers exposed to the new chemical and the duration and level of the exposure should not exceed that identified during the review of the application.

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

Dated: August 28, 1981.

John W. Hernandez, Jr.,

Acting Administrator.

[FR Doc. 81-26129 Filed 9-4-81; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 1306]

Telocator Network of America, et al.; Petitions for Reconsideration of Actions in Rulemaking Proceedings

September 1, 1981.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to 47 CFR 1.429(e). Oppositions to such petitions for reconsideration must be filed within 15 days after publication of this Public Notice in the Federal Register. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of § 22.501(a) of the Rules to allow the 35 MHz frequency band to be used for one-way signaling on an exclusive basis in the Domestic Public Land Mobile Radio Service. (CC Docket No. 80–189)

Filed by: Kenneth E. Hardman and Richard B. Severy, Attorneys for Telocator Network of America on 8–24–81. Russell D. Lukas and Michael K. Kurtis, Attorneys for Becker, Gurman, Lukas, Meyers & O'Brien, P.C. on 8–27–81.

Subject: Amendment of Section 73.202(b), Table of Assignments, FM Broadcast Stations. (Bath, and Hammondsport, New York). (BC Docket No. 80–562)

Filed by: James A. Koerner, Attorney for Genkar, Inc. on 8–21–81.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81–26117 Filed 9–4–81; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL MARITIME COMMISSION

[Agreements Nos. 9745–3, T–3987, T–3453 and T–3453–A]

Compagnie Maritime Belge S.A., et al.; Availability of Findings of No Significant Impact

Upon completion of environmental assessments, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decisions on the proposed actions listed below will not constitute major Federal actions signficantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of environmental impact statements is not required.

Agreement No. 9745–3, between Compagnie Maritime Belge S.A., Consolidated Container Service Co., Ltd. and Centennial Shipping, Ltd. (CP) substitutes CP for Bristol City Line, Ltd. (BCL) as a party to the basic agreement. CP will buy one-third interest in Dart Container Line (Dart) heretofore held by BCL, and like the other two shareholders, will charter one containership to Dart.

Agreement No. T–3987 is between North Carolina State Ports Authority (The Port) and Sea-Land Service, Inc. (Sea-Land). Under the terms of the agreement, The Port agrees to give Sea-Land preferential berthing rights at berths 7 and 8 of the Port of Wilmington, North Carolina for cargo handling operations.

Agreement No. T–3453, between the Puerto Rico Ports Authority (Authority) and the Puerto Rico Maritime Shipping Authority (PRMSA), provides for the preferential assignment by the Authority to PRMSA of marine terminal facilities located in areas P–1 and P–2 at Isla Grande, Puerto Rico. the Term of the agreement is for 25 years, with one five-year renewal option.

Agreement No. T–3453–A, between the Puerto Rico Ports Authority (Authority), and the Puerto Rico Maritime Shipping Authority (PRMSA), provides for the lease to PRMSA for its exclusive use, portions of land designated as areas E–1, E–2 and P–3 at Isla Grande to be used as backup and marshalling areas. The term of the agreement is for 25 years, with one five-year renewal option.

The Findings of No Signficant Impact (FONSI) will become final on or before September 28, 1981, unless petitions for review are filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessments are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523–5725.

Francis C. Hurney,

Secretary.

[FR Doc. 81–25973 Filed 9–4–81; 8:45 am]

BILLING CODE 6730–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Board of Scientific Counselors; Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following national advisory body scheduled to assemble during the month of October 1981.

Board of Scientific Counselors, NIMH

October 29–30
Conference Room 1B–07, Building 36
National Institutes of health, 9000 Rockville Pike, Bethesda, Maryland 20205
Open—October 29; 9:30 to 9:45 a.m.
Closed—Otherwise
Contact—Dr. Robert A Cohen, Room 1A–05, Building 36, National Institutes of Health, Bethesda, Maryland 20205 (301) 496–3501
Purpose: The Board of Scientific Counselors provides expert advice to the Director, National Institute of Mental Health, on the mental health intramural research program through periodic visits to the laboratories for assessment of the research in progress and evaluation of productivity and performance of staff scientists.
Agenda: The Board will meet in Conference Room 1B–07, Building 36, National Institutes of Health, Bethesda, Maryland, for approximately 15 minutes for a report by the Director of Intramural Research, National Institute of Mental Health, on recent administrative developments. The remainder of the two-day session will be devoted to a review of the intramural research projects from the Laboratories of Cerebral Metabolism, Neurobiology, and Neurophysiology and the evaluation of individual scientific programs. The meeting will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse and Mental Health Administration, pursuant to the provisions of 5 U.S.C., 552b(c)(6), and Section 10(d) of Public Law 92–463 (5 U.S.C. Appendix I).

Substantive information may be obtained from the contract person listed above. Summaries of the meeting and roster of Board members may be obtained from Ms. Helen W. Garrett, Committee Management Office, Room 9–95, Parklawn Building 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–4333.

Dated: September 1, 1981.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 81–25908 Filed 9–4–81; 8:45 am]

BILLING CODE 4110–88–M

Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism; Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following national advisory body scheduled to assemble during the month of October 1981.

Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism

October 6: 9:30 a.m.—Open
Conference Room 703A
Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201
Contact: Mr. Lee Towle, Room 16C-03, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443-2593
Purpose: the Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism: (1) evaluates the adequacy and technical soundness of all Federal programs and activities which relate to alcohol abuse and alcoholism, and provides for the communication and exchange of information necessary to maintain the coordination and effectiveness of such programs and activities, and (2) seeks to coordinate the efforts undertaken to deal with alcohol abuse and alcoholism in carrying out Federal health, welfare, rehabilitation, highway safety, law enforcement, and economic opportunity laws.
Agenda: The meeting will consist of a discussion of working group activities, Interagency Committee operations, and reports on agency activities.

Substantive program information may be obtained from the contact person listed above, Mr. Towle, who will also furnish, upon request, summaries of the meeting and a roster of Committee members.

Dated: September 1, 1981.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 81-26007 Filed 9-4-81; 8:45 am]

BILLING CODE 4110-88-M

Food and Drug Administration

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming Consumer Exchange Meeting to be chaired by Robert O. Bartz, District Director, New Orleans District Office, New Orleans, LA.

DATE: The meeting will be held at 1:30 p.m., Thursday, September 10, 1981.

ADDRESS: The meeting will be held at the Food and Drug Administration, 4298 Elysian Fields Ave., New Orleans, LA 70122.

FOR FURTHER INFORMATION CONTACT: Frances G. Brysson, Consumer Affairs Officer, Food and Drug Administration, 4298 Elysian Fields Ave., New Orleans, LA 70122, 504-589-2420.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance understanding and exchange information between local consumers and the FDA's New Orleans District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: September 1, 1981.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-25997 Filed 9-4-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81F-0252]

Diamond Shamrock Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that Diamond Shamrock Corp. has filed a petition proposing to amend the food additive regulations regarding the nitrogen and chlorine specifications for polyamine-epichlorohydrin resin.

FOR FURTHER INFORMATION CONTACT: Blondell Anderson, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given a petition (FAP 1B3578) has been filed by Diamond Shamrock Corp., P.O. Box 2386R, Morristown, NJ 07960, proposing that paragraph (a)(5) of § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170(a)(5)) be amended regarding the nitrogrn and cholorine specifications for "Polyamine-epichlorohydrin resin produced by the reaction of bis(hexamethylene) triamine and higher homologues with epichlorohydrin".

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: August 28, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-25998 Filed 9-4-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 77N-0437; DESI Nos. 9149, 11020, 11127, and 12486]

Physician Labeling for Neuroleptic Drugs, Revised Labeling; Amendment

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice.

SUMMARY: This notice excludes promazine and promethazine drug products from the requirement that a precautionary statement concerning elevated serum prolactin levels be included in the physician labeling of neuroleptic drug products.

ADDRESS: Requests for an opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

EFFECTIVE DATE: This notice takes effect on September 8, 1981.

FOR FURTHER INFORMATION CONTACT: Suzanne O'Shea, Bureau of Drugs (HFD-32), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of August 8, 1980 (45 FR 52931), the Food and Drug Administration required that a precaution statement be included in the physician labeling of neuroleptic drugs (except rauwolfia alkaloids) stating that these drugs elevate serum prolactin levels and may pose a potential risk to patients.

In that notice the agency responded to a comment that the precaution should not be required for promethazine and promazine because they are not effective as antipsychotic drugs and do not raise serum prolactin levels. At that time the agency had no evidence that promazine and promethazine do not affect serum prolactin levels. Because the agency believed that elevated serum prolactin levels would result from prolonged administration of any of the phenothiazines, regardless of the condition for which prescribed, it found that the precaution should be included for promazine and promethazine.

Since publication of the August 8, 1980 notice, the agency has received copies of six literature excerpts from Wyeth Laboratories. These excerpts, listed below, provide evidence that promazine

and promethazine do not cause an elevation of serum prolactin levels. They further suggest that there is association between a drug's effectiveness in treating schizophrenia and increased serum prolactin levels. Therefore, the precautionary statement, as set forth in the August 8, 1980 notice, is not required for promazine or promethazine drug products.

References

1. Clemens, J. A., et al., "Antipsychotic Drugs Stimulate Prolactin Release," *Psychopharmacologia*, 40:123–127, 1974.

2. Gruen, P. H., "The Prolactin Response in Clinical Psychiatry," *Medical Clinics of North America*, 62:409–424, 1978.

3. Gruen, P. H., et al., "Prolactin Responses to Neuroleptics in Normal and Schizophrenic Subjects," *Archives of General Psychiatry*, 35:108–116, 1978.

4. Perez de la Mora, M., et al., "Possible Involvement of Central Aminergic, Histaminergic, Cholinergic and Gabaergic Mechanisms in the Central Control of Gonadatrophin Secretion. A Pharmacological Analysis, "*Acta Endocrino Logica, Advance Abstracts of Papers*, June 19–23, 1977.

5. Sachar, Edward J., et al., "Use of Neuroendocrine Techniques in Psychopharmacological Research," *Hormones, Behavior and Psychopathology*, 161–176, 1976.

6. Sachar, Edward J., Et al., "The Use of the Prolactin Response in Clinical Psychopharmacology," *Psychopharmology Bulletin*, 13:60–61, 1977.

After publication of the August 8, 1980 notice, the agency received one further comment, from a pharmacist's association. The comment expressed the hope that a similar precautionary statement requirement for drugs other than neuroleptics would be forthcoming. As stated in the earlier notice, actions covering drugs other than neuroleptics are under consideration within the agency.

The comment also suggested that the words in the precaution, "too limited to be conclusive at this time" be emphasized by underlining. It stated that this emphasis would make the precaution less likely to affect patient compliance by reassuring patients who are aware of the precaution. The comment further suggested that this emphasis would relieve practitioners of a sense of defensiveness in their responses to questions raised by patients.

The agency believes that emphasizing the precaution in this manner would not necessarily have the effect suggested by the comment. The added emphasis could just as easily draw attention to the precautionary statement, cause more concern by patients who read it, and create an additional burden for practitioners to justify prescribing the drug. Therefore, the precautionary statement has not been revised as suggested in the comment.

The exemption from the labeling requirement applies to all promazine and promethazine drug products, not only those subject to the Drug Efficacy Study. In addition, any combination product in which promazine or promethazine is the only neuroleptic component is covered by the exemption. Any person may request an opinion of the applicabililty of this notice to a specific drug product by wirting to the Division of Drug Labeling Compliance (address given above).

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 502, 505, 52 Stat. 1041, 1050–1053 as amended (21 U.S.C. 321(n), 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.70).

Dated: August 27, 1981.

J. Richard Crout,

Director, Bureau of Drugs.

[FR Doc. 81-25999 Filed 9-4-81; 8:45 am]

BILLING CODE 4110-03-M

Office of the Secretary

Centers for Disease Control, PHS; Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HC (Centers for Disease Control) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (45 FR 67772–67776 dated October 14, 1980, and corrected at 45 FR 69296, October 20, 1980) is amended to reflect the establishment of the division-level structure within the Office of Administrative Management (HCA5) and the National Institute for Occupational Safety and Health (HCC).

Section HC–B, Organization and Functions, is amended as follows:

1. After the heading and statement for the *Office of Administrative Management (HCA5)*, insert the following:

Computer Systems Office (HCA51). (1) Evaluates, develops, and implements scientific and business data processing applications required to meet CDC needs; (2) evaluates and recommends selection of suitable data processing equipment and services, and determines the need and extent to which new developments within this field can be used to better accomplish CDC objectives; (3) conducts and coordinates overall and special studies of CDC's technical and management data processing systems; (4) operates electric accounting machine and electronic data processing equipment to produce reports and information.

Engineering Services Office (HCA52). (1) Operates, maintains, repairs, and modifies CDC's Atlanta area plant facilities; and conducts a maintenance and repair program for CDC's program support equipment; (2) develops services for new, improved, and modified equipment to meet program needs; (3) maintains physical security for the Chamblee and Lawrenceville facilities; (4) provides technical assistance for and reviews maintenance and operation programs of field installations and recommends appropriate action; (5) carries out facilities planning functions of CDC, including new or expanded facilities, and a major repair and improvement program; (6) maintains liaison with the Division of Health Facilities Planning of the Office of the Assistant Secretary for Health, and the Office of Facilities Engineering, Office of the Secretary.

Financial Management Office (HCA53). (1) Provides leadership and coordination in the development and administration of CDC's financial management policies; (2) develops budget submissions for CDC; (3) collaborates with CDC's Office of Program Planning and Evaluation in the development and implementation of long-range program and financing plans; (4) participates in budget reviews and hearings; (5) manages CDC's systems of internal budgetary planning and control of funds; (6) develops and implements CDC-wide budgetary, accounting, and fiscal systems and procedures; (7) conducts CDC-wide manpower management (including productivity measurement) activities; (8) provides accounting and auditing services; (9) develops, coordinates, and implements the cost advisory activities for CDC; (10) prepares financial reports; (11) serves as focal point for domestic and international travel authorization policy and procedures; (12) provides legislation reference services; (13) maintains liaison with the Office of the Assistant Secretary for Health, the Office of the Secretary, and other Government organizations on financial management matters.

CDC Library (HCA55). (1) Maintains a technical reference library of books, journals, and pamphlets for use of headquarters and field staff; (2) furnishes loan, reference bibliographic, and translation services; (3) maintains a Union Catalog and publishes periodically a list of recent acquisitions, current journals, and translations.

Management analysis and Services Office (HCA59). (1) Plans, coordinates, and provides CDC-wide administrative, technical, and management services in the following areas: Committee management, communications, correspondence, delegations of authorities, distribution, forms Freedom of Information Act Index, issuances, mail, organization and functions, personnel and physical security, policy and procedures, printing and reproduction (including operation of the printing plant and copy centers), Privacy Act, public inquiries, real property and space management, records (including microfilm), regulations, reports (including congressional reports), studies and surveys, and word processing; (2) develops and implements policies and procedures in these areas; (3) maintains liaison with HHS, PHS, General Services Administration, the Government Printing Office, and other Government and private agencies.

Personnel Management Office (HCA57). (1) Conducts and coordinates personnel management for CDC's civil service and Commissioned Corps personnel and for CDC's fellowship program; (2) provides personnel management services for employees assigned or detailed overseas; (3) coordinates and directs the planned assistance program of personnel management assistance to supervisors; (4) develops and issues procedures; conducts staffing, position classification, pay administration, performance evaluation, employee training and development, and employee relations and services programs; (5) coordinates and conducts a position management program; (6) maintains personnel records and reports and processes personnel actions and documents; (7) administers the Federal life and health insurance plans and employee recognition and incentives program; (8) furnishes advice and assistance in the processing of Office of Workers' Compensation Programs claims; (9) advises and assists CDC officials and employees in all areas of personnel management.

Procurement and Grants Office (HCA58). (1) Advises the Director, CDC, and the Director's staff, and provides leadership and direction for CDC procurement, grants and materiel management activities; (2) plans and develops CDC-wide policies, procedures, and practices in procurement, grants management, and materiel management areas; (3) plans and directs the procurement of research and development, technical services, equipment and supplies, and the personal property, transportation, and warehousing operation; (4) executes, administers, and terminates negotiated and formal advertised contracts and purchase orders; (5) maintains a continuing review of CDC-wide procurement, grants management, and materiel management operations to ensure adherence to FPR, HHS, PHS, and CDC policies and standards; (6) maintains liaison with HHS, PHS, GSA, and other Federal agencies on procurement, grants, and materiel management policy, procedure, and operating matters.

2. After the heading and statement for the *National Institute for Occupational Safety and Health (HCC),* insert the following:

Office of the Director (HCC1). (1) Manages the operations of the Institute; (2) maintains liaison with, and provides advice and assistance to, the U.S. Department of Labor, the U.S. Department of the Interior, other Federal agencies, State and local government agencies, international health organizations, and outside groups; (3) provides liaison with PHS and Departmental components providing occupational health programs for Federal employees; (4) provides policy guidance and coordination to occupational safety and health activities in the HHS Regional Offices; (5) provides leadership and coordinates the Institute's planning, evaluation, resource allocation, regulations, legislation, committee management, and administrative management activities.

Office of Administrative and Management Services (HCC11). (1) Provides management information, advice, and guidance to the Institute; (2) provides administrative and fiscal services to the Institute; (3) provides technical leadership, guidance, and evaluation of management services performed at other geographic locations; (4) develops internal policies, procedures, and operations; and provides special reports and studies; (5) provides management systems consultation and analyses; (6) coordinates the utilization of data processing equipment and services within the Institute; (7) serves as the focal point on matters of internal security and safety; (8) maintains liaison with the Executive Officer and Staff Service officials of CDC; (9) serves as the Institute focal point for personnel management activities.

Office of Program Planning and Evaluation (HCC12). (1) Plans and coordinates the development of the strategy and philosophy of operation of the Institute regarding mission and objectives; (2) conducts or participates in special studies for program planning and evaluation; (3) conducts the necessary control functions to assure operational compliance toward program objectives within the Institute.

Office of Extramural Coordination and Special Projects (HCC13). (1) Provides professional technical advice to the Director and other Institute organizational components; (2) advises the Institute on matters relating to the development and progress of Institute-supported grant research; (3) in cooperation with the offices and operating divisions of the Institute, stimulates research and demonstration grants in relevant priority areas; (4) conducts in-depth review of research, training, and demonstration grant applications by use of consultant expert panels; (5) coordinates programming of research funded under special foreign currency program; (6) coordinates the Institute's research and scientific exchange conducted under bilateral international agreements; (7) maintains contact with professional associations, academic institutions, other Government agencies, and safety and health professionals in HHS Regional Offices; (8) assures Institute compliance with ethical scientific research procedures; (9) conducts or coordinates special short-term technical studies including evaluation of technical information transmitted to the Institute, issuing special advisories to the professional community as appropriate.

Division of Standards Development and Technology Transfer (HCCC). (1) Develops from existing scientific and technical information documents containing (a) criteria for recommended occupational safety and health standards, and (b) technical and scientific information relevant to a variety of occupational safety and health issues; (2) develops recommended health standards under the Federal Mine Safety and Health Act of 1977; (3) in cooperation with the U.S. Department of Labor, coordinates NIOSH testimony at the Department of Labor hearings on proposed standards to support scientific and technical considerations; (4) assists the Director, NIOSH, in establishing a priority system for research, document development, and recommended standards; (5) prepares and annually revises the legislatively mandated toxic substance list; (6) conducts a clearinghouse for receiving, storing, retrieving, and disseminating technical information on occupational safety and health; (7) provides statistical methodology review for NIOSH research activities.

Division of Surveillance, Hazard Evaluations, and Field Studies (HCC5). (1) Develops and maintains a surveillance system of the Nation's work force and its environs to make an early detection and continuous assessment of the magnitude and extent of job-related illness, exposures, and hazardous agents; (2) conducts the legislatively mandated health hazard evaluation and industrywide epidemiological research programs through longitudinal record studies and clinical/environmental field studies and surveys to identify the occupational causes of disease in the working population and their offspring, and to determine the incidence and prevalence of acute and chronic effects from work-related exposures to toxic and hazardous substances; (3) conducts epidemiological research for input to criteria for standards for the control of occupational health hazards; (4) provides, upon request and on a self-initiated basis, technical assistance, demonstrations, and consultation on technical matters pertaining to occupational safety and health to other Federal agencies, State, and local agencies, other technical groups, unions, employers, and employees.

Division of Biomedical and Behavioral Science (HCC7). (1) Conducts laboratory research for the development of criteria for standards in the areas of toxicology, behavioral science, physiology, ergonomics, and the effects of physical agents; (2) investigates new problems created by technology requiring ameliorative action; (3) develops medical criteria to assure that the workplace is not responsible for diminished health, functional capacity, or life expectancy of workers; (4) develops means for identifying latent disease.

Division of Physical Sciences and Engineering (HCC8). (1) Develops and evaluates performance criteria for environmental monitoring and personal protective equipment; (2) assesses control technology; (3) conducts research and development activities into equipment and procedures for the measurement and control of occupational health hazards; (4) provides for equipment development, analytical and sampling methods development, and equipment calibration within the Institute and as a service to the U.S. Department of Labor; (5) operates a quality control reference laboratory for analytical laboratories.

Division of Training and Manpower Development (HCC9). (1) Designs, develops, plans, and conducts short-term training programs and activities for Federal, State, and local governments, private industry, organized labor, and other appropriate organizations in the field of occupational safety and health; (2) develops training course packages in industrial hygiene, safety, and occupational medicine and nursing; and arranges for cooperative training programs by qualified outside organizations; (3) determines occupational safety and health manpower needs on a Nationwide basis; defines and evaluates manpower certification/accreditation programs; and establishes career development guidelines for occupational safety and health occupations; (4) stimulates training grants and establishment of national manpower development resources supporting the defined needs.

Division of Respiratory Disease Studies (HCCA). (1) Conducts and is the Institute focal point for clinical and epidemiological research on occupational respiratory disease; (2) provides legislatively mandated medical and autopsy services under the Federal Mine Safety and Health Act of 1977; (3) conducts medical research to fulfill the Institute's responsibilities under the Federal Mine Safety and Health Act of 1977; (4) designs and conducts research programs in agricultural and noncoal mining health; (5) plans, coordinates, and performs energy research relating to occupational safety and health for the Institute, including the areas of synthetic fuel production and occupational hazards associated with solar and other new energy sources.

Division of Safety Research (HCCB). (1) Serves as the focal point for the Institute's occupational safety research program, and designs and conducts safety research efforts aimed at preventing or mitigating injury to workers in all industries; (2) conducts accident investigations and provides technical consultations relating to safety problems in all industries; (3) develops criteria for recommended safety standards; (4) develops and evaluates test protocols; and develops regulations for certification of personal protective devices, industrial hazard measuring devices, and quality control programs; (5) tests and certifies personal protective devices and occupational hazard measuring devices.

Dated: August 27, 1981.

Richard S. Schweiker,

Secretary.

[FR Doc. 81-26298 Filed 9-3-81; 3:25 pm]

BILLING CODE 4110-86-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Environmental Quality

[Docket No. NI-73]

Maumelle New Community, Little Rock, Arkansas; Intended Supplement Environmental Impact Statement

The Department of Housing and Urban Development gives notice that an amendment to the Supplement Environmental Impact Statement (SEIS) is intended to be prepared for the following project under HUD programs as described in the appendix of the Notice: Maumelle New Community, Little Rock, Arkansas. 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 particular 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 area, issues and data which the SEIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or special interests should report their interests and indicate their readiness to aid the SEIS effort as a "cooperating agency."

This Notice shall be effective for one year. If one year after the publication of the Notice in the **Federal Register** an amended SEIS has not been filed on the project, then the Notice for the project shall be cancelled. If the amended SEIS 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 31, 1981.

Francis G. Haas,

Deputy Director, Office of Environmental Quality.

Appendix—SEIS, Maumelle New Community, Little Rock, Arkansas

HUD's New Communities Administration intends to prepare an amended SEIS on Maumelle New Community, described below and requests information and comments for consideration in the SEIS.

Description: Maumelle is a 4,900 acre new community in Pulaski County northwest of Little Rock, Arkansas, about ten miles from downtown. The site is adjacent to the north bank of the Arkansas River, southwest of

Interstate 40. A wide variety of land uses is planned including residential, commercial, industrial, institutional and open space. Several lakes, a community center, a marina, schools and churches are also planned for the site. Approximately one forth of the area is already developed. Maumelle is expected to have approximately 38,000 people by 1990–2000.

HUD participation has been to guarantee the initial construction financing and to provide grants through the New Communities Development Corporation (NCDC). Additionally, HUD will make available FHA mortgage insurance to qualified buyers of property in the New Community. The project is being developed by the Maumelle Land Development Company.

Need: The amendatory SEIS is required because the Maumelle Land Development Company (MLD) intend to sell its entire assets in the project to another developer. The sale, if consummated, would cancel HUD's Project Agreement with MDL and remove HUD from any involvement in the future development of the project.

Alternatives: The alternatives are HUD's continued participation in the project as originally proposed, participation in the project provided HUD renegotiate the Project Agreement, or reject the proposed sale of the project.

Scoping: Response to the Notice will assist in identifying data sources and significant environmental issues which the SEIS should address.

Comments: Comments should be forwarded on or before September 29, 1981, to: Ted Baker, Director, Office of Planning Assistance, NCDC, U.S. Department of HUD, Room 5186, Washington, D.C. 20410.

[FR Doc. 81-28125 Filed 9-4-81; 8:45 am]

BILLING CODE 4210-01-M

Office of the Secretary

[Docket No. N-81-1069]

President's Commission on Housing; Meeting of Committee on Government Regulation and the Cost of Housing

The Committee on Government Regulation and the Cost of Housing, of the President's Commission on Housing, will meet on Wednesday, September 16, 1981, from 9:00 a.m. to 5:00 p.m., and on Thursday, September 17, 1981, from 9:00 a.m. to 5:00 p.m. The meeting on September 16 will be held in the Board Room on the 6th floor and the meeting on September 17 will be held in the Amphitheater on the 2nd floor of the Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C.

The purpose of the meetings is to provide an opportunity for testimony by public and private organizations on the impact of federal, state and local regulatory activities on the availability of affordable housing. All meetings of the Commission and its Committees are open to the public.

Further information may be obtained from the President's Housing Commission, 730 Jackson Place NW., Washington, D.C. 20503, (202) 395–5832.

(Section 10(a)(2), Federal Advisory Committee Act, as amended (5 U.S.C. App. I))

Issued at Washington, D.C. September 1, 1981.

Samuel R. Pierce, Jr.,

Secretary, Department of Housing and Urban Development.

[FR Doc. 81-28124 Filed 9-4-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Trinity River Basin Fish and Wildlife Management Program, Northwestern California; Intent To Prepare Environmental Impact Statement and Conduct Scoping Meetings

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of Intent to prepare EIS and commerce scoping.

SUMMARY: Pursuant to 40 CFR 1510.7 of the National Environmental Policy Act of 1969, the public is advised that the U.S. Fish and Wildlife Service, in cooperation with the Bureau of Reclamation, intends to gather information necessary for the preparation of an Environmental Impact Statement on the proposed comprehensive Trinity River Basin Fish and Wildlife Management Program developed by the thirteen member agency Trinity River Basin Fish and Wildlife Task Force. Suggestions, information and other comments from agencies, organizations and the public on the scope of the proposed program, alternatives, impacts, mitigation measures and other issues to be addressed in the EIS, may be presented in writing or orally at three scheduled scoping meetings:

Public Meetings

(1) McKinleyville, California

Humbolt County, Monday, October 5, 1981, from 1–5 p.m. and 7–9 p.m., Airport Conference Room, 2nd Floor, Airport Terminal Building, Eurek-Arcata Airport

(2) Weaverville, California

Trinity County, Wednesday, October 7, 1981, from 1–4 p.m. and 7–9 p.m., Board Room, 2nd floor, Trinity County Courthouse, Court Street

(3) Sacramento, California

Friday, October 9, 1981, from 10 a.m. to 4 p.m., Room W–1140, 1st floor, Federal Building, 2800 Cottage Way.

DATES: Written comments should be received by October 15, 1981 and addressed to the Area Manager, U.S. Fish and Wildlife Service, Room E–2740, 2800 Cottage Way, Sacramento, California 95825.

FOR FURTHER INFORMATION CONTACT: Jody Hoffman, U.S. Fish and Wildlife Service, Division of Ecological Services, Room E–2727, 2800 Cottage Way, Sacramento, California 95825. Phone: (916) 484–4731.

SUPPLEMENTARY INFORMATION: In the past quarter-century significant habitat deterioration in the mainstem Trinity River has occurred. These habitat losses are generally attributed to a combination of human activities including Federal water project diversions, logging, road construction, watershed development and floodplain encroachment. These activities blocked a portion of the river, reduced flows, increased erosion and sedimentation rates and encouraged the encroachment of vegetation into the river channel.

Elsewhere in the Trinity River Basin, prevailing land-use practices together with floods resulted in watershed erosion, heavy stream sedimentation and debris blockages in the South Fork and many tributaries.

Deterioration of the river's instream and adjacent upland habitat has been accompanied by dramatic reductions in populations of many fish and wildlife species. For example, annual runs of salmon and steelhead returning to the Trinity River Fish Hatchery declined by as much as ninety percent. As a result, the valuable commercial, sport and Indian fisheries have suffered and harvest rates for deer and other game species have declined.

Since the mid-1960's several Federal and State agencies have performed studies to define the problems and to recommend possible cures. However, only very limited funds were available to undertake necessary corrective actions. Since 1974, representatives of the many Federal, State and local agencies have been working together as members of the Trinity Basin Fish and Wildlife Task Force (Task Force) to carry out the "Trinity River Basin Comprehensive Action Program." The objectives of this program are to undertake interim actions to stem the further decline of the fish and wildlife resources and to formulate a long range comprehensive fish and wildlife management program for the Trinity

River basin designed to restore fish and wildlife populations to former levels.

The proposed comprehensive management program, subject of the EIS, is designed to meet five major goals related to fish and wildlife restoration and maintenance. These goals are to: (1) utilize artificial production as compensation for salmon and steelhead spawning and rearing areas lost due to blockage of the Trinity River by the Lewiston Dam; (2) restore full natural salmon and steelhead production in the Trinity River and its tributaries downstream from Lewiston Dam; (3) provide compensation for deer and other wildlife losses resulting from inundation of land by Trinity River Project reservoirs; (4) institute necessary regulations to protect the watershed from future abuses such as improper road building, logging and encroachment into the flood plain; and (5) develop and promulgate recommendations on harvest management that will help achieve the fishery goals of the Trinity River Basin Fish and Wildlife Management Program.

Thirteen action items are proposed for implementation to meet the program's goals. New funding required to carry out all except two of the thirteen action items is estimated to be about $31 million in total capital expenditures over six years and about $2.2 million annually for at least ten years for operation and maintenance. Separate additional State and Federal funding will be needed for the construction and maintenance in the other two proposed action items.

The EIS will serve as an "umbrella document", and it is expected that more detailed explanations of each action item will be presented in future supplemental project-specific environmental documents.

Alternatives of the proposed management program include: (1) a No-Action option; (2) various deletions, additions or alternations of the thirteen action items as described; and (3) other "action packages" (as yet unidentified) which offer a change in focus for solving Trinity River Basin Fish and Wildlife problems.

Environmental impacts of the proposed program and its alternatives will be addressed in the EIS under four general categories: (1) institutional and financial impacts of organizing and funding a program; (2) impacts on the natural environment from implementing a program; (3) related social and cultural impacts; and (4) potential impacts to key factors in the local and regional economic community such as timber production and other goods and services, and the commercial, sport and Indian fisheries.

An information package containing a copy of the proposed program and further details as to the contents of the EIS is available for review on request from the address above.

We estimate that a draft of the EIS will be available for public review in May 1982.

Dated: August 28, 1981.

William H. Meyer,

Acting Regional Director.

[FR Doc. 81-25560 Filed 9-4-81; 8:45 am]

BILLING CODE 4310-55-M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before August 28, 1981. Pursuant to § 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by September 23, 1981.

Carol Shull,

Acting Keeper of the National Register.

CALIFORNIA

Yolo County

Woodland, *Woodland Public Library*, 250 1st St.

NEW JERSEY

Essex County

Orange, *Orange Free Public Library*, 348 Main St.

Passaic County

Clifton, *U.S. Animal Quarantine Station*, Clifton Ave.

WISCONSIN

Dane County

Madison vicinity, *Drohman Cabin*, 6701 E. Broadway

[FR Doc. 81-25605 Filed 9-4-81; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL COMMUNICATION AGENCY

United States Advisory Commission on Public Diplomacy; Meeting

A meeting of the U.S. Advisory Commission on Public Diplomacy will be held on September 16, 1981 in the Commission offices: Room 1008, 1750 Pennsylvania Avenue NW., Washington, D.C. For further information, please call Elizabeth Fahl, 724-9244.

Jane S. Grymes,

Management Analyst, Management Analysis/Regulations Staff, Associate Directorate for Management, International Communication Agency.

[FR Doc. 81-26010 Filed 9-4-81; 8:45 am]

BILLING CODE 8230-01-M

Culturally Significant Objects Imported for Exhibition; 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 determine that the objects in the exhibit, "From a Mighty Fortress: Prints, Drawings and Books in the Age of Luther, 1483–1546 from Coburg" (included in the list [1] filed as part of this determination) imported from abroad for the temporaty exhibition without profit within the United States are of cultural significance. These objects are imported pursuant to loan agreements between the Founders Society Detroit Institute of Arts and the foreign lenders. I also determine that the temporary exhibition or display of the listed exhibit objects at the Detroit Institute of Arts, Detroit, Michigan, beginning on or about October 3, 1981, to on or about November 22, 1981, is in the national interest.

Public notice of this determination is ordered to be published in the **Federal Register.**

Dated: September 2, 1981.

Gilbert A. Robinson,

Acting Director.

From a Mighty Fortress: Prints, Drawings and Books in the Age of Luther, 1483–1546 From Coburg

Objects loaned to the exhibition from: Kunstsammlungen Der Veste Coburg

1. Drawings: *Portrait of Sebastian von Blumenegg* by Hans Baldung Grien. Value: $342,857.00. Inv. no. Z 8.
2. Drawing: *Stained Glass Design for a Harness Maker* by Hans Baldung Grien. Value: $114,286.00. Inv. no. Z 14.
3. *Drawing: Stained Glass Design with Houstein Arms* by Hans Baldung Grien. Value: $85,714.00. Inv. no. Z 25.
4. Drawing: *Madonna and Child on Half Moon* by Hans Baldung Grien. Value: $200,000.00. Inv. no. 5.
5. Drawing: *Stained Glass Design with Uttenheim Arms* by Hans Baldung Grien. Value: $171,429.00. Inv. no. Z 60.

[1] An itemized list of objects included in the exhibit is filed as part of the original document.

6. Drawing: *Stained Glass Design with Brechter Arms* by Hans Baldung Grien. Value: $142,875.00. Inv. no. Z 49 and 32.

7. Drawing: *Stained Glass Design with Eberstein Sonnenberg Arms* by Hans Baldung Grien. Value: $200,000. Inv. no. 27.

8. Drawing: *Stained Glass Design with Arms of Niklaus Ziegler* by Hans Baldung Grien. Value: $142,857.00. Inv. no. 69.

9. Drawing: *Head of a Bearded Man* by Hans Baldung Grien. Value: $85,714.00. Inv. no. Z 6.

10. Drawing: *Design for Coat of Armor* by Hans Baldung Grien. Value: $57,143.00. Inv. no. Z 17 a & b.

11. Drawing: *Stained Glass Design with Arms of Wytolzhausen* by Hans Baldung Grien. Value: $285,714.00. Inv. no. Z 45.

12. Drawing: *Stained Glass Design with Barenfels Arms* by Hans Baldung Grien. Value: $57,143.00. Inv. no. Z 33.

13. Drawing: *St. Philip* by Hans Baldung Grien (circle of). Value: $14,286.00. Inv. no. Z 253.

14. Drawing: *St. Peter,* by Hans Baldung Grien (circle of). Value: $14,286.00 Inv. no. Z 253.

15. Drawing: *Stained Glass Design with Fishing Scene* by Hans Baldung Grien. Value: $14,286.00. Inv. no. Z 71.

16. Drawing: *Martyrdom* by Jorg Breu the Elder. Value: $20,000. Inv. no. Z 80.

17. Drawing: *Nativity* by Albrecht Durer. Value: $285,714.00. Inv. no. Z98.

18. Drawing: *Elevation of the Magdalene* by Albrecht Durer. Value: $342,857.00. Inv. no. Z 97.

19. Drawing: *Young Woman Holding a Flower* by Albrecht Durer. Value: $285,714.00. Inv. no. Z 99.

20. Drawing: *Rider Seen from Rear* by Albrecht Durer. Value: $57,143.00. Inv. no. Z 100.

21. Drawing: *Flagellation of Christ* by Albrecht Dureer. Value: $685,714.00. Inv. no. Z 96.

22. Drawing: *Study for Large Cavalry* by Albrecht Durer. Value: $857,143.00. Inv. no. Z 95.

23. Drawing: *Portrait of a Bearded Man* by Albrecht Durer. Value: $457,143. Inv. no. Z 4.

24. Drawing: *Madonna and Child* by Urs Graf. Value: $171,429.00. Inv. no. Z 126.

25. Drawing: *Jewelry Design* by Hans Holbein the Younger. Value: $85,714.00. Inv. no. Z 262.

26. Drawing: *Standing Man Drawing a Dagger* by Hans Suss von Kuylmbach. Value: $68,571.00. Inv. no. 2320.

27. Drawing: *Seated Man with a Stool* by Hans Suss von Kulmbach. Value: $68,571.. Inv. no. 2321.

28. Drawing: *Standing Knight* by Mair von Landshut (attriuted to) Value: $14,286. Inv. no. 231.

29. Drawing: *Adoration of the Magi* by Master of the Coburg Rondels. Value: $85,714. Inv. no. Z 187.

30. Drawing: *Virgin and Child with Angels in a Rose Arbor* by Master of the Coburg Rondels. Value: $85,714.00. Inv. no. Z 232.

31. Drawing: *Adoration of the Maji* by Master of the Coburg Rundels. Value: $57,143.00. Inv. no. Z 245.

32. Drawing: *Madonna and Child* (after Hugo v.d.Goes), Master of the Coburg Rondels. Value: $17,143.00. Inv. no. Z 216.

33. Drawing: *Christ Tormented,* Master of the Coburg Rondels. Value: $28,571.00. Inv. no. Z 222.

34. Drawing: *Virgin Entering the Temple,* Master of the Coburg Rondels. Value: $17,143.00. Inv. no. Z 219.

36. Drawing: *Three Kneeling Figured, Head ofa Woman with "damast" Headress and a Reclining Male Figure Wearing a Lioncloth,* Master of the Coburg Rondels. Value: $17,143.00. Inv. no. Z 238.

37. Drawing: *Instruments of the Passion,* Master of the Coburg Rondels. Value: $17,143.00. Inv. no. Z2311.

38. Drawing: *Symolum Apostolicm,* Master of theCoburg Rondels. Value: $28,571.00. Inv. no. Z 217.

39. Drawing: *Symbolum Apostolicum,* Master of the Coburg Rondels. Value: $28,571.00. Inv. no. Z 218.

40. Drawing: *Virgin and Child Enthroned* (after Master E.S.), Master of the Coburg Rondels. Value: $7,143.00. Inv. no. Z 117.

41. Drawing: *Three Apostles* (after Master E.S.)*James Major, Philip, Bartholomew.* Value: $17,143.00. Inv. no. Z 118.

42. Drawing: *Four Standing Female Figures,* Master of the Coburg rondels. Value: $17,143.00. Inv. no. 247.

43. Drawing: *Sketch of an Altarpiece,* Master of theCoburg Rondels. Value: $57,143.00. Inv. no. Z 241.

44. Drawing: *The Kneeling Deacons,* Master of the Coburg Rondels. Value: $17,143.00. Inv. no. Z 2310.

45. Drawing: *Crucifixion with St. John and the Virgin,* Master of the Coburg Rondels and Circle of Baldung. Value: $17,143.00. Inv. no.

46. Drawing: *Holy Kinship,* Master of Heilbroun. Value: $57,143.00. Inv. no. Z 188 and Z 189.

47. Drawing: *Stained Glass Design with Wrestlers and Arms of Eberstein,* Petrarca Master (Hans Weiditz). Value: $14,286.00. Inv. no. Z 55 and Z 56.

48. Drawing: *The Tree of Fools,* Perarca Master (Hans Weiditz). Value: $57,143.00. Inv. no. Z 199.

49. Drawing: *Stained Glass Design with Arms of Brunswick* (Braunschweig), Petrarca Master (HansWeiditz). Value: $8,571.00. Inv. no. 59.

50. Drawing: *Stained Glass Design with Arms of Blick von Rottenburg,* Petrarca Master. Value: $11,429.00. Inv. no. Z 44.

51. Drawing: *Stained Glass Design with Arms of Isenburg,* Petrarca master. Value: $8,571.00. Inv. no. Z 66.

52. Drawing: Title Page for *"Geometrica et Perspectiva Corpora Regulata et Irregulata.* Value: $11,429. Inv. no. Z 3901.

53. Drawing: *Seated Allergorical figure,* Unknown Artist. Value: $20,000. Inv. no. Z 3.

54. Drawing: *Stained Glass Rondel with Christ and Doubting Thomas,* Unknown Artist. Value: $17,143. Inv. no. Z 243.

55. Drawing: *St. George Fighting the Dragon,* Unknown Upper Rhenish Master. Value: $85,714.00. Inv. no. Z 251.

56. Drawing: *Profile Portrait of Duke Franz Freidrich Anton von Sachsen- Cobuirg Saalfeld,* Daniel Nikolaus Chodowiecki. Value: $22,857. Inv. no. Z 2861.

57. Book of Illuminated Drawings: *Tournament Book of the Saxon court,* Lucas Cranach the Elder (school of). Value: $220,000. Inv. no. Ms. 2.

58, 59, 60. *Three Designs for Daggers and Dagger Sheaths,* Heinrich Aldegrever. Value: $11,429. Inv. no. 1, 135, 250.

61. Print: *Interior of Synagogue,* Regensburg, Albrecht Altdorfer. Value: $22,857.

62. Print: *The Large Spruce Tree,* Albrecht Altdorfer. Value: $228,571.

63. Print: *Allegorical figure,* Albrecht Altdorfer. Value: $22,857.

64–103. Print: *Fall and Salvation of Manking,* Albrecht Altdorfer. Value: $341286.000.

104. Print: *Martin Luther as an Augustinian Monk,* Hans Baldung Grien. Value: $2,857.00.

105. Print: *St. Andres,* Hans Baldung Grien. Value: $5,714.25.

106. Print: *St. John the Evangelist,* Hans Baldung Grien. Value: $5,714.25. I, 102m 7.

107. Print: *St. Bartholomew,* Hans Baldung Grien. Value: $5,714.25. I, 102, 9.

108. *St. James Minor,* Hans Baldung Grien. Value: $5,714.25. I, 102, 12.

109. *Fighting Stallions,* Hans Baldung Grien. Value: $17,143.00. I, 102, 23.

110. Print: *The Bewitched Groom,* Hans Baldung Grien. Value: $45,714.00. I, 103, 30.

111. Print: *St. Sebald,* Sebald Beham. Value: $17,143.00. I, 108, 84.

112. Print: *Holy Family Before a Tree,* Sebald Beham. Value: $17,143.00. I, 121, 463.

113–114. Print: *Wallpaper Sheets with Nymphs and Fauns,* Sebald Beham. Value: $11,429. I, 493, 812.

115. Print: *Lovers surprised by Death,* Hans Burgkamair. Value: $114,286. I, 62, 9.

116. Print: *Lovers Surprised by Death,* Hans Burgkamair. Value: $85,714.00. I, 62, 8.

117. Print: *Venus,* Hans Burgkamair. Value: $45,714. I, 64, 74.

118. Print: *The Penance of St. John Chrysostomus,* Lucas Cranach the Elder. Value: $45,714.00. I, 41, 1.

119. Print: *The Penance of St. John Chrsostomus,* Lucas Cranach the Elder. Value: $17,143. I, 41, 2.

120. Print: *Martin Lutehr as an Augustinian Monk,* Lucas Cranach the Elder. Value: $2,857.00. I, 41, 8.

121. Print: *Martin Luther as an Augustinian Monk with Doctoral Hat,* Lucas Cranach the Elder. Value: $85,714.00. I, 41, 7.

122–123. Print: *Jacob's Ladder of St. Bonaventura Hell,* Lucas Cranach the Elder. Value: $22,857.00. I, 44, 82.

124. Print: *St. Christopher,* Lucas Cranach the Elder. Value: $28,571. I, 43, 65.

125. Print: *Martyrdom of St. Erasmus,* Lucas Cranach the Elder. Value: $11,429. VI, 427, 298.

126. Print: *Penance of St. Jerome,* Lucas Cranach the Elder. Value: $20,000. I, 43, 68.

127. Print: *Saxon Prince on Horseback,* Lucas Cranach the Elder. Value: $11,429.00. I, 45, 111.

128. Print: *Deer Hunt,* Lucas Cranach the Elder. Value: $42,857.00. I, 45, 115.

129. Print: *The Second Tournament "mit Simsonteppich",* Lucas Cranach the Elder. Value: $22,857. I, 45, 120.

130. Print: *Martin Luther as "Junker Jorg",* Lucas Cranach the Elder. Value: $34,286.

131. Print: *Adam and Eve,* Albrecht Durer. Value: $85,714.00. I, 15, 1.

132. Print: *Crucifixion,* Albrecht Durer. Value: $8,571.50. I, 15, 13.

133. Print: *The Lamentation,* Albrecht Durer. Value: $8,571.50. I, 15, 14.

134. Print: *Christ on the Cross,* Albrecht Durer. Value: $45,714.00. I, 15, 25.

135. Print: *The Virgin and Child with the Pear,* Albrecht Durer. Value: $11,429. I, 16, 44.

136. Print: *The Virgin with Child in Swaddling Clothes,* Albrecht Durer. Value: $11,429.00. I, 16, 40.

137. Print: *The Holy Family with the Butterfly,* Albrecht Durer. Value: $40,000. I, 16, 47.

138. Print: *St. Jerome in His Study,* Albrecht Durer. Value: $37,143. I, 17, 66.

139. Print: *St. Jerome in His Study,* Albrecht Durer. Value: $17,143. I, 17, 67.

140. *St. Eustace,* Albrecht Durer. Value: $114,286. I, 17, 61.

141. *St. Eustace,* Albrecht Durer. Value: $85,714. I, 17, 62.

142. Print: *Satyr Family,* Albrecht Durer. Value: $8,571. I, 17, 73.

143. Print: *The Sea Monster,* Albrecht Durer. Value: $17,143. I, 17, 76.

144. Print: *The Sea Monster,* Albrecht Durer. Value: $17,143. I, 17, 75.

145. Print: *Nemesis,* Albrecht Durer. Value: $57,143. I, 17, 84.

146. Print: *Knight, Death and Devil,* Albrecht Durer. Value: $87,143. I, 18, 108.

147. Print: *Melencolia I,* Albrecht Durer. Value: $42,857. I, 17, 80.

148. Print: *The Little Horse,* Albrecht Durer. Value: $28,571. I, 18, 105.

149. Print: *The Large Horse,* Albrecht Durer. Value: $28,571. I, 18, 106.

150. Print: *The Large Horse,* Albrecht Durer. Value: $17,143. I, 18, 107.

151. Print: *St. Bartholomew,* Albrecht Durer. Value: $2,857. I, 16, 50.

152. Print: *St. Philip,* Albrecht Durer. Value: $2,857. I, 16, 49.

153. Print: *The Apocalyptic Woman,* Albrecht Durer. Value: $17,143. I, 21, 208.

154. Print: *St. Michael Fighting the Dragon,* Albrecht Durer. Value: $17,143. I, 21, 209.

155. Print: *The Beast with Two Horns Like a Lamb,* Albrecht Durer. Value: $28,571. I, 22, 211.

156. Print: *The Small Calvary,* Albrecht Durer. Value: $11,429. I, 20, 177.

157. Print: *Christ on the Cross with Three Angels,* Albrecht Durer. Value: $22,857.

158. Print: *The Holy Family with Joachim and Anna under a Tree,* Albrecht Durer. Value: $8,851. I, 22, 234.

159. Print: *St. Francis Receiving the Stigmata,* Albrecht Durer. Value: $8,571. I, 23, 261.

160. Print: *The Mass of St. Gregory,* Albrecht Durer. Value: $34,286. I, 20, 180.

161. Print: *The Owl Attacked by Four Birds,* Albrecht Durer. Value: $68,571. I, 30, 419.

162. Print: *The Rhinoceros,* Albrecht Durer. Value: $14,286. I, 25, 299.

163. Print: *The Elevation of St. Mary Magdalen,* Albrecht Durer. Value: $14,286. I, 24, 274.

164. Print: *Ecce Homo,* Albrecht Durer. Value: $5,714. I, 21, 195.

165. *Samson and Delilah, David and Bathsheba, Solomon's Idolatry; Aristotle and Phyllis,* Peter Flotner. Value: $28,571. XIII, 7, 77–80.

166. Print: *Tyranny, Usury and Hypocrisy Fighting with the Word of God or the Poor Common Donkey,* Peter Flotner. Value: $45,714. V, 461, 167.

167. Print: *Allegory: Shipwreck of the Catholic Clergy,* Mathias Gerung. Value: $2,857.00 I, 349, 2.

168. Print: *Allegory: Sale of Indulgences,* Mathias Gerung. Value: $2,857.00. I, 349, 7.

169. Print: *Interior of the Dominican Church at Augsburg,* Daniel Hopfer. Value: $2,857.00. I, 397, 7.

170. Print: *The Lovers,* Housebook Master. Value: $228,571. K. 553, I, I, D 5.

171. Print: *Mounted Turk,* Housebook Master. Value: $228,571. K. 582, I, I, D 4.

172. Print: *Aristotle and Phyllis,* Housebook Master. Value: $228,571.00. K. 530, I, I, D 2.

173. Print: *Coat of Arms with Boy Turning Somersault,* Housebook Master. Value: $228,571.00. K. 534, I, I, Db.

174. Print: *Christ Bearing the Cross,* Housebook Master. Value: $228,571.00. K. 529, I, I, D 1.

175. Print: *Solomon's Idolatry,* Master MZ. Value: $28,571. K. 679, I, 14, 1.

176. Print: *St. Christopher,* Master MZ. Value: $2,857. K. 682, I, 14, 4.

177. Print: *The Embrace,* Master MZ. Value: $5,714. K. 690, I, 14, 14.

178. Print: *The Tournament,* Master MZ. Value: $34,286. K. 689, I, 14, 13.

179. Print: *The Ball,* Master MZ. Value: $22,857. K. 688, I, 14, 12.

180. Print: *Battle in a Forest,* Monogramist NH. Value: $22,857.

181. Print: *Nativity,* Mair von Landshut. Value: $85,714. K. 699, I, 13, 1.

182. Print: *The Hour of Death,* Mair von Landshut. Value: $85,714. K. 700, I, 13, 2.

183. Print: *Battle over the Trousers,* Israhel van Mackenem. Value: $34,286. K. 748, I6, 42.

184. Print: *Woman at Spinning Wheel with Visitor,* Israhel van Meckenem. Value: $34,286. K. 748, I, 6, 42.

185. Print: *Card Players,* Israhel van Mechenem. Value: $34, 286. K. 755, I, 6, 49.

186. Print: *Pilgrimage to the Church of "Schonen Marie: Regensburg,* Michael Ostendorfer. Value: $57,143. I, 400, 147.

187. Print: *Johann Friedrich, the Magnanimous,* Georg Penz. Value: $5,714. K. 324, I, 142, 145.

188. Print: *Envy,* Georg Penz. Value: $11,429. I, 212, 1.

189. Print: *Devotional Picture with names Jesus, Mary and St. Anne,* Erhard Schon. Value: $14,286. VI, 429, 103.

190. Print: *"Das Munich und Pfaffen Gaid Niemad zu lieb noch zu lieb noch zu laid",* Erhard Schon. Value: $8,571.00.

191. Print: *St. Christopher,* Martin Schongauer. Value: $42,857. I, 2, 45.

192. Print: *St. John on Patmos,* Martin Schongauer. Value: $68,571. I, 2, 49.

193. Print: *The Baptism of Christ,* Martin Schongauer. Value: $85,714. I, 1, 7.

194–195. Print: *Two Geometric Designs,* Lorenz Stoer. Value: $5,714. I, 351, 10.

196. Illustrated Book: *Biblicae Historiae,* Egenolph. Value: $6,857.

197. Print: *View from the South of the City and Veste Coburg,* Johann Friedrich Hermann. Value: $1,620. II, a/11, B.

198. Print: *City and Veste Coburg from the West,* Karl August Richter. Value: $3,240. K. 185.

199. Illustrated Book: *Ringer Kunst . . .,* Fabian von Aurswald. Value: $6,480. B. 2, with woodcuts from the Cranach School.

200. Illustrated Book: *Anfang, Ursprung und Herkommen des Thurnirs in Teutscher Nation.* Value: $4,050. B. 19a, with woodcuts of historical tournaments.

Objects loaned to the exhibition from: Landesbibliothek Coburc

Illustrated Books

1. *Das ist ein Teutsch Kalender,* illustrated with woodcuts showing activities of months, signs of zodiac and temperments. Value: $11,429.

2. Konrad von Megerberg, *Buch der Natur.* Value: $11,429.00.

3. *Missale Basiliense,* Basel Wenssler. Value: $17,143.00.

4. Stephan Fridolin, *Schatzbehalter.* Value: $34,286.

5. *Beichtbuchlein,* Leipzig Lotter. Value: $5,714.

6. *Das Alte Testament deutsch M. Luther,* Wittenberg, Lotther. Value: $28,571.

7. *Biblia, das ist die gantze Heilige Schrifft Deutsch Auffa New zugeright D. Martin Luther,* Wittenbert, Lufft. Value: $20,000.

8. *Das Newe Testament Mar Luthers,* Wittemberg. Lufft. Value: $17,143.00.

9. Luther, *Von der Freyheyt eynisz Christen menschen,* Wittemberg, Rhau-Grunenberg. Value: $8,571.

10. Luther, *Passional Christi und Antichristi,* Wittenberg, Rhau-Grunenberg. Value: $11,429.

11. Luther, *Das Babstum mit seynen gliedern gamale und beschryben gebessert und gemehrt,* Nurnberg. Value: $11,429.

12. Luther, *Das diese wort Christi noch fest stehen widder die Schwermgeister,* Wittemberg, Lotter. Value: $2,857.00.

13. Luther, *Epitaphium Des Ehrwirdigen Herrn und Vaters Martine Luthers. . .,* Wittemberg, Thau. Value: $8,000. DM.

14. Luther, *XII. Predig. D. Martin Luthers Uffetliche Unser Frauwen und der Heyligen Fest,* Strassburg Schott. Value: $2,857.00.

15. *Hortulus animae, Lustgarten der Seelen . . .* Wittenbeg, Rhau. Value: $14,286.

16. *Bambergische Halsgerichts Ordnung,* Maniz. Value: $8,571.00.

17. *Dioscorides Pedacius: De medicinali materia libri rex,* Frankfurt, Egenoloff. Value: $5,714.00.

18. *Cicero, Marcus Tullius: Officie verteutschet.* Value: $17,143.00.

[FR Doc. 81-26202 Filed 9-4-81; 8:45 am]
BILLING CODE 9230-01-M

INTERSTATE COMMERCE COMMISSION

Motor Carrier Finance Applications; Decision Notice

As indicated by the finding below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an affective notice. The notice will indicate that consummation of the transfer will be pressumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have not further effect.

It is Ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirement stated in the effective notice to be issued hereafter.

By the Commission, Review Board Number 3, Krock, Joyce and Dowell.

MC–FC–79171. By decision of August 11, 1981 issued under 49 U.S.C 10926 and the transfer rules at 49 C.F.R. 1132. Review Board Number 3 approved the transfer to JOSEPH BIANCO D/B/A JOSEPHY BIANCO'S HOMING PIDGEON TRAINING of Queens, NY, of certificate No. MC–114556 issued May 17, 1974 to HARRY CHARLES FREEMAN, D/B/A NEW BASIN HOMING PIDGEON TRAINING of Brooklyn, NY, authorizing the transportation, by irregular routes, of *homing pigeons*, from Brooklyn and Queens Boroughs, NY to Wilmington, DE, Washington, DC, Aberdeen, MD, Charlotteville and Danville, VA, points in the New Jersey and those in that part of Pennsylvania east of the Susquehanna River. Applicant's representative is: Irwin M. Gross, 1718 East 28th Street, Brooklyn, NY 11229.

MC–FC–79223. By decision of June 26, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132 Review Board Number 3 approved the transfer to Fry's Norse Transportation, Inc., of Certificates No. MC–14903 issued June 14, 1962, and No. MC–14902 (Sub-No. 3) issued May 25, 1971, to Fry's Norse Transportation, Inc., authorizing the transportation over irregular routes of *Livestock*, other than ordinary livestock, and, in connection therewith, *personal effects of attendants, supplies, and equipment*, including mascots, used in the care and/or exhibition of such animals, Between points in Arkansas, Connecticut, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, and West Virginia. *Horses* (other than ordinary livestock), Between points in Rhode Island, Florida and Nebraska. Between points in Rhode Island, Florida and Nebraska, on the one hand, and, on the other, points in Arkansas, Connecticut, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Pennsylvania, New Hampshire, New Jersey, New York, Oklahoma, Tennessee, Texas, and West Virginia. *Horses, other than ordinary horses*, and in the same vehicle therewith, *mascots, personal effects of attendants, and supplies and equipment* used in the care and exhibition of such horses, restricted against the transportation of shipments originating at or destined to points in Canada. Between points in Kentucky, on the one hand, and, on the other, points in Delaware, Georgia, Massachusetts, North Carolina, South Carolina, Virginia, and Vermont. Between points in Delaware, on the one hand, and, on the other, points in Pennsylvania. Between points in Arkansas, on the one hand, and, on the other, points in North Carolina. Between points in Massachusetts, on the one hand, and, on the other, points in New Hampshire and Ohio. Applicant's representative is: A. Charles Tell, Suite 1800, 100 East Board Street, Columbus, OH 43215.

MC–FC–79293. By decision of August 14, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to CENTRAL FREIGHT INC., of Antioch, CA 94509 of Certificate of Registration No. MC–121731 issued March 15, 1978, to SEA TRUCKS, INC., of Richmond, CA 94807 evidencing a right to engage in transportation in interstate commerce corresponding in scope to Decision No. 82434 dated February 5, 1974, and transferred by Decision No. 87389 dated May 24, 1977 issued by the Public Utilities Commission of the State of California subject to the following conditions: a copy of the State order approving the transfer of the corresponding State rights must be furnished when it is available. Certificate of Registration No. MC–121731 authorizes: *General commodities:* I. Between all points and places in the San Francisco Territory. II. Between all points and places on or within 10 miles laterally of the following routes: (a) Interstate Highway 80 between San Francisco and Sacramento, inclusive; (b) State Highway 4 between its junction with Interstate Highway 80 near Pinole, and Stockton, inclusive; (c) Interstate Highway 580 between its intersection with State Highway 17 and its intersection with Interstate Highway 5, inclusive; (d) Interstate Highway 5 between its intersection with State Highway 4 at Stockton and its intersection with State Highway 198, inclusive; (e) State Highway 120 between its intersection with State Highway 5 and its intersection with State Highway 99, inclusive; (f) State Highway 198 between its intersection with Interstate Highway 5 and its intersection with State Highway 99 near Visalia, inclusive; (g) State Highway 99 between Sacramento and Tulare, inclusive; (h) State Highway 152 between its intersection with Interstate Highway 5 and its intersection with State Highway 99, inclusive; (i) State Highway 33 between its intersection with State Highway 152 at the Dos Palos Wye and its intersection with Interstate Highway 5, via Firebaugh, inclusive; (j) State Highway 180 between its intersection with State Highway 33 and its intersection with State Highway 99, inclusive; and (k) State Highway 140 between its intersection with Interstate Highway 5 and State Highway 99, inclusive. By the same decision, Review Board Number 3 approved the transfer to CENTRAL of Certificate No. MC–121731 (Sub-No. 1) issued to SEA TRUCK, authorizing: operations as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting, *asbestos*, in containers, between the facilities of Calaveris Asbestos Limited at or near Copperopolis, CA, on the one hand, and, on the other, the docks located at

Stockton, Sacramento, Oakland, San Francisco, and Richmond, CA. Applicant's representative is: Marvin Handler, 100 Pine Street, Suite 2550, San Francisco, CA 94111. TA lease is not sought. Transferee is not a carrier.

MC–FC–79296. By decision of August 11, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Red Line, Inc. of 1410 Drury Lane, Emporia, KS 66801 of Certificate No. MC–118178 and subs 1, 4, 6, 10, 14, 15, 20, 22, and 23 thereunder and Permit No. MC–110064 issued the Bill Meeker of Wichita, KS 67202. MC–118178 authorizing (with restrictions). *Meats, meat products and meat by products* and *articles distributed by meat-packing houses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, except commodities in bulk, in tank vehicles. From the plant site of Producers Packing Company near Garden City, Kans., to points in California, with no transportation for compensation on return except as otherwise authorized. *Wheat bran,* in bags and in bulk, From points in Sedgwick, Sumner, Cowley, Harvey, McPherson, and Reno Counties, Kans., to points in Arizona, California, and New Mexico, with no transportation for compensation on return except as otherwise authorized. *Wheat standard middlings,* and *wheat grey shorts,* in bags and in bulk, From points in Sedgwick, Sumner, Cowley, Harvey, McPherson, and Reno Counties, Kans., to points in New Mexico and Texas, with no transportation for compensation on return except as otherwise authorized. *Flour* (except in bulk), From Hutchinson, Kans., to Albuquerque and Santa Fe, and N. Mex., with no transportation for compensation on return except as otherwise authorized. *Aircraft parts* (except those which because of their size or weight require the use of special equipment), From Wellington, Kans., to points in Texas, with no transportation for compensation on return except as otherwise authorized.Meats, meat products and meat by-products and *articles distributed by meat-packing houses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides), From the facilities of National Beef Packing Company, at Liberal, Kans., to points in Indiana, Ohio, Virginia, West Virginia, and Florida, with no transportation for compensation on return except as otherwise authorized. *Cider* and *vinegar* (except in bulk), From Alton, Ill., to points in Iowa, Nebraska, Missouri, Kansas, Oklahoma, Colorado, Arkansas, and Tennessee, with no transportation for compensation on return except as otherwise authorized. *Meats, meat products, and meat by-products* as described in section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except commodities in bulk), From the facilities utilized by Dubuque Packing Co., located at or near Mankato, Kans., to points in Iowa, Wisconsin, Illinois, Ohio, Indiana, Kentucky, Missouri, Tennessee, South Carolina, North Carolina, Georgia, Florida, Alabama, Louisiana, Mississippi, Nebraska, and Virginia, with no transportation for compensation on return except as otherwise authorized. *Meats, meat products and meat by-products* and *articles distributed by meat-packing houses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), From the facilities of Dubuque Packing Company at Wichita, Kans., to points in Iowa, Illinois, Indiana, Kentucky, and Ohio, with no transportation for compensation on return except as otherwise authorized. *Meats, meat products and meat by-products and articles distributed by meat-packing houses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except commodities in bulk and hides), From the facilities of MBPXL Corporation, Dubuque Packing Co., and Del Pero-Mondon Meat Company, Sunflower Beef Division at or near Wichita, KS, to points in Colorado, Nebraska, Oklahoma, Texas, Iowa, Missouri, Alaska, Louisiana, Wisconsin, Illinois, Kentucky, Indiana, Michigan, and Ohio. *General commodities,* except those of unusual value classes A and B explosives, household good as defined by the Commission, commodities in bulk, and commodities requiring special equipment, Between Cottonwood Falls, Kans., and Kansas City, Mo., serving the intermediate points of Strong City and Kansas City, Kans.: From Cottonwood Falls over Kansas Highway 177 to Strong City, Kans., thence over U.S. Highway 50 to junction Kansas Highway 10, thence over Kansas Highway 16 to Kansas City, Kans., and thence over city streets to Kansas City, Mo., and return over the same route. *Meats, meat products and meat by-products* and articles distributed by meat packinghouses, as described in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), From Guymon, Okla., to points in Oklahoma and Kansas, with no transportation for compensation on return except as otherwsie authorized. *Meats, Meat products, and meat by-products, dairy products,* and *articles distributed by meat packinghouses,* as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, and *frozen foods,* in vehicles equipped with mechanical refrigeration, between points in Kansas. Permit No. MC–110064 authorizing *Malt Beverages,* From St. Louis, MO, to Wichita, KS. *Empty Malt Beverage Containers,* From Wichita, KS, to St. Louis, MO. *Fruits and Vegetables,* From points and places in Colorado, Texas and Oklahoma, to Whichita, KS. *Malt Beverages* and in connection therewith *Malt Beverage Advertising Matter* in the same vehicle with such beverages, From Kansas City, MO, and Omaha, NE, to Hutchinson, Pratt, Wellington, Wichita and Winfield, KS. *Empty Malt Beverage Containers,* over irregular routes, From Hutchinson, Pratt, Wellington, Wichita and Winfield, KS, to Omaha, NE and Kansas City, MO. Restriction: The above described operation shall be conducted separately from carrier's other activities. A separate accounting system therefor shall be maintained and carrier shall not transport property as both a public and private carrier at the same time and in the same vehicle. Applicant's representative: Larry E. Gregg, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601. TA lease is not sought. Transferee is not a carrier.

MC–FC–79303. By decision of August 13, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to CLARENCE M. HORST, An Individual, of Denver, PA, of Certificate No. MC–144302F, issued May 31, 1979, to MERVIN MARTIN, an individual, of New Holland PA, authorizing the transportation of *pulverized agricultural limestone,* from the facilities of Martin Limestone, Inc., in Lancaster County, PA, to points in DE, MD, NJ, and VA. Representative: John W. Metzger, 49 North Duke Street, Lancaster, PA 17602.

Notes.—Transferee is a non-carrier. TA has not been filed.

MC–FC–79316. By decision of August 14, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to Agri Trucking & Distributing, Inc., of Madrid, NE, of Certificate No. MC–120162 (Sub-No. 1),

issued December 8, 1975, to Charles R. Kelley, an individual, d/b/a Highline Transfer, of North Platte, NE authorizing the transportation of *General commodities,* except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, Between North Platte, NE, and Grant, NE, serving all intermediate points and the off-route points of Venango and Dickens, NE, except that no service is authorized between Ogallala and North Platte, Nebr., and points on U.S. Highway 30 intermediate thereto: From North Platte over U.S. Highway 30 to junction Nebraska Highway 25 at Sutherland, Nebr., thence over Nebraska Highway 25 to junction Nebraska Highway 23 at Wallace, Nebr., thence over Nebraska Highway 23 to junction Nebraska Highway 61 at Grant; and Return, from Grant over Nebraska Highway 61 to junction U.S. Highway 30 at Ogallala, Nebr., thence over U.S. Highway 30 to North Platte. Applicant's representative is: C. Kenneth Spady, Attorney, P.O. Box 577, Ogallala, NE 69153, (308) 284-4058. TA application has has not been filed. Transferee presently holds no authority from the Commission.

MC-FC-79319. By decision of August 21, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Fred H. Marshall d/b/a Marshall Trucking of Sullivan, MO of Certificate No. MC-99798 Sub-Nos. 5, 6, 7, 10, 11, and 12 issued to Dodds Truck Line, Inc. (Richard Farrington, Trustee-Bankruptcy) of West Plains, MO, authorizing *general and specific commodities* over regular and irregular routes between named points in MO and IL. Applicant's representative: Herman Huber, 101 East High St., Jefferson City, MO 65101. TA lease is sought. Transferee is not a carrier.

No. MC-FC-79322. By decision of August 14, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to Charles E. Brake Co., Inc., of St. Thomas, PA, of Certificate No. MC-45181 issued July 23, 1951, to Harold Roy Kriner, of Lemasters, PA, authorizing the transportation of *Livestock,* From Greencastle and Waynesboro, PA, and points in the Townships of Antrim, Guilford, Quincy, and Washington, Franklin County, PA, to Baltimore and Hagerstown, MD, Charlestown and Martinsburg, W. VA, Front Royal and Winchester, VA, and points in Frederick, Baltimore, and Washington Counties, MD, Jefferson and Berkeley Counties, W. VA, Frederick and Warren Counties, VA; and From points in Frederick, Baltimore and Washington Counties, MD, Jefferson and Berkeley Counties, W. VA, and Frederick and Warren Counties, VA, to points in Franklin County, PA. *Agricultural commodities,* from points in Franklin County, PA, to Baltimore and Hagerstown, MD, and points in Baltimore and Washington Counties, MD. *Fruits and vegetables, fertilizer,* and *fertilizer materials,* From Baltimore, MD, and points in Baltimore County, MD, to points in Franklin County, PA. Applicant's representative: Welton J. Fischer, Attorney, 550 Cleveland Avenue, Chambersburgh, PA 17201, (717) 264-8020. Application for TA has not been filed. Transferee presently holds no authority from the Commission.

No. MC-FC-79324. By decision of August 13, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Ronald Scott, d.b.a. Scott Towing, of Toledo, OH, of Certificate No. MC-144868 (Sub-No. 2) issued to Don Scott Chevrolet—Pontiac, Inc., of Whitehouse, OH, authorizing the movements of *disabled or wrecked transportation equipment and replacement equipment threefor,* by use of wrecker equipment, between points in Lucas County, OH on the one hand, and, on the other , points in IL, IN, KY, MI, NY, PA, WI and WV. Applicant's representative: Lynn H. Gressley, 410 Gardner Bldg., Toledo, OH 43604. TA lease is not sought. Transferee is not a carrier.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-26167 Filed 9-4-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Finance Applications; Decison-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed by Motor Carriers Under 49 U.S.C. 11344 and 11349,* 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to that granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the Federal Register. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: September 2, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

MC F-14675, filed August 6, 1981. Applicants: CASCADE TRANSPORT, INC. (Cascade) (P.O. Box 1128, Bend, OR 97701)—Purchase Portion—SYSTEM 99 (System) (8201 Edgewater Dr., Oakland, CA 94621). Representative: John A. Anderson, 1600 One Main Place, 101 SW Main Street, Portland, OR 97204. Cascade seeks authority to purchase a portion of the interstate operating rights of System. Stewart C. Bennett, sole stockholder of Cascade, seeks authority to acquire control of said rights through the transaction. Cascade is purchasing that portion of the interstate operating rights issued to System in MC-98327 (Sub 10) which authorizes regular route operations in the transportation of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Lakeview, OR and junction OR Hwy. 31 and U.S. Hwy. 97, serving all intermediate points: from Lakeview over U.S. Hwy. 395 to Valley Falls, OR, thence over OR Hwy. 31 to junction U.S. Hwy. 97, and return over the same route. Cascade holds authority to operate as a motor common carrier pursuant to certificates issued in MC 151546.

Note.—Application for temporary authority under 49 U.S.C. 11349 has been filed. While applicant asserts that its application under 49 U.S.C. 10922 in No. MC 151546 (Sub No. 2) is directly related to the purchase application, it is not related because it involves authority more extensive than that being purchased.

Decision-Notice

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Dated: September 2, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

MC 151546 (Sub-2), filed August 6, 1981. Applicant: CASCADE TRANSPORT, INC., P.O. Box 1128, Bend, OR 97701. Representative: John A. Anderson, 1600 One Main Place, 101 SW Main Street, Portland, OR 97204, (503) 224-5525. Over *regular routes*, transporting *general commodities* (except classes A and B explosives), between Portland, OR and Lakeview, OR, from Portland over U.S. Hwy. 26 to junction U.S. Hwy. 97, then over U.S. Hwy. 97 to junction OR Hwy. 31, then over OR Hwy. 31 to junction U.S. Hwy. 395, then over U.S. Hwy. 395 to Lakeview, and return over the same route, serving all intermediate points, and serving all off-route points in Lake County, OR. While applicant asserts that this application is directly related to its application under 49 U.S.C. 11344 in No. MC F-14675, it is not related because this application involves authority which seeks regular-route authority between Lakeview, OR and junction U.S. Hwy 97 and OR Hwy 31 more extensive than that being purchased in No. MC F-14675.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-26168 Filed 9-4-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed by Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the

requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: August 25, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

MC F-14676, filed August 12, 1981. TOSE, INC. (Tose) (64 West Fourth Street, Bridgeport, PA 19405)—CONTROL—FOWLER & WILLIAMS, INC. (Fowler) (1300 Meylert Avenue, Scranton, PA 18501). Representative: Anthony C. Vance, Suite 301, 1307 Dolley Madison Blvd, McLean, VA 22101. Tose seeks authority to acquire control of Fowler's through the purchase by Tose of all the issued and outstanding capital stock of Fowler. W.K. 38, Inc., a non carrier and sole stockholder of Tose, and in turn Kidde, Inc., a non carrier and sole stockholder of W.K. 38, Inc., seek authority to acquire control of Fowler through this transaction. The operating rights Fowler sought to be controlled by Tose are contained in common carrier certificates of public convenience and necessity in MC-7698 and sub-numbers thereunder, authorizing the transportation of general commodities and specified commodities such as rock salt, gypsum and gypsum products, building materials, and household goods, over regular and irregular routes between points in CT, DE, MA, MD, MI, NJ, PA, RI, VA, and DC. Tose is a motor common carrier pursuant to a certificate issued in MC-41706 (Sub-No. 25)X. Impediment: Approval and authorization of this transaction is conditioned upon the prior submission by applicants of an affidavit complying with the Commission's regulations at 49 CFR 1134.51. Tose and Fowler appear to hold duplicating operating rights. In order to allow this duplication to continue to exist, applicants must submit cogent and acceptable reasons why such duplications should be permited to exist by commonly controlled carriers or a plan for the elimination of such duplications.

Note.—An application for temporary authority has been filed.

MC F-14683, filed August 21, 1981. Applicant: XTRA CORPORATION, 2625 Concord Pike, Wilmington, DE 19803. Representative: Ronald N. Cobert, Suite 501, 1730 M Street, NW, Washington, DC 20036. Xtra Corporation seeks authority to continue in control of its wholly owned subsidiary and Rail-Highway Transportation Company, a Division of AJF Warehouse Distributors, Inc. This continuance in control application is required due to a recent grant of authority to Rail-Highway Transportation Company, a Division of AJF Warehouse Distributors, Inc., in Docket No. MC 152378, wherein it was granted authority to transport general commodities (except classes A and B explosives) between points in AR, IL, IN, IA, KS, KY, MO, and TN. Mercury Motor Express, Inc., holds extensive regular-route authority throughout the southeastern United States under Docket No. MC 115093.

MC F-14680, filed August 17, 1981. ALL STATES TRANSPORTATION, INC. (All States) (Rt. 1, Box 27, Ft. Worth, TX 76179)—PURCHASE (PORTION)—LONE STAR CARRIERS, INC. (Lone Star) (Rt. 1, Box 48, Tolar, TX 76476). Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Ft. Worth, TX 76112. All States seeks authority to purchase a portion of the interstate operating rights of Lone Star. David Elam and E. C. Harris, the sole stockholders of All States, seeks authority to acquire control of said rights through the transaction. All States is purchasing those rights contained in Lone Star's certificate in MC-133805 (Sub-No. 2) which authorizes the transportation of: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides) from the plant site of Missouri Beef Packers, Inc., at Plainview, TX, to points in CT, FL, GA, ME, MD, MA, NJ, NY, NC, PA, RI, SC, VT, and VA. All States is authorized to operate as a motor common carrier pursuant to certificates issued in MC-145935 and subs thereunder.

[FR Doc. 81-26169 Filed 9-4-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OPY-3-156]

Motor Carriers; Permanent Authority Decision; Decision-Notice

Decided: August 28, 1981.

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules*

Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of an application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplicaton shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 2, Members Carleton, Kelly and Williams.

MC 156645, filed August 17, 1981. Applicant: FLEET CARRIERS, INC., 880 Lee St., Des Plaines, IL 60016. Representative: William D. Brejcha, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603, (312) 263–1600. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (1) Wilson Enterprises, Inc., of Elk Grove Village, IL, (2) Pallet Devices, Inc., of Des Plaines, IL, and (3) Teletype Corporation, of Skokie, IL. Restriction: The authority granted herein shall not be severable by sale or otherwise from the authority held by Niedert Freight, Inc.

Note.—This application is directly related to MC–F 14678, published in this same **Federal Register** issue.

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application or to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 2, Members Carleton, Kelly and Williams.

MC–F–14678, filed August 17, 1981. NIEDERT TERMINALS, INC. (Terminal) (7000 West 103rd St., Chicago Ridge, IL 60415)—CONTINUANCE IN CONTROL—FLEET CARRIERS, INC. (Fleet) (800 Lee St., Des Plaines, IL 60016). Representative: William D. Brejcha, 10 South LaSalle St., Suite 1600, Chicago, IL 60603, (312) 263–1600. Terminal, a non-carrier, seeks authority to continue in control of Fleet upon the institution by Fleet of operations, in interstate or foreign commerce, as a contract carrier. Terminal, sole shareholder of Fleet, and in turn, Ralph A. Niedert, Sr., Ralph A. Niedert, Jr., and Gerald T. Niedert, who together control Terminal, seeks authority to acquire control of said rights and property through the transaction. Terminal is an individually held corporation, that also controls Niedert Freight, Inc. (MC

34156), a common carrier. Fleet seeks to transport in MC 156645, general commodities nationwide, under contracts with Wilson Enterprises, Inc., Pallet Devices, Inc., and Teletype Corporation.

Note.—(1) Terminal has filed concurrently with this application a petition for exemption from the Commission's Reporting Requirements and Securities Regulations.

(2) Fleet has filed a directly related application as an initial contract carrier, docketed MC 156645, published in this same Federal Register issue.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-26165 Filed 9-4-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 157]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: September 2, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 7555 (Sub-83)X, filed August 11, 1981. Applicant: TEXTILE MOTOR FREIGHT, INC., P.O. Box 70, Ellerbe, NC 28338. Representative: Terrence D. Jones, 2033 K Street, N.W., Washington, D.C. 20006. Applicant seeks to remove restrictions in its lead and Sub-Nos. 31, 39, 56, 59, 60, 62, 65, 70F, and 72F certificates to (A) broaden the commodity descriptions: (1) in its lead certificate to "machinery" from batteries; to "textile mill products", from cotton yarn; to "textile mill products", from burlap; to "textile mill products," from cotton; to "pulp, paper, and related products" from roll paper, to "pulp, paper and related products, and printed matter," from paper; to "food and related products" from canned goods; to "textile mill products", from cotton textile products; to "pulp, paper and related products" from empty used paper cones and tubes; to "textile mill products" from textile products; to "lumber and wood products and pulp, paper and related products," from empty wooden and fibre cores; to "lumber and wood products and pulp, paper and related products" from fibre cones; to "chemicals and related products" from fertilizer and fertilizer materials; to "machinery and pulp, paper and related products" from implements, wrapping paper, and paper bags; to "general commodities, except Classes A and B explosives" from general commodities, with usual exceptions; to "such commodities as are used by or dealt in by wholesale and retail hardware stores" from hardware; "textile mill products" from felt-base rugs; to "chemicals and related products" from paint and bicarbonate of soda; to "building materials, rubber and plastic products, machinery, metal products, clay, concrete, glass or stone products, and chemicals and related products" from plumbing supplies; to "building materials," from roofing materials; "petroleum, natural gas and their products" from petroleum products; to "ores and minerals, petroleum, natural gas and their products, and chemicals and related products" from asphalt; to "chemicals and related products and food and related products" from fertilizer and cotton-seed meal; (2) in its Sub-No. 31, to "food and related products" from foodstuffs; (3) in its Sub-No. 39, "to food and related products" from canned goods and foodstuffs, and frozen foodstuffs; (4) in its Sub-No. 56, to "food and related products" from canned citrus juice, fresh citrus fruits, and fresh fruit sections and salads; (5) in its Sub-No. 59, to "food and related products" from foodstuffs; (6) in Sub-No. 60, to "food and related products" from canned citrus juice; (7) in its Sub-No. 62, to "lumber and wood products, metal products, pulp, paper and related products, rubber and plastic products, textile mill products, and miscellaneous freight shipments" from baskets, basket materials, boxes, crates, crate materials, pallets, and pallet material; and (8) in its Sub-Nos. 65, 70F and 72F, to "food and related products" from foodstuffs; (B) broaden city-wide authority to county-wide authority (1) in its lead certificate, from Roanoke Rapids, NC, to Halifax and Northampton Counties, NC; from Raleigh, NC, to Wake and Johnson Counties, NC; from Durham, Orange, and Granville Counties, NC; from Greensboro, NC, to Guilford, Forsyth, Davidson and Randolph Counties, NC; from High Point, NC, to Guilford, Forsyth, Davidson and Randolph Counties, NC; from Winston-Salem, NC, to Forsyth and Davie Counties, NC; from Charlotte, NC, to Mecklenburg, Union, Cabarrus, and Gaston Counties, NC, and York County, SC; from Greenville, SC, to Greenville and Pickens Counties, SC; from Florence, SC, to Florence and Darlington Counties, SC; from Columbia, SC, to Richland and Lexington Counties, SC; from Riverside, NJ, to Burlington County, NJ, and Philadelphia County, PA; from Laurinburg, NC, to Scotland County, NC; from Amsterdam, NY, to Montgomery, Fulton, Saratoga, and Schenectady Counties, NY; from Laurel Hill, NC, to Scotland County, NC; from Rockingham, NC, to Richmond County, NC; from points in North Carolina within 100 miles of Laurinburg, NC, to Scotland, Robeson, Columbus, Brunswick, Bladen, Pender, Duplin, Sampson, Lenoir, Wayne, Cumberland, Wilson, Johnston, Nash, Franklin, Granville, Wake, Harnett, Durham, Orange, Chatham, Lee, Moore, Richmond, Alamance, Guilford, Randolph, Montgomery, Forsyth, Davidson, Davie, Iredell, Catawba, Lincoln, Gaston, Mecklenburg, Union, Anson, Rowan, Cabarrus, Stanly, and Hoke Counties, NC; from McColl, SC, to Marlboro County, SC, and Scotland County, NC; from points in South Carolina within 25 miles of McColl, SC, to Marlboro, Dillon, Darlington, and Chesterfield Counties, SC; from points in North Carolina within 150 miles of McColl, SC, to Carteret, Craven, Lenoir, Beaufort, Greene, Wayne, Pitt, Edgecombe, Halifax, Warren, Nash, Vance, Person, Caswell, Rockingham, Stokes, Alexander, Surry, Allegany, Wilkes, Caldwell, McDowell, Burke, Rutherford, Polk, Cleveland, Scotland, Robeson, Columbus, Brunswick, Bladen, Pender, Duplin, Onslow, Jones, Sampson, Cumberland, Wilson, Johnston, Franklin, Granville, Wake, Harnett, Durham, Orange, Chatham, Lee, Richmond, Alamance, Guilford, Randolph, Moore, Montgomery, Forsyth,

Davidson, Davie, Iredell, Catawba, Lincoln, Gaston, Mecklenburg, Union, Anson, Rowan, Cabarrus, Stanly, and Hoke Counties, NC; from Biglerville, PA, to Adams County, PA; from Cheriton, VA, to Northamption County, VA; from Aberdeen, MD, to Harford County, MD; from Concord, NC, to Cabarrus County, NC; from Salisbury, NC., to Rowan and Davidson Counties, NC; from Statesville, NC, to Iredell County, NC; from Houston, DE, to Kent and Sussex Counties, DE; from Camden, DE, to Kent County, DE; from Inwood, WV, to Berkeley and Jefferson Counties, WV; from North East, PA, to Erie County, PA and Chautauqua County, NY; from Birmingham, AL, to Jefferson, Shelby, and Saint Clair Counties, AL; from Elk Mills, MD, to Cecil County, MD, and New Castle County, DE; from Anderson, SC, to Anderson County, SC; from La France, SC, to Anderson County, SC; from Spartanburg, SC, to Spartanburg County, SC; from Nepperhan, NY, to Westchester County, NY; from Glendale, NY, to Kings County, NY; from New Haven, CT, to New Haven and Fairfield Counties, CT; from Ucasville, CT, to New London County, CT; from Thompsonville, CT, to Hartford County, CT, and Hampden County, MA; from Cheraw, SC, to Chesterfield and Marlboro Counties, SC; from Hartsville, SC, to Darlington County, SC; from Bladenboro, NC, to Bladen County, NC; from Monroe, NC, to Union County, NC; from Vass, NC, to Moore, Hoke and Harnett Counties, NC; from Conshohocken, PA, to Montgomery, Phildelphia, and Delaware Counties, PA; from Scranton, PA, to Lackawanna, Wyoming, and Luzerne Counties, PA; from Carlisle, PA, to Cumberland County, PA; from points in North Carolina within 50 miles of Charlotte, NC, to Mecklenburg, Union, Cabarrus, Gaston, Anson, Richmond, Montgomery, Stanly, Randolph, Davidson, Rowan, Davie, Iredell, Alexander, Catawba, Lincoln, Caldwell, Burke, Rutherford, and Cleveland Counties, NC; from Wilmington, NC, to New Hanover and Brunswick Counties, NC; from points in North Carolina and South Carolina within 25 miles of McColl, SC, to Marlboro, Dillon, Marion, Darlington, Florence, and Chesterfield Counties, SC, and Robeson, Scotland, Hoke, Richmond and Anson Counties, NC; from York, PA, to York County, PA; from Trenton, NJ, to Mercer, Burlington, Monmouth, and Hunterdon Counties, NJ; from Fayetteville, NC, to Cumberland County, NC; from Charleston, SC, to Charleston, Berkeley, and Dorchester Counties, SC; from Wilmington, DE, to New Castle County, DE, and Salem County, NJ; from Lincolnton, NC, to Lincoln and Gaston Counties, NC; from Kershaw, SC, to Kershaw and Lancaster Counties, SC; from Marcus Hook, PA, to Delaware County, PA, New Castle County, DE, and Gloucester and Salem Counties, NJ; from Jersey City, NJ, to Hudson, Bergen, Essex, Union and Passaic Counties, NJ, and New York, Bronx, Queens, and Kings Counties, NY; from Grasselli, NJ, to Union County, NJ; from Hartsville, SC, to Darlington County, SC; from Aberdeen, NC, to Moore and Hoke Counties, NC; from points in North Carolina and South Carolina within 100 miles of Laurinburg, NC, to Scotland, Robeson, Columbus, Brunswick, Bladen, Pender, Duplin, Sampson, Lenoir, Wayne, Cumberland, Wilson, Johnston, Nash, Franklin, Granville, Wake, Harnett, Durham, Orange, Chatham, Lee, Moore, Richmond, Alamance, Guilford, Randolph, Montgomery, Forsyth, Davidson, Davie, Iredell, Catawba, Lincoln, Gaston, Mecklenburg, Union, Anson, Rowan, Cabarrus, Stanly and Hoke Counties, NC, and Horry, Marion, Georgetown, Williamsburg, Berkeley, Florence, Clarendon, Dillon, Sumter, Calhoun, Darlington, Marlboro, Richland, Fairfield, Kershaw, Chester, Lancaster, Chesterfield, York, and Lee Counties, SC; (2) in its Sub-No. 31, from Milton, PA, to Northumberland, Union and Montour Counties, PA; (3) in its Sub-No. 39, from Oswego, NY, to Oswego County, NY; from Fredonia, NY, to Chautauqua County, NY; from Dunkirk, NY, to Chautauqua County, NY; from Brocton, NY, to Chautauqua County, NY; from Westfield, NY, to Chautauqua County, NY; from North East, PA, to Erie County, PA, and Chautauqua County, NY; from Erie, PA, to Erie County, PA; (4) in its Sub-No. 56, from Plymouth, FL, to Orange County, FL; from Youngstown, OH, to Mahoning and Trumbull Counties, OH; (5) in its Sub-No. 59, from Seagrove, NC, to Randolph, Moore and Montgomery Counties, NC; (6) in its Sub-No. 60, from Plymouth, FL, to Orange County, FL; (7) in its Sub-No. 62, from Berryville, VA, to Clarke County, VA; (8) in its Sub-No. 65, from Canajoharie, NY, to Montgomery County, NY; (9) in its Sub-No. 70F, from Cleveland, TN, to Bradley County, TN; (10) in its Sub-No. 72F, from Milton, PA, to Northumberland, Union, and Montour Counties, PA; from Seagrove, NC, to Randolph, Moore, and Montgomery Counties, NC; (C) authorize radial authority to replace existing one-way authority in each certificate; (D) delete the restriction against frozen foods in the lead; (E) delete the "in truckloads only" and "in truckload lots only" restrictions in its lead certificate; (F) delete the "in containers, in truckload lots only" restriction in its lead certificate; (G) delete the "(except frozen foods)" restriction in its Sub-No. 31; (H) delete the "mixed shipments" and refrigerated equipment restrictions in its Sub-No. 39; (I) delete the "mixed shipments", "(not frozen)", and "in containers" restrictions in its Sub-Nos. 56 and 60; (J) remove a facilities restriction in its Sub-Nos. 56, 60, 65, 70F and 72F; (K) delete the "(except frozen or in bulk, fresh food, fresh and cured meats; and dairy products)" restriction in its Sub-No. 59; (L) remove an "originating at" restriction in its Sub-Nos. 59, 60, 70F, and 72F; (M) delete the requirement that commodities be transported in vehicles equipped with mechanical refrigeration and the "commodities in bulk, in tank vehicles" restriction in its Sub-No. 70F; (N) delete a "destined to" restriction in its Sub-Nos. 70F and 72F; and (O) delete the "(except in bulk)" restriction in its Sub-No. 72F.

MC 7585 (Sub-7)X, filed August 25, 1981. Applicant: ANTHONY P. SPARACINO and RALPH SPARACINO, a partnership, d.b.a. SPARACINO BROTHERS, P.O. Box 1382, 1031 Capouse Avenue, Scranton, PA 18501. Representative: David E. Tinker, 1000 Conn. Ave., NW, Suite 112, Washington, DC 20036. Applicant seeks to remove restrictions in its Sub-Nos. 2 and 6 certificates to (1) broaden the commodity description to "household goods and furniture and fixtures" from household goods in both subs, (2) broaden the territorial description from (a) Scranton, PA and points within 25 miles thereof to points in Lackawanna, Wayne, Pike, Monroe, Carbon, Luzerne, Susquehanna and Wyoming Counties, PA in its Sub-No. 2 and (b) Ashland, PA and points within 25 miles thereof to points in Schuylkill, Carbon, Luzerne, Columbia, Montour, Lebanon, Berks, Lehigh, Northumberland and Dauphin Counties, PA in its Sub-No. 6, and (3) in its Sub-No. 2 remove the restriction to (a) the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and (b) pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and dicontainerization of such traffic.

MC 117344 (Sub-294)X, filed August 21, 1981. Applicant: THE MAXWELL CO., 10300 Evendale Drive, Cincinnati, OH 45241. Representative: James R. Stiverson, 1396 West Fifth Avenue, Columbus, OH 43212. Applicant seeks to

remove restrictions in its Sub-No. 145 certificate to (1) broaden its commodity descriptions: in paragraphs (6), (31), (37), (43), (44), (46) and (51) from animal and vegetable oils and fats and sugar, to "food and related products", and in paragraphs (47), (48), (49) and (54), from silicate of soda, animal and vegetable fatty acids, twitchell textile oils, resin plasticizers and spent catalyst "other than liquid", to "chemicals and related products"; remove the commodity restriction "other than liquid" from paragrpah (54); and remove the "in bulk" restriction and the equipment restriction "in tank vehicles" or "in tank or hopper-type vehicles" from the above-named paragraphs; (2) replace cities with county-wide authority: in paragraphs (6), (31), (37), (46), (47), (49) and (51) Cincinnati, OH, to Boone, Campbell and Kenton Counties, KY, and Butler, Clermont, and Hamilton Counties, OH; in paragraphs (43), (44), (46), (47), (48), and (49) St. Bernard, OH to Hamilton County, OH; and in paragraph (47) Birmingham, AL to Jefferson and Shelby Counties, AL; (3) expand its one-way authority to radial authority in all of the paragraphs except paragraph (54); and (4) remove the following restrictions: in paragraphs (46) and (47) restriction against service to Grand Rapids and Kalamazoo, MI and Kingsport and Elizabethton, TN; and in paragraph (54) restrictions against service (1) between Louisville, KY and Lima, OH, (2) from Chicago and Chicago Hts., IL.

MC 123371 (Sub-7)X, filed August 20, 1981. Applicant: EDLIN BROS. INC., Route 2, New Haven, KY 40051. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., NW., Washington, DC 20004; Herbert Liebman, 403 W. Main Street, Frankfort, KY. Applicant seeks to remove restrictions in its Sub-No. 5F certificate to (1) broaden the commodity description to "food and related products," from alcoholic liquors, (2) eliminate the "commodities in bulk, in tank vehicles" restriction, and (3) remove the named facilities restriction to authorize radial service between Nelson County, KY, and points in several States.

MC 125916 (Sub-22)X, filed August 14, 1981. Applicant: NORWOOD TRANSPORTATION, INC., 2232 South 7200 West, Magna, UT 84044. Representative: Macoy A. McMurray, 800 Beneficial Life Towers, 36 South State Street, Salt Lake City, UT 84111. Applicant seeks to remove restrictions in its Sub-Nos. 8F, 11, 13, and 17F certificates to (1) change the commodity description from various bulk commodities, such as pumice, soda ash, etc., to "commodities in bulk"; (2) authorize radial authority where only one-way exists; and (3) replace city-wide authority with county-wide authority as follows: Lexington, KY with Fayette County, KY; Jackson, MS with Rankin, Hind, and Madison Counties, MS; Bucyrus, OH with Crawford County, OH; Cleveland, OH with Cuyahoga, Lake, Lorain, Medina and Summit Counties, OH; Logan, OH, with Hocking County, OH; Niles OH, with Trumbull County, OH; and Bridgeville, PA with Alleghany County, PA.

MC 140644 (Sub-3)X, filed August 27, 1981. Applicant: SURE WAY TRUCK SERVICE, INC., P.O. Box 317, Leo, IN 46765. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions in its Sub-No. 1 permit to (1) broaden the commodity description from cheese and returned shipments of cheese to "food and related products" and broaden the territorial description to between points in the U.S. under continuing contract(s) with a named shipper.

MC 142059 (Sub-178)X, filed August 18, 1981. Applicant: CARDINAL TRANSPORT, INC., 1230 Northern Industrial Drive, Channahon, IL 60410. Representative: Jack Riley (same as applicant's). Applicant seeks to remove restrictions in the Sub-Nos. 17, 35F, 50F, 78F, 88F, 116F, 118F, 125F, 130F, 133F, 135F, 137F, 138F, 144F, and 147F certificates to (1) broaden its commodity descriptions to "machinery" from material handling equipment and parts and accessories for material handling equipment in Sub-No. 17; "clay, concrete, glass or stone products furniture and fixtures, metal products, rubber and plastic products and miscellaneous products of manufacturing" from swimming pools, file cabinets, closets and radiator enclosures in Part (1) of Sub-No. 35F; "Lumber and wood products" from lumber in Sub-No. 50F; "clay, concrete, glass or stone products, instruments and photographic goods, machinery, and metal products" from air pump stations, auto lifts, electrial equipment machinery, meters, service boxes, and valves, parts, in Sub-No. 78F; "metal products" from iron and steel articles in Sub-No. 88F; "lumber and wood products" from lumber, lumber products, wood products and forest products in Sub-No. 118F; "metal products" from metal and metal articles, and non-ferrous metal articles in Sub-Nos. 125F and 135F; "metal products" from iron and steel articles in Sub-Nos. 137F and 144F; "furniture and fixtures and materials, equipment, and supplies used in the manufacture and distribution thereof" from furniture and materials, supplies and equipment, used in the manufacture and distribution of furniture in Sub-No. 147F; "general commodities (except classes A and B explosives)" from general commodities (with exceptions) in Sub-Nos. 133F and 138F; (2) replace plantsites and/or cities with county-wide or city-wide authority as follows: in Sub-No. 17, plantsite at Crystal Lake, IL with McHenry County, IL; in Sub-No. 35F, Carlstadt, NJ with Bergen County, NJ; in Sub-No. 78F, Greensboro, NC to Guilford County, NC; in Sub-No. 88F, Gerald, MO to Franklin County, MO; in Sub-No. 116F, Rockford, IL to Winnebago County, IL; from Aurora, IL and DeKald, IL to Kane and DeKalb Counties, IL respectively in Sub-No. 130F; broaden the ports of entry on the international boundary line located in the lower peninsula of MI to ports of entry in MI in Sub-No. 50F; (3) authorize radial service in lieu of existing one-way authority in Sub-Nos. 17, 50F, 88F, 116F, 118F, 130F, and 137F; (4) delete the exceptions against service to AK and HI in Sub-Nos. 35F, 78F, 88F, 116F, 118F, 125F, 130F, 133F, 135F, 137F, 138F, 144F, and 147F; (5) remove the exceptions against the transportation of Mercer commoditites and commodities which because of size or weight require specialized equipment in Sub-No. 17; (6) eliminate commodity exceptions such as in bulk, size or weight and in tank vehicles, in Sub-Nos. 78F, 88F, 116F, 125F, 130F, 133F, 135F, 137F, 138F, and (7) delete originating at or destined to restrictions in Sub-Nos. 118F and 130F.

MC 142455 (Sub-7)X, filed August 26, 1981. Applicant: RED LINE TRANSPORT CORP., Box 187C, R. D. 1, Holtwood, PA 17532. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St., N.W., Washington, DC 20005. Applicant seeks to remove restrictions in its Sub-Nos. 2 and 5 certificates to (1) broaden the commodity description to "food and related products" from bananas, and agricultural commodities otherwise exempt from economic regulation under 49 U.S.C. § 10526(a)(6)(b), when moving in mixed loads with bananas in Sub-Nos. 2 and 5; (2) broaden city-wide to county-wide authority as follows: (a) New Castle County, DE, Salem County, NJ, and Delaware County, PA for Wilmington, DE, in paragraph (1) of Sub-No. 2; (b) Cumberland County, NJ for Bridgeton, NJ, in paragraph (2) of Sub-No. 2; and (c) Northampton County, PA and Warren County, NJ for Easton, PA; Burlington and Mercer Counties, NJ, and Bucks County, PA, for Trenton, NJ; Cumberland County, NJ for Bridgeton,

NJ; Monroe, Ontario and Wayne Counties, NY, for Rochester, NY; Chutauqua County, NY, for Jamestown, NY; and Erie and Niagara Counties, NY, for Buffalo, NY in paragraph (3) of Sub-No. 2; (3) broaden the territorial descriptions from one-way authority to radial authority; (4) eliminate the restriction in Sub-No. 2 to the transportation of shipments having an immediately prior movement by water and destined to points in the authorized destination territory; and (5) eliminate the prohibitions against serving Camden, Bridgeton and Trenton, NJ, Easton, PA, Rochester, Jamestown and Buffalo, NY, and Wilmington, DE.

MC 143297 (Sub-4)X, filed August 19, 1981. Applicant: GARN TRUCKING CO., Inc., 1083 Columbus Road, Columbus, OH 44691. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in MC–143297 Sub-No. 2 certificate and its No. MC–143297 permit as follows: (1) in Sub-No. 2 (a) broaden the commodity description to "building materials and clay, concrete, glass or stone products" from concrete block, bricks, building materials, slag, sand, gravel, stone and aggregates; and (b) substitute Wayne and Marion Counties, OH for Wooster and Marion, OH; (2) in its permit (a) broaden the commodity description to "waste or scrap materials not identified by industry producing," from recyclable and recycled materials, scrap automobiles, scrap materials and materials processed therefrom, (b) remove "except commodities in bulk, in tank vehicles" restriction, and (c) broaden the territorial description to between points in the U.S., under continuing contract(s) with named shippers.

MC 145494 (Sub-13)X, filed August 26, 1981. Applicant: EDINA CARTAGE COMPANY, P.O. Box 42, Mauricetown, NJ 08329. Representative: Laurence J. DiStefano, Jr., 1101 Wheaton Ave., Millville, NJ 08332. Applicant seeks to remove restrictions in its lead certificate to (1) remove all exceptions except Class A and B explosives in its general commodities authority, (2) remove restriction to the transportation of traffic moving on bills of lading of freight forwarders and (3) change one-way to radial authority.

MC 145603 (Sub-5)X, filed August 25, 1981. Applicant: B & H TRUCKING CO., INC., 570 W. 17th Street, Indianapolis, IN 46202. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restriction in its lead and Sub-No. 1F certificates to (1) broaden its commodity descriptions in both certificates from malt beverages in containers and empty containers, to "food and related products, and materials, equipment and supplies used in the manufacture and distribution thereof"; and (2) replace cities with county-wide authority, in the lead, Detroit, MI, Milwaukee, WI, Peoria, IL, Newport, KY, and Columbus, OH to Campbell County, KY, Wayne County, MI, Milwaukee County, WI, Peoria County, IL and Franklin County, OH; and in Sub-No. 1F, Newport, KY to Campbell County, KY.

MC 145731 (Sub-3)X, filed August 4, 1981. Applicant: BREADNER TRANSPORTS LIMITED, #26 Highway, Meadford, Ontario, CD NOH1Y0. Representative: William J. Hirsch P.C., 11225 Convention Tower, 43 Court Street, Buffalo, NY 14202. Applicant seeks to remove restrictions in its Sub-No. 1F certificate acquired in MC–FC–78923 to broaden commodity description from cut and broken stone to "clay, concrete, glass or stone products."

MC 145906 (Sub-6)X, filed August 26, 1981. Applicant: GENERAL TRUCKING CO., INC., P.O. Box 269, Santa Fe Pike, Columbia, TN 38401. Representative: Edward C. Blank, II, P.O. Box 1004, Columbia, TN 38401. Applicant seeks to remove restrictions in its Sub-No. 1F certificate and MC–118560 Sub-No. 2 permit to (1) broaden the commodity description from (a) aluminum, scrap aluminum, aluminum dross, aluminum oxide fines and aluminum secondary ingots to "metal products" in the certificate, and (b) slag by-products of phosphate furnaces to "ores and minerals" in the permit; (2) eliminate the facility limitation in the certificate and permit; (3) broaden the territorial description to between points in the U.S., under continuing contract(s) with a named shippers in the permit; and (4) remove the restriction (a) "originating at or destined to" in the certificate, and (b) against the transportation of fertilizer and fertilizer ingredients in the permit.

MC 146423 (Sub-15)X, filed August 25, 1981. Applicant: STEPHEN HROBUCHAK d.b.a., TRANS-CONTINENTAL REFRIGERATED LINES, P.O. Box 1456, Scranton, PA 18505. Representative: Peter Wolff, 722 Pittston Ave., Scranton, PA 18505. Applicant seeks to remove restrictions in its Sub-No. 11 certificate to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except Classes A and B explosives)", (2) restriction to traffic originating at or destined to facilities of a named shippers association or its members and to shipments on bill of lading of shippers associations and (3) broaden the territorial description by substituting county-wide authority for city-wide authority as follows: Somerset County, NJ (for Warren, NJ).

MC 146991 (Sub-10)X, filed August 24, 1981. Applicant: SILICA SAND TRANSPORT, INC., P.O. Box 208, Routes 47 & 71, Yorkville, IL 60560. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. Applicant seeks to remove restrictions in its Sub-Nos. 1F, 2F, 3F, 4F, 5F, 6F, and 19F certificates to (1) remove plantsite restrictions in Sub-Nos. 1F, 2F, and 4F; (2) broaden commodity descriptions from iron and steel articles to "metal products," in Sub-No. 1F; from sand, silica sand, and foundry aggregates and foundry aggregates and additives to "ores and minerals", in Sub-No. 2F; and from sand to "ores and minerals", in Sub-Nos. 4F, 5F, 6F, and 19F; (3) remove the originating at and/or destined to restrictions in Sub-Nos. 1F, 2F parts (1), (2), (3), (4), and (6), and 4F(4) change one way to between authority in Sub-Nos. 1F, 2F, 4F, and 19F; and (7) replace cities with county-wide authority; in Sub-No. 1F, Sterling and Rock Falls, IL, with Whiteside County, IL; in Sub-No. 2F, Ottawa and Wedron, IL, with La Salle County, IL, Glen Rose, TX, with Somervell County, TX, Sewanee, TN, with Franklin County, TN, Emmett, ID, with Gem County, ID, Lake Majella, CA, with San Diego County, CA, Whitehead, SC, with Kershaw County, SC, Brentwood, CA, with Costra Costa County, CA, Calhoun, GA, with Gordon County, GA, and Greenville, TN, with Green County, TN; in Sub-No. 4F, Bridgman, MI, with Berrien County, MI, and Michigan City, IN, with La Porte County, IN; and in Sub-No. 5F, Fetus, MO, Bridgman, MI, Michigan City, IN, Oregon, IL, Portage, WI, and Clayton, IA, with Jefferson County, MO, Berrien County, MI, La Porte County, IN, Ogle County, IL, Columbia County, WI, and Clayton, IA.

MC 147319 (Sub-2)X, filed August 20, 1981. Applicant: LUCKEY TRUCKING, INC., R.R. 5, Streator, IL 61364. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) broaden the commodity description to "commodities in bulk" from "sand, in bulk"; (2) remove a facilities limitation in La Salle County, IL and Berrien County, MI; and (3) convert one-way to radial authority.

MC 148815 (Sub-4)X, filed August 25, 1981. Applicant: HUSKER DISTRIBUTION, INC., 2245 Harrison,

Lincoln, NE 68502. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. Applicant seeks to remove restrictions in its Sub-No. 2F permit to (1) broaden the commodity description from laundry care products, home care products, beauty toiletry products, stainless steel cookware, cutlery, and food supplements to "such commodities as are used or dealt in by manufacturers and distributors of home and health care products"; (2) eliminate the "commodities in bulk restriction; and, (3) expand the territorial description to between points in the United States," under continuing contract(s) with a named shipper.

[FR Doc. 81-26166 Filed 9-4-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP2-072]

Motor Carriers; Permanent Authority; Republications of Grants of Operating Rights Authority Prior to Certification; Notice

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of an appropriate petition for leave to intervene, setting forth the precise manner in which petitioner has been prejudiced, must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleadings shall comply with 49 CFR 1100.247 addressing specifically the issue(s) indicated as the purpose for republication. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

MC 121733 (Sub-5) (Republication), filed November 21, 1980, published in the **Federal Register** of December 23, 1980, and republished this issue: Applicant: SEA-RAIL TRUCKLOADS, INC., 1225 South Jellick, City of Industry, CA 91748. Representative: Miles L. Kavaller, 315 S. Beverly Drive, Suite 315, Beverly Hills, CA 90212. A decision of the Commission, *Review Board 1,* decided April 1, 1981, and served April 16, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *contract carrier,* by motor vehicle, transporting *general commodities* (except classes A and B explosives, and household goods as defined by the Commission), between points in the United States, under continuing contract(s) with Federal Shippers Cooperative Association, Inc., of City of Industry, CA; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to convert the authority from common to contract.

MC 144603 (Sub-16) (REPUBLICATION), filed March 3, 1981, published in the **Federal Register** of March 18, 1981, and republished this issue: Applicant: F.M.S. TRANSPORTATION, INC., 2564 Harley Drive, Maryland Heights, MO 63043. Representative: Laura C. Berry (same address as applicant). A decision of the Commission, *Review Board 3,* decided May 15, 1981, and served June 18, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *common carrier,* by motor vehicle, transporting lumber and wood products, between points in Potter and Randall Counties, TX, on the one hand, and, on the other, points in Arizona, Utah, Colorado, New Mexico, and those points in the United States in and east of Wisconsin, Iowa, Missouri, Arkansas, and Louisiana (except Florida); that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to broaden the scope of authority.

[FR Doc. 81-26159 Filed 9-4-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide than an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register.** One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seeks authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-150

The following applications were filed in region I: Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Stret, Room 501, Boston, MA 02114.

MC 143553 (Sub-1-2TA), filed August 27, 1981. Applicant: CONTINENTAL TRANSPORT SYSTEMS, INC., 35 Main Street, P.O. Box 236, Versailles, CT 06383. Representative: Bradford I. Greene (same address as applicant). *Contract carrier:* irregular routes: *General commodities (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment and hazardous waste)* between points in the U.S., under continuing contract(s) with Simkins Industries, Inc., of New Haven, CT. Supporting shipper: Simkins Industries, Inc., 259 East Street, New Haven, CT 06508.

MC 157937 (Sub-1-1TA), filed August 27, 1981. Applicant: RICHARD CAIL d.b.a. DICK'S TOWING, 104 Winn Street, Woburn, MA 01801. Representative: Richard Cail (same address as applicant). *Storage containers, unmounted, without wheels or bogeys,* between points in MA on the one hand, and, on the other, points in CT, MA, ME, NH, NJ, NY, RI, and VT. Supporting shipper: Edco Mini Warehousing, 251 Corporation Way, Medford, MA 02155.

MC 154631 (Sub-1-4TA), filed August 28, 1981. Applicant: TRANSPORT

SPECIALISTS, INC., 545 Front Street, Woonsocket, RI 02895. Representative: Richard J. Wood, 357 Arnold Street, Woonsocket RI 02895.*Contract carrier:* irregular routes: *(1) Plastic articles, candles, greeting cards and related items,* from Nashua, NH to points in the U.S. (except AK and HI), and *(2) Equipment, materials and supplies used in the manufacture, distribution and sale of plastic articles, candles, greeting cards and related items* from the above-named destinations to the above-named origin, under continuing contract(s) with Doehla, Inc., of Nashua, NH. Supporting shipper: Doehla, Inc., 1 Chestnut Street, Nashua, NH 03061.

MC 157936 (Sub-1–1TA), filed August 27, 1981. Applicant: GRANT'S TRANSPORT, P.O. Box 508, Brewer, ME 04412. Representative: James F. Flint, Suite 406, 918 16th Street NW., Washington D.C. 20006. *Contract carrier:* irregular routes: *(1) Alcoholic and non-alcoholic beverages and materials, equipment, and supplies used in the manufacture of non-alcoholic beverages* from points in NH, VT, MA, RI, CT, NY, PA, OH, MD, NJ and VA to points in Penobscot County, ME under continuing contract(s) with Pepsi Cola Bottling Co. of Bangor, Brewer, ME; Maine Distributors, Bangor, ME; Haffenreffer Beverage Company of Brewer, ME; *Pulp, paper and related products* from points in Washington County, ME to points in NH, VT, MA, RI, CT, NY, NJ, PA, OH, MD and VA under continuing contract(s) with the Georgia-Pacific Corporation of Darien, CT. Supporting shipper(s): Pepsi Cola Bottling Co. of Bangor, P.O. Box 278, Brewer, ME 04412; Haffenreffer Beverage Company, P.O. Box 278, Brewer, ME 04412; Maine Distributors, 5 Coffey Street, Bangor, ME 04401; Georgia-Pacific Corporation, 320 Post Road, Darien, CT 06820.

MC 148560 (Sub-1–4TA), filed August 28, 1981. Applicant: GOLD STAR, INC., 130 Davidson Avenue, Somerset, NJ 08873 Representative: Michael R. Werner, Esq., 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. *Contract carrier:* irregular routes: *Meat and meat products,* from Cactus, TX to points in FL, under continuing contract(s) with Swift Independent Packing Company, Chicago, IL. Supporting shipper: Swift Independent Packing Co., 115 West Jackson Blvd., Chicago, IL 60690.

MC 157956 (Sub-1–1TA), filed August 28, 1981. Applicant: NEWHAVEN DISTRIBUTION SERVICE, INC., c/o William E. Schiffer, Jr., 47 Crabree Lane, Levittown, NY 11756. Representative: Zoe and Pace, Esq., Zelby & Burstein, Suite 2373, One World Trade Center, New York, NY 10048. *Contract carrier:* irregular routes: *Printed matter and equipment, materials and supplies used or dealt in by publishing houses* between New York, NY on the one hand, and, on the other, Fairfield, Hartford, Litchfield, Middlesex, New Haven and New London Counties, CT; Berkshire, Franklin, Hamden and Hampshire Counties, MA; and Columbia, Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, Ulster and Westchester Counties, NY under continuing contract(s) with World Color Press, Inc., Effingham, IL. Supporting shipper: World Color Press, Inc., P.O. Box 1248, Effingham, IL 62401.

MC 125522 (Sub-1–3TA), filed August 21, 1981. Applicant: SUNBURY TRANSPORT LIMITED, P.O. Box 3217, Station "B", Fredericton, New Brunswick, Canada E3A 5G9. Representative: Fritz R. Kahn, Suite 1100, 1660 L Street NW., Washington, D.C. 20036. *Pulp, paper and related products (STCC code 26)* between the ports of entry on the United States-Canadian boundary line at or near Calais, Houlton, Vanceboro, Fort Kent, Jackman and Madawaska, ME; Beecher Falls, NH; Derby Line, Norton, Richford, and Swanton, VT, on the one hand, and on the other, all points in the States of ME, NH, VT, MA, RI, CT, NY, NJ. Supporting shipper: Boise Cascade Corporation, P.O. Box 1414, Portland, OR 97207.

MC 138701 (Sub-1–2TA), filed August 21, 1981. Applicant: G. D. & K., INC., 500 W. Main Street, Wyckoff, NJ 07481. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract carrier:* irregular routes: *Textile mill products* between Spartanburg, SC, on the one hand, and, on the other, points in the US in and east of MN, IA, MO, AR and TX, under continuing contract(s) with Hoechst Fibers Industries, Spartanburg, SC. Supporting shipper: Hoechst Fibers Industries, P.O. Box 5887, Spartanburg, SC 29304.

MC 147573 (Sub-1–2TA), filed August 24, 1981. Applicant: OAK ISLAND EXPRESS, 2 Sixth Street, Jersey City, NJ 07302. Representative: Peter Wolff, 733 Pittston Ave., Scranton, PA 18505. Contract carrier: irregular routes: Such commodities as are dealt in by retail stores (except commodities in bulk) between the facilities of the May Company Inc., Jersey City, NJ on the one hand, and, on the other, points in CT, DE, MD, MA, NJ, NY, PA and RI; and Akron, Cleveland, Youngstown, OH and Washington, DC under continuing contract(s) with The May Company, Inc., St. Louis, MO. Supporting shipper: The May Company, Inc., 6th and Olive Street, St. Louis, MO 63101.

MC 108313 (Sub-1–1TA), filed August 21, 1981. Applicant: CALEDONIA LINES, INC., 100 Sonny Sol Boulevard, P.O. Box 8, Caledonia, NY 14423. Representative: Herbert M. Canter, Esq. and Benjamin D. Levine, Esq., 305 Montgomery Street, Syracuse, NY 13202. *Contract carrier:* irregular routes: *Chemicals and related products,* from Linden and South Kearney, NJ and Solvay and Caledonia, NY to points in CT, MA, NJ, NY, and PA, under continuing contract(s) with Drake Corporation of New York, NY. Supporting shipper: Drake Corporation, P.O. Box 257, Gracie Station, New York, NY 10028.

MC 157842 (Sub-1–1TA) filed August 24, 1981. Applicant: WEBBER PETROLEUM COMPANY, 93 Kensington Street, Portland, ME 04101. Representative: Robert E. Sutcliffe, 84 Harlow St., Bangor, ME 04401. *Contract carrier:* irregular routes: *Petroleum and petroleum products (STCC Code 13, 29) in bulk, in tank vehicles* between points in ME and NH under continuing contract(s) with Sunmark Industries, Framingham, MA. Supporting shipper: Sunmark Industries, Div. of Sun Oil Company of Pennsylvania, 2000 Market St., 28th Floor, Philadelphia, PA 19103.

MC 133590 (Sub-1–6TA), filed August 25, 1981. Applicant: WESTERN CARRIERS, INC., P.O. Box 925, 1060 Millbury Street, Worcester, MA 01613. Representative: David M. Marshall, Marshall and Marshall, 101 State Street, Suite 304, Springfield, MA 01103. *General commodities (except Classes A and B explosives and hazardous waste),* between the facilities of Xye Corp. located at points in the U.S. on the one hand, and, on the other, points in the U.S. Supporting shipper: Xye Corp., 500 Naragansett Park Drive, Pawtucket, RI 02861.

MC 152663 (Sub-1–4TA), filed August 25, 1981. Applicant: ISC TRANSYSTEMS, INC., 100 Jericho Quadrangel, Jericho, NY 11753. Representative: Larsh B. Mewhinney, Esq., Moore, Berson, Lifflander & Mewhinney, 555 Madison Avenue, New York, NY 10022. *Contract carrier:* irregular routes: *Textile mill products as defined in STCC No. 22, 23* between points in the U.S. under continuing contract(s) with K-Mart Apparel Corp., No. Bergen, NJ. Supporting shipper: K-Mart Apparel Corp., 7373 West Side Ave., No. Bergen, NJ 07047.

MC 124004 (Sub-1–5TA), filed August 25, 1981. Applicant: RICHARD DAHN, INC., 620 West Mountain Road, Sparta,

NJ 07871. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Colloidal silica and sodium silicate,* between Ashland, MA, on the one hand, and on the other, points in the U.S. east of and including the states of MN, IA, MO, KS, OK, and TX. Supporting shipper: PQ Corporation, Valley Forge Executive Mall, P.O. Box 840, Valley Forge, PA 19482.

MC 61942 (Sub-1–2TA), filed August 24, 1981. Applicant: JAMES J. McCABE, JR. d.b.a. J. McCABE, & SON, 38 Greenhalge Avenue, Everett, MA 02109. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108. *Furniture and fixtures, and household goods,* between points in the Boston, MA Commercial Zone, on the one hand, and, on the other, points in ME, VT, RI, CT, NH, NY, NJ, PA, DE, MD, DC, VA, NC, SC, GA and FL. Supporting shipper: Jordan Marsh Company, 500 Commander Shea Boulevard, North Quincy, MA 02171.

MC 148292 (Sub-1–6TA), filed August 24, 1981. Applicant: S. J. F. TRANSFER CORP., 11 Suncrest Drive, Dix Hills, NY 11746. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168–0025. *(1) Such commodities as are dealt in by wholesale, retail and chain grocery, drug and food stores; and, (2) Materials, equipment and supplies used in the manufacture, sale and distribution of the commodities in (1) above,* between points in Bergen, Burlington, Hudson and Passaic Counties, NJ, Bucks County, PA, Roanoke County, VA, and New Castle County, DE, on the one hand, and, on the other, points in CT, DE, MA, MD, ME, NH, NJ, NY, NC, PA, RI, VT and VA. Supporting shipper: The Purex Corp. Ltd., Radcliff Street, Bristol, PA 19007.

The following applications were filed in Region 2. Send Protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St. Rm. 620, Philadelphia, PA 19106.

MC 150511 (Sub-II–10TA), filed August 26, 1981. Applicant: BETTER HOME DELIVERIES, INC., 3700 Park East Drive, Cleveland, OH 44122. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. *Such merchandise as is dealt in by retail department stores,* restricted to residential deliveries, between Bridgeport, NJ, on the one hand, and, on the other, points in PA on and west of U.S. Highway 15, and points in NJ and NY, under continuing contract(s) with Abraham & Straus, Division of Federated Stores for 270 days. Supporting shipper: Abraham & Straus, 420 Fulton Street, Brooklyn, NY 11201.

MC 142723 (Sub-II–1TA), filed August 25, 1981. Applicant: BRISTOL CONSOLIDATORS, INC., 108 Riding Trail Lane, Pittsburgh, PA 15215. Representative: WILLIAM A. GRAY, 2310 Grant Bldg., Pittsburgh, PA 15219. Contract, irregular: *Such merchandise as is dealt in by retail variety, department and drug stores, and equipment, materials and supplies used in the conduct of such business (except commodities in bulk),* between Pymatuning Township, PA, on the one hand, and, on the other, points in the U.S., under a continuing contract or contracts with Fishers Big Wheel, Inc. of New Castle, PA for 270 days. An underlying ETA seeks authority for 120 days. Supporting shipper: Fishers Big Wheel, Inc., 102 Nesbitt Road, New Castle, PA 16105.

MC 152020 (Sub-II–2TA), filed August 25, 1981. Applicant: ALBERT G. DRIEBE, R.D. #1, Box 1229, Stroudsburg, PA 18360. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. *Foodstuffs and food related products and materials and supplies used in the manufacture and distribution of above commodities* between Berks County, PA, on the one hand, and, on the other, points in AZ, CO, ID, MT, NV, OR, UT, WY, NM, CA and WA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Giorgio Foods Inc., P.O. Box 96, Temple, PA 19560.

MC 138520 (Sub-II–1TA), filed August 26, 1981. Applicant: R. JOHNS TRANSFER CO., INC., 2206 Patterson Ave., SW, Roanoke, VA 24016. Representative: Lawrence E. Lindeman, 425 13th St., NW, Suite 1032, Wash., DC 20004. *Food and related products,* between pts. in Shenandoah County, VA, on the one hand, and, on the other, pts. in NC, WV, and MD, for 270 days. Supporting shipper: Bowman Apple Products Co., Inc., P.O. Box 247, Mt. Jackson, VA 22824.

MC 149541 (Sub-II–7TA), filed August 27, 1981. Applicant: LEBARNOLD, INC., 470 St. John's Church Rd., Camp Hill, PA 17011. Representative: Francis W. McInerny, 1000 16th St. NW #502, Washington, DC 20036. *Contract; irregular: pretzels and materials and equipment used in the manufactture and distribution thereof,* between Denver, PA, on the one hand, and, on the other Chicago, Northlake, and La Grange, IL, St. Petersburg and Tampa, FL and Robersonville, NC, for 270 days, under continuing contract with Quinlan Pretzel Co., Denver, PA. An underlying ETA seeks 120 days authority. Supporting shipper: Quinland Pretzel Co., Third and Washington Streets, Denver, PA 17517.

MC 25153 (Sub-II–2TA), filed August 26, 1981. Applicant: MARTIN FREIGHT SERVICE, INC., 112 Frick Ave., Waynesboro, PA 17268. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Machinery, machinery parts, materials, equipment and supplies used in the manufacture thereof,* between McConnellsburg, PA and Baltimore, MD, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: JLG Industries, Inc., JLG Dr., McConnellsburg, PA 17233.

MC 139638 (Sub-II–4 TA), filed August 25, 1981. Applicant: N. L. MONTGOMERY, INC., P.O. Box 626, Rocky Mount, VA 24151. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. *lumber and lumber mill products* from GA, SC, and Green County, TN to points in NC, OH, VA, TN, WV, KY, IN, and IL, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Spartanburg Forest Products, P.O. Box 2882, Spartanburg, SC 29304.

MC 145221 (Sub-II–3TA), filed August 27, 1981. Applicant: P.D.F. TRUCKING COMPANY, P.O. Box 398, Milan, Ohio 44846. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. (1) *Furniture and fixtures and materials, equipment and supplies used in the manufacture and distribution of furniture and fixture (except commodities in bulk)* between points in Homes County, OH, on the one hand, and, on the other, points in the U.S.; and (2) *chemicals and related products and materials, equipment and supplies used in the production and distribution of chemicals and related products (except commodities in bulk)* between Bergen County, NJ, on the one hand, and, on the other, points in the U.S. for 270 days. Supporting shipper: Wilson Cabinet Co., Inc., 160 Jones St., Millersburg, OH 44654; Stanson Chemical, Inc., P.O. Box 100, Teaneck, NJ 07666.

MC 151994 (Sub-II–2TA), filed August 26, 1981. Applicant: P.R.T., INC., 135 Wyandot Ave., Marion, OH 43302. Representative: Jerry B. Sellman, 50 W. Broad, Columbus, OH 43215. *Food and related products, and materials, equipment and supplies used in the production, manufacture and distribution* thereof, between Jeffersonville, IN, on the one hand, and, on the other, all points in the U.S. *for 270 days.* Supporting shipper(s): Snack Foods, Inc., P.O. Box 399, Jeffersonville, Indiana.

MC 157652 (Sub-II–1TA), filed August 26, 1981. Applicant: PROTECTIVE FOOD SERVICES, INC., P.O. Box 516, Laurel, MD 20810. Representative: Walter T. Evans, 7961 Eastern Ave., Silver Spring, MD 20910. *Such*

commodities as are dealt in by wholesale, retail and/or chain grocery, food business houses and drug houses, Between Jessup, MD, on the one hand, and, on the other points in DE, DC, MD, NJ, PA and VA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are 22 supporting shippers. Their statements may be examined at the ICC Reg. Office, Phila., PA.

MC 9914 (Sub-II–10TA), filed August 25, 1981. Applicant: WARREN TRUCKING CO., INC., P.O. Box 5224, Martinsville, VA 24112. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. *Furniture and fixtures,* from points in VA to points in the US (except AK and HI), for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: American Furniture Co., Martinsville, VA 24112; Hooker Furniture Corp., E. Church St., Martinsville, VA 24112.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 154103 (Sub-3–2TA), filed August 25, 1981. Applicant: MID SOUTH FREIGHT, INC., P.O. Box 446, Hendersonville, TN 37075. Representative: Joe F. Powell (same address as applicant). *Vitamins, chemicals and containers for production and packaging,* from the facilities of Freshlabs, Inc. at Warren, MI, on the one hand, and, on the other, to points in the U.S. Supporting shipper: Freshlabs, Inc., 7047 Murthum St., Warren, MI 48092.

MC 153557 (Sub-3–3TA), filed August 27, 1981. Applicant: MOTOR INDUSTRIES, INC., 1203 Audubon Parkway, Louisville, KY 40213. Representative: William L. Willis, Suite 708 McClure Building, Frankfort, KY 40601. *Kerosene and electric heaters and materials and supplies used in the manufacture, sale and distribution thereof,* between Warren County, KY, on the one hand, and, on the other, points in the U.S. except AK and HI. Supporting shipper: AtoMaster, A Unit of Amca, 2701 Industrial Drive, Bowling Green, KY 42101.

MC 154103 (Sub-3–9TA), filed August 26, 1981. Applicant: MID SOUTH FREIGHT, INC., P.O. Box 446, Hendersonville, TN 37075. Representative: Joe F. Powell (same address as applicant). *Fiberglass strands, Rovings, cloth and crushed fiberglass,* from the facilities of Reichhold Chemical, Inc. at Nashville, TN, to points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. Supporting shipper: Reichhold Chemical, Inc., Fiberglass Road, Nashville, TN 37210.

MC 154103 (Sub-3–8TA), filed August 26, 1981. Applicant: MID SOUTH FREIGHT, INC., P.O. Box 446, Hendersonville, TN 37075. Representative: Joe F. Powell (same address as applicant). *Occasional furniture,* from the facilities of Silver Mfg., Inc. at Knoxville, TN to points in the U.S. Supporting shipper: Silver Mfg., Inc., 2742 Hamcock Ave., NE., Knoxville, TN 37917.

MC 154103 (Sub-3–7TA), filed August 26, 1981. Applicant: MID SOUTH FREIGHT, INC., P.O. Box 446, Hendersonville, TN 37075. Representative: Joe F. Powell (same address as applicant). *Plumbing supplies or goods and sheet or plate steel,* from the facilities of Briggs Manufacturing at Knoxville, TN, to points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. Supporting shipper: Briggs Manufacturing, 4020 N. National Dr., Knoxville, TN 37921.

MC 154103 (Sub-3–6TA), filed August 26, 1981. Applicant: MID SOUTH FREIGHT, INC., P.O. Box 446, Hendersonville, TN 37075. Representative: Joe F. Powell (same address as applicant). *Manufactures disposable Industrial and Institutional products, also, non woven and synthetic piece goods,* from the facilities of American Threshold at Asheville, NC, to points in the U.S. Supporting shipper: American Threshold Industries, Inc., P.O. Box 8098, Asheville, NC 28814.

MC 154103 (Sub-3–5TA), filed August 26, 1981. Applicant: MID SOUTH FREIGHT, INC., P.O. Box 446, Hendersonville, TN 37075. Representative: Joe F. Powell (same as address as applicant). *Clay and plastic resin, porcelain enamel coatings, alumina C–7, sodium tri-poly phosphate, fluorspar, potassium silica flouride, sodium nitrate, zinc, potassium nitrate,* between Ferro Corporation at Nashville, TN, on the one hand, and, on the other, points in the U.S. Supporting shipper: Ferro Corporation, 20 Culvert Street, Nashville, TN 37210.

MC 107934 (Sub-3–18TA), filed August 27, 1981. Applicant: BYRD MOTOR LINE, INC., P.O. Box 828, Lexington, NC 27292. Representative: John R. Sims, Jr., Dennis Dean Kirk, 915 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004. *Furniture plywood and materials used in the manufacturing, sales and distribution of furniture plywood,* between points in Davidson County, NC, on the one hand, and, on the other, points in IN, MD, MI, NC, OH, VA, WV, and TN. Supporting shipper(s): Carolina Panel Company, Inc., 800 W. Center Street, P.O. Box 648, Lexington, NC 27292.

MC 107934 (Sub-3–17TA), filed August 27, 1981. Applicant: BYRD MOTOR LINE, INC., P.O. Box 828, Lexington, NC 27292. Representative: John R. Sims, Jr., Dennis Dean Kirk, 915 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004. *Plastic components and products used in the manufacture thereof,* between points in Davidson County, NC, on the one hand, and, on the other, points in SC, VA, MD, and GA. Supporting shipper(s): Creative Plastic Molders, Inc., P.O. Box 1328, New Highway 64 East, Lexington, NC 27292.

MC 107934 (Sub-3–16TA), filed August 27, 1981. Applicant: BYRD MOTOR LINE, INC., P.O. Box 828, Lexington, NC 27292. Representative: John R. Sims, Jr., Dennis Dean Kirk, 915 Pennsylvania Bldg., 425 13th Street, NW., Washington, DC 20004. *Carpet,* between points in Davidson County, NC, on the one hand, and, on the other, points in GA, AL, TN, and VA. Supporting shipper(s): E. E. Wilson Floor Covering, Inc., 1725 Cotton Grove Road, Lexington, NC 27292.

The following applications were filed in region 4: Send protests to: ICC, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 147082 (Sub-4–1), filed August 19, 1981. Applicant: FOSTER TRANSFER, INC., P.O. Box 501, Rockford, IL 61105. Representative: Philip A. Lee, 120 W. Madison St., Chicago, IL 60602. I—*Iron and steel articles* between IL, KS, KY, IN, IA, MI, MO, MN, OH, NE, TN, WI, TX and OK. II—*Fertilizer, fertilizer ingredients, liquid fertilizer and commodities in bulk* between IL, IA, IN, MN, WI, MI, MO, OH, and KY. Supporting shippers: Red Oak Forge, Division of Rockford Drop Forge, P.O. Box 33, Red Oak, Iowa 51566; N–REN Corporation, P.O. Box D, East Dubuque, Illinois 61025; Agrico Chemical Co., P.O. Box 3166, Tulsa, Oklahoma 74101; Smith-Douglass-Division of Borden Chemical, Borden, Inc., P.O. Box 419, 5100 Virginia Beach Blvd., Norfolk, Virginia, 23501.

MC 150746 (Sub-4–29TA), filed August 25, 1981. Applicant: DFC TRANSPORTATION COMPANY, 12007 Smith Drive, P.O. Box 929, Hundley, IL 60142. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. *Canned Goods,* between Sycamore, IL, on the one hand, and, on the other, points in AL, FL, GA, LA, MS, NM, NC, SC and TN. Supporting shipper: The Suter Company, Inc., P.O. Box 188, Sycamore, IL 60178.

MC 155741 (Sub-4–1TA), filed August 25, 1981. Applicant: J & S Inc., 601 Chamber of Commerce Building, 320 North Meridian St., Indianapolis, IN 46204. Representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, 320 North Meridian St., Indianapolis, IN 46204. *General commodities* (except Class A & B explosives) between points in the U.S., under continuing contracts with Central States Warehouse, Inc., Indianapolis, IN. Supporting shipper: Central States Warehouse, Inc., 250 S. Kitley Ave., Indianapolis, IN 46219.

MC 143627 (Sub-4–3TA), filed August 25, 1981. Applicant: FITZSIMMONS TRUCKING, INC., R.R. No. 2, Box 128, Waseca, MN 56093. Representative: Robert D. Gisvold, 1600 TCF Tower, 121 South 8th Street, Minneapolis, MN 55402. *General commodities* (except classes A and B explosives) between the facilities and suppliers of Best Products Co., Inc., in IL, IN, NY, OH and PA on the one hand, and, on the other, points in CA, FL, MD, MI, NJ, NC, OH, PA, TX, VA and WV. Supporting shipper: Best Products Co., Inc., P.O. Box 26303, Richmond, VA 23260.

MC 103993 (Sub-4–30 TA), date filed August 25, 1981. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 W., Elkhart, IN 46515. Representative: James B. Buda & Kenneth M. Hays (Same As Applicant). *Grain dryers and associated equipment* from the facilities of Farm Fans, Inc. at or near Indianapolis, IN to Brownsville, TX; Shafter, CA; Cavalier, ND; East Syracuse, NY; Janesville, WI; Moultrie, GA; New Market, AL; Brookings, SD; and Mankato, MN. An underlying ETA seeks 120 days authority. Supporting shipper: Farm Fans, Inc., 5900 Elmwood Ave., Indianapolis, IN 46203.

MC 157049 (Sub-4–1 TA), filed August 25, 1981. Applicant: AMATO MOTORS, INC., 977 W. Cermak Rd., Chicago, IL 60608. Representative: Anthony E. Young, 29 S. LaSalle St., Chicago, IL 60603, 312/782–8880. *general commodities (except Classes A & B explosives),* between Chicago, IL and its commercial zone, on the one hand, and, on the other, points in IA, IL, MI, WI, MO, OH, IN, and MN. Restricted to the transportation of traffic having a prior or subsequent movement by rail or water. There are nine (9) supporting shippers.

MC 143230 (Sub-4–5 TA), filed August 24, 1981. Applicant: LUCK TRUCKING, INC., R.R. #1, Box 190, Wolcott, IN 47995. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204. *Contract;* irregular: *Foodstuffs and supplements and plastic and rubber articles* (except in bulk), between Columbus, OH and Altavista, VA to all points in the continental U.S. under continuing contract(s) with Ross Laboratories, 625 Cleveland Ave., Columbus, OH 43216.

MC 153196 (Sub-4–6), filed August 24, 1981. Applicant: PRINCL FREIGHTLINES, INC., 1641 Carole Lane, Green Bay, WI 54303. Representative: Richard A. Westley, Attorney, 4506 Regent Street, Suite 100, P.O. Box 5086, Madison, WI 53705–0086. *Candles and related items such as candle holders and displays* from the facilities of Lenox Candles, Inc., located at or near Oshkosh, WI to all points in CA, WA, AZ, FL and OR. An underlying ETA seeks 120 days authority. Supporting shipper: Lenox Candles, Inc., P.O. Box 2806, Oshkosh, WI 54903.

MC 145746 (Sub-4–2 TA), filed August 24, 1981. Applicant: MINDEMANN TRUCKING, INC., N63 W22985 Main Street, Sussex, WI 53089. Representative: Daniel R. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. *Contract;* irregular: *Salt and salt products* from the facilities of Hardy Salt Company at or near Manistee, MI, to points in IL and WI, under a continuing contract with Hardy Salt Company. Supporting shipper: Hardy Salt Company, P.O. Box 449, St. Louis, MO 63166.

MC 149492 (Sub-4–3TA), filed August 24, 1981. Applicant: CHICAGOLAND QUAD CITIES EXPRESS, INC., 817 W. 21st St., Chicago, IL 60608. Representative: Philip A. Lee, 120 W. Madison St., Chicago, IL 60602. *Chemicals; insulated electrical wire, electrical conduit and related items of the electrical group,* from the Chicago, IL Commerical Zone to the Milwaukee, WI Commercial Zone. Supporting shippers: Triangle P.W.C., 11323 Franklin Ave., Franklin Park, IL.; Crooks Terminal Warehouse, 429 W. 14th Place, Chicago, IL.; Junction Warehouse, 424 W. Roosevelt Rd., Chicago, IL. An underlying ETA seeks 120 days authority.

MC 148380 (Sub-4–15TA), filed August 20, 1981. Applicant: CRESCO LINES, INC., 13900 South Keeler Avenue, Crestwood, IL 60445. Representative: Edward G. Bazelon, 39 South LaSalle Street, Suite 600, Chicago, IL 60603. *Contract* Irregular: *Wire and wire carriers,* between Fredericksburg, VA, on the one hand, and, on the other, points in the U.S. Supporting shipper: Rappahannock Wire Company, P.O. Box 7508, Fredericksburg, VA 22404.

MC 157836 (Sub-4–1TA), filed August 21, 1981. Applicant: BASELINE COMPANY, d.b.a. Jim Schauer, 5660 Gregory Road, Dexter, MI 48130. Representative: Paul M. Ross, 3104 S. Cedar Street, Lansing, MI 48910, (517) 394–4222. *Contract* irregular: *Machinery and concrete sweepers, along with associated construction equipment, tools, and supplies* between points in MI, IL, IN, OH, on one hand, and on the other, between points in the U.S. under continuing contracts with Bell Equipment Company, of Troy, Michigan. An underlying ETA seeks 120 day authority. Supporting shipper: Bell Equipment Company, 379 Industro Court, Troy, Michigan, c/o James Bell.

MC 135410 (Sub-4–36TA), filed August 19, 1981. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, North 6th St. Rd., P.O. Box 266, Monmouth, IL 61462. Representative: Daniel O. Hands, Suite 200–A, 205 W. Touhy Ave., Park Ridge, IL 60068. *Washers and dryers,* from the facilities of Norge Division of Magic Chef Corp at Herrin, IL to points in CT, DE, IN, IA, KS, ME, MD, MA, MI, MN, MO, NH, NJ, NY, OH, PA, RI, TN, VA, WV, WI and DC. Supporting shipper: Norge Division of Magic Chef Corp., 410 E. Maple St. Herrin, IL.

MC 156047 (Sub-4–2TA), filed August 24, 1981. Applicant: ALLWAY TRANSPORT, INC., 1949 Kings Highway, Washington Park, IL 62204. Representative: Robert Knight, P.O. Box 1148, Washington Park, IL 62204. *Used machinery, scrap metal, transportation equipment,* and *materials, equipment and supplies used in the manufacture, sale and distribution thereof,* between points in the St. Louis, MO-E. St. Louis, IL Commercial Zone on the one hand, and, on the other, points in IL, IN, KY, FL, OH, MI, MO, TN, KS, OK, AR, TX, LA, MS, AL, IA, and WI. Supporting shippers: Southwest Parts Supply, 1950 State St., E. St. Louis, IL 62205; McHenry Metal Products Co, Inc., 3838 Cote Brilliant, St. Louis, Mo. 63113; FosTex Company, 1949 B. Kings Highway, Washington Park, IL. 62204.

MC 147312 (Sub-4–3TA), filed August 20, 1981. Applicant: DALOR TRANSIT, INC., 7520 West Ryan Road, Franklin, WI 53132. Representative: Stephen H. Loeb, Suite 2027, 33 North LaSalle Street, Chicago, IL 60602. *Foodstuffs,* between points in the U.S., restricted to the transportation of traffic originating at or destined to the facilities of Ocean Spray Cranberries, Inc. Supporting shipper: Ocean Spray Cranberries, Inc., 7800 South 60th Avenue, Kenosha, WI 53142.

MC 157442 (Sub-4–1TA), filed August 21, 1981. Applicant: ALL-STATES TRANSPORT CORPORATION, 3125 US 30 West, Fort Wayne, IN 46898. Representative: Thomas Hudson, P.O.

Box 7406, Greenville, SC 29610. *Contract* irregular: *General commodities* (usual exceptions) between the facilities of Combined Shippers Corp. Ft. Wayne, IN and its members' facilities throughout the U.S. (except AK & HI) on the one hand, and, on the other, points to and from its members' facilities within the U.S. (except AK & HI). Restricted to traffic moving under continuing contract with Combined Shippers Corp. Supporting shipper: Combined Shippers Corp. Marketplace of Canterbury, 5675 St. Joe Road, Fort Wayne, IN 46815.

MC 147216 (Sub-4-2TA), filed August 21, 1981. Applicant: CARL KLEMM, INC., d.b.a. KLEMM TANK LINES, 1126 Terry Lane, P.O. Box W197, De Pere, WI 54115. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Petroleum, natural gas, and their products,* from Green Bay and Junction City, WI, to points in Dickinson County, MI. Supporting shipper: Penny Oil Company, 111 East Main Street, Iron Mountain, MI 49801.

MC 157947 (Sub-4-1TA), filed August 26, 1981. Applicant: DECKER DELIVERY SERVICE, INC., 10030 Telegraph Rd., Taylor, MI 48180. Representative: Robet E. McFarland, 2855 Coolidge, Ste. 201A, Troy, MI 48084. *Contract,* irregular: *Appliances and other merchandise sold at retail,* between Detroit, MI and the commercial zone thereof, on the one hand, and, on the other, points in OH, under a continuing contract or contracts with Highland Appliance Co. An underlying ETA seeks 120 days authority. Supporting shipper: Highland Appliance Co. 2145 Trolley Dr., Taylor, MI 48180.

MC 157945 (Sub-4-1TA), filed August 27, 1981. Applicant: AFRAM BROS. CO., 900 South Water Street, Milwaukee, WI 53204. Representative: Glenn Madson (same address as applicant), (414) 672-2100. *Contract* irregular: *Steel products and scrap* between Milwaukee, WI, Chicago, IL and Saulkville, WI. Restricted to traffic moving under continuing contract with Charter Manufacturing Co., Inc. Supporting shipper: Charter Manufacturing Co., Inc., 10500 North Port Washington Road, Mequan, WI.

MC 135410 (Sub-4-37TA), filed August 27, 1981. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, North 6th Street Road, P.O. Box 266, Monmouth, IL 61462. Representative: Daniel O. Hands, Attorney at Law, 205 West Touhy Ave., Suite 200-A, Park Ridge, IL 60068. *Steel and glass* from Camden and S. Kearny, NJ, Jeanette and McKeesport, PA and Kinsport, TN and points in their commercial zones to the facilities of Intercraft Industries, Inc., at or near Chicago, IL. Supporting shipper: Intercraft Industries, Inc., 1840 N. Clyborn, Chicago, Il.

MC 150341 (Sub-4-7TA), filed August 27, 1981. Applicant: HOOVESTOL, INC., 3110 Mike Collins Drive, St. Paul, MN 55121. Representative: Charles E. Johnson, P.O. Box 2578, Bismarck, ND 58502-2578. *Meats, meat products, and meat by-products,* between points in MN and IL on the one hand, and, on the other, points in the U.S. (except AK and HI). An underlying ETA seeks 120-day authority. Supporting shippers: Park Lane Foods, Mt. Prospect, IL; Meat Sales International-Marketing Specialist International, Minneapolis, MN; Sunstar Foods Inc., South St. Paul, MN; Dalson Foods, Inc., Maplewood, MN; Morris Rifkin & Sons, South St. Paul, MN; Lloyds Food Products, West St. Paul, MN; Ellison Meat Company, Minneapolis, MN; Goldberger Foods, Inc., Minneapolis, MN; and Cloverdale Foods, Mandan, MD.

MC 143023 (Sub-4-3), filed August 26, 1981. Applicant: CHI-WAUKEE TRUCK LINE, INC., 1501 West Pershing Rd., Chicago IL 60609. Representative: Donald E. Weishaar, Suite 202, 1301 West 22d St., Oak Brook, IL 60521. *Malt beverages, Carbonated beverages, Cereal beverages and beverage containers and related advertising material* between facilities of Joseph Schlitz Brewing Company at or near Long View, TX, Tampa, FL, Van Nuys, CA, and Winston Salem, NC, and Chicago, IL under continuing contracts with Elmwood Distributors, Inc. and C & S Distributors, Inc. An underlying E.T.A. seeks 120 days authority. Supporting shippers: C&S Distributors, Inc., 1501 W. Pershing Rd., Chicago, IL 60609; Elmwood Distributors, 1501 W. Pershing Rd., Chicago, IL 60609.

MC 150267 (Sub-4-1TA), filed August 27, 1981. Applicant: McARDLE TRANSPORTATION, INC., Route 1, Hazel Green, WI 53811. Representative: Richard A. Westley, Attorney, 4506 Regent Street, Suite 100, P.O. Box 5088, Madison, WI 53705-0088. *Food and related products,* and *materials, equipment and supplies* used in the production and distribution of food and related products, between the facilities used by Sanna Division of Beatrice Foods Company at or near Menomonie, Vesper, Eau Claire, and Wisconsin Rapids, WI on the one hand and, on the other hand points in the U.S., in and west of MN, IA, MO, AR, and CA (except AK and HI). Supporting shipper: Sanna Division, Beatrice Foods Company, P.O. Box 8046, Madison, WI 53708.

MC 139077 (Sub-4-1TA), filed August 27, 1981. Applicant: LOOP FLEET SERVICE INC., 1818 N. Commerce St., Milwaukee, WI 53212. Representative: (same as applicant). *Items sold or used in department stores,* between stores and warehouses of Kohl's Department Stores in Milwaukee, WI and stores of Kohl's Department Stores in IL. An underlying ETA seeks 120-day authority. Supporting shipper: Kohl's Dept. Stores, Div. of Kohl's Corp., 2315 N. 124th St., Brookfield, WI 53005.

MC 145842 (Sub-4-11TA), filed August 27, 1981. Applicant: SUNDERMAN TRANSFER, INC., P.O. Box 63, Windom, MN 56101. Representative: Carl E. Munson, 469 Fischer Building, Dubuque, IA 52001. *General commodities, including hazardous materials, except classes A and B explosives, commodities in bulk, those of unusual value, household goods, and commodities requiring use of special equipment,* from points in IL, IN, KY, MI, OH, PA, and WI, to points in IA, KS, MN, MO, NE, ND, SD and WI. *Restriction:* Restricted to traffic moving on Midwest Consolidators Inc., bill of ladings. Supporting shipper: Midwest Consolidators Inc., 324 East 8th Street, Sioux Falls, SD 57102.

MC 154826 (Sub-4-2TA), filed August 26, 1981. Applicant: R. F. TRUCKING, INC., N24 W25162 Bluemound Rd., Pewaukee, WI 53072. Representative: Daniel R. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203. *Contract:* Irregular: *Metal, metal articles, and metal products* between the facilities of E. R. Wagner Manufacturing Company, Engineered Products Division at Milwaukee, WI, on the one hand, and, on the other, points within the Chicago, IL, Commercial Zone under a continuing contract with E. R. Wagner Manufacturing Company of Milwaukee, WI. Supporting shipper: E. R. Wagner Manufacturing Company, 4611 North 32nd St., Milwaukee, WI 53209.

MC 141318 (Sub-4-4TA), filed August 26, 1981. Applicant: WEATHER SHIELD TRANSPORTATION, LTD., 531 North Eighth St., Medford, WI 54451. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. *Building materials* from points in IL and MN to points in WI. Supporting shipper: Prince Corporation, 214 West 2nd St., P.O. Box 488, Marshield, WI 54449.

MC 157358 (Sub-4-1TA), filed August 26, 1981. Applicant: ERNCO TRANSPORTATION CORPORATION, Box 227, Edgar, WI 54426. Representative: Jon Rasmussen, 835 Sterling Ave., Suite 225, Palatine, IL

60067. *Contract* irregular: (1) *Juvenile furniture and toys* between Edgar, WI and points in IL, MI, and NY; and (2) *materials, equipments, and supplies* used in the manufacturing and distribution of the commodities named in (1) above, from points in IL, MI, and NY, to Edgar, WI, under a continuing contract(s) with Standard Container of Edgar, Inc. Supporting shipper: Standard Container of Edgar, WI, Maple Street, Edgar, WI 54426.

MC 156520 (Sub-4–3TA), filed August 24, 1981. Applicant: PREMIER TRANSPORTATION SERVICES, INC., 2 East 106th Street, Room 150, Indianapolis, IN 46280. Representative: Buren V. Beaman (same address as applicant). *Automobile Engine Parts, Iron or Steel* between Indianapolis, IN and Jackson, MI. An underlying ETA seeks 120 days authority. Supporting shipper: International Harvester Company, 5565 Brookville Road, Indianapolis, IN 46219.

MC 152762 (Sub-4–1 TA), filed August 24, 1980. Applicant: CHARRON TRANSPORT LIMITED, 390 Colborne Street, R.R. #4, Chatham, Ontario, Canada N7M 5J4. Representative: Miss Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. *Cans, can ends,* and *cut tinplate* between ports of entry on the U.S.-Canada International Boundary line in MI and points in MI and OH. Supporting shipper: Libby McNeill & Libby of Canada, a division of Nestle Enterprises Limited of Chatham, Ontario, Canada, 330 Richmond Street, Chatham, Ontario, Canada N7M 1P7.

MC 150058 (Sub-4–2TA), filed August 24, 1981. Applicant: PHILPOTT CARTAGE CO., 6658 West 99th Street, Chicago Ridge, IL 60415. Representative: Donald S. Mullins, 1033 Graceland Avenue, Des Plaines, IL 60016, 312–298–1094. *Such commodities as are dealt in or used by manufacturers of railway equipment,* between points in the U.S. (except AK and HI). Supporting shipper: Miner Enterprises, Inc., W. H. Miner Division, 1200 E. State St., Geneva, IL 60134.

MC 157760 (Sub-4–3), filed August 26, 1981. Applicant: PROFESSIONAL COACH DELIVERIES, INC., P.O. Box 15223, Milwaukee, WI 53515. Representative: John L. Bruemmer, 121 W. Doty St., Madison, WI 53703–3279. *Busses in initial driveaway movements,* between Browers County, CO and points in WI, WA, MN, TN and GA. Supporting shipper: Neoplan USA Corporation, Gottlob Auwaerter Drive, Lamar, CO 81052.

MC 103993 (Sub-4–31TA), filed August 26, 1981. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Budd & Kenneth M. Hays, (same as applicant). *Grain dryers and associated equipment* from Farm Fans, Inc., at or near Indianapolis, IN, to all points in the U.S. An underlying ETA seeks 120 days authority. Supporting shipper: Farm Fans, Inc., 5900 Elmwood Ave., Indianapolis, IN 46203.

MC 144695 (Sub-4–1TA), filed August 26, 1981. Applicant: N. & S. TRUCKING, INC., Route 1, Francisco, IN 47649. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204. *Contract,* irregular, *flour,* between the facilities of Modern Maid Food Products, Inc., located at or near Evansville, IN, on the one hand, and, on the other, points in the U.S. Supporting shipper: Modern Maid Food Products, Inc., 200 Garden City Plaza, Garden City, NY 11530. Underlying ETA seeks 120 days authority.

MC 157592 (Sub-4–2TA), filed August 26, 1981. Applicant: JEFFREY FOSTER, d.b.a. PACKAGE DELIVERY, 623 Belgrade Ave., North Mankato, MN 56001. Representative: Charles T. Peterson, 325 South Broad St., Box 1387, Mankato, MN 56001. *Contract* irregular: *Wholesale pharmaceuticals, medicines, health and beauty aids and sundries* from Mankato, MN to customers in designated cities in Northern IA. Supporting shipper: Brown Drug, Inc., 1730 First Ave., Mankato, MN 56001.

MC 157923 (Sub-4–1TA), filed August 26, 1981. Applicant: TAYLOR TRUCKING, INC., 4080 Lancer Circle, Manitowoc, WI 54220. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Contract;* irregular; *cement in bags and in bulk* between La Salle, IL, and points in Sheboygan and Manitowoc Counties, WI. Restricted to transportation to be performed under a continuing contract(s) with the Van Der Vaart, Corp. Supporting shipper: Van Der Vaart Corp., P.O. Box 490, 1427 S. 15th St., Sheboygan, WI 53081.

MC 157700 (Sub-4–1TA), filed August 26, 1981. Applicant: METRO MESSENGER SERVICE, INC., 1550 N. Ashland Ave., Chicago, IL 60622. Representative: Donald S. Mullins, 1033 Graceland Ave., Des Plaines, IL 60016. *General Commodities (with the usual exceptions)* between points in the Chicago, IL, Commercial Zone, on the one hand, And, on the other, points in IL, IN, IA, KY, MI, MO, and WI. Restricted to less than truckload traffic only. Supporting shippers: There are (10) ten Supporting shippers.

MC 81835 (Sub-4–1TA), filed August 25, 1981. Applicant: MONIOWCZAK TRANSIT COMPANY, P.O. Box 235, Escanaba, MI 49829. Representative: William B. Elmer, 624 Third St., Traverse City, MI 49684. *Malt beverages,* from Memphis, TN to points in Delta and Schoolcraft Counties, MI. Supporting shipper: Leonard Distributing Co., 314 Wolfe St. Manistique, MI 49854 and Lipinski beverage, Route 3, 564 Northgate, Escanaba, MI 49829.

MC 157906 (Sub-4–1TA), filed August 24, 1981. Applicant: LARRY J. TEUBERT, d.b.a. L.J.T. TRUCKING, 355 Cronk Road, Allen, MI 49227. Representative: Donald L. Lambright, Ellis & Lambright, State Bank Building, Hillsdale, MI 49242. *Food grade commodities* from Hillsdale, MI Jonesville, MI and Battle Creek, MI to Cleveland, OH. Supporting shipper: DCA Food Industries, Inc., 919 Third Ave., New York, NY 10022.

MC 157760 (Sub-4–2TA), filed August 26, 1981. Applicant: PROFESSIONAL COACH DELIVERIES, INC., P.O. Box 15223, Milwaukee, WI 53515. Representative: John L. Bruemmer, 121 West Doty St., Madison, WI 53703–3279. *Buses, in initial driveaway service,* (1) between points in the Portsmouth, VA commercial zone and Cleveland, NC and (2) between Cleveland, NC and Seattle, WA, Chicago, IL, Denver, CO, Memphis, TN, Nashville, TN, Pittsburgh, PA, St. Paul, MN, Minneapolis, MN, San Jose, CA, Washington, DC, White Plains, NY and Indianapolis, IN. Supporting shipper: M.A.N. Truck & Bus Corp., Cleveland, NC.

MC 143776 (Sub-4–20TA), filed August 26, 1981. Applicant: C.D.B., INCORPORATED, 155 Spaulding Ave., S.E., Grand Rapids, MI 49506. Representative: C. Michael Tubbs, C.D.B., Incorporated, 155 Spaulding Ave., SE., Grand Rapids, MI 49506. *Metal Products* between the facilities of Justrite Mfg. Co. at Mattoon, IL, on the one hand, and, on the other, Edison, NJ. Supporting shipper: Justrite Mfg. Co., 2454 Dempster St., Des Plaines, IL 60016.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 1263 (Sub-5–5TA), filed August 27, 1981. Applicant: McCARTY TRUCK LINE, INC., 17th & Harris Avenue, Trenton, MO 64683. Representative: James M. McCarty, 17th & Harris Avenue, Trenton, MO 64683. *Chemicals and related products (except Classes A and B explosives and hazardous materials)* between points in the U.S. Supporting shipper: Faultless Starch-Bon Ami Company, 1025 West 8th St., Kansas City, MO 64101.

MC 108207 (Sub-5–43TA), filed August 27, 1981. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 75265. Representative: M. W. Smith (same address as applicant). *Prepared culture media* from Chicago IL, to points in MO, MN, TX, IN, KY, and OH. Supporting shipper: Scott Laboratories, Inc., 771 Main Street, Fiskeville, RI 02823.

MC 109818 (Sub-5–9TA), filed August 27, 1981. Applicant: WENGER TRUCK LINE, INC., P.O. Box 3427, Davenport, IA 52808. Representative: Larry D. Knox, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. Such commodities as are dealt in by retail, wholesale, or food business houses, between points in the U.S. Supporting shippers: Termicold Corporation, 1618 S.W. First Ave., Portland, OR 97201; Lusk-Fresh Pak Candy Co., 2525 Rockingham Road, Davenport, IA 52802; and Thoms-Proestler Co., 3840 West River Drive, Davenport, IA 52802.

MC 114274 (Sub-16 TA), filed August 28, 1981. Applicant: VITALIS TRUCK LINES, INC., P.O. Box 1703, Des Moines, IA 50306. Representative: William H. Towle, 180 North LaSalle St., Suite 3520, Chicago, IL 60601. *Pulp, Paper or Allied Products, Printed Matter, Equipment and Supplies used in the manufacture of the above.* Between Cincinnati, OH., Des Moines, IA and Tate Cove, LA on the one hand, and, on the other, pts in U.S. Except AK and HI. Supporting shipper: Frye Copy Systems Corp., 2515 Dean Ave., Des Moines, IA 50317.

MC 119399 (Sub-5–76 TA), filed August 8, 1981. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, Joplin, MO 64802. Representative: Keith R. McCoy (address same as applicant). *Chemical and related products (except Classes A and B explosives, hazardous materials, and commodities in bulk)* from Chicago, IL to Des Moines, IA; Little Rock, AR; Memphis, TN; Minneapolis, MN; Oklahoma City, OK; Omaha, NE; Tulsa, OK; Kansas City, MO; Kansas City, KS; Topeka, KS; Elkhart, IN; and Grand Rapids, MI. Supporting shipper: Jayo-Mex Corporation, Chicago, IL 60620.

MC 119399 (Sub-5–77–TA), filed August 28, 1981. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, Joplin, MO 64802. Representative: Keith R. McCoy (address same as applicant). *Copper cathodes, bars, and rods; molybdenum* from Gila Cy, AZ; Pinal Cy, AZ; and Pima Cy, AZ to Three Rivers, MI; Albion, IN; Bourbon, IN; Bremen, IN; Ft. Wayne, IN; New Haven, IN; South Milford, IN; Richmond, IN; Rolling Prairie, IN; Carmel, IN; Siteston, MO; St. Louis, MO; Warren, OH; Memphis, TN; and Milwaukee, WI. Supporting shipper: Newmont Services Limited, Tucson, AZ 85704.

MC 119399 (Sub-5–78 TA), filed August 28, 1981. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, Joplin, MO 64802.. Representative: Keith R. McCoy (address same as applicant). *Footwear and related goods and accessories sold in retail shoe stores* from Topeka, KS to Dallas, TX. Supporting shipper: Volume Shoe Corporation, Topeka, KS.

MC 130332 (Sub-1 TA), filed August 28, 1981. Applicant: TRAVEL-TOURS, INC., Rt. 4, SH 51 West, Wagoner, OK 74467. Representative: George F. Saunders, Attorney, 3333 Northwest 63rd Street, Suite 210, Oklahoma City, OK 73116. *Passengers and their baggage in the same vehicle with passengers in special and charter operations in round trip tours* beginnig and ending at pts in OK; Sebastian County, AR; Greene County, MO; and extending to pts in the US including AK, but excluding HI. Supporting shipper: 32.

MC 134547 (Sub-5–2TA), filed August 27, 1981. Applicant: BILBO TRANSPORTS, INC., 2722 Singleton Blvd., Dallas, TX 75212. Representative: Mark H. Fetzer (same as above). Contract, Irregular: *granulated slag, in bags,* between Rockdale, TX and Houston, TX under continuing contract with Leader International, Inc., Dallas, TX.

MC 135997 (Sub-5–4TA), filed August 27, 1981. Applicant: TEXAS TANK LEASING, INC., Rt. 5, Box 99, Conroe, TX 77301. Representative: William D. Lynch, P.O. Box 912, Austin, TX 78767. *Air Pollution Devices* from the facilities of Conservatek, Inc. in Montgomery County, TX to all points in the U.S. Supporting shipper: Conservatek, Inc., P.O. Box 1678, Conroe, TX 77301.

MC 138328 (Sub-5–27TA), August 28, 1981. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, I–80 & Hwy. 50, Omaha, NE 68137. Representative: Donna Ehrlich (same address as applicant). *Insulation, and materials, equipment and supplies used in the manufacture, distribution and installation of insulation,* between Carrollton, KY; Houston and San Antonio, TX; Tulsa, OK; and Mishawaka, IN, on the one hand, and, on the other, pts in the U.S. restricted to traffic originating or terminating at facilities used by Delron Corporation. Supporting shipper: Delron Corporation, 55851 East Ave., Mishawaka, IN 46544.

MC 139923 (Sub-5–9TA), filed August 27, 1981. Applicant: MILLER TRUCKING CO., INC., 105 South 8th St., Stroud, OK 74079. Representative: Edward Handlin (same as applicant). *Waxed Paper,* from Plymouth, IN to Booneville, AR. Supporting shipper: Jay Vee Equipment Co., Inc., 1155 Triton Drive, Foster City, CA 94404.

MC 140665 (Sub-5–81TA), filed August 28, 1981. Applicant: PRIME, INC., P.O. Box 4208, Springfield, MO 65804. Representative: Ann Holcombe, P.O. Box 786, Ravenna, OH 44266. *Paper and paper products (except in bulk)* from Texarkana, TX and West Monroe, LA, to the Seattle, WA, commercial zone. Supporting shipper: Ridgeway Packaging Corp., 4111–156th Ave. NE., Redmond, WA 98052.

MC 141523 (Sub-5–5TA), filed August 27, 1981. Applicant: C. R. KIDD PRODUCE INC., Post Office Box 364, Springdale, AR 72764. Representative: Dean G. Cannon, President (same as applicant). *Food and related products (except in bulk),* between the facilities of Sun Maid Raisin Growers of California, Inc., and it's affiliates, at points in the U.S., on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Sun Maid Growers of California, San Ramon, CA.

MC 142697 (Sub-5–3TA), filed August 27, 1981. Applicant: R & M TRUCK LINC, INC., P.O. Box 422, Oskaloosa, IA 52577. Representative: Ronald R. Adams, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Malt beverages and empty malt beverage containers,* between Milwaukee, WI and Belleville, IL, on the one hand, and, on the other, Washington, MO. Supporting shipper: Werner Sales Corp., P.O. Box 21, Washington, MO 63090.

MC 142956 (Sub-5–2TA), filed August 27, 1981. Applicant: M & S TRUCKING COMPANY, INC., Rural Route 1, Meadville, MO 64659. Representative: Donald J. Quinn, Commerce Bank Building, 8901 State-Line—Suite 232, Kansas City, MO 64114. Contract: Irregular. *Food and related products* between points in the U.S. Supporting shipper: Hickman Packing Company, Inc., Newark, NJ.

MC 143702 (Sub-5–1TA), filed August 28, 1981. Applicant: ALL FREIGHT SYSTEMS, INC., 1026 South 10th Street, Kansas City, KS 66105. Representative: Donald J. Quinn, Attorney at law, Commerce Bank Building, 8901 State Line—Suite 232, Kansas City, MO 64114. Contract: Irregular. *Greenhouses, parts, equipment and supplies thereof,* between points in the U.S. under a continuing contract with Stuppy

Greenhouse Supply, 120 East 12th Street, North Kansas City, MO 64116.

MC 144246 (Sub-5–3TA), filed August 27, 1981. Applicant: LARSEN TRUCKING INC., 7703 Sunset Drive, Omaha, NE 68127. Representative: James F. Crosby & Associates, Oak Park Office Bldg., Suite 210B, 7363 Pacific Street, Omaha, NE 68114. *Food and related products,* between pts in CO, ND, SD, NE, KS, OK, TX, MN, IA, MO, WI, IL, MI, IN, and OH. Supporting shipper: 9.

MC 147196 (Sub-5–24TA), filed August 27, 1981. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 50262, New Orleans, LA 70150. Representative: Donald A. Larousse, P.O. Box 50262, New Oleans, LA. 70150. Contract: Irregular. *Paper and Paper Articles and Materials, Equipment and Supplies used in the manufacture and distribution thereof* between all points in the U.S. under a continuing contract or contracts with Alco-Gravure, Inc., Memphis, TN.

MC 153007 (Sub-5–2TA), filed August 26, 1981. Applicant: T.N.T. III, INC., 4606 Chicago Street, Omaha, NE 68132.Representative: Robert K. Frisch, Brown & Walker, 2711 Valley View Lane, Suite 101, Dallas, TX, 75234. Passengers, baggage and athletic supplies, between pts in NE on the one hand and pts in IA, MO, KS, OK, CO, TX and SD on the other hand, in charter operations conducted in sleeper equipped buses transporting 32 or less passengers.Supporting shipper: 8.

MC 155256 (Sub-5–3TA), filed August 28, 1981. Applicant: KASSEL TRANSFER, INC., Route 1, Letts, IA 52754. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. *chemicals,* from Muscatine County, IA, to pts in IL, IN, KS, MN, MO, NE, OK, TX and WI. Supporting shippers: Reagent Chemical and Research, Inc., P.O. Box 1155, Muscatine, IA 52761.

MC 156079 (Sub-5–6TA), filed August 27, 1981. Applicant: CIRCLE "C" CARRIERS, INC., 3401 E. Roosevelt Rd., Little Rock, Ar. 72216. Representative: Sonny Curtner (same address as applicant). *Meat, both fresh and frozen and food products, packaging materials and supplies used in the packaging of meat and food products* between White County, AR. on the one hand and all points in the US. on the other. Supporting shipper: Land-O-Frost, Searcy, AR.

MC 157186 (Sub-5–1), filed August 27, 1981. Applicant: U.S. TRANSPORT, INC., 14307 Still Meadow, Houston, TX 77079. Representative: Keith E. Kisner, P.O. Box 26742, Austin, TX 78731. *Mercer commodities,* between points in TX, on the one hand, and, on the other, points in the U.S. Supporting shipper: 4.

MC 157730 (Sub-5–1TA), filed August 27, 1981. Applicant: CHARLES FOLEY, d.b.a. FOLEY TRUCKING, Route 2, Box 118, Baxter Springs, KS 66713. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Blasting agents, class A explosives and ammonium nitrate oxidizing materials,* between points in Cherokee County, KS and Jasper County, MO on the one hand and points and places in MO, AR, KS, OK, TX, NE, IN, KY, TN, AL, WY, NM and FL on the other hand. Supporting shipper: Atlas Powder Company, 12700 Park Central Place, Dallas, TX 75251.

MC 157882 (Sub-5–1TA), filed August 26, 1981. Applicant: NEWPORT TRUCKING COMPANY, INC., P.O. Box 91227, Lafayette, LA 70509. Representative: C. Kenneth Keller (same as above). Contract: Irregular. *Machinery, equipment, materials and supplies used in or in connection with the discovery, development, production, refining, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by products. (Except commodities in bulk, in tank vehicles),* between points in the United States. (Except HI.) Supporting shippers: There are nine (9) supporting shippers.

MC 157888 (Sub-5–1), filed August 27, 1981. Applicant: KEN'S TRANSPORTATION SERVICE, INC., 10602 East Pine, Tulsa, OK 74116. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. Contract, irregular, *Glass Containers,* from Okmulgee, OK to points in and west of MN, IA, MO, AR and LA. Shipper: Ball Corporation, 345 South High Street, Muncie, IN 47302.

MC 157933 (Sub-5–1TA), filed August 27, 1981. Applicant: TNF, INC., P.O. Box 60755 AMF, Houston, TX 77205. Representative: Wade H. Brown, P.O. Box 217, Bessemer, AL 35021–0217. *General Commodities (except Classes A and B Explosives), in containers, having a prior or subsequent movement by water,* between points in Cameron, Hidalgo and El Paso Counties, TX, on the one hand, and, on the other points in Harris County, TX. Supporting shippers: Samsonite Corporation, 11200 East 45th Ave., Denver, CO 80239 and Texas Citrus Exchange, P.O. Box 793, Mission, TX 78572.

MC 157957 (Sub-5–1TA), filed August 28, 1981. Applicant: LORAS KALB, 904 Monticello Drive, Dubuque, IA 52001. Representative: Carl E. Munson, 469 Fischer Building, Dubuque, IA 52001. *Fertilizer and fertilizer materials,* between pts. in IL, IA, and WI. Supporting shippers: (1) Quali Trade, Inc., 8120 Penn Avenue South, Suite 446, Minneapolis, MN 55431; (2) Royster Company, P.O. Box 7667, Madison, WI 53707; (3) Wiederholt Agri Service, RR #1, Hazel Green, WI 53811.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–26123 Filed 9–4–81; 8:45 am]

BILLING CODE 7035–01–M

[Permanent Authority Decisions Volume No. 156]

Motor Carriers; Restriction Removals Decision-Notice

Decided: September 1, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 43165 (Sub-16) X, filed May 13, 1981, previously noticed in the **Federal Register** of June 11, 1981, republished as follows:

Applicant: LOUDOUN TRANSFER, INC., P.O. Box 703, Leesburg, VA 22075. Representative: Dean N. Wolfe, 4 Professional Drive, Suite 145,

Gaithersburg, MD 20760. Applicant seeks to remove restrictions in its MC-43165 and Sub-No. 5 certificates and MC-142205 and Sub-Nos. 8F and 10F permits to (1) broaden the commodity description from (a) general commodities (with exceptions) to general commodities (except classes A and B explosives) in the lead and Sub-No. 5 certificates (b) from various commodities in the lead certificate such as milk and cream, fresh meat and hog by-products, fresh fruits, apples, and eggs to "food and related products"; from livestock to "farm products"; from fertilizer, feed, seed, and farm machinery to "farm products, food and related products"; chemicals and related products, and machinery"; from plumbing, heating and electrical supplies and fixtures, electrical appliances, furniture, and hardware to "rubber and plastic products, metal products, machinery, and furniture or fixtures"; from lime to "chemicals and related products", and from empty milk and egg containers, building materials, groceries, and fresh meats to "building materials, food and related products, and shipping containers, carriers, or devices, (c) in Sub-No. 5 certificate from livestock, agricultural commodities (not including manufactured products thereof), feeds, fertilizer, agricultural implements, agricultural machinery, and building materials to "farm products, food and related products, chemicals and related products, machinery and building materials,"; from livestock, apples, peaches, grain, and seed to "farm products and food and related products"; from fertilizer, seed, feed, and machinery to "chemicals and related products, food and related products, farm products, machinery and metal products"; from livestock to "farm products"; from lumber and cement to "lumber or wood products and clay, concrete, glass or stone products"; from fertilizer and lime to "chemicals and related products"; from fresh meat and hog by-products, fruit on sheet 3, poultry, meats, meat products, and meat by-products on sheet 6 to "food and related products"; from seed, feed, fertilizer, and farm implements to "chemicals and related products, food and related products, farm products, machinery and metal products"; from plumbing and heating supplies to "metal products, machinery, rubber and plastic products, and clay, concrete, glass or stone products"; from lime to "chemicalsand related products"; from agricultural commodities, feed, seed, fertilizer, farm implements and machinery, paint, lime, brick and cement to "farm products, food and related products, chemicals and related products, metal products, machinery, and clay, concrete, glass or stone products"; from farm machinery to "machinery and transportation equipment," from livestock, wool hides, and junk to "farm products, textile mill products, food and related products, and waste or scrap materials not identified by industry producing," from crushed stone, sand and gravel and cinders to "clay, concrete, glass or stone products," (d) in Sub-No. 4 permit from custom molded expandable polystyrene packaging to "rubber and plastic products and chemicals and related products,"; (e) in Sub-No. 8 permit from expanded polystyrene foam, expandable polystyrene resin, and equipment and supplies used in the manufacture and packaging of expanded polystyrene foam (except commodities in bulk) to "rubber and plastic products, chemicals and related products and equipment and supplies used in the manufacture and packaging of expanded polystyrene foam" and (f) in Sub-No. 10 permit from prepared animal and poultry feed (except in bulk) to "food and related products" (2) broaden the territorial description to "between points in the U.S. under continuing contract(s) with named shippers in the lead and Sub-Nos. 8 and 10 permits, (3) change City to county-wide authority (a) in the lead certificate from Bluemont, Round Hill, Leesburg, Hamilton and Purcellville, VA to Loudon County, VA; from Verona and Churchville to Augusta County, VA; from Stephens City, VA to Frederick County, VA; from Tenth Legion and Timberville, VA, to Rockingham County, VA; from Strasburg, VA, to Shenondoah County, VA; from Berryville, VA, to Clarke County, VA; and, from Charles Town, WV, to Jefferson County, WV, and (b) in Sub-No. 5 certificate from Riverton, WV, to Pendleton County, WV; from Harrisburg, PA, to Dauphin County, PA; from Purcellville, VA, to Loudon County, VA; from Charles Town, Millville, and Bakerton, WV, to Jefferson County, WV; from Cumberland, MD to Alleghany County, MD; from Ellicott City, MD to Howard County, MD; from Brunswick, MD to Frederick County, MD; from Lancaster, Hanover, Greencastle, and Camp Hill, PA to Lancaster, York, Franklin and Cumberland Counties, PA; from Piedmont, WV to Mineral County, WV; and from Westminster and Union Bridge, MD to Carroll County, MD; (4) remove in bulk restrictions in Sub-No. 5 certificate; (5) remove in tank vehicles restriction in Sub-No. 5 certificates; and (6) authorize two-way service in place of one-way service in the lead and Sub-No. 5 certificates. The purpose of this republication is to (1) in 3(b) substitute Pendleton County, WV for Jefferson County, WV in the previously noticed expansion of Riverton, WV; substitute Mineral County, WV for Jefferson County, WV in the previously noticed expansion of Piedmont, WV; and broaden Westminster and Union Bridge, MD to Carroll County, MD; (2) remove the in bulk restrictions in Sub-No. 5 certificate; (3) remove the in tank vehicles restriction in Sub-No. 5 certificate; and (4) authorize two-way service in place of one-way service in the lead and Sub-No. 5 certificates.

MC 67167 (Sub-13)X, filed August 19, 1981. Applicant: E.D. FEE TRANSFER, INC., P.O. Box 1464, New Castle, PA 16103. Representative: Harold G. Hernly, Jr., P.O. Box 1281, Old Town Station, Alexandria, VA 22313. Applicant seeks to remove restrictions in its lead and Sub-No. 12 certificates to: (1) broaden the commodity descriptions: (a) from roofing and roofing materials to "construction and building materials and supplies", on Sheet 1 of the lead certificate; (b) from nitre cake to "chemicals and related products" on Sheet 2 of the lead certificate; (c) from malt beverages, empty cream containers, steel, cream and empty malt beverage containers to "food and related products, metal products and containers" on Sheet 2 of the lead certificate; (d) from meats, meat products, meat by-products, dairy products and articles distributed by meat packing houses, as described in Sections A, B and C of *Appendix I* to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, to "food and related products" on Sheet 3 of the lead certificate; (e) from household goods, as defined by the Commission to "household goods, furniture and fixtures", on Sheet 3 of the lead certificate; (f) from lumber to "lumber and wood products" on Sheet 3 of the lead certificate; (g) from packing-house products to "food and related products" on Sheet 3 of the lead certificate; (h) from grinding machinery and parts to "machinery" on Sheet 4 of the lead certificate; and (i) from packing-house products and dairy products and rejected shipments of packing-house products and dairy products and empty containers to "food and related products" on Sheet 4 of the lead certificate, (2) change one-way regular route authority to two-way authority and authorize service to all intermediate points between Niagara Falls, NY, and New Castle, PA; Coverts, PA, and Buffalo, NY; and Buffalo, NY, and New Castle, PA, in the lead; (3) authorize

radial authority for one-way authority in the irregular route portion of the lead and Sub-No. 12, and expand city to county-wide authority from New Castle to Lawrence County, PA; Beaver Falls, Monaca, and New Brighton to Beaver County, PA; Youngstown to Mahoning County, OH; North Tonawanda to Niagara County, NY; Buffalo to Erie County, NY; Pittsburgh to Allegheny County, PA; Dunkirk to Chautauqua County, NY; Cleveland, Canton, Akron, Barberton, Lowellville, and Massillon to Cuyahoga, Stark, Summit, and Mahoning Counties, OH; Sharon and Farrell to Mercer County, PA; and Butler to Butler County, PA; (4) expand territorial description from Monaca, PA, and, points within 15 miles of Monaca to Beaver, Lawrence and Allegheny Counties, PA, and Columbiana County, OH, in the lead Sheet 4; and (5) remove the restrictions to a pool-car or pool truck distribution service, in the lead, sheet 3, and except those within 15 miles of Monaca, in the lead, sheet 4; and against transportation of traffic received from connecting motor carriers at New Castle, PA, in Sub-No. 12.

MC 113828 (Sub-284)X, filed August 11, 1981. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, DC 20014. Representative: William P. Sullivan, 818 Connecticut Ave., NW., Washington, DC 20006. Applicant seeks to remove restrictions in its No. MC–113828 Sub-Nos. 10, 11, 20, 27, 28, 52, 57, 65, 67, 72, 74, 75, 85, 96, 126, 136, 148, 150, 156, 160, 170, 181, 227, 229, 233, 235, 237, 243, 247, 251, 255F, and 263 certificates and in its E–5, E–19, E–27, E–28, E–44, E–46, E–58, E–59, E–64, E–65, E–66, E–67, E–69 and E–70 letter notices and No. MC–150473 Sub-No. 1F permit to (a) broaden the commodity description in Sub-Nos. 10, 11, 20, 27, 28, 57, 65, 74, 75, 85, 96, 170, 181, 247, 251, 263, E–27, E–28, E–64, E–65, E–66 and E–67 from dry cement, cement, and cement in bags, to "building materials"; in Sub-Nos. 28, 227, E–69 and E–70 from liquid petroleum products, liquefied petroleum gas, petroleum products (except petroacids, chemicals, asphalt and asphalt products) to "petroleum products"; in Sub-Nos. 28, 67, 72, 74, 85, 126, 156, 229, 235, 243, E–44, and E–46 from alum, in bags, lime, limestone, limestone products, dry hydrated lime, sand in bags, sand and magnetite to "ores and minerals"; in Sub-Nos. 136, 148, 150, 237, 255F, 263, E–58 and E–59 from dry dicalcium phosphate, fertilizer, fertilizer materials, nitro-carbo-nitrate, molten polypropylene, fly ash, chemicals, ferric chloride, concrete plasticizer compounds, sodium silico, aluminate slurry, laurel alcohol sulphates and sulfur dioxide gas to "chemicals and related products"; in Sub-No. 160, E–5 and E–19 from corn syrups and blends thereof, liquid and invert sugars, and syrup and blends of syrup and sugars and liquid sugar and syrups to "food and related products"; in No. MC–150473 Sub-No. 1F, from sulfuric acid and spent sulfuric acid to "chemicals and related products"; (b) expand the territorial scope of its irregular route authority from one-way authority to radial authority: Sub-Nos. 20, 28, 72, 75, 85, 227, 237, 263, E–27, E–44, E–66, and E–67, remove facilities restrictions; "originating at" restriction in Sub-No. 233; Sub-Nos. 27, 52, 96, and 263, ex-rail or water restrictions; and remove restriction against specified commodities to specified destinations in Sub-Nos. 67 and 150; replace specific point authority with county-wide authority wherever they appear as follows: Winston-Salem to Forsyth County, NC, Martinsburg to Berkeley County, WV, Greensboro to Guilford County, NC, Charlotte to Mecklenburg County, NC, Williamston to Martin County, NC, Thomasville and York to York County, PA, Berkeley Springs to Morgan County, WV, Canton to Stark County, OH, and Kimballton to Giles County, VA and Tirzah to York County, SC, Clyo to Effingham County, GA, Metter to Candler County, GA, Port Wentworth to Chatham County, GA, Dickerson to Montgomery County, MD, Chalk Point to Prince Georges County, MD, Morgantown to Charles County, MD, Longview to Gregg County, TX, Montezuma to Cayuga County, NY, Marcus Hook and Chester to Delaware County, PA, Linden to Union County, NJ, Jersey City to Hudson County, NJ, Copperhill to Polk County, TN; (c) authorize service at all intermediate points in its Sub No. 28 regular route certificates, and (d) expand the territorial scope to between points in the United States under contract with a named shipper in MC–150473 Sub-No. 1F.

MC 117975 (Sub-11)X, filed August 24, 1981. Applicant: MOTOR EXPRESS, INC., P.O. Box 604, Edinburg, TX 78539. Representative: Clayte Binion, 623 South Henderson, 2nd Floor, Fort Worth, TX 76104. Applicant seeks to remove restrictions in its lead and Sub-Nos. 4, 7, 9F and 10F certificates to (1) broaden the commodity description to "food and related products" from (a) bananas, in the lead, and Sub-Nos. 4 and 7, (b) malt beverages, in Sub-No. 9F, and (c) beverages in Sub-No. 10F; (2) eliminate the "AK and HI" restriction, in Sub-No. 7; (3) authorize county-wide authority to replace existing city-wide and ports of entry authority: Webb, Zapata, Starr, Hidalgo, Willacy and Cameron Counties, TX, for McAllen, TX, and ports of entry on the U.S.-Mexico boundary line located in TX, between and including Brownsville and Laredo, TX, in Sub-No. 7; and (4) authorize radial authority to replace existing one-way authority in the lead and Sub-Nos. 4, 7 and 9F.

MC 119615 (Sub-7)X, filed August 24, 1981. Applicant: ALEXANDER TRUCK LINES, INC., P.O. Box 303, Edinburg, TX 78539. Representative: Clayte Binion, 623 South Henderson, 2nd Floor, Fort Worth, TX 76104. Applicant seeks to remove restrictions in its Sub-Nos. 2 and 6 certificates to (1) broaden the commodity description to "food and related products" from bananas in Sub-No. 2 and olives in the base description of Sub-No. 6, (2) remove the originating at and destined to restriction in Sub-No. 6 and (3) change one-way to radial authority in both subs.

MC 129444 (Sub-10)X, filed August 24, 1981. Applicant: KNOBLOCH TRUCKING CO., INC., Yaphank Avenue, P.O. Box 625, Brookhaven, NY 11719. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions in its lead and Sub-Nos. Sub-No. 1, 4, 5, and 6 permits, and MC–41498 Sub-No. 3 permit to (1) broaden the commodity description from (a) such commodities as are dealt in by wholesale, chain and retail food business houses, groceries, oleomargarine and mayonnaise, pickles, salad dressings, table sauces, mustard, vegetable cooking oils, and stearine, food products, and prepared foodstuffs to "such commodities as are dealt in or used by food business houses" in the lead and Sub-Nos. 1 (sheet 1 and 2), 4, 5, and 6, and MC–41498 Sub-No. 3; (b) advertising matter pertaining thereto to "advertising matter" in Sub-No. 1 (sheet 1 and 2); (c) empty grocery containers and empty containers to "containers" in Sub-No. 1 (Sheet 2 and 3); and (d) animal feeds to "food and related products" in Sub-Nos. 4 and 5; (2) remove the restrictions except liquid commodities in bulk, in tank vehicles, except commodities in bulk, and in vehicles equipped with mechanical refrigeration, wherever they appear; and (3) broaden the territorial description to between points in the U.S., under continuing contract(s) with a named shipper, in each permit.

MC 134440 (Sub-4)X, filed August 14, 1981. Applicant: La VENTURE BROS. VAN LINES, d.b.a. La Venture Bros. Transfer and La Venture Bros. Van

Lines, 3808 E. Slauson Avenue, Maywood, CA 90270. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, D.C. 22036. Applicant seeks to remove restrictions from its Sub-No. 3 certificate to broaden the commodity description from household goods to "household goods and furniture and fixtures."

MC 135570 (Sub-5)X, filed August 26, 1981. Applicant: MOBILE AIR TRANSPORT, INC., P.O. Box 219, Latham, NY 12110. Representative: W. Norman Charles, P.O. Box 724, Glens Falls, NY 12801–0724. Applicant seeks to remove restrictions in its Sub-No. 1 certificate to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities, (except classes A and B explosives)"; (2) replace named airports with city; Newark Airport, Newark, NJ, with Newark, NJ, and John F. Kennedy International and LaGuardia Airports, New York, NY, with New York, NY; and (3) remove the restriction limiting transportation of traffic having a prior or subsequent movement by air.

MC 138230 (Sub-1)X, filed August 12, 1981. Applicant: CONTAINER EXPRESS, INC., 7530 SW 104th St., Miami, FL 33156. Representative: Tom Culberson (same as applicant). Applicant seeks to remove restrictions in its lead certificate to (1) remove all exceptions from its general commodities authority except Classes A and B explosives, (2) remove the in containers or in trailers restriction and, (3) remove the ex-water restriction to authorize (1) general commodities (except classes A and B explosives), radially between Jacksonville, FL, and, points in FL and GA and (2) empty containers, trailers, and trailer chassis, between points in FL and GA.

MC 138714 (Sub-12)X, filed August 19, 1981. Applicant: VIRGINIA TRANSPORTATION, INC., 1814 High Point Avenue, Richmond, VA 23230. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue, NW, Washington, DC 20005. Applicant seeks to remove restriction in its Sub No. 2 permit to broaden the territorial description to between points in the U.S., under continuing contract(s) with a named shipper.

MC 140540 (Sub-2)X, filed August 14, 1981. Applicant: L. MONTGOMERY, INC., 15 Knollwood Drive, Tinton Falls, NJ 07724. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Applicant seeks to remove restrictions in its MC–140540 Sub-No. 1 permit to (1) broaden the commodity description from polystyrene products, plastic lids, plastic tumbers, plastic plates, and plastic utensils to "rubber and plastic products"; and (2) broaden the territorial description to between points in the U.S. under continuing contract(s) with a named shipper.

MC 141205 (Sub-52)X, filed August 21, 1981. Applicant: HUSKY OIL TRANSPORTATION COMPANY, 600 S. Cherry St., Denver, CO 80222. Representative: F. Robert Reeder, James M. Elegante, P.O.B. 11898, Salt Lake City, UT 84147. Applicant seeks to remove restrictions in its Sub-No. 49F permit to broaden the commodity description from crude oil, scrubber oil, and condensate to "petroleum and petroleum products".

MC 142494 (Sub-5)X, filed August 14, 1981. Applicant: UNITED CARTAGE, INC., 737 S. Stacy St., Seattle, WA 98108. Representative: Michael D. Duppenthaler, 211 S. Washington St., Seattle, WA 98104. Applicant seeks to remove restrictions in its Sub-Nos. 3F and 4F certificates to (1) broaden the territorial description from city to county-wide authority: Seattle, WA, in Sub-No. 3 and Anchorage, AK in Sub-No. 4 to King, Kitsap, and Snohomish Counties, WA and Greater Anchorage Area, Kenai Peninsula, and Matanuska-Sistna Boroughs, AK, respectively and (2) remove ex-water restrictions in both.

MC 144889 (Sub-12)X, filed May 20, 1981, published in the **Federal Register** of June 15, 1981, and republished as follows: Applicant: RONWAL TRANSPORTATION, INC., 2600 Calumet Ave., Hammond, IN 46320. Representative: Andrew K. Light, 1301 Merchants Plaza, Indianapolis, IN 46204. As is pertinent here, applicant seeks to broaden a territorial description in its Sub-No. 10 certificate from facilities at Hammond, IN, to Lake County, IN, and Cook County, IL. The certificate issued in this proceeding failed to include Cook County. The purpose of this republication is to reflect applicant's original request and to request comments from interested parties.

MC 148684 (sub-3)X, filed August 24, 1981. Applicant: SIDNEY SMITH, INC., P.O. Box 61–B, Sandyville, WV 25275. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. Applicant seeks to remove restrictions in its Sub-No. 1 certificate to broaden the commodity description to "metal products and machinery and commodities used in their manufacture and production" from pipe, machinery, and steel articles.

MC 148747 (Sub-3)X, filed August 20, 1981. Applicant: D & E TRANSPORT, INC., Bensalem, PA. Representative: Richard Rueda, 133 North 4th Street, Philadelphia, PA 19106. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) broaden the commodity description from general commodities, with exceptions to "general commodities (except classes A and B explosives)"; (2) eliminate the facilities limitations; (3) change city to county-wide authority from Camden to Camden County, NJ; Ambler and Norristown to Montgomery County, PA; and Sunbury to Northumberland County, PA; (4) change one-way to radial authority and (5) remove the "originating at or destined to" restriction.

MC 151179 (Sub-2)X, filed August 27, 1981. Applicant: G–M TRANSPORTS, INC., 12344 E. NW Highway, Dallas, TX. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. Applicant seeks to remove restrictions in its lead permit to (1) eliminate the commodities in bulk, and fresh meats and poultry exception; and (2) broaden territorial authority to between points in the U.S., under continuing contract(s) with a named shipper.

MC 151221 (sub-2)X, filed August 24, 1981. Applicant: HUDSON VALLEY BULK SERVICE, INC., Twinbrook Farm Road, East Chatham, NY 12060. Representative: Roy A. Jacobs, 550 Momaroneck Avenue, Harrison, NY 10528. Applicant seeks to remove restrictiosn in its Sub-No. 1F permit to (1) broaden the commodity description from precast cellular concrete to "clay, concrete, glass or stone products;" and (2) broaden the territorial description to between points in the U.S., under continuing contract(s) with a named shipper.

[FR Doc. 81–25122 Filed 9–4–81; 8:45 am]
BILLING CODE 7035–01–M

[Ex Parte No. 311]

Motor Carriers; Expedited Procedures for Recovery of Fuel Costs; Decision

Decided: September 1, 1981.

In our recent decisions, an 18.0-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figure set forth in the appendix for transporation performed by owner-operators and for truckload traffic is 17.8-percent. Accordingly, we are authorizing that the surcharge for this traffic remain at 18.0 percent. All owner-operators are to receive compensation at this level.

No change is authorized in the 3.1-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not using owner-operators, the 6.7-percent surcharge for the bus carriers, or the 2.0-percent surcharge for United Parcel Service.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. for public inspection and by depositing a copy to the Director, Office of the Federal Register, for public publication therein.

It is Ordered:

This decision shall become effective Friday 12:01 a.m., September 4, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham, and Gilliam.

Agatha L. Mergenovich,

Secretary.

August 31, 1981.

APPENDIX.—*Fuel Surcharge*

Base date and price per gallon (including tax)

Jan. 1, 1979 ..... 63.5c

Date of current price measurement and price per gallon (including tax)

Aug. 31, 1981 ..... 130.6c

	Transportation performed by—			
	Owner operator[1]	Other[2]	Bus carrier	UPS
	(1)	(2)	(3)	(4)
Average percent fuel expenses (including taxes) of total revenue	16.9	2.9	6.3	3.3
Percent surcharge developed	17.8	3.1	6.7	[3] 2.8
Percent surcharge allowed	18.0	3.1	6.7	[4] 2.0

[1] Apply to all truckload rated traffic.
[2] Including less-than-truckload traffic.
[3] The percentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).
[4] The developed surcharge is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 81-26121 Filed 9-4-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-No. 46)]

Southern Pacific Transportation Co.; Exemption for Supplement to Tariff ICC-SP-C-0009; Decision

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The supplemental agreement to be filed can become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: By petition filed August 21, 1981, the Southern Pacific Transportation Company (Southern Pacific) has requested an exemption from the 30-day notice requirement of 49 U.S.C. 10713(e), in order that the Southern Pacific's first supplemental agreement to its contract and contract tariff ICC-SP-C-0009 may become effective on one day's notice effective September 2, 1981. The contract itself became effective June 18, 1981, in accordance with the notice requirements of section 10713(e).

Petitioner argues that the first supplemental agreement is necessary because the shipper is facing the imminent threat of a strike at its plant on September 1, 1981 from which paper commodities move to points on the lines of the Southern Pacific. The shipper has committed itself to a guaranteed number of carloads of paper products to be shipped from the plant. The supplemental agreement allows the shipper to shift its point of origin shipments to a facility in the same city that would not be struck. The Southern Pacific is obligated to provide car supplies to the unstruck facility on the same terms it provides cars to shippers with whom it has no contracts. The other provisions of the supplemental agreement increase the number of possible destinations and adjust the language of the agreement to take into account the new destinations and a new force majeure clause. No other provisions of the original contract are changed.

There is no provision for waiving the section 10713(e) requirement that contracts must be filed to become effective on not less than 30 nor more than 60 days' notice. Cf. former section 10762(d)(i). However, we may address the same relief under our section 10505 exemption authority and we do so here.

We believe this is the type of exception circumstance that warrants an exemption.[1] In Ex Parte No. 387 (Sub-No. 18), *Consolidated Rail Corporation Exemption for Contract Tariff ICC-CR-C-0011*, served April 2, 1981, we stated: "The coal strike is precisely the exceptional or emergency condition which warrants an exemption." An exemption is equally warranted by the threatened strike at the shipper's plant, which was unanticipated by the shipper who believed a settlement could be reached well before the expiration of its labor agreements. Thus, granting this exemption will guarantee the continuous movement of paper products. Finally, it should be noted that no protests were filed against the original contract.

Southern Pacific has agreed to the following conditions:

If the Commission permits the contract supplement to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract supplement for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding, on its own initiative or on complaint, to review the supplement or to disapprove it.

Subject to compliance with the conditions set out above, under 49 U.S.C. 10505(a), we find that the 30-day notice requirement in this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101 and is not needed to protect shippers from abuse of market power. The first supplement agreement to the contract tariff to be filed in conformity with our tariff publishing regulations may become effective on one day's notice. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protest are filed within 15 days of publication in the Federal Register.

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

(49 U.S.C. 10505)

Decided: September 1, 1981.

By the Commission, Division 2, Commissioners Gresham, Gilliam, and Taylor. Commissioner Gresham did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-26119 Filed 9-4-81; 8:45 am]

BILLING CODE 7035-01-M

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[1] Because of the shortness of time the Commission had to consider the petition, the September 1, 1981 effective date cannot be met.

[Docket No. AB-33 (Sub-No. 20F)]

Union Pacific Railroad Co.; Abandonment in Odgen, Weber County, Utah; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that the Commission, Review Board Number 3, has issued a certificate authorizing the Union Pacific Railroad Company to abandon a portion of the Hill Field Branch, extending from milepost 0.00 to milepost 0.086, a distance of 0.086 miles in Odgen, Weber County, UT, subject to certain conditions. Since no investigation was instituted, the requirement of § 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the Federal Register be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual officer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. The offer, as filed, shall contain information required pursuant to § 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-26120 Filed 9-4-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Office of Pension and Welfare Benefit Programs

[ORPS Application No. P-2114V]

Employee Benefit Plans; Proposed Reporting Exemption for the Employees Benefit Fund, Munising Mill of Kimberly-Clark Corp.

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from the requirements of section 103(a)(3)(A) of the Employee Retirement Income Security Act of 1974 (the Act) for the Employees' Benefit Fund, Munising Mill of Kimberly-Clark Corporation (the Fund). The proposed exemption, if granted, would affect participants and beneficiaries of the Fund.

DATE: Written comments must be received by the Department on or before November 9, 1981.

EFFECTIVE DATE: If granted, the proposed exemption would be effective upon adoption.

ADDRESSES: All written comments (three copies) should be submitted to: Office of Reporting and Plan Standards, Pension and Welfare Benefit Programs, Room N-4508, U.S. Department of Labor, Washington, D.C. 20216, Attention: Munising Mill Exemption. The petition for the exemption and all comments received will be available for public inspection at the Public Documents Room, Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: John A. Malagrin or George M. Holmes, of the Department, 202-523-8515. (This is not a toll free number).

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an exemption under section 104(a)(3) of the Act from certain reporting and disclosure requirements of the Act for the Fund. The proposed exemption was requested in a petition filed by William Kinnunen, Jr., Chairman of the Employees' Benefit Fund committee.

Summary of Facts and Representations

The petition contains facts and representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the petition on file with the Department for the complete representations of the petitioner.

1. The petitioner requests the Department to grant an exemption from the requirement to engage an independent qualified public accountant to audit the financial statements contained in the Fund's annual report and to render an opinion beginning with the 1975 plan year.

2. The Fund was established by the employees of the Munising Mill of Kimberly-Clark Corporation for the purposes of providing interest free loans for members to secure medical care, disability and death benefit payments, and partial refunds of contributions upon retirement or transfer minus disability benefit payments collected during employment.

3. The Fund is funded solely through employee contributions in the amount of $.75 per month. Total contributions to the Fund have been approximately $3,600 in each of the years 1976-1979. For calendar year 1979 the Fund's operations resulted in a loss of $816.12. At the end of that year the Fund's net worth was $17,087.32, of which outstanding loans accounted for $8,865.17.

4. Participation in the Fund is voluntary and approximately 400 employees participate in the Fund.

5. The Fund is administered by the committee of eight employees who serve as the elected representatives of their departments at the Mill.

6. The petitioner states that the requirement to engage an accountant to audit the Fund would cause the Fund to incur an initial audit cost of between $1,000 and $1,500 and a mimimum of $500 in subsequent years.

7. The Fund has filed annual report Form 5500 each plan year 1975-1979, and has submitted a request for an exemption from the audit requirement.

Notice to Interested Persons

Not later than October 8, 1981, the Employees' Benefit Fund committee will furnish to each participant a notice that a petition has been filed for an exemption from the reporting and disclosure requirements of the Act. Such notice shall contain a copy of the proposed exemption as published in the Federal Register and shall include the following statements:

Any interested person, including any participant in the Employees Benefit Fund of Munising Mill of Kimberly-Clark Corporation, may present his or her view on the proposed exemption from the reporting and disclosure requirements of the Employee Retirement Income Security Act of 1974 for the above-named plan on or before November 9, 1981, by writing to the Office of Reporting and Plan Standards, Pension and Welfare Benefit Programs, Room N-4508, U.S. Department of Labor, Washington, D.C. 20216, Attention: Munising Mill Exemption.

General Information

The attention of interested persons is directed to the following:

(1) the proposed exemption, if granted, will not extend to any reporting or disclosure requirement under the Act other than the audit requirement of section 103(a)(3)(A) of the Act.

(2) in order to prescribe an exemption or simplified reporting for a welfare plan with respect to any reporting and disclosure requirement under Title I of ERISA, a determination, in accordance with the Secretary's authority under section 104(a)(3), must be made that such requirement is inappropriate as applied to the requesting welfare plan.

Proposed Exemption From Certain Reporting and Disclosure Requirements

In view of the operation and characteristics of the Fund and the expense of an audit relative to the size of the assets of the Fund and the amount of money annually contributed to the Fund, the Department feels that the audit requirement may be inappropriate as applied to the Fund. Therefore, the Department is proposing to grant the Fund an exemption under the authority of section 104(a)(3) of the Act from the requirement in section 103(a)(3)(A) to engage an independent qualified public accountant and to include an opinion rendered by such accountant in the annual report of the Fund, provided that the Fund continues to be operated and funded in the same manner as described in the petition, and that the Fund continues to meet all other applicable reporting and disclosure requirements under Title I of the Act.

Signed at Washington, D.C., this 1st day of September, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-26131 Filed 9-4-81;8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2615]

Proposed Exemption for Certain Transactions Involving ABC Freight Forwarding Corp., Employees Profit Sharing Plan and Trust Located in New York City, N.Y.

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the sale by the ABC Freight Forwarding Corporation Employees Profit Sharing Plan and Trust (the Plan) of the stock (the Stock) of Paramount Freight Handling, Inc. (Paramount) and Paramount Handling of North Carolina, Inc. (Paramount of North Carolina) to ABC Air Freight, Inc. (ABC Air Freight), a wholly owned subsidiary of ABC Freight Forwarding Corporation (the Employer), the sponsor of the Plan. The proposed exemption, if granted, would affect participants and beneficiaries of the Plan, and other persons participating in the proposed transaction.

DATE: Written comments and requests for a public hearing must be received by the Department on or before October 19, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D-2615. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the trustees (the Trustees) of the Plan, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a profit sharing plan qualified under Section 401(a) of the Code. The Employer permanently discontinued all contributions to the Plan as of December 11, 1973. A favorable determination letter from the Internal Revenue Service was issued with respect to such termination on August 27, 1974. The Plan's trust fund is being liquidated by distributions made to employees upon their retirement, death or termination of employment.

2. In 1956, a major shareholder of the Employer sold to the Plan all of the issued and outstanding stock of Paramount for a price of $200,000. Paramount is a shipper's agent, operating in the New York City area. In 1974, Paramount decided to expand its operations into North Carolina and Paramount of North Carolina was organized as an independent company owned by the Plan. Paramount paid a cash dividend to the Plan that was used for the purpose of organizing Paramount of North Carolina.

3. As of December 31, 1977, the value on the books of the Plan of the Stock was $516,255.72, which constituted 36.93% of the total Plan assets of $1,397,945.84. On January 25, 1979, the Manufacturer's Appraisal Company of Philadelphia, Pennsylvania represented that the fair market value of the Stock was $400,000.

4. On May 22, 1979 (44 FR 29760) the Department granted an exemption (Exemption 79-20) which permitted the sale of the Stock by the Plan to the Employer for an amount not less than the greater of either $516,255 or the fair market value of the Stock at the time of the sale. After the Department issued Exemption 79-20, the Trustees became aware of the existence of a claim (the NYC Claim) asserted by The City of New York, in the amount of $264,304 against Neptune World Wide Moving Inc. (Neptune) with respect to Neptune's deferred maintenance obligation under a lease between The City of New York, as landlord, and Neptune, as tenant, relating to facilities at Pier 63. The Pier 63 facilities were subleased by Neptune as sublandlord, to Paramount, as subtenant, and Neptune has asserted that pursuant to the terms of such sublease, Paramount is responsible or potentially responsible for payment of $251,320 of the NYC Claim. Neptune acknowledges that it is responsible for $12,984 of the NYC Claim. The Trustees did not become aware of the existence of the NYC Claim until June of 1979. It now appears that the NYC Claim may not be covered by insurance maintained by Paramount. Because of the discovery

of the NYC Claim, the sale of Stock was never consummated.

5. On February 13, 1981 (FR 46 12365) the Department published a new notice of pendency which proposed the sale of the Stock by the Plan to the Employer. This notice of pendency took into consideration the NYC Claim. On June 12, 1981, at the request of the applicants, the Department withdrew this notice of pendency.

6. The applicants presently are requesting an exemption that would permit the Plan to sell the Stock to ABC Air Freight. In light of the existence of the NYC Claim, ABC Air Freight is unwilling to purchase the stock of Paramount and Paramount of North Carolina without accruing the amount of the NYC Claim as a liability of Paramount and making a corresponding reduction in the purchase price that ABC Air Freight will pay for Stock. However, the Trustees are unwilling to reduce the purchase price by the full amount of the NYC Claim because they believe that there is a reasonable prospect of Paramount paying less than the full amount of the NYC Claim if such claim is defended by Paramount. Accordingly, the Trustees and ABC Air Freight are willing to proceed with settlement of the purchase by ABC Air Freight of the Stock in accordance with the representations and the provisions of Exemptions 79–20 subject to the following conditions:

7. At settlement of the purchase by the ABC Air Freight of the Stock, the amount of the purchase price payable by ABC Air Freight to the Plan will be determined in accordance with the representations and provisions of Exemption 79–20 and its underlying application, including the adjustment thereof to take into account any increases in the net worth of Paramount and Paramount of North Carolina between June 30, 1977 and the date of the most recent audit of the two Paramount corporations, but without accruing any liability for the NYC Claim. Promptly after the settlement of such purchase, the financial statements of the two Paramount corporations will be audited as of the settlement date and after completion of such audit, ABC Air Freight will pay to the Plan in cash the amount (if any) of the increase in the net worth of the two Paramount corporations between June 30, 1977 and the settlement date.

8. At settlement, ABC Air Freight shall pay to the Plan an amount (the Initial Payment) in cash equal to the entire purchase price determined on the settlement date less an amount (the Contingent Amount) equal to $251,320 (the Amount) of the (NYC Claim) less the amount (the Tax Savings Amount) of federal, state and local income tax savings that would be achieved by ABC Air Freight if such amount of $251,320 was deducted for income tax purposes in the year in which settlement of such purchase occurs, including any carryback loss deductions for prior tax years. However, in no event may the Final price (Initial Payment less amount of NYC Claim) be less than $400,000. If settlement of such purchase had been held in 1979, the Tax Savings Amount to ABC Air Freight would have been approximately $34,000.

9. After the amount of the NYC Claim has been finally determined, the ABC Air Freight shall pay to the Plan an amount (the Additional Payment) equal to the Contingent Amount less the amount (the Final Claim Payment) of the NYC Claim so determined to be payable to the City of New York plus the Tax Savings Amount based upon the Final Claim Payment but computed as if the Final Claim Payment is deducted by Paramount for income tax purpose (on a separate return basis) in the year in which the amount of the Final Claim Payment is so determined. The portion of the Contingent Amount payable to the Plan will be payable within thirty (30) days after the amount of the NYC Claim has been finally determined by a court adjudication or a settlement approved by the Plan. The Plan will have the right to make all decisions with respect to the defense of the NYC Claim, including engagement of attorneys and settlement arrangements. All legal fees incurred in the defense of the NYC Claim will be paid by the Plan.

10. At the time of payment by ABC Air Freight to the Plan of the Additional Payment, ABC shall also pay to the Plan interest at a rate (the Closing Date Interest Rate) on the Additional Payment computed from the date of the settlement of the purchase by ABC Air Freight of the Paramount stock to the date of payment by ABC Air Freight to the Plan of the Additional Payment. The Closing Date Interest Rate shall be the interest rate paid by the United States Treasury Department on two-year Treasury notes as determined by the auction sale thereof immediately prior to the date of settlement of such purchase of the Paramount stock. The two-year period was arrived at by agreement between the Trustees who are not shareholders of the Employer and the Employer after receipt by the Plan of a letter from the Plan's legal counsel estimating a period of two years for settlement of the NYC Claim.

11. As security for payment of the Additional Payment and interest thereon, ABC Air Freight shall deliver to the Plan at settlement of the purchase of the Stock an irrevocable letter of credit from Citibank, Chemical Bank or another recognized banking institution situated in New York City in the amount of the Contingent Amount plus interest that would be payable on the full amount thereof for a period of two years at the Closing Date Interest Rate. Such letter of credit may be drawn upon by written notice by the Plan to the Bank that the amount of the NYC Claim has been finally determined and an additional amount has become payable to the Plan pursuant to the aforementioned terms. If the amount of the NYC Claim is not finally determined prior to the expiration date of such letter of credit, the term of the letter of credit will be renewed and if the term of such letter of credit is not renewed at least 30 days before its expiration date, the letter of credit may be drawn upon by the Plan to assure that funds will be available to pay the additional amount owed to the Plan.

12. In summary, the applicants represent that the proposed sale of the Stock will satisfy the statutory criteria of section 408(a) of the Act as follows: (1) the Plan must sell the Stock in order to continue the liquidation of its assets; (2) the Trustees represent that the proposed sale is in the best interest of the Plan; (3) the Plan will receive a final price at least equal to the appraised value of the Stock; and (4) in no event will the Plan receive less than $400,000 for the Stock.

Notice to Interested Persons

All Plan participants and beneficiaries will be notified by letter containing a copy of the notice of pendency of the proposed exemption as published in the **Federal Register**. Such notification will be distributed to all participants in the Plan, including terminated employees and beneficiaries, either by personal delivery or by first class mail no later than 10 days after notice of pendency is published in the **Federal Register.**

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act

which, among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries, and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act of the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the proposed sale of the Stock by the Plan to ABC Air Freight for the greater of, either $400,000 or the fair market value of the Stock at the time of sale but subject to the settlement as described herein for the NYC Claim.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in this appliction are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C. this 1st day of September, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-26146 Filed 9-4-81; 8:45 am]

BILLING CODE 4510-29-M

[Application Nos. D-2550 and D-2551]

Proposed Exemption for Certain Transactions Involving the Houston Solvents & Chemicals Co., Inc. Retirement Trust and The Houston Solvents and Chemicals Co., Inc. Employees' Profit Sharing Plan Located in Houston, Tex.

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt (1) the proposed cash sale by The Houston Solvents & Chemicals Co., Inc. Retirement Trust (the Retirement Trust) of its 66% interest in certain real property (the Property) to W. T. Straley (Straley) and J. M. Clepper (Clepper), parties in interest with respect to the Retirement Trust and (2) the proposed cash sale by The Houston Solvents & Chemicals Co., Inc. Profit Sharing Plan (the Profit Sharing Plan) of its 34% interest in the Property to Straley and Clepper, parties in interest with respect to the Profit Sharing Plan. The proposed exmption, if granted, would affect participants and beneficiaries of the Retirement Trust and of the Profit Sharing Plan and other persons participating in the proposed transactions.

DATE: Written comments and requests for a public hearing must be received by the Department of Labor on or before October 19, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Program, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application Nos. D–2550 and D–2551. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the Houston Solvents & Chemicals Co., Inc. (Houston Solvents), pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. Houston Solvents is the sponsor of the Retirement Trust and the Profit Sharing Plan (collectively, the Plans). As of December 31, 1980, the Retirement Trust had assets of $206,909 and approximately 16 participants. As of December 31, 1980, the Profit Sharing Plan had assets of $82,126 and approximately 44 participants. Straley

and Clepper (the Trustees) are the Trustees of the Plans and are the principal officers and shareholders of Houston Solvents.

2. The Plans jointly own the Property. The Retirement Trust owns a 66% interest and the Profit Sharing Plan owns a 34% interest. The Property consists of 7.0191 acres of unimproved land located in Houston, Texas. The Property was purchased as an investment in July of 1979 by the Plans from a party unrelated to the Plans or Houston Solvents. The Retirement Trust purchased its interest in the Property for $106,649.99. The Profit Sharing Plan purchased its interest in the Property for $54,889.36. Subsequent to the Plans' purchase of the Property, the Retirement Trust paid $8,632.88 and the Profit Sharing Plan $4,316.44 for certain improvements (the Improvements) that have been added to the Property. Recent independent appraisals have valued the Property as follows: W. James Smith & Associates, real estate appraiser and consultants located in Houston, Texas represent that as of April 15, 1981 the market value of the Property was $186,000. Clyde King ASA, SRA, SRPA, RM, CRA of White-King Associates located in Houston, Texas represents that the market value of the Property as of April 14, 1981 was $175,477.50. T. N. Edmonds, Sr. ASA, SRA, IFAS of Edmonds & Co. located in Houston, Texas represents that the market value of the Property as of April 20, 1981 was $168,500. All of the appraisals took into consideration the special value of the Property to the Employer.

3. The applicant is requesting an exemption that will permit Straley and Clepper to purchase the Property for $186,000 cash, the amount of the highest appraisal. In addition, Straley and Clepper will reimburse each of the Plans the amount that they paid for the Improvements which would make the final amount received by the Retirement Trust $131,392.88 and the final amount received by the Profit Sharing Plan $67,556.44. No commission or other charge will be levied against the Plans in the proposed sale. A facility for the use of Houston Solvents will be constructed on the Property after the proposed sale is completed.

4. An independent party, Mr. Elliott Johnson (Johnson) who is an attorney located in Houston, Texas will examine the transaction. The applicant represents that Johnson has in-depth experience in the pension and profit sharing area and has served on the Board of the Profit Sharing Council of America. In addition, Johnson has had past experience in financial analysis, banking and real estate. Prior to the Plans entering into the transaction, Johnson must certify that the transaction is in the best interests of the participants and beneficiaries of the Plans and that the terms & conditions of the transaction are at least equal to those which the Plans would receive in a similar transaction with an unrelated party.

5. The applicant and the Trustees represent that the proposed sale will allow the Plans to sell immediately at a profit one of their largest assets so as to allow the Plans to become more liquid and permit the Trustees to diversify Plan assets. The applicant and the Trustees further represent that a sale of the Property by the Plans to a third party would probably be at a price lower than the highest appraised price as the Property is located next to property owned by Houston Solvents and also would in all probability be reduced by real estate sales commission.

6. In summary, the applicant represents that the proposed sale will satisfy the criteria of section 408(a) of the Act as follows: (1) the Trustees represent that the proposed sale is in the best interests of the participants and beneficiaries of the Plans; (2) an independent party will approve the transaction prior to the Plans entering into it; (3) it will allow the Plans to sell one of their largest assets at a profit; (4) it will allow the Plans to have a larger diversification of their assets; (5) the price of the sale will be based on the highest market value of three independent appraisals; and (6) no commissions or charges will be levied against the Plans in the transaction.

Notice to Interested Persons

Within 10 days of its publication in the Federal Register a copy of the notice of pendency and a statement advising interested persons of their right to comment or request a hearing will be mailed to all participants and beneficiaries of the Plans.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to (1) the cash sale by the Retirement

Trust of its 66% interest in the Property for $131,392.88 to Straley and Clepper; and (2) the cash sale by the Profit Sharing Plan of its 34% interest in the Property to $67,556.44 to Straley and Clepper provided that at the time of the sale such amounts represent at least the fair market value of each Plan's interest in the Property.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C. this 1st day of September 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-26142 Filed 9-4-81; 8:45 am]

BILLING CODE 4510-29-M

[Application Nos. D-2467 and D-2475]

Proposed Exemption for Certain Transactions Involving Interwest Exploration, Inc., Money Purchase Pension Plan and Trust and Interwest Exploration, Inc., Defined Benefit Pension Plan and Trust Located in Portland, Oreg.

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt (1) the proposed purchase by the Interwest Exploration, Inc., Money Purchase Pension Plan and Trust (the Money Purchase Plan) and the Interwest Exploration, Inc., Defined Benefit Pension Plan and Trust (the Defined Benefit Plan), collectively, (the Plans) of certain oil and gas leaseholds (the Leaseholds) from Interwest Exploration, Inc. (Interwest), the sponsor of the Plans; (2) the possible Resale (the Resale of the Leaseholds by the Plans to Interwest; and (3) the personal and corporate guarantee of the obligation of Interwest in the Resale by Floyd L. Cardinal (Cardinal) and Interwest respectively. The proposed exemption, if granted, would affect Interwest, the Plans' participant and other persons participating in the transaction.

DATE: Written comments and requests for a public hearing must be received by the Department on or before October 9, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216, Attention: Application Nos. D-2467 and D-2475. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue NW., Washington, D.C. 20216

FOR FURTHER INFORMATION CONTACT: Richard Small of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by Interwest, pursuant to section 4975(c)(2) of the Code, and in accordance with procedures set forth in Rev. Proc. 75-26, 1975 1 C.B., 722. Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plans are sponsored by Interwest which is a corporation engaged in business activities related to geological surveying, exploration, development, production, processing, preparation, utilization and delivery of any minerals and ores. The sole participant and trustee of the Plans is Cardinal. As of June 4, 1981, the Money Purchase Plan had assets of $16,000 and the Defined Benefit Plan had assets of $306,248.

2. The applicant is requesting an exemption that will permit Interwest to sell for cash certain Leaseholds to the Plans. The Leaseholds involve oil and gas interests and are located in the counties of Pacific and Wahkiakum, Washington.

The Money Purchase Plan will buy Leaseholds involving 2,560 acres for a price of $6,400. The Defined Benefit Plan will buy Leaseholds involving 49,000 acres for a price of $122,500. The price that the Plans will pay for the Leaseholds was determining by an independent appraisal performed on February 3, 1981 by D. J. Eckelberg, a certified professional geologist who is located in Golden, Colorado.

3. An independent party, P. E. Becker Inc. (Becker) a registered investment advisor, will examine the proposed transaction. Prior to the Plans entering into the proposed transaction, Becker must certify that the transaction is in the best interests of the participant of the Plan and that the terms and conditions of the transaction are at least equal to those which the Plans could receive in a similar transaction with an unrelated party. In addition, at the discretion of Becker for a period of one year after the date of the sale, the Plans will have a Resale option to sell the Leaseholds back to Interwest at the original price plus interest at the rate of 25% per annum. The Resale will be guaranteed by the corporate guarantee of Interwest and the personnel guarantee of Cardinal. The applicant represents that during the term of the Resale, Interwest will maintain a corporate net worth of at least $450,000. The applicant also represents that Cardinal presently has a net worth of at least $5,000,000.

4. The applicant represents that the Plans will receive an annual royalty return on the Leaseholds and that it expects that the Leaseholds will appreciate in value. In addition, the applicant represents that the Plans would not be able to find a similar investment on the open market and that the Plans investment will be marketable with independent third parties in a period of time reasonable for similar oil and gas leaseholds.

5. In summary, the applicant represents that the proposed transaction will satisfy the statutory criteria of section 4975(c)(2) of the Code because: (1) the trustee of the Plans represents that the transaction is in the best interests of the Plans; (2) the transaction will be approved by an independent party; (3) the price of the Leaseholds was determined by an independent appraisal; (4) the Plans will receive an investment that will produce income and potential appreciation in value, (5) the Plans have the Resale option during

the first year of the investment at the original price plus interest at a rate of 25% per annum, (6) the Resale is guaranteed by Interwest which represents that it will maintain a corporate net worth of at least $450,000 during the Resale period; and (7) the Resale is guaranteed by Cardinal who presently has a net worth in excess of $5,000,000.

Notice to Interested Persons

Publication of this notice of pendency in the **Federal Register** will constitute the notification to interested persons.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 4975(c)(2) of the Code does not relieve a fiduciary or other disqualified person from certain other provisions of the Code, including any prohibited transaction provisions to which the exemption does not apply; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 4975(c)(2) of the Code and in accordance with the procedures set forth in Rev. Proc. 75–26. If the exemption is granted, the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to (1) the proposed purchase of certain Leaseholds by the Plans from Interwest provided that the price paid by the Plans is no more than the fair market value of the Leaseholds at the time of sale; (2) the possible Resale of the Leaseholds by the Plans to Interwest as described herein; and (3) the personal and corporate guarantees of the obligation of Interwest in the Resale by Cardinal and Interwest respectively.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 1st day of September 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-26143 Filed 9-4-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2429]

Proposed Exemption for Certain Transactions Involving the Jeffrey A. Marmelzat, M.D. Medical Corporation Profit Sharing Plan Located in Los Angeles, Calif.

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the proposed cash sale of certain rare stamps (the Stamps) to the Jeffrey A. Marmelzat, M.D. Medical Corporation Profit Sharing Plan (the Plan) by Jeffrey A. Marmelzat, M.D. (Dr. Marmelzat), a party in interest with respect to the Plan. The proposed exemption, if granted, would affect Dr. Marmelzat and the participants and beneficiaries of the Plan.

DATE: Written comments and requests for a public hearing must be received by the Department on or before October 23, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Application No. D–2429. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Ms. Katherine D. Lewis of the Department, telephone (202) 523–7352. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a) and 406(b) (1) and (2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code. The proposed exemption was requested in an application filed on behalf of the Plan, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a profit sharing plan with three participants. As of June 30, 1980, the Plan had net assets of $16,422.

The Plan is sponsored by the Jeffrey A. Marmelzat, M.D. Medical Corporation (the Employer). Dr. Marmelzat is the sole trustee of the Plan, and the president and sole shareholder of the Employer.

2. The transaction for which an exemption is requested is the purchase by the Plan of the Stamps from Dr. Marmelzat. The sale would be for cash and no commissions would be paid. The proposed purchase price of $3,250 represents less than twenty percent of the Plan's assets.

3. The proposed purchase price of the Stamps ($3,250) represents the lower of two appraisals made by qualified independent stamp appraisers. On November 5, 1980 Mr. Harold Goldberg of Superior Stamp and Coin Co., Inc. of Beverly Hills, California, valued the Stamps at $6,600. Mr. Paul B. Moss, Vice President of the Wilshire Stamp Company, Inc. of Beverly Hills valued the Stamps at $3,250 on November 20, 1980.

4. An independent fiduciary, Mr. Leon Myers (Myers) of 618 N. Foothill Rd., Beverly Hills, California, has reviewed the proposed transaction and the funding objectives of the Plan, including the current composition of assets and the needs of the Plan for liquidity and has determined that the proposed transaction is in the best interests of the Plan and its participants and beneficiaries. Myers is senior vice president of Penn Corp. Financial, is on the board of directors of First Beverly Hills Bank and is knowledgeable about stamp appraising and investments.

5. Dr. Marmelzat will, at his own expense, insure the Stamps for $6,600, representing the higher of the two appraised values, with the Plan to be named as the beneficiary of the insurance policy. The Stamps will be stored in a safe deposit box.

6. In summary, the applicant represents that the proposed transaction satisfies the statutory criteria of section 408(a) of the Act because (1) it will be a one-time transaction for cash, (2) the proposed purchase price represents less than 20% of the Plan's assets, (3) an independent fiduciary has determined that the transaction is appropriate for the Plan and is in the best interests of the Plan's participants and beneficiaries, (4) the price to be paid by the Plan is the lower of the fair market values arrived at by two qualified independent stamp appraisers, and (5) the Employer has agreed to insure the Stamps at the higher of the two appraised values with the Plan as named beneficiary.

Notice to Interested Persons

Notice will be given to all Plan participants within 15 days of the publication of the proposed exemption in the **Federal Register**. Such notice shall include a copy of the notice of pendency of the exemption as proposed in the **Federal Register** and shall inform interested persons of their right to comment and request a hearing within the time period set forth in the notice of proposed exemption. The notice will be hand delivered to all Plan participants.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan, and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the sale by Dr. Marmelzat of the Stamps to the Plan, provided that the terms and conditions of this transaction are at least as favorable to the Plan as those obtainable with an unrelated third party.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in this application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 1st day of September, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-26140 Filed 9-4-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2504]

Proposed Exemption for Certain Transactions Involving the Reading & Bates Pension Plan Located In Tulsa, Okla.

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the proposed sale of certain improved real property (the Property), presently owned by the Reading & Bates Pension Plan (the Plan), to Reading & Bates Development Company (the Buyer), a wholly owned subsidiary of Reading & Bates Corporation (the Employer) and a party in interest with respect to the Plan. The proposed exemption, if granted, would affect the Plan and its participants and beneficiaries, the Buyer, the Employer, the First National Bank and Trust Company of Tulsa (the Trustee), who is the trustee of the Plan, and Dan Bird & Associates (Bird), the Plan fiduciary appointed for this transaction.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before October 30, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Application No. D–2504. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mrs. Miriam Freund, of the Department of Labor, telephone (202) 523–8671. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1), and 406(b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed on behalf of the Employer and the Trustee, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a defined benefit plan covering the employees of the Employer and certain of its subsidiaries. As of April 6, 1981, the estimated number of participants in the Plan was 880. As of January 1, 1980, Plan assets totalled $14,538,000

. The Property is located at the corner of South Fourth Street and East Boston Avenue in Tulsa, Oklahoma, and is improved by a fully renovated office building known as the Mid-Continent Building. The Property also includes a parking lot. On September 15, 1980, the Employer contributed the Property to the Plan, which leased it to the Buyer on the same day. These transactions were effected pursuant to the Trustee's prior determination that they would be appropriate for the Plan and in the best interests of its participants and beneficiaries. Prohibited Transaction Exemption 80–69 (PTE 80–69, 45 FR 62593, September 19, 1980) exempted these transactions from the restrictions of sections 406(a), 406 (b)(1) and (b)(2), and 407(a) of the Act. Information submitted to the Department in connection with PTE 80–69 indicated the Property was worth $4,000,000 as of April 1980. By letter dated June 30, 1981, the Trustee stated that as of that date the Buyer had timely fulfilled all of its obligations as tenant under said lease.

3. Shortly before PTE 80–69 was granted, the Employer initiated a study of its needs for additional office space and the alternatives available for satisfying same. After examining in detail the possibilities of remaining in the current location, relocating to another building, or constructing a new building, the study concluded with the recommendation that a new building be constructed to house the Employer. The new building would be of identical architecture to the Mid-Continent Building and would be built adjoining the latter (on the land now being used as a parking lot) for the first 18 floors and cantilevered over the top of the latter for an additional 21 floors so that upon completion the new building and the Mid-Continent Building would appear as one large building. The Employer initiated preliminary discussions with the Trustee to determine whether and under what circumstances the Trustee might be willing to sell the Property. In a meeting between officers of the Employer and officers of the Trustee's trust department on January 22, 1981, the Trustee indicated that, subject to final approval by its Trust Committee and the issuance of a prohibited transaction exemption by the Department, the Trustee would be willing to consider a sale of the Property if the Trustee determined such sale to be in the best interests of the Plan and its participants and beneficiaries. The Trustee undertook a study of the proposed transaction and secured an independent appraisal of the Property (see 4. below). On March 18, 1981, the Trust Committee of the Trustee approved the sale of the Property to the Buyer for a price equal to the greater of $6,500,000 or the appraised value of the Property as obtained by the Employer, provided a prohibited transaction exemption is granted by the Department.

4. On February 25, 1981, the Employer's board of directors resolved to buy the Property from the Plan if the Department grants an exemption permitting such purchase and to construct the new building described above. The proposed purchase price will be the fair market value of the Property as determined by an independent appraisal and will be paid in cash on the date title is conveyed. The Employer will bear all expenses incurred in effectuating the sale. Both the Trustee and the Employer commissioned appraisals of the Property by independent appraisers. Mr. W. A. Phillips, M.A.I., the appraiser selected by the Employer, has appraised the Property's fair market value as $6,600,000 as of February 25, 1981. Bird, the appraiser selected by the Trustee, has appraised the Property's fair market value as $6,500,000 as of February 1, 1981. The principals of Bird are Messrs. Dan Bird, Jr., M.A.I., and Daniel E. Bird, III.

5. The Trustee, who has the authority to invest the assets of the Plan, has examined the terms and conditions of the proposed sale and has determined that it is appropriate for the Plan and in the best interest of the Plan's participants and their beneficiaries. This determination is based primarily upon the fact that selling the Property at the proposed price would permit the Plan to realize a gain of approximately 62.5 percent in about one year or less time

and would allow the Plan to equal or exceed the projected yields from the Property through investing the sale proceeds in securities presenting less risk than real property ownership.

6. Bird has been appointed a fiduciary with respect to the Plan solely for purposes of the proposed transaction. Bird states that neither it nor either of its principals owns any stock in or has or has had any continuing business relationship with the Employer or any of its subsidiaries. Having reviewed market data compiled in the course of formulating the appraisal of the Property as of February 1, 1981, and changes in real estate market conditions since such date which would affect the desirability of the property as an investment, Bird believes that a sale at this time of the Property by the Plan for $6,600,000 would be in the best interest of the Plan, Plan participants and their beneficiaries. Bird's February 1, 1981 appraisal report indicated that during the next five years supply of office space will exceed expected demand in the Tulsa area and anticipated that this oversupply will depress rental rate increases, thereby depressing the otherwise rate of appreciation in value of the Property. Since February 1, 1981, according to Bird, a significant number of new projects have been announced which even further amplify the oversupply condition. Because of these oversupply conditions, Bird believes the Property's value will appreciate at the rate of five percent per year and that the proposed sale price of the Property is apparently at a high point in the market cycle. Bird states that it would appraise the current fair market value of the Property, based upon the changes in market conditions since February 1, 1981, at less than the $6,500,000 which it appraised the Property at as of February 1, 1981.

7. In summary, the applicants represent that the proposed sale satisfies the statutory criteria set forth in section 408(a) of the Act because:

(a) The sale will be a one-time transaction, consideration for which will be paid in cash on the date title is conveyed;

(b) The sales price will be the fair market value of the Property as established by the higher of two independent appraisals;

(c) The Plan will realize a substantial profit on the proposed sale;

(d) The Plan will incur no expenses in effectuating the proposed sale;

(e) The Trustee believes the proposed sale is appropriate for the Plan and in the best interest of the Plan's participants and their beneficiaries; and

(f) An independent fiduciary appointed solely in connection with the proposed sale believes it would be in the best interest of the Plan, Plan participants and their beneficiaries.

Notice to Interested Persons

Within 10 days of the date this notice of proposed exemption is published in the **Federal Register**, the applicants will notify all interested persons of the pendency of this application for exemption. Interested persons include all participants and beneficiaries of the Plan. The notice will contain a copy of the notice published in the **Federal Register** and will inform interested persons of their rights to comments and/or request that a hearing be held with respect to the proposed exemption. The notice will be delivered by first class mail.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1), and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the proposed sale or the Property by the Plan to the Buyer for $6,600,000 cash, provided that that amount is not less than the fair market value of the Property at the time of the sale.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 1st day of September 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-26138 Filed 9-4-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-1815]

Proposed Exemption for Certain Transactions Involving the Service Brokerage Company, Inc. Pension Trust Located in Houston, Texas

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee retirement Income Security Act of 1974 (the Act) and from certain taxes imposed by the Internal Revenue code of 1954 (the Code). The proposed exemption would exempt: (1) The leasing of automobiles for a period of five years, by the Service Brokerage Company, Inc. Pension Trust (the Trust) to Service Brokerage Company, Inc. (the Employer); (2) the Employer's agreement to indemnify and hold the Trust harmless regarding any losses or damages to leased vehicles; and (3) the sale, on April 28, 1980, of a gasoline tank, pump and related environmental controls by the Trust to the employer. The proposed exemption, if granted, would affect the participants, beneficiaries and trustees of the Trust (Trustees), the Employer and other persons participating in the transactions.

DATE: Written comments and requests for a public hearing must be received by the Department on or before October 19, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Application No. D-1815. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. Robert N. Sandler of the Department, telephone (202) 523-8195. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of sections 406(a), 406 (b)(1) and (b)(2) and 407(a) of the Act and from the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code. The proposed exemption was requested in an application filed by the Trustees on behalf of the Trust, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicants.

1. The Trust, which has 22 participants, provides for insurance for participants and also provides for an auxiliary fund (the fund). As of June 30, 1980, the Trust had total assets of approximately $605,000. The Trustees of the Trust and of the Fund are Aubrey L. Wolf, president of the Employer, and Natalie Virginia Redding, assistant secretary of the Employer. The Employer is in the food brokerage business in the Texas Gulf Coast area.

2. From April 1, 1964, when the Trust was installed, until March 3, 1980, the Trust purchased automobiles that were leased to the Employer. Since March 3, 1980, no additional leases have been entered into. The Department is not proposing exemptive relief for prior leases that constituted prohibited transactions. However, the applicants request an exemption to enter into similar leasing arrangements prospectively, having added certain additional safeguards, discussed below, which were not present in the prior leases.

3. Additionally, on March 1, 1974, the Trust purchased a gasoline storage tank and gasoline pump and related environmental controls for the storage and sale of gasoline for the automobiles leased to the Employer. The Trust continued to sell gasoline to the Employer after January 1, 1975, the effective date of the prohibited transaction provisions of the Act. The Department is not proposing an exemption for the sale of gasoline to the Employer. The applicants request an exemption for the sale of the gasoline tank, pump and related environmental controls to the Employer on April 28, 1980.

4. The applicants recognize that the prior leases and sales of gasoline described above may constitute prohibited transactions under the Act and the Code. Accordingly, the Employer represents that it will pay all excise taxes which are applicable under section 4975(a) of the Code with regard to the leases and gasoline sales.

5. Regarding the proposed leasing of automobiles, the standard lease term would be 24 months and the investment by the Trust would be limited to 25% of Trust assets. The exemption would be temporary, expiring five years from the date the exemption is granted. However, the Employer may continue, after the exemption expires, those leases entered into prior to the expiration date of the exemption until the end of the 24-month lease term. Joe Myers Leasing Company (Myers), an independent automobile leasing company in Houston, will have the sole power to decide on behalf of the Trust, whether to enter into a lease. Myers will also monitor the terms and conditions of all leases and of the exemption, on a quarterly basis, to ensure compliance therewith. There will be no sales or purchases of automobiles between the Trust and Myers while Myers has the power to choose and monitor leases on behalf of the Trust.

6. The rental on all leases will be calculated to yield to the Trust a net return on investment in the automobiles of the higher of (1) the prime rate the date the particular lease is entered into; (2) the net rate of return based on the fair market rental value of the particular automobile, as determined by Myers; or (3) 12%.

7. The Trust will pay all sales, use, excise, personal property and other taxes and governmental charges and will also pay for the titling, registration and licensing of all leased vehicles. The Employer will be responsible for all operating expenses, maintenance, repair and comprehensive insurance costs. Also, the Employer will indemnify and hold the Trust harmless against any losses or damages arising out of the use or condition of any leased vehicle during the lease term.

8. It is represented that ordinarily, upon the termination of a lease, the vehicle is traded in by the Trust for a new vehicle. However, at the termination of a lease term, the Employer and Myers, on the Plan's behalf, may extend the lease indefinitely on a month to month basis (but not beyond the expiration date of the temporary exemption).

9. The Trust may terminate any or all leases at any time by written notice to the Employer upon the occurrence of any of the following events of default: (a) Failure of the Employer to insure a vehicle; (b) failure of the Employer to pay a rental or other charge within 10 days after a written demand notice for payment has been delivered to the Employer; (c) failure by the Employer to

perform in accordance with any provision of the lease; or (d) the filing by or against the Employer of any petition under any bankruptcy law.

10. With regard to the sale of the gasoline tank, pump and related environmental controls, the Trust sold these items to the Employer on April 28, 1980 for $1,854 in cash, which was their book value on the date of sale. The Trust had applied for an exemption for this tranaction prior to the sale. The Trustees state that due to the following circumstances, it was in the Trust's best interests to sell the equipment to the Employer prior to obtaining an exemption from the Department. The net after tax rate of return to the Trust on gasoline sales to the Employer had averaged approximately 3.6%. Lynch Repair Service, Inc. estimated the cost of removing the equipment to be $1,300 and offered to purchase the equipment for $1,350. The result of this would have been that the Trust would have gained $50 instead of the $1,854 it gained by selling the equipment to the Employer. Additionally, the equipment was offered for sale in the Houston Post Classified Section from February 6, 1978 to February 18, 1978. No bids were received by the Trust as a result of the advertisement. The Trustees were advised by Harris County Oil Company (Harris) that used steel tanks such as that owned by the Trust, have no market.

11. In summary, the applicants represent that:

a. The proposed leasing of automobiles satisfies the statutory criteria of section 408(a) of the Act because:

(1) An independent leasing company will decide whether to enter into a lease and will monitor such leases and the terms of the proposed exemption;

(2) No more than 25% of Trust assets will be invested in leased vehicles;

(3) The Employer will pay all operating costs relating to the leased vehicles except for taxes, titling, registration and licensing fees;

(4) The Employer will hold the Trust harmless from any losses or damages arising out of the use or condition of the leased vehicles;

(5) The Trust can terminate a lease on short notice if the Employer defaults; and

(6) The net rate of return paid to the Trust will be the higher of the prime rate, the rate of return based on the fair market rental value for each of the leased vehicles, or 12%.

b. The sale of the gasoline tank equipment satisfied the statutory criteria of section 408(a) of the Act because:

(1) The Trust realized a far greater amount of money by selling the equipment to the Employer than it would have if the equipment had been removed and sold to an independent third party;

(2) The Trust's net after tax rate of return on gasoline sales had averaged only 3.6%;

(3) An independent oil company has stated there is ordinarily no market for this type of equipment; and

(4) The equipment was offered for sale to third parties and the only bid received was significantly below the amount paid by the Employer.

Notice to Interested Persons

Notice of the proposed exemption will be given to all interested persons including the participants and beneficiaries of the Trust within ten days of the publication of the proposed exemption in the **Federal Register**. The notice will contain a copy of the proposed exemption as published in the **Federal Register** and will inform each recipient of his or her right to comment on or request a hearing with regard to the proposed exemption. The notice will be hand-delivered to all participants currently employed by the Employer and sent by first class mail to all other interested persons.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of sections 406(a), 406 (b)(1) and (b)(2) and 407(a) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1)(E) of the Code shall not apply to: (1) The leasing of automobiles by the Trust to the Employer for a period of five years from the date the exemption is granted, provided that the terms and conditions of the lease are at least as favorable to the Trust as the Trust could obtain from an unrelated third party; (2) the Employer's agreement to indemnify and hold the Trust harmless regarding any losses or damages arising out of the use or condition or any leased vehicles; and (3) the sale on April 28, 1980 of the Trust's gasoline tank, pump and related environmental controls to the Employer for a cash price of $1,854, provided that this amount was not less than the fair market value on the date of sale.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and

representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions which are the subject of the exemption.

Signed at Washington, D.C., this 1st day of September 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-26139 Filed 9-4-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2448]

Proposed Exemption for Certain Transactions Involving The State-Record Co., Affiliates Retirement Plan Located in Columbia, South Carolina

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the proposed loan of $3,000,000 by The State-Record Company Affiliates Retirement Plan (the Plan) to the State-Record Company (the Employer), the sponsor of the Plan. The proposed exemption, if granted would affect the Employer, participants and beneficiaries of the Plan and other persons participating in the transaction.

DATE: Written comments and requests for a public hearing must be received by the Department on or before October 23, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D-2448. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the Employer, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a defined contribution pension plan. The Employer represents that as of March 20, 1981, the Plan had assets of $7,984,000 and 634 participants. The trustee of the Plan is the Citizens and Southern National Bank of South Carolina (the Trustee). Investment decisions for the Plan are made by the Trustee.

2. The Employer is in the business of newspaper publication, commerical printing, and television broadcasting. As of March 20, 1981, the Employer had assets of $37,929,000.

3. The Employer is requesting an exemption that would permit the Plan to loan $3,000,000 to the Employer for a ten year period (the Loan). The Employer represents that the Loan will allow the Plan to obtain a high rate of return on its investment. The interest rate would be 14¾% per annum with equal quarterly payments of principal and interest thereon. At the beginning of the fourth and seventh years of the Loan, the interest rate will be reviewed to determine that the 14¾% interest rate is at least equal to the rate which the Plan would receive in making a similar loan with an unrelated party at such time. In no case may the interest rate on the Loan be below 14¾%. The Loan will be collateralized by a first lien on the State-Record Building located at 1105 Stadium Road, Columbia, South Carolina and its adjacent parking lot (the Property). The Property was appraised (the Appraisal) on April 21, 1981 by Philip Urso MAI (Urso) who is located in Columbia, South Carolina. Urso represents that as of April 21, 1981, the Property had a fair market value of $4,305,000. The Appraisal is based upon certain improvements being made to the Property. The Loan will not be entered into until such improvements are completed and the Property is appraised for not less than $4,305,000 in such condition. The Plan will use the cash contribution for the Plan year ended June 30, 1981 and proceeds from the sale of certain stocks and bonds for the funds to loan the Employer.

4. Prior to the Plan entering into the Loan, Southeast Management Services, Inc. (Southeast Management), whose president & principal owner is Robert Darr (Darr), will make an analysis of the Loan and certify that the Loan will be in the best interests and protective of the participants and beneficiaries of the Plan. In addition, Southeast Management must certify that the terms of the Loan are at least equal to those which the Plan would receive in a similar transaction with an unrelated party; monitor the terms and conditions of the Loan; review the Loan at the beginning of its fourth and seventh years to determine the appropriate interest rate; and enforce all rights that the Plan has in the transaction.

The applicant represents that Southeast Management and Darr are independent of the Employer and of the Plan. Darr is a former president of the Federal Land Bank of Columbia, former president of the Federal Intermediate Credit Bank of Columbia and presently in addition to being the president of Southeast Management is a part-time member of the faculty of Clemson University serving as a lecturer in economics. Prior to the Plan entering into the Loan the Trustee will also approve such Loan.

5. In summary, the applicant represents that the proposed transaction will satisfy section 408(a) of the Act as follows: (1) the Trustee of the Plan will approve the transaction; (2) the transaction will be approved and monitored by an independent party; (3) the Loan will be collateralized by real property; and (4) the applicant represents that the Plan will receive a high rate of return on its investment.

Notice to Interested Persons

Within 14 days of its publication in the **Federal Register** a copy of the notice of pendency together with a statement advising participants and beneficiaries

of the Plan of their right to comment or request a hearing will be placed in the pay envelope of all active employees. Participants and beneficiaries of the Plan who are not receiving pay envelopes will be provided with the same notification by mail.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the Loan of $3,000,000 by the Plan to the Employer provided that the terms of the Loan are at least as favorable to the Plan as those which the Plan would obtain in an arms-length transaction with an unrelated party.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 1st day of September, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-26144 Filed 9-4-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2515]

Exemption for Certain Transactions Involving the Thomas E. Hogan, Inc., Employee Pension Plan Located in Woburn, Mass.

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the proposed loan (the Loan) of $100,000 by the Thomas E. Hogan, Inc. Employee Pension Plan (the Plan) to Thomas E. Hogan, Inc., (the Employer) the sponsor of the Plan. The proposed exemption, if granted, would affect the Plan, the Employer and other persons participating in the proposed transaction.

DATE: Written comments and requests for a public hearing must be received by the Department of Labor on or before October 19, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D–2515. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of sectioon 406(a), 406(b)(1) and 406(b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the Employer, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a defined benefit pension plan. As of April 7, 1981, the Plan had three participants and assets of

$303,298. Edward Hogan (Hogan), a principal of the Employer, is the Plan administrator and is responsible for the investment decisions of the Plan.

2. The Employer is requesting an exemption that will permit a Loan of $100,000 by the Plan to the Employer for a period of ten years. The Loan will be repaid in equal monthly installments of principal and interest. The initial interest rate on the Loan will be 15%. The interest rate on the Loan will be adjusted at the beginning of the 4th and 7th years of the Loan to an interest rate on similar type loans at that time. The Loan will be collateralized by a first mortgage on an industrial building (the Building) which is owned by the Employer. Mr. David Brown S.R.A. (Brown), an independent real estate appraiser located in Stoneham, Massachusetts, appraised the Property on June 18, 1981. Brown represents that, as of June 18, 1981, the Property had a fair market value of $420,000.

3. An independent party, Mr. Edwin Casey (Casey) will examine the proposed transaction. Casey is an attorney practicing in Lynn, Massachusetts and is the former City Solicitor of that city. Prior to the Plan entering into the proposed transaction, Casey must certify that the transaction will be in the best interests of the participants and beneficiaries of the Plan; that the terms and conditions of the proposed transaction are at least as favorable to the Plan as those which the Plan could receive in a similar transaction with an unrelated party; and that he will monitor the terms and conditions of the Loan and enforce any rights the Plan has in the transaction. In addition, Casey will have the responsibility for determining the interest rate at the beginning of the 4th and 7th years of the Loan.

4. Hogan represents that the proposed transaction is in the best interests of the participants and beneficiaries of the Plan and that the Plan will receive a high rate of return on a secure investment.

5. In summary, the applicant represents that the proposed transaction meets the statutory criteria contained in section 408(a) of the Act as follows: (1) the Plan administrator represents that the transaction is in the best interests of the participants and beneficiaries of the Plan; (2) the transaction will be approved and monitored by an independent party; and (3) the Plan will receive a high rate of return on a secure investment.

Notice to Interested Persons.

Within ten days of its publication in the Federal Register a copy of the notice of pendency and a statement advising participants and beneficiaries of their right to comment or request a hearing will be hand delivered to each participant and beneficiary of the Plan.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the proposed Loan of $100,000 by the Plan to the Employer provided that the terms and conditions of the Loan are at least as favorable to the Plan as those which the Plan could receive in a similar transaction with an unrelated party.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 1st day of September 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-26145 Filed 9-4-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D.2627]

Proposed Exemption for Certain Transactions Involving the Utah Pipe Trades Vacation Trust Fund Located in Salt Lake City, Utah

AGENCY: Office of Pension and Welfare Benefit, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act). The proposed exemption would exempt the transfer of certain uncommitted reserves, together with accrued interest, by the Utah Pipe Trades Vacation Trust Fund (the Vacation Plan) to the Utah

Pipe Trades Welfare Trust Fund (the Welfare Plan). (Both plans are collectively referred to as the Plans.) The proposed exemption, if granted, would affect the trustees, the participants and beneficiaries of the Plans, and other persons participating in the transaction.

DATE: Written comments and requests for a public hearing must be received by the Department of Labor on or before October 19, 1981.

ADDRESSES: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Application No. D-2627. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Ms. Jan Broady of the Department of Labor, telephone (202) 523-7222. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(b)(2) of the Act. The proposed exemption was requested in an application filed on behalf of the Vacation Plan, pursuant to section 408(a) of the Act and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975).

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plans are multi-employer welfare plans, established in accordance with section 302 of the Labor-Management Relations Act of 1947, as amended. The Plans share common participants (the Participants), who totalled nearly 1,100 individuals as of September 30, 1980. The Participants are employees covered by certain collective bargaining agreements (the Agreements) entered into between the Mechanical Contractors Association of Utah, a chapter of the Utah Plumbing-Heating and Cooling Contractors Association and several local unions of the United Association of Journeyman and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada. The geographical jurisdiction of the local unions embraces the entire State of Utah.

2. The Vacation Plan was established as an irrevocable trust on August 1, 1972 for the purpose of providing vacation benefits to the Participants. The Vacation Plan is administered by a joint board of trustees (the Trustees), comprised of four employer and four union representatives. Pursuant to the terms of the Agreements, employer contributions to the Vacation Plan ceased on July 1, 1980. Since that date, the Trustees have begun to wind up the affairs of the Vacation Plan.

3. The Welfare Plan is an irrevocable trust which was established by the same signatory employers and local unions as the Vacation Plan. The Welfare Plan provides health and welfare benefits (with the exception of retirement annuities and pensions) to the Participants, their families, and their dependents. The Welfare Plan is administered by the same individuals, who serve as the Trustees of the Vacation Plan.

4. Under the terms of the Agreement and Declaration of Trust (the Trust Agreement) establishing the Vacation Plan, the sum credited to each Participant's vacation account for work performed during the calendar year may be withdrawn by the Participant only once each year unless agreed to in writing by the Trustees. If a Participant does not withdraw the amount credited his account during any one calendar year, the total amount accrued and credited during that year is automatically paid the Participant on or before the tenth day of January following the year for which the accrual and credits have been made.

Vacation benefits are distributed by checks which are mailed to the Participants. Any Participant, who does not claim benefits within a certain amount of time, is deemed to have elected to contribute such benefits to the cost of maintaining the Vacation Plan. All amounts thus contributed are transferred to the administrative account of the Vacation Plan for legal utilization or disbursement, as determined by the Trustees.

5. When a vacation check is returned to the Vacation Plan because the Participant has moved without leaving a forwarding address, attempts are made to locate the missing Participant. Personnel in the administrative office of the Vacation Plan compile a list of the missing Participants. The list is then forwarded to each affiliated local union where it is posted for review by union membership in order to elicit current addressee information. Union officials also inspect their records to see if they can ascertain a current mailing address for the Participant. Afterwards, contact is initiated with the employer, who last made contributions for the Participant, to determine the availability of a different address. If the Participant cannot be located after these efforts are undertaken (as is often the situation), the amount of the vacation check is deemed contributed to the maintenance of the Vacation Fund.

6. The plan of termination set forth in the Trust Agreement requires the Trustees to apply Vacation Plan assets to purposes specified in that document. With respect to remaining assets, which include forfeited vacation funds, the Trustees, after payment of all costs and expenses chargeable to the Vacation Plan, are required to distribute the balance to organizations that are similar in purpose to the Vacation Plan. As of December 31, 1980, the Vacation Plan held $24,596 in forfeited funds. Of this amount, $7,000 represented the estimated total of returned checks from the final benefit payout of December 1, 1980.

7. To wind up the affairs of the Vacation Plan, the Trustees propose to transfer the $24,596 held in forfeitures, including accured interest, to the Welfare Plan. The transaction has been approved preliminarily by both the affiliated unions and by a unanimous vote of the Trustees. The Trustees have determined that if adverse consequences occur as a result of the proposed transfer, the Welfare Plan will indemnify and hold harmless the Vacation Plan from any and all claims, rights, and interests a prior Vacation Plan Participant could enforce.

8. In summary, it is represented that the proposed transaction will satisfy the statutory criteria of section 408(a) of the Act because: (a) It is a one-time transfer of assets between the Plans; (b) the Participants and their beneficiaries will realize the benefit of the uncommitted assets in the Welfare Plan; and (c) the rights of Vacation Plan Participants will be protected by means of indemnification by the Welfare Plan against future claims for forfeited benefits and other liabilities arising from the transfer of assets.

Notice to Interested Persons

Notice of the pending exemption will be given to all interested persons, including participants and beneficiaries of the Plans, within ten (10) days of the publication of the notice of pendency in the **Federal Register**. Such notice shall

include a photocopy of the notice of pendency as proposed in the **Federal Register** and shall inform interested persons of their right to comment on or request a hearing regarding the requested exemption. Notice will be provided to Participants by posting a photocopy of the notice of pendency at locations customarily used by the employers for giving notice to their employees. Notice will also be provided at locations customarily used by the local unions for giving notice to their members and by posting copies in the offices of the Vacation Plan. Notice will be provided to all other interested persons by first-class mail.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(a), and 406 (b)(1) and (b)(3) of the Act;

(3) Before an exemption may be granted under section 408(a) of the Act, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(b)(2) of the Act shall not apply to the transfer by the Vacation Plan to the Welfare Plan of uncommitted reserves of approximately $24,596, together with accrued interest which may accrue to the Vacation Plan due to its termination.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C. this 1st day of September 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs Labor-Management Services Administration, Department of Labor.

[FR Doc. 81–26141 Filed 9–4–81; 8:45 am]

BILLING CODE 4510–29–M

[Application Nos. D–2070 and D–2071]

Proposed Exemption for Certain Transactions Involving HMK Financial, Located in Los Angeles, California

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption involves certain aspects of the provision of real estate services by HMK Financial (HMK) to employee benefit plans which may contract for services with HMK (the Plan(s)). The proposed exemption, if granted, would affect HMK, participants and beneficiaries of the Plans and certain other persons participating in the proposed transactions.

DATES: Written comments and requests for a public hearing must be received by the Department on or before October 23, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application Nos. D–2070 and D–2071. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Paul R. Antsen of the Department, telephone (202) 523–6915. (This is not a toll-free number.).

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of applications for exemption from the restrictions of section 406(b) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (E) and (F) of the Code. The proposed exemption was requested in applications filed by HMK, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The applications contain representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the applications on file with the Department for the complete representations of the applicant.

1. HMK is a California corporation active in several aspects of the operation of employee benefit plans including pension consulting, plan administration and the brokerage of both insurance and real estate. HMK states that it has a familiarity with the

investment trends of employee benefit pension plans and represents that such plans in California have shown an expanding interest in shifting portions of their plan portfolios to investments in promissory notes secured by deeds of trust on real estate. The applicant represents that such secured notes are logical investments in today's inflationary market. In providing a full range of services to the Plans HMK has become a licensed real estate broker in the State of California. HMK states that it is standard practice in the real estate industry for a borrower to pay certain fees to a broker for services incurred in locating a lender and that such fee will be a percentage of the amount to be loaned. The applicant suggests that such a fee arrangement has similiarities to the commission that would be payable to a broker upon the sale of insurance or securities to a plan.

2. HMK is currently providing and anticipates the future provision of numerous administrative and consulting services for the Plans. Because of this combination of consulting services and fees which HMK might receive as a real estate broker, HMK is seeking exemptive relief. Such relief is requested because of language contained in Prohibited Transaction Exemption 77–9 (42 FR 32395, June 27, 1977) that the advice and recommendations made to plans and plan fiduciaries by pension consultants regarding plan purchase of investment products resulting in a benefit to such pension consultant could constitute "investment advice" so as to classify the persons who furnish such advice as fiduciaries under 29 CFR 2510.3–21(c) (40 FR 50842, October 31, 1975). While providing a wide range of consulting services, HMK is not obligated to render investment advice to the Plans nor are they specifically compensated for rendering any such advice. The express terms of the standard servicing agreement between HMK and the Plans provides that HMK shall not be deemed a fiduciary of the Plans and shall not exercise or have any discretionary authority, control or responsibility respecting management of the Plans or their assets. Nevertheless, based on the above position by the Department, HMK is concerned that certain operative relationships may result in HMK being considered a fiduciary and that its conduct may be construed as providing investment advice when HMK receives fees from a third party for transactions involving the Plans. Therefore, HMK is seeking relief from section 406(b) of the Act and section 4975(c)(1) (E) and (F) of the Code.[1]

3. The transactions in which the Plans would participate would be those where a Plan, having made a decision to invest in promissory notes secured by real estate, would approach HMK with a set of loan criteria under which the Plan would consider making such a loan. Such loan criteria generally would include the following: first or second trust deed loans only; loans would be made primarily on residential property with "owner-occupied" being preferred; all property must be in California; the loan to value ratio would not exceed 70%; no loan would have a term exceeding five years; interest rates would be at the current market level; and servicing of the loans would be at no cost to the plan involved.

No advance commitments, either written or oral, will be issued by the Plans to HMK or to anyone else which would enable HMK or any third party to effect a placement of a loan against an existing commitment made by the Plans. HMK would have full discretion in locating prospective borrowers including mortgage brokers or other borrowers' representatives (Borrowers' Representative(s)). In all such initial contacts with the Borrowers' Representatives, HMK would advise them that HMK represents undisclosed principals-namely pension and profit sharing plans which would be interested in considering loans that meet their respective loan criteria. HMK would not represent to any Borrowers' Representative the ability to deliver the needed financing; rather, it would be made clear that the fiduciaries of the respective Plans, and not HMK, would have the sole authority to review the proposed loans and make decisions about which one to accept. HMK represents that it has no ownership interest, directly or indirectly, in any of the Borrowers' Representatives nor will they have any relationship to any recipient of a loan issued by the Plans. In addition, HMK will not be engaged in servicing any of the loans discussed in this application request. Loan servicing will be performed by the Borrowers' Representative.

4. Prior to the execution of any loan transaction, HMK will provide to the appropriate Plan fiduciary certain information with respect to each loan arrangement in which HMK is involved. Such information will be in writing and in a form calculated to be understood by the appropriate Plan fiduciary who may have no special expertise with respect to loans secured in whole or in part by liens on real property. The information will include a disclosure of the fee that will be paid by the prospective borrower to HMK in connection with the proposed loan. HMK shall also furnish in writing to such Plan fiduciary any additional information requested by such fiduciary Following receipt of the information and prior to the execution of the transaction, the Plan fiduciary will acknowledge in writing receipt of such information and approve or disapprove the transaction on behalf of its Plan. Such Plan fiduciary will not receive directly or indirectly (e.g. through an affiliate) any compensation or other consideration for his, her or its own personal account from any party (including HMK) dealing with such Plan in connection with the transaction.

5. The Plans will be provided with certain safeguards when a loan is entered into with a borrower. These protections to a lender in such transactions are normally embodied in the provisions of the deed of trust used to secure the loan. Such protections include but are not limited to the following covenants: to keep the property in good condition and repair; to obtain fire insurance satisfactory to and with loss payable to the lender; and to pay all taxes and assessments at least 10 days before delinquency. Additionally, a tax service is engaged at the expense of the borrower to notify the lender in the event of a failure of the borrower to pay any installment of taxes and/or assessments which become due during the term of the loan. Furthermore, where the loan is a "second" deed of trust loan, a notification of default in connection with the "first" deed of trust loan is also provided to the lender.

6. HMK represents with respect to the Plans with which it has, or will have, service contracts that it is not: (a) a trustee to such Plans; (b) a plan administrator (within the meaning of section 3(16)(A) of the Act or section 414(g) of the Code); (c) a fiduciary who is expressly authorized in writing to manage, acquire, or dispose of the assets of any such Plans on a discretionary basis; or (d) an employer any of whose employees are covered by such Plans.

7. The applicant beleives that if the requested exemption is not granted, the normal business operations of the applicant as a pension consultant service provider will be restricted. Such restrictions may result in a limitation in

[1] The applicant has also requested relief from section 406(a) of the Act and section 4975(c)(1) (A) through (D) of the Code. The Department is not proposing an exemption in this notice byond the relief which is provided by section 408(b)(2) of the Act.

the variety of consulting and administrative services that would be available to the Plans which seek to invest in promissory notes secured by real estate. The applicant represents that requiring those fiduciaries charged with investment discretion for the Plans to seek this type of investment in an unfamiliar market would be disruptive to existing Plan operations. HMK further suggests that decisions to utilize its services are based on the trust and confidence resulting from existing servicing arrangements and HMK's ability to understand and appreciate the unique goals or needs of the particular employee benefit plan in question.

8. In summary, the applicant represents that the statutory criteria contained in section 408(a) of the Act have been satisfied as follows: (a) the terms of the loan transactions will be negotiated at arm's length between two unrelated informed parties; (b) the Plan fiducuary will make an independent determination whether or not such transaction will be entered into based on the information presented by HMK; (c) the Plans involved will be afforded those protections normally afforded a creditor of a promissory note secured by real estate; (d) HMK is subject to the state laws, rules and regulations relating to the conduct of real estate activities; and (e) generally, the plans choosing to make such real estate investments will be permitted to avail themselves of services rendered by HMK, a company in which they have had prior dealings and are satisfied with the service heretofore provided.

Notice to Interested Persons

HMK agrees to notify the investment committees or trustees of any Plan which currently seeks the assistance of HMK in making investments in promissory notes secured by real estate. Such notice shall contain a copy of the notice of pendency of the exemption as published in the **Federal Register** and will be delivered by hand or first class mail within fourteen days of such publication date. The Notice will inform the interested persons of their right to comment and the right to request a hearing within the period set forth in the notice of pendency. In addition, HMK has agreed to furnish a copy of this notice of pendency and the resulting exemption to the trustees of any Plan contracting for services from HMK which may in the future approach HMK seeking assistance in the investment of Plan assets in transactions which are the subject of these applications.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(a) of the Act and section 4975(c)(1)(A) through (D) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(b) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (E) and (F) of the Code shall not apply to the provision of real estate brokerage services and the receipt of commissions in conjunction with the provision of such services by HMK to the Plans which contract for services with HMK.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 1st day of September, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81–26170 Filed 9–4–81; 8:45 am]

BILLING CODE 4510–29–M

NUCLEAR REGULATORY COMMISSION

Availability of Draft NUREG–0814 Methodology for Evaluation of Emergency Response Facilities

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of issuance of Draft NUREG–0814.

SUMMARY: The Nuclear Regulatory Commission is publishing in draft form, for public comment, the Methodology for Evaluation of Emergency Response Facilities NUREG–0814.

DATES: Comments must be received on or before November 9, 1981. Comments received after this date will be considered if it is practical to do so but assurance cannot be given that they will be considered.

ADDRESSES: Comments should be submitted to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service

Branch. Copies of this report will be available after September 11, 1981. Single copies of this report are available free to the extent of supply and may be obtained by written request to the Director, Division of Technical Information and Document Control, Washington, D.C. 20444. Copies are also available for inspection or copying for a fee at the NRC Public Document Room, 1717 H Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mr. Steve Ramos, Chief, Emergency Preparedness Development Branch, Division of Emergency Preparedness, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 492-9602.

SUPPLEMENTARY INFORMATION: This draft report was prepared largely from the criteria in NUREG-0696 by NRC staff assisted by contractor personnel. The questions in the report, presented in draft form for public comment and interim use, will be used in final form by the staff to review Emergency Response Facilities designs.

This document is issued for comment and to provide affected licensees an early insight into the approach the staff will use in reviewing Emergency Response Facilities. Comments consisting of marked up pages will be most useful in revising the document.

Neither this draft nor the final evaluation methodology imposes any new requirements. This approach is a tool for use by the staff in evaluating proposed or existing facilities. The questions have been drawn in large part from NUREG-0696, "Functional Criteria for Emergency Response Facilities", (February 1981) and the requirements of 10 CFR 50.33, 50.47, 50.54 and Appendix E of Part 50. Many of the items in NUREG-0814 are not covered explicitly either by the criteria NUREG-0696 or by the regulations but are set out as a means of reviewing the functions needed to meet the criteria and the regulations. The NUREG-0814 questions represent only one approach to meeting the regulations and other techiques are equally acceptable but are not included for the sake of brevity. The purpose of NUREG-0814 questions are to remind the reviewers that similar functions must be performed by ERF personnel and equipment.

Brian K. Grimes,

Director, Division of Emergency Preparedness, Office of Inspection and Enforcement.

[FR Doc. 81-26149 Filed 9-4-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-261]

Carolina Power and Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 59 To Facility Operating License No. DPR-23 issued to Carolina Power and Light Company (the licensee), which revised Technical Specifications for operation of the H. B. Robinson Steam Electric Plant, Unit No. 2, (the facility) located in Darlington County, South Carolina. The amendment is effective as of the date of issuance.

This amendment incorporates the requirements for implementation of the TMI-2 Lessons Learned Category "A" items. They specifically include the areas of emergency power supply requirements, valve position indication, instrumentation for inadequate core cooling, containment isolation, auxiliary feedwater system, shift technical adviser and the implementation of programs to reduce leakage outside containment and to accurately determine airborne iodine concentrations.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated November 5, 1980, (2) Amendment No. 59 to License No. DPR-23, and (3) the Commission's letter dated August 24, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29550. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 24th day of August 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-26147 Filed 9-4-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-237 OLA; 50-249 OLA, (Spent Fuel Pool Modification)]

Commonwealth Edison Co. (Dresden Station, Units 1 and 2); Special Hearing on Applicant's Motion for Partial Initial Decision Approving Installation of Five Racks

Dated: August 31, 1981.

Notice is hereby given of a special hearing on Applicant's Motion for a Partial Initial Decision approving installation of five racks in the Dresden Station spent fuel pool.

The hearing will take place in the NRC Hearing Room of the 5th floor of East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland, on September 11, 1981, beginning at 10:00 a.m.

The public is invited to attend.

Issued and entered at Bethesda, Maryland, this 31st day of August 1981.

For the Atomic Safety and Licensing Board.

John F. Wolf,

Chairman, Administrative Judge.

[FR Doc. 81-26148 Filed 9-4-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-466-CP]

Houston Lighting and Power Co. (Allens Creek Nuclear Generating Station, Unit 1); Order Scheduling Resumed Hearings

Dated: September 1, 1981.

The evidentiary hearings will be resumed on September 14 and continue on weekdays through September 18, 1981,[1] and, thereafter, will be resumed

[1] Because of a scheduling conflict, the Board cancels the September 21-24 hearing which had been noticed in our Order of June 18, 1981. (46 Fed. Reg. 32546) Today, in a telephone conversation initiated by Mr. Sohinki, in an effort to assist Applicant and Staff who are preparing a sequence for the presentation of testimonies at the request of the Board, I advised in substance that the September 21-24, 1981 hearing had been cancelled, that the hearing would proceed from September 14 through September 18 and from October 5 through October 16, 1981, and that we expected Applicant and Staff to file written direct testimonies by September 18, 1981.

on October 5 and continue on weekdays through October 16, 1981.

Initially, testimony will be presented upon certain contentions and Board questions carried over from the August, 1981 hearing session and upon certain contentions which were identified in Applicant's letter of August 25, 1981. (Intervenor Schuessler is herewith notified that he is not subject to the instant order—he may file any written direct testimony upon his Consolidatated Contention 1 after Supplement 4 to the SER has been issued. The Board, at a subsequent time, will set a date for the submission of Mr. Schuessler's written direct testimony.) Thereafter, testimony will be presented upon certain contentions that are not dismissed in our Second Order Ruling Upon Motions For Summary Disposition which is being formally issued today, September 1, 1981. These testimonies will be heard sequentially pursuant to the order of presentation as will be set forth in the Applicant's and/or Staff's submissions of September 2, 1981.

By September 18, 1981, Applicant and Staff shall file written direct testimonies upon those contentions that were not dismissed in the Second Order Ruling Upon Motions For Summary Disposition.[1]

The September 14–18 and October 5–16 hearing sessions will be held at the following location: Ramada Inn, 7787 Katy Freeway, Houston, Texas 77004.

The hearing sessions will begin at 9:00 a.m. and recess at 5:00 p.m.

While generally the public is invited to attend these evidentiary hearings, some matters may be raised which, being the subjects of the Board's Protective Orders, will be heard in *in camera* proceedings.

It is so ordered.

Dated at Bethesda, Maryland this 1st day of September, 1981.

[1] During the course of the hearing, on August 21, 1981 (Tr. 15348), the Board put all involved Intervenors on notice that, if they wanted to participate in the discussion as to when the Board should set the due date for the submission of these testimonies, they should be present on August 28, 1981. The only Intervenors present at the August 28 hearing were Messrs. Doherty and Schuessler. As indicated above, Intervenor Schuessler's written direct testimony, if any, does not have to be submitted by September 18, 1981. Intervenor Doherty advised that he would not submit written direct testimony upon his contentions that were not dismissed in the Second Order Ruling upon Motions For Summary Disposition (Tr. 16316). Because of their absence, we conclude that none of the other involved Intervenors has an interest in filing written direct testimonies.

For the Atomic Safety and Licensing Board.

Sheldon J. Wolfe,

Administrative Judge.

[FR Doc. 81-26150 Filed 9-4-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-315 and 50-316]

Indiana and Michigan Electric Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 49 to Facility Operating License No. DPR-58, and Amendment No. 34 to Facility Operating License No. DPR-74 issued to Indiana and Michigan Electric Company (the licensee), which revised Technical Specifications for operation of Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2 (the facilities) located in Berrien County, Michigan. The amendments are effective as of the date of issuance.

The amendments revise the Technical Specifications and adds certain License Conditions for the Category "A" Lessons Learned (NUREG-0578) requirements implemented at the Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2.

The application for the amendments complies with the standards and requirments of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated December 10, 1980, (2) Amendment Nos. 49 and 34 to License Nos. DPR-58 and DPR-74, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Maude Reston Palenski Memorial Library, 500 Market Street, St. Joseph, Michigan 49085. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 25th day of August 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-26151 Filed 9-4-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-289]

Metropolitan Edison Co. et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 73 to Facility Operating License No. DPR-50, issued to Metropolitan Edison Company, Jersey Central Power and Light Company, and Pennsylvania Electric Company (the licensees), which revised Technical Specifications for operation of the Three Mile Island Nuclear Station, Unit No. 1 (the facility) located in Dauphin County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to reflect the revised engineered safety features actuation system setpoint of 1600 psig. This revised setpoint is in accordance with the generic B&W emergency core cooling system (ECCS) analysis.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 18, 1981, (2) Amendment No. 73 to License No. DPR-50, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Government

Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 28th day of August 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-26152 Filed 9-4-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-333]

Power Authority of State of New York; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 59 to Facility Operating License No. DPR-59, issued to the Power Authority of the State of New York, which revised the Technical Specifications for operation of the James A. FitzPatrick Nuclear Plant (the facility) located in Oswego County, New York. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications to allow spiral fuel unloading and reloading of the core which results in reducing the required number of control blade guides, and clarify source range monitor requirements during such evolutions.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated December 6, 1979, (2) Amendment No. 59 to License No. DPR-59 for the James A. Fitzpatrick Nuclear Power Plant, and (3) the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Penfield Library, State University College at Oswego, Oswego, New York 13126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 26th day of August 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-26153 Filed 9-4-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-244]

Rochester Gas and Electric Corp.; Issuance of Amendment To Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 45 to Provisional Operating License No. DPR-18, to Rochester Gas and Electric Corporation (the licensee), which revised the Technical Specifications for operation of the R. E. Ginna Plant (facility) located in Wayne County, New York. This amendment is effective as of its date of issuance.

The amendment incorporates technical specifications regarding operability of the direct current electrical systems, specifically incorporating the installed additional battery chargers.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment notarized October 10, 1980 (transmitted by letter dated October 12, 1978), as supplemented by letters from the licensee dated April 18, 1979 and August 10, 1979, (2) Amendment No. 45 to License No. DPR-18, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Rochester Public Library, 115 South Avenue, Rochester, New York 14627. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 27th day of August, 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-26154 Filed 9-4-81; 8:45 am]

BILLING CODE 7590-01-M

Privacy Act of 1974; Minor Amendments

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Minor amendments of systems of records.

SUMMARY: The Nuclear Regulatory Commission has issued minor amendments to NRC Systems of Records, NRC-15, 21, 24, 25, and 28. The amendments clarify and update the information contained in the NRC Systems of Records, NRC-21, 24, 25, and 28. In NRC-15, the amendments are necessitated by the merging of the Office of Standards Development into the Office of Nuclear Regulatory Research.

EFFECTIVE DATE: October 5, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Sarah N. Wigginton, FOI/PA Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492-8133.

SUPPLEMENTARY INFORMATION: The Nuclear Regulatory Commission published a notice of proposed minor amendments to the NRC Notice of Systems of Records in the **Federal Register** on July 7, 1981 (46 FR 35233). The notice invited public comment on the proposed minor amendments by August 6, 1981. No comments were received on the proposed amendments.

Notice is hereby given that the Commission has adopted the proposed amendments of the NRC Systems of

Records. The text of the amendments is identical with the text of the amendments which were published on July 7, 1981 for public comments.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552, 552a and 553 of Title 5 of the United States Code, the following amendments to the NRC Systems of Records, NRC–15, 21, 24, 25, and 28 are published as a document subject to publication in the annual compiliation of Privacy Act documents.

1. The paragraphs of NRC–15 entitled "System location" and "System manager(s) and address" are revised to read as follows:

NRC–15

SYSTEM NAME:

National Standards Committee Membership Files—NRC.

* * * * *

SYSTEM LOCATION:

Primary system—Office of Nuclear Regulatory Research, NRC, 7915 Eastern Avenue, Silver Spring, Maryland.

Duplicate systems—duplicate systems exist, in whole or in part, at the National Institutes of Health Computer Facility, c/o the Office of Management and Program Analysis located in the Maryland National Bank Building, 7735 Old Georgetown Road, Bethesda, Maryland.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

* * * * *

The paragraphs of NRC–21 entitled "System location" and "Routine uses of records maintained in the system, including categories of users and purposes of such uses" and revised to read as follows:

NRC–21

SYSTEM NAME:

Payroll Accounting Records—NRC.

* * * * *

SYSTEM LOCATION:

Primary system—Office of the Controller, NRC, Lugenbeel Building, 4922 Fairmont Avenue, Bethesda, Maryland.

Duplicate systems—duplicate systems exist, in whole or in part, at the location listed in Addendum I, Parts 1 and 2.

* * * * *

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

Information in these records may be used:

a. For transmittal of data to U.S. Treasury to effect issuance of paychecks to employees and distribution of pay according to employee directions for savings bonds, allotments, financial institutions, and other authorized purposes;

b. For reporting tax withholding to Internal Revenue Service and appropriate state and local taxing authorities;

c. For FICA deductions to the Social Security Administration;

d. For dues deductions to labor unions;

e. For withholdings for health insurance to the insurance carriers and the Office of Personnel Management;

f. For charity contribution deductions to agents of charitable institutions;

g. For annual W–2 statements to taxing authorities and the individual;

h. For transmittal to the Office of Management and Budget for review of budget requests;

i. For withholding and reporting of retirement, reemployed annuitants, and life insurance information to the Office of Personnel Management;

j. For transmittal of information to state agencies for unemployment purposes; and

k. For any of the routine uses specified in the Prefatory Statement.

* * * * *

3. The paragraph of NRC–24 entitled "Notification procedure" is revised to read as follows:

NRC–24

SYSTEM NAME:

Property and Supply System (PASS)—NRC.

* * * * *

NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

* * * * *

4. The paragraph of NRC–25 entitled "Notification procedure" is to be inserted after the paragraph entitled "System manager(s) and address" to read as follows:

NRC–25

SYSTEM NAME:

Oral History Program—NRC.

* * * * *

NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

* * * * *

5. The paragraph of NRC–28 entitled "Categories of records in the system" is revised to read as follows:

NRC–28

SYSTEM NAME:

Recruiting, Examining and Placement Records—NRC.

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain general application information relating to the education, training, employment history, earnings, past performance, criminal convictions, if any, written achievement tests, honors, awards or fellowships, military service, veteran preference status, birthplace, birth date, social security account number, and home address of persons who have applied for Federal employment with the NRC (SF–171), resumes, and similar documents).

* * * * *

Dated at Bethesda, Maryland this 28th day of August 1981.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 81–26290 Filed 9–4–81; 8:45 am]

BILLING CODE 7590–01–M

NUCLEAR SAFETY OVERSIGHT COMMITTEE

Nuclear Safety Research and Nuclear Power Regulation; Open Meeting

September 1, 1981.

The Nuclear Safety Oversight Committee will meet on Wednesday, September 23 from 9:00 am to 12:30 pm and 2:00 pm to 5:00 pm in the CAB Hearing Room 1003 D of the Universal Building—North, 1875 Connecticut Avenue, N.W. (at the corner of Connecticut Avenue and T Street, N.W.).

The Committee was established by Executive Order 12202 on March 18, 1980, in response to the recommendations of the President's Commission on the Accident at Three Mile Island (the Kemeny Commission). Generally, the Committee is responsible for monitoring the progress of the utilities and their suppliers, the Nuclear Regulatory Commission, other federal agencies, and state and local authorities in implementing the Kemeny Commission's recommendations and in

improving the safety of nuclear power. The Committee will report periodically to the President.

Thus far the Committee has held nine meetings. The Committee has heard testimony and had discussion in a number of areas including:

—The nature of the Committee's responsibilities as set forth in Executive Order 12202;

—The Nuclear Regulatory Commission's (NRC) "Action Plan Developed as a Result of the TMI–2 Accident," designated NUREG–0660 and available through the Document Management Branch, Division of Technical Information and Document Control, NRC, Washington, D.C. 20555;

—The procedure utilized in the federal decision-making process as it relates to nuclear safety, and public and private participation;

—FEMA's Report to the President (June 1980), and procedures for emergency planning;

—The status of generic safety issues; the analysis and evalation of operational data;

—The NRC budget and allocation of its staff resources to implement the "Action Plan" and how that will affect other NRC functions;

—NRC's inspection and enforcement program;

—Backfitting and standardization of plant design;

—The regulatory relationship between FEMA and NRC;

—Nuclear safety research and training programs;

—Quality control in plant design;

—Labor/management problems, and the union's role in safety programs;

—Human factors in nuclear power safety including training, control room design, balance of plant, and ANSI standards;

—Action Plan provisions for human factors and training, and certification of operators;

—Release of Iodine-131 as a consequence of nuclear power plant operations;

—Problems of plant releases at nuclear power plants;

—Planning of safety systems and balance of plant;

—Issues concerning the TMI–1 restart hearings and their relationship to the TMI–2 accident;

—Regulatory licensing and scientific and technical uncertainity—the case of hydrogen;

—Panel discussion on nuclear power operator training;

—Purpose and implications of proposed operating license amendments to the Atomic Energy Act;

—Relationship between operating license procedures and nuclear safety;

—Role of public participation in nuclear power plant licensing.

During the next meeting the Committee will receive testimony and, when appropriate, written materials and documents, from:

• Norman Rasmussen, Head of the Nuclear Engineering Department at MIT, accompanied by Herbert Kouts, Chairman of the Department of Nuclear Energy at Brookhaven National Laboratory, who will discuss a report on nuclear safety research prepared by a study team under Dr. Rasmussen's direction; and

• Graham Allison, Dean of the J. F. Kennedy School of Government, along with Al Carnesale, Professor of Public Policy at the J. F. Kennedy School of Government, who will discuss a study on nuclear power regulation prepared under Dr. Allison's direction.

The meeting will be open to public observation. Written comments or statements may be submitted at anytime before or after the meeting and should be related to the substantive matters identified above. Approximately 40 seats will be available for the public on a first come, first served basis. The Committee meeting will be recorded and the transcript may be examined in the Committee's office at 1133 15th Street, N.W., Suite 307, Washington, D.C. until September 30, 1981 when the Committee's Executive Order expires.

For further information contact Margo von Kaenel at (202) 653–8468.

Margo W. von Kaenel,

Executive Assistant.

[FR Doc. 81–25906 Filed 9–4–81; 8:45 am]

BILLING CODE 6820–01–M

Privacy Act of 1974; Revocation and Transfer of Systems of Records

Pursuant to the provisions of the Privacy Act of 1974, Pub. L. 93–579, 5 U.S.C. 552a, the Nuclear Safety Oversight Committee (NSOC) published in the **Federal Register** (45 FR 58809) notices of the existence of the following systems of records subject to the Privacy Act: NSOC–1, Payroll Records; NSOC–2, General Financial Records; and NSOC–3, General Informal Personnel Files. NSOC will terminate operations on September 30, 1981, and the above systems of records are revoked as of that date.

Following is a summary of the disposition of NSOC's systems of records:

NSOC–1

System name: Payroll Records—NSOC: to be retained by the General Services Administration, National Payroll Center, for use in concluding administrative operations of the Committee as part of GSA system of records, Defunct Agency Records, GSA/OEA–1.

NSOC–2

System name: General Financial Records—NSOC: to be retained by the External Services Branch, National Capital Region, for concluding administrative operations of the Committee as part of the GSA system of records, Defunct Agency Records, GSA/OEA–1.

NSOC–3

System name: General Informal Personnel Files—NSOC: to be destroyed or distributed to personnel upon request.

Steven Ebbin,

Executive Director.

[FR Doc. 81–26000 Filed 9–4–81; 8:45 am]

BILLING CODE 6820–01–M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

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 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from

whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost to the public;

The number of forms in the request for approval;

An indication of whether Section 3504(h) of Pub. L. 96-511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of 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 AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202-447-6201

New

- Food and Nutrition Service
  Acceptability testing of 4 canned commodities (vegetables) with standard commercial and 50% standard and no salt added
Nonrecurring
Individuals or households
Elem. & secondary school children & senior citizens
Public assistance and other income supplements: 12,000 responses, 1,000 hours; $81,000 Federal cost, $3,350 public cost; 2 forms; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

No quantitative evidence exists on the effect of salt reduction on acceptability of products. This information is vital to any consideration of reducing salt in processed food. Reduction of salt will have negative nutritional effect on recipients who do not eat the product because of poor acceptability. Results of this test will enable FNS to formulate policy as to whether to lower salt in commodities and if so to what extent.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202-377-3627

Extensions (Burden Change)

- National Oceanic and Atmospheric Administration
Small craft facility field report nautical chart revisions
NOAA 77-3, 77-4, & 77-5
On occasion
Individuals or households/businesses or other institutions
USPS and USCGAUX—All navigation
SIC: 799
Other natural resources: 4,400 responses, 13,200 hours; $90,000 Federal cost, $132,000 public cost; 3 forms; not applicable under 3504(h)
William T. Adams, 202-395-4814

These forms are used by United States power squadrons (USPS) and United States Coast Guard auxiliary (USCGAUX) cooperative charting program members in preparation of uniform and accurate observed chart correction reports that play a major role in helping NOS to maintain up-to-date nautical charts to assure safe navigation in our Nation's waters. Reports are submitted on a voluntary basis.

Extensions (No Change)

- National Oceanic and Atmospheric Administration
Small-craft chart facility questionnaire
NOAA 77-1
Annually
Individuals or households/businesses or other institutions
Facility owners
SIC: 446
Small businesses or organizations
Other natural resources: 4,000 responses, 666 hours; $25,500 Federal cost, $3,000 public cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202-426-5030

Gather chart correction information from operators of marine facilities such as marinas, yacht clubs, boat repair yards offering services/supplies to public that are shown on NOS small-craft nautical charts.

- Economic and Statistical Analysis
Foreign contract operations of U.S. construction, engineering, consulting, and other technical services
Firms (BE-47)
BE-47
Annually
Businesses or other institutions
Technical service firms
SIC: 891 899
Other advancement and regulation of commerce: 190 respones, 290 hours; $9,000 Federal cost.; 1 form;, not applicable under 3504(h)
Off. of Federal Statistical Policy & Standards, 202-673-7974

Secures data on U.S. firms' earnings from technical services rendered to unaffiliated foreigners. Authorized by the Bretton Woods Agreements Act and E.O. 10033. Required for the preparation of the international services accounts of the U.S. balance of payments accounts.

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202-426-5030

Reinstatements

- Office of Educational Research and Improvement
Common core of data (CCD)
ED (NCES) 2350-5, 6, 7, 8, 8-1, 9, 13, 2393-2 and 4

Annually
State or Local governments
6 outlying areas
SIC: 941
Research and general education aids: 57 responses, 20,332 hours; $845.00 Federal cost, $544,900 public cost: 9 forms; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

Elementary and secondary data are collected in cooperation with State education agencies. These data provide information about fall membership, high school graduates, teachers and other staff positions, revenues by source, expenditures by function and other related data. These data are used in allocation of Federal funds for some education grant programs (ESEA title I), and in carrying out NCES mandated studies (equity profiles).

DEPARTMENT OF ENERGY

Agency Clearance Officer—John Gross—202–633–9770

Revisions

• Economic Regulatory Administration
Public Utility Regulatory Policies Act (PURPA) and Annual Report on Electric and Gas Utilities
ERA–166
Annually
Businesses or other institutions
Gas and electric utilities, and State regulatory agencies
SIC: Multiple
Energy information, policy, and regulation: 138 responses, 2,140 hours; $259,160 Federal cost, 1 form; not applicable under 3504(H)
Jefferson B. Hill, 202–395–7340

The ERA–166 will be filed annually to collect data to be used by the Economic Regulatory Administration in annual reporting to the President and to Congress on the progress of State regulatory authorities and certain nonregulated electric and gas utilities in considering and making determinations with respect to the standards established by PURPA.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7488

New

• Health Care Financing Administration
Heart transplant study
(06/AMG)
Nonrecurring
Individuals or households/businesses or other institutions
Hospitals, heart transplant patients
SIC: 806
Health: $500,000 Federal cost, 1 form; not applicable under 3504(H)
Richard Eisenger, 202–395–6880

The purpose of a study of heart transplants is to determine the scientific, social, economic and ethical consequences of medicare coverage for heart transplant. The study will be used as a basis for establishing medicare reimbursement policy.

• Health Care Financing Administration
Evaluation of part B fixed price medicare contracts
Preclear. ORDS–81–4–157
Nonrecurring
Individuals or households who solicited contractors to evaluate part B fixed price
Small businesses or organizations
Health: $700,000 Federal cost, 1 form; not applicable under 3504(H)
Richard Eisenger, 202–395–6880

HCFA has three ongoing experiments in Maine, Illinois and upstate New York that are testing various forms of competitive fixed price procurement in part B of medicare. This study is to provide a basis for use by HCFA management in evaulating its long range contracting options with carriers.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202–634–5394

New

• Internal Revenue Service
Request for additional withholding allowance information from employee
LTR. 1379 (SC), (DO)
On occasion
Individuals or households
Employees required to file form W–4
Central fiscal operations: 26,000 responses, 13,000 hours; $47,134 Federal cost, 2 forms; not applicable under 3504(H)
Kevin Broderick, 202–395–6880

Letter 1379 (SC) or (DO) is used to request additional information from an employee who has filed a questionable, nonexempt form W–4.

• Internal Revenue Service
Education voucher memo
Mar–1957
On occasion
Businesses or other institutions
Educational institutions
SIC: 821, 822, 824, 829
Central fiscal operations: 1,500 responses, 1,125 hours; $850 Federal cost, 1 form; not applicable under 3504(H)
Federal Education Data Acquisition Council, 202–426–5030

This form is used to contact educational institutions for verification of information provided by applicants for employment with the IRS. The information is used to evaluate the applicant's educational background.

• Internal Revenue Service
Initial contact letter requesting verifying information
6269
On occasion
Individuals or households/farms/businesses or other institutions
Individuals and business
SIC: All
Small businesses or organizations
Central fiscal operations: 450,000 responses, 675,000 hours; $1,080,000 Federal cost, 1 form; not applicable under 3504(H)
Kevin Broderick, 202–395–6880

Form 6269 is used to notify taxpayers of examination appointments and informs them of the need to provide verifying records used as a basis for the items checked at the end of the letter. The IRS uses this information to determine and recommend an increase, decrease, or no change to the tax liability for a given year.

• Internal Revenue Service
Order form for understanding taxes material
1742
Annually
State or local governments/businesses or other institutions
Teachers of students Jr./Sr. high schools, Jr. colleges
SIC: 821, 822, 823, 824, 866
Central fiscal operations: 38,000 responses, 3,165 hours; $25,000 Federal cost, 1 form; not applicable under 3504(H)
Federal Education Data acquisition Council, 202–426–5030

This form is completed by each teacher or educator wishing to be placed on the IRS mailing list to receive understanding taxes program materials.

• Bureau of Government Financial Operations
Federal tax deposit
Weekly, monthly, quarterly
State or local governments/farms/businesses or other institutions
Taxpayers required to make deposits under federal tax dep.
SIC: All
Small businesses or organizations
Central fiscal operations: 58,000,000 responses, 907,120 hours; $12,278,710 Federal cost, 1 form; not applicable under 3504(H)
Kevin Broderick, 202–395–6880

The Federal tax deposit (FTD) form is used by taxpayers to deposit the

required taxes at authorized financial institutions or Federal reserve banks or branches. The depositary sends the card to the IRS center where the deposited amount is credited to the depositor's tax account. The data is used by IRS to make the credit and to verify the tax deposit claimed on a return. BGFO requires data to insure timely credit by depositary to treasury's accounts.

• Internal Revenue Service
Unable to locate the final additional information requested
F1614 (Rev. 2-81)
On occasion
Farms/businesses or other institutions
Corps. undergoing dissolution or liquidation
SIC: All
Small businesses or organizations
Central fiscal operations: 300 responses, 75 hours; $1,879 Federal cost, 1 form; not applicable under 3504(H)
Kevin Broderick, 202-395-6880

The taxpayer filed a form 966 and we are unable to associate it with the form 1120 series final return. We need to correspond with the taxpayer for the status of this final return required for association of form 966. These forms have not been worked because this information from taxpayer is needed.

• Internal Revenue Service
Questionnaire—Fellowship Grants
IO-634
On occasion
Individuals or households/businesses or other institutions
U.S. citizens employed by institutions that grant fellowships
SIC: All
Central fiscal operations: 100 responses, 100 hours; $50 Federal cost, 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

The form is completed by a third party, an individual employed by an institution that grants fellowships. The information is needed to establish that a taxpayer received a qualified fellowship.

• Internal Revenue Service
Request for copy of tax form 4506
On occasion
Individuals or households/State or local governments/farms/businesses or other institutions
Filed by any taxpayer requiring a copy of a tax return filed
SIC: 019 138 162 399 446 501 599 605 739 919
Small businesses or organizations
Central fiscal operations: 1,000,000 responses, 500,000 hours; $1,889,238 Federal cost, 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Form 4506 is used by taxpayers to request copies of returns from IRS. 26 USC 7513 prescribes the safeguards required to protect the information on the returns from unauthorized use or disclosure. Form 4506 requests information to insure that only authorized persons receive reproduced returns.

• Internal Revenue Service
Request for prompt assessment under Internal Revenue Code Section 6501(D)
4810
On occasion
Individuals or households/farms/businesses or other institutions, fiduciaries representing a dissolving corps. or decdnt. etc.
SIC: 019 138 162 399 446 501 599 605 739 919
Small businesses or organizations
Central fiscal operations: 3,000 responses, 1,500 hours; $2,012 Federal cost, 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Form 4810 is used by fiduciaries representing a dissolving corporation or a decedent's estate to request a prompt assessment of tax as provided by 26 U.S.C. 6501(D)

• Internal Revenue Service
Questionnaire—Home/leave transportation expenses
Annually
Individuals or households
U.S. citizens residing in foreign countries
Central fiscal operations: 2,000 responses, 2,000 hours; $100 Federal cost, 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Form to be completed by taxpayer to support his claim for a deduction for home leave expenses. These taxpayers are either physically present in or bona fide residents of foreign countries.

• Internal Revenue Service
request for discharge from personal liability under Internal Revenue Code 6905
5495
Nonrecurring
Individuals or households
Filed by executor for release from personal liability taxes
Central fiscal operations: 1,800 responses, 900 hours; $1,126 Federal cost, 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Filing of this form allows executors to request release from personal liability for income or gift taxes owed by a decedent. The service uses the information to determine whether the request should be granted

• Internal Revenue Service
Additional information request
ROWR 526
On occasion
Individuals or households/farms/businesses or other institutions
Individual taxpayers
SIC: Multiple
Small businesses or organizations
Central fiscal operations: 150,000 responses, 150,000 hours; $956,550 Federal cost, 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

During an income tax examination, additional information (records, receipts, etc.) is necessary to substantiate the items on the tax return. ROWR form 526 is needed to gather this data. IRS uses the

• Internal Revenue Service
Questionnaire—Verification of employee's income
1273(IO)
On occasion
Individuals or households/State and local governments/farms/businesses or other institutions
U.S. citizens working for U.S. employers
SIC: All
Small businesses or organizations
Central fiscal operations: 400 responses, 200 hours; $50 Federal cost, 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Form is used to verify the income reported by U.S. citizens on form 1040. The responses allow the IRS to determine whether income is properly reported as to amount and source. Source of income affects foreign tax credit.

• Internal Revenue Service
Received from 966 FRP, T/P—No record of final return
F1615 (Rev. 2-81)
On occasion
Farms/businesses or other institutions, corporations adopting a plan of liquidation
SIC: All
Small businesses or organizations
Central fiscal operations: 200 responses, 100 hours; $1,253 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

If a corporation files a form 966 adopting a liquidation plan under 26 U.S.C. 337, a final form 1120 series return is required. Within certain time limits. F1615 is needed to obtain information concerning the final return if

we have no record of it. The information is used to help process form 966.

• Internal Revenue Service
Site visitation checklist
Annually
Individuals or households/State or local Governments/businesses or other INS volunteers, college students, existing civic groups
SIC: 832, 811, 822, 823, 861, 862, 864, 866, 839
Small businesses or organizations
Central fiscal operations: 15,000 responses, 2,501 hours; $59,700 Federal cost, 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The purpose of the form is to monitor the activities of the volunteers to ensure quality service is being given.

• Internal Revenue Service
1. Real estate statement
2. Farm land statement
ROWR 489, 535
On occasion
Individuals or households/farms/businesses or other institutions, estates and individual donors of gifts
SIC: Multiple
Small businesses or organizations
Central fiscal operations: 1,000 responses, 1,000 hours; $6,000 Federal cost; 2 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

ROWR forms 535 and 489 are used to assist in determing the fair market value of real estate reported in an estate tax return (form 706) or a gift tax return (form 709). Personal contact would be necessary if the form was not used to assure that taxpayers are assessed only those taxes due for covered transfers of property.

• Internal Revenue Service
Scholarship/fellowship questionnaire
STP 3–5 (11/80)
On occasion
Individals or households
Recipients of scholarships/fellowships
Central fiscal operations: 1,000 responses, 2,000 hours; $268 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Internal Revenue Code section 117 allows taxpayers to exclude certain scholarship/fellowships from taxable income. The information obtained from this questionnaire will be used when auditing the individual income tax returns of scholarship/fellowship recipients to assure proper application of IRC 117.

• Internal Revenue Service
Understanding taxes film notice
Notice 617
Nonrecurring annually
State or local governments/businesses or other institutions, teachers of students in junior and senior high schools
SIC: 821, 822, 823, 824, 866
Central fiscal operations: 38,000 responses, 3,165 hours; $12,000 Federal cost, 1 form; not applicable under 3504(h)
Federal Education Data Acquistion Council, 202–426–5030

This notice helps IRS schedule the understanding taxes films for teacher use with the program materials. Teachers check the films they need and choice of dates they wish to use them.

• Internal Revenue Service
Tax shelter questionnaire movies
DIR-DET 4–298
On occasion
Individuals or households/businesses or other institutions, taxpayers who invest in a movie tax shelter
SIC: All
Small businesses or organizations
Central fiscal operations: 100 responses, 75 hours; $4,150 Federal cost, 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The questionnaire has been devised with district counsel to properly develop each tax shelter case. Without this questionnaire, internal revenue service may overlook pertinent areas of examination and will be unable to determine the taxpayer's intent for investing in the shelter.

• Internal Revenue Service
Transmitter report of magnetic media filing
Form 6559
Nonrecurring
State or local governments/farms/businesses or other institutions
Employers/payers making payments (wages or compensation)
SIC: All
Small businesses or organizations
Central fiscal operations: 6,500 responses, 1,085 hours; $7,521 Federal cost; 1 form; not applicable under 3504 (h)
Kevin Broderick, 202–395–6880

Form 6559 is used by filers of information returns to provide balancing information for files submitted via magnetic media to the social security administration (SSA). Employers or payers are required by 26 U.S.C. 6041 to submit form 6559 information for each payer being reported.

• Internal Revenue Service
Magnetic media label
Form 6558
Annually
State or local governments/farm/businesses or other institutions
Employers/payers filing information returns via magnetic tape.
SIC: All
Small businesses or organizations
Central fiscal operations: 6,480 responses, 214 hours; $2,578 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Information returns can be filed on magnetic tape, disk or diskette. These labels are affixed to the tape reel, disk or diskette.Tape labels identify the filer and important social security administration processing information.

• Internal Revenue Service
TCE instructor evaluation
Form 6331
Annually
Individuals or households
Volunteers, members of social action agencies
Central fiscal operations: 561 responses, 94 hours; $5,000 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This form is used by tax counseling for the elderly instructors at end of the training class to evaluate the training material. This course is held between November and January each year.

• Internal Revenue Service
Questionnaire—Scholarship or fellowship grant
IO–638
On occasion
Individuals or households
U.S. citizens/nonresident aliens
Central fiscal operations: 400 responses, 200 hours; $50 Federal cost; 1 form; not applicable under 3504 (h)
Kevin Broderick, 202–395–6880

Form completed by taxpayers to substantiate claim for exemption of a fellowship or scholarship grant. The information submitted is used to determine whether such persons qualify for exclusion.

• Internal Revenue Service
correction notice—Balance due IRS CP 11
CP 11 Form 4084
On occasion
Individuals or households
Individuals that have made mathematical error on returns
Central fiscal operations: 1,014,618 responses, 253,654 hours; $5,994,868 federal cost; 1 form; not applicable under 3504 (h)
Kevin Broderick, 202–395–6880

CP notice 11 is used to advise the taxpayer that we corrected a math error on their return and there is not a balance due.

• Internal Revenue Service
Questionnaire-Bona fide residence in foreign country
IO-636
On occasion
Individuals or households
U.S. citizens and resident aliens
Central fiscal operations: 4,000 responses, 2,000 hours; $200 Federal cost; 1 form; not applicable under 3504 (h)
Kevin Broderick, 202-395-6880

This form is to be completed by the taxpayer to support his claim of being a bona fide resident of a foreign country for the tax year questioned. The information is used by the service to ditermine which country the taxpayer is a resident of for U.S. tax purposes.

• Internal Revenue Service
General questionnaire-taxpayer living abroad
IO-664
On occasion
Individuals or households
U.S. citizens and resident aliens living in foreign country
Central fiscal operations: 5,000 responses, 1,250 hours; $200 Federal cost; 1 form; not applicable under 3504 (h)
Kevin Broderick, 202-395-6880

Used by U.S. citizens and resident aliens to report their foreign residence and foreign business addresses. Travel away from these addresses in excess of 2 weeks, and certain remuneration from employers. Data used to determine if taxpayer is entitled to benefits provided by 26 U.S.C. 911, 912, and 913.

• Internal Revenue Service
Filing season bounce—Back cards
Black radio public service announcements
Form 6129
Annually
Businesses or other institutions
Radio stations
Small businesses or organizations
Central fiscal operations: 600 responses; 10 hours; $672 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

The filing season black radio public service announcements (PSAS) are distributed to radio stations to inform and educate taxpayers about their tax responsibilities and benefits. Bounce-back cards are distributed to gather feedback from radio station personnel to assist the IRS in producing the PSAS for the following year. The data is collected from January 1 to April 15 each year.

• Internal Revenue Service
College VITA recruitment letter
P-1453
Annually
Individuals or households/businesses or other institutions
Respondents would be members of colleges and universities
SIC: 832 811 822 823 861 862 864 866 839
Small businesses or organizations
Central fiscal operations: 1,160 responses; 96 hours; $300 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

This form is used by Internal Revenue Service to recruit colleges to participate in the volunteer income tax assistance program. The form explains the program and gives a name and telephone number the college may use to contact IRS if they are interested in the program.

• Internal Revenue Service
Filing season bounce-back cards
Library tapes program
Form 6763
Annually
State or local governments/businesses or other institutions
Library personnel
SIC: 821
Small businesses or organizations
Central fiscal operations: 1,000 responses; 16 hours; $1,120 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

The filing season library tapes program distributes tapes to libraries across the country for self-help in preparation of the forms 1040 and 1040A, and schedules A and B. Bounce-back cards are distributed to each library to gather feedback from library personnel to assist the IRS in producing the tapes for the following year. Data is collected January 1 through April 15 each year.

• Internal Revenue Service
Filing season bounce-back cards
TV public service announcements (PSAS)
6347
Annually
Businesses or organizations
TV stations
SIC: 483
Small businesses or organizations
Central fiscal operations: 100 responses; 2 hours; $112 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

The filing season TV public service announcement (PSAS) are distributed to national TV networks and to local TV stations to inform and educate taxpayers about their tax responsibilities and benefits. Bounce-back cards are distributed to gather feedback from the stations to assist the IRS in producing the PSAS for the following year. The data is collected from January 1 to April 15 each year.

• Internal Revenue Service
Volunteer training evaluation
Form 6317
Annually
Individuals or households/businesses or other institutions
Volunteers & college students membrs. civic/social agencies
SIC: 832 811 822 823 861 862 864 866 839
Small businesses or organizations
Central fiscal operations: 37,113 responses; 6,187 hours; $5,000 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

As part of the evaluation of the VITA training program. Volunteers are asked to evaluate the quality of the training material and instruction received. (VITA-volunteer income tax assistance)

• Internal Revenue Service
Request for alimony verification
LTRS 1031 (DO), (C)
On occasion
Individuals or households
Individual taxpayers who receive alimony
Central fiscal operations: 127,000 responses; 38,100 hours; $214,366 Federal cost; 2 forms, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Needed to verify that recipient of alimony has correctly reported the income on his or her tax return for the tax year the payer deducted it.

• Internal Revenue Service
Stock valuation inquiry
LTR 1133. (DO)
On occasion
Businesses or other institutions
Closely held corporations
SIC: All
Central fiscal operations: 10,000 responses, 10,000 hours; $61,800 Federal cost, 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Letter 1133 (DO) is used to request closely held corporation financial data. This data is reviewed by IRS to substantate corporation stock values reported on a taxpayer's return under examination.

• Internal Revenue Service
Instructor evaluation (VITA)
Form 6318
Annually
Individuals or households/State or local governments/businesses or other INS

volunteers, college students and civic groups
SIC: 832, 811, 822, 823, 861, 862, 864, 866, 839
Small businesses or organizations
Central fiscal operations; 1,527 responses, 509 hours; $5,000 Federal cost, 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This form is used by the volunteer instructor to evaluate the quality of the VITA training material. (VITA—volunteer income tax assistance).

• Internal Revenue Service
Request for estate-corporation stock valuation
LTS 910 (DO) (C)
On occasion
Businesses or other institutions
Partnerships
SIC: 602
Small businesses or organizations
Central fiscal operations, 5,000 responses, 2,500 hours; $5,000 Federal cost, 2 forms, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

To determine an estates tax liabilities, it is necessary that its valuation be known to the IRS. Letter 910 (DO), (C) is used to secure partnership interest values as related to an estates assets.

• Internal Revenue Service
Estimated tax penalty computation worksheet—Exception 4
ROWR 3009 (1–80)
On occasion
Individuals or households
Individual taxpayers having underpaid estimated tax
Central fiscal operations; 3,000 responses, 3,000 hours; $6,044 Federal cost, 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This form is needed to complete computation for exception 4 of form 2210, underpayment of estimated tax by individuals. If this form is not completed and returned the estimated tax penalty will be imposed, although the taxpayer may actually qualify for exception 4.

• Internal Revenue Service
Employee's substitute wage and tax statement
Form 4852
On occasion
Individuals or households
Persons who worked and had taxes withheld during the year
Central fiscal operations; 1,002,000 responses, 306,000 hours; $10,000 Federal cost, 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 4852 will be used by respondents to estimate gross wages received and income and FICA tax withheld during the year in absence of a form W–2 from the employer. It is attached to the tax return for processing as a W–2.

• Internal Revenue Service
Interview work sheet—Individual business return
SWR E–721
On occasion
Farms/businesses or other institutions
Taxpayers with schedule C or F attached with their return
SIC: Multiple
Small businesses or organizations
Central fiscal operations; 25,000 responses, 12,500 hours; $25,000 Federal cost, 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The data is needed to determine compliance with the tax laws. The form is used by examiners to record information obtained in interviews with taxpayers being examined.

• Internal Revenue Service
Non-IRS tax information request
ROWR 3036–A (7–80)
On occasion
State or local governments
State tax authorities and child support enforcement agencies
SIC: All
Central fiscal operations; 25,000 responses, 2,000 hours; $22,550 Federal cost, 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This form is used by State tax agencies to request, from the Internal Revenue Service, information about taxpayers. The form was developed to provide a uniform system for the States to request their information.

• Internal Revenue Service
Questionnaire-Schooling expenses
IO–665
Annually
Individuals or households
U.S. citizens residing in foreign countries
Central fiscal operations: 5,000 responses, 2,500 hours; $200 Federal cost, 1 form; not applicable under 3504(h).
Kevin Broderick, 202–395–6880

Form to be completed by a taxpayer to support Form 1040 claim for schooling expenses in a foreign country.

• Internal Revenue Service
Questionnaire—housing expenses
IO–669
Annually
Individuals or households
U.S. Citizens residing in foreign countries
Central fiscal operations: 4,000 responses, 4,000 hours; $200 Federal cost, 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form to be completed by taxpayer to support his claim for a deduction for housing expenses. The taxpayer must qualify as a resident of a foreign country under either the bona fide residence or physical presence tests in order to claim the deduction.

• Internal Revenue Service
Questionnaire—expenses deducted for meals and lodging
IO–671
Annually
Individuals or households
U.S. citizens and resident aliens
Central fiscal operations: 400 responses, 300 hours; $50 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form is used by persons claiming meals and lodging expenses while employed away from their tax homes. Completion of the form permits the IRS to determine if such expenses are deductible.

• Internal Revenue Service
ICE volunteer training evaluation
Form 6330
Annually
Individuals or households/businesses or other institutions, volunteers, members of nonprofit organizations
SIC: 869: 839
Central fiscal operations: 10,295 responses, 1,201 hours; $5,000 Federal cost, 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The form is used by tax counseling for the elderly volunteers at the end of the training course to evaluated the effectiveness of the training material and instruction. The training course is held each year between the months of November and January.

• Internal Revenue Service
Transmittal of magnetic tape of Form W–4, Employee's Withholding Allowance Certificate
Form 6466
On occasion
Individuals or households/State or local governments/farms/businesses or other institutions
Employers of various business/organizations submitting W–4
SIC: All
Small businesses or organizations
Central fiscal operations: 150 responses, 37 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 26 CFR 37.3402–1, to submit certain withholding certificates (W–4) to the IRS. Transmittal Form 6466 is sent to those employers who will be transmitting the information from these certificates on magnetic tape.

Extensions (Burden Change)

• Internal Revenue Service
Jobs credit
5884
Annually
Businesses or other institutions
Employers who take jobs credit for employees targeted group
SIC: All
Small businesses or organizations
Central fiscal operations: 670,000 responses, 996,424 hours; $714,357 Federal cost, 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Section 44B allows a tax credit to employers hiring individuals from targeted groups, such as economically disadvantaged Vietnam-era veterans, handicapped persons, etc. The employer uses Form 5884 to figure and claim the credit. IRS uses the information to determine the credit's validity.

• Internal Revenue Service
Generation-skipping transfer tax return
706–B
On occasion
Individuals or households/businesses or other institutions
Individuals, trusts and those institutions that manage trusts
SIC: 601 602 603 604 605 811
Small business or organizations
Central fiscal operations: 5,000 responses, 79,560 hours; $193,747 Federal cost, 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 706–B is used to tentatively compute the generation-skipping transfer tax imposed by Chapter 13 of the Code. IRS uses the information to recompute the tax and determine final liability.

• Internal Revenue Service
Return of private foundation exempt From Income Tax 990–PP, 4720
On occasion, annually
Businesses or other institutions
Private foundations, taxable, exempt, foreign, domestic
SIC: 201 202 203 204 205 206 222 236 251 345
Small businesses or organizations
Central fiscal operations: 36,000 responses, 498,722 hours; $745,684 Federal cost, 2 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

IRS Section 6033, as amended by Public Law 96–603, requires the filing of an annual information return by all private foundations (taxable or tax exempt) and Section 4947(a)(1) trusts treated as private foundations. Section 4940 imposes a tax on net investment income and Section 53.4940 1(A) of the regulations requires it to be reported on the return required under Section 6033.

• Internal Revenue Service
Declaration of estimated tax for individuals 1040–ES
Annually
Individuals or households/farms/businesses or other institutions
Individuals making declaration and payment of estimated tax
SIC: All
Central fiscal operations: 8,139,685 responses, 3,589,446 hours; $15,731,528 Federal cost, 4 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 1040–ES is used by individuals to make a declaration of their estimated tax for the taxable year if their gross income exceeds the limits of Section 6015(A) unless their estimated tax is expected to be less than $200. The data is used to determine whether taxpayers are paying the correct tax during the year.

• Bureau of Alcohol, Tobacco and Firearms
Liquor bottle manufacturers—record of manufacture and disposition
ATF REC 5540/2
On occasion
Businesses or other institutions
Manufacturers of liquor bottles
SIC: 322
Small businesses or organizations
Federal law inforcement activities, 9,550 responses, 637 hours; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Records of manufacture and disposition are no longer considered necessary to protect the revenue.

• Internal Revenue Service
Underpayment of estimated tax by corporations
2220
On occasion
Businesses or other instititions
Corporations
SIC: All
Small businesses or organizations
Central fiscal operations: 13,000 responses, 8,125 hours; $94,763 Federal cost, 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 2220 is used by corporations to determine whether they paid enough estimated tax, whether they are subject to the penalty for underpayment of estimated tax, and, if so, the amount of penalty. The information is used to determine whether the penalty should be assessed.

• United States Customs Service
Declaration for free entry of returned American products and/or certificate of exportation
CF 3311
On occasion
Individuals or households/businesses or other institutions
Exporting business firms and individuals
SIC: All
Small businesses or organizations
Federal law enforcement activities: 376,856 responses, 105,520 hours; $335,326 Federal cost, 1 form; $1,010,440 public cost, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The document is a declaration by an importer that certain merchandise was made in and exported from the U.S., that no drawback was claimed at the time of exportation, that the merchandise was not advanced in value while outside the U.S., and that it is now eligible to be imported into the U.S. without payment of duty. It is a recordkeeping requirement pursuant to 19 CFR 162.LC. Retention period of 5 years from date of entry of merchandise.

• Internal Revenue Service
Quarterly Federal tax return, quarterly return of withhold Federal income tax, employer's monthly Federal tax return
941, 941E, 941–M, 941PR, 941SS
On occasion, quarterly
State or local governments/businesses or other institutions
All employers who pay wages subject to income or FICA taxes
SIC: All
Small businesses or organizations
Central fiscal operations: 19,506,040 responses, 26,227,000 hours; $37,575,013 Federal cost, 3 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 941 is used by employers to report payments made to employees subject to income and FICA taxes and the amounts of these taxes. Form 941E is used primarily by State and local governments to report withheld income taxes only. Form 941PR is used by employers in Puerto Rico to report FICA taxes only and form 941SS is used by employers in the U.S. possessions to report FICA taxes only. The data is used

primarily to verify that the correct taxes have been paid.

COMMODITY FUTURES TRADING COMMISSION

Agency Clearance Officer—Joseph G. Salazar—202-254-9735

New

• Manager Account Questionnaire
Nonrecurring
Businesses or other institutions
The respond. will be commodity trading advis. and futures, etc
SIC: 622
Other advancement and regulation of commerce: 2,100 responses, 1,050 hours; $261 Federal cost, 1 form; not applicable under 3504(h)
Robert Veeder, 202-395-4814

The managed account questionnaire will be used to determine the amount of public funds controlled by commodity trading advisors, futures commission merchants and associated persons registered to do business by the CFTC.

Arnold Strasser,

Acting Assistant Administrator for Reports Management.

[FR Doc. 81-26186 Filed 9-4-81; 8:45 am]

BILLING CODE 3110-01-M

PENSION BENEFIT GUARANTY CORPORATION

Exemption From Requirements Relating to Sale of Assets by an Employer Who Contributes to a Multiemployer Plan

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of exemption.

SUMMARY: The Pension Benefit Guaranty Corporation has exempted the Chisox Corporation, the Chicago White Sox Baseball Club, Inc., and the Artnell Company from the requirements of section 4204(a)(1)(B) and (C) of the Employee Retirement Income Security Act. A sale of assets of an employer that contributes to a multiemployer pension plan will not constitute a complete or partial withdrawal from the plan if three conditions are met. One of these conditions is that the purchaser post a bond or deposit money in escrow for five plan years beginning after the sale. Another condition is that the sales agreement provide that the seller will be secondarily liable for its withdrawal liability if the purchaser withdraws within the first five plan years after the sale and fails to pay withdrawal liability. The PBGC is authorized to grant exemptions from these requirements. A notice of the request for exemption from the requirements, inviting comments from interested persons, was published on June 23, 1981 (46 FR 32547). No comments were received. PBGC granted exemptions from the bond/escrow and contract requirements on September 1, 1981. Waiver of the contract requirement does not constitute waiver of the seller's secondary liability. The effect of tis notice is to advise the public of the exemptions.

ADDRESS: The request for exemption and the exemption letters are available for public inspection at the PBGC Public Affairs Office, Suite 7100, 2020 K Street NW., Washington, D.C. 20006, between the hours of 9:00 a.m. and 4:00 p.m. A copy of the exemption request and exemption letters may be obtained by mail from the PBGC Disclosure Officer (Mail Stop 160) at the above address.

FOR FURTHER INFORMATION CONTACT: Ellen A. Hennessy, Office of the Executive Director, Policy and Planning (140), Suite 7300, 2020 K Street NW., Washington, D.C. 20006; (202) 254-4862.

Issued at Washington, D.C. on this 1st day of September 1981.

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-26006 Filed 9-4-81; 8:45 am]

BILLING CODE 7708-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 11925; 811-2814]

Federal Bond Shares, Inc.; Filing of Application

September 1, 1981.

Notice is hereby given that Federal Bond Shares, Inc ("Applicant"), 1735 K Street, NW., Suite 1200, Washington, D.C. 20006, registered under the Investment Company Act of 1940 ("Act") as a closed-end, diversified, management investment company, filed an application on June 24, 1981, for an order of the Commission pursuant to section 8(f) of the Act declaring that Applicant has ceased to be an investment company. 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.

According to the application, Applicant filed a registration statement under the Act on March 10, 1978, but never filed a registration statement under the Securities Act of 1933. Applicant states that it never made a public offering of its securities, has not more than 100 security holders for the purposes of Section 3(c)(1) of the Act and the rules thereunder, and does not propose to make a public offering or engage in business of any kind. Applicant further states that its legal existence is inactive; it has no assets, debts or other oustanding liabilities; it is not a party to any litigation or administrative proceeding; and it has no shareholders.

Section 8(f) of the Act provides, in part, that when the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 28, 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 or her interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0.5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to wether 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 Commisssion, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-26136 Filed 9-4-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11926; 812-4882]

MML Money Market Investment Co., Inc.; Filing of Application

September 2, 1981.

Notice is hereby given that MML Money Market Investment Company, Inc. ("Applicant"), 1295 State Street, Springfield, Massachusetts 01111, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed and application on June 5, 1981 and an amendment thereto on August 26, 1981, 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, to the extent necessary to permit it to use the amortized cost valuation method for the purpose of pricing its shares for sale, redemption and repurchase. 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 organized on April 22, 1981, to operate as a no-load fund and that its investment objectives are to achieve high current income, the preservation of capital and liquidity through investment in short-term debt instruments, including, but not limited to, prime commercial paper, certificates of deposit, bankers' acceptances and obligations issued or guaranteed by the United States government, its agencies or instrumentalities. Applicant also states that it will invest in commercial paper only if it is rated A-1 or A-2 by Standard and Poor's Corporation ("S&P") or P-1 or P-2 by Moody's Investor Service, Inc. ("Moody's") or if it is not rated, of comparable quality as determined by the Applicant's Board of Directors. Further, Applicant states that it will invest in corporate obligations only if they are rated AAA or AA by S&P or Aaa or Aa by Moody's. Finally, Applicant states that it is registering under the Act concurrently with filing this application.

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 with over 60-day maturities on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Applicant represents that its directors believe that it is in the best interests of its potential shareholders to use the amortized cost method of valuation to maintain a $1.00 share value, as this method of valuation will permit daily dividends to shareholders which would not vary on account of unrealized capital gains and losses. At the same time, investors would have the convenience of valuing their holdings based on the number of shares that they owned. Further, Applicant states that its directors have made a determination that, absent unusual circumstances, amortized cost value represents the fair value of its portfolio securities.

Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or 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 asserts that its appication meets the standards of Section 6(c) of the Act and consents to the imposition of the following conditions to any order granting the requested relief:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, the board of directors of Applicant undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment 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 directors of each Applicant shall be the following:

(a) Review by the board of directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from 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 directors will promptly consider what action, if any, should be initiated by it.

(c) Where the board of directors 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; withholding dividends; or utilizing a net asset value per share as

[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.

determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[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 its board of directors' considerations and actions taken in connection with the discharge of their responsibilities, as set forth above, to be included in the minutes of the boards of directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which its board of directors determines present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by its board of directors.

6. Applicant will include in each 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 28, 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 or her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-26135 Filed 9-4-81; 8:45 am]

BILLING CODE 8010-01-M

[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.

[Release No. 34-18075; File Nos. SR-Phlx-81-14 and SR-CBOE-81-16]

Philadelphia Stock Exchange, Inc. and the Chicago Board Options Exchange, Inc.; Proposed Rule Changes By Self-Regulatory Organizations

In the matter of proposed rule changes relating to the introduction of additional option series. Comments requested on or before September 29, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on August 18, 1981 the Philadelphia Stock Exchange, Inc. ("Phlx") and on August 20, 1981 the Chicago Board Options Exchange, Inc. ("CBOE") filed with the Securities and Exchange Commission the proposed rule changes as described in Items I, II, and III, below, which Items have been prepared by the self-regulatory organizations. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

I. Phlx and CBOE Statements of the Terms of Substance of the Proposed Rule Changes

The Phlx, pursuant to Rule 19b-4 of the Securities Exchange Act of 1934 (the "Act"), hereby proposes to amend its policy relating to the minimum time duration until expiration for which it may introduce additional series of options. Specifically, the Exchange proposes to change its policy to provide that it will introduce additional series of options having an exercise price at the next appropriate interval with respect to all expiration months then the subject of trading, other than for options expiring in less than 45 days. Presently, the Exchange does not introduce new series for options expiring in less than 60 days. The CBOE proposes to amend its identical policy in an identical manner.

II. *A. Phlx and CBOE Statements of the Purpose of, and Statutory Basis for the Proposed Rule Changes*

The Phlx submitted the following statement of purpose and basis. The purpose of the proposed change is to allow the Exchange to add new options series provided at least 45 days remain to expiration (the "45 day rule"). This change is designed to ensure the existence of striking prices both in and out of the money in all expiration months, subject only to the 45 days limitation. This limitation is appropriate in that it is a reasonable reduction of the present "60 day rule" and will ensure that no new options series is introduced for trading unless at least 45 days remain to expiration.

Further, it provides an adequate safeguard against any proliferation of new series as an expiration approaches. The proposed change is consistent with the requirements of the Securities Exchange Act of 1934 (the "1934 Act") and rules and regulations thereunder applicable to the Exchange in that investors will be able to more effectively limit the risks of their options transactions. Therefore, the proposed rule changes are consistent with Section 6(b)(5) of the 1934 Act, which provides in pertinent part, that the rules of the Exchange be designed to promote just and equitable principles of trade.

The CBOE's statement of purpose and basis for the proposed amendment to its policy is substantially similar to the one of the Phlx.

B. Phlx and CBOE Statements on Burdens on Competition

The Phlx states that no burden on competition will be imposed by modifying its policy as described above. The CBOE also believes that the proposed rule change will not impose any burden on competition.

C. Phlx and CBOE Statements on Comments on the Proposed Rule Change Received from Members, Participants, or Others

The Phlx and CBOE state that no written comments on their respective proposals were solicited or received.

III. Date of Effectiveness of the Proposed Rule Changes and Timing for Commission Action

On or before October 13, 1981, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organizations consent, the Commission will:

(A) By order approve such proposed rule changes, or

(B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule changes that are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any other person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filings will also be available for inspection and copying at the principal offices of the above-mentioned self-regulatory organizations. All submissions should refer to the file numbers in the caption above and should be submitted on or before September 28, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-26134 Filed 9-4-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[SBLC No. 02/B-0023]

Beneficial Funding Corp.; Filing of Application for Eligibility Determination as a Small Business Lending Company

An Application for Eligibility Determination as a Small Business Lending Company has been filed by Beneficial Funding Corporation (Applicant), 1212 Avenue of the Americas, New York, New York 10036, with the Small Business Administration pursuant to Section 120.4(b) of the SBA Regulations (13 CFR 120.4(b) (1981)), promulgated under the Small Business Act.

As a Small Business Lending Company, under Subsection (b) mentioned above, the Applicant will be engaged solely in the making of loans to small business concerns, in participation with SBA, and in accordance with applicable SBA Regulations. It will be subject to supervision and examination by the SBA.

The Applicant is incorporated under the laws of the State of Delaware and will commence operation with minimum capitalization of $1,000,000. The Applicant intends to initially conduct its operations in New York and eventually expand on a nationwide basis. The Corporation intends to sell in the Secondary Market the SBA's guaranteed portion of loans made to small business concerns.

The Officers and Directors of the Applicant are:

Name and title

Gerald L. Holm, RD No. 1, 12 Saddle Hill Road, Far Hills, NJ 07931, Chairman of the Board and Director.

Paul M. Finfer, 8 Steward Drive, Dix Hills, NY 11746, President and Director.

Peter Levy, 12 Doone Drive, Syosset, NY 11791, Secretary and Director.

The Applicant is a wholly owned subsidiary of Beneficial Leasing Group, Inc., which is a wholly owned subsidiary of Beneficial Corporation, 1300 Market Street, Wilmington, Delaware 19899, a diversified financial service company whose stock is listed on the New York Stock Exchange which, through nearly 2,400 offices, provides consumer financial services in the United States and areas overseas.

Matters involved in SBA's consideration of the application include

the general business reputation and character of management, and the probability of successful operation of the corporation under their management, including adequate profitability and financial soundness, in accordance with the Small Business Act and the Regulations promulgated thereunder.

Notice is hereby given that all interested parties may, not later than 15 days from the date of publication of this Notice, submit to SBA written comments on the proposed Applicant and/or its management. Any such communication should be addressed to: Wayne S. Foren, Director, Office of Lender Relations & Certification, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in New York, New York, as well as in the four (4) regional editions of the *Wall Street Journal*.

(Catalogue of Federal Domestic Assistance Program No. 59.012 Small Business Loans)

Dated: August 31, 1981.

Donald R. Templeman,

Deputy Administrator.

[FR Doc. 81-26185 Filed 9-4-81; 8:45 am]

BILLING CODE 8025-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 173
Tuesday, September 8, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be announced.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m. (eastern time), Friday, September 4, 1981.

CHANGE IN THE MEETING: The meeting originally scheduled for September 4, 1981 has been cancelled. The next Commission Meeting will be held Tuesday, September 15, 1981 at 9:30 a.m.

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Executive Officer, Executive Secretariat, at (202) 634-6748.

This Notice Issued September 1, 1981.

[S-1337-81 Filed 9-3-81; 4:02 pm]

BILLING CODE 6570-06-M

2

FEDERAL ENERGY REGULATORY COMMISSION.

September 2, 1981.

TIME AND DATE: 10 a.m., September 9, 1981.

PLACE: Room 9306, 825 North Capitol Street, N.E., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary; Telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

Consent Power Agenda—730th Meeting, September 9, 1981, Regular Meeting (10:00 a.m.)

CAP-1. Project No. 3559-000, Richmond Power & Light Co.; Project No. 3875-000, Town of Liberty, Indiana; Project No. 4070-000, Franklin County, Indiana; Project No. 4193-000, Hoosier Energy Rural Electric Cooperative, Inc.; Project No. 4194-000, Indiana Muncipal Power Agency
CAP-2. Project No. 3231, Nother American Hydro, Inc.; Project No. 3897, Wisconsin Public Power Inc. System
CAP-3. Docket No. ER81-608, Puget Sound Power & Light Co.
CAP-4. Docket No. ER81-613-000, Missouri Power and Light Co.
CAP-5. Docket No. ER81-578-000, Maine Yankee Atomic Power Co.
CAP-6. Docket Nos. ER80-484, ER80-485 and ER80-546, Virginia Electric Power Co.
CAP-7. Docket Nos. ER81-130-000 and ER81-139-000, Appalachian Power Co
CAP-8. Docket No. ER81-194-000, Mississippi Power Co.
CAP-9. Docket No. ER80-536, Gulf Power Co.
CAP-10. Docket No. ER80-58, Southern Company Services, Inc.
CAP-11. Docket No. ER81-181-000, Bangor Hydro-Electric Co.
CAP-12. Docket No. ER80-567, Wisconsin Electric Power Co.
CAP-13. Docket No. ER80-434, Duke Power Co.
CAP-14. Docket Nos. E-7578, IN-989 and IN-991, Commonwealth Edison Co.
CAP-15. Docket No. ER81-392-000, Pennsylvania Power & Light Co.

Miscellaneous Agenda

CAM-1. Docket No. RM81-36, Revision of licensed projects recreation report: Form No. 80
CAM-2. Docket No. RM81- , Location of jurisdictional agencies
CAM-3. Docket No. RM79-76 (Utah—2), High-cost gas produced from tight formations
CAM-4. Docket No. RM79-76 (Wyoming—5), High-cost gas produced from tight formations
CAM-5. Docket No. RM79-76 (Wyoming—6), High-cost gas produced from tight formations
CAM-6. Docket No. RM79-76 (Wyoming—7), High-cost gas produced from tight formations
CAM-7. Docket No. RM79-76 (Texas—10), High-cost gas produced from tight formations
CAM-8. Docket No. RM79-76 (Mississippi—1), High-cost gas produced from tight formations.
CAM-9. Docket No. RM79-76 (Mississippi—2), High-cost gas produced from tight formations.
CAM-10. Docket No. GP80-89, U.S. Geological Survey—Tulsa, Oklahoma, Section 108 NGPA determination, Conoco, Inc., L. Arhalqkoche No. 1 well, JD No. 79-3043, US.GS No. OK-19-9
CAM-11. Docket No. GP81-19-000, State of Oklahoma, Section 108 NGPA determination, Tenneco Oil Co., Mike Mayer Jr. "A" No. 1 well, JD80-24422
CAM-12. Docket No. GP81-15-000, Glenbrook Oil & Gas, Inc.
CAM-13. Docket No. GP80-116, Texaco Inc.

Consent Gas Agenda

CAG-1. Docket Nos. RP81-54-000, RP81-56-000 and RP80-97-004, Tennessee Gas Pipeline Co.
CAG-2. Docket No. RP81-108-000, Locust Ridge Gas Co.
CAG-3. Docket No. RP81-109-000, Texas Eastern Transmission Corp.
CAG-4. Docket No. RI80-10, Leben Oil Corp.; Docket No. CI79-221, Arkansas Louisiana Gas Co.
CAG-5. Docket Nos. CP80-217-001 and CP80-217-002, Transcontinental Gas Pipe Line Corp.
CAG-6. Docket No. ST80-127-001, Seagull Pipeline Corp.
CAG-7. Docket Nos. CI81-361-000 and CI81-367-000, Aminoil USA, Inc.; Docket No. CI81-385, Mesa Petroleum Co.; Docket No. CI81-223-000, Sun Texas Co., a Division of Sun Oil Co.; Docket No. CI81-224-000, Sun Oil Co.; Docket No. CI81-430-000, Mobil Oil Exploration & Producing Southeast, Inc.
CAG-8. Docket No. CP81-315-000, Algonquin Gas Transmission Co.
CAG-9. Docket No. CP80-493, Chase Gathering Systems, Inc.
CAG-10. Docket No. CP81-126-000, Transcontinental Gas Pipe Line Corp.
CAG-11. Docket No. CP80-547, NGPL—Canyon Compressing Co.
CAG-12. Docket No. CP81-249-000, Tennessee Gas Pipeline Co., Division of Tenneco, Inc.
CAG-13. Docket No. CP81-343-000, Tennessee Gas Pipeline Co., a division of Tenneco Inc.
CAG-14. Docket No. CP81-263-000, Transcontinental Gas Pipe Line Corp. and Columbia Gulf Transmission Co.
CAG-15. Docket No. CP81-277-000, Consolidated Gas Supply Corp. and Columbia Gas Transmission Corp; Docket No. CP81-350-000, Columbia Gas Transmission Corporation
CAG-16. Docket Nos. CP80-503-001, CP80-503-002 and CP80-503-003, Arkansas-Louisiana Gas Co.
CAG-17. Docket Nos. CP80-17-000, et al., Trans-Anadarko Pipeline System
CAG-18. Docket Nos. OR79-1, et al., Williams Pipe Line Co.; Docket No. OR78-1, Trans Alaska Pipeline System

Regular Power Agenda

I. Licensed Project Matters

P-1. Project Nos. 67 and 2868, Southern California Edison Co.; Project No. 2904, Cities of Anaheim and Riverside, Calif.
P-2. (a) Project No. 2934, New York State Electric & Gas Corp.; (b) Project No. 3452, Niagara Mohawk Power Corp.
P-3. Project No. 3066, North Carolina Electric Membership Corp.; Project No. 3137, City of Fayetteville Public Works Commission

II. Electric Rate Matters

ER-1. Docket No. ER81-612-000, Cleveland Electric Illuminating Co.
ER-2. Docket No. ER81-615-000, Missouri Utilities Co.
ER-3. Docket Nos. ER81-457-000 and EL81-13-000, Louisiana Power & Light Co.
ER-4. Docket Nos. ER81-457-000 and EL81-13-000, Louisiana Power & Light Co.
ER-5. Docket No. ER78-522, Virginia Electric & Power Co.
ER-6. Docket Nos. ER77-578 and ER80-259, Kansas Gas & Electric Co.
ER-7. Docket No. ER79-126, Arizona Public Service Co.
ER-8. Docket No. E8570 (price squeeze), Southern California Edison Co.
ER-9. Docket No. ER78-338 (phase I and Phase II), Public Service Co. of New Mexico
ER-10. Docket No. ER80-363, Delmarva Power & Light Co.

Regular Miscellaneous Agenda

M-1. Docket No. QF80-28, Stieren Farms, Small power production and cogeneration facilities—Qualifying status
M-2. Reserved
M-3. Reserved
M-4. Docket No. GP80-12, Consolidated Gas Supply Corp.
M-5. Docket No. GP81- , Railroad Commission of Texas, Section 107 NGPA determination, Tom F. Marsh, Inc., Clarence Zyback No. 1-14 well, RRC Docket No. F-10-026392, FERC Docket No. JD81-12735
M-6. Docket No. SA80-82, Callon Petroleum Co.
M-7. Docket No. RA79-21, A. Johnson & Co., Inc.

Regular Gas Agenda

I. Pipeline Rate Matters

RP-1. Docket No. RP81-72-000, Gas Research Institute

II. Producer Matters

CI-1. Docket No. CI64-26 (force majeure), Gulf Oil Corp.
CI-2. Docket No. CI77-657, American Natural Gas Production Co., et al.
CI-3. Docket No. RI79-21, Shell Oil Co.

III. Pipeline Certificate Matters

CP-1. Docket No. RP81-23-000, El Paso Natural Gas Co.
CP-2. Docket No. RP80-122, City Council and Citizens of Erie, Pennsylvania
CP-3. Docket Nos. CP81-364-000 and CP81-364-001, Natural Gas Pipeline Co. of America
CP-4. Docket Nos. CP81-283-000 and CP81-283-001, Alabama-Tennessee Natural Gas Co.

Kenneth F. Plumb,
Secretary.

[S-1332-81 Filed 9-3-81; 9:15 am]
BILLING CODE 6450-85-M

3

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Friday, September 18, 1981.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary.
5. Investigation 731-TA-49 [Preliminary] (Wire Mesh from Taiwan)—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary (202) 523-0161.

[S-1334-81 Filed 9-3-81; 3:05 pm]
BILLING CODE 7020-02-M

4

NATIONAL COUNCIL ON THE HANDICAPPED.

TIMES AND DATES:

9:30 a.m.-5:30 p.m., Monday, September 21, 1981.
9:30 a.m.-5:30 p.m., Tuesday, September 22, 1981.
9:30 a.m.-5:30 p.m., Wednesday, September 23, 1981.

PLACE: Hospitality House, 2000 Jefferson Davis Hwy., Highway (U.S. 1), Arlington, Virginia.

STATUS: Open meeting.

MATTERS TO BE CONSIDERED:

Approval of July Minutes.
Report on NCH Task Force on NIHR Priorities and approval of 1982 Priorities.
Review and approval of Revised Statement of Policies Governing NIHR.
Report of NIHR Director on Activities of NIHR.
Status report on Minimum Guidelines and Requirements by the Architectural and Transportation Barriers Compliance Board.
Report of Activities of RSA.
Disability Issues in the Social Security System.
Approval of Draft Revisions to Bylaws.
Committee Reports.

CONTACT PERSON FOR MORE INFORMATION:

Carol Berman, National Council on the Handicapped, (202) 245-3498.

Carol Berman,
Executive Director.

[S-1333-81 Filed 9-3-81; 2:32 pm]
BILLING CODE 4000-01-M

5

NATIONAL TRANSPORTATION SAFETY BOARD.

[NM-81-33]

TIME AND DATE: 9 a.m., Tuesday, September 15, 1981.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Highway Accident Report:* Continental Trailways, Inc., Scheduled Intercity Bus/Multiple-Vehicle Collision and Fire, Interstate 95, Near Beltsville, Maryland, April 20, 1981, and *Recommendations* to the Federal Highway Administration, the Maryland DOT, and the Automobile Manufacturers Association of America.
2. *Aircraft Accident Report:* McDonnell-Douglas, Inc., DC-9-80, N1002G, Yuma, Arizona, June 8, 1980.
3. *Aircraft Accident Report:* Northeast Jet Company, Gates Learjet 25D, N125NE, Gulf of Mexico, May 19, 1980.
4. *Railroad Accident Report:* Derailment of Southern Pacific Transportation Company Freight Train Extra 9164 West at Surf, California, on May 22, 1981, and *Recommendations* to the Materials Transportation Bureau.
5. *Letter* to Morton *re* reconsideration of probable cause—Butler Aircraft, Inc., Douglas DC-7, Klamath Falls, Oregon, September 14, 1979.
6. *Marine Summary Report.*

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202-382-6525.

September 3, 1981.

[S-1338-81 Filed 9-3-81; 4:03 pm]
BILLING CODE 4910-58-M

6

PAROLE COMMISSION.

[1P0401]

United States Parole Commission, National Commissioners (the Commissioners presently maintaining offices at Bethesda, Maryland, Headquarters).

TIME AND DATE: 9:30 a.m., Friday, September 4, 1981.

PLACE: Room 420-F, One North Park Building, 5550 Friendship Boulevard, Bethesda, Maryland 20015.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTER TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 5 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission (301) 492-5926.

[S-1335-81 Filed 9-3-81; 3:08 pm]

BILLING CODE 4410-01-M

7

SECURITIES AND EXCHANGE COMMISSION.

DATE AND TIME: September 3, 1981, 2:30 p.m.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

STATUS: Closed meeting. The Commission will hold a closed meeting on Thursday, September 3, 1981, at 2:30 p.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10).

Chairman Shad and Commissioners Loomis, Evans and Longstreth determined to hold the aforesaid meeting in closed session.

The subject matter of the closed meeting scheduled for Thursday, September 3, 1981, at 2:30 p.m., will be:

Regulatory matter regarding financial institution.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Brandon Becker at (202) 272-2467.

September 2, 1981.

[S-1336-81 Filed 9-3-81; 4:02 pm]

BILLING CODE 8010-01-M

federal register

Tuesday
September 8, 1981

Part II

Department of the Interior

Fish and Wildlife Service

Endangered and Threatened Wildlife and Plants; Leopard Reclassification; Reopening of Comment Period

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Reopening of Comment Period; Leopard Reclassification

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Reopening of comment period on a proposed rulemaking.

SUMMARY: Owing to the receipt of a new report by P. H. Hamilton on the status of the leopard in Africa, the Service is reopening the comment period on its March 24, 1980, proposed rulemaking to reclassify the leopard in sub-Saharan Africa from Endangered status to Threatened status and to permit the regulated import of sport-hunted leopard trophies. This notice summarizes the Hamilton report and invites the public to submit comments, opinions, and/or recommendations on the proposed rulemaking in light of the data and findings of the Hamilton report.

DATE: Communications pertaining to the reclassification of the leopard in light of the Hamilton report, should be submitted between September 1 and September 30, 1981.

ADDRESS: All communications should be addressed to the Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: John L. Paradiso, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–1975).

SUPPLEMENTARY INFORMATION:

Background

On March 24, 1980, the Service published in the **Federal Register** (45 FR 19007) a proposed rulemaking to reclassify the leopard (*Panthera pardus*) from Endangered status to Threatened status in sub-Saharan Africa, and to permit the regulated importation of sport hunted leopard trophies from this region under the terms and conditions prescribed by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). This proposed action was based on three major reports that the Service had received from experts in the field, all of which indicated that the leopard was a Threatened species in sub-Saharan Africa, and that strictly controlled sport-hunting might actually benefit the species by giving it commercial value (in many parts of Africa now, the leopared is regarded as vermin and is indiscriminately destroyed as being of no value). These reports were: "The Leopard *Panthera pardus* in Africa" by Norman Myers (IUCN Monograph No. 5, 1976); "The Status and Conservation of the Leopard in Africa South of Sahara" by Randall L. Eaton (Safari Club International, 1977); and "The Status of the Leopard in Africa South of the Sahara" by James G. Teer and Wendell G. Swank (unpublished Fish and Wildlife Service contracted report, 1978). The data and conclusions contained in these reports were discussed in detail in the March 24, 1980 proposed rulemaking.

Recently, the Service received a fourth major report ("The Leopard *Panthera pardus* and Cheetah *Acinonyx jubatus* in Kenya" by P. H. Hamilton, African Wildlife Leadership Foundation, 1981) on the status of the leopard in sub-Saharan Africa, and, because of its desire to allow the public maximum participation in the rulemaking process, is reopening the comment period on the leopard proposal to permit the public to comment on this new report. The reopened comment period will extend from September 8 to October 8, 1981, and no final action will be taken on the March 24, 1980, leopard proposal until the close of this reopened comment period. Comments should address only the Service's proposed action in light of the new Hamilton report, and should not simply rehash issues involved in the original proposal and which have been amply considered already.

Summary of the Hamilton Report

P. H. Hamilton, a Kenyan citizen and recognized authority on both the leopard and cheetah in Africa, submitted his report, entitled, "The Leopard *Panthera pardus* and Cheetah *Acinonyx jubatus* in Kenya," to the Service in August 1981. The Service funded Mr. Hamilton's survey, and asked him to generalize, as far as possible from the Kenyan data, about the status of the leopard in the rest of sub-Saharan Africa. Because of the length of the Hamiltion report (137 pp.) it is impossible to reprint it here in its entirety. A summary, however, is as follows:

Hamilton obtained the information in his survey from questionnaires, personal interviews, correspondence, published reports and his own observations. Most of his information was obtained by talking to 53 professional hunters, game wardens, wildlife biologists, tour operators, and farmers, as well as a number of herdsmen and other local people. The most valuable single source of information he found were the 21 hunters that he interviewed.

Hamilton reports that leopards have declined generally in Kenya since the 1960's but that there is evidence of increases in the leopard populations at present. He believes that the causes of the decline were excessive poaching for hides, increase of human settlement as large farms were divided into small holdings (reduction of habitat), widespread use of poison for deliberate predator control, and to a lesser estent, uncontrolled sport hunting; in some areas natural habitat changes, such as increasing soil salinity in Ambroseli which resulted in killing of the Acacia woodlands, have proved detrimental to leopard populations. Hamilton says that at the present time, he would be very surprised if Kenya's leopard population numbers less than 6,000 or more than 18,000 animals. He believes that 10,000 to 12,000 is probably the closest approximation, and that Eaton's conservation estimates (25,640 leopards) and realistic estimate (35,000) for Kenya are "grossly inflated, scientifically unjustified, and highly misleading."

Despite the above, Hamilton believes, on subjective evidence available, that a recovery of the leopard is underway in Kenya and that, following the relaxation of poaching pressure, Kenyan leopard populations are increasing again. Although he doubts that leopards will ever be as abundant as in former times, recent reports from Masailand and parts of Samburu District are particularly encouraging.

For the rest of Africa, Hamilton feels that the same factors that have affected leopard populations in Kenya affect those in other countries. Although they may do so to different degrees in different countries, the lessons of Kenya are widely applicable. Although he considers Eaton's estimates and judgments as overoptimistic, inflated, and invalid, he still feels that as a species, the leopard cannot be considered "endangered," in the true meaning of the word, in sub-Saharan Africa at the present time. But, he points out, if the leopard is not "endangered," it should certainly be regarded as "threatened" for the Kenyan experience has shown what can happen to an abundant leopard population within the short period of 10 years (1965–1975). The virtual elimination of leopards from North Africa and parts of southern Africa should serve, according to Hamilton, as a warning to any who believe that this species can always survive no matter what the impact of man. For this reason, Hamilton is strongly opposed to resumption of any sort of commercial trade in leopard skins. He feels that there is simply no

system in effect to provide the desired controls and safeguards for resuming commercial trade.

Hamilton's recommendation, therefore, is that the United States Government reclassify the leopard in Africa to Threatened status, but continue to insist on retaining the species on Appendix I of the CITES to protect against commercial exploitation. He further recommends that the United States Government lift its present ban on the importation of leopards legitimately shot in Africa by American sport hunters. He states that the ban on importing the legitimately acquired leopard trophies of sport hunters has not served any useful purpose. The number involved has been relatively small and the ban runs counter to the concept of giving the leopard monetary value that will help to justify its continued existence in Africa.

Note.—A complete copy of the Hamilton report is available to the general public for examination during normal business hours (7:45 a.m. to 4:15 p.m.) at the Office of Endangered Species, 1000 North Glebe Road, Arlington, Virginia. Reprints of the report are not available but photocopies can be obtained at the normal Government cost for reproduction of such documents.

The Service will carefully consider all comments and opinions received as a result of this reopening of the comment period.

This notice was prepared by John L. Paradiso, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–1975).

Dated: August 26, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81–25091 Filed 9–4–81; 8:45 am]

BILLING CODE 4310–55–M

federal register

Tuesday
September 8, 1981

Part III

Federal Election Commission

Communications by Corporations and Labor Organizations; Proposed Rules

FEDERAL ELECTION COMMISSION

11 CFR Part 114

Communications by Corporations and Labor Organizations

AGENCY: Federal Election Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission requests comments on proposed rules to govern contributions or expenditures by corporations or labor organizations for nonpartisan communications. The proposed revision would also change the titles of 11 CFR 114.3 and 114.4 and would add subtitles to 11 CFR 114.3, to clarify the classes of persons to whom communications may be made under each section and to indicate the types of communications which are permissible.

DATE: Comments must be received on or before October 8, 1981. A hearing will be scheduled after written comments are received. (See Supplementary Information for details.)

ADDRESS: Susan E. Propper, Assistant General Counsel, 1325 K Street NW., Washington, D.C. 20463.

FOR FURTHER INFORMATION CONTACT: Susan E. Propper, Assistant General Counsel, (202) 523–4143.

SUPPLEMENTARY INFORMATION: On August 25, 1980, the Commission published an Advance Notice of Proposed Rulemaking which sought comments on a possible revision of 11 CFR 114.4, dealing with nonpartisan communications by corporations and unions aimed at the general public. (ANPRM published at 45 FR 56349.)

The proposed rules being published today include revisions which would permit corporations and unions to publish and distribute to the general public several different forms of nonpartisan communications. Included are proposals to allow publication of nonpartisan registration and get-out-the-vote communications, voting records and voter guides.

A second change included in the proposed revision would change the titles of 11 CFR 114.3 and 114.4 and would add explanatory subtitles to 11 CFR 114.3. Thus, § 114.3 would be titled "Communications by a Corporation or Labor Organization to its Restricted Class" rather than "Partisan Communications" and § 114.4 would be titled "Communications by a Corporation or Labor Organization to its Employees and Members and to the General Public". These changes would be consistent with the provisions of 2 U.S.C. 441b, which exempt communications by a corporation or labor organization to its restricted class from the broad prohibition against corporate and union contributions and expenditures in connection with a federal election.

No major substantive changes to § 114.3 are proposed.

The Commission is now seeking comments on the text of the proposed rules. In addition, the Commission is interested in receiving comments on several issues raised by the proposed rules at 11 CFR 114.4.

First, the Commission is interested in assessing the impact that the proposed regulations at 11 CFR 114.4 would have on organizations currently engaged in activities covered by this revision and on organizations considering undertaking such activities.

Second, if the Commission concludes that regulations in this area are warranted, what restrictions should be imposed or are needed to ensure the nonpartisanship of these communications? Since the statute, at 2 U.S.C. 441b, contains a broad prohibition against corporate and union contributions and expenditures in connection with a federal election, communications to the general public must be nonpartisan to be permissible. The question, therefore, is what makes a communication nonpartisan? For example, should voting records and voter guides be required to include a "variety of issues"? Should a voting record be permitted which includes only Members of Congress from a particular state instead of all Members from either or both Houses of Congress? Should distribution of voting records and voter guides to the general public in a limited geographic area (such as the city in which an organization operates) be permitted?

While the proposed rules contain provisions which would permit publication of nonpartisan registration and voting communications, voting records and voter guides, the Commission has not yet determined whether all or only some of these communications will be permitted by the regulations which it ultimately adopts.

The Commission will be scheduling a public hearing to be held after written comments are received. Persons or organizations interested in testifying at the hearing should so indicate in their written comments. The date of the hearing will be published in a future issue of the **Federal Register.**

PART 114—CORPORATE AND LABOR ORGANIZATION ACTIVITY

Is is proposed to revise 11 CFR 114.3 to read as follows:

§ 114.3 Communications by a corporation or labor organization to its restricted class.

(a) *General.* A corporation may make communications to its stockholders and executive or administrative personnel and their families on any subject. A labor organization may make communications to its members and their families on any subject. A corporation or labor organization may make partisan communications to this restricted class as permitted under 11 CFR 114.3(c), however, no partisan communications may be made by a corporation or labor organization to the general public. Under paragraph (c) of this section corporations and labor organizations permitted under 11 CFR 114.4 solely to this restricted class.

(b) *Reporting Partisan Communications.* Expenditures for partisan communications which expressly advocate the election or defeat of a clearly identified candidate must be reported in accordance with 11 CFR 100.8(b)(4) and 104.6.

(c) *Means of Making Partisan Communications.* The means by which partisan communications may be made by a corporation to its stockholders and executive or administrative personnel and their families or a labor organization to its members and their families include, but are not limited to, the means set forth in 11 CFR 114.3(c)(1) through (4).

(1) *Partisan Publications.* Printed material of a partisan nature may be distributed by a corporation to its stockholders and executive or administrative personnel and their families or by a labor organization to its members and their families, provided that:

(i) The material is produced at the expense of the corporation or labor organization or the separate segregated fund of either; and

(ii) The material constitutes a communication of the views of the corporation or the labor organization, and is not simply the republication or reproduction in whole or in any part, of any broadcast, transcript or tape of any written, graphic, or other form of campaign materials prepared by the candidate, his or her campaign committees, or their authorized agents.

(2) *Partisan Candidate and Party Appearances.* A corporation may allow a candidate or party representative to address its stockholders and executive or administrative personnel and their

families at a meeting, convention, or other regularly scheduled function of the corporation which is primarily held for other purposes. A labor organization may allow a candidate or party representative to address its members and their families at a meeting, convention, or other regularly scheduled function of the labor organization which is primarily held for other purposes. The candidate or party representative may ask for contributions to his or her campaign or party, or ask that contributions to the separate segregated fund of the corporation or labor organization be designated for his or her campaign or party.

(3) *Partisan Phone Banks.* A corporation may establish and operate phone banks to communicate with its stockholders and executive or administrative personnel and their families urging them to register and/or vote for a particular candidate or candidates, and a labor organization may establish and operate phone banks to communicate with its members and their families urging them to register and/or vote for a particular candidate or candidates.

(4) *Partisan Registeration and Get-Out-The-Vote Drives.* A corporation may conduct registration and get-out-the-vote drives aimed at its stockholders and executive or administrative personnel and their families or a labor organization may conduct registration and get-out-the-vote drives aimed at its members and their families. Registration and get-out-the-vote drives include providing transportation to the polls. Such drives may be partisan in that individuals may be urged to register with a particular party or to vote for a particular candidate or candidates, but assistance in registering or voting may not be withheld or refused on a partisan basis, and if transportation or other services are offered in connection with a registration or get-out-the-vote drive, such transportation or services may not be withheld or refused on a partisan basis.

It is proposed to revise 11 CFR 114.4 (a)–(d) to read as follows:

§ 114.4 Communications by a corporation of labor organization to its employees and members and to the general public.

(a) *Nonpartisan Communications by a Corporation or Labor Organization to its Employees or its Restricted Class.* (1) *General.* All nonpartisan communications permitted under 11 CFR 114.4(b), (c), and (d) may be made by a corporation solely to its stockholders and executive or administrative personnel and their families and by a labor organization solely to its members and their families. Communications which a corporation or labor organization may only make to this restricted class are found at 11 CFR 114.3.

(2) *Nonpartisan Candidate and Party Appearances on Corporate Premises.* Corporations may permit candidates, candidates' representatives or representatives of political parties on corporate premises or at a meeting, convention, or other regularly scheduled function of the corporation which is primarily held for other purposes to address or meet stockholders, and executive or administrative personnel and their families and other employees of the corporation under the conditions set forth in 11 CFR 114.4(a)(2)(i) through (v).

(i) If a candidate for the House or Senate is permitted to address or meet employees, all candidates for that seat who request to apear must be given the same opportunity to appear;

(ii) If a Presidential candidate is permitted to address or meet employees, all candidates for that office who are seeking the nomination of a major party or who are on the general election ballot in enough states to win a majority of the electoral votes and who request to appear must be given the same opportunity to appear;

(iii) If representatives of a political party are permitted to address or meet employees, representatives of all political parties which had a candidate or candidates on the ballot in the last general election or which anticipate having a candidate or candidates on the ballot in the next general election who request to appear must be given the same opportunity to appear;

(iv) A corporation, its stockholders, executive or administrative personnel, or other employees of the corporation or its separate segregated fund shall make no effort, either oral or written, to solicit or direct or control contributions by members of the audience to any candidate or party in conjunction with any appearance by any candidate or party representative under this section; and

(v) A corporation, its stockholders, executive or administrative personel, or other employees of the corporation or its separate segregated fund shall not, in conjunction with any candidate or party representative appearances under this section, endorse, support or oppose any candidate, group of candidates or political party.

(3) *Nonpartisan Candidate and Party Appearances on Labor Organization Premises.* A labor organization may permit candidates, candidates' representatives or representatives of political parties on the labor organization's premises or at a meeting, convention, or other regularly scheduled function of the labor organization which is primarily held for other purposes to address members and their families and employees of the labor organization if the conditions set forth in 11 CFR 114.4(a)(2)(i) through (iii) and 11 CFR 114.4(a)(3)(i) and (ii) are met.

(i) An official, member, or employee of a labor organization or its separate segregated fund shall not make any effort, either oral or written, to solicit or direct or control contributions by members of the audience to any cadidate or party representative under this section.

(ii) An official, member, or employee of a labor organization or its separate segregated fund shall not, in conjunction with any candidate's or party representative's appearance under this section, endorse, support or oppose any candidate, group of candidates or political party.

(b) *Nonpartisan Communications by Corporations and Labor Organizations to the General Public.* (1) *General.* A corporation or labor organization may make the communications described in 11 CFR 114.4(b)(2) through (5) to the general public. The corporation or labor organization may include its logo or otherwise identify itself as the sponsor of the communication.

(2) *Nonpartisan Registration and Voting Communications.* A corporation or labor organization may make non-partisan registration and get-out- the-vote communications to the general public.

(i) For purposes of 11 CFR 114.4(b)(2), a registration or get-out-the-vote communication will be considered nonpartisan if it meets all of the following conditions:

(A) It neither names nor depicts any particular candidates(s) or it names or depicts the names of all candidates for a particular federal office without favoring any candidate(s) over another; and

(B) It names no political party(s) except that it may include the political party affiliation of all candidates named or depicted under 11 CFR 114.4(b)(2)(A); and

(C) It is limited to urging acts such as voting and registering and to describing the hours and places of registration and voting, or it mentions an issue of public concern with regard to the need to register or vote without linking any candidates or political parties with a particular position on that issue; and

(D) The wording of the communication is not directed at any particular voting interest group.

(ii) A corporation or labor organization may make communications permitted under this section through posters, billboards, broadcasting media, newspapers, newsletters, brochures, or similar means of communications with the general public.

(3) *Official Registration and Voting Information.* (i) A corporation or labor organization may distribute to the general public or reprint in whole and distribute to the general public any registration or voting information, such as instructional materials, which have been produced by the official election administrators.

(ii) A corporation or labor organization may distribute official registration-by-mail forms to the general public if registration by mail is permitted by the applicable State law.

(iii) A corporation or labor organization may donate funds to State or local agencies responsible for the administration of elections to help defray the costs of printing or distributing registration or voting information and forms.

(iv) The information and forms referred to in 11 CFR 114.4(b)(3)(i) through (iii) must be distributed in a nonpartisan manner, and the corporation or labor organization may not, in connection with the distribution, endorse, support, or otherwise promote registration with or voting for a particular party or candidate.

(4) *Voting Records.* A corporation or labor organization may prepare and distribute to the general public the voting records of Members of Congress. For the purpose of this section, a voting record is a publication which describes in a nonpartisan manner bills and other legislative measures acted on by Congress and which states the factual record of each officeholder's votes on such bills and measures. The publication will be considered nonpartisan if it meets the conditions set forth in 11 CFR 114.4(b)(4)(i) through (viii).

(i) The publication must include the voting records of all Members of Congress, or all Members of either House of Congress, or all Members of Congress from a particular state, who served in a particular legislative session; and

(ii) The publication must include the voting records of such Members on a variety of issues; and

(iii) The publication may not express any editorial opinion concerning the issues or legislative measures presented nor may it indicate any preference or bias regarding the qualifications for public office or the voting record of any Member(s) except that the publication may indicate how each Member of Congress voted on each legislative measure and whether that vote was in conformance with or contrary to the corporation's or labor organization's position on that measure; and

(iv) The publication may not indicate which incumbents are candidates for reelection nor may it identify any candidates who will be opposing the incumbents in a political campaign; and

(v) The publication may not describe the views of either the Members of Congress listed in the publication or of opposing candidates on any campaign issues; and

(vi) The publication may not contain any reference to political campaigns, candidates for federal office, or elections, nor may it favor any political party over any other; and

(vii) The publication shall be made available to the general public except that the distributing organization may limit distribution to the geographic area in which it normally operates; and

(viii) Distribution of the publication shall be timed to the extent practicable to the adjournment of Congressional Sessions and not to the occurrence of federal elections.

(5) *Voter Guides.* A corporation or labor organization may prepare and distribute to the general public nonpartisan voter guides consisting of questions posed to candidates concerning their positions on campaign issues and the candidates' responses to those questions. A voter guide will be considered nonpartisan if it meets the conditions set forth in 11 CFR 114.4(b)(5)(i) through (vi).

(i) The questions posed must cover a variety of issues; and

(ii) The questions must be directed to all of the candidates for a particular seat or office, giving the candidates equal time to respond, except that in the case of Presidential and Vice Presidential candidates the questions may be directed only to those candidates seeking the nomination of a major party or to those appearing on the general election ballot in enough states to win a majority of the electoral votes; and

(iii) The voter guide must reprint, verbatim, the responses of each candidate to whom questions were sent, without any additional comment, editing, or emphasis although the sponsoring organization may impose limitations on the number of words per response when the questions are initially sent to the candidates for their comments; and

(iv) The wording of the questions presented may not suggest or favor any position on the issues covered; and

(v) The voter guide may not express any editorial opinion concerning the issues presented nor may it indicate any support for or opposition to any candidate or political party; and

(vi) The sponsor may ask each candidate to provide biographical information such as education, employment positions, offices held, and community involvement; and

(vii) The voter guide must be made available to the general public in the geographic area in which the featured candidates are running for office.

(c) *Nonpartisan Registration and Get-Out-The-Vote Drives.* (1) A corporation may support nonpartisan registration and get-out-the-vote drives, as by transporting people to the polls, which are not restricted to its stockholders and executive or administrative personnel and their families, and a labor organization may support such drives which are not restricted to its members and their families if:

(i) The corporation or labor organization jointly sponsors the drivers with a nonprofit organization which is exempt from federal taxation under 26 U.S.C. 501(c)(3) or (4) and which does not support, endorse or oppose candidates or political parties; and

(ii) The activities are conducted by the tax-exempt organization; and

(iii) These services are made available without regard to the voter's political preference.

(iv) For the purposes of 11 CFR 114.4(c)(1)(ii), a corporation or labor organization which provides space on the corporation's or labor organization's premises for a table, rack or booth from which official registration or voting information is distributed to the general public, and which provides its employees or members to aid in the distribution of such materials, shall not be considered to be "conducting" a registration or voting drive.

(2) A corporation or labor organization may donate funds to be used for nonpartisan registration and get-out-the-vote drives to State or local agencies responsible for the administration of elections and to non-profit organizations which are exempt from federal taxation under 26 U.S.C. 501(c)(3) or (4) and which do not support, endorse or oppose candidates or political parties.

(3) A nonpartisan tax-exempt organization, in conducting nonpartisan registration and get-out-the-vote activities, may utilize the employees and facilities of a corporation or the employees or members and facilities of a labor organization.

(4) A nonprofit organization which is exempt from federal taxation under 26 U.S.C. 501(c)(3) or (4) and which does

not support, endorse or oppose any candidates or political parties may conduct nonpartisan voter registration and get-out-the-vote activities on its own without a co-sponsor.

(5) All materials prepared for distribution to the general public in connection with the registration or voting drive shall include the full names of all drive sponsors.

Capital Stock. (1) An incorporated membership organization, trade association, cooperative, or corporation without capital stock may make the communications permitted under 11 CFR 114.4(a) to the class of persons from which it may solicit contributions to its separate segregated fund under 11 CFR 114.7 and 114.8.

(2) An incorporated membership organization, trade association, cooperative or corporation without capital stock may permit candidates, candidates' representatives or representatives of political parties to address or meet members and employees of the organization on the organization's premises or at a meeting, convention, or other regularly scheduled function which is primarily held for other purposes, provided that the conditions set forth in 11 CFR 114.4(a)(2)(i) through (v) are met.

(3) An incorporated membership organization, trade association, cooperative or corporation without capital stock may make the communications permitted under 11 CFR 114.4(b) and (c) to the general public.

Certification of No Effect Pursuant to 5 U.S.C. 605(b).

Regulatory Flexibility Act

I certify that the attached proposed rules will not, if promulgated, have a significant economic impact on a substantial number of small entities. The basis for this certification is that no entity is required to make any expenditures under the proposed rules.

Dated: September 2, 1981.

John Warren McGarry,

Chairman, Federal Election Commission.

[FR Doc. 81-26192 Filed 9-4-81; 8:45 am]

BILLING CODE 6715-01-M

federal register

Tuesday
September 8, 1981

Part IV

Environmental Protection Agency

Hazardous Waste Management System; Identification and Listing of Hazardous Waste

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[SWH-FRL 1890-1]

Hazardous Waste Management System: Identification and Listing of Hazardous Waste

AGENCY: Environmental Protection Agency.

ACTION: Interim final rule and request for comments.

SUMMARY: The Environmental Protection Agency (EPA) is today amending the regulations for hazardous waste management by conditionally exempting spent pickle liquor (which is hazardous waste) from the requirements of the regulations. This exemption applies to facilities which reuse spent pickle liquor, to generators and brokers who accumulate spent pickle liquor, and to those who transport spent pickle liquor, where in all cases the spent pickle liquor is to be reused in wastewater treatment at a facility holding a National Pollution Discharge Elimination System (NPDES) permit. EPA is taking this action because the management of spent pickle liquor before reuse in wastewater treatment does not appear to pose a substantial hazard to human health or the environment and because the objectives of the hazardous waste regulations appear to be met without imposition of explicit regulations. This amendment will reduce the regulatory burden to those individuals who reuse spent pickle liquor in wastewater treatment and now comply with the requirements of the hazardous waste management regulations. This amendment will also encourage more spent pickle liquor to be reused.

DATES: Interim final rule effective September 8, 1981; the Agency will accept comments until November 9, 1981.

ADDRESS: Comments should be sent to the Docket Clerk, Office of Solid Waste (WH-565), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. Communications should identify the regulatory docket number "section 3001/ Spent Pickle Liquor Reuse".

FOR FURTHER INFORMATION CONTACT: RCRA Hotline at (202) 554-1404 or toll-free at (800) 424-9346. For technical information contact Matthew Straus, Office of Solid Waste (WH-565), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. (202) 755-9187.

SUPPLEMENTARY INFORMATION:

I. Background

Under Subtitle C of the Resource Conservation and Recovery Act of 1976, as amended, EPA has issued regulations for hazardous waste management. These regulations are published in the *Code of Federal Regulations* (CFR) at 40 CFR Parts 260-267 and 122-124. In these regulations, EPA has given special consideration to hazardous wastes which are used, reused, recycled or reclaimed. These specific provisions are found in § 261.6 of the regulations.

EPA presently is considering a revised approach to regulation of hazardous wastes which are used, reused, recycled or reclaimed. It will be some months, however, before EPA can promulgate and implement revised regulations. In the interim, the Agency wishes to remove certain restrictions on the reuse of certain hazardous wastes which are now regulated substantively under the Subtitle C regulations. These reuses are not likely to be regulated under a revised regulatory approach, and in any case probably can be conducted safely outside the Subtitle C regulatory framework.

One such reuse is the reuse of spent pickle liquor—EPA hazardous waste No. K062—in treatment of wastewater. Spent pickle liquor is generated in the pickling of iron and steel products prior to the application of a final surface coating or finish. The pickling process involves immersion of the iron or steel product in a heated solution of concentrated acid (or acids) to remove undesirable surface characteristics such as rust, scale, and grease, etc. The residual waste liquor is highly corrosive ($pH < 1$) and also is contaminated with toxic metals (that is, hexavalent chromium, lead, and nickel).

Spent pickle liquor often is used beneficially in wastewater treatment. Its principal function is as a phosphorus precipitant, and it also is used as a sludge conditioner. Pickle liquor so reused is as effective, and in some cases more effective, than commercial chemicals used for the same purpose. (1, 2) One of these commercial chemicals, ferric chloride, can be virtually as corrosive and as metal-contaminated as spent pickle liquor (and is sometimes more so) (3), and so presents a similar environmental risk of safekeeping prior to use. (Another principal phosphorus precipitant, aluminium sulfate ("alum") is also quite corrosive although somewhat less so than either ferric chloride or spent pickle liquor.)

Reuse of spent pickle liquor in wastewater treatment already is relatively widespread and could be expected to increase as facilities seek a less costly alternative to the use of commercial chemicals. Most facilities presently engaging in this reuse are Publicly Owned Treatment Works (POTWs), but private facilities also are starting to reuse this material. Furthermore, the Agency believes it a fair inference that more private facilities would reuse spent pickle liquor in wastewater treatment if they did not have to comply with the RCRA recordkeeping requirements and obtain hazardous waste storage permits.

The volume of spent pickle liquor reused in wastewater treatment is substantial, estimated by the Agency at up to 50 million gallons annually (roughly 5 percent of the total amount generated). Individual wastewater treatment facilities likewise handle significant volumes of the material. For example, the Blue Plains facility, a large POTW in the Washington, D.C. area, reuses 45,000 gallons per day of Bethlehem Steel's spent pickle liquor. (4)

Spent pickle liquor is marketed in a number of ways. Generators often arrange directly with wastewater treatment facilities for the delivery of the spent pickle liquor. Generators may provide transportation of the material to the facility, or hire an independent transporter. In some situations, the cost of transportation is divided between the facility and the generator, and in other cases the facility pays the generator to obtain the material. In some cases, generators will employ brokers to find a user for their spent pickle liquor. In these situations, the broker may take possession of the spent pickle liquor prior to transport to the wastewater treatment facility. In other cases, the broker may act as transporter or hire a transporter to ship the material to the facility. Some brokers also take possession of spent pickle liquors from a number of generators, blend them and sell the resulting mixture to wastewater treatment facilities. (5)

Reuse of spent pickle liquor generally results in significant cost savings to both generators and user facilities. Generators save treatment or disposal costs, which may be quite high, particularly in light of the volumes of the waste which are reused and otherwise would have to be treated or disposed of. User facilities save the cost of alternative commercial chemicals, which again are very high. Blue Plains' personnel estimate annual savings from reuse of spent pickle liquor at $1.2 million annually. (4)

In sum, reuse of spent pickle liquor in wastewater treatment is a well-recognized technology and is becoming widespread. It provides significant

environmental benefits from the standpoint of wastewater treatment, hazardous waste management, and resource conservation and recovery. Potential cost savings from this reuse are substantial, and there is a further energy saving since raw materials are not being consumed. Moreover, the Agency is not aware of any damage incidents resulting from reuse of spent pickle liquor for wastewater treatment (although there have been damage incidents from improper *disposal* of spent pickle liquor (6)). The Agency thus believes it should amend the current regulations to encourage this desirable reuse.

II. The Current Regulatory Structure Affecting Reuse of Spent Pickle Liquor in Wastewater Treatment

The current RCRA regulatory structure controlling spent pickle liquor reuse varies somewhat depending upon whether the ultimate reuser is a POTW or a private wastewater treatment plant. POTWs, under § 122.26(c) of the regulations, have a RCRA permit-by-rule to accept hazardous wastes (including spent pickle liquor) provided they comply with certain of the Subtitle C administrative standards. Private facilities and brokers who accumulate spent pickle liquor prior to reuse, on the other hand, are required to comply with the Subtitle C standards applicable to storage facilities (see § 261.6(b)). Generators of this waste are subject to the Part 262 generator requirements, including the § 262.34 requirements for spent pickle liquor accumulated on-site for less than 90 days. This provision requires the generator to comply with certain of the Part 265 technical and administrative requirements applicable for storage facilities storing wastes in containers or in tanks. Generators accumulating spent pickle liquor for over 90 days must obtain a permit as a hazardous waste storage facility. Finally, transporters of the waste are subject ot the Part 263 transporter requirements.

The Agency has received information, and finds it reasonable to believe, that these provisions discourage reuse of spent pickle liquor, particularly when a private wastewater treatment plant is involved. Such facilities presently have to obtain site specific storage permits if they wish to reuse this material. Moreover, some facilities wishing to reuse the material for the first time will not be eligible for interim status, and so will have to obtain a storage permit prior to engaging in the reuse.

The Agency believes that although the Subtitle C regulatory requirements are needed to adequately protect human health and the environment in many reuse contexts, these requirements are not needed when spent pickle liquor is reused in wastewater treatment. The remainder of this preamble sets out the Agency's basis for this conclusion and describes its revised regulatory scheme.

III. Revised Regulatory Scheme

A. The Decision Not to Impose Substantive Storage Requirements

EPA has determined that reuse of spent pickle liquor in wastewater treatment does not require substantive regulation under the RCRA Subtitle C regulations, provided the reuse occurs at a facility holding a National Pollution Discharge Elimination System (NPDES) permit. The Agency is taking this step in part to encourage a desirable reuse, but also because the objectives of the Subtitle C regulations appear to be met without imposition of explicit regulations. The hazardous waste regulations which are applicable to reused materials seek to assure secure storage prior to reuse, and proper tracking of the reused material from the generator to the point of final reuse. A number of factors tend to assure proper storage of spent pickle liquor which is reused in wastewater treatment. First, since spent pickle liquor is corrosive, it must be stored in special corrosion-resistant tanks; it will otherwise corrode through most conventional metal tanks and do extensive damage to the physical plant and to exposed workers. Thus, the risks of improper containment are so high and so immediately obvious that every effort is typically made to ensure secure storage. In fact, spent pickle liquor normally is stored in specialized tanks made of fiberglass reinforced with a plastic liner, a rubber liner or brick coating. (3,4,7)[1]

There is little risk of significant overaccumulation of the pickle liquor prior to reuse. Because the volumes of spent pickle liquor involved are so large (up to tens of thousands of gallons daily per facility), storage capacity available at any facility handling the material—whether the generator, an intermediate broker, or the user facility—is usually far less than the amount of spent pickle liquor handled over time.

Thus, there is a strong incentive to assure constant turnover of the material. These facilities' only alternative would be to add huge amounts of storage capacity, an unrealistic option because of the costs of specialized tanks and land. Retention time of the material at most facilities actually averages only a few days, and in some cases, hours (5). In addition, reusing facilities have a further strong incentive to ensure material turnover, since they must reuse the spent pickle liquor in order to comply with their NPDES permit limitations.

In considering whether any storage requirements should be imposed on this reuse, the Agency also is aware that the commercial chemical for which spent pickle liquor often substitutes in wastewater treatment—ferric chloride—is equally hazardous, but is not subject to RCRA regulation (it is not a waste). In this type of situation, the Agency hesitates to assert regulatory control over storage of spent pickle liquor when facilities may well turn to the equally corrosive and metal-contaminated ferric chloride under the same conditions and not be subject to RCRA regulation. This factor takes on particular importance when there appears to be adequate assurance of secure storage of the spent pickle liquor in any case. In addition, the facilities are aware of the problems of properly storing corrosive reagents such as ferric chloride, and so already have the equipment and know-how to handle spent pickle liquor properly.

With regard to storage of spent pickle liquor, therefore, the Agency believes that human health and the environment are adquately protected without imposition of regulatory standards. Existing storage practices already appear to satisfy the RCRA tank design standards. There is minimal risk of overaccumulation of the spent pickle liquor. The Agency also notes that as a practical matter many generators of spent pickle liquor will remain subject to most applicable Subtitle C regulations dealing with waste storage (particularly § 262.34) because they commingle the spent pickle liquor destined for reuse with spent pickle liquor destined for disposal. Thus, some measure of regulatory control is maintained for storage of the material at these facilities. In sum, the Agency does not believe that imposition of storage standards is needed to control spent pickle liquor being reused, or being accumulated for reuse, in wastewater treatment at NPDES-permitted facilities.

B. The Decision Not To Impose Tracking Standards

EPA also does not believe that it is necessary to impose tracking (*i.e.* manifest) or related administrative requirements on persons handling spent pickle liquor for reuse, or prior to its reuse, in wastewater treatment at NPDES facilities. In part, this is because the material is needed by the user

[1] Pickle liquors containing low concentrations of acid may, however, feasibly be stored in some metal-lined tanks.

facility as a commodity for its wastewater treatment operations, and the facility will be unable to meet its NPDES permit obligations unless it receives the material. The facility thus has a strong incentive to assure that its shipments arrive safely.

Furthermore, the spent pickle liquor meets the Department of Transportation's definition of a corrosive hazardous material and so in most cases (that is, all those involving an interstate shipment or an interstate carrier) must be shipped in compliance with Department of Transportation hazardous materials regulations, which specify standards for placarding, labeling, marking, and packaging. In addition, each shipment of the material must be accompanied by a DOT shipping paper containing a description of the material, its destination and other pertinent information. These requirements, coupled with the material's use as a commodity appear to the Agency to provide reasonable assurance that the spent pickle liquor will be transported safely to and arrive at the user facility.

The Agency also does not believe it necessary to impose any reporting requirements on NPDES facilities engaging in reuse of the spent pickle liquor, or on persons accumulating spent pickle liquor prior to such reuse. Since the reuse itself is well documented and understood, the Agency sees no gain from imposing these administrative requirements.

C. The Revised Regulation

EPA has therefore determined that spent pickle liquor reused in wastewater treatment at an NPDES facility does not require regulation under the RCRA Subtitle C waste management system. The Agency is amending § 261.6(a) of the regulations to indicate that spent pickle liquor, when so reused, may be managed without regulation.

EPA, under section 6002 of RCRA, also is considering the development of a procurement guideline for the reuse of spent pickle liquor in wastewater treatment for the purpose of phosphorous removal. Such a guideline, if implemented, would allow procuring agencies using Federal funds to purchase chemicals for the purpose of phosphorous removal in wastewater treatment, and would encourage spent pickle liquor to be bid as an alternate material for reuse. The guideline would not apply if spent pickle liquor is unavailable (or if its reuse would be technically inappropriate for a particular treatment operation). This guideline may not appear until after the close of the comment period to the present regulation, so EPA desires comments on the general appropriateness of a procurement guideline to be submitted along with other comments to this regulation.

D. Recordkeeping

By this amendment, the Agency is deleting any regulatory requirements for keeping records which document that spent pickle liquor is in fact being reused, or is destined for reuse, at an NPDES facility. However, in any enforcement proceeding, the burden to show that the spent pickle liquor is actually being accumulated or reused for this purpose rests on the person making the claim. Documentation substantiating the claim may include shipping papers, bills of lading or other records showing a contractual agreement among the generator, transporter, broker or NPDES facility.

E. Interim Final Promulgation and Effective Date of Regulation

EPA has determined under section 553 of the Administrative Procedure Act, 5 U.S.C. 553, that there is good cause for promulgating these amendments without prior notice and comment. This amendment lessens the regulatory burden on the public, and will have the effect of encouraging a desirable reuse. Delay could result in unnecessary expense for NPDES facilities which otherwise would reuse spent pickle liquor in their wastewater treatment operations. If promulgation is delayed, generators would have to dispose of a material which otherwise can be used beneficially. Furthermore, the Agency believes that human health and the environment will not be harmed, and in fact will benefit by this reuse. Under these circumstances, EPA believes good cause exists to promulgate these rules without prior notice and comment. (Readers will, of course, have ample opportunity to comment on these amendments before they are issued in "final final" form.)

EPA also is providing that these regulations take effect immediately. Although section 3010(b) of RCRA provides that EPA hazardous waste regulations take effect six months after their promulgation, the purpose of this requirement is to allow persons handling hazardous waste sufficient lead time to prepare to comply with new regulatory requirements. This rationale ordinarily is inapplicable when a rulemaking is deregulatory in effect. Further, the Agency has determined that the current regulatory standards may discourage a desirable type of reuse, so that immediate effectiveness of this amendment promotes RCRA's material recovery goals. The Agency therefore believes that delaying this regulation's effective date would be counterproductive, and has decided to opt for immediate effectiveness.

F. Compliance With Executive Order 12291

Under Executive Order 12291, EPA must determine whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. The present regulation reduces burdens, and therefore is not a major regulation under the Executive Order. For the same reason this regulation will not have a significant economic impact on a number of small entities and therefore, does not require a Regulatory Flexibility Analysis. This regulation was submitted to the Office of Management and Budget for review as required by the Executive Order.

Dated: August 28, 1981.

John W. Hernandez, Jr.,

Acting Administrator.

References

1. Kerecz, Mohr, and Jones (1980) "Use of Spent Pickle Liquor to Remove the Phosphates in Municipal Sewage Treatment Plants."

2. Ernest, Birner and Munsey, "Eight Years of Successful Phosphorus Removal in an Activated Sludge Plant Treating 140 M.G.D.", presented at Central States Water Pollution Control Association 52d Annual Conference, Pheasant Run, Illinois (1979). (It should be noted that many additional references for this point are available. The Agency is citing two which are illustrative.)

3. U.S. EPA, "Process Design Manual for Phosphorus Removal" Chapter 10, EPA 625/1-76-001a (1976).

4. Personal Communication of Agency staff with Ed Jones III, Chief Process Engineer, Blue Plains Wastewater Treatment Plant (May, 1981).

5. Personal Communication of Agency staff with American Iron and Steel Institute, Office of Environmental Affairs, May 21, 1981.

6. U.S. EPA, Hazardous Waste Listing Background Document for Spent Pickle Liquor (1980).

7. Personal Communications of Agency staff with Reiss, Inc., By-products Management, Inc., and Conservation Chemicals, Inc., all waste exchange brokers handling spent pickle liquor (June, 1981).

For the reasons set out in the preamble, Title 40 of the Code of Federal Regulations is amended as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for Part 261 reads as follows:

Authority: Secs. 1006, 2002(a), 3001 and 3002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and

Recovery Act of 1976; as amended (42 U.S.C. 6905, 6912(a), 6921 and 6922).

2. Section 261.6 is amended by revising paragraph (a) and the introductory text of paragraph (b) and by adding paragraph (a)(3)(i) to read as follows:

§ 261.6 Special requirements for hazardous waste which is used, reused, recycled or reclaimed.

(a) Except as otherwise provided in paragraph (b) of this section, a hazardous waste which meets any of the following criteria is not subject to regulation under Parts 262 through 265 or Parts 122 through 124 of this Chapter and is not subject to the notification requirements of Section 3010 of RCRA until such time as the Administrator promulgates regulations to the contrary:

* * * * *

(3) It is one of the following materials being used, reused, recycled or reclaimed in the specified manner:

(i) Spent pickle liquor which is reused in wastewater treatment at a facility holding a National Pollutant Discharge Elimination System (NPDES) permit, or which is being accumulated, stored, or physically, chemically or biologically treated before such reuse.

(b) Except for those wastes listed in paragraph (a)(3) of this section, a hazardous waste which is a sludge, or which is listed in Subpart D, or which contains one or more hazardous wastes listed in Subpart D; and which is transported or stored prior to being used, reused, recycled or reclaimed is subject to the following requirements with respect to such transportation or storage:

* * * * *

[FR Doc. 81-25989 Filed 9-4-81; 8:45 am]
BILLING CODE 6560-30-M

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Tuesday, September 8, 1981

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

*Note: The Maritime Administration will begin Mon./Thurs. publication as of Oct. 1, 1981.

REMINDERS

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**

Last Listing August 26, 1981

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register in cooperation with Lexington Technical Institute.

WHAT: Special public briefing (approximately 2½ hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between Federal Register and the Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.

WHEN: September 17 at 9:00 a.m.

WHERE: Room 215, Lexington Technical Institute, Cooper Drive, Lexington, Ky.

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