

Federal Register

Monday
September 28, 1981

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- 47445 Supplemental Security Income** HHS/SSA revises regulations on interim assistance provisions for Aged, Blind and Disabled.
- 47444 Social Security** HHS/SSA decreases maximum retroactivity of applications for insurance benefits not based on disability.
- 47435 Credit Unions** NCUA issues regulations on Federal credit union insurance and group purchasing activities.
- 47455 Disaster Assistance** FEMA issues procedures for providing financial assistance to high-risk, high population areas under the Earthquake and Hurricane Plans and Preparedness Program.
- 47528 Farmland** Interior/SMREO revises rules on identification of prime farmland. (Part II of this issue)
- 47522 Small Businesses** SBA announces interest rates for various loans.
- 47472 Travel Expenses** GSA/TPUS revises procedures for increasing dollar limit for bulk ticket purchases and permits Government agencies to make greater use of reduced fares when purchased in bulk quantities.

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

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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.

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NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Parts 721, 723 and 724

Insurance and Group Purchasing Activities

AGENCY: National Credit Union Administration.

ACTION: Final rule.

SUMMARY: The National Credit Union Administration Board has adopted final regulations governing Federal credit union insurance and group purchasing activities. The revised regulation represents a substantial deregulation permitting considerably greater latitude in the group purchasing area, although some new requirements have been provided to assure reasonable protection of member interests.

EFFECTIVE DATE: November 17, 1981.

ADDRESS: National Credit Union Administration, 1776 G Street, NW, Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Daniel Gordon, Senior Financial Economist, at the above address; telephone (202) 357-1090.

SUPPLEMENTARY INFORMATION: In 1980, the National Credit Union Administration, after an extensive investigation of Part 721, the regulation governing Federal credit union insurance and group purchasing activities, identified numerous apparent violations of this regulation. As a result, the NCUA Board initiated a thorough reevaluation of this regulation. On April 16, 1981, the National Credit Union Administration Board issued for comment a proposed rule revising Part 721. The proposed regulation was separated into five sections. Section 721.1 addressed endorsement and investigation. It would authorize Federal credit unions to provide informational

material relating to insurance and group purchasing activities. It would also authorize Federal credit unions to endorse a product or service but only after appropriate investigation. Section 721.2 would authorize a Federal credit union to endorse an insurance plan and to perform ministerial duties associated with a member's coverage of an endorsed insurance plan. Section 721.3 would authorize a Federal credit union to make membership lists available to vendors provided the credit union received prior approval from each member who was included on the list. Section 721.4 would require the board of directors of the credit union to consider and vote its approval of any activity engaged in by the credit union under Part 721. Section 721.5 would limit credit union reimbursement to the costs associated with performing these functions. In addition, it would prohibit officers and other credit union officials from receiving payments associated with this activity.

Part 721 was originally conceived to foster the educational role of credit unions. The final revisions in the regulation represent a refocusing of the regulatory policy toward a recognition of the basic cooperative nature of the credit union as a not-for-profit organization and toward the traditional responsibility of a credit union to educate its members in addition to providing savings and lending programs. The revised regulation is specifically intended to involve Federal credit unions in investigating products and services and in assisting members to make informed choices in matters affecting their financial wellbeing. The revisions represent a deregulation in that they permit considerably greater latitude in the group purchasing area, although some new requirements have been provided to assure reasonable protection of member interests.

Summary of Comments

A total of 41 comments were received on this proposed rule. Most respondents commenting on § 721.1 agreed that credit unions should have the authority to endorse group purchasing plans. Three commenters, however, indicated that a Federal credit union's role should be limited to providing information to its membership. Several commenters questioned the proposed requirement that the investigation "conclude that the

endorsed product or service is deemed preferable from the standpoint of member economic wellbeing." Some believed that the requirement would be difficult to implement and that the term "member economic wellbeing" was ambiguous since the needs of a credit union's membership may be diverse. Other commenters were unsure whether this language required the credit union to conclude that a certain product or service was the "best buy."

Twenty-six respondents addressed the proposed requirement in § 721.1 that an investigation be performed when a product or service is endorsed. Eleven respondents questioned whether credit union leagues would be able to present an unbiased opinion of the relative merits of individual plans since the leagues generate a significant portion of their income through insurance programs and endorsements. These commenters indicated that the close relationship and financial remuneration received by the individual leagues from certain insurance companies and other vendors called into question the objectivity of the leagues when making their analysis. These commenters believed that league investigations and endorsements could eliminate competition from companies which were not related to the national trade organizations, since many of the leagues have marketing agreements and other ties to these organizations. Two commenters indicated the leagues, governed by the recently developed code of ethics, would provide proper standards for the investigation and an unbiased appraisal of alternatives.

Eight commenters expressed negative views and two supported the proposed § 721.2. Those voicing objections to § 721.2 indicated that Federal credit unions should be able to provide ministerial services for group purchasing, in addition to insurance, and that credit unions should be permitted to perform ministerial tasks without endorsing a product or service.

There were thirty-two negative comments and only one positive comment on § 721.3. Commenters objecting to this section expressed concern with the proposed requirement that permission be required from members before releasing a membership list and with the requirement that permission must again be obtained after one year. Most of those objecting cited

increased paperwork and administrative time as reasons for their objections. The commenters asserted that members would be adequately protected by requiring a Federal credit union to remove from the list those members objecting to their inclusion.

Nineteen commenters approved and one commenter opposed § 721.4 requiring a credit union board of directors to approve the activity. The one commenter who opposed it believed it was unnecessary since the credit union board would routinely vote on this activity.

Three commenters expressed approval of the proposed § 721.5 involving credit union reimbursement. Fourteen cited problems with this proposal and provided recommendations for its revision. The major problem noted by the commenters was calculating the appropriate reimbursement. The commenters stated that a majority of Federal credit unions do not have a cost accounting system that could determine, with any degree of accuracy, the direct and indirect costs related to a particular operation. Some commenters indicated that NCUA should establish limits on reimbursement to avoid the problems associated with reverse competition. (Reverse competition arises when insurers or providers of group purchasing services, competing for a group's endorsement, raise the reimbursement and/or the premium to induce the credit union or other groups to endorse their plan.) Some commenters, on the other hand, suggested that no limit should be established on reimbursement and that a credit union board of directors should be given complete discretion in determining the proper level of reimbursement. The majority of the commenters recommended that NCUA establish a reimbursement standard. Commenters suggested that the establishment of a reimbursement standard would eliminate the need for complex cost analysis or extensive cost accounting to verify reimbursement.

Discussion

The Board has approved a final rule under which credit unions not wishing to endorse a product or service or to engage in the necessary product or service investigations may continue to provide information to their membership. This final rule thus provides flexibility for credit union management to choose among several levels of involvement. If the credit union chooses simply to provide information, a disclaimer, which specifies that the credit union has not investigated the

product and expresses no opinion on the value or quality of the service or product, will place the member on notice that the material has been provided for informational purposes only. If management favors a more active role, it can endorse the product or service after appropriate investigation. Endorsement can take the form of an affirmative statement or simply the absence of a disclaimer. This balance between providing significantly broader latitude to Federal credit unions while providing protections for the members' interest is also reflected in other sections of this final rule.

Therefore, the final rule will permit a credit union to (a) provide information, (b) investigate and not endorse, (c) endorse several different plans, or (d) endorse a single insurance or group purchasing plan. The investigative report required for an endorsement will provide an objective comparison of similar products and/or a thorough explanation for any ranking of specific insurance or group purchasing plans. The information in the report is expected to provide sufficient data for members to make independent decisions after assessing their own individual needs. A credit union will be expected to inform its members that the investigative report is available for inspection during business hours.

NCUA will not specify the characteristics of the investigation or the relevant comparisons which must be made. Credit unions should be aware, however, in conducting their own investigations or relying on investigations and endorsements of others that they may expose themselves to possible product liability (assuming a valid claim based upon defect in the product or service) if it can be shown that the credit union was negligent in performing its own investigation or in relying on those performed by others. In those instances, for example, where it would be reasonable for the credit union to know that the investigator was not independent but the credit union nevertheless relied on the investigator's endorsement of the insurance or group purchasing plan, the credit union may be found to have negligently relied on this investigation and expose itself to potential product liability.

The credit union, credit union leagues, other credit union organizations, or independent third parties may perform these investigations. To provide a balance between greater management flexibility and protection to the member, the financial interests of the credit union and the financial interests of the investigator and/or any of its affiliates

in the product or service must be disclosed to the member. This will aid the member's assessment of the investigation and provide additional protection to the member. It would also be advisable for a credit union that endorses a product or service to indicate that the decision to purchase or not to purchase the product or service remains with the individual member and that this decision will have no bearing on any other relationships between the credit union and the membership.

Regardless of who performs the investigation the credit union will remain fully responsible to ensure that a thorough, unbiased investigation of the relevant insurance or group purchasing plan is conducted. A credit union may establish its own standards for the investigation or a credit union may adopt standards developed for the credit union community. Credit unions could require, as part of these standards, that potential investigators disclose any possible conflicts of interest. Credit unions should also consider the development of "hold harmless" agreements with investigators and providers of group purchasing plans, and the expansion of surety bond coverage to protect the credit union against possible claims in this area.

Section 721.2 will allow a Federal credit union to perform ministerial tasks but only in connection with insurance or group purchasing plans that have been investigated by the credit union. Federal credit unions will also be permitted to perform ministerial tasks when they purchase insurance or a group plan at no cost to the member. These ministerial tasks are defined as any tasks which do not require an exercise of personal judgment or discretion.

Section 721.3 achieves a balance between a broadened credit union authority and protection of the member's privacy. It requires a credit union to initially inform each member of its intent to provide members with information regarding insurance and group purchasing plans. Members must be notified that the credit union may release their names and addresses to insurers and providers of group purchasing services or mail information to the members on behalf of these providers. If the credit union does not receive a notice from a member within 60 days after the member is informed of his/her right to object, then the Federal credit union is permitted to release the member's name and address. In addition, a credit union is required to inform its members that they can be removed from any lists by so notifying the Federal credit union. Recipients of a

membership list must agree, in writing, not to transfer the list to any other party or use it for any unauthorized purpose.

Section 721.4 of the final rule requires that the credit union board vote its approval of the credit union's actions with regard to insurance and other group purchasing activities.

Section 721.5 permits credit unions to choose between several methods of calculating expenses associated with insurance and group purchasing activities. Two alternatives provide simple methods for a credit union to be reimbursed for its costs associated with insurance activities without documenting expenses. Additional methods are available for credit unions which require a higher level of reimbursement for their insurance activities. These latter methods require credit unions to document their expenses. These methods may also be used to document reimbursable expenses associated with group purchasing activities.

Under the first method a Federal credit union can receive up to a maximum of \$4 for any single payment insurance policy and up to \$6 if two or more policies are combined. For all other insurance policies, a Federal credit union could receive a maximum reimbursement of \$4, which could be prorated during the year.

Under the second method a Federal credit union will be permitted to receive a reimbursement which does not exceed 10% of the *prima facie* rate established by the insurance supervisory authority in the state in which the credit union is located. On credit disability insurance, a credit union's reimbursement must be linked to the rate on the 30 day nonretroactive benefit plan.

A Federal credit union may also track direct and indirect costs of the activity through a formal cost accounting system. No limit on the level of reimbursement will exist under this option if the credit union can provide sufficient documentation to verify its expenses.

A credit union may also determine the direct and indirect costs associated with these activities on a sampling basis, and use the results of the sample to determine reasonable direct and/or indirect costs using a method approved by the NCUA Board. One method which has been approved appears in the Appendix to this rule.

Regulatory Flexibility Act

The NCUA Board hereby certifies that the final rule will not have a significant impact upon a substantial number of small credit unions, since any credit union may receive reimbursement from

vendors for the full cost of complying with this regulation. Therefore a final flexibility analysis is not required by 5 U.S.C. 605(b).

Paperwork Reduction Act

The final rule includes two recordkeeping requirements and one disclosure which may be considered to be "collection(s) of information" under the Paperwork Reduction Act. The two recordkeeping requirements include the investigative report requirement and the requirement to document direct and indirect costs. The one disclosure involves the financial interest of the investigator in the product or service. These requirements will be submitted to the Office of Management and Budget for clearance as required by 44 U.S.C. 3507(a). Since these requirements are essential to the regulation, if the Office of Management and Budget chooses to refuse clearance for these recordkeeping and disclosure requirements, NCUA will suspend the authority of Federal credit unions to endorse a product or receive reimbursement for their insurance and group purchasing services.

Accordingly, 12 CFR Chapter VII is amended, as set forth below.

Rosemary Brady,

Secretary to the NCUA Board.

September 16, 1981.

1. Section 721.3 has been redesignated as Part 723 and existing paragraphs 721.3(a) through (d) have been redesignated as sections 723.1 through 723.4, with section headings added as set forth below:

PART 723—OPERATIONAL SYSTEMS

Sec.

723.1 Submission of pilot programs.

723.2 Designation of pilot programs.

723.3 Designation of pilot credit unions.

723.4 Termination of pilot programs.

Authority: Section 120, 73 stat. 635 (12 U.S.C. 1766)

2. Section 721.4 has been redesignated as Part 724 and §§ 721.4 (a) and (b) have been redesignated as §§ 724.1 and 724.2, with section headings added as set forth below:

PART 724—TRUSTEES AND CUSTODIANS OF PENSION PLANS

Sec.

724.1 Federal credit unions acting as trustees and custodians of pension plans.

724.2 Appointment of successor trustee or custodian.

Authority: Section 120, 73 Stat. 635 (12 U.S.C. 1766)

3. 12 CFR Part 721 is revised to read as follows:

PART 721—FEDERAL CREDIT UNION INSURANCE AND GROUP PURCHASING ACTIVITIES

Sec.

721.1 Enforcement and investigation.

721.2 Ministerial tasks.

721.3 Membership lists.

721.4 Board of director approval.

721.5 Reimbursement.

Authority: Section 107(15), 94 Stat. 132 (12 U.S.C. 1757(15)), Section 120, 73 Stat. 635 (12 U.S.C. 1766) and Section 209, 84 Stat. 1104 (12 U.S.C. 1789).

§ 721.1 Enforcement and investigation.

A Federal credit union is permitted to provide informational material relating to insurance and group purchasing plans to its membership and endorse such plans or the products or services offered pursuant to such insurance and group purchasing plans. Providing informational material about a particular insurance or group purchasing plan shall constitute an endorsement when the credit union fails to issue a disclaimer indicating the Federal credit union expresses no opinion as to the value or quality of the service or product. An endorsement will require a prior investigation of the product or service. The credit union board may conduct the investigation itself or use the services of a credit union league, other credit union organizations or an independent third party. If a product or service is endorsed, the credit union must disclose its own financial interests and the financial interests of the investigator and/or any of its affiliates in the product or service. The investigation must include the relative merits and different costs of like products or services and must support the credit union's decision to endorse particular products or services. The results of the investigation must be documented by the credit union in writing, retained in the credit union files and must be available upon request to the members of the credit union.

§ 721.2 Ministerial tasks.

Where an investigation of an insurance or group purchasing plan has been conducted, a Federal credit union is permitted to perform all ministerial tasks associated with a member's participation in the plan. This section is not intended to preempt otherwise applicable state insurance laws.

§ 721.3 Membership lists.

A Federal credit union which has itself investigated an insurance plan or a group purchasing product or service or has relied on an investigation performed by others, may make any lists of its

membership and/or addresses of its members available to such insurers or providers of group purchasing products or services provided that the credit union has excluded the names of members who have given the credit union written notification of their desire not to be placed on such lists. Members shall have at least 60 days prior notice before the initial release of such lists. Such notice shall inform the member of his/her option to be excluded from these lists and how the member must notify the credit union of his/her desire not to be placed on such lists. Members shall also be informed of their right to be removed from further releases of the membership lists with the proper notification to the credit union. The recipient of a membership list must agree, in writing, not to transfer the membership list to any other party or use it for unauthorized purposes.

§ 721.4 Board of directors approval.

The board of directors of the Federal credit union must vote its approval of any activity engaged in under this Part.

§ 721.5 Reimbursement.

A Federal credit union may receive

reimbursement of costs associated with its involvement in a group purchasing or insurance activity or in providing a membership list. A Federal credit union may not receive reimbursement in excess of such costs. Direct and indirect costs of the activities must be documented by the Federal credit union if reimbursement is received. In the case of Federal credit union involvement in an insurance activity, however, the credit union may, in lieu of documenting such costs, accept as reimbursement an amount not exceeding 10 percent of the *prima facie* rate established by the insurance supervisory authority of the state in which the Federal credit union's principal office is located. In the event the *prima facie* rate method is used for credit disability insurance, the credit union shall base its calculation on the 30-day nonretroactive benefit plan. As another alternative to documenting actual costs, a Federal credit union may accept up to \$4 on any single payment insurance policy or \$6 for a combination of two or more policies, or up to \$4 per annum for any other insurance policy. No direct or indirect payments or benefits shall accrue to any officer, director, employee or any of their

immediate families in connection with the group purchasing or insurance activity, or provision of a membership list.

Appendix

Note.—This Appendix will not appear in the Code of Federal Regulations. The NCUA Board has authorized a procedure which a Federal credit union may use in documenting its direct expenses associated with its insurance and group purchasing activities using Form 2000 below. A credit union can use this form to estimate its indirect expenses associated with these activities.

A Federal credit union using this method is required, through intermittent sampling conducted at least once a year, or continuously, to determine the direct costs associated with these activities. Using the ratio developed on Form 2000 the credit union can determine the amount of indirect costs which can be allocated to this activity. A credit union may be reimbursed for the total of direct and indirect costs. In addition, any one time costs for studies and/or investigations may also be reimbursed under this method.

A sample of Form 2000, the appropriate instructions, and an example of a completed form appear below.

BILLING CODE 7535-01-M

FCU 2000

Charter

Number _____

FEDERAL CREDIT UNION
COMPUTATION OF MAXIMUM REIMBURSABLE
COSTS FOR SERVICES

FINANCIAL DATA:

Acct.

No. Acct. Title

Direct Expenses:

210 Compensation \$ _____
 Other Direct Expenses _____

(1) Total Direct Expenses \$ _____

Indirect Expenses

250 Office Occupancy \$ _____
 260 Office Operations _____
 270 Educational and Promotional _____
 290 Professional and Outside Service _____
 320 Operating Fees _____
 360 Miscellaneous Operating Expenses _____
 Sub-total \$ _____
 Other Indirect Expenses (list): _____

(2) Total Indirect Expenses \$ _____

COMPUTATION OF THE
MAXIMUM REIMBURSABLE EXPENSES:

(4) Total Actual Direct Operating Expenses:

(As of: / /) \$ _____

(5) Ratio of Indirect Versus the Direct Expenses (3)

= _____ x amount of (4) \$ _____

(6) Amount of Reimbursable Expenses for

Providing the Services \$ _____

[(4) + (5) = (6)]

Plus:

(7) One Time Cost of Studies and/or Investigations (list):

_____ \$ _____

 Total \$ _____

(8) Total Amount of Reimbursable expenses \$ _____
 [(6) + (7)]

(3) Ratio of Indirect Versus Direct Expenses = $\frac{(2)}{(1)}$ = _____

Note: Use the reverse side of this form to explain the method that was used to determine the amount of current direct costs that were incurred in providing this service.

The left side of the above form outlines the historical data for direct and indirect expenses. Direct expenses are costs that apply to a specific service, department, operation, segment or unit of output within a credit union. These are sometimes referred to as traceable, specific, or separable costs. For example, salaries of credit union employees assigned to insurance or group purchasing activities would be considered direct costs. Indirect or allocated costs are incurred as a package for an entire building, section, or division, and allocated within the respective service, subdivision, or subsection. They cannot be traced to individual departments, operations, segments or units of output. For example, costs for building depreciation, rent, insurance electricity and etc. are indirect costs. Indirect costs are often referred to as nontraceable, common, general, or joint costs.

The Statement of Income (FCU 109B) lists certain known direct and indirect expenses. These have been listed on form FCU 2000, Federal Credit Union Computation for Reimbursable Costs for Services. Such costs could be applicable to an insurance or group purchasing activity. Space has been provided on FCU 2000 for listing any additional direct and indirect annual historical costs relating to such activities.

Once the ratio of indirect versus direct expenses is established for the previous calendar year, it can be multiplied by the amount of actual direct operating expenses for the current period to arrive at indirect costs. The direct and indirect costs are summed and added to the amount of the one time cost studies and/or investigations incurred by an activity. That total is the amount of reimbursable expenses for the current period.

Illustration of a Federal Credit Union Computation of Maximum
Reimbursable Costs for Services

Assume that DMR Federal Credit Union began to provide a group purchasing service for consumer goods on January 1, 19x1. A credit union employee is assigned to provide the service every Monday, Wednesday, and Friday of each week. Direct labor costs are allocated by labor hour costs devoted to providing the service. The one assigned employee earns \$6.45 per hour and is employed 40 hours per week. The direct compensation costs of providing the service as of June 30, 19x2 were as follows:

Direct Compensation Costs = No. hours devoted to service x \$wage cost per hour
or
Direct Compensation Costs = 624 Hours x \$6.45
Direct Compensation Costs = \$4,024.80

The computation of the maximum reimbursable costs for services is as follows:

FCU 2000

Charter
Number 70166

DMR
FEDERAL CREDIT UNION
COMPUTATION OF MAXIMUM REIMBURSABLE
COSTS FOR SERVICES

FINANCIAL DATA:

As of
12/31/ x1

Acct.

No. Acct. Title

Direct Expenses:

210 Compensation \$ 1,000,000
Other Direct Expenses

(1) Total Direct Expenses \$ 1,000,000

Indirect Expenses

250 Office Occupancy \$ 400,000
260 Office Operations 460,000
270 Educational and Promotional
290 Professional and Outside Service 150,000
320 Operating Fees
360 Miscellaneous Operating Expenses 20,000
Sub-total \$ 1,030,000
Other Indirect Expenses (list):

(2) Total Indirect Expenses \$ 1,030,000

(3) Ratio of Indirect Versus Direct Expenses = $\frac{(2)}{(1)}$ = 1.03

COMPUTATION OF THE
MAXIMUM REIMBURSABLE EXPENSES:

(4) Total Actual Direct Operating Expenses:
(As of: 6/30/x2) \$ 4,024.80
(5) Ratio of Indirect Versus the Direct Expenses (3)
= 1.03 x amount of (4) \$ 4,145.54
(6) Amount of Reimbursable Expenses for Providing the Services \$ 8,170.34
[(4) + (5) = (6)]

Plus:

(7) One Time Cost of Studies and/or Investigations (list):

Total \$ 8,170.34
(8) Total Amount of Reimbursable expenses [(6) + (7)]

Note: Use the reverse side of this form to explain the method that was used to determine the amount of current direct costs that were incurred in providing this service.

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 8

[Docket No. 81-19]

Assessment of Fees; National Banks;
District of Columbia Banks; CorrectionAGENCY: Comptroller of the Currency,
Treasury.

ACTION: Final rule; correction.

SUMMARY: This document corrects a statutory citation contained in final regulations implementing revised fees for trust examinations which were published on March 13, 1981 [46 FR 16663].

FOR FURTHER INFORMATION CONTACT:

Jerome Edelstein, Attorney, Legal Advisory Services Division, Office of the Comptroller of the Currency, Washington, D.C. 20219, (202) 447-1880.

SUPPLEMENTARY INFORMATION:

The following corrections are made in 12 CFR Part 8:

PART 8—ASSESSMENT OF FEES;
NATIONAL BANKS; DISTRICT OF
COLUMBIA BANKS

1. The authority citation for Part 8 is revised to read as follows:

Authority: R.S. 5240, as amended, 12 U.S.C. 481, 482, 12 U.S.C. 3103, and in Section 3, 47 Stat. 1566, 26 D.C. Code 102.

2. Section 8.7(a) is revised to read as follows:

§ 8.7 Hourly rate for trust examinations.

(a) The assessment contained in this subpart is made pursuant to authority contained in R.S. 5240, as amended, 12 U.S.C. 481, 482 and in Section 3, 47 Stat. 1566, 26 D.C. Code 102. These statutes provide that the Comptroller assess fees adequate to cover the cost of each trust examination.

* * *

Dated: September 22, 1981.

Charles E. Lord,

Acting Comptroller of the Currency.

[FR Doc. 81-28048 Filed 9-25-81; 8:45 am]

BILLING CODE 4810-33-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-WE-16-AD; Amdt. 39-4224]

Airworthiness Directives; Robinson
Helicopter Model R-22AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the Federal Register and makes effective to all persons, an amendment adopting a new Airworthiness Directive (AD) which was previously made effective on all Robinson Helicopters Model R-22 helicopters. All known United States operators were notified by priority mail AD 81-19-03 dated September 4, 1981. The AD requires that prior to further flight, any main rotor blade which has 300 more hours of time in service be removed from service on Robinson Helicopter Model R-22. This AD is prompted by a report of a main rotor blade fatigue fracture during flight which resulted in a crash and fatalities. The manufacturer examined other retired main rotor blades with similar numbers of hours of time in service and found one with a crack.

DATES: Effective October 2, 1981, and was effective upon receipt for recipients of priority mail AD 81-19-03 dated September 4, 1981.

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

ADDRESSES: The applicable service information may be obtained from: Robinson Helicopter Company, 24747 Crenshaw Boulevard, Torrance, California 90505.

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

Rules Docket in Room 916, FAA, 800 Independence Avenue SW., Washington, D.C. 20591, or Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT: Marshall Burquest, Aerospace Engineer, Airframe Section, AWE-212, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536-6359.

SUPPLEMENTARY INFORMATION: An emergency AD was issued as priority mail AD 81-19-03 dated September 4, 1981 and made effective immediately

upon receipt to all known United States operators of Robinson Model R-22 helicopters. This AD differs from the priority mail AD in that it requires the main rotor blade data plate to be marked "UNAIROWORTHY." Subsequent to an R-22 crash, the preliminary accident investigation findings prompted the manufacturer, with FAA surveillance, to examine a number of previously retired R-22 main rotor blades for signs of fatigue failure. The blade installed on the crashed helicopter had 691 hours of time in service. Some 14 blades with from 15 to 1,009 hours of time in service were examined. One blade with 756 hours of time in service displayed signs of cracking. Five blades with between 756 and 1,009 hours of time in service did not display signs of cracking. The remaining blades, each with less than 326 hours of time in service, did not display any signs of cracking. Based upon the foregoing inspections, the service life limit of the R-22 main rotor blade is reduced to 300 hours of time in service. The area of possible fatigue failure is completely enclosed by rotor blade skin and cannot be adequately x-ray or dye penetrant inspected. Visual inspection can only be accomplished by sawing through the blade to expose the suspect area. Robinson Helicopter Company is redesigning the main rotor blade to achieve a longer service life limit.

Since this condition is likely to exist on other helicopters of the same type design, an airworthiness directive is being adopted which requires that prior to further flight, any main rotor blade with 300 or more hours of time in service be removed from service on the Robinson Model R-22 helicopter.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed to make the AD effective immediately. These conditions still exist and the AD is hereby published in the Federal Register as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

Adoption of the Amendment

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

Robinson Helicopter: Applies to model R-22, certified in all categories.

Compliance required as indicated, unless already accomplished.

To prevent failure of the main rotor blade which would result in the loss of control and crash of the helicopter, accomplish the following:

(a) Prior to further flight after receipt of the priority mail AD 81-19-03 dated September 4, 1981, or the effective date of this AD whichever comes first, remove from service all main rotor blades Part No. A016-1, Revision A through and including Revision V with 300 or more hours of time in service. A service life limit of 300 hours is established for the referenced main rotor blades used on the R-22 helicopter.

(b) Mark all main rotor blades, P/N A016-1, Revision A through and including Revision V, with 300 or more hours of time in service "UNAIRWORTHY" in letters of at least 1/2 inch high and mark "UNAIRWORTHY" on data plate using a metal stamp.

This amendment becomes effective October 2, 1981, to all persons except those to whom it was made immediately effective by priority mail AD 81-19-03 dated September 4, 1981.

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

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a

significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "For Further Information Contact."

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

Issued in Los Angeles, California on September 18, 1981.

R. L. Devereaux,

Acting Director, FAA Western Region.

[FR Doc. 81-28058 Filed 9-25-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 282

[Docket No. RM79-14]

Natural Gas Policy Act of 1978; Incremental Pricing Acquisition Cost Thresholds

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule; order prescribing incremental pricing thresholds.

SUMMARY: The Director of the Office of Pipeline and Producer Regulation is issuing the incremental pricing

acquisition cost thresholds prescribed by Title II of the Natural Gas Policy Act and 18 CFR 282.304. The Act requires the Commission to compute and publish the threshold prices before the beginning of each month for which the figures apply. Any cost of natural gas above the applicable threshold is considered to be an incremental gas cost subject to incremental pricing surcharging.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT:

Kenneth A. Williams, Federal Energy Regulatory Commission, 825 N. Capitol Street NE., Washington, D.C. 20426, (202) 357-8500.

SUPPLEMENTARY INFORMATION:

Issued: September 22, 1981.

Section 203 of the NGPA requires that the Commission compute and make available incremental pricing acquisition cost threshold prices prescribed in Title II before the beginning of any month for which such figures apply.

Pursuant to that mandate and pursuant to § 375.307(1) of the Commission's regulations, delegating the publication of such prices to the Director of the Office of Pipeline and Producer Regulation, the incremental pricing acquisition cost threshold prices for the month of October 1981 are issued by the publication of a price table for the applicable month.

Kenneth A. Williams,
Director, Office of Pipeline and Producer Regulation.

Table 1.—Incremental Pricing Acquisition Cost Threshold Prices

	January	February	March	April	May	June	July	August	September	October	November	December
Calendar Year 1980												
Incremental Pricing Threshold	\$1.702	\$1.738	\$1.760	\$1.762	\$1.776	\$1.790	\$1.804	\$1.819	\$1.834	\$1.849	\$1.863	1.377
NGPA Section 102 Threshold	2.358	2.391	2.404	2.428	2.453	2.478	2.504	2.532	2.560	2.588	2.614	2.640
NGPA Section 109 Threshold	1.786	1.799	1.812	1.825	1.839	1.853	1.867	1.883	1.899	1.915	1.929	1.943
130 percent of No. 2 Fuel Oil in New York City Threshold	7.170	7.260	7.410	7.110	7.390	8.040	7.840	7.380	7.400	7.400	7.450	7.530
Calendar Year 1981												
Incremental Pricing Threshold	1.891	1.908	1.925	1.942	1.954	1.967	1.980	1.990	2.000	2.010		
NGPA Section 102 Threshold	2.667	2.698	2.729	2.761	2.787	2.813	2.840	2.863	2.886	2.909		
NGPA Section 109 Threshold	1.957	1.975	1.993	2.011	2.024	2.037	2.050	2.060	2.070	2.080		
130 percent of No. 2 Fuel Oil in New York City Threshold	7.610	7.960	8.260	9.010	9.510	9.430	9.360	9.260	8.860	8.700		

[FR Doc. 81-28073 Filed 9-25-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 404

(Regulation No. 4)

Federal Old-Age, Survivors, and Disability Insurance Benefits; Payment for Medical Evidence of Record

Correction

In FR Doc. 81-26768 appearing at page 45756 in the issue for Tuesday, September 15, 1981, please make the following correction:

On page 45757, in the third column, the Part 404 heading is incorrect. The heading for Part 404 should have read as follows:

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950—)

BILLING CODE 1505-01-M

20 CFR Part 404

Federal Old-Age, Survivors, and Disability Insurance; Decreased Retroactivity of Benefit Applications

AGENCY: Social Security Administration, HHS.

ACTION: Final rule.

SUMMARY: The Social Security Administration has revised its regulations to implement section 1011 of the Omnibus Reconciliation Act of 1980 (Pub. L. 96-499), which reduces from 12 months to 6 months the maximum retroactivity of applications for Social Security insurance benefits that are not based on the worker's disability or the disability of a widow or widower.

DATE: These amendments are effective with respect to applications filed after February 1981.

FOR FURTHER INFORMATION CONTACT: Cliff Terry, Legal Assistant, Room 3-B-4 Operations Bldg., 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594-7519.

SUPPLEMENTARY INFORMATION:

Statutory Basis

Our prior regulations provided that 12 months was the maximum retroactivity for all applications for Social Security monthly insurance benefits under title II of the Social Security Act (the Act), except special age 72 payments. This was the rule in the Act before enactment of the Omnibus Reconciliation Act of

1980, Pub. L. 96-499, on December 5, 1980. Under section 1011 of Pub. L. 96-499, the maximum retroactivity is 6 months, instead of 12 months, for applications filed after February 1981 for old-age benefits, widow's and widower's benefits not based on disability, wife's, husband's, and child's benefits based on the earnings record of a person not entitled to disability benefits, and mother's, father's, and parent's benefits.

The Revised Regulations

These revisions change our regulations to reflect the Act as amended. The change means that where people do not apply for the affected types of benefits until after the first month for which they could have been entitled, they will receive them for no more than 6 months before the month they apply, even if they could have been entitled for more than 6 months.

The applications that still have a maximum retroactivity of 12 months are those for worker's disability benefits, widow's and widower's benefits based on disability, and wife's, husband's, and child's benefits based on the earnings record of a worker entitled to disability benefits.

Like the prior regulations and in accordance with the Act, the revised regulations, with certain exceptions, preclude retroactivity for applications for old-age, wife's, husband's, widow's and widower's benefits that would be reduced because of the applicant's age.

Regulatory Procedural Requirements

We are publishing these regulations as a final rule without prior Notice of Proposed Rule Making and opportunity for public comment because we believe that notice and comment are "unnecessary" within the meaning of 5 U.S.C. 553(b)(3). Notice and comment are unnecessary because Section 1011 of Pub. L. 96-499 mandates the substance of the revision of the regulations.

These regulations have been reviewed under Executive Order 12291 and do not meet any of the criteria for a major regulation. Therefore, a regulatory impact analysis is not required.

These regulations contain no reporting or record-keeping requirements which increase existing paperwork involved in processing applications for Social Security benefits.

(Secs. 202(j)(1), 205, and 1102 of the Social Security Act, as amended; sec. 1011 of Pub. L. 96-499; 49 Stat. 623, 624, and 647, as amended; 94 Stat. 2655; 42 U.S.C. 402(j)(1), 405, and 1302)

(Catalog of Federal Domestic Assistance Program Nos. 13.803, Social Security—

Retirement Insurance; and 13.805, Social Security—Survivors Insurance)

Dated: August 4, 1981.

John A. Svahn,
Commissioner of Social Security.

Approved: September 8, 1981.

Richard S. Schweiker,
Secretary of Health and Human Services.

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950—)

Subpart G of 20 CFR Part 404 is amended as follows:

1. Section 404.603(b) is revised to read as follows:

§ 404.603 You must file an application to receive benefits.

In addition to meeting other requirements, you must file an application to become entitled to benefits. If you believe you may be entitled to benefits, you should file an application. Filing an application will—

(b) Protect your entitlement to any benefits that may be payable for as many as 6 months or 12 months (depending on the type of benefit, as explained in § 404.621) before the application was filed; and

2. Section 404.621(a)(1) and the material in § 404.621(a)(2) preceding paragraph (a)(2)(i) are revised to read as follows:

§ 404.621 Filing after the first month you meet the requirements for benefits.

(a) *Filing for disability benefits and for old-age, survivors, or dependents' benefits.* (1)(i) If you file an application for disability benefits, widow's or widower's benefits based on disability, or wife's, husband's, or child's benefits based on the earnings record of a person entitled to disability benefits, after the first month you could have been entitled to them, you may receive benefits for up to 12 months immediately before the month in which your application is filed. Your benefits may begin with the first month in this 12-month period in which you meet all the requirements for entitlement. However, entitlement to wife's or husband's benefits under this rule is limited by paragraph (a)(1)(iii) of this section.

(ii) If you file an application for old-age benefits, widow's or widower's benefits not based on disability, wife's, husband's, or child's benefits based on the earnings record of a person not entitled to disability benefits, or mother's, father's, or parent's benefits, after the first month you could have

been entitled to them, you may receive benefits for up to 6 months immediately before the month in which your application is filed. Your benefits may begin with the first month in this 6-month period in which you meet all the requirements for entitlement. However, entitlement to old-age, wife's, husband's, widow's, or widower's benefits under this rule is limited by paragraph (a)(1)(iii) of this section.

(iii) If the effect of the payment of benefits for a month before the month you file would be to reduce your benefits because of your age, you cannot be entitled to old-age, wife's, husband's, widow's, or widower's benefits for any month before the month in which your application is filed, unless you meet one of the conditions in paragraph (a)(2) of this section. (An explanation of the reduction that occurs because of age if you are entitled to these benefits for a month before you reach the retirement age of 65, is in § 404.410.) An example follows that assumes you do not meet any of the conditions in paragraph (a)(2) of this section.

Example: You become 65 years old in April 1981. If you apply for old-age benefits in April, you cannot be entitled to benefits for months in the 6-month period before April because the payment of benefits for any of these months would result in your benefits being reduced for age. If you do not file your application until July 1981, you may be entitled to benefits for the months of April, May, and June 1981 because the payment of benefits for these months would not result in your benefits being reduced for age. You will not, however, receive benefits for the 3 months before April.

(2) The limitation in paragraph (a)(1)(iii) of this section on your entitlement to old-age, wife's, husband's, widow's, or widower's benefits for months before you file an application does not apply if—

3. The material in § 404.622 preceding paragraph (a) is revised to read as follows:

§ 404.622 Limiting an application.

Your application may entitle you to benefits for up to 6 months or 12 months (depending on the type of benefit, as explained in § 404.621) before the month in which it is filed. You may limit the number of months of your entitlement in the 6-month or 12-month period. You may state this choice any time before a decision is made on your claim by indicating, in writing, the month you want your benefits to begin. You may change the first month of entitlement in this 6-month or 12-month period after a

decision has been made on your claim under the following conditions:

[FR Doc. 81-28093 Filed 9-25-81; 8:45 am]
BILLING CODE 4110-07-M

20 CFR Part 416

Supplemental Security Income for the Aged, Blind, and Disabled; Interim Assistance Provisions

AGENCY: Social Security Administration, HHS.

ACTION: Final rule.

SUMMARY: These final regulations reorganize and restate in simpler language our rules on interim assistance provisions under the Supplemental Security Income (SSI) program. Our purpose is to make these rules clearer and easier for the public to use. These rules explain the interim assistance provisions contained in section 1631(g) of the Social Security Act. They permit the Social Security Administration (SSA) to enter into an agreement with a State to repay the State (or a political subdivision of the State) for interim assistance it gives an individual while his or her application for SSI is pending. They permit SSA to withhold an individual's first SSI benefit payment and send it to the State as repayment for interim assistance, upon the individual's written authorization. A policy change being incorporated in these rules will allow the authorization to go into effect not only when SSA receives it, but also (if our agreement with the State allows) when we receive notice from the State that it has received an authorization. These rules also state that we have revised the definition of "SSI benefit payment." The revised definition provides that we will not consider presumptive disability or presumptive blindness payments SSI benefit payments for interim assistance purposes.

EFFECTIVE DATE: These regulations are effective on September 28, 1981.

FOR FURTHER INFORMATION CONTACT: Clara Powell, Legal Assistant, 3-B-4 Operations Building, 6401 Security Boulevard, Baltimore, Md. 21235, phone, (301) 594-7459.

SUPPLEMENTARY INFORMATION: We have rewritten Subpart S of 20 CFR Part 416 to make these rules clearer and easier for the public to use. We published a Notice of Proposed Rulemaking (NPRM) on April 21, 1980 (45 FR 26719), with a 60-day comment period. A number of comments were received and are discussed under the subheading titled Discussion of Comments.

Sections Retitled and Rearranged

We have rearranged the sections in this Subpart S in a more logical sequence. We have retitled and rewritten the sections in clear, plain language. We have added subtitles to highlight important rules and make them easier to find.

Definitions

We have rewritten and expanded the definitions in this subpart. These definitions are in § 416.1902.

Authorizations

The rules in §§ 416.1904-416.1908 explain that a claimant for SSI benefits may authorize SSA to withhold his or her first SSI benefit payment and send it to the State to repay the State for interim assistance it gave the claimant while the SSI application was pending. The rules explain that in order to send the first SSI benefit payment to a State (or a political subdivision of a State), SSA must have an interim assistance agreement with the State. The rules also explain when an individual's authorization goes into effect, how long it remains in effect, and when the State must obtain another authorization.

Interim Assistance Agreements

The rules in § 416.1910 describe the requirements that must be part of an interim assistance agreement between SSA and the State. SSA must agree to repay the State (or a political subdivision of the State) for interim assistance the State gives a claimant who has authorized SSA to withhold SSI benefit payments. The State must agree to pay any excess repayment to the SSI beneficiary (or to SSA if the State cannot pay the beneficiary). The State must agree: (1) to notify the SSI beneficiary about the amount of interim assistance SSA repaid, and about any excess amount due the beneficiary; and (2) to give the beneficiary an opportunity for a hearing if he or she disagrees with the State's actions regarding repayment of interim assistance. SSA and the State must agree to the length of time the agreement will be in effect. The State must agree to comply with any other regulations that SSA finds necessary to administer the interim assistance provisions.

Appeals

The rules in §§ 416.1920-416.1922 describe the SSI beneficiary's appeal rights in the State and in SSA.

Discussion of Comments

As previously indicated, we received a number of comments on the NPRM

published on April 21, 1980 (45 FR 26719). A summary of the comments and our responses follow:

Definitions (§ 416.1902)

1. *Comment:* One commenter states the definition of interim assistance should only permit a State or locality to compute the interim assistance provided from the date of the applicant's signed authorization. Such a policy would assure that retroactive reimbursement would not occur and would provide an incentive for the State to act promptly to obtain authorizations if indeed it desired reimbursement.

Response: Section 1631(g) of the Social Security Act (Act) provides that, upon written authorization by an individual, we will reimburse the State for interim assistance it has provided for the period from the first month of eligibility on an SSI application. There is no provision in the law that prevents reimbursement to a State for interim assistance furnished during the period beginning with the first month of eligibility for SSI benefits that is before the date of the authorization.

2. *Comment:* Two commenters stated the definition of interim assistance fails to address the computation of the amount of interim assistance. An example of a computation situation involves a person applying for SSI benefits who is in the interim receiving general assistance for himself and his spouse. One of the commenters believes that when the person becomes eligible for SSI, only that part of the general assistance grant that the wife would not have received had SSI benefits been paid the husband all along should be considered interim assistance. Therefore, SSA should clearly mandate that only that part of the general assistance can be considered interim assistance subject to the reimbursement agreement.

Response: Methods for determining the computation of general assistance (or any other interim assistance payment) amounts are established by the State (or a political subdivision of the State). Such payments are totally funded by the State (or a political subdivision of the State). We have no authority to mandate the computation method used to pay locally-funded assistance by the various agencies in the 31 States with interim assistance reimbursement agreements. Whatever the computation method used, § 416.1902 states that interim assistance means assistance the State gives the SSI applicant. That definition prevents using the SSI reimbursement check to recover assistance provided to another individual. However, we have revised

this section to state specifically that interim assistance does not include assistance to or for any other person.

3. *Comment:* One commenter stated the definition of interim assistance should be changed to include assistance payments financed partly with Federal funds.

Response: Assistance financed in part by Federal funds, such as Aid to Families with Dependent Children (AFDC), does not appear to meet the definition of interim assistance as assistance financed from State or local funds and furnished for meeting basic needs during the period beginning with the month in which the individual filed an application for benefits for which he or she was eligible for such benefits. Reimbursement for AFDC payments would not be consistent with the intent of Congress, in the passage of section 1631(g) of the Act, to encourage new and expanded State (not State and Federally financed) emergency assistance programs. Further, this would result in increased Federal and State administrative costs due to the complications in the treatment and verification of such payments for SSI purposes.

4. *Comment:* A number of commenters stated that our interpretation that a State is entitled to reimbursement for aid granted only during the SSI application process is narrow and unrealistic. They believe section 1631(g) of the Social Security Act does not require such a narrow interpretation. The commenters think our interpretation overlooks the fact that many States provide General Public Assistance (all State funds) to an SSI beneficiary while his or her SSI benefits are temporarily stopped for reasons beyond his or her control. In many such cases, SSI eligibility is reestablished, a beneficiary receives retroactive Federal benefits, but a State provides assistance from its own funds with no hope of reimbursement.

Response: Section 1631(g) of the Act does not allow for States to be reimbursed for assistance payments provided to SSI recipients whose benefits have been temporarily stopped for any reason. Reimbursement, by the language of the statute, is authorized to be made only from benefits determined to be due at the time of the first payment of SSI benefits and is limited to assistance furnished by the State for meeting basic needs during the period beginning with the first month the person is eligible for SSI benefits.

5. *Comment:* One commenter believes that the definition of "interim assistance" is too broad. He believes that, as currently stated, the definition

allows a State to recover from the first SSI benefit payment not only the assistance given by the State to meet "basic needs" as defined in title XVI of the Act, but also to recover the supplementary payment made by the State to which the person is entitled by State law (that is, the payment provided by a State when the State has a higher standard of need than SSI).

The commenter recommends that the definition of "interim assistance" be clarified to include only those payments that are given in place of SSI (the Federal payment), and to exclude those State payments that are made to supplement the SSI standard of need.

Response: Section 1631(g) of the Act provides that a State is entitled to reimbursement from the first SSI check for interim assistance provided to an individual for his or her basic needs during the period beginning with the month in which he or she filed an SSI application and is eligible for SSI benefits. The law does not preclude reimbursement for assistance paid in excess of the SSI benefit amount in a given month. Since the language in these regulations tracks the statute, we do not believe the suggested changes are appropriate. However, we will be evaluating the States' activities to insure that they are in conformance with the statute.

6. *Comment:* One commenter believes that SSA intends to interpret the term "benefits" in section 1631(g)(2) of the Act to mean the first SSI benefits ever made available on behalf of a given individual.

Response: The commenter's assumption is not correct. He limits the SSI benefit from which interim assistance may be reimbursed to a State to the first SSI benefit payment ever made on behalf of a given individual. This is not the correct application. In a situation in which SSI eligibility terminates and is later reestablished based on a new application, the interim assistance payment provisions would apply to interim assistance provided from the date of first eligibility based on the new application.

7. *Comment:* A number of commenters state that the phrase "your first SSI benefit payment" as used in defining "authorization" and SSI benefit payment" needs to be expanded. They believe that, as written, the forwarding of the first presumptive payment would not fulfill SSA's obligation to send the State the first SSI benefit payment. These payments are made to applicants who are presumed to be disabled or presumed to be blind until an initial determination is made.

The commenters believe that payment of the presumptive benefit represents an incomplete initial payment, and that it is clear that Congress intended to repay States and political subdivisions for their aid expenditures during the pending period of application up to the final determination of eligibility.

Response: After reviewing the legislative history of the interim assistance provisions, we would agree that persuasive evidence exists to support a policy which excludes presumptive disability and presumptive blindness payments as the first SSI benefit payment for interim assistance reimbursement purposes. The interim assistance provision by its terms is designed to encourage States to cover SSI applicants with timely assistance during the period while their SSI claim is pending. Since a gap frequently occurs between the completion of presumptive payments and the beginning of regular SSI benefits, it is consistent with the purposes of interim assistance to encourage States to provide assistance during this period. If we narrowly construe presumptive payments as the first payment of SSI benefits, a State might hesitate to provide any interim assistance after completion of presumptive payments on the grounds that it would ultimately be financing these benefits rather than us. Therefore, we have revised the definition of "SSI benefit payment" (§ 416.1902) to state that presumptive disability or presumptive blindness payments are not considered SSI benefit payments for interim assistance purposes.

Authorizations (§§ 416.1904-416.1908)

8. Comment: One commenter states that § 416.1906 requires clarification as to what constitutes "notice" under the proposed policy change regarding the authorization. The commenter on behalf of a government agency says that currently, the State or county is reimbursed for interim assistance payments once SSA receives a signed authorization form from the county; however, the proposed rule mentions a change in policy and is adding the statement "when we receive notice."

Response: As indicated in the preamble to the proposed regulations, this policy change is to permit the use of automated systems and would apply only if provided for in the agreement between us and the State. The present written authorization process remains unchanged. We still require a signed authorization before reimbursement. However, where the automated process is adopted, the State will notify us electronically that it has a signed authorization in its possession. Where

this procedure is used, physical transfer of the signed authorization form to us is not required.

9. Comment: A number of commenters expressed concern that § 416.1906 allows us to give effect to an authorization merely when a State says that it has received such a document. They believe that the States are in a financially adverse position to the recipients regarding interim assistance, and as such, the State's allegations must be considered suspect. They also believe mistakes will be made and the potential for abuse is very great.

Response: We believe the controls incorporated into the process will insure the integrity of the notice of receipt of the authorization. To insure the integrity of this process, we will review on a regular basis a sample of the States interim assistance accounting forms and their corresponding files to confirm the existence of a valid authorization. In addition, we will verify the accuracy of the apportionment of the payment we make to the State and the timeliness of payment of any excess to the beneficiary. If problems arise, we will take appropriate corrective action.

10. Comment: One commenter suggests that § 416.1906(a) be expanded to specify that an authorization will remain in effect until we make an SSI benefit payment on the individual's claim based upon a final determination. Also, the commenter suggests that § 416.1906(b) be expanded to specify that the authorization remains in effect until a final determination is made on the appeal, including any court action ordering that SSI or State supplementary payments (SSP) be awarded.

Response: The law and these regulations stipulate that reimbursement is made out of the first payment of benefits. Only a first payment of benefits, not a final determination, is required for reimbursement. There can be only one first payment and the effective life of the authorization ends with that payment.

With respect to the second point, a final determination on a claim is the decision that is no longer subject to appeal. If a determination is appealed, the final determination is the one resulting from the last level of appeal, administrative or judicial, rendered on a claim. Therefore, inclusion of "including any court action" is not necessary.

11. Comment: One commenter asks if § 416.1908 implies that SSA will voluntarily seek an authorization directly from an individual reapplicant for SSI? He believes that would appear to be the responsibility of the State or locality.

Response: We do not seek authorizations from individuals who reapply for SSI benefits. The authorization is an agreement between the individual and the State and is obtained by the State. Therefore, to avoid confusion, the last sentence of § 416.1908 is being clarified to read "If you reapply for SSI benefits or the authorization has expired, the State must obtain a new authorization from you in order for us to repay the State for interim assistance it gives you."

Interim Assistance Provisions (§ 416.1910)

12. Comment: One commenter suggests that § 416.1910(a) be expanded to specify that repayment to the State takes priority over any underpayments due or lien/obligations resulting from legal representation in court resulting in approval of SSI/SSP.

The commenter also believes a provision should be inserted in § 416.1910 stating that SSA shall reimburse the State whenever an initial SSI/SSP payment is misdirected to the recipient and there is an authorization on file.

Response: Adding the suggested language is unnecessary since section 1631(d)(1) of the Act prohibits moneys paid or payable under the SSI program from being subject to execution, levy, attachment, garnishment, or other legal process.

With respect to the second point, section 1631(g) of the Act only provides authority for us to reimburse a State agency for interim assistance from those benefits due the individual at the time we make the first payment of benefits. There is no authority for us to withhold any other benefits due the beneficiary to reimburse a State agency for interim assistance after the first payment is made.

13. Comment: One commenter suggests that § 416.1910(b)(1) be changed to read "Pay the excess amount to you no later than 10 working days from the date the correct political subdivision receives the repayment, if the repayment was misdirected by SSA."

Response: Modification of § 416.1910 as the commenter suggests is unnecessary. The 10 working days for repayment do not start until receipt of the SSI check by the State or political subdivision designated for the reimbursement for interim assistance. In States with local administration of interim assistance, receipt would not occur until the political subdivision designated in the agreement between us and the State receives payment. A

misdirected check does not constitute receipt.

14. *Comment:* One commenter urges SSA to enforce the 10-day requirement reflected in § 416.1910(b). The commenter recommends that where States do not comply the interim assistance agreement with the State be terminated.

Response: We are working with the States on an ongoing basis in an attempt to improve the time required by us and the State agencies in processing interim assistance reimbursement. Termination of the interim assistance agreement would be a disincentive for a State to provide interim assistance and would ultimately work to the disadvantage of an individual seeking interim assistance.

15. *Comment:* One commenter states that, while § 416.1910(c)(2) fairly clearly directs a State to give proper notice to an individual even when no refund is due, proposed § 416.1910(b) implies that notice may be necessary only if a refund is in fact due the individual. He says the language in proposed § 416.1910(c)(2) should therefore be strengthened.

Response: Section 416.1910(c)(1) explicitly provides for notice by the State to the individual in all cases where we make reimbursement to a State. Section 416.1910(c) is not modified by § 416.1910(b). Also, as discussed in Comment 19, we send a notice to the individual about the payment made to the State.

16. *Comment:* One commenter recommended that SSA include in the regulations a statement indicating that where a State says it is unable to locate a recipient and refunds the excess amount to SSA, SSA will forward the funds to the recipient. The commenter believes that by including this statement, recipients will be informed that they do not forfeit their right to their SSI benefits when the State cannot locate them.

Response: We believe that the commenter's recommendation is a good one. In § 416.1910(b)(2) we are adding a phrase to indicate that the State will refund the excess amount to us for handling under the rules in Subpart E of this Part if the State cannot make payment to the individual. Subpart E explains how we handle benefit payments and overpayments and underpayments of benefits.

17. *Comment:* Two commenters state that § 416.1910(b)(2) is vague and asks that the following questions be addressed: Under what circumstances would the State not be able to pay the individual? Within what time must the State pay the excess to SSA? What is SSA going to do with it?

Response: Section 416.1910(b)(2) is being clarified by addition of the following: "For example, you die or you move and the State cannot locate you."

We have not imposed a time frame for the States to return any excess amount to us because we want to give the State every opportunity to locate and pay individuals entitled to an excess amount.

Our disposition of excess payments returned by the State is handled under the rules in Subpart E of this Part.

18. *Comment:* A number of commenters suggest that § 416.1910(c)(2) should require the State to specify the calculations it used to arrive at the excess or zero amount due the beneficiary, and that the best way to do this would be a month by month listing of interim assistance received. The commenters believe this approach would assure that the amounts are correct and that an individual could properly determine the accuracy of the calculations. The commenters believe this approach would assure that excessive numbers of hearings are not requested under § 416.1920.

Response: We believe this comment has merit. Nevertheless, before we could adopt this suggestion, further study is required. If our study indicates that a monthly breakdown of the interim assistance paid by the State to the individual is feasible and should be included in the individual's notice, we will initiate action to implement the suggestion.

In that event we will give the public, and particularly the States, advance notice of our reasons for proposing this change and provide an opportunity for public comment.

19. *Comment:* A number of commenters suggest that the same specified computations discussed in Comment 18 should be done by SSA when sending the retroactive SSI check to the State, and such information should be passed on by the State to the individual. The commenters believe this approach would also assure that excessive numbers of hearings are not requested under § 416.1922.

Response: At the time we send the first SSI benefit payment to the State for the interim assistance provided the individual we do not have a monthly breakdown of the interim assistance paid. Therefore, in the award notice we send the individual, we tell him or her the amount of the first SSI benefit payment we are sending to the State and the period of time covered by the SSI benefit payment. We also explain that if the State paid the individual less than the amount we sent the State, the State will send him or her the difference.

In addition, the notice provides the name of the State agency to whom we sent the payment and indicates that the individual should contact the State agency if he or she does not receive the excess amount due. We also include the individual's appeal rights in SSA in the notice.

20. *Comment:* One commenter states that SSA should require that the States make a good faith effort to locate the recipient, including contacting SSA for a current address.

Response: While no precise data are available, we do not believe that in the overwhelming majority of interim assistance cases the States have any difficulty in locating and paying the excess amount due an individual. In those few situations where the State cannot pay the excess amount due, our experience has been that the State makes every reasonable effort to locate and pay the individual the excess amount due. Also, if the individual has not received the excess amount due, he or she usually will contact the State agency since our award notice instructs the individual to do so if he or she does not receive the excess amount.

In addition, all States have access to SSI payment data, including current address, through the State Data Exchange file, making it unnecessary for the State to contact us for a current address.

21. *Comment:* One commenter feels that § 416.1910(e) could be omitted, because it is unlikely that a State would enter into an agreement to follow any regulation issued by SSA. He says that if the regulation is invalid, the State must be given the opportunity to challenge it. On the other hand, if the regulation is valid, a State-Federal agreement is not needed for the State to follow it.

Response: Section 416.1910 describes the provisions which must be part of the interim assistance agreement between us and the State. Section 416.1910(e) reflects section 1631(g)(4)(B) of the Act, and thus is statutorily required to be part of the agreement.

Hearings (§§ 416.1920-416.1922)

22. *Comment:* One commenter points out that a State is sometimes unclear as to what kind of hearing it will afford individuals dissatisfied with the amount of interim assistance that is recovered out of the initial SSI check. The commenter suggests that we make clear that those hearings be governed by the rules in 45 CFR 205.10. In addition, the regulations should make clear that the hearing examiner can order the return of money wrongfully withheld by the State.

Response: As provided in section 1631(g)(4)(B) of the Act our interim assistance agreement with the State requires that States provide a hearing for any individual who disagrees with the State's action regarding repayment of interim assistance. The rules in 45 CFR 205.10 govern State plan requirements. They are not applicable to interim assistance. However, as a part of our ongoing review of the interim assistance program, we will be evaluating States' hearing procedures to determine if they are consistent with the intent of the statute and whether any additional Federal requirements are necessary.

Extension of Interim Assistance Reimbursement

23. **Comment:** One commenter asks that we include a process by which SSA, a State, and an SSI recipient can enter into an agreement to ensure a continuing payment for eligible individuals who, because of an address change or for other reasons, experience a temporary interruption of benefits. This will enable a State to support SSI recipients during a period of need and be assured of reimbursement for the covered period while the change is being processed.

Response: As indicated in our response to Comment 4, there is no provision in the Act for States to be reimbursed for assistance provided to SSI recipients whose benefits have been temporarily stopped for any reason.

Differences Between Current Regulations, the NPRM, and Final Regulations

We have made several policy and clarifying changes in these final regulations from the current regulations and from the proposed rules published in the *Federal Register* on April 21, 1980, at 45 FR 26719. A summary of these changes follow.

1. As a result of public comments, we are adding a sentence to the definition of "interim assistance" in § 416.1902 to specify that interim assistance does not include assistance the State gives to or for any other person.

2. As a result of public comments, we have revised the proposed definition of "SSI benefit payment" (§ 416.1902). The revised definition provides that presumptive disability or presumptive blindness payments are not considered SSI benefit payments for interim assistance purposes.

3. As proposed in the NPRM, and as incorporated into these final regulations, § 416.1906 will make an authorization effective when SSA receives it, or (if our agreement with the State allows) when SSA receives notice from the State that

it has received an authorization. This change improves administrative efficiency by permitting full use of automated systems. The same section also makes explicit that the State and an individual may agree to terminate an authorization.

4. We are revising § 416.1906(b) by deleting the word "denying" and inserting the word "on". This change will provide a means of ending the effective period of the authorization when an SSI claim is withdrawn.

5. In § 416.1906 we are also adding a new paragraph (d). The new paragraph (d) provides that an authorization remains in effect until the date, if any, specified in the authorization. We are adding this paragraph because under the automated processing of authorizations policy, authorizations will be effective only for a limited period.

6. As a result of public comments, we are changing the last sentence in § 416.1908 to make it clear that if an individual reapplies for SSI benefits or the authorization has expired, the State must obtain a new authorization in order for us to repay the State for interim assistance it gives the individual.

7. Also as a result of public comments, we are adding a cross reference to § 416.1910(b)(2) to indicate that the State will refund the excess amount to us for handling under the rules in Subpart E of this Part if the State cannot make payment to the individual. In addition, we are adding examples to indicate some instances when the State may not be able to pay the excess amount to an individual.

We have determined that these regulations do not meet the criteria specified in Executive Order 12291 for major regulations. Therefore, a regulatory impact analysis is not required. In addition, we certify that these regulations will not have a significant economic impact on a substantial number of small entities because the interim assistance provisions affect individuals and States only. Therefore, a regulatory flexibility analysis as provided in Pub. L. 96-354, the Regulatory Flexibility Act of 1980, is not required.

There are no reporting or recordkeeping requirements requiring OMB clearance.

Accordingly, these regulations with changes are adopted as set forth below.

(Catalog of Federal Domestic Assistance Program No. 13.007, Supplemental Security Income program)

Dated: August 6, 1981.

John A. Svahn,
Commissioner of Social Security.

Approved: September 8, 1981.
Richard S. Schweiker,
Secretary of Health and Human Services.

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Subpart S of Part 416, Chapter III of Title 20 of the Code of Federal Regulations, is revised to read as follows:

Subpart S—Interim Assistance Provisions

Introduction

Sec.

416.1901 Scope of Subpart S.

416.1902 Definitions.

Authorizations

416.1904 Authorization to withhold SSI benefits.

416.1906 When your authorization is in effect.

416.1908 When we need another authorization.

Interim Assistance Agreements

416.1910 Requirements for interim assistance agreements.

Appeals

416.1920 Your appeal rights in the State.

416.1922 Your appeal rights in SSA.

Authority: Secs. 1102 and 1631 of the Social Security Act as amended; 49 Stat. 647 as amended; 88 Stat. 1475 as amended; (42 U.S.C. 1302 and 1383).

Subpart S—Interim Assistance Provisions

Introduction

§ 416.1901 Scope of Subpart S.

(a) **General.** This subpart explains that we may withhold your SSI benefit payments and send them to the State (or a political subdivision of the State) as repayment for any interim assistance it gives you while your application for SSI is pending. Before we will do this, the State must have entered into an interim assistance agreement with us, and you must have given written authorization for us to repay the State (or a political subdivision of the State).

(b) **Organization of this subpart.** We have organized this subpart as follows:

(1) **Definitions.** Section 416.1902 contains definitions of terms used in this subpart.

(2) **Authorizations.** Sections 416.1904—416.1908 give the rules that apply to your written authorization.

(3) **Interim assistance agreements.** Section 416.1910 gives the requirements for interim assistance agreements between us and the State.

(4) *Appeals.* Sections 416.1920—416.1922 describe your appeal rights in the State and in SSA.

§ 416.1902 Definitions.

For purposes of this subpart—

"Authorization" means your written permission (in a form acceptable to us and legally acceptable to the State from which you received interim assistance) for us to withhold your first SSI benefit payment and send it to the State.

"Interim assistance" means assistance the State gives you (including payments made on your behalf to providers of goods or services) to meet your basic needs, starting with the month you apply for SSI benefits and are eligible for them, and ending with (and including) the month your SSI benefit payments begin. It does not include assistance the State gives to or for any other person. If the State has prepared and cannot stop delivery of its last assistance payment to you when it receives your SSI benefit payment from us, that assistance payment is included as interim assistance to be reimbursed. Interim assistance does not include assistance payments financed wholly or partly with Federal funds.

"SSI benefit payment" means your Federal benefit, and any State supplementary payment made by us to you on behalf of a State (see Subpart T of this part), which is due you at the time we make the first payment of benefits. Advance payment (as defined in § 416.520) and payment based upon presumptive disability or presumptive blindness (as defined in § 416.931) are not considered SSI benefit payments for interim assistance purposes.

"State" for purposes of an interim assistance agreement, means a State of the United States, the District of Columbia, or the Northern Mariana Islands. For all other purposes (for example, payment, appeals, notices) *"State"* also means a political subdivision of any of these.

"We," "Us," or "Our" means the Social Security Administration.

"You" or "Your" means someone who has applied for or is already receiving SSI benefits.

Authorizations

§ 416.1904 Authorization to withhold SSI benefits.

We may withhold your SSI benefit payment and send it to the State to repay the State for the interim assistance it gave to you, if—

(a) We have an interim assistance agreement with the State at the time your authorization goes into effect; and

(b) Your authorization is in effect at the time we make the SSI benefit payment.

§ 416.1906 When your authorization is in effect.

Your authorization for us to withhold your SSI benefit payment, to repay the State for interim assistance the State gives you, is effective when we receive it, or (if our agreement with the State allows) when we receive notice from the State that it has received your authorization. It remains in effect until—

(a) We make an SSI benefit payment on your claim;

(b) We make a final determination on your claim (if your SSI claim is denied, the denial is the final determination, unless you file a timely appeal as described in Subpart N of this part);

(c) You and the State agree to terminate your authorization; or

(d) If earlier than the event in paragraphs (a), (b), or (c) of this section, the date (if any) specified in your authorization.

§ 416.1908 When we need another authorization.

Once an event described in § 416.1906 occurs, your authorization is no longer effective. If you reapply for SSI benefits, or the authorization has expired, the State must obtain a new authorization from you in order for us to repay the State for interim assistance it gives you.

Interim Assistance Agreements

§ 416.1910 Requirements for interim assistance agreement.

An interim assistance agreement must be in effect between us and the State if we are to repay the State for interim assistance. The following requirements must be part of the agreement:

(a) *SSA to repay the State.* We must agree to repay the State for interim assistance it gives you. Repayment to the State takes priority over any underpayments due you (see §§ 416.525 and 416.542).

(b) *State to pay any excess repayment to you.* The State must agree that, if we repay it an amount greater than the amount of interim assistance it gave to you, the State will—

(1) Pay the excess amount to you no later than 10 working days from the date the State receives repayment from us; or

(2) Refund the excess amount to us for disposition under the rules in Subpart E of this part on payment of benefits if the State cannot pay it to you (for example, you die or you move and the State cannot locate you).

(c) *State to notify you.* The State must agree to give you written notice explaining—

(1) How much we have repaid the State for interim assistance it gave you;

(2) The excess amount, if any, due you; and

(3) That it will give you an opportunity for a hearing if you disagree with State's actions regarding repayment of interim assistance.

(d) *Duration of the agreement.* We and the State must agree to the length of time that the agreement will remain in effect.

(e) *State to comply with other regulations.* The State must agree to comply with any other regulations that we find necessary to administer the interim assistance provisions.

Appeals

§ 416.1920 Your appeal rights in the State.

Under its interim assistance agreement with us, the State must agree to give you an opportunity for a hearing if you disagree with the State's actions regarding repayment of interim assistance. For example, you are entitled to a hearing by the State if you disagree with the State regarding the amount of the repayment the State keeps or the amount of any excess the State pays to you. You are not entitled to a Federal hearing on the State's actions regarding repayment of interim assistance.

§ 416.1922 Your appeal rights in SSA.

If you disagree with the total amount of money we have withheld and sent to the State for the interim assistance it gave to you, you have a right to appeal to us, as described in Subpart N of this part.

[FR Doc. 81-28086 Filed 9-25-81; 8:45 am]

BILLING CODE 4110-07-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-1-FRL 1928-8]

Approval and Promulgation of Implementation Plans: Massachusetts

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving Massachusetts' revisions to its State Implementation Plan (SIP) submitted on July 9, 1981, and on July 30, 1981. The effect of these revisions is to meet the requirements of Part D and certain other sections of the Clean Air Act, as amended, for making a commitment to

public transportation in the Boston urban region.

EFFECTIVE DATE: September 28, 1981.

FOR FURTHER INFORMATION CONTACT: Susan Hager, Air Branch, EPA Region I, Room 1903, J. F. Kennedy Federal Building, Boston, Massachusetts 02203, (617) 223-5830.

ADDRESSES: Copies of the Massachusetts submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; the Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, DC; and the Division of Air Quality Control, Department of Environmental Quality Engineering, 8th floor, One Winter Street, Boston, Massachusetts 02110.

SUPPLEMENTARY INFORMATION: On June 1, 1981 (46 FR 20289) EPA proposed approval of revisions to the Massachusetts SIP as meeting the requirements of Part D and certain other sections of the Clean Air Act, as amended, for making a commitment to public transportation in the Boston urban region. The revisions and EPA's reasons for approving them are explained in the Notice of Proposed Rulemaking (NPR), cited above, and will not be repeated here.

In the interest of shortening the federal review period, EPA proposed approval concurrently with the state's procedures for adopting SIP revisions, and thus before final state action and submittal of the revisions to EPA. EPA refers to this new procedure as "parallel processing". EPA stated in the NPR its intention to approve these revisions if they were not substantially changed by the State. The proposed revisions were not altered during the public review period and the State submitted the final revisions on July 9, 1981 and July 30, 1981 for EPA approval. EPA is issuing this final rulemaking on the submittals. This is the first final approval by EPA using the new parallel processing method. This approach has reduced the time for final federal approval by approximately four months in this case.

Although the DEQE made no changes to the proposed revisions during the comment period, their decision memorandum addressing the issue of whether the State should adopt the amendments did include clarification of a portion of the commitment to public transportation. The SIP revisions state that consideration will be given to environmental impacts before public

transportation fares can be increased but does not describe specifically the analysis required. In an Appendix to DEQE's decision memorandum, DEQE has provided more detail on the information and notification it would need to evaluate air quality impacts of such changes. The procedures are not part of the Massachusetts SIP. Rather, they represent current DEQE policy on the information and procedures to be used for assessing impacts of any change to Boston's public transportation service or fare structure.

No public comments have been received on the Notice of Proposed Rulemaking. As stated in the NPR, the material submitted shows that no increase in hydrocarbon emissions occurred because of the increase in public transportation fares. The demonstration of RFP for the Boston region submitted on September 19, 1979 therefore, does not need to be revised and EPA is now taking final action to approve it. The actions taken in this final rulemaking remove the new source growth sanctions under 110(a)(2)(I) of the Act in effect in the Boston urban area.

ACTION: EPA is approving:

1. The Boston region's commitments to public transportation. These commitments are presented in revisions to the Massachusetts SIP submitted to EPA on December 31, 1978, May 16, 1979, September 19, 1979, July 9, 1981, and July 30, 1981.

2. The demonstration of RFP toward attainment of ozone standards in the Boston urban area as presented in the September 19, 1979 revisions to the Massachusetts SIP.

3. The Massachusetts Turnpike Carpool Incentive Program; Insurance Discounts for Transit Passholders and Caravan Vanpoolers; and the Percentage State Gasoline Tax as described in revisions to the Boston portion of the Massachusetts SIP submitted on July 30, 1981.

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

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

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

review as required by Executive Order 12291.

After evaluation of the State's submittal, the Administrator has determined that the Massachusetts revisions meets the requirements of the Clean Air Act and 40 CFR Part 51. Accordingly, these revisions are approved as revisions to the Massachusetts State Implementation Plan.

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

(Section 110(a) and section 301(a) of the Clean Air Act, as amended (42 U.S.C. 7401(a) and 7601(a))

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

Dated: September 21, 1981.

Anne M. Gorsuch,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart W—Massachusetts

1. Section 52.1120, paragraph (c)(39) is amended by adding as follows:

52.1120 Identification of plan

(c) * * *

(39) Revisions to meet the requirements of Part D and certain other sections of the Clean Air Act, as amended, for making a commitment to public transportation in the Boston urban region which were submitted on July 9, 1981 and on July 30, 1981.

[FR Doc. 81-20066 Filed 9-25-81; 8:45 am]

BILLING CODE 6560-39-M

40 CFR Part 52

[A-9-FRL-1927-4]

California Rule Revisions for Two Air Pollution Control Districts

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) takes final action to approve revisions to rules of the South Coast Air Quality Management District and the San Diego County Air Pollution Control District and to incorporate them into the California State Implementation Plan (SIP). The intended effect of this action is to update rules and to correct certain deficiencies in the SIP as required by the Clean Air Act.

EFFECTIVE DATE: October 28, 1981.

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

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

SUPPLEMENTARY INFORMATION: From May 7, 1979 through November 3, 1980, the California Air Resources Board submitted to EPA revisions to the rules of the two Districts for inclusion in the California SIP. Revised rules which are being acted upon by this notice include the following subjects:

In-stack Monitoring, Permits, Visible Emissions, Sulfur Content of Fuels, Asphalt, Appearances, Service and Filing, Documents, Continuances, Requests for Continuances or Time Extensions, Hearing, Presiding Officer, Ex Parte Communications, Evidence, Procedures, Cross-examination, Oral Argument, Briefs, Motions, Decisions, Particulate, Usage of Solvent, Assistance to Small Business, Petitions, Variances, Coating, Organic Compounds, Episodes, Nitrogen Oxides, Abrasive Blasting, Fees, General, Definitions, Traffic Abatement, Interdistrict Coordination, Source Inspections, Petroleum Coke Calcining Operations—Oxides of Sulfur, Radio Communication, Petroleum Solvent Dry Cleaners, Orchard or Citrus Grove Heaters, Organic Solvents, Malfunction, Title, Applications, and Sampling and Testing Facilities.

A list of the rules being considered by this action can be found in the notice of proposed rulemaking published on May 12, 1981 (46 FR 28353). As described in that notice, the rules were evaluated and found consistent with Clean Air Act requirements. Public comments were invited on the proposed rulemaking. No comments were received.

It is the purpose of this notice to take final action on the rule revisions as described in the May 12, 1981 notice.

Thus, all rules proposed for approval in the notice are approved in this final notice and incorporated into the California SIP under Section 110 of the Clean Air Act.

The California Air Resources Board has certified that the public hearing requirements of 40 CFR 51.4 have been satisfied.

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

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirements of a Regulatory Impact Analysis. The miscellaneous SIP approvals announced today are not major because they approve state actions. They impose no new regulatory requirements.

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

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

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

Dated: September 21, 1981.

Anne M. Gorsuch,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart F—California

In § 52.220, paragraphs (c)(50)(x), (51)(vii)(B), (58)(ii)(B), (65), (67)(i)(B), (69)(ii), (70)(i)(C) and (ii), (79)(iv) and (v), (87)(ii), (88)(iii), and (96) are added as follows:

§ 52.220 Identification of plan.

(c) * * *
(50) * * *
(x) San Diego County APCD.
(A) New or amended Rule 10(h) and deletion of Rule 43.

(51) * * *
(vii) * * *
(B) New or amended rules 19.2(d)(4), 50, 62(a), 66(P) and (W), 95, and 96.

(58) * * *

(ii) * * *

(B) New or amended Rules 404, 442, 501.1, 502, 504.1(b), (c), and (d), and 1124.

(65) The following amendments to the plan were submitted on July 25, 1979, by the Governor's designee.

(i) The *South Coast Air Basin Control Strategy* (Chapter 18 of the Comprehensive Revision to the State of California Implementation Plan for the Attainment and Maintenance of Ambient Air Quality Standards). Those portions of the *South Coast Air Basin Control Strategy* identified by Table 18-1, "Location of Plan Elements Which Meet Clean Air Act Requirements," together with Rules 1115 and 1126, comprise the submitted nonattainment area plan control strategy. The remaining portions are for informational purposes only.

(ii) New or amended Rules 218, 431, 431.1-431.3, 1120, 1206-1208, 1212, 1213, 1215, 1216, 1218, 1219, 1222, and 1225-1230.

(67) * * *

(i) * * *

(B) New or amended Rules 107, 709(c), 1111, 1121 and 1140.

(69) * * *

(ii) New or amended Rules 301, 405, 431.2(c)(5), 701, 702 (a), (d), (e), (f), (h) and (i), 703-706, 708.3(a), (b)(8)-(b)(10), 708.4(g) and (h), 709(a), 710(a) and (b)(4), 711(a)(1), (a)(4), (b)(1) and (b)(4), and 713-715.

(70) * * *

(i) * * *

(C) New or amended rules 702(b), 707, 708, 708.3 (a)(2) and (c), 708.4 (a) and (b), 709(e), 710 (b)(1)(D), (b)(2)(D), (b)(3)(B), and (c)(3)(B), 711 (a)(1)(E), (a)(2)(D), (a)(3)(B), (a)(4)(F), (b)(3)(B), and (b)(4)(f), and 1102.

(ii) San Diego County APCD.

(A) New or amended rules 2 (z) and (aa), 40, and 10 (f) and (i).

(79) * * *

(iv) South Coast AQMD.

(A) Deletion of Rule 471.

(v) San Diego County APCD.

(A) New or amended rules 1, 2 (a), (b), (t), (v), (u), (x), and (y), 14, 17, 67.0, and 67.1.

(87) * * *

(ii) San Diego County APCD.

(A) New or amended rule 19.

(88) * * *

(iii) South Coast AQMD.

(A) New or amended rule 1119.

(96) Revised regulations for the following APCDs submitted on November 3, 1980, by the Governor's designee.

(i) South Coast AQMD.

(A) New or amended rule 1113.

[FR Doc. 81-29054 Filed 9-25-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 81

[A-2-FRL-1904-3]

Designation of Areas for Air Quality Planning Purposes; Attainment Status Designations for New York State

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces Environmental Protection Agency approval of a request from New York State to revise the attainment status designation to "better than national standards" for carbon monoxide and particulate matter in certain areas of upstate New York. This action will be effective on November 27, 1981 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

EFFECTIVE DATE: This action is effective on November 27, 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, as amended in August 1977, 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 and promulgated them on March 3, 1978 (43 FR 8962). Subsequently, on January 25, 1979 (44 FR 5119), revisions to the designations for the States administered by the Region II Office of EPA (New York, New Jersey, the Commonwealth of Puerto Rico and the U.S. Virgin Islands) were promulgated. Additional 107(d) redesignations for New York State were promulgated on December 7, 1979 (44 FR 70466), January 27, 1981 (46 FR 8495) and on March 3, 1981 (46 FR 14892).

Section 107(d) designations may be revised from time to time at the request of a State and, on May 14, 1981, the New York State Department of Environmental Conservation identified the following portions of Air Quality Control Regions (AQCRs) in upstate New York for redesignation to "better than national standards":

- Niagara Frontier AQCR. Those portions of the City of Buffalo and towns of Cheektowaga and Amherst presently designated as nonattainment for the primary carbon monoxide standards.

- Genesee-Finger Lakes AQCR. That portion of Monroe County presently designated as nonattainment for the primary carbon monoxide standards.

- Hudson Valley AQCR. The cities of Troy and Watervliet and that portion of the city of Albany presently designated as nonattainment for the primary carbon monoxide standards.

- Southern Tier West AQCR. The City of Jamestown presently designated as nonattainment for the particulate matter secondary standard.

The State bases its carbon monoxide redesignation requests on the results of an "Upstate Carbon Monoxide Hot Spot Study" which indicates attainment of the standard for the areas mentioned. The Jamestown redesignation is based upon two years of data showing attainment of the secondary particulate matter standard, and an air quality modeling demonstration contained in the 1979 State Implementation Plan revision for the Jamestown area, which demonstrated attainment by 1980.

Based on EPA's review of the technical materials submitted by the State in support of its request, EPA is approving the redesignations as requested. With regard to the particulate matter redesignation in the City of Jamestown, eight calendar quarters of air quality data were supplied indicating no contraventions of any air quality standards. With regard to the carbon monoxide redesignations in the Niagara Frontier, Genesee-Finger Lakes and

Hudson Valley AQCRs, ambient monitoring was conducted for three months at twelve sites during the winter season when carbon monoxide levels can be expected to be at a seasonal peak. A review of this data, as well as data collected from existing State operated continuous monitors in the vicinity, indicates no contravention of the one-hour or eight-hour standard in the areas for which redesignations are requested.

This notice is issued as required by Section 107 of the Clean Air Act, as amended. The Administrator's decision regarding approval of this proposed plan revision was based on its meeting the requirements of Sections 107 and 301 of the Clean Air Act and Part 81 of the Code of Federal Regulations (CFR). This current redesignation request was submitted to EPA in accordance with Sections 107 and 301 of the Clean Air Act and with the appropriate requirements at Part 81 of the CFR.

EPA is approving this redesignation request without prior proposal because it is viewed as noncontroversial and no adverse comments are anticipated. The public should be advised that this action will be effective 60 days from the date of this Federal Register notice. 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 the other will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

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

Pursuant to the provision 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 attached rule constitutes attainment status redesignations 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, 301 of the Clean Air Act, as amended (42 U.S.C. 7407, 7601))

Dated: September 21, 1981.

Anne M. Gorsuch,
Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Title 40, Chapter 1, Subchapter C, Part 81, Code of Federal Regulations, is amended as follows:

Subpart C—Section 107 Attainment Status Designations

1. Section 81.333 is amended by revising the attainment status designation tables for carbon monoxide and particulate matter as follows:

§ 81.333 New York.

New York State—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Southern Tier West AQCR				

New York State—CO

Designated areas	Does not meet primary standards	Cannot be classified or better than national standards
Niagara Frontier AQCR		
Genesee-Finger Lakes AQCR		
Hudson Valley AQCR:		
The Town of Waterford		
The Town of Colonie (inside an area bounded by Sand Creek Road, Wolf Road, Railroad Ave., and Fuller Road).		
The City of Schenectady		
Remainder of AQCR		

¹ EPA designation replaces state designation.

[FR Doc. 81-28049 Filed 9-25-81; 8:45 am]
BILLING CODE 6560-38-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA-6145]

Communities With No Special Hazard Areas for the National Flood Insurance Program; Louisiana and Texas

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities would not be inundated by 100-year

flood. Therefore, the Agency is converting the communities listed below to the Regular Program of the National Flood Insurance Program (NFIP) without determining base flood elevations.

EFFECTIVE DATE: Date listed in fourth column of List of Communities with No Special Flood Hazards.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 287-0270, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: In these communities, there is no reason not to

make full limits of coverage available. The entire community is now classified as zone C. In a zone C, insurance coverage is available on a voluntary basis at low actuarial nonsubsidized rates. For example, under the Emergency Program in which your community has been participating the rate for a one-story 1-4 family dwelling is \$.25 per \$100 of coverage. Under the Regular Program, to which your community has been converted, the equivalent rate is \$.01 per \$100 coverage. Contents insurance is also available under the Regular Program at low actuarial rates. For example, when all contents are located on the first floor of a residential structure, the premium rate is \$.05 per \$100 of coverage.

In addition to the less expensive rates, the maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program. For example, a single family residential dwelling now can be insured up to a maximum of \$185,000 coverage for the structure and \$60,000 coverage for contents.

Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program.

The effective date of conversion to the Regular Program would not appear in the Code of Federal Regulations except for the page number of this entry in the Federal Register.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice regarding the completed stage of engineering tasks in delineating the special flood hazard areas of the specified community and imposes no new requirements or regulations on participating communities.

The entry reads as follows:

§ 65.8 List of communities with no special flood hazard areas.

State	County	Community name	Date of conversion to regular program
Louisiana	Rapides	Town of Boyce	July 9, 1981.
Louisiana	Caldwell	Village of Grayson	Do.
Louisiana	Red River	Village of Martin	Do.
Louisiana	Rapides	Village of Forest Hill	July 24, 1981.
Louisiana	Rapides	Village of McHary	Do.
Texas	Fort Bend	Town of Fulshear	July 31, 1981.

State	County	Community name	Date of conversion to regular program
Texas	Fort Bend	Town of Needville	Do.

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

Issued September 11, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-28004 Filed 9-25-81; 8:45 am]

BILLING CODE 6710-03-M

44 CFR Part 300

[Docket No. FEMA—PP-300A]

Disaster Preparedness Assistance

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency (FEMA) is amending its disaster preparedness assistance regulations to add procedures by which financial assistance will be provided to eligible applicants for the development of preparedness plans for severe earthquakes or hurricanes in high-risk, high-population areas. The regulation suggests priorities, discusses funding, and choice of documents.

EFFECTIVE DATE: September 30, 1981.

FOR FURTHER INFORMATION CONTACT: Bud Andress, Preparedness Development Division, State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-3854.

SUPPLEMENTARY INFORMATION: On June 1, 1981, the Acting Associate Director for Plans and Preparedness published in the Federal Register a proposed rule to 44 CFR Part 300—Disaster Preparedness Assistance. That proposed rule amended the existing regulation by adding new § 300.6 to Subchapter E, Part 300 of Chapter I, Title 44. With full implementation of the Earthquake and Hurricane Plans and Preparedness program the proposed rule codified applicable procedures for FY 1981 and subsequent years. Those procedures are now being used in the program, pending publication of the final rule. The proposed rule was open for public comment through July 31, 1981.

Subsequently, the Federal Emergency Management Agency (FEMA) received eight formal comments, three of which did not pertain to the rule. The remaining five contained 15 specific recommended changes, nine of which were incorporated into the final rule.

FEMA was unable to accommodate six recommendations. The majority of the comments concerned the priority of various earthquake and hurricane areas. Comments ranged from: "delete the lists entirely" (which we did not accommodate) to: "add San Diego to the earthquake list and New Jersey, Mississippi Gulf Coast, and Puerto Rico to the hurricane list" (which we did accommodate). One comment recommended we accept grant requests from the highest political authority in the area rather than the Governor. We did not accommodate this comment because it is inconsistent with advice contained elsewhere in this title. The remainder of the comments were suggested rewording, most of which were accommodated.

FEMA itself has revised wording in the final rule. The major changes appear in paragraphs (d) (1), (2), and (3) and the term "loss study" was changed to "vulnerability analysis." The term vulnerability analysis is consistent with the definitions in § 300.2 of this title.

Reference to the "Acting Associate Director for Plans and Preparedness" has been updated to "Associate Director for State and Local Programs and Support in § 300.6.

The rule is not a major rule under provisions of Executive Order 12291 nor will it, if promulgated, have a significant impact on a substantial number of small entities since it deals with States (as defined by the Disaster Relief Act of 1974).

The rule also conforms to the criteria established for categorical exclusion with respect to environmental documents (see Part 10 of this title).

PART 300—DISASTER PREPAREDNESS ASSISTANCE

Accordingly, Subchapter E, Part 300 of Chapter I, Title 44, is amended as follows:

§§ 300.3 and 300.5 [Amended]

1. Change in §§ 300.3(g) and 300.5(h) (3) and (10) the term "Associate

Director, Plans and Preparedness" to "Associate Director, State and Local Programs and Support."

2. Add to the table of contents, "300.6 Earthquake and Hurricane Plans and Preparedness."

3. Add new § 300.6 as follows:

§ 300.6 Earthquake and hurricane plans and preparedness.

(a) The objective of the program is to prepare special or additional plans and develop capabilities, at all levels of government for achieving integrated response to the threat or consequences of severe earthquakes or hurricanes in high-risk, high-population areas, to the extent regular emergency preparedness measures are insufficient for these contingencies.

(b) The program is normally funded by project grants. When appropriate, certain projects may be financed through cooperative agreements or contracts, pursuant to the definitions set forth in 41 CFR 49-1.50.

(c) Funding may cover all or any part of the cost of the project. Normally a vulnerability analysis will be completed, after which appropriate contingency planning will be initiated. The basic information developed by the vulnerability analysis provides the direction and parameters needed by decision makers and operations personnel in their planning. The vulnerability analysis may address such earthquake-related or hurricane-related activities as determination and definition of the hazard area, identification of seismic or storm-surge risks, estimation of casualties and structural damage, and postulated impact on essential operations, population, and resources. Contingency planning efforts may include developing or improving unique, special or extraordinary protective, relief, long-range recovery, and mitigation measures. Consideration will be given to studies or plans for earthquake or hurricane caused catastrophes such as landslides, dam ruptures, flooding, subsidence or hazardous materials releases. Grants for the vulnerability analysis and for contingency planning may be awarded separately or combined.

(d) Grants are awarded on the basis of the best accepted, scientifically credible state-of-the-art threat assessment using population-at-risk, potential loss of life, property damage, and probability for the maximum credible event (earthquakes, hurricanes, or related phenomena). Priority is given to areas, as determined by FEMA, on the basis of the existing data and expert

consultation cited above. Other considerations for award should be inclusion in the work plan of mechanisms for participation by practicing professions, voluntary agencies, academic groups, commercial interests, and the public at large. Further, the affected jurisdiction(s) should provide tangible proof of their interest in undertaking the preparedness effort as evidenced by assignment of resources to the project.

(1) The following earthquake areas are identified: San Francisco, Los Angeles/San Diego, Puget Sound, Salt Lake City, Anchorage, Honolulu, Boston, Charleston (SC), Central United States, Upper New York State, and Puerto Rico (studies or plans for some of which have already been funded).

(2) The following hurricane areas are identified: Corpus Christi, Galveston/Houston, New Orleans, Tampa Bay, Miami/Miami Beach, Savannah, Charleston (SC), Chesapeake Bay, Long Island/New Jersey Barrier Coast, Matagorda (TX), Sabine Lake (TX-LA), Mobile, the Mississippi Gulf Coast, the Florida Keys, Lake Okeechobee, Pamlico Sound, Delaware Bay/Coast, Buzzards Bay/Cape Cod, Puerto Rico, Virgin Islands, Hawaii, Guam, Samoa, and the Trust Territories.

(3) The lists contained in paragraphs (d) (1) and (2) of this section are not all inclusive nor exclusive. They appear as examples and are dynamic. Consideration for these and other areas will be in accordance with the criteria listed in paragraph (d) of this section.

(e) The grant (or a cooperative agreement or contract, if more appropriate) would usually be to a State—as defined by the Disaster Relief Act of 1974—but could be to a combination of substate jurisdictions or an interstate consortium. FEMA may, if it determines appropriate, arrange for a vulnerability analysis to be performed under a procurement contract or an interagency agreement.

(f) Grants are discretionary and thus must be approved by the Director or the Director's designee (the Office of the Comptroller) or, upon delegation of approval authority, by the Regional Director. Unless otherwise stipulated, funding will be managed and projects monitored and reviewed by the cognizant FEMA Regional Office.

(g) A preapplication conference with involvement of affected State agencies, local governments, and the cognizant Regional Office is needed to review and discuss the grant Work Plan in draft. FEMA technical assistance is available for application preparation.

(h) A grant request must be in writing from the Governor or Governor's

authorized representative to the appropriate Regional Director. Unless otherwise indicated herein, application, reimbursement, reporting, and auditing procedures shall follow the same guidelines as set forth in § 300.5 (h) and (i) of these regulations and in other applicable Federal regulations.

(Secs. 201 and 601 of the Disaster Relief Act of 1974)

Dated: September 22, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-28003 Filed 9-25-81; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-251; RM-3700]

FM Broadcast Station in Gurdon, Ark.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 224A to Gurdon, Arkansas, in response to a petition filed by Paul Root. The assignment would provide a first local aural broadcast service to Gurdon.

DATE: Effective November 16, 1981.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Gurdon, Arkansas); Report and order (Proceeding Terminated).

Adopted: September 10, 1981.

Released: September 18, 1981.

By the Acting Chief, Policy and Rules Division:

1. The Commission has under consideration a *Notice of Proposed Rule Making*, 46 FR 23496, published April 27, 1981, proposing the assignment of Channel 228A to Gurdon, Arkansas, as its first FM assignment. The *Notice* was issued in response to a petition filed by Paul Root ("petitioner"). Comments in support of the proposal were filed by the petitioner. Opposing comments were filed by Multimedia Radio, Inc., licensee of FM Station KMBQ, Shreveport,

Louisiana, to which petitioner responded.¹

2. Gurdon (population 2,707),² in Clark County (population 23,326), is located approximately 120 kilometers (75 miles) southwest of Little Rock, Arkansas. It has no local aural broadcast service.

3. In his comments, petitioner restated the information contained in the *Notice* which demonstrated the need for a first FM assignment to Gurdon, and reiterated his intent to apply for the channel, if assigned. Petitioner noted the community's economic and population growth and its commercial and cultural vitality supports the proposal.

4. Multimedia, in opposing comments, restated its earlier opposition to the proposal. It contends that the Commission in BC Docket 80-90, 45 FR 17602, published March 19, 1980, stated that it is in the public interest for Class C stations designed to serve substantial regional areas and populations, to operate with higher power and antenna height. Based on the premise, it filed an application to relocate its transmitter site (File No. 810609 AD), which could provide service to an additional 148,981 persons. Multimedia claims that its proposed transmitter site would, due to shortspacing, preclude Channel 228A at Gurdon even with a site restriction of 1.4 miles north-northeast of the city, as proposed in the *Notice*. Additionally, it states that there is no area in Gurdon, in which a non-short-spaced transmitter could be located and still provide a city-grade signal to all of Gurdon on Channel 228A, however, the alternate proposal to allocate Channel 224A to Gurdon is still available. Multimedia argues that under § 73.208(b)(4) of the Commission's rules, a petition to amend the Table of Assignments, must take into account the proposed coordinates of pending applications, citing the case at *Paterson, New Jersey*, 50 F.C.C. 2d 80, 81 (1974), where an applicant opposing an allocation had filed an application for a site change subsequent to the issuance of a rule-making *Notice*, but prior to action on it, and the application was considered in the Commission's decision. Since this proceeding warrants consideration of its pending application, Multimedia maintains that Channel 224A, rather than 228A, should be allocated to Gurdon.

5. Petitioner in reply comments states that the opposition's proposed

¹ Multimedia filed supplemental comments although the Commission's rules do not provide for filing of responses to reply comments. Since Multimedia provided us with no compelling reasons to consider the pleading, we have not accepted it.

² Population figures are taken from the 1980 U.S. Census.

transmitter relocation was not mentioned in its earlier comments, although it had known of the proposed rule making for months. Root claims that Multimedia's pending application to change its antenna site further from Shreveport, Louisiana, and so close to Gurdon as to make it short-spaced with petitioner's rule making, is a contrived effort to foreclose competition in the area. Petitioner further states that he is willing to accept Channel 224A to avoid a delay in the proceeding.

6. As stated in the *Notice*, the petitioner requested the assignment of Channel 224A or 228A to Gurdon and we proposed Channel 228A since it necessitated a lesser site restriction. Multimedia has since requested a transmitter site change which would preclude the assignment of Channel 228A to Gurdon, however, another channel (224A) is available to Gurdon, and the petitioner is willing to accept the latter channel with the greater site restriction. In view of the apparent need for a first FM assignment, the Commission believes that the public interest would be served by assigning Channel 224A to Gurdon, Arkansas. In so doing, Station KMBQ's site change can also be accommodated. The transmitter site will be restricted to 4.8 kilometers (3 miles) west of Gurdon to comply with mileage spacing requirements.

7. Accordingly, pursuant to authority contained in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules, it is ordered, that effective November 16, 1981, the FM Table of Assignments, § 73.202(b) of the Commission's rules, is amended with respect to the community listed below:

City	Channel No.
Gurdon, Ark.	224A

8. It is further ordered, that this proceeding is terminated.

9. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792. (Secs. 4, 303, 48 stat., as amended, 1080, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-28059 Filed 9-25-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-325; RM-37111]

FM Broadcast Station in Delta, Colo.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein substitutes a Class C FM channel for a Class A channel at Delta, Colorado, and modifies the Class A permit of Station KDTA(FM) to specify the Class C channel, at the request of the permittee, Jimmie D. and Ruth M. Gober, d/b/a Delta Radio Company.

DATE: Effective November 16, 1981.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Delta, Colorado); Report and order (Proceeding Terminated).

Adopted: September 10, 1981.

Released: September 17, 1981.

By the Acting Chief, Policy and Rules Division.

1. The Commission has under consideration a *Notice of Proposed Rule Making*, 46 FR 26509, published May 13, 1981, proposing the substitution of Class C Channel 236 for Channel 237A at Delta, Colorado, in response to a petition filed by Jimmie D. and Ruth M. Gober d/b/a Delta Radio Company ("petitioner"), permittee of Station KDTA-FM, Delta, Colorado. The *Notice* also proposed modification of the permit for Channel 237A to specify operation on Channel 236. Supporting comments were filed by the petitioner, restating its interest in the Class C channel. No oppositions to the proposal were received.

2. Delta (pop. 3,931),¹ seat of Delta County (pop. 21,225), is located in western Colorado, approximately 288 kilometers (180 miles) southwest of Denver. It is served locally by full-time AM Station KDTA, licensed to the petitioner, and KDTA-FM (Channel 237A), a construction permit issued to the petitioner.

3. Petitioner incorporated by reference the information contained in the *Notice*

which demonstrated the need for a Class C assignment, noting that the principal justification for the substitution of channels is the need for a facility which would serve the entire county. Petitioner also states that, in comparison, a neighboring city, Montrose, seat of Montrose County, has two Class C channels, although the county in which it is located has 4,000 less persons than Delta County.

4. As stated in the *Notice*, the proposed substitution of channels will cause preclusion on all seven adjacent channels. Petitioner's study of alternate available channels focused on three communities within the precluded area (study included the assignment of Channel 237A to Delta) and surmised that alternate channels would be available throughout the precluded area. Due to the remoteness of the region, we have confirmed that a number of channels are available to the precluded communities. The *Notice* also requested the petitioner to submit a *Roanoke Rapids/Anamosa* study, but petitioner failed to do so. A staff study based on a transmitter site 11 miles northwest of the city shows that the assignment of Channel 236 to Delta will provide no first FM service and very little second FM service. We also note that four FM stations place a 60 dBu or better signal over Delta.²

5. After careful consideration of the proposal, we have determined that the public interest would be served by the substitution of channels, inasmuch as it would provide expanded service to the surrounding area and population. Since alternate channels are available to the precluded areas, we believe the preclusion impact is minimal. The transmitter site is restricted to 18.2 kilometers (11.3 miles) northwest of the city. We have also authorized in paragraph 7 a modification of petitioner's construction permit for Station KDTA-FM, to specify operation on Channel 236, since there has been no other expression of interest in the Class C channel. See, *Cheyenne, Wyoming*, 62 FCC 2d 63 (1976).

6. In view of the foregoing and pursuant to the authority contained in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules, it is ordered, that

¹ Population figures are taken from the 1980 U.S. Census.

² The four stations providing such coverage are KQIX, Grand Junction, KUBC and KWDE, Montrose, and KDTA, Delta, Colorado.

effective November 17, 1981, the FM Table of Assignments, section 73.202(b) of the Rules, is amended with respect to Delta, Colorado, as follows:

City	Channel No.
Delta, Colo.	236

7. It is further ordered, that pursuant to section 316(a) of the Communications Act of 1934, as amended, the outstanding permit held by Jimmie D. and Ruth M. Gober, d.b.a. Delta Radio Company, for Station KDTA-FM, Delta, Colorado, is modified, effective November 17, 1981, to specify operation on Channel 236 instead of Channel 237A. Station KDTA-FM may continue to operate on Channel 237A for one year from the effective date of this action or until it is ready to operate on Channel 236, whichever is earlier, unless the Commission sooner directs subject to the following conditions:

(a) At least 30 days before commencing operation on Channel 236, the permittee of Station KDTA-FM shall submit to the Commission the technical information normally requested of an applicant for Channel 236;

(b) At least 10 days prior to commencing operation on Channel 236, the permittee of Station KDTA-FM shall submit measurement data required of an applicant for an FM broadcast station license; and

(c) The permittee of Station KDTA-FM shall not commence operation on Channel 236 without prior Commission authorization.

(d) Nothing contained herein shall authorize a major change in transmitter site or avoid the necessity of filing an environmental impact statement pursuant to § 1.301 of the Commission's Rules.

8. It is further ordered, that this proceeding is terminated.

9. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

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

Federal Communications Commission.
Martin Blumenthal,

Acting Chief, Policy and Rules Division,
Broadcast Bureau.

[FR Doc. 81-28057 Filed 9-25-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

46 CFR Ch. II

Maritime Administration

49 CFR Part 1

[OST Docket No. 1; Amdt. 1-164]

Organization and Delegation of Powers and Duties; Maritime Administration

AGENCY: Department of Transportation (DOT), Office of the Secretary.

ACTION: Final rule.

SUMMARY: DOT amends the description of its organization and its delegations of authority to reflect the transfer of the Maritime Administration (MarAd) to DOT from the Department of Commerce under the Maritime Act of 1981, and issues and amends the MarAd regulations accordingly.

DATE: Effective date of this amendment is August 6, 1981.

FOR FURTHER INFORMATION CONTACT: Robert I. Ross, Office of the General Counsel, (202) 426-4723.

SUPPLEMENTARY INFORMATION: Since this amendment relates to Departmental management, procedures, and practice, notice and comment on it are unnecessary and it may be made effective in fewer than thirty days after publication in the Federal Register.

On August 6, 1981, President Reagan signed the Maritime Act of 1981, Pub. L. 97-31, transferring MarAd, its functions, personnel, and resources to DOT from the Department of Commerce. This amendment reflects that transfer in the description of DOT's organization, delegates to the Maritime Administrator the functions vested in the Secretary by the statute, and amends the MarAd regulations to substitute "Transportation" for "Commerce" everywhere that it appears.

In consideration of the foregoing, the Code of Federal Regulations is amended as follows:

TITLE 46, CHAPTER II (PARTS 200 TO 399) (AMENDED)

1. In Title 46, Chapter II (consisting of Parts 200 to 399) is issued as a DOT regulation in the exact form in which it appeared on August 6, 1981 (August 6, 1981 is the effective date of the Maritime Act of 1981), except that the word "Transportation" is substituted for the word "Commerce" everywhere that it appears in text and title.

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

2. The heading for Title 46, Chapter II is changed to read "Maritime Administration, Department of Transportation" as set forth above.

(See The Maritime Act of 1981, Pub. L. 97-31; sec. 9(e) of the Department of Transportation Act, (49 U.S.C. 1657(e)))

2. In Title 49—

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

a. The Table of Contents for Subpart C—Delegations is amended by adding at the end thereof § 1.66 and § 1.67—

Subpart C—Delegations

* * * * *

Sec.

1.66 Delegations to Maritime Administrator.

1.67 Delegations to Maritime Subsidy Board.

b. Section 1.2 is amended by adding at the end thereof a new paragraph (i), to read as follows:

§ 1.2 Definitions.

As used in this part, "Administrator" includes—

* * * * *

(i) The Maritime Administrator.

c. Section 1.3(b) is amended by adding at the end thereof a new subparagraph (9), to read as follows:

§ 1.3 Organization of the Department.

* * * * *

(b) The Department is comprised of the Office of the Secretary and the following operating elements, the heads of which report directly to the Secretary:

* * * * *

(9) The Maritime Administration, headed by the Administrator and including within it the Maritime Subsidy Board composed of the Maritime Administrator, the Deputy Maritime Administrator, and the Chief Counsel of the Maritime Administration.

* * * * *

d. Section 1.4 is amended by adding at the end thereof new paragraphs (j) and (k), to read as follows:

§ 1.4 General responsibilities.

* * * * *

(j) The Maritime Administration. Is responsible for:

(1) Fostering the development and maintenance of an American merchant marine sufficient to meet the needs of

the national security and of the domestic and foreign commerce of the United States;

(2) Awarding and administering construction-differential subsidy contracts and operating-differential subsidy contracts to aid the American merchant marine, and trade-in allowances for new ship construction;

(3) Entering into and administering agreements for capital construction funds (excepting fishing vessels) and construction reserve funds;

(4) Providing insurance on construction loans and ship mortgages or guarantees on ship financing obtained from private sources for ship construction and reconstruction (excepting fishing vessels);

(5) Providing assistance to the shipping industry to generate increased trade and cargo shipments on U.S.-flag ships;

(6) Promoting development of ports and intermodal transportation systems;

(7) Promoting development of the domestic waterborne commerce of the United States;

(8) Overseeing the administration of cargo preference statutes;

(9) Entering into and administering charters and general agency agreements for operation of Government-owned merchant ships;

(10) Maintaining custody of, and preserving, ships in the National Defense Reserve Fleet;

(11) Selling surplus Government-owned ships;

(12) Supervising design and construction of ships for Government account;

(13) Furnishing war risk insurance on privately-owned merchant ships;

(14) Administering the foreign transfer program regarding ships and other maritime properties;

(15) Training merchant marine officers;

(16) Conducting research and development to improve and promote the waterborne commerce of the United States; and

(17) Issuing rules and regulations with respect to the foregoing functions.

(k) *The Maritime Subsidy Board (Within the Maritime Administration).* Is responsible for:

(1) Making, amending, and terminating subsidy contracts, which shall be deemed to include, in the case of construction-differential subsidy, (i) the contract for the construction, reconstruction, or reconditioning of a vessel, and (ii) the contract for the sale of the vessel to the subsidy applicant or the contract to pay a construction-differential subsidy and the cost of the national defense features, and, in the

case of operating-differential subsidy, the contract with the subsidy applicant for the payment of the subsidy.

(2) Conducting hearings and making determinations antecedent to making, amending, and terminating subsidy contracts, under the provisions of Titles V, VI, and VII, and sections 301 (except investigations, hearings, and determinations, including changes in determinations, with respect to minimum manning scales, minimum wage scales, and minimum working conditions), 708, 805(a), and 805(f) of the Merchant Marine Act, 1936, as amended (the "Act").

(3) Making readjustments in determinations as to operating cost differentials under Section 606 of the Act.

(4) Approving the sale, assignment, or transfer of any operating subsidy contract under Section 608 of the Act.

(5) Investigating and determining (i) the relative cost of construction of comparable vessels in the United States and foreign countries, (ii) the relative cost of operating vessels under the registry of the United States and under foreign registry, and (iii) the extent and character of aids and subsidies granted by foreign governments to their merchant marines, under the provisions of subsections (c), (d), and (e) of section 211 of the Act.

(6) Performing so much of the functions with respect to adopting rules and regulations, subpoenaing witnesses, administering oaths, taking evidence, and requiring the production of books, papers, and documents, under sections 204 and 214 of the Act, as they relate to the functions of the Board.

(7) Performing as much of the functions specified in Section 12 of the Shipping Act, 1916, as amended, as the same relate to the functions of the Board under paragraphs (k) (1) through (6) of this section.

e. Section 1.44 is amended by inserting "and § 1.66 and § 1.67" after "§ 1.45 through § 1.53" in the beginning sentence, and adding a new paragraph (q), to read as follows:

§ 1.44 Reservations of authority.

The delegations of authority in § 1.45 through § 1.53 and § 1.66 and § 1.67 do not extend to the following actions, authority for which is reserved to the Secretary of his delegatee within the Office of the Secretary:

(q) *Review and finality of actions by Maritime Subsidy Board.* (1) Review of any decision, report, and/or order of the Maritime Subsidy Board, as described in 46 CFR Part 202, as amended.

f. New §§ 1.66 and 1.67 are added after § 1.65, to read as follows:

§ 1.66 Delegations to Maritime Administrator.

With the exception of those authorities delegated to the Commandant of the Coast Guard in § 1.46(b) and (d), and the Maritime Subsidy Board in section 1.67 of this part, and to the extent authority has been vested in the Secretary of Transportation under Pub. L. 97-31 or subsequent statutes, the Maritime Administrator is delegated authority to:

(a) Carry out sections 9, 12, 14a, 21a, 37, 40, 41, and 42 of the Shipping Act, 1916, as amended (46 U.S.C. 801 et seq.);

(b) Carry out the Merchant Marine Act, 1920, as amended (46 U.S.C. 861 et seq.), including the Ship Mortgage Act, 1920, as amended (46 U.S.C. 921 et seq.);

(c) Carry out the Merchant Marine Act, 1928, as amended (46 U.S.C. 891 et seq.);

(d) Carry out section 7 of the Intercoastal Shipping Act, 1933, as amended (46 U.S.C. 843 et seq.);

(e) Carry out the Merchant Marine Act, 1936, as amended (46 U.S.C. 1101 et seq.); except the authority delegated to the Administrator of the National Oceanic and Atmospheric Administration relating to the establishment of capital construction fund agreements under section 607 thereof and the granting of financing guarantees under Title XI thereof, with respect to vessels in the fishing trade or industry;

(f) Carry out the Merchant Ship Sales Act of 1946, as amended (50 U.S.C. App. 1735 et seq.);

(g) Carry out the Suits in Admiralty Act (1920), as amended (46 U.S.C. 741 et seq.);

(h) Carry out the Civilian Nautical School Act, 1940 (46 U.S.C. 1331 et seq.);

(i) Carry out the Act of June 2, 1951 (48 U.S.C. 1241a) regarding the "Vessel Operations Revolving Fund";

(j) Carry out the Act of August 9, 1954 (50 U.S.C. 196 et seq.) commonly called the Emergency Foreign Vessels Acquisition Act;

(k) Carry out the Act of July 24, 1950 (46 U.S.C. 249 et seq.) commonly called the Merchant Marine Medals Act of 1950;

(l) Carry out the Maritime Academy Act of 1958, as amended (46 U.S.C. 1381 et seq.);

(m) Carry out the Act of May 18, 1972, as amended (86 Stat. 140) authorizing sale or purchase of certain passenger vessels.

(n) Carry out the Act of August 22, 1972 (86 Stat. 618) authorizing sale of Liberty ships for use as artificial reefs,

(o) Carry out section 717 of the Act of October 26, 1972 (86 Stat. 1184) commonly known as the Department of Defense Appropriations Act, 1973, and similar subsequent enactments, with respect to transferring or otherwise making available vessels under the jurisdiction of the Maritime Administration to another Federal agency or, similarly, accepting vessels from another Federal agency,

(p) Carry out Executive Order 10480, as amended, and Executive Order 11490, as amended, with respect to defense mobilization and emergency preparedness of coastwise, intercoastal, and overseas shipping, ports and port facilities, ship construction, conversion and repair, and support functions related thereto.

(q) Exercise the authority delegated by the Administrator of the General Services Administration, dated August 15, 1967, to appoint uniformed guards as special police officers, with such powers as are conferred in the Act of June 1, 1948 (62 Stat. 281), as amended, for protection duties on those parcels of property at the United States Merchant Marine Academy, Kings Point, New York, which are not protected by General Services Administration guards, and over which the Federal Government has exclusive or concurrent jurisdiction,

(r) Carry out the responsibilities of the National Shipping Authority (initially established by the Secretary of Commerce effective March 13, 1951) in the capacity of Director, National Shipping Authority,

(s) Carry out the Maritime Education and Training Act of 1980 (46 U.S.C. 1295), as amended,

(t) Carry out all other activities previously vested in the Secretary of Commerce and transferred pursuant to Pub. L. 97-31.

§ 1.67 Delegations to Maritime Subsidy Board.

(a) The Maritime Subsidy Board is

delegated authority to:

(1) Carry out all functions previously vested in the Secretary of Commerce pursuant to section 105(1) (except the last proviso thereto), section 105(2), and, insofar as applicable to these functions, section 105(3) of Reorganization Plan No. 21 of 1950, and section 202(b)(1) of Reorganization Plan No. 7 of 1961, except investigations, hearings and determinations, including changes in determinations, with respect to minimum manning scales, minimum wage scales, and minimum working conditions referred to in section 301(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1101 et seq.).

(2) Carry out all functions previously vested in the Secretary of Commerce pursuant to section 103(e) of Reorganization Plan No. 7 of 1961 and section 202(b)(2) (except requiring the filing of reports, accounts, records, rates, charges, and memoranda under section 21 of the Shipping Act, 1916, as amended, and making reports and recommendations to Congress) and section 202(b)(3) of Reorganization Plan No. 7 of 1961, insofar as said functions relate to the functions described in paragraph (a)(1) of this section.

(3) Execute and sign, by and through any member of the Board or the Secretary or an Assistant Secretary of the Board, contracts and other documents authorized or approved by the Board pursuant to paragraphs (a)(1) and (a)(2) of this section. The execution of such contracts or documents may be attested, under the seal of the Department of Transportation, by the Secretary or an Assistant Secretary of the Maritime Subsidy Board.

(b) The Maritime Subsidy Board may exercise other authorities of the Secretary of Transportation as applicable to performing the functions assigned to the Board in this part.

(c) The Board is composed of the Maritime Administrator, the Deputy Maritime Administrator, and the Chief Counsel of the Administration, and during a vacancy in any one of those offices, the person acting in such

capacity shall be a member of the Board, unless the Secretary of Transportation designates another person. In case there still is a vacancy in the Board or in the absence or disability of one of its members, the Secretary of the Maritime Administration and Maritime Subsidy Board, or any other persons designated by the Secretary of Transportation, shall act as a member or members of the Board. Each member of the Board, while serving in that capacity, shall act pursuant to direct authority from the Secretary of Transportation and exercise judgment independent of authority otherwise delegated to the Maritime Administrator. The Maritime Administrator or the Acting Maritime Administrator serves as Chairperson of the Board. The concurring votes of two members shall be sufficient for the disposition of any matter which may come before the Board.

(d) The Chairperson of the Maritime Subsidy Board may make use of officers and employees of the Maritime Administration to perform activities for the Board. Employees of the Maritime Administration may be designated as the Secretary or Assistant Secretaries of the Board.

4. In 46 CFR Parts 200 to 399, the words "Assistant Secretary" should be changed to read "Maritime Administrator" every place they appear. Also, the words "Assistant Secretary of Commerce for Maritime Affairs" should be changed to read "Maritime Administrator, Department of Transportation" every place that they appear in Parts 200 to 399.

5. In 46 CFR Parts 200 to 399, the figures "20230" and "20235" should be changed to read "20590".

(Sec. 9(e), Department of Transportation Act (49 U.S.C. 1657(e)))

Issued in Washington, D.C., on August 25, 1981.

Andrew L. Lewis, Jr.,

Secretary of Transportation.

[FR Doc. 81-28055 Filed 9-25-81; 8:45 am]

BILLING CODE 4910-62-M

Proposed Rules

Federal Register

Vol. 46, No. 187

Monday, September 28, 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 993

[Docket No. F&V AO 201-A8]

Dried Prunes Produced in California; Decision and Referendum Order on Proposed Further Amendment of the Marketing Agreement and Marketing Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision pertains to the proposed amendment of the California dried prune marketing order. Prune producers will be given the opportunity to vote in a referendum to determine if they favor the proposed amendment of the order. The proposed amendment would eliminate the use of the smallest prunes in manufactured prune products each year; change the name of the Prune Administrative Committee to the Prune Marketing Committee; add a public member to the Committee with full voting privileges; and specify a basis for sharing cooperative Committee representation among cooperative marketing associations. The purpose of the proposed changes is to improve the effectiveness of the program.

DATE: The representative period for purposes of the referendum herein ordered is August 1, 1980 to July 31, 1981.

FOR FURTHER INFORMATION CONTACT:

J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447-5697.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Hearing—Issued November 18, 1980, and published November 24, 1980 (45 FR 77448).

Notice of Recommended Decision—Issued May 27, 1981, and published June 1, 1981 (46 FR 29271).

This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code, and therefore, is excluded from the requirements of Executive Order 12291 and Secretary's Memorandum 1512-1.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would result in only minimal costs being incurred by the regulated 12 handlers.

Preliminary Statement

This proposed amendment was formulated on the record of a public hearing held at San Francisco, California, December 2, 1980. Notice of the hearing was published in the November 24, 1980, issue of the Federal Register (45 FR 77448). The notice contained proposals submitted by the Prune Administrative Committee. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice (7 CFR Part 900).

On the basis of the evidence introduced at the hearing and the record thereof, Deputy Administrator Manley, on May 27, 1981, filed with the Hearing Clerk, U.S. Department of Agriculture, a recommended decision which contained notice of the opportunity to file by July 1, 1981, written exceptions thereto. Three comments were filed. One comment supporting the proposals was submitted by Ken Lindauer for Lindauer River Ranch. Two exceptions in opposition were submitted; one by Ronald and Ruth Waltenspiel for Timber Crest Farms, and the other by the law firm of Mezzetti and Testa on behalf of the Valley View Packing Company; Danna and Danna, Inc.; J. and A. Freitas; Mrs. Ottmer Nieschulz; Jim Thomas; W. L. and Dorothy Parnow; John I. Ramos; Lazar Fruit Company; and Carl Holmes.

Rulings on Exceptions

One of the exceptors contended that regulating the removal of undersized prunes from the marketable supply on the basis of quality was not necessary because it only interferes with the mechanics of the marketplace and the prices processors are willing to pay should determine what sizes are acceptable for use in prune products.

Evidence at the hearing supported the removal of the undersized prunes to ensure that such prunes, which are of inferior quality, do not become commingled with larger size prunes and then used as manufacturing prunes. While it is true that handlers will purchase these very small prunes from producers for use as a filler in prune products, this does not override the hearing testimony and the purpose of this amendment; namely, that undersized prunes are of such inferior quality that they should not be marketed for human consumption in any form.

Another exceptor objected to a continuing undersized regulation, contending that it should be used only on a seasonal basis to enhance the orderly flow of dried prunes to market to avoid unreasonable fluctuations in supplies and prices. This exceptor further contended that marketing orders can be enacted solely for this purpose.

Orderly supply flow is one of the policies established by Congress (7 U.S.C. 602(4)) for consideration in the enactment of marketing orders. However, there are others, including establishment of minimum standards of quality and maturity and such grading and inspection requirements for agricultural commodities, including dried prunes, in interstate commerce as will effectuate the orderly marketing of such commodities and be in the public interest (7 U.S.C. 602(3)). As discussed in the recommended decision, there is authority to regulate prunes in terms of minimum standards of quality or more restrictive grades or sizes in addition to regulating quantities. Initially, the undersized regulation (§ 993.49(c)) was established to provide a method for controlling the quantity of manufacturing-size prunes placed in marketing channels during seasons of excessive production. The evidence presented at the December 1980 hearing supported the changes proposed in § 993.49(c) to establish a continuing undersized regulation based on a quality related minimum. Nothing in the act precludes amending the order to meet changing industry needs.

Testimony at the hearing further supported a continuing undersized regulation on the basis that the sizes to be removed by this proposed amendment would be the smallest prunes in the crop (those having an average count of approximately 160

prunes per pound) and that such small-sized prunes are not acceptable for use as prunes or in prune products. Prunes of this size, which are on the small end of the manufacturing size range, are inferior in quality to larger-sized prunes used for manufacturing purposes. In order to produce an acceptable consumer product, processors must blend these small prunes with larger prunes so that their undesirable taste can be masked by that of the larger-sized prunes. Testimony at the hearing revealed that the small prunes diminish rather than improve the quality of the product in which they are used. Therefore, their use in products like juice or concentrate is not in the long-term interest of the industry. Prune juice and concentrate, the industry's most important manufacturing outlets, account for about 42,000 tons of prunes each year. The quantity of prunes that would be affected by the continuing undersized regulation generally represents about 4 percent of the total crop of natural condition prunes.

The proposed change in § 993.49(c) should not preclude the Committee from recommending a change in the size of the openings from those prescribed in § 993.49(c) for the purposes of quantity control when supply conditions warrant. Such larger openings would only be applicable when supply conditions warranted the regulation of a larger quantity of prunes as undersized prunes, and not for the purpose of establishing a new quality-related minimum. Section 993.52 currently provides and would continue to provide that the openings prescribed in § 993.49(c) may be modified by the Secretary on the basis of a recommendation of the Committee or other information when such modification would tend to effectuate the declared policy of the act.

This exceptor also objected to the use of prior findings and conclusions in connection with the justification of the proposed minimum undersized regulation. As stated in the General Findings contained in the recommended decision, issued May 27, 1981 (46 FR 29271), the findings set forth in that decision are supplementary, and in addition, to the previous findings and determinations which were made in connection with the issuance of the marketing agreement and order and each amendment thereto. The General Findings also ratified and affirmed all of the said prior findings and determinations, except that pertaining to the base period for parity computation and any findings and determinations that may be in conflict with those contained in that recommended

decision. Nothing in the record of evidence developed at the December 1980 hearing conflicts with the prior findings and conclusions regarding the quality of small-sized prunes, and the Administrator was not estopped from referring to those prior findings.

The exceptor also contended that the impact of the marketing order and particularly the proposed amendment of § 993.49(c) was disparate in counties in the marketing area covered by the marketing order, and thus, that the area of production covered by the marketing order makes necessary different terms and provisions applicable to different parts of such area. The recommended decision recognized that any undersized regulation may impact some counties more than others in a given crop year. However, data introduced at the hearing clearly show that all of the prune-producing counties in California produce undersized prunes. The percentage of these undersized prunes, for any given county, fluctuates from year-to-year and, for any given year, varies widely by county. However, there is nothing in the record to substantiate the exceptors' contention.

The exceptor further contended that insufficient time was afforded opponents to prepare for the hearing and that the statistics presented by the Prune Administrative Committee were not available for review prior to the hearing. Considerable effort was made by the Department and the Committee to bring the hearing to the attention of all producers, handlers, and others so that all parties would have sufficient time to prepare for the hearing. Those efforts were described in considerable detail in the recommended decision and further recitation of those efforts in this decision would be redundant.

The statistics supplied by the Prune Administrative Committee consisted of data regularly published by the Committee, and furnished to all handlers, producers, and other interested persons requesting such information. Thus, the exceptor's contention that the statistics presented by the proponents were not available for review prior to the hearing is not warranted. In any event, there is no requirement that data or other evidence to be presented at the hearing be disseminated prior to the hearing. The purpose of the hearing is to determine the need for amending the program and ascertain whether or not the proposed amendment fits that need. Evidence is presented and developed on each and every provision of the proposal. Interested persons in favor of, or opposed to, the proposal are provided

an opportunity to introduce testimony and evidence in the hearing record. All witnesses at the hearing are subject to cross-examination on the testimony they present. Any questions regarding the data presented could have been raised in cross-examination of witnesses when they presented their testimony.

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the comments to the recommended decision was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with the comments, such comments are hereby overruled for the reasons previously stated in this decision.

Findings and Conclusions

The material issues, findings and conclusions, rulings, general findings, and regulatory provisions of the recommended decision published in the June 1, 1981, issue of the Federal Register (46 FR 29271) are hereby incorporated herein and made a part hereof, subject to the following corrections.

Page	Column	Paragraph	Column line	Correction
29271	1	Title	18	Change "marketing" to "marketing".
29271	2	6 line 3	35	Change "respect" to "respect".
29273	3	4 line 3	50	Change "impact" to "impact".
29275	2	4 line 5	21	Change "carrier" to "carried".

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Further Amended, Regulating the Handling of Dried Prunes Produced in California", and "Order Amending the Order, as Amended, Regulating the Handling of Dried Prunes Produced in California", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the annexed marketing agreement, be published in the Federal Register. The regulatory provisions of the marketing agreement, are identical with those contained in the order as hereby proposed to be amended by the annexed order which is published with the decision.

Referendum Order

It is hereby directed that a referendum be conducted in accordance with the procedure for the conduct of referenda (7 CFR 900.400 *et seq.*), to determine whether the issuance of the annexed order as amended and as hereby proposed to be further amended, regulating the handling of dried prunes produced in California is approved or favored by producers, as defined under the terms of the order, who during the representative period were engaged in the production area in the production of the regulated commodity for market.

The representative period for the conduct of such referendum is hereby determined to be August 1, 1980 to July 31, 1981.

The agents of the Secretary to conduct such referendum is hereby designated to be Martin J. Kelly and J. S. Miller, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture.

Signed at Washington, D.C. on: September 22, 1981.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

Order ¹ Amending the Order, as Amended, Regulating the Handling of Dried Prunes Produced in California

Findings and Determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto. Except for the finding as to the base period for parity computation and except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein, all of said previous findings and determinations are hereby ratified and affirmed.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed amendment of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part

993), regulating the handling of dried prunes produced in California.

Upon the basis of the record it is found that:

(1) The order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order, as amended, and as hereby further amended, regulates the handling of dried prunes produced in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of dried prunes produced in the production area which make necessary terms and provisions applicable to different parts of such area; and

(5) All handling of dried prunes produced in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of dried prunes produced in California shall be in conformity to and in compliance with the following terms and conditions of the order, as hereby amended.

The provisions of the proposed marketing agreement and order, amending the order, contained in the recommended decision, issued by the Deputy Administrator on May 27, 1981, and published in the Federal Register on June 1, 1981 (46 FR 29271), shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein.

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

1 Section 993.21 is revised to read as follows:

§ 993.21 Salable prunes

"Salable prunes" means those prunes which are free to be handled pursuant to any salable percentage established by the Secretary pursuant to § 993.54, or, if

no reserve percentage is in effect for a crop year, all prunes, excluding the quantity of undersized prunes determined pursuant to § 993.49(c), received by handlers from producers and dehydrators during that year.

2. The center heading preceding § 993.24 is changed from "PRUNE ADMINISTRATIVE COMMITTEE" to "PRUNE MARKETING COMMITTEE" and § 993.24 is amended by revising the introductory paragraph, and adding a new paragraph (e), to read as follows:

§ 993.24 Establishment and membership.

A Prune Marketing Committee (herein referred to as the "Committee"), consisting of 22 members with an alternate member for each such member, is hereby established to administer the terms and provisions of this part, of whom with their respective alternates, 14 shall represent producers, 7 shall represent handlers, and 1 shall represent the public. Committee membership shall be allocated in accordance with the following grouping with the alternate positions identically allocated:

(e) The public member and alternate shall have no financial interest in the prune industry.

3. Section 993.27 is revised to read as follows:

§ 993.27 Eligibility.

Producer members of the Committee shall be at the time of their selection, and during their term of office, producers in the group, for which selected and if to represent a district also producers in the district for which selected, and, except for producer members representing cooperative producers, shall not be engaged in the handling of prunes either in a proprietary capacity or as a director, officer, or employee. Handler members of the Committee shall be handlers in the group they represent or directors, officers, or employees of such handlers. These eligibility requirements shall not apply to the public member and alternate member.

4. In § 993.28 a new paragraph (e) is added to read as follows:

§ 993.28 Nominees.

(e) The producer and handler members of the Committee selected for a new term of office shall nominate a public member and alternate member at the first meeting following their selection.

5. Section 993.28(b) is revised to read as follows:

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

§ 993.28 Nominees.

(b) Before April 16 of each even-numbered year nominations of producer members to represent cooperative producers and handler members to represent cooperative handlers shall be submitted to the Secretary by cooperative marketing associations engaged in the handling of prunes. The number of cooperative producer members and handler members to be nominated by each cooperative marketing association shall bear, as near as practicable, the same percentage as each cooperative marketing association's tonnage of prunes handled as first handler thereof is to the total tonnage handled by all cooperative marketing associations during the preceding crop year.

8. Section 993.33 is revised to read as follows:

§ 993.333 Voting procedure.

Decisions of the Committee shall be by majority vote of the members present and voting and a quorum must be present: *Provided*, That decisions on marketing policy, grade or size regulations, pack specifications, salable and reserve percentages, and on any matters pertaining to the control or disposition of reserve prunes or to prune plum diversion pursuant to § 993.62, including any delegation of authority for action on such matters and any recommendation of rules and procedures with respect to such matters, including any such decision arrived at by mail or telegram, shall require at least 14 affirmative votes. A quorum shall consist of at least 13 members of whom at least 8 must be producer members and at least 4 must be handler members. Except in case of emergency, a minimum of 5 days notice must be given with respect to any meeting of the Committee. In case of an emergency, to be determined within the discretion of the chairman of the Committee, as much notice of a meeting as is practicable in the circumstances shall be given. The Committee may vote by mail or telegram upon due notice to all members, but any proposition to be so voted upon first shall be explained accurately, fully, and identically by mail or telegram to all members. When any proposition is submitted to be voted on by such method, one dissenting vote shall prevent its adoption.

7. Section 993.49(c) is revised to read as follows:

§ 993.49 Incoming regulation.

(c) In no crop year shall a handler receive from producers or dehydrators prunes, other than as undersized prunes, which pass freely through a round opening with a diameter as follows: For French prunes 23/32 of an inch, and for non-french prunes 28/32 of an inch: *Provided*, That the Secretary upon a recommendation of the Committee, may establish larger openings whenever it is determined that supply conditions for a crop year warrant such regulation. The quantity of undersized prunes in any lot received by a handler from a producer or dehydrator shall be determined by the inspection service and entered on the applicable inspection certificate.

8. Section 993.53 is revised to read as follows:

§ 993.53 Above parity situations.

The minimum standards, the minimum sizes, including the minimum undersized regulation in § 993.49(c), and the provisions of this part relating to administration shall continue in effect irrespective of whether the estimated season average price for prunes is in excess of the parity level specified in section 2(1) of the act.

9. Section 993.55 is revised to read as follows:

§ 993.55 Application of salable and reserve percentages after end of crop year.

The salable and reserve percentages established for any crop year shall remain in effect after that crop year until salable and reserve percentages are established for another crop year. After such percentages are established, all reserve obligations shall be adjusted to the newly established percentages.

[FR Doc. 81-27888 Filed 9-25-81; 9:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 71**

[Airspace Docket No. 81-SO-51]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Proposed Designation of Transition Area, Leesburg, Fla.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule will designate the Leesburg, Florida,

Transition Area and will lower the base of controlled airspace in the vicinity of Leesburg Municipal Airport from 1,200 to 700 feet AGL to accommodate Instrument Flight Rule (IFR) operations. A standard instrument approach procedure has been developed and additional controlled airspace is required to protect aircraft conducting Instrument Flight Rule (IFR) operations.

DATES: Comments must be received on or before November 13, 1981.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Attn: Chief, Airspace and Procedures Branch, ASO-530, P.O. Box 20636, Atlanta, Georgia 30320.

The official public docket will be available for examination in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763-7646.

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

SUPPLEMENTARY INFORMATION:**Comments Invited**

Interested persons 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 triplicate to the Chief, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before November 13, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Chief, Airspace and Procedures Branch (ASO-530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320, or by calling (404) 763-7646. Communications must identify the notice number of this NPRM. Persons interested in being placed

on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish the Leesburg, Florida, Transition Area. A new standard instrument approach procedure (NDB Runway 31) has been developed for Leesburg Municipal Airport utilizing the proposed Leesburg NDB (nonfederal, nondirectional radio beacon). This proposed action is necessary to provide the required controlled airspace to protect aircraft conducting Instrument Flight Rule operations.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Subpart G, § 71.181 (46 FR 540), of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by adding the following:

Leesburg, Florida

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Leesburg Municipal Airport (lat. 28°49'20" N.; long. 81°48'35" W.), within 3 miles each side of the 126° bearing from the Leesburg RBN (lat. 28°49'44" N.; long. 81°49'08" W.) extending from the 6-mile radius area to 8 miles southeast of the RBN.

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

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.

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

Issued in East Point, Ga., on September 16, 1981.

William J. McGill,

Acting Director, Southern Region.

[FR Doc. 81-27884 Filed 9-28-81; 8:45 am]

BILLING CODE 4910-12-M

[Summary Notice No. PR-81-14]

14 CFR Ch. I

Summary of Petitions Received and Dispositions of Petitions Denied or Withdrawn

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking and of dispositions of petitions denied or withdrawn.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice contains a summary of certain petitions requesting the initiation

of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials or withdrawals of certain petitions previously received. The purpose of this notice is to improve the public's awareness of this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and be received on or before November 27, 1981.

ADDRESSES: Send comments on the petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. —, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

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

Edward P. Faberman,

Assistant Chief Counsel, Regulations and Enforcement Division, Federal Aviation Administration.

Docket No.	Petitioner	Description of the rule requested
Petitions for Rulemaking		
DESCRIPTION OF PETITION		
21622	Beech Aircraft	To amend 14 CFR 135.179(c) to read: "Without regard to the requirements of paragraph (a)(1) of this section, an aircraft with inoperable instruments or equipment may be operated in compliance with procedures contained in the certificate holder's manual if the Administrator finds that in a particular situation literal compliance with those equipment requirements is not necessary in the interest of safety."
22054	Executive Air Fleet Corporation (EAF)	To delete provisions of § 135.25 (b) and (c) that require a Part 135 operator to have the exclusive use for at least 6 months of at least one aircraft that meets the requirements for at least one kind of operation authorized in the certificate holder's operations specifications.
Petitions for Rulemaking: Withdrawn or Denied		
DESCRIPTION OF PETITION		
None this period.		

[FR Doc. 81-27889 Filed 9-28-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

18 CFR Part 271

(Docket No. RM79-76 (New Mexico-6))

High-Cost Gas Produced From Tight
Formations; Notice of Proposed
RulemakingAGENCY: Federal Energy Regulatory
Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the State of New Mexico that the Dakota Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on October 22, 1981.

PUBLIC HEARING: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on October 7, 1981.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, NE, Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or Victor Zabel, (202) 357-8616.

SUPPLEMENTARY INFORMATION:

Issued: September 22, 1981.

I. Background

On September 2, 1981, the State of New Mexico Oil Conservation Division (New Mexico) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 58034, August 22, 1980), that the Dakota Formation located in San Juan and Rio Arriba Counties New Mexico, be

designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether New Mexico's recommendation that the Dakota Formation be designated a tight formation should be adopted. New Mexico's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

The Dakota Formation is located in San Juan and Rio Arriba Counties, New Mexico. The area recommended by New Mexico is situated generally in Townships 24 and 25 North, Ranges 7 through 10 West NMPM. The Dakota Formation underlies the described land and contains approximately 135,040 acres. The average depth to the top of the Dakota Formation is 6,350 feet and the thickness of such formation varies from 200 to 350 feet. The recommended area is subject to New Mexico Order No. R-1670-V, issued May 22, 1979, which authorizes infill drilling in the Basin Dakota Gas Pool. The Basin Dakota Gas Pool contains the recommended formation. Accordingly, certain portions within the proposed area may be subject to exclusion pursuant to § 271.703(c)(2)(i)(D) of the regulations.

III. Discussion of Recommendation

New Mexico claims in its submission that evidence gathered through information and testimony presented at a public hearing in Case No. 7252 convened by New Mexico on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(1)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

New Mexico further asserts that existing State and Federal Regulations assure that development of this formation will not adversely affect any fresh water aquifers.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80-68 (45 FR 53456,

August 12, 1980), notice is hereby given of the proposal submitted by New Mexico that the Dakota Formation, as described and delineated in New Mexico's recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments, to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before October 22, 1981. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76 (New Mexico-6), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE, Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than October 7, 1981.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3342)

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Title 18, Code of Federal Regulations, as set forth below, in the event New Mexico's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—CEILING PRICES

Section 271.703(d) is amended by adding new subparagraph (67) to read as follows:

§ 271.703 Tight formations.

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed

description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79-76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

(55) through (66) [RESERVED]
(67) *Dakota Formation in New Mexico*. RM79-76 (New Mexico—6).

(i) *Delineation of formation*. The Dakota Formation underlies portions of Townships 24 and 25 North, Ranges 7 through 10 West, in San Juan and Rio Arriba Counties, New Mexico. The State of New Mexico has defined the Dakota producing interval in the Basin Dakota Field to begin at the base of the Greenhorn Limestone and extend to a point 400 feet below the base of the Greenhorn Limestone.

(ii) *Depth*. The average depth to the top of the Dakota Formation is 6,350 feet. The Dakota Formation begins at the base of the Greenhorn Limestone and is 200 to 350 feet in gross thickness.

[FR Doc. 81-28072 Filed 9-25-81; 8:45 am]
BILLING CODE 6450-85-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 18 and 240

[Notice No. 384]

Reduction of Regulatory Requirements on Producers of Volatile Fruit-Flavor Concentrates

Correction

In FR Doc. 81-27214, appearing at page 46340, in the issue of Friday, September 18, 1981, make the following changes:

1. On page 46343, in § 18.14(a)(3) the sixteenth line now reading "Authorized for any variation may be" should be changed to read "Authority for any variation may be".

2. On page 46344, in the third column, change the section head now reading § 18.22 to read "§ 18.25".

3. On page 46348, in the second column, in § 18.63 change "(c)" to "(d)" and add the following paragraph (c):

(c) For concentrate, fold;

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Ch. VII

Public Hearing and Public Comment Period on Resubmitted Indiana Permanent Regulatory Program

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

ACTION: Proposed rule: Notice of receipt of Indiana permanent program resubmission; Schedule for public hearing and public comment period.

SUMMARY: OSM is announcing procedures for the public comment period and hearing on the substantive adequacy of those portions of the proposed Indiana regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) which have been resubmitted by the State. The resubmission includes those portions of the proposed regulatory program which were disapproved by the Secretary of the Interior in his initial decision on November 25, 1980 (45 FR 78482-78500) and any other changes which might have been made since that decision.

This notice sets forth the times and locations that the Indiana program is available for public inspection; the date when and the location where OSM will hold a public hearing on the resubmission; the comment period during which interested persons may resubmit written comments and data on the proposed program and other information relevant to public participation during the comment period and public hearing.

DATES: A public hearing to review the substance of the portions of the Indiana program not previously approved by the Secretary of the Interior will be held at 5:30 p.m. on October 23, 1981 at the address listed under "Addresses."

Comments from members of the public must be received before the close of business on October 28, 1981 in order to be considered in the Secretary's decision on those elements of the proposed Indiana program which were not approved in the initial decision on the proposed program.

ADDRESSES: The public hearing will be held at the Executive Inn in Vincennes, Indiana. Written comments should be sent to: Office of Surface Mining, Attn: Indiana Program Review, 46 East Ohio Street, Indianapolis, Indiana 46204-1994.

Copies of the Full text of the proposed program, a listing of scheduled public

meetings and copies of all written comments are available for review and copying at the OSM Headquarters and Region III offices and the office of the State Regulatory Authority listed below Monday through Friday 8:00 a.m.-4:00 p.m., excluding holidays.

Office of Surface Mining, Region III, 46 East Ohio Street, Indianapolis, Indiana 46204-1994, Phone (317) 269-2629

Indiana Department of Natural Resources, Division of Reclamation, 309 West Washington Street, Suite 201, Indianapolis, Indiana 46204, Phone (317) 232-1555

Office of Surface Mining, Administration Record-Room 153, Interior South Bldg., 1951 Constitution Ave, N.W., Washington, D.C. 20240

Copies of the full text of the proposed program are available for inspection during regular business hours at the following locations:

Office of Surface Mining, U.S. Postal Service Building, 101 N.W. 7th Street, Room 359, Evansville, Indiana 47708

Office of Surface Mining, National Cash Register Building, Indiana Hwy 46, Terre Haute, Indiana 47803

Indiana Department of Natural Resources, Division of Reclamation, Reclamation Field Office, 101 West Main Street, Jasonville, Indiana 47438

A copy of this notice along with a copy of the Indiana statutes and regulations regarding the proposed Indiana regulatory program has been placed on file and is available for inspection in the Library of the Office of the Federal Register, Room 8301, 1100 L Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Office of Surface Mining, Attn: Indiana Program Review, Room 527, 46 East Ohio Street, Indianapolis, Indiana 46204-1994, Phone (317) 269-2629.

SUPPLEMENTARY INFORMATION: On March 3, 1980 the State of Indiana submitted to OSM a proposed state regulatory program. Pursuant to the provisions of 30 CFR Part 732 (44 FR 15326-15328), the Regional Director published notification of receipt of the program in the March 11, 1980 Federal Register (45 FR 15580-15581) and in newspapers of general circulation within the state. In accordance with that announcement, public comments were solicited and a public meeting was held in Indianapolis, Indiana on April 10, 1980, concerning the programs completeness.

On May 2, 1980, the Regional Director published notice in the Federal Register that he had determined the Indiana

program to be incomplete (45 FR 29309-29310) as required by 30 CFR 731.14(c).

Public hearings on the adequacy of the Indiana submission were held on July 23 & July 24, 1980 in Indianapolis and Evansville, Indiana by the Regional Director after due notice on June 26, 1980 in the Federal Register (45 FR 43223-43224) and in newspapers of general circulation within the state.

The full chronology of the events leading to the Secretary's initial decision is contained in the Federal Register notice of partial approval by the Secretary (45 FR 78482-78500) published on November 25, 1980. That notice also contained the Secretary's findings, detailed explanations of those findings and the Secretary's decision, which approved and disapproved specific parts of the Indiana program.

In accordance with the procedures set forth in 30 CFR 732.13(f), the State of Indiana would have had 60 days from the date of publication of the Secretary's partial approval decision in which to submit a revised program for consideration. However, on July 28, 1980, prior to the Secretary's decision, the State was enjoined by the Circuit Court of Marion County Indiana from submitting or resubmitting or to OSM the Indiana permanent program for a period of one year. This injunction terminated on July 29, 1981. The state then had 60 days within which to resubmit its program. The state resubmitted its revised program on September 28, 1981.

In keeping with the public participation mandate of SMCRA and 30 CFR 732.13(f), a 30 day public comment and review period is being allowed for the Indiana program submission. The public review and comment period for the Indiana program ends at 4:30 p.m. on October 28, 1981. During this period the Secretary is soliciting comments from the Administrator of the Environmental Protection Agency, the Secretary of Agriculture and the heads of other federal agencies, as well as the general public.

Subsequent to the public hearing and review of all comments, the Regional Director will transmit to the Director a recommended decision along with a record composed of the hearing transcript, written presentations, exhibits, and copies of all public comments.

Upon receipt of the Regional Director's recommendation, the Director will consider all relevant information in the record and will recommend to the Secretary that those portions of the program that were not approved in the Secretary's initial decision now be approved, disapproved or conditionally

approved. The recommendation will specify the reasons for the decision. The procedures for the recommended decisions of the Regional Director and the Director to the Secretary are established in 30 CFR 732.12(d) and (e) (44 FR 15326-15327). For further details, refer to 30 CFR 732.12 and 732.13 of the permanent regulatory program (44 FR 15326-15327) and corresponding sections of the preamble (44 FR 14959-14961).

The Secretary's decision on the program as resubmitted will constitute the final Decision by the Department. If the revised program is approved, the State of Indiana will have primary jurisdiction for the regulation of surface coal mining and reclamation and coal exploration on non-federal and non-Indian lands in Indiana. If the revised program is approved, the Secretary and the Governor may also enter into a cooperative Agreement governing regulation of these activities on federal lands in Indiana. Such an agreement would be the subject of a separate rulemaking and Federal Register notice. If the revised program is disapproved, a federal program will be implemented and OSM will have primary jurisdiction for the regulation of the above activities in Indiana. To codify decisions on state matters, OSM has established Subchapter T of 30 CFR Chapter VII.

Subchapter T will consist of Parts 900 through 950. Provisions relating to Indiana will be found in 30 CFR Part 914 after Indiana's resubmission has been approved or disapproved.

At the public hearing on October 23, 1981, parties wishing to comment on the proposed program will be asked to register for placement on the speaker's agenda. The hearing will begin at 5:30 p.m. and will continue until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak and who wish to do so will be heard at the end of the scheduled speakers. Persons not scheduled to testify but wishing to do so, assume the risk of having the public hearing adjourned unless they are present in the audience at the time all scheduled speakers have been heard. Written comments, data, or other relevant information may be submitted to supplement, or in lieu of an oral presentation at the hearing.

In addition, the Regional Director has prescribed the following hearing format and rules of procedure in accordance with 30 CFR 732.12(b)(1) (44 FR 15326).

1. The hearing shall be informal and follow legislative procedures.

2. Based on the number of speakers in attendance, each participant may be limited to 10 minutes.

3. Participants will be called in the order in which they register.

Public participation in the review of state programs is a vital component in fulfilling the purposes of SMCRA. On September 19, 1979, OSM published guidelines in the Federal Register (44 FR 54444-54445) governing contacts between the Department of the Interior and both state officials and members of the public. It is hoped that issuance of these guidelines will encourage full cooperation by all affected persons.

Interested members of the public are encouraged to read the Secretary's partial approval of the initial Indiana program submission (45 FR 78482-78500) published on November 25, 1980. That document contains detailed findings and explanations relating to the parts of the initial submission which were specifically approved and disapproved. Unless a change had been made to a part of the program previously approved, the Secretary will only consider comments relating to those portions previously disapproved or to any portions of the program first appearing in the resubmission.

Set forth below is a summary of the contents of the Indiana program including resubmission material.

- (a) State Law and Regulations.
- (b) Other Related State Laws.
- (c) Attorney General's Opinion.
- (d) Delegation of Regulatory Authority.
- (e) Structural Organization—Staffing Function.
- (f) Supporting Agreements Between Agencies.
- (g) Narrative Description for:
 - (1) Issuing Exploration for Mining Permits.
 - (2) Assessing Permit Fees.
 - (3) Bonding—Insurance.
 - (4) Inspecting and Monitoring.
 - (5) Enforcing the Administrative, Civil and Criminal Sanctions.
 - (6) Administering and Enforcing Permanent Program Standards.
 - (7) Assessing and Collecting Civil Penalties.
 - (8) Issuing Public Notices and Holding Public Hearings.
 - (9) Coordinating with Other Agencies.
 - (10) Consulting with Other Agencies.
 - (11) Designating Lands Unsuitable for Mining.
 - (12) Restricting Financial Interests.
 - (13) Training, Examining and Certifying Blasters.
 - (14) Providing for Public Participation.
 - (15) Providing Administrative and Judicial Review.
 - (16) Providing a Small Operator Assistance Program (SOAP).
- (h) Statistical Information.

- (i) Summary of Staff with Titles, Functions, Job Experience and Training.
- (j) Description of Staffing Adequacy.
- (k) Projected Use of Other Professional and Technical Personnel.
- (l) Budget Information.
- (m) Physical Resources Information.
- (n) Other Programs Administered by the Regulatory Authority.

No Environmental Impact Statement is being prepared in connection with the process leading to the approval or disapproval of the proposed Indiana program. Under Section 702(d) of SMCRA (30 U.S.C. 1292(d)) approval does not constitute a major action within the meaning of section 102(2)(c) of the National Environmental Policy Act of 1979 (42 U.S.C. 4332).

Dated: September 28, 1981.

Edgar A. Imhoff,
Regional Director.

[FR Doc. 81-28070 Filed 9-25-81; 8:45 am]
BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-1-FRL 1935-1]

Approval and Promulgation of Implementation Plans; Connecticut: Part D Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The State of Connecticut submitted revisions to its State Implementation Plan (SIP) dated December 15, 1980 and May 29, 1981. These revisions were made in response to conditions imposed by EPA in approving Connecticut's Part D plan on December 23, 1980 (45 FR 84769). The issues addressed include a control regulation for cutback asphalt, the Reasonable Further Progress (RFP) demonstration for ozone, a refined emission inventory for miscellaneous sources of volatile organic compounds (VOC), and revisions to the new source review program. EPA proposes to approve these amendments.

DATES: Comments should be sent to Harley F. Laing, Chief, Air Branch, Room 1903, JFK Federal Building, Boston, MA 02203 on or before October 28, 1981.

ADDRESSES: Copies of the Connecticut submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Air Branch, Room 1903, JFK Federal Building, Boston, Massachusetts

02203; Public Information Reference Unit, Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460; and Air Compliance Unit, Department of Environmental Protection, State Office Building, Hartford, Connecticut 06115.

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

SUPPLEMENTARY INFORMATION: On December 23, 1980 (45 FR 84769) EPA approved, in part, revisions to the Connecticut SIP which were prepared by the state to meet requirements of Part D (Plan Requirements for Non-Attainment Areas) and certain other sections of the Clean Air Act as amended in 1977.

In addition, EPA conditionally approved some elements of the Connecticut SIP revisions. Among the elements receiving conditional approval were: the ozone attainment plan for stationary sources of VOC (Ozone Plan), the RFP demonstration for ozone attainment, the stationary source VOC inventory, and the program to review new and modified major stationary sources in non-attainment areas. These conditions are not restated, but copies of the Final Rulemaking Notice 45 FR 84769 are available at the locations listed in the Addresses section of this Notice.

On December 15, 1980 and May 29, 1981 the Commissioner of the Connecticut Department of Environmental Protection submitted material to fulfill the requirements set forth in 45 FR 84769. Below is a review of this material and EPA's proposed action for each.

General Discussion

A. Ozone Attainment Plan for Stationary Sources of VOC: Control of Cutback Asphalt

Part D of the Act required states with areas that had not attained the National Ambient Air Quality Standards (NAAQS) to revise their SIPs. For states with ozone non-attainment areas these revisions were to include the submittal of control regulations for any VOC source covered in the first group of Control Technique Guidelines (CTG) which EPA published by January, 1978. Connecticut submitted regulations for all of the appropriate Group I categories with the exception of the control of cutback asphalt, for which the state proposed a control strategy with a compliance date of 1987. EPA conditionally approved this portion of the VOC SIP revision in 45 FR 84769 provided that the state submit to EPA by December 15, 1980 either a control

regulation for cutback asphalt that was consistent with EPA guidance and was to be implemented as expeditiously as possible, or an adequate justification for an extended schedule.

On October 10, 1980 Connecticut adopted a regulation controlling cutback asphalt and submitted it to EPA on December 15, 1980. This regulation provides for the replacement of cutback asphalt during the months June through September, with exemptions for medium-curing asphalt when used as a penetrating prime coat or for long-period storage or stockpiling. These provisions are consistent with the CTG. The Connecticut regulation also exempts Class 8 Bituminous Concrete, as defined in the Connecticut Department of Transportation Standard Specifications for Roads, Bridges and Incidental Construction, for surface treatments under one inch, crack filling, relief joints, minor leveling or pothole patching. It is EPA's understanding that Class 8 Bituminous Concrete is MC 3000 Asphalt, which according to the Asphalt Institute will emit less than 5 percent VOC in use. Therefore, this exemption is consistent with the CTG recommendations.

The regulation sets a statewide compliance date of October 1, 1985. The state has addressed a number of reasons for the necessity of an extended lead time in phasing out cutback asphalt use statewide, including the safety hazards associated with the misapplication by town crews, and the cost of converting equipment and washing or purchasing suitable aggregate. Connecticut DOT has committed to eliminating its nonessential use of cutback asphalt by 1982, and the public works departments of all the townships throughout the state will phase out their use of cutback asphalt by 1985. EPA expects that as experience is gained in the use of the emulsified asphalt, and as the cost effectiveness of the emulsified asphalt increases with the availability of the materials, the affected towns will convert to the use of the emulsified asphalt as expeditiously as practical but no later than October 1, 1985. EPA accepts this compliance date.

Proposed Action: EPA proposes to approve Regulation 19-508-20(k) dealing with control of cutback asphalt.

B. Reasonable Further Progress (RFP)

In 45 FR 84769 EPA conditioned approval of Connecticut's RFP plan on the submittal of an approvable regulation for cutback asphalt because the RFP demonstration assumed VOC reductions from the control of cutback asphalt. With the submittal of an

acceptable regulation for cutback asphalt, the only condition for approval of Connecticut's RFP demonstration has been satisfied.

Proposed Action: EPA proposes to approve Connecticut's RFP demonstration for ozone attainment.

C. Stationary Source VOC Emission Inventory

In response to the condition set forth in 45 FR 84769, Connecticut submitted a refined inventory summary of stationary VOC sources on May 29, 1981. This summary identifies all miscellaneous industrial sources of VOC emissions down to less than one ton per year, identifies the type of operation and lists controlled and uncontrolled emissions. EPA has evaluated this submission and finds that it satisfies the condition for approval.

Proposed Action: EPA proposes to approve Connecticut's refined stationary source VOC emission inventory.

D. New Source Review Program

On October 10, 1980 Connecticut adopted and then submitted with the December 15, 1980 package revisions to its regulations which:

1. Replace the word "actual" with the word "allowable" in Regulation 19-508-3(1)(3)(ii)(h); and

2. Add to Regulation 19-508-3(1)(1)(vi) provisions which require any facility applying for exemptions to: (a) demonstrate that it has made its best efforts to obtain sufficient offsets (b) apply all available offsets and (c) continue to seek the necessary offsets and apply them as they become available. These revisions met the requirements of 45 FR 84769.

Proposed Action: EPA proposes to approve the amendments to Regulation 19-508-3, Subsections (1)(1)(vi) and (1)(3)(ii)(h).

All comments received will be available for inspection at EPA's Region I Office, Room 1903, JFK Federal Building, Boston, MA 02203.

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, 46 FR 8709 (January 27, 1981). The attached rule, if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27, 1981 certification. This action only approves state actions, and as such 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 proposes acceptance of regulations already promulgated by the state of Connecticut and imposes no new requirements.

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

The Administrator's decision to approve or disapprove the plan revisions will be based on whether they meet the requirements of section 110(a)(2) (A)-(K) and 110(a)(3) of the Clean Air Act as amended, and EPA regulations in 40 CFR Part 51.

This revision is being proposed pursuant to sections 110(a) and 301 of the Clean Air Act, as amended 42 U.S.C. 7401 and 7601.

Dated: August 10, 1981.

Lester A. Sutton,
Regional Administrator.

[FR Doc. 81-28009 Filed 9-25-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-2-FRL 1935-4]

Approval and Promulgation of Implementation Plans; Revision to the New York State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This proposal announces the receipt of a request from the State of New York to revise its State Implementation Plan (SIP). If approved by the Environmental Protection Agency (EPA), this revision would allow the Consolidated Edison Company of New York, Inc. to burn fuel oil with a maximum sulfur content of 1.5 percent, by weight, in units 2 and 3 of its Arthur Kill generating facility and in unit 3 of its Ravenswood generating facility, all located in New York City, for up to two years. For a one-year period, which ended recently, 1.5 percent sulfur content fuel oil had been permitted to be burned at these units under an EPA-approved SIP revision. The normally applicable regulatory limitation is 0.3 percent, by weight.

DATES: Comments must be received on or before October 28, 1981.

ADDRESSES: All comments should be addressed to: Richard T. Dewling, Ph. D., Acting Regional Administrator, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278.

Copies of the proposal are available for public inspection during normal business hours at:

Environmental Protection Agency, Air Programs Branch—Room 1005, Region II Office, 26 Federal Plaza, New York, New York 10278

Environmental Protection Agency, Public Information Reference Unit, 401 M Stret, S.W., Washington, D.C. 20460

New York State Department of Environmental Conservation, Division of Air, 50 Wolf Road, Albany, New York 12233

New York State Department of Environmental Conservation, Region II Office, Two World Trade Center, 61st Floor, New York, New York 10047

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch—Room 1005, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278, (212) 264-2517.

SUPPLEMENTARY INFORMATION: On August 7, 1981 New York State submitted to the Environmental Protection Agency (EPA) a proposed revision to its State Implementation Plan (SIP). The request, if approved by EPA, would allow the Consolidated Edison Company of New York, Inc. (Con Edison) to burn for a temporary period, fuel oil with a maximum sulfur content of 1.5 percent, by weight, in units 2 and 3 of its Arthur Kill generating facility and in unit 3 of its Ravenswood generating facility, all located in New York City. The current normally applicable regulatory limitation on fuel oil sulfur content is 0.3 percent, by weight.

A similar SIP revision of one-year duration had been previously approved by EPA on August 11, 1980 (45 FR 53138). With the addition of several new conditions which have been imposed by the State, this current SIP revision request is a continuation of its earlier one.

The State's submittal consists of an order ("special limitation") signed by the Commissioner of the New York State Department of Environmental Conservation (NYSDEC), a public hearing officer's report, proof of publication of the State's hearing notice, and a technical report prepared by Con Edison in support of its use of higher sulfur content fuel oil. The SIP revision was submitted in accordance with all EPA requirements under 40 CFR Part 51, including a public hearing, which was held by the State on July 27, 1981.

The State proposes to incorporate in its SIP this "special limitation," which is authorized by Section 225.2 of Title 8 of the Official Compilation of Codes, Rules

and Regulations of the State of New York. The "special limitation" requires Con Edison to meet the following nineteen conditions.

(1) The "special limitation" shall continue in effect until November 10, 1981, by which time Con Edison must submit applications and environmental impact statements for the conversion of the affected units to coal. The statements must include an analysis of continued burning of 1.5 percent sulfur oil during the coal conversion review process.

(2) If condition (1) is met, the "special limitation" shall be extended until final action is taken by the NYSDEC regarding the use of coal at these facilities. If conversion to coal is disapproved, the "special limitation" shall terminate immediately. If conversion to coal is approved, the "special limitation" shall continue in effect until the units commence coal-firing, but its limitation shall be reduced to a fuel oil sulfur content which will result in sulfur dioxide emissions in the amount approved for coal conversion.

(3) The "special limitation" shall terminate immediately upon a disapproval by EPA.

(4) The NYSDEC expressly reserves the right to modify or revoke the "special limitation" on reasonable notice, if it determines that such action is necessary to protect the public interest.

(5) Con Edison must provide and operate a NYSDEC approved continuous monitoring network.

(6) Con Edison must re-evaluate and modify by December 31, 1981 its existing monitoring network in a manner acceptable to the NYSDEC.

(7) Con Edison must upgrade the quality assurance procedures for the operation of its monitoring network in accordance with audits and recommendations made by the NYSDEC technical staff.

(8) The NYSDEC reserves the right to audit and require modification of the continuous monitoring network at any time, provided sufficient time is allowed for any modification required.

(9) Con Edison shall submit in a prescribed format monthly and annual sulfur dioxide air quality data and wind reports from its monitoring network.

(10) Con Edison shall submit two copies of all reports to parties named in the "special limitation".

(11) Con Edison shall revise the reporting format and reporting dates upon notification by the NYSDEC.

(12) Con Edison must submit by December 31, 1981 a comprehensive evaluation report of air monitoring data, including all Con Edison and NYSDEC

data and selected New Jersey and Connecticut Departments of Environmental Protection data collected during the period August 12, 1980 through August 11, 1981, in a manner acceptable to the NYSDEC.

(13) Con Edison must maintain a reserve supply of 0.30 percent sulfur content fuel oil for use as directed by the NYSDEC during emergency periods.

(14) Con Edison must modify its emergency fuel switching program and procedures to incorporate appropriate New Jersey Department of Environmental Protection monitors.

(15) Con Edison must immediately initiate an investigation to determine the appropriate fuel sulfur content and combustion procedures necessary to meet and maintain opacity standards. That investigation is to be completed within one month unless the need for additional time can be demonstrated to the satisfaction of the NYSDEC. The Arthur Kill units 2 and 3 will be subsequently limited to the sulfur content and procedures determined.

(16) Con Edison must institute the following program of plant operations to enhance the simulation of coal conversion:

(a) Maximize the plant capacity operation of the affected units to achieve the 67% capacity operation anticipated subsequent to coal conversion, and

(b) Minimize the use of natural gas in the Con Ed network, particularly at the affected units.

(17) Con Edison must institute and report to the NYSDEC bi-monthly on the development and progress of an active and positive program of conversion to natural gas use of low level combustion sources.

(18) The "special limitation" will be modified to conform to any policy developed and agreed upon by the Atlantic Alliance (currently comprised of New York and New Jersey) regarding limits on pollutant emissions and prevention of significant deterioration increment consumption.

(19) The "special limitation" shall not relieve Con Edison from the obligation to operate the Ravenswood and Arthur Kill facilities in such manner as to conform to the terms and conditions of the certificate to operate issued for such facilities; nor shall the "special limitation" otherwise relieve Con Edison from any responsibilities for compliance with any applicable laws, regulations or requirements.

In its review of these nineteen conditions it has been brought to EPA's attention that a situation exists whereby the use of higher sulfur content fuel oil could continue indefinitely. Specifically,

if Con Edison meets the provisions of Condition (1), but the State is delayed in making its decision regarding coal burning under Condition (2), then the use of higher sulfur content fuel oil would continue automatically until a decision is made.

Because approval of a "special limitation" does not represent a permanent revision of the regulatory portion of the SIP, it cannot be "open-ended." This need for a termination date was acknowledged in an August 14, 1981 letter which EPA received from the State. Con Edison itself is also aware of this problem and on June 18, 1981 wrote to the State to request that "permission to burn higher sulfur oil [be limited] to a two year period, or until these units are converted to coal burning, whichever shall occur first." Con Edison has sent a copy of this June 18, 1981 letter to EPA under cover of an August 25, 1981 letter in which the company states that, "[w]e believe it would be appropriate for EPA to limit its approval of this special limitation extension to a two year period commencing on the effective date of EPA's final approval."

Consequently, at the State's and the utility's request and in order to meet its own requirements regarding SIP revision approvals, EPA is today proposing to limit its approval (if such is granted) to a maximum period not to exceed two years from the date of its Federal Register notice of final action.

EPA has reviewed the technical material submitted by NYSDEC and concurs with the State's determination that no violation of national ambient air quality standards or any applicable Prevention of Significant Deterioration increment will occur as a result of the use of higher sulfur content fuel oil by Con Edison. This technical review by EPA revealed that measured sulfur dioxide levels at the most critical monitors in Manhattan have remained at or below the levels measured one year ago. Specifically, the 12-month running average through July 31, 1981 at both the Community College of New York and Mabel Dean Bacon sites is 71 $\mu\text{g}/\text{m}^3$, while the average at the Central Park monitor is 63 $\mu\text{g}/\text{m}^3$. The annual average national ambient air quality standard for sulfur dioxide is 80 $\mu\text{g}/\text{m}^3$.

EPA notes, however, that unusually high 24-hour concentrations of sulfur dioxide have been reported on a few occasions at a monitor operated by the New Jersey Department of Environmental Protection in Perth Amboy, New Jersey. The high concentrations measured at this monitor, which is located approximately 8 km southwest of Con Edison's Arthur

Kill generating facility, may have resulted in part from emissions from this facility. Although no violations of either the New Jersey State or national ambient air quality standard for sulfur dioxide have occurred, the high concentrations which occurred require further investigation. To this end, the NYSDEC has required that Con Edison conduct a comprehensive evaluation of these high concentrations by December 31, 1981 (see Condition (12)).

Based upon the State's analysis and EPA's own review of the technical material submitted, EPA proposes to approve the State's SIP revision request. EPA emphasizes that today's proposed action would only revise the State's SIP to authorize the use of fuel oil with a maximum sulfur content of 1.5 percent, by weight, at the affected Con Edison units for a maximum period not to exceed two years, from the date of EPA's final rulemaking on this proposal.

This notice is issued as required by Section 110 of the Clean Air Act, as amended, to advise the public that comments may be submitted on or before October 28, 1981, on whether the proposed SIP revision should be approved or disapproved. The Administrator's decision regarding approval or disapproval of this proposed SIP revision will be based on whether it meets the requirements of Section 110 of the Clean Air Act and EPA regulations in 40 CFR (Code of Federal Regulations) 51.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under Section 110 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities (46 FR 8709; January 27, 1981). The attached rule, if promulgated, constitutes a SIP approval under Section 110 within the terms of the January 27 certification. 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 generally, it only proposes to approve a regulation that presently applies under New York State Law.

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

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

Dated: September 3, 1981.

Richard T. Dewling,
Acting Regional Administrator,
Environmental Protection Agency.
[FR Doc. 81-28068 Filed 9-25-81; 8:45 am]
BILLING CODE 6560-38-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-41

Quantity (Bulk) Ticket Purchases; Transportation and Public Utilities Service

AGENCY: General Services
Administration.

ACTION: Proposed rule.

SUMMARY: The General Services Administration (GSA) proposes to amend the Federal Property Management Regulations to revise the current dollar limitations on quantity (bulk) ticket purchases. These revised procedures increase the dollar limit for bulk ticket purchases and will permit Government agencies to make greater use of reduced fares when purchased in bulk quantities. The cost of preparing U.S. Government Transportation Requests for repetitive regular fare travel will also be reduced.

DATE: Comments must be received on or before October 28, 1981.

ADDRESS: Written comments should be sent to the General Services Administration (TACP), Chester A. Arthur Building, Washington, DC 20406.

FOR FURTHER INFORMATION CONTACT: John W. Sandfort, Chief, Reports and Procedures Branch, Office of Transportation Audits (202-275-0664).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of \$100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society. GSA proposes to amend Title 41, Part 101-41 of the Code of Federal Regulations (41 CFR 101-41) as follows:

PART 101-41—TRANSPORTATION DOCUMENTATION AND AUDIT

Subpart 101-41.2—Passenger Transportation Services Furnished for the Account of the United States

Section 101-41.203-3(b)(2) is revised to read as follows:

§ 101-41.203-3 Quantity (bulk) ticket purchases.

(b)

(2) Each one-way or round trip single fare for transportation does not exceed \$250 exclusive of Federal transportation tax; and

(31 U.S.C. 244)

Dated: September 9, 1981.

Allan W. Beres,
Commissioner, Transportation and Public
Utilities Service.

[FR Doc. 81-28091 Filed 9-25-81; 8:45 am]
BILLING CODE 6820-AM-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6052]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Connecticut

AGENCY: Federal Emergency
Management Agency.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of Marlborough, Hartford County, Connecticut. These corrections affect location descriptions and do not change the proposed base flood elevations previously published at 46 FR 27141 on May 18, 1981.

EFFECTIVE DATE: September 28, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Federal Emergency Management Agency, National Flood Insurance Program (202) 287-0270, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of corrections to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of Marlborough, Hartford County, Connecticut, previously published at 46 FR 27141 on May 18, 1981, in accordance with Section 110 of the Flood Disaster

Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

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

In order to maintain consistency throughout the Flood Insurance Study, all references to Hebron Road on the Study (profile) and Rate Map should be changed to State Route 66.

The locations listed below have been amended to read as follows. (The remainder of the Notice of Proposed base flood elevations was correct as published.)

Source of flooding	Location	Elevation in feet National Geodetic vertical datum
Dickinson Creek	Approximately 2,500' upstream West Road	*510
	Approximately 660' downstream Old Stagecoach Road	*535
	Approximately 250' downstream Old Stagecoach Road	*547
	Approximately 300' upstream Old Stagecoach Road	*565
	Approximately 850' upstream Old Stagecoach Road	*584
Flat Brook	Approximately 1,250' upstream Jones Hollow Road	*390
	Approximately 1,850' upstream Finkley Hill Road	*462
	Approximately 2,350' upstream South Buckboard Lane	*381
Foot Sawmill Brook	Approximately 3,300' upstream South Buckboard Lane	*400
	Approximately 3,700' upstream South Buckboard Lane	*406
	Approximately 700' downstream Stony Brook Road	*419
	Approximately 350' downstream Private Drive	*206

Source of flooding	Location	Elevation in feet National Geodetic vertical datum
	Approximately 300' upstream Private Drive	*230
	Approximately 600' upstream Private Drive	*241
	Approximately 1,400' upstream Johnson Road No. 1	*345
	Approximately 1,750' upstream Johnson Road No. 1	*355

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

Issued: September 15, 1981.

John Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-28010 Filed 9-25-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6079]

National Flood Insurance Program; Proposed Flood Elevation Determination; Connecticut

AGENCY: FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations previously published at 46 FR 31681 on June 17, 1981. This correction notice provides a more accurate representation of the Flood Insurance Study and Flood Insurance Rate Map for the Town of Plymouth, Litchfield County, Connecticut.

EFFECTIVE DATE: September 28, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, P.E., Federal Emergency Management Agency, National Flood Insurance Program (202) 287-0270, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the correction to the Notice of Proposed Determination of base (100-year) flood elevations for selected locations in the Town of Plymouth, Litchfield County, Connecticut, previously published at 46 FR 31681 on June 17, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L.

90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

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

Under the Source of Flooding Poland River, the base flood elevation at the Dam (Downstream) was published incorrectly. It should be corrected to read 666 feet in elevation (National Geodetic Vertical Datum).

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

Issued: September 15, 1981.

John Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-28009 Filed 9-25-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6074]

National Flood Insurance Program; Proposed Flood Elevation Determinations Iowa; Correction

AGENCY: FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the City of Ft. Madison, Lee County, Iowa, previously published at 45 FR 30121 on June 5, 1981. **EFFECTIVE DATE:** September 28, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, National Flood Insurance Program (202) 287-0270, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the City of Ft. Madison, Lee County, Iowa previously published at 45 FR 30121 on June 5, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of

1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a)).

The Mississippi River location of "Approximately 7.3 miles downstream of Atchison, Topeka and Santa Fe Railway" was identified with a base flood elevation of 723 feet. This elevation should be corrected to read 523 in order to more accurately reflect the elevation at that point.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the (proposed) flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under

section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The listing appears correctly as follows:

State	City/town/country	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Iowa	(C) Ft. Madison, Lee County	Mississippi River	Approximately 7.3 miles downstream of Atchison, Topeka and Santa Fe Railway.	*523

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

Issued: September 15, 1981.

John Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-26029 Filed 9-25-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-5966]

National Flood Insurance Program; Nevada Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule; revision.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Henderson, Nevada.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 45 FR 85118 on December 24, 1980 and the *Henderson Home News*, published on or about November 25, 1980 and December 2, 1980, and hence supersedes those previously published rules for the areas cited below.

DATE: The period for comment will be ninety (90) days following the second

publication of this notice in a newspaper of local circulation in the above named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood prone areas and the proposed flood elevations are available for review at the City Hall, 243 Water Street, Henderson, Nevada.

Send comments to: The Honorable Lorin Williams, 243 Water Street, Henderson, Nevada 89015.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, P.E., National Flood Insurance Program (202) 287-0270, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the City of Henderson, Nevada, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4 (a)).

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

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance of existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under Section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until

the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not prescribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

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

Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Alluvial Fan in eastern Henderson.	8,500' east of the intersection of Newport Drive and Magic Way.	#1
	7,500' east of the intersection of Newport Drive and Magic Way.	#4
Alluvial Fan in western Henderson.	1,500' south of the centerline of Sunset Road at a point 8,000 feet west of the intersection of Sunset Road and Gibson Road.	#1
	8,100' south of the centerline of Sunset Road at a point 8,200 feet west of the intersection of Sunset Road and Gibson Road.	#6

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

Issued: September 17, 1981.

John Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-28029 Filed 9-25-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6073]

National Flood Insurance Program; Proposed Flood Elevation Determination; New Hampshire

AGENCY: FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations previously published at 46 FR 29957 on June 4, 1981. This correction notice provides a more accurate representation of the Flood Insurance Study and Flood Insurance Rate Map for the Town of Marlborough, Cheshire County, New Hampshire.

EFFECTIVE DATE: September 28, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, P.E., Federal Emergency Management Agency, National Flood Insurance Program (202) 287-0270, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of Marlborough, Cheshire County, New Hampshire, previously published at 46 FR 29957 on June 4, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

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

Under the Source of Flooding of South Branch Ashuelot River, the base flood elevation for the location of approximately 950 feet upstream from Old Iron bridge has been amended to read 891 feet in elevation (National Geodetic Vertical Datum).

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

Issued: September 15, 1981.

John Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-28011 Filed 9-25-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6053]

Proposed Flood Elevation Determinations; New Jersey

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule; revision.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Hamilton, New Jersey.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 46 FR 27134 on May 18, 1981 and in the *Mercer County Messenger*, published on or about April 16, 1981, and April 23, 1981, and hence supersedes those previously published rules for the areas cited below.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Engineer's Office, 2090 Greenwood Avenue, Hamilton, New Jersey.

Send comments to: The Honorable John K. Rafferty, 2090 Greenwood Avenue, Hamilton, New Jersey 08650.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, National Flood Insurance Program (202) 287-0270, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the Township of Hamilton, New Jersey, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or

show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

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

Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Pond Run....	Centerline of East State Street 50 feet upstream from centerline of Whitehorse-Hamilton Square Road.	*49 *61
North Branch Pond Run.	Centerline of Brooks Lane	*55
	Centerline of Estates Boulevard.....	*67

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

Issued: September 17, 1981.

John Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-28006 Filed 9-23-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6061]

National Flood Insurance Program; Proposed Flood Elevation Determinations Vermont; Correction

AGENCY: FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations previously published at 46 FR 28453 on May 27, 1981. This correction notice provides a more accurate representation of the Flood Insurance Study and Flood Insurance Rate Map for the Town of Middlesex, Washington County, Vermont.

EFFECTIVE DATE: September 28, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Federal Emergency Management Agency, National Flood Insurance Program (202) 287-0270, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of Middlesex, Washington County, Vermont, previously published at 46 FR 28453 on May 27, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

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

requirement; of itself it has no economic impact.

The following location descriptions have been amended to read as follows. The remainder of the Notice of Proposed Base Flood Elevations remains the same.

Source of flooding	Location	Elevation in feet National Geodetic vertical datum
Great Brook.	Approximately 2,150' upstream of Interstate Route 89.	580
Sunny Brook.	Approximately 1,300' upstream of Sunny Brook Road (upstream crossing).	578

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

Issued: September 15, 1981.

John Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-28025 Filed 9-25-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6073]

National Flood Insurance Program; Proposed Flood Elevation Determinations Wisconsin; Correction

AGENCY: FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Village of Germantown, Washington County, Wisconsin, previously published at 45 FR 29961 on June 4, 1981.

EFFECTIVE DATE: September 28, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program (202) 287-0270, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Village of Germantown, Washington County, Wisconsin previously published at 45 FR 29961 on June 4, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added 1363 to the

National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a)).

The following changes have been made to the Proposed Base Flood Elevations notice for the Village of Germantown, Washington County, Wisconsin. The lowest elevation listed under the North Branch Menomonee River should be 850 feet occurring at the confluence of the Menomonee River. The said point whose description appeared under the Menomonee River should be omitted and become part of the North Branch Menomonee River description. Elevation 914 at the West Branch Menomonee River was changed to 913 because elevation 914 is contained in a culvert in this vicinity. The distance referenced at Little Cedar Creek, elevation 851, should be 0.14 mile instead of 1.02 miles in order to be more reflective of elevation 851. The description at Willow Creek, elevation

857, should be State Highway 175 instead of 145 to reflect the updated community map. The description at Tributary No. 1A, elevation 864, should be changed from 0.58 mile to 0.57 mile in order to more accurately reflect the BFE at that point. The description at Tributary No. 2, elevation 848, should be 0.48 mile instead of 0.97 mile in order to more adequately represent the elevation at its confluence with the Menomonee River. The description at Tributary No. 5, elevation 852, should be changed to "Lovers Lane" instead of "East Lovers Lane Road" to be consistent with mapping data. Also on Tributary No. 5, the distance referenced at elevation 857 should be "0.37 mile" instead of "0.38 mile" in order to be more representative of elevation 857. The flooding source "North Crossway", should be corrected to read "North Crossway Channel."

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency

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

The listing appears correctly as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Wisconsin	(V) Germantown, Washington County	North Branch Menomonee River	At confluence with Menomonee River	*850
		West Branch Menomonee River	Just downstream of U.S. Highway 41	*913
		Little Cedar Creek	About 0.14 mile downstream of Chicago and North Western railroad	*851
		Willow Creek	Just upstream of State Highway 175	*857
		Tributary No. 1A	About 0.57 mile upstream of Llac Lane	*864
		Tributary No. 2	About 0.48 mile downstream of Western Avenue	*848
		Tributary No. 5	Just downstream of Lovers Lane	*852
			About 0.37 mile upstream of Lovers Lane	*857

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19307; and delegation of authority to the Associate Director)

Issued: September 15, 1981.

John Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-26005 Filed 9-25-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-636; RM-3917]

FM Broadcast Station in Ada, Minn.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 292A to Ada, Minnesota, in response to a petition

filed by Cecil Malme. The assignment could provide Ada with a first local FM service.

DATES: Comments must be filed on or before November 16, 1981, and reply comments must be filed on or before December 8, 1981.

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

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Ada, Minnesota) [BC Docket No. 81-636; RM-3917].

Notice of Proposed Rule Making

Adopted: September 10, 1981.

Released: September 18, 1981.

By the Acting Chief, Policy and Rules Division:

1. Cecil Malme ("petitioner") has filed a petition for rule making¹ seeking assignment of FM Channel 292A to Ada, Minnesota, as that community's first assignment. The channel could be assigned in compliance with the minimum distance separation requirements of § 73.207 of the Commission's Rules, and petitioner

¹ Public Notice of the petition was given on June 19, 1981, Report No. 1293.

states that he will apply for the channel, if assigned.

2. Ada (population 2,076),² the seat of Norman County (population 10,008), is located approximately 360 kilometers (225 miles) northwest of Minneapolis, Minnesota. It presently has no local aural service.

3. Petitioner states that Ada has its own government unit, a hospital, educational facilities, and social and service organizations. Additionally, it is alleged that Ada is both the geographical and commercial center of Norman County. Petitioner adds that the predominant business in the county is farming, with agriculture accounting for over 96% of all land use, and culminating in an annual payroll in excess of \$1,800,000. Further, it is stated that while the county is comprised of a small amount of manufacturing industries, it has numerous expanding retail and wholesale establishments. In sum, petitioner has set forth the requisite showings to demonstrate a need for the proposed service to Ada, Minnesota.

4. Since Ada is located within 400 kilometers (250 miles) of the U.S.-Canada border, the proposed assignment of Channel 292A to that community requires coordination with the Canadian Government.

5. In view of the foregoing, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Ada, Minnesota		292A

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

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

7. Interested parties may file comments on or before November 16, 1981, and reply comments on or before December 8, 1981.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act do*

not apply to rule making to amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules, 46 FR 11549, published February 9, 1981.

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

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

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division,
Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

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

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

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

(b) With respect to petitions for rule making which conflict with the

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

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

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

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

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

FR Doc. 81-28060 Filed 9-25-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-635; RM-3731]

FM Broadcast Station in Havelock, North Carolina; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the substitution of FM Channel 284 for Channel 285A at Havelock, North Carolina, and the modification of the

²Population figures are extracted from the 1970 U.S. Census.

license of Station WMSQ, Havelock, to specify operation on Channel 284. This action is taken in response to a petition for rule making filed by Musicradio of North Carolina, Inc., the licensee of Station WMSQ.

DATES: Comments must be filed on or before November 16, 1981, and reply comments must be filed on or before December 8, 1981.

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

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Havelock, North Carolina) (BC Docket No. 81-635; RM-3731).

Notice of Proposed Rule Making

Adopted: September 10, 1981.

Released: September 21, 1981.

By the Acting Chief, Policy and Rules Division:

1. A petition for rule making¹ was filed by Musicradio of North Carolina, Inc. ("petitioner"), licensee of radio Stations WCPQ (AM) and WMSQ (FM), Havelock, North Carolina, seeking the substitution of Channel 284 for Channel 285A at Havelock, and modification of the WMSQ (FM) license to specify operation on Channel 284. No comments in response to the petition were filed. Channel 284 can be assigned to Havelock in accordance with the minimum distance separation requirements with a site restriction of at least 15.1 kilometers (9.4 miles) south-southwest.²

2. Havelock (population 5,283),³ seat of Craven County (population 62,554), is located approximately 184 kilometers (115 miles) southeast of Raleigh, North Carolina. Havelock is presently served locally by daytime-only Station WCPQ and FM Station WMSQ, both of which are licensed to petitioner.

3. In support of its proposal, petitioner states that in 1979, the City of Havelock annexed the Cherry Point Marine Corps Air Station, which increased the city's population to 17,035. According to

petitioner, the Marine facility at Havelock is by far the greatest contributor to the local economy. However, petitioner asserts that, due to a shortage of housing at the Air Station, many of the station's employees live in communities outside Station WMSQ's present 1 mV/m contour. Petitioner reasons that the substitution of the Class C channel at Havelock would enable those outlying residents to receive important information concerning activities at the Air Station. Petitioner states that the proposal would provide a second FM service to 528 persons in an area of seven (7) square miles. Petitioner concludes by noting that Havelock is the largest city to which Channel 284 can be assigned.

4. *Preclusion Study*—According to the preclusion study submitted by petitioner, the substitution of Channel 284 for Channel 285A would cause no new preclusion to communities with populations over 1,000.

5. As a general matter, the Commission does not assign high-power Class C channels to communities as small as Havelock unless that channel could provide first or second FM service to a significant population. In the instant case, no such significant amounts of new service would be provided. However, petitioner's new population figures for Havelock indicate that the city is approaching the size which we would normally consider suitable for a Class C assignment. As it appears that no other city of comparable size would be precluded by this assignment, we shall propose to amend the Table of Assignments as requested.

6. At present, no other person has expressed an interest in the proposed Class C channel at Havelock. Therefore, as requested by petitioner, we are proposing to modify the license of Station WMSQ to specify operation on Channel 284. However, in accordance with Commission policy as expressed in *Cheyenne, Wyoming*, 82 FCC 2d 63 (1976), should another interest in the assignment be expressed, the proposed modification could not be made and the channel, if assigned, would be open for competing applications.

7. An *Order to Show Cause* to the petitioner is not necessary since consent to the modification of its license is indicated by its request for the Class C channel.

8. In light of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, as follows:

City	Channel No.	
	Present	Proposed
Havelock, North Carolina	285A	284

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

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

10. Interested parties may file comments on or before November 16, 1981, and reply comments on or before December 8, 1981.

11. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See, Certification that sections 603 and 604 of the Regulatory Flexibility Act do not apply to rule making to amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules*, 46 FR 11549, published February 9, 1981.

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

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

Federal Communications Commission.
Martin Blumenthal,
Acting Chief, Policy and Rules Division,
Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in

¹Public Notice of the petition was given on September 2, 1980, Report No. 1246.

²On reconsideration in Docket 80-246, a site restriction on Channel 285A at Hertford, North Carolina, was increased to make this more flexible site restriction, for the Havelock channels, possible. The reconsideration in the Hertford case was sought by petitioner, Musicradio of North Carolina, Inc.

³Unless otherwise indicated, population figures are taken from the 1970 U.S. Census.

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

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

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

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

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

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

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

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

[FR Doc. 81-28081 Filed 9-25-81; 8:45 am]

BILLING CODE 8712-01-M

47 CFR Part 73

[BC Docket No. 81-634; RM-3875]

TV Broadcast Station in Victoria, Tex.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of UHF television Channel *47 to Victoria, Texas, as its first noncommercial educational station, in response to a petition filed by South Texas Educational Broadcasting Council.

DATES: Comments must be filed on or before November 16, 1981, and reply comments must be filed on or before December 8, 1981.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (Victoria, Texas).

Adopted: September 10, 1981.

Released: September 21, 1981.

By the Acting Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making¹ filed by South Texas Educational Broadcasting Council ("petitioner"),² which seeks the amendment of § 73.606(b) by reserving UHF television Channel 25, at Victoria, Texas, for noncommercial educational use. Opposing comments were filed by Community Broadcasting of Coastal Bend, Inc.³ (Community), to which petitioner responded.

2. Victoria (population 41,349)⁴ seat of Victoria County (population 53,766) is

¹ Public Notice of the petition was given on April 7, 1981, Report No. 1279.

² South Texas is the permittee of television translator station K25AE, Victoria, Texas.

³ Community has filed an application for Channel 25, at Victoria, Texas, on a commercial basis.

⁴ Population figures are taken from the 1970 U.S. Census.

located in south Central Texas, approximately 195 kilometers (120 miles) southwest of Houston, Texas. It is served locally by UHF Channel 19 (Station KXIX), UHF Channel 25 (used by petitioner's translator station), and Channel 31 (construction permit issued).

3. Petitioner claims that there is a compelling need for a reserved television allocation at Victoria since there is no reserved non-commercial educational channel assignment within sixty miles of Victoria. Petitioner contends that the proposal would ensure protection from future low power operation and would be in keeping with the Commission's policy of encouraging use of translator stations for noncommercial public broadcasting. Petitioner indicates that it intends to upgrade the facility to low power status in the future.

4. Community, in opposing comments, argues that the petitioner seeks to protect its translator operation on Channel 25 (rebroadcasting Channel 16, Corpus Christi, Texas) and accomplish indirectly what it may not accomplish as a translator. Additionally, it claims that the petitioner did not make a commitment to upgrade the facility to full television operation in the future, and the present proposal would deny other interested parties the opportunity to operate on a channel long allocated for commercial use. Community states that while it does not object to the reservation of an educational channel at Victoria, it does however, object to the reservation of Channel 25, since considerable effort has been expended in developing its proposal for the channel. Community suggests, as an alternative, assigning Channel 37 or one of seventeen other available UHF channels, for educational use by the petitioner, thus allowing Channel 25 to remain undisturbed, in view of the interest expressed in its use.

5. In reply comments, petitioner states that its justification for the proposal was a need to protect the channel reservation prior to implementing the grant, as permittee of the translator station on Channel 25, noting the lack of local noncommercial educational service. Petitioner argues that the opposition did not allege that this proposal would not best serve the public interest, nor that there is not other alternative channel available for it to amend its pending application. Petitioner contends that Community filed its application for use of channel 25, after petitioner had been granted a construction permit. These circumstances dictate acceptance of its

proposal to reserve Channel 25 for educational use.

8. It appears that there is a need for noncommercial educational service at Victoria. However, petitioner's proposal to reserve Channel 25 for noncommercial educational use in order to protect its translator and possible future low power operation, would delay authorization of an additional full service commercial station.

Community's application for Channel 25 has been cut-off and there is no competing application for the channel. Further, there is no other vacant commercial channel assignment in Victoria, so amendment of the Community application would have to wait until a rule making proceeding could add a channel. Petitioner has not expressed its intent to upgrade its facility to full service use, if the proposal is adopted, and translators are not considered an impediment to full broadcast use. See § 74.702(c)(3) of the Commission's Rules. A staff study shows that Channel *47 is available for assignment to Victoria, thus leaving Channel 25 for commercial use. Since another channel can be assigned to Victoria for noncommercial use, we believe the public interest would be served by proposing the assignment of Channel *47 for such use.

7. Mexican concurrence in the assignment must be obtained.

8. Comments are invited on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Rules) with regard to the city of Victoria, Texas, as follows:

City	Channel No.	
	Present	Proposed
Victoria, Texas	19+, 25, 31	19+, 31, *47

9. Interested parties may file comments on or before November 16, 1981, and reply comments on or before December 8, 1981.

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

11. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of

Proposed Rule Making is issued until the matter is no longer subject to consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1068, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.
Martin Blumenthal,
Acting Chief, Policy and Rules Division,
Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

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

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

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

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

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

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

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

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

[FR Doc. 81-28058 Filed 9-25-81; 8:45 am]
BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1310

[Ex Parte No. MC-77; Sub. No. 3]

Elimination of Certificates as the Measure of "Holding Out"

AGENCY: Interstate Commerce Commission.

ACTION: Proposed rule; notice of oral argument.

SUMMARY: In an earlier notice of proposed rulemaking, the Commission proposed to reexamine the duty imposed on motor common carriers of property to provide transportation coextensive with all points and service contained in their certificates of public convenience and necessity (46 FR 8604, January 27, 1981, as amended at 46 FR 13751, February 24, 1981.)

In a later notice (46 FR 44482, September 4, 1981), the Commission announced that there would be an oral argument in this proceeding, and requested that briefs be filed in this matter. This notice sets the time and place for the oral argument.

The public is invited to attend the oral argument. A schedule of appearances, including time limits, will be served separately on participants and will also be made available on the morning of the oral argument.

DATE: October 1, 1981, 9:00 a.m.

ADDRESS: Interstate Commerce Commission Bldg., 12th St. and Constitution Ave., NW., Washington, DC, Hearing Room A.

FOR FURTHER INFORMATION CONTACT: James H. Bayne; Telephone: (202) 275-7428.

Decided: September 24, 1981.

By the Commission, Reese H. Taylor, Chairman.

James H. Bayne,
Acting Secretary.

[FR Doc. 81-28213 Filed 9-25-81; 9:45 am]

BILLING CODE 7035-01-M

Notices

Federal Register

Vol. 46, No. 187

Monday, September 28, 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

Agricultural Marketing Service

Flue-Cured Tobacco Advisory Committee; Meeting

The Flue-Cured Tobacco Advisory Committee will meet in the Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, laboratory, Room 223, Flue-Cured Tobacco Cooperative Stabilization Corporation, 1306 Annapolis Drive, Raleigh, North Carolina 27605 at 1:00 p.m., on Friday, October 9, 1981.

The purpose of the meeting is to discuss problems which cause the need for a marketing holiday and its impact upon all segments of the tobacco industry. The Committee will review the marketing situation and begin developing recommendations for next season that will provide an uninterrupted selling season.

Also, other matters as specified in 7 CFR Part 29, Subpart G, will be discussed.

The meeting is open to the public but space and facilities are limited. Public participation will be limited to written statements submitted before or at the meeting unless their participation is otherwise requested by the Committee Chairman. Persons, other than members, who wish to address the Committee at the meeting should contact Paul T. Donovan, Acting Director, Tobacco Division, Agricultural Marketing Service, 300 12th Street SW., U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-2567.

Dated: September 23, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-28080 Filed 9-25-81; 8:45 am]

BILLING CODE 3410-02-M

Forest Service

National Forest System Advisory Committee; Renewal

The National Forest System Advisory Committee is hereby renewed effective September 11, 1981, in compliance with Section 11 of the National Forest Management Act of 1976 (Pub. L. 94-588).

The purpose of this Committee is to advise the Secretary of Agriculture on questions of policy, programs, and procedures affecting the administration of the National Forest System by the Forest Service.

Renewal of this Committee is necessary and in the public interest in connection with the performance of duties imposed on the Department and the Forest Service by law. The Committee serves an essential function.

Dated: September 22, 1981.

John E. Schrote,

Deputy Assistant Secretary for Administration.

[FR Doc. 81-28040 Filed 9-25-81; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

Minority Business Development Agency

Chicago Regional Construction Services Program; Financial Assistance Application Announcement

AGENCY: Department of Commerce, Minority Business Development Agency.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) requirement to provide management consulting services under its Chicago Regional Construction Services Program was previously announced in the Federal Register on March 12, 1981 under Project I.D. No. 05-10-00107-00. Due to administrative determinations and clarification of Attachment O of OMB Circulars A-110 and A-102 and indirect cost policy this requirement is renounced as follows:

MBDA is seeking applications for two awards under its Chicago Regional Construction Services Program. One grant for a management and technical assistance project to operate in the states of Indiana, Michigan, and Ohio. The project will operate at a cost not to

exceed \$225,000 for a period of 12 months beginning February 1, 1982. The Project I.D. Number is 05-10-80015-01.

One grant for a management and technical assistance project to operate in the states of Illinois, Missouri and Wisconsin. The project will operate at a cost not to exceed \$230,000 for a period of 12 months beginning February 1, 1982. The Project I.D. Number is 05-10-80016-01.

Program Description

The Construction Service Program of the Minority Business Development Agency (MBDA) provides management consulting services to minority construction businesses for the purpose of improving their stability by increasing their management and marketing capabilities. MBDA offers competitive grants to consulting firms (either "not for profit" or "commercial entities"). These firms must be capable of providing such services as:

- Preparation of business plans.
- Capital development (financial).
- Management assistance.
- Personnel management services.
- Marketing planning.

and a broad range of other business services excluding legal services.

Eligibility Requirements

Any for-profit firm or non-profit institution is eligible to submit an application. If an award is made, continuation awards for up to two additional years may be made to the successful recipients without competition, provided that funds have been appropriated for a project of this kind, and MBDA has determined that such funds are available, there is a continuing need for a project of this kind, and the recipient has performed satisfactorily. Applicants who plan to contract out any of the work under the award must comply with Attachment O of OMB Circular A-110 or A-102.

Application Materials

An application kit for this project may be requested by writing to the following address: U.S. Department of Commerce, Minority Business Development Agency, Grants Administration Unit, 55 East Monroe Street, Suite 1440, Chicago, Illinois 60603, Attn: Lavenia Webb, Grant Technician, Tel. (312) 353-0192.

Two (2) self-addressed mailing labels should be furnished in order to expedite

forwarding of your application kit. When requesting an application kit, the applicant must specify its profit status; i.e., State or local government, federally recognized Indian Tribal unit, educational institution, hospital, or other type of profit or non-profit institution. This information is necessary to enable MBDA to include the appropriate cost principles in the application kit.

Award Process

All applications that are submitted in accordance with the instructions in the application kit will be submitted to a panel for review and ranking. Specific criteria by which applications will be evaluated is included in the application kit.

Closing Date

Applicants are encouraged to obtain an application kit as soon as possible in order to allow sufficient time to prepare and submit an application before the closing date of November 6, 1981. Applications received after November 6, 1981 will not be considered.

Pre-Application Conference

A pre-application conference for all interested applicants will be held at 10:00 a.m., October 20, 1981 at the Federal Building, 536 S. Clark St., Room 209, Chicago, Illinois.

Dated: September 21, 1981.

Stanley W. Tate,
Regional Director.

[FR Doc. 81-28016 Filed 9-23-81; 9:45 am]
BILLING CODE 1350-53-M

Portfolio Growth Co. Program; Financial Assistance Application Announcement

AGENCY: Department of Commerce,
Minority Business Development Agency.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is seeking applications under its Portfolio Growth Company program to operate one project for a 12-month period beginning February 1, 1982 within the geographic confines of those standard metropolitan statistical areas (SMSAs) with the highest concentration of large-scale minority-owned firms; namely, the Cleveland SMSA, the Chicago SMSA, the Detroit SMSA, and the St. Louis SMSA. The applicant may choose one or any combination of the SMSA areas listed in structuring its application. The project will operate at a cost not to exceed \$150,000 and the Project I.D. Number is 05-10-80014-01.

Program Description

The Portfolio Growth Company Program of the Minority Business Development Agency (MBDA) provides technical assistance to minority business persons and firms for the purpose of improving their stability by increasing their management and marketing capabilities. MBDA offers competitive grants to consulting firms (either "Not for Profit" or Commercial Entities). These firms must be capable of providing such services as:

—In-depth marketing and acquisitions, mergers and joint venture services

and a broad range of other business services excluding legal services.

Eligibility Requirements

Any for-profit or non-profit institution is eligible to submit an application. If an award is made, continuation awards for up to two additional years may be made to the successful recipient without competition, provided that funds have been appropriated for a project of this kind, and MBDA has determined that such funds are available, there is a continuing need for a project of this kind, and the recipient has performed satisfactorily. Applicants who plan to contract out any of the work under the award must comply with Attachment O of OMB Circular A-110 or A-102.

Application Materials

An application kit for these projects may be requested in writing to the following address: U.S. Department of Commerce, Minority Business Development Agency, Grants Administration Unit, 55 East Monroe Street, Suite 1440, Chicago, IL 60603, Attn: LaVenía Webb, Grant Technician, Tel. (312) 353-0192.

Two (2) self-addressed mailing labels should be furnished in order to expedite forwarding of your application kit. When requesting an application kit, the applicant must specify its profit status; i.e., State or local government, federally recognized Indian Tribal unit, educational institution, hospital, or other type of profit or non-profit institution. This information is necessary to enable MBDA to include the appropriate cost principles in the application kit.

Award Process

All applications that are submitted in accordance with the instructions in the application kit will be submitted to a panel for review and ranking. Specific criteria by which applications will be evaluated is included in the application kit.

Closing Date

Applicants are encouraged to obtain an application kit as soon as possible in order to allow sufficient time to prepare and submit an application before the closing date of November 6, 1981. Applications received after November 6, 1981 will not be considered.

Pre-Application Conference

A pre-application conference for all interested applicants will be held at 10:00 a.m., October 20, 1981, at the Federal Building, 536 S. Clark Street, Room 209, Chicago, IL.

(11.800 Minority Business Development Catalog of Federal Domestic Assistance. This program is not subject to the requirements of OMB Circular A-95)

Dated: September 21, 1981.

Stanley W. Tate,
Regional Director.

[FR Doc. 81-28017 Filed 9-23-81; 9:45 am]
BILLING CODE 1350-53-M

Office of the Secretary

Interim Delegation of Authority

Effective September 20, 1981, and until further notice or until an Assistant Secretary for Economic Development is nominated by the President and confirmed by the Senate, Mr. Carlos C. Campbell is delegated the authority vested in the Secretary of Commerce under the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3121), together with the authorities and functions described and limited by Sections 4 and 5 of Department of Commerce Organization Order #10-4 dated September 30, 1975.

Dated: September 19, 1981.

Malcolm Baldrige,
Secretary of Commerce.

[FR Doc. 81-28020 Filed 9-23-81; 9:45 am]
BILLING CODE 3510-24-M

DEPARTMENT OF DEFENSE

Per Diem, Travel and Transportation Allowance Committee

AGENCY: Per Diem, Travel and Transportation Allowance Committee, DoD.

ACTION: Publication of changes in per diem rates.

SUMMARY: The Per Diem, Travel and Transportation Allowance Committee is publishing Civilian Personnel Per Diem Bulletin Number 107. This bulletin lists changes in per diem rates prescribed for U.S. Government employees for official

travel in Alaska, Hawaii, Puerto Rico and possessions of the United States. Bulletin Number 107 is being published in the Federal Register to assure that travelers are paid per diem at the most current rates.

EFFECTIVE DATE: September 17, 1981.

SUPPLEMENTARY INFORMATION: This document gives notice of changes in per diem rates prescribed by the Per Diem, Travel and Transportation Allowance Committee for non-foreign areas outside the continental United States. Distribution of Civilian Per Diem Bulletins by mail was discontinued effective June 1, 1979. Per Diem Bulletins published periodically in the Federal Register now constitute the only notification of changes in per diem rates to agencies and establishments outside the Department of Defense.

The text of the Bulletin follows:

Civilian Personnel Per Diem Bulletin Number 107

To the Heads of Executive Departments and Establishments

Subject: Table of maximum per diem rates in lieu of subsistence for United States Government civilian officers and employees for official travel in Alaska, Hawaii, the Commonwealth of Puerto Rico and Possessions of the United States.

1. This bulletin is issued in accordance with Memorandum for Heads of Executive Departments and Establishments from the Deputy Secretary of Defense August 17, 1966, "Executive Order 11294, August 4, 1966 Delegating Certain Authority of the President To Establish Maximum Per Diem Rates for Government Civilian Personnel in Travel Status," in which this Committee is directed to exercise the authority of the President (5 U.S.C. 5702(a)(2)) delegated to the Secretary of Defense for Alaska, Hawaii, the Commonwealth of Puerto Rico, the Canal Zone, and possessions of the United States. When appropriate and in accordance with regulations issued by competent authority, lesser rates may be prescribed.

2. The maximum per diem rates shown in the following table are continued from the preceding Bulletin Number 107 except in the case identified by an asterisk which rates are effective on the date of this Bulletin. The date of this Bulletin shall be the date the last signature is affixed hereto.

3. Each Department or Establishment subject to these rates shall take appropriate action to disseminate the contents of this Bulletin to the appropriate headquarters and field agencies affected thereby.

4. The maximum per diem rates referred to in this Bulletin are:

Locality	Maximum rate
Alaska:	
Adak*	\$12.00
Anaktuvuk Pass	140.00
Anchorage	72.00
Barrow	169.00
Bethel	93.00
College	90.00
Cordova	89.00
Deadhorse	94.00
Dillingham	103.00
Dutch Harbor	82.00
Elson AFB	90.00
Elmendorf	72.00
Fairbanks	90.00
Ft. Richardson	72.00
Ft. Wainwright	90.00
Juneau	83.00
Ketchikan	82.00
Kodiak	102.00
Kotzebue	97.00
Murphy Dome	90.00
Noatak	97.00
Nome	102.00
Noonvik	97.00
Petersburg	82.00
Prudhoe Bay	94.00
Shemya AFB*	11.00
Shungnak	97.00
Sitka—Mt. Edgecombe	82.00
Skagway	82.00
Spruce Cape	102.00
Tanana	102.00
Valdez	85.00
Wainwright	79.00
Wrangell	82.00
All other localities	71.00
American Samoa	65.00
Guam M.I.	67.00
Hawaii:	
Oahu	84.00
All other localities	65.00
Johnston Atoll*	16.75
Midway Islands*	12.50
Puerto Rico:	
Bayamon:	
12-16-5-15	102.00
5-16-12-15	75.00
Carolina:	
12-16-5-15	102.00
5-16-12-15	75.00
Fajardo (Including Luquillo):	
12-16-5-15	102.00
5-16-12-15	75.00
Ft. Buchanan (incl. GSA Service Center, Guaynabo):	
12-16-5-15	102.00
5-16-12-15	75.00
Ponce (incl. Ft. Allen NCS)	68.00
Roosevelt Roads:	
12-16-5-15	102.00
5-16-12-15	75.00
Seviana Seca:	
12-16-5-15	102.00
5-16-12-15	75.00
San Juan (incl. San Juan Coast Guard Unit):	
12-16-5-15	102.00
5-16-12-15	75.00
All other localities	63.00
*Virgin Islands of U.S.:	
12-1-4-30	102.00
5-1-11-30	82.00
Wake Island*	15.00
All other localities	20.00

* Commercial facilities are not available. This per diem rate covers charges for meals in available facilities plus an additional allowance for incidental expenses and will be increased by the amount paid for Government quarters by the traveler.

* Commercial facilities are not available. Only Government-owned and contractor operated quarters and mess are available at this locality. This per diem rate is the amount necessary to defray the cost of lodging, meals and incidental expenses.

M. S. Healy,

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

September 22, 1981.

[PR Doc. 81-37949 Filed 8-25-81; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

International Energy Program Dispute Settlement Centre

AGENCY: Department of Energy.

ACTION: Notice of availability of draft procedures for arbitration for the Dispute Settlement Centre of the International Energy Agency (IEA).

The Dispute Settlement Centre was established on July 23, 1980, when its Charter was adopted by the Governing Board of the IEA. The Centre is intended as a facility for arbitration of disputes between parties to oil supply transactions resulting from implementation of the emergency oil allocation provisions of the International Energy Program (IEP). The IEP emergency oil sharing system can be activated only to deal with an oil supply emergency involving at least a seven percent supply shortfall. Submission of disputes for arbitration before the Centre is purely voluntary, and is subject to the agreement of both parties to the dispute.

Procedures for Arbitration for the Dispute Settlement Centre have been developed by a working group of the IEA Standing Group on Emergency Questions, based on work of the Industry Advisory Board to the IEA and of the IEA Legal Advisor. Employees of the Department of Energy and representatives of other IEA member countries served on the working group. The resulting draft Procedures are based, in large part, upon such widely accepted rules governing international commercial arbitrations as those of the International Centre for Settlement of Investment Disputes, the American Arbitration Association, and the United Nations Commission on International Trade Law.

It is expected that the Governing Board of the IEA will be asked to adopt the Procedures at its meeting to be held in late fall 1981.

FOR FURTHER INFORMATION OR TO REQUEST A COPY OF THE PROCEDURES CONTACT: Janine Landow-Esser, Deputy Assistant General Counsel, International Trade and Emergency Preparedness (GC-11), Department of

Energy, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252-2900.

Issued in Washington, D.C., September 22, 1981.

Eric J. Fygi,

Acting General Counsel.

[FR Doc. 81-28014 Filed 9-25-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Docket No. 80-CERT-019]

System Fuels, Inc.; Recertification of Eligible Use of Natural Gas To Displace Fuel Oil

On August 17, 1981, System Fuels, Inc. (SFI), P.O. Box 61532, New Orleans, Louisiana 71061, filed an application with the Administrator of the Economic Regulatory Administration (ERA) pursuant to 10 CFR Part 595 for recertification of an eligible use of up to 120,000 Mcf of natural gas per day, which is estimated to displace approximately 1,000,000 barrels per year of middle distillates (including No. 2 fuel oil) and up to 500,000 barrels per year of residual fuel oil (Nos. 5 and 6) having a sulfur content of 1 percent, 1½ percent or 3 percent depending on the facilities in which the oil is displaced. The daily volum of natural gas used is expected to vary over the one year period of the certification. The natural gas would be used by Arkansas Power & Light Company, Louisiana Power & Light Company, Mississippi Power & Light Company, and the New Orleans Public Service, Inc. at their electric generating facilities in Mississippi, Arkansas, Louisiana, and Missouri. Notice of that application was published in the *Federal Register* (46 FR 45013, September 9, 1981) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The eligible sellers of the natural gas are the Channel Industries Gas Company, the Louisiana Intrastate Gas Corporation, the Louisiana Resources Company, the Michigan Consolidated Gas Company, the Delhi Gas Pipeline Corporation, and the IMC Pipeline Company. The gas will be transported by the United Gas Pipe Line Company, the Tennessee Gas Pipeline Company, the Natural Gas Pipeline Company of America, the Northern Natural Gas Company, the Transcontinental Gas Pipeline Corporation, the Michigan-Wisconsin Pipe Line Company, the Panhandle Eastern Pipeline Company, and the Texas Gas Transmission Corporation.

On September 23, 1980, SFI received a certification (ERA Docket No. 80-CERT-023) of an eligible use of natural gas on behalf of the four electric operating companies for a period of one year. That certificate expires on September 22, 1981.

The ERA has carefully reviewed SFI's application for recertification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979).

The ERA has determined that SFI's application satisfies the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the recertification and transmitted that recertification to the Federal Energy Regulatory Commission. More detailed information, including a copy of the application, transmittal letter, and the actual recertification are available for public inspection at the ERA Docket Room 7108, RG-13, 2000 M Street, NW., Washington, D.C. 20461, from 8:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., September 21, 1981.

F. Scott Bush,

Acting Director, Office of Program Operations, Economic Regulatory Administration.

[FR Doc. 81-28014 Filed 9-25-81; 8:45 am]

BILLING CODE 6450-01-M

Pawnee Petroleum Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Energy.

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

SUMMARY: Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

EFFECTIVE DATE: August 25, 1981.

Comments by: October 28, 1981.

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

SUPPLEMENTARY INFORMATION: On August 25, 1981 the Office of

Enforcement of the ERA executed a Consent Order with Pawnee Petroleum Company of Seminole, Oklahoma. Under 10 CFR 205.199(b) a Consent Order which involves a sum of \$500,000 or more in the aggregate, excluding penalties and interest, becomes effective upon its execution only if the DOE expressly finds it to be in the public interest to do so.

Because the issues causing the principal violations have been through litigation to the U.S. Supreme Court and refunds have been paid from first purchaser's suspense accounts, as well as to avoid delay in the payment of refunds, the DOE has determined that it is in the public interest to make the Consent Order with Pawnee Petroleum Company.

I. The Consent Order

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

1. During the period September 1, 1973 through January 27, 1981, Pawnee allegedly sold crude oil above the allowable prices specified at 10 CFR Part 212, Subpart D and 6 CFR Part 150, Subpart L.

2. Pawnee and the DOE have agreed to a \$676,561.74 settlement for all overcharges and interest. Pawnee has agreed to make payment within thirty (30) days of the effective date of the Consent Order. The negotiated settlement was determined to be in the public interest as well as the best interest of the DOE and Pawnee.

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

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

In this Consent Order, Pawnee agrees to refund in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of \$676,561.74 in the manner specified in I.2. above. Refunded overcharges will be in the form of checks made payable to the United

States Department of Energy and will be delivered to the Director, Office of Enforcement, ERA. The funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. Potential Claimants: Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not being required. Written notification of the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. Other Comments: The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should send your comments or written notification of a claim to Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767-7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the

designation "Comments on the Pawnee Petroleum Company Consent Order". We will consider all comments we receive by 4:30 p.m. local time, October 28, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 11th day of September 1981.

Wayne I. Tucker,

*District Manager, Southwest District,
Economic Regulatory Administration.*

[FR Doc. 81-28064 Filed 9-25-81; 8:45 am]

BILLING CODE 8450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[A-4-FRL 1935-7]

Standards of Performance for New Stationary Sources; Delegation of Authority to the Commonwealth of Kentucky

AGENCY: Environmental Protection Agency.

ACTION: Informational notice.

SUMMARY: Section 301 in conjunction with Section 111 of the Clean Air Act authorizes the Administrator to delegate his authority to implement and enforce the New Source Performance Standards (NSPS). On April 12, 1977, EPA delegated to the Commonwealth of Kentucky the authority for implementation and enforcement of the NSPS. On June 11, 1979 and September 9, 1979, EPA promulgated NSPS for electric utility steam generating units for which construction is commenced after September 18, 1978, and stationary gas turbines, respectively. On January 19, 1981, the Commonwealth of Kentucky requested delegation of authority to implement and enforce the applicable NSPS for electric utility steam generating units and stationary gas turbines codified as 40 CFR Part 60, Subparts Da and GG respectively. After a thorough review of the request and information submitted, the Regional Administrator determined that such delegation was appropriate for these source categories and with the conditions set forth in the original delegation letter of April 12, 1977, and granted the State's request in a letter dated March 26, 1981. Source categories identified above which are subject to these requirements will now be under the jurisdiction of the Commonwealth of Kentucky.

EFFECTIVE DATE: On October 28, 1981.

ADDRESSES: Copies of the request for delegation of authority and EPA's letter of delegation are available for public inspection at the Environmental Protection Agency, Region IV office, 345 Courtland Street, NE., Atlanta, Georgia 30365.

All reports required pursuant to the delegated NSPS should not be submitted to the EPA, Region IV Office, but instead should be submitted to the Kentucky agency at the following address; Mr. Norman E. Schell, Director, Division of Air Pollution Control, Kentucky Department for Natural Resources and Environmental Protection, 18 Reilly Road, Bldg. #2 Ft. Boone Plaza, Frankfort, Kentucky 40601.

FOR FURTHER INFORMATION CONTACT:

Mr. Melvin Russell, Air Programs Branch, EPA, Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365, telephone number 404/881-3286 or FTS 257-3286.

SUPPLEMENTAL INFORMATION: Under Executive Order 12291, EPA must judge whether a regulation is a major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it does not result in additional cost to industry or consumers. This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

(Sec. 111 of the Clean Air Act (42 U.S.C. 7411))

Dated: September 3, 1981.

John A. Little,

Acting Regional Administrator.

[FR Doc. 81-28064 Filed 9-25-81; 8:45 am]

BILLING CODE 6560-26-M

FEDERAL COMMUNICATIONS COMMISSION

[BC Docket Nos. 81-549 and 81-550; File Nos. BPH-791203AD and BPH-800731AE]

Beckham Broadcasting Co. and Ronca Broadcasting Co. Inc.; Designating Applications for Consolidated Hearing on Stated Issues; Erratum to Hearing Designation Order

Adopted: September 11, 1981.

Released: September 17, 1981.

In re applications of Beckham Broadcast Co., Elk City, Oklahoma, Req: 96.5 MHz, Channel 243, 100 kW (H&V), 631 feet; Ronca Broadcasting Co., Inc., Elk City, Oklahoma, Req: 96.5 MHz, Channel 243, 100 kW (H&V), 500 feet; for construction permit for a new FM station.

By the Chief, Broadcast Bureau.

1. By Hearing Designation Order, released August 18, 1981, the Chief, Broadcast Bureau, acting pursuant to delegated authority, designated the above-captioned mutually exclusive applications for consolidated hearing. Due to an inadvertent error, Issue 1 in the HDO erroneously referred to Beckham Broadcasting Company rather than Ronca Broadcasting Company, Inc. In addition, due to an inadvertent typographic error, the call sign of Beckham's commonly-owned AM station KADS is incorrectly listed as KAOS in Paragraph 8 of the HDO.

2. Accordingly, it is ordered, That Issue 1 in the above-referenced Hearing Designation Order is corrected as follows:

1. To determine with respect to Ronca (a) the source and availability of funds over and above the \$90,500 indicated; and (b) whether in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

3. Further, it is ordered, That Paragraph 8 of the HDO is corrected as follows:

8. It is further ordered, That grant of the application of Beckham is subject to the condition that in the event the Commission ultimately adopts a rule prohibiting commonly-owned AM and FM stations in the same market, Beckham will divest itself of either KADS or the FM in accordance with the guidelines established in such rulemaking proceeding.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division.

[F.R. Doc. 81-28082 Filed 9-25-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 81-637; File No. BPH-800118AJ, et al.]

High Sierra Broadcasting, Inc. et al.; Designating Applications for Consolidated Hearing on Stated Issues

In re applications of High Sierra Broadcasting, Inc., Tahoe City, California, Req: 96.5 MHz, Channel 243, 1.9 kW (H&V), 2555 feet, (BC Docket No. 81-637, File No. BPH-800118AJ); John M. Simpson, Mary Carmen Simpson and Laura E. Simpson, d.b.a. Cascade Communications Co., Tahoe City, California, Req: 96.5 MHz, Channel 243, 1.0 kW (H&V), 2870 feet, (BC Docket No. 81-638, File No. BPH-800731AC); Tahoe City Wireless, Limited, Tahoe City, California, Req: 96.5 MHz, Channel 243, 1.376 kW (H&V), 2107 feet, (BC Docket No. 81-639, File No. BPH-800829AD); Minority Broadcasters of Tahoe, Inc., Tahoe, City, California, Req: 96.5 MHz,

Channel 243, 1.8 kW (H&V), 2181 feet, (BC Docket No. 81-640, File No. BPH-800829AJ); R. D. Russell, L. R. Grady, J. A. Schmitt, N. W. Hughes, and B. S. Hughes d.b.a. North Tahoe Broadcasting Co., Tahoe City, California, Req: 96.5 MHz, Channel 243, 1.8 kW (H&V), 2170 feet, (BC Docket No. 81-641, File No. BPH-800829AM); Donna L. Heinle, John S. Macinnis, Sadako Okino DeCollo, Virginia Hsieh Le Roux, Dorothy Standing Bear Pellerin and Frances Strychaz, d.b.a. The Women's Network, a limited partnership Tahoe City, California, Req: 96.5 MHz, Channel 243, 1.9 kW (H&V), 2155 feet, (BC Docket No. 81-642, File No. BPH-800829AW); Chris W. Kidd, David L. Metts and Geneva H. Heavin, d.b.a. North Shore Broadcasters, Tahoe City, California, Req: 96.5 MHz, Channel 243, 40 kW (H&V), 558.5 feet, (BC Docket No. 81-643, File No. BPH-800829BE); for construction permit for a new FM station.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by High Sierra Broadcasting, Inc., John M. Simpson, Mary Carmen Simpson and Laura E. Simpson, d.b.a. Cascade Communications Company (Cascade), Tahoe City Wireless, Ltd. (Wireless), Minority Broadcasters of Tahoe, Inc. (Minority) R. D. Russell, L.R. Grady, J. A. Schmitt, N. W. Hughes and B. S. Hughes, d.b.a. North Tahoe Broadcasting Company (North Tahoe), Donna L. Heinle, John S. Macinnis, Sadako Okino Delcollo, Virginia Hsieh LeRoux, Dorothy Standing Bear Bellerin, Frances Strychaz, d.b.a. The Women's Network, a Limited Partnership (Women's) and Chris W. Kidd, David L. Metts and Geneva H. Heavin, d.b.a. North Shore Broadcasters (North Shore).

2. Cascade. Applicants for new broadcast stations are required by § 73.3580(f) of the Commission's Rules to give local notice of the filing of their applications. They must then file with the Commission the statement described in § 73.3580(h) of the Rules. Although Cascade filed the required notice, it appears that the notice as published did not contain the proposed power and antenna height as required by § 73.3580(f)(5) of the Rules. To remedy this deficiency, Cascade will be required to republish local notice of its application and to file a statement of publication with the presiding Administrative Law Judge.

3. In Exhibit 3 of its original application, as signed by John W. Simpson and dated July 30, 1980, Cascade stated that its principals "have

entered into an oral agreement which established Cascade Communications Company, a general partnership" and that its "principals will soon reduce this oral agreement to writing, whereupon the agreement will be submitted to the Commission via amendment." On December 19, 1980, Cascade submitted an unsigned amendment, dated December 17, 1980, that contained an undated and unsigned written Partnership Agreement. On January 16, 1981, Cascade filed the same December 19 amendment, now signed by John W. Simpson, transmitting the same written Partnership Agreement bearing the date July 15, 1980 and signed by Cascade's principals. However, by letter of Cascade's counsel, dated January 22, 1981, it was represented that the written Partnership Agreement was not actually executed until some unspecified date in early January 1981, but that Mr. Simpson reviewed the unsigned written Partnership Agreement and executed the amendment at issue, on December 17, 1980.

4. Inasmuch as Cascade represented in its original application that as of July 30, 1980 its partnership consisted of an oral agreement and had not been reduced to writing, but later submitted a signed written partnership agreement dated July 15, 1980, and then, by counsel, claimed the partnership agreement was not executed until January 1981, it appears that a substantial and material question of fact exists as to whether Cascade has complied with the amendment and certification requirements of §§ 1.65 and 73.3514 of the Commission's Rules. See *Badlands Broadcasting Co.*, 60 FCC 2d 353, 37 RR 2d 1719 (1976), *Post-Newsweek Stations, Florida, Inc.*, 54 FCC 2d 254, 34 RR 2d 676 (1975). Accordingly, appropriate issues will be specified.

5. Wireless. On December 19, 1980, Wireless filed, as a minor change, an amendment to change its transmitter site. This amendment was subsequently discovered to be a "major" amendment, as Wireless concedes, which would require our assigning Wireless a new file number that would in effect result in the dismissal of Wireless's application. To avoid this hardship, we will return the amendment, as requested by applicant, thus maintaining Wireless's application in the status it was in prior to the filing of the amendment.

6. Analysis of the financial data submitted by Wireless reveals that \$71,805 will be required to construct the proposed station and operate for three months, itemized as follows:

Down payment on equipment (Harris)	\$7,440
Down payment on equipment (CWI)	\$1,000
Equipment payments (Harris)	\$1,915
Equipment payments (CWI)	100
Buildings	1,500
Loan interest	3,750
Miscellaneous	26,500
Operating costs (3 months)	29,600
Total	71,805

Wireless plans to finance construction and operation with the following funds: \$3,500 in cash and prepaid capital expenses and a \$100,000 bank loan. Wireless has failed to provide a balance sheet to itemize and substantiate the availability of the cash and prepaid expenses claimed. Moreover, although Wireless, relies upon a commitment letter from the First National Bank of Boulder, Colorado, for the bank loan, the bank's letter fails to specify the collateral security terms, which is significant in view of the fact that all broadcast equipment is being purchased on credit and presumably subject to senior security interests. Finally, although Wireless relies on the credit purchase of \$5,000 in broadcast equipment from a commonly-owned broadcast licensee, Centennial Wireless, Inc. (CWI), the applicant has failed to provide a balance sheet for CWI substantiating its ability to make the equipment credit purchase available to Wireless. Since Wireless has failed to demonstrate that any funds are available, a financial issue will be specified.

7. *Minority.* Analysis of the financial data submitted by Minority reveals that \$101,812 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment lease down payment	\$5,544
Equipment lease payments	11,088
Land	1,000
Building	7,000
Miscellaneous	56,000
Operating costs	31,180
Total	101,812

Minority plans to finance construction and operation with \$455 cash on hand and a \$130,000 bank loan. However, the bank commitment letter submitted by applicant is by its terms not a firm commitment to advance applicant the funds. Moreover, the letter fails to specify what collateral will be required, if any, for the loan. A financial issue will therefore be specified.

8. *North Tahoe.* Analysis of the financial data submitted by North Tahoe reveals that \$143,250 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment down payment	\$20,000
Equipment payments with interest	26,325
Land	3,000

Miscellaneous	35,000
Operating costs (3 months)	56,325
Total	143,250

North Tahoe plans to finance construction and operation with \$2,000 in cash on hand and loan commitments from its principal totalling \$100,000. In addition, the balance sheet of J.A. Schmitt shows net current assets of only \$9,440 to meet a commitment of \$25,000, and a bank credit commitment letter to Mr. Schmitt fails to contain necessary terms of interest, collateral and repayment. Hence, North Tahoe has shown only \$86,440 available to meet its financial requirement of \$143,250. A financial issue will therefore be specified.

9. North Tahoe apparently overlooked question (7) (a) Section II of FCC Form 301, regarding whether applicant or any party to the application for construction permit is a representative of an alien or foreign government. Applicant shall file an amendment to its application with the Administrative Law Judge responding to question 7.

10. *Women's.* Analysis of the financial data submitted by Women's reveals that \$72,326 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment down payment	\$17,875
Equipment payments with interest	3,651
Building	5,500
Miscellaneous costs (3 months)	25,300
Total	72,326

Women's plans to finance construction and operation with capital investments to be made by each of the partners totalling \$94,000. The financial commitments to applicant are: John MacInnis—\$30,000, Frances Strychaz—\$3,000, Donna Heinle—\$50,000, Virginia LeRoux—\$5,000, Sadako Delcollo—\$5,000, and Dorothy Standing Bear Pellerin—\$1,000. The financial statements submitted by the partners indicates that only John MacInnis and Frances Strychaz have a sufficient excess of current and liquid assets over current liabilities to meet their respective commitments. Hence, applicant has available only \$33,000 to meet its financial requirement commitment of \$72,326. Accordingly, a financial issue will be specified.

11. *North Shore.* Analysis of the financial data submitted by North Shore reveals that \$35,670 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment down payment	\$3,270
Equipment payment	4,300
Miscellaneous	9,000

Operating costs	19,100
Total	35,670

According to an amendment filed December 19, 1980, North Shore plans to finance construction and operation with partnership contributions and equipment leasing from Cal-Auto and Equipment Leasing Company. The financial statements submitted by the partners do not segregate current and long term liabilities, and thus fail to show any net current and liquid assets to meet costs. Moreover, no documentation of the availability of the equipment lease financing has been provided. Hence, applicant has shown no funds available, and a financial issue will be specified.

12. Applicants for new broadcast stations are required by § 73.3580(f) of the Commission's Rules to give local notice of the filing of their applications. They must then file with the Commission the statement described in § 73.3580(h) of the Rules. We have no evidence that North Shore published the required notice. To remedy this deficiency, North Shore will be required to publish local notice of its application and to file a statement of publication with the presiding Administrative Law Judge.

13. *Other Matters.* In its engineering statement, Cascade states that its proposed transmitter site is in the state of Nevada. Nevada is located within Zone II, where the Commission's Rules permit operation by Class A and Class C stations only. Therefore, Cascade requests a waiver of §§ 73.206 and 73.207 of the Rules to permit it to locate its transmitter in Zone II while maintaining maximum Class B facilities. In support of its waiver request, Cascade states that the proposed site would provide unobstructed line-of-sight propagation into Tahoe City, and that if it is allowed to maintain Class B facilities, it would satisfy all the mileage separation requirements. Additionally, the site is accessible year round, provides wide area coverage, and would not involve adverse aeronautical or environmental impact.¹ Applicant states it has not been able to locate a suitable site within Zone IA, where Tahoe City is situated.

14. Commission policy permits a Class B station to locate its antenna transmitter site in a Class A and C Zone, conditioned on the station maintaining Class B facilities. This would avoid substandard mileage separations and

¹ Cascade's engineering exhibit indicates that as a Class C operation, applicant would be shortspaced with 2 stations.

would afford applicant and other FM stations similarly situated the latitude which is often needed when it becomes necessary to relocate the antenna transmitter site. Of equal importance, such a procedure does not compromise our FM allocation scheme. However, the applicant must accept a grant of its application with a condition that it will maintain facilities not in excess of those permitted Class B Stations. Accordingly, Cascade's waiver request will be granted, subject to that condition.

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

16. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications ARE DESIGNATED FOR HEARING IN A CONSOLIDATED PROCEEDING, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Cascade:

(a) whether the original application and January 16, 1981 amendment to the application were properly certified and executed by a principal as required by law; and

(b) whether Cascade attempted to mislead the Commission or was lacking in candor with respect to preparation and execution of its application and the January 16, 1981 amendment thereto, and the certifications contained therein; and

(c) whether, in light of the evidence adduced pursuant to (a) and (b) above, Cascade should be disqualified or a comparative demerit assessed.

2. To determine with respect to Wireless:

(a) the source and availability of funds to meet the costs of construction and operation for three months; and

(b) whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

3. To determine with respect to Minority:

(a) the source and availability of additional funds over and above the \$455 indicated; and

(b) whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

4. To determine with respect to North Tahoe:

(a) The source and availability of additional funds over and above the \$86,440 indicated;

(b) whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

5. To determine with respect to Women's:

(a) The source and availability of additional funds over and above the \$33,000 indicated;

(b) whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

6. To determine with respect to North Shore:

(a) The source and availability of additional funds to meet the costs of construction and operation for three months; and

(b) whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

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

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

17. It is further ordered, That §§ 73.206 and 73.207 of the Commission's Rules ARE WAIVED to permit John M. Simpson, Mary Carmen Simpson and Laura E. Simpson, d/b/a Cascade Communications Company, to locate its antenna transmitter site in Zone II, conditioned on maintaining facilities not in excess of those equivalent to maximum Class B facilities, in event of a grant of its application.

18. It is further ordered, That the December 19, 1980 amendment filed by Wireless is returned as unacceptable for filing.

19. It is further ordered, That Cascade republish local notice of its application and file a statement of publication with the presiding Administrative Law Judge.

20. It is further ordered, That North Tahoe shall file an amendment to its application with the presiding Administrative Law Judge responding to Question 7(a), Section II of FCC Form 301.

21. It is further ordered, That North Shore republish local notice of its application and file a statement of publication with the presiding Administrative Law Judge.

22. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

23. It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division,
Broadcast Bureau.

[FR Doc. 81-28063 Filed 9-25-81; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1310]

Petitions for Reconsideration of Actions in Rule Making Proceedings

September 22, 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: Request to establish local origination requirements for Cable Television Systems. (RM-3430)

Filed by: Earle K. Moore, Michael Botein & David M. Rice, Attorneys for Office of Communication of the United Church of Christ & Consumer Federation of America on 9-14-81.

William J. Tricarico,

Secretary, Federal Communications
Commission.

[FR Doc. 81-28064 Filed 9-25-81; 8:45 am]

BILLING CODE 6712-01-M

Radio Technical Commission for Marine Services; Meetings

In accordance with Pub. L. 92-463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

William J. Tricarico,

Secretary, Federal Communications
Commission.

Special Committee No. 79—"Universal Marine Radiotelephone Compatibility." Notice of 2nd Meeting Wednesday, October 14, 1981—9:00 a.m., Conference Room A-106, FCC

Annex, 1229 20th Street, NW.,
Washington, D.C.

Agenda

1. Administrative matters.
2. Discussion concerning tasks and organization.
3. Report of Working Groups.

T. B. Miller, Chairman SC-79, WJG
Telephone Company, P.O. Box 9363,
Memphis, TN 38109, Phone: (901) 789-
3800

Executive Committee Meeting—Notice
of September Meeting Thursday,
October 15, 1981—9:00 a.m.,
Conference Room A-110, 1229 20th
Street, NW., Washington, D.C.

Agenda

1. Administrative Matters.
 2. Consideration of Special Committee
No. 75 Report. (Minimum Performance
Standards (MPS)—Automatic
Coordinate Conversion Systems)
 3. Consideration of Special Committee
No. 78 Report. (Federal Radionavigation
Plan Review)
 4. Consideration of Terms of
Reference for new Special Committees:
- a. Revision of SC-65 Radar
Specifications to be compatible with
IMCO Radar Specifications.
 - b. Minimum Performance Standards
(MPS) for Automated Vessel Reporting
Systems.

The RTCM has acted as a coordinator
for maritime telecommunications since
its establishment in 1947. All RTCM
meetings are open to the public. Written
statements are preferred, but by
previous arrangement, oral
presentations will be permitted within
time and space limitations.

Those desiring additional information
concerning the above meeting(s) may
contact either the designated chairman
or the RTCM Secretariat (phone: (202)
632-6490).

[FR Doc. 81-28065 Filed 9-25-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[Docket No. FEMA-REP-6-LA-1]

Louisiana ; Radiological Emergency Preparedness Plans

AGENCY: Federal Emergency
Management Agency.

ACTION: Notice of Receipt of Plans.

SUMMARY: This is a notice that the State
of Louisiana has submitted Radiological
Emergency Preparedness Plans to the
Federal Emergency Management
Agency, Region VI for review and
approval. These plans include the

Louisiana Peacetime Radiological
Response Plan and Attachment II to this
plan which is the Peacetime
Radiological Response Plan for the
Grand Gulf Nuclear Station.

DATE PLANS RECEIVED: September 3,
1981.

FOR FURTHER INFORMATION CONTACT:

Mr. John De La Garza, Jr., Regional
Director, FEMA Region VI, Federal
Center, Denton, Texas 76201—(817) 387-
5811.

Notice

This provides notice in accordance
with 44 CFR Part 350.8 of the FEMA
Proposed Rule, "Review and Approval
of State and Local Radiological
Emergency Plans and Preparedness", 44
FR 42341, that the Federal Emergency
Management Agency, Region VI Office,
received on September 3, 1981 from the
State of Louisiana, Radiological
Emergency Preparedness Plans for the
State of Louisiana.

These plans include the State of
Louisiana Peacetime Radiological
Response Plan which is Annex J,
Appendix 7 to The Louisiana
Preparedness Plan for Emergency
Operations and Attachment 2, Grand
Gulf Nuclear Station Peacetime
Radiological Response Plan, Revision 3,
dated September 1981. Copies of these
plans are available for review and
copying at the FEMA Region VI Office.

Copies will be made available upon
request in accordance with the fee
schedule for FEMA Freedom of
Information Act requests. This schedule
which covers exemptions from the fee, is
set forth in subpart C of 44 CFR Part 5.
Reproduction fees are \$0.10 a page for
this document. There are 301 pages in
the documents, excluding implementing
procedures. (As the cost will be over
\$25.00, the fee is to be paid in advance.)

Comments regarding the plans may be
submitted in writing to Mr. John De La
Garza, Jr., Regional Director, at the
above address within thirty days.

FEMA Proposed Regulation 44 CFR
350.10 calls for a public meeting in
advance of FEMA approval. A Public
Meeting will be conducted in Tensas
Parish prior to FEMA approval of the
plan.

John De La Garza, Jr.,
Regional Director.

September 14, 1981.

[FR Doc. 81-28013 Filed 9-25-81; 8:45 am]

BILLING CODE 6718-01-M

GENERAL SERVICES ADMINISTRATION

[E-81-17]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes
the Secretary of Defense to represent
the consumer interests of the executive
agencies of the Federal Government in
proceedings before the Alabama Public
Service Commission involving electric
rates, Docket No. 18117.

2. *Effective date.* This delegation is
effective immediately.

3. Delegation.

a. Pursuant to the authority vested in
me by the Federal Property and
Administrative Services Act of 1949, 63
Stat. 377, as amended, particularly
sections 201(a)(4) and 205(d) (40 U.S.C.
481(a)(4) and 486(d)), authority is
delegated to the Secretary of Defense to
represent the consumer interests of the
executive agencies of the Federal
Government before the Alabama Public
Service Commission involving the
application of the Alabama Power
Company for an increase in its electric
rates in Docket No. 18117.

b. The Secretary of Defense may
redelegate this authority to any officer,
official, or employee of the Department
of Defense.

c. This authority shall be exercised in
accordance with the policies,
procedures, and controls prescribed by
the General Services Administration
(GSA), and shall be exercised in
cooperation with the responsible
officers, officials, and employees
thereof.

d. The Department of Defense shall
add the General Services
Administration to its service list in this
case so that GSA will receive copies of
testimony, briefs and other Department
of Defense filings.

Dated: September 18, 1981.

Ray Kline,

Deputy Administrator of General Services.

[FR Doc. 81-28052 Filed 9-25-81; 8:45 am]

BILLING CODE 6820-AM-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Work Group on Reye Syndrome; Open Meeting

On October 14, 1981, the Centers for
Disease Control will convene a work
group to review and evaluate
epidemiologic studies from Arizona

State Health Department, Ohio State Health Department and Michigan State Health Department which suggest an association between salicylates and Reye syndrome. The meeting is open to the public, limited only by space availability. Time will be set aside for public comment.

The meeting is scheduled to begin at 9:00 a.m., in Room 143, Building 3, Centers for Disease Control, 1600 Clifton Road, NE., Atlanta, Georgia.

For further information, please contact: Diane L. Rowley, M.D., or Eugene S. Hurwitz, M.D., Viral Diseases Division, Center for Infectious Diseases, Centers for Disease Control, (3-SSB-20), 1600 Clifton Road, NE., Atlanta, Georgia 30333, Telephone: FTS: 236-3029 or 236-3491, Commercial: 404/329-3029 or 329-3491.

Dated: September 22, 1981.

Donald R. Hopkins,

Acting Director, Centers for Disease Control.

[FR Doc. 81-28051 Filed 9-25-81; 8:45 am]

BILLING CODE 4110-86-M

Health Resources Administration

Advisory Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of November 1981:

Name: National Advisory Council on Health Professions Education

Date and Time: November 16-17, 1981, 8:30 a.m.-5:30 p.m.

Place: Conference Room 50-51, HHS North Building, 330 Independence Avenue, SW., Washington, D.C. 20201. Open for entire meeting.

Purpose: The Council advises the Secretary with respect to the administration of programs of financial assistance for the health professions and makes recommendations on its review of applications requesting such assistance. This also involves advice in the preparation of regulations with respect to policy matters.

Agenda: The meeting will cover: welcome and opening remarks; report of the Acting Administrator; budget update; legislative update; criteria for selection of ad hoc reviewers; national board scores; institutional commitment; basic education opportunity grants; and the AHPA Position Paper—Pharmacy.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should write to or contact MR. CLYDE COUCHMAN, Acting Executive Secretary, National Advisory Council on Health Professions Education, Bureau of Health Professions, Health Resources Administration, Room 4-27, Center Building, 3700 East-West Highway.

Hyattsville, Maryland 20782, Telephone (301) 436-6564.

Agenda items are subject to change as priorities dictate.

Dated: September 22, 1981.

Jackie E. Nysten.

Advisory Committee Management Officer, HRA.

[FR Doc. 81-28019 Filed 9-25-81; 8:45 am]

BILLING CODE 4110-83-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-81-657]

Office of the Regional Administrator for Region VII (Kansas City); Designation of Order of Succession for Acting Regional Administrator

AGENCY: Department of Housing and Urban Development.

ACTION: Designation of order of succession.

SUMMARY: Updates the designation of officials who may serve as Acting Regional Administrator for Region VII (Kansas City). This revision is necessary due to the changes in organizational structure resulting from the reorganization of the Department.

EFFECTIVE DATE: September 28, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Carpenter, Director, Management and Budget Division, Office of Regional Administrator, Kansas City Regional Office, Department of Housing and Urban Development, 1103 Grand Avenue, Kansas City, Missouri 64106, (816) 374-2651. (This is not a toll-free number.)

Designation

Each of the officials appointed to the following positions is designated to serve as Acting Regional Administrator during the absence, disability, or vacancy in the position of the Regional Administrator with all the powers, functions and duties redelegated or assigned to the Regional Administrator: Provided, that no official is authorized to serve as Acting Regional Administrator unless all preceding officials listed before him/her in this designation are unavailable to act by reason of absence, disability, or vacancy in the position:

1. Deputy Regional Administrator.
2. Regional Counsel.
3. Director, Office of Regional Administration.
4. Director, Office of Regional Housing.

This delegation supersedes the designation effective March 30, 1979, (44 FR, 19042, March 30, 1979).

Authority: Delegation of Authority, 27 F.R. 4319 (1962); Section 9(c), Department of Housing and Urban Development Act, 42 U.S.C. 3531 note; and Interim Order II, 31 F.R. 815 (1966).

Harry I. Sharrott,

Acting Regional Administrator, Region VII, Kansas City.

[FR Doc. 81-28012 Filed 9-25-81; 8:45 am]

BILLING CODE 4210-01-M

[Released Rates Application No. MC-1522]

United Van Lines, Inc.; Released Rates

AGENCY: Interstate Commerce Commission.

ACTION: Notice. Released Rates Application No. MC-1522.

SUMMARY: United Van Lines, Inc., seeks authority to publish released rates on equipment, materials, and supplies used in the manufacture, repair, and installation of electronic equipment and "Third Provisio" household goods as defined by the Commission at 49 CFR 1056.1(a)(3), between points in the United States (except Alaska and Hawaii), when each article is released to a declared value of \$5.00 per pound.

ADDRESSES: Anyone seeking copies of this application should contact: Mr. B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105, Tel. (314) 727-0777.

FOR FURTHER INFORMATION CONTACT:

Mr. Howard J. Rooney, Bureau of Traffic, Interstate Commerce Commission, 12th & Constitution Avenue, N.W., Washington, DC 20423, Tel. (202) 275-7390.

SUPPLEMENTARY INFORMATION: Relief is sought from 49 U.S.C. 10730 and 11707 of the Interstate Commerce Act.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-28037 Filed 9-25-81; 8:45 am]

BILLING CODE 7035-01-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an applications must follow the rules under

49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Finding

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OPI-267

Decided: September 21, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

FF-31 (Sub-4), filed September 9, 1981. Applicant: RISS INTERMODAL CORPORATION II, a California corporation, 215 W. Pershing Rd., P.O. Box 100, Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant), (816) 471-3400. As a freight forwarder, in connection with the transportation of *general commodities* (except classes A and B explosives), between points in the U.S.

MC 311 (Sub-3), filed September 8, 1981. Applicant: BURREN TRANSFER COMPANY, Second and Berkley St., Elgin, IL 60120. Representative: Andrew K. Light, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638-1301. Transporting *general commodities* (except classes A and B explosives), between points in WI, Lake and Porter Counties, IN, Clinton, Des Moines, Dubuque, Muscatine, and Scott Counties, IA, and those points in IL on and north of U.S. Hwy 36.

MC 381 (Sub-29), filed September 10, 1981. Applicant: GENOVA EXPRESS LINES, INC., P.O. Box 136, Williamstown, NJ 08094. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435-7140. Transporting *metal products, and chemicals and related products*, between the facilities used by St. Joe Minerals Corporation, its subsidiaries, divisions, distributors, and vendors, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 17051 (Sub-22), filed August 27, 1981. Applicant: BARNET'S EXPRESS, INC., 758 Lidgerwood Ave., Elizabeth, NJ 07202. Representative: Carl S. Di Piazza (same address as applicant), (201) 355-0429. Transporting *wearing apparel* between points in AL, AR, KY, MS, TN, on the one hand, and, on the other, Memphis and Jackson, TN, and points in NJ and DE.

MC 97841 (Sub-25), filed September 8, 1981. Applicant: GENERAL HIGHWAY EXPRESS, INC., 2280 Industrial Drive, P.O. Box 727, Sidney, OH 45365. Representative: Jack R. Wells (same address as applicant), (513)-492-1256. Transporting *general commodities* (except classes A and B explosives), between points in Shelby County, OH, on the one hand, and, on the other, points in the U.S.

Note.—Applicant intends to tack the authority sought here with its existing authority in Docket No. MC-97841 Sub 20

which authorizes service in Ohio, Illinois, Indiana, Kentucky, Michigan, Pennsylvania and West Virginia.

MC 113861 (Sub-86), filed September 8, 1981. Applicant: WOOTEN TRANSPORTS, INC., 153 Gaston Ave., Memphis, TN 38106. Representative: Dale Woodall, 900 Memphis Bank Bldg., Memphis, TN 38103, (901) 525-6781. Transporting *petroleum, natural gas and their products*, between points in Greene County, AR, on the one hand, and, on the other, points in MO and TN. Condition: To the extent that this certificate authorizes the transportation of liquefied petroleum gas, it shall expire 5 years from date of issuance.

MC 124411 (Sub-23), filed September 8, 1981. Applicant: SULLY TRANSPORT, INC., P.O. Box 185, Sully, IA 50251. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309, (515) 243-6164. Transporting *chemicals and related products*, between points in IA and NE. Condition: To the extent that this certificate authorizes the transportation of classes A and B explosives, it shall expire 5 years from date of issuance.

MC 133841 (Sub-29), filed September 8, 1981. Applicant: DAN BARCLAY, INC., P.O. Box 426, 362 Main St., Lincoln Park, NJ 07035. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435-7140. Transporting *machinery*, between the facilities used by W. A. Kraft Corp., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 135231 (Sub-64), filed September 8, 1981. Applicant: NORTH STAR TRANSPORT, INC., Rt. 1, Highway 1 and 59 West, Thief River Falls, MN 56701. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457-6889. Transporting (1) *metal products*; (2) *paper and paper products*; and (3) *machinery*, between points in St. Croix and Portage Counties, WI, Howard, Fayette and Poweshiek Counties, IA, Adams and Lee Counties, IL, Livingston and Adair Counties, MO, Waseca and Dakota Counties, MN, Clinton County, IN, and Jessamine County, KY, on the one hand, and, on the other, points in the U.S.

MC 145240 (Sub-12), filed September 8, 1981. Applicant: L. D. BRINKMAN TRUCKING CORP., 520 N. Wildwood, Irving, TX 75060. Representative: Lawrence A. Winkle, P.O. Box 45538, Dallas, TX 75245, (214) 358-3341. Transporting *paper and paper products*, between points in the U.S., under continuing contract(s) with New Orleans Recycled Fiber, of Jefferson, LA.

MC 146041 (Sub-9), filed September 9, 1981. Applicant: CAL-TEX, INC., P.O. Box 1678, Costa Mesa, CA 92626. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Ave., N.W., Washington, DC 20005, (202) 347-9332. Transporting *printed matter*, between points in Cobb, De Kalb, Fulton, Fayette, Douglas, and Clayton Counties, GA, on the one hand, and, on the other, points in the U.S.

MC 152150 (Sub-1), filed September 9, 1981. Applicant: KIRK TRUCKING, INC., 3584 Bellwood Cove, Memphis, TN 38128. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103 (901) 526-4114. Transporting *metal products, and ores and minerals*, between points in Fayette and Shelby Counties, TN, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 154121 (Sub-15), filed September 11, 1981. Applicant: TRAILINER CORP., 5367 West 86th St., Indianapolis, IN 46268. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934 (201) 435-7140. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Lily Tulip, Inc., its subsidiaries, divisions, and vendors, located at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 156800 (Sub-3), filed September 8, 1981. Applicant: SEABOARD EXPRESS, INC., 565 Plank Rd., Waterbury, CT 06705. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517 (717) 344-8030. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with StanChem, Incorporated, of East Berlin, CT, and Napco, Inc., of Terryville, CT.

MC 157621, filed September 9, 1981. Applicant: D & M EXPRESS, INC., 1065 East Market St., Akron, OH 44305. Representative: Earl N. Merwin, 85 East Gay St., Columbus, OH 43215 (614) 224-3161. Transporting *clay, concrete, glass or stone products, metal products, ores and minerals, food and related products, chemicals and related products, and commodities in bulk*, between points in IL, IN, KY, MD, MI, NY, OH, PA, and WV.

Volume No. OPY-4-375.

Decided: September 21, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

FF-566, filed September 2, 1981. Applicant: L.A.C.N.Y. FREIGHT AGENTS, INC., 970 E. 3rd St., Los Angeles, CA 90013. Representative:

Ronald N. Cobert, 1730 M St., NW, Suite 501, Washington, DC 20036 (202) 296-2900. As a freight forwarder, in connection with the transportation of *general commodities*, between points in the U.S.

MC 37896 (Sub-50), filed September 9, 1981. Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 1048, Fletcher, NC 28732. Representative: Charles Ephraim, 918 16th Street, NW., Washington, DC 20006. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Dayco Corporation, of Dayton, OH, and the wholly-owned subsidiaries of Allen Industries, Inc., of Troy, MI, L. E. Carpenter & Company, of Wharton, NJ, Colonial Rubber Works, Inc., of Dyersburg, TN, Electric Hose & Rubber Company, of Ocala, FL, and T.F.E. Industries, of Lexington, NC.

MC 30076 (Sub-1), filed September 11, 1981. Applicant: LUZERNE & CARBON COUNTY MOTOR TRANSIT CO., INC., P.O. Box 208, Broad St., Beaver Meadows, PA 18216. Representative: Bart E. Ecker, 6th Floor, Citizens Bank Bldg., Hazleton, PA 18201 (717) 455-4731. Transporting *passengers and their baggage*, in the same vehicle with passengers, in (1) round-trip and charter operations, and (2) special operations in round-trip, sightseeing and pleasure tours, beginning and ending at points within 25 air miles from Beaver Meadows, Carbon County, PA, and extending to points in the U.S., on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada.

MC 75866 (Sub-5), filed September 8, 1981. Applicant: GOLDEN STRIP TRANSFER, INC., P.O. Box 458, Simpsonville, SC 29681. Representative: Mitchell King, Jr., P.O. Box 5711, Greenville, SC 29606 (803) 288-6000. Transporting *general commodities* (except classes A and B explosives), between the facilities of Laurens Glass Co., at points in GA, NC, SC, VA, and those in TN on and east of U.S. Hwy 27, on the one hand, and, on the other, points in GA, NC, SC, VA, and those in TN on and east of U.S. Hwy 27.

MC 105146 (Sub-6), filed September 8, 1981. Applicant: COORDINATED TRANSPORTATION COMPANY, P.O. Box Drawer 38385, Dallas, TX 75238. Representative: Richard H. Streeter, 1729 H Street, NW., Washington, DC

20006 (202) 337-6500. Transporting *general commodities* (except classes A and B explosives), (1) between New Franklin, MO, and Parsons, KS, serving all intermediate points: From New Franklin over Missouri Highway 5 to junction U.S. Highway 40, then over U.S. Highway 40 via Boonville, MO, to junction unnumbered highways, then over unnumbered highway via Pilot Grove, Pleasant Green, Clifton City, and Beamon, MO, to junction U.S. Highway 50, then over U.S. Highway 50 to junction U.S. Highway 65, then over U.S. Highway 65 to junction unnumbered highway, then over unnumbered highways via Camp Branch, MO, to junction Missouri Highway 127, then over Missouri Highway 127 to junction Missouri Highway 52, then over Missouri Highway 52 to Appleton City, MO, (also from junction Missouri Highway 52 and unnumbered highway over unnumbered highway to La Due, MO, and return), then over unnumbered highways via Rockville, Schell City, Harwood, and Walker, MO, to junction U.S. Highway 54, then over U.S. Highway 54 to Eldorado Springs, MO, then return over U.S. Highway 54 to Fort Scott, KS, then over U.S. Highway 69 to junction Kansas Highway 39, then over Kansas Highway 39 to junction Kansas Highway 3, then over Kansas Highway 3 via Hepler, KS, to junction unnumbered highway, then over unnumbered highways via Walnut, KS, to junction Kansas Highway 57, then over Kansas Highway 57 to St. Paul, KS, to junction U.S. Highway 59, and then over U.S. Highway 59 to Parsons, and return over the same route. (2) Between Kansas City, MO, and Parsons, KS, serving all intermediate points: (a) From Kansas City over U.S. Highway 50 to Olathe, KS, then over U.S. Highway 169 to Paola, KS, then over U.S. Highway 169 to junction Kansas Highway 7, then over Kansas Highway 7 to Beagle, KS, then over unnumbered highways via Parker, Goodrich, Findlay, Centerville, and Selma, KS, to junction Kansas Highway 52, then over Kansas Highway 52 to junction U.S. Highway 59, then over U.S. Highway 59 to Moran, KS, then over U.S. Highway 59 to junction unnumbered highway, then over unnumbered highways via Kimball, KS, to junction U.S. Highway 59, then over U.S. Highway 59 to Parsons, and (b) return from Parsons over U.S. Highway 59 to junction unnumbered highway via Shaw, KS, to junction U.S. Highway 169, then over U.S. Highway 169 to junction U.S. Highway 59, then over U.S. Highway 59 to junction U.S. Highway 54, then over U.S. Highway 54 to Moran, KS, and then over the same route in (a)

above, to Kansas City. (3) Between Parsons, KS, and Chanute, KS, serving all intermediate points: From Parsons over U.S. Highway 59 to junction Kansas Highway 39, then over Kansas Highway 39 to Chanute, and return over the same route. (4) Between Parsons, KS, and Joplin, MO, serving all intermediate points: From Parsons over U.S. Highway 160 to junction unnumbered highway, then over unnumbered highway via Sherman City, and West Mineral, KS, to junction Kansas Highway 7, then over Kansas Highway 7 to Columbus, KS, then over Kansas Highway 96 to junction Kansas Highway 28, then over Kansas Highway 26 to Galena, KS, and then over U.S. Highway 66 to Joplin, and return over the same route. (5) Between Parsons, KS, and Muskogee, OK, serving all intermediate points: From Parsons over U.S. Highway 59 to junction Oklahoma Highway 2 (also to Labette over unnumbered highway and return to junction Oklahoma Highway 2), then over Oklahoma Highway 2 to Vinita, OK, (also from junction Oklahoma Highway 2 and unnumbered highway over unnumbered highways to Blue Jacket, OK, and return), and then over U.S. Highway 69 to Muskogee, and return over the same route. (6) Between Muskogee, OK, and Denison, TX, serving all intermediate points: From Muskogee over U.S. Highway 69 to Denison, and return over the same route. (7) Between Muskogee, OK, and Oklahoma City, OK, serving all intermediate points: From Muskogee over U.S. Highway 69 to junction Oklahoma Highway 51B, then over Oklahoma Highway 51B via Tullahasse, Porter, and Redbird, OK, to junction Oklahoma Highway 72, then over Oklahoma Highway 72 to Corveta, OK, then over Oklahoma Highway 51 to junction U.S. Highway 64, then over U.S. Highway 64 via Tulsa and Sand Springs, OK, to junction Oklahoma Highway 99, then over Oklahoma Highway 99 to junction Oklahoma Highway 51 then over Oklahoma Highway 51 to junction Oklahoma Highway 18, then over Oklahoma Highway 18 to junction Oklahoma Highway 105, then over Oklahoma Highway 105 via Tryon to junction U.S. Highway 177, then over U.S. Highway 177 via Carney, OK, to junction U.S. Highway 66, (also from junction U.S. Highway 66 and unnumbered highway over unnumbered highways to Fallis, OK, and return), then over U.S. Highway 66 to junction U.S. Highway 77, then over U.S. Highway 77 to junction unnumbered highway, and then over unnumbered highways via Witcher and Owanda, OK, to Oklahoma City, and return over the same route. (8)

Between Parsons, KS, and Oklahoma City, OK, serving all intermediate points: From Parsons over U.S. Highway 59 to junction Kansas Highway 96, then over Kansas Highway 96 to Mound Valley, KS, then over Kansas Highway 96 to junction unnumbered highway, then over unnumbered highways via Angola, KS, to junction U.S. Highway 166, then over U.S. Highway 166 to Coffeyville, KS, then over U.S. Highway 169 to junction unnumbered highway near South Coffeyville, OK, then over unnumbered highways via Wann, OK, to junction U.S. Highway 75, then over U.S. Highway 75 to Bartlesville, OK, then over U.S. Highway 60 to junction unnumbered highway north of Okesa, OK, then over unnumbered highways via Okesa and Nelagoney, OK, to junction Oklahoma Highway 11, then over Oklahoma Highway 11 to junction Oklahoma Highway 99, then over Oklahoma Highway 99 to junction unnumbered highway north of Osage, OK, and then over the route described immediately above, to Oklahoma City, and return over the same route. (9) Between Wichita Falls, TX, and Foran, OK, serving all intermediate points: From Wichita Falls over U.S. Highway 277 to junction Oklahoma Highway 36, then over Oklahoma Highway 35 to junction U.S. Highway 70, then over U.S. Highway 70 to Grandfield, OK, then over Oklahoma Highway 36 to junction unnumbered highway south of Tillman, OK, then over unnumbered highways via Loveland and Hollister, OK, to junction U.S. Highway 183, then over U.S. Highway 183 to Frederick, OK, then over Oklahoma Highway 5 to junction unnumbered highway west of Ripcon, OK, then over unnumbered highways via Humphreys, OK, to junction U.S. Highway 82, then over U.S. Highway 82 to Altus, OK, then over U.S. Highway 283 to junction unnumbered highway east of Martha, OK, then over unnumbered highways via Martha and Hester, OK, to junction U.S. Highway 283, then over U.S. Highway 283 to Mangum, OK, then over Oklahoma Highway 34 to junction U.S. Highway 34 and unnumbered highway over unnumbered highways to Brinkman, OK, and return), then over U.S. Highway 270 to junction U.S. Highway 283, then over U.S. Highway 283 to junction U.S. Highway 64, and then over U.S. Highway 64 to Forgan, and return over the same route. (10) Between Coffeyville, KS, and Chetopa, KS, serving all intermediate points: From Coffeyville over U.S. Highway 166 to Chetopa, and return over the same route. (11) Between Dallas, TX, and Wichita Falls, TX, serving all

intermediate points: From Dallas over U.S. Highway 77 via Farmers Branch, Carrollton, Lewisville, Lake Dallas and Denton, TX, to Gainesville, TX, then over U.S. Highway 82 via Lindsay, Myra, Muenster, Saint Jo, Bonita, Nocona, Belcherville, Ringgold, Henrietta, and Jolly, TX, to Wichita Falls, and return over the same route. (12) Between Denison, TX, and Wichita Falls, TX, serving all intermediate points: From Denison over U.S. Highway 75 to Sherman, TX, (also side trip to Pottsboro, TX, over county road and return), then over U.S. Highway 82 via Whitesboro, TX, to Gainesville, TX, then as specified above to Wichita Falls, and return over the same route. (13) Between Fort Worth, TX, and Wichita Falls, TX, serving all intermediate points: From Fort Worth over U.S. Highway 377 via Keller, Roanoke and Argyle, TX, to Denton, TX, then over Texas Highway 10 via Aubrey, Pilot Point, Tioga and Collinsville, TX, to Whitesboro, TX, then over U.S. Highway 82 to Gainesville, TX, then as specified above to Wichita Falls, and return over the same route. (14) Between Dallas, TX, and Denison, TX, serving all intermediate points: From Dallas over U.S. Highway 67 via Garland, Rowlett, Rockwall, Fate, Royse City, and Caddo Mills, TX, to Greenville, TX, then over U.S. Highway 69 via Peniel, Kingston, Celeste, Leonard, Trenton, and Whitewright, TX, to Bells, TX, then over U.S. Highway 82 to Sherman, TX, then over U.S. Highway 75 to Denison, and then return from Denison over U.S. Highway 69 to Bells, and then over the same route to Dallas. (15) Between Greenville, TX, and Mineola, TX, serving all intermediate points: From Greenville over U.S. Highway 69 to via Lone Oak, Point, Emory, Alba, and Golden, TX, to Mineola, and return over the same route. (16) Between Dallas, TX, and Waco, TX, serving all intermediate points: From Dallas over U.S. Highway 77 to Waxahachie, TX, (also side trip to Lancaster and Red Oak, TX, over Texas Highway 342 and return), and then over U.S. Highway 77 via Forrester, Italy and Milford, TX, to Hillsboro, TX, then over combined U.S. Highways 77 and 81 via Abbott, West, and Elm Mott, TX, to Waco, and return over the same route. (17) Between Fort Worth, TX, and Waco, TX, serving all intermediate points: From Fort Worth over U.S. Highway 81 via Burleson, Alvarado, Grandview, and Itasca, TX, to Hillsboro, TX, (also side trip to Whitney, TX, over Texas Highway 22 and return), then over combined U.S. Highways 77 and 81 via Abbott, West, and Elm Mott, TX, to Waco, (also side trip to Acquille, TX,

over county road and return), and return over the same route. (18) Between Waco, TX, and Rotan, TX, serving all intermediate points: From Waco over Texas Highway 6 to junction Texas Highway 22, then over Texas Highway 6 to Hico, TX, (also side trip to Morgan and Walnut Springs, TX, over Farm road 353, and Texas Highways 144 and 174 and return), (also over Texas Highway 22 from junction Texas Highway 6 to Meridian, TX, then over Texas Highway 144 to Glen Rose, TX, with side trip to Morgan, TX, over county road, and return, then over U.S. Highway 67 through Chalk Mountain, TX, to junction Texas Highway 220, with side trip from junction Texas Highway 220 over country road to Iredell, TX, and return, then over Texas Highway 220 to Hico, TX), then over Texas Highway 6 via Clairette, Dublin, De Leon, Rucker, Gorman, and Carbon, TX, to Eastland, TX, then over U.S. Highway 80 to Cisco, TX, then over U.S. Highway 283 via Moran and Sedwick, TX, to Albany, TX, then over U.S. Highway 380 via Leuders and Avoca, TX, to Stamford, TX, then over Texas Highway 92 via Hamlin, TX, to Rotan, and return over the same route. (19) Between Waco, TX, and Smithville, TX, serving all intermediate points: From Waco over U.S. Highway 81 via Hewitt, Lorena, Bruceville, Eddy and Troy, TX, to Temple, TX, then over Texas Highway 95 to Little River, TX, (also side trip to Belton, TX, over U.S. Highway 81 and Farm Road 436 and return), then over Texas Highway 95 via Little River, Holland, Bartlett, Granger, Taylor, Coupland and Elgin, TX, to Bastrop, TX, then over Texas Highway 71 to Smithville, and return over the same route. (20) Between San Antonio, TX, and Smithville, TX, serving all intermediate points: From San Antonio over U.S. Highway 81 via New Braunfels, TX, to San Marcos, TX, then over combined Texas Highways 21 and 80 to a point just east of San Marcos, TX, then over Texas Highway 80 to junction county road and Farm Road 964 near Fentress, TX, then over Texas Highway 80 to junction Texas Highway 142, then over Texas Highway 142 via Reedville and Maxwell, TX, to Lockhart, TX, (also over county road and Farm Road 964 from junction Texas Highway 80 near Fentress, TX, to Lockhart, TX, with side trip over Texas Highway 142 to Maxwell, TX, and return), then over Texas Highway 20 via Red Rock, TX, to junction U.S. Highway 290, then over U.S. Highway 290 to Bastrop, TX, then over Texas Highway 71 to Smithville, (also side trip to Bosanky, TX, over Farm Road 535 and return), and return

over the same route. (21) Between Austin, TX, and Bastrop, TX, serving all intermediate points: From Austin over U.S. Highway 81 to Georgetown, TX, with side trip to Pflugerville, TX, over county road and return, then over Texas Highway 104 to junction Texas Highway 104 to junction Texas 95, with side trip to Weir, TX, over county road and return, then over Texas Highway 95 through Taylor, TX, to junction Farm Road 973 at a point about seven miles south of Taylor, TX, then over Texas Highway 95 via Coupland, TX, to junction county road at a point about six-tenths of a mile south of Coupland, TX, (also over Farm Road 973 from junction Texas Highway 95 to Rice Crossing, TX, then over county road to junction Texas Highway 95 at a point about six-tenths of a mile south of Coupland, TX), then over Texas Highway 95 to Bastrop, and return from Bastrop over U.S. Highway 290 to Austin. (22) Between Smithville, TX, and Houston, TX, serving all intermediate points: From Smithville over U.S. Highway 71 via West Point and Plum, TX, to LaGrange, TX, then over combined Texas Highways 159 and 237 to a point northeast of LaGrange, TX, then over Texas Highway 159 via Fayetteville, TX, to junction Texas Highway 109, then over Texas Highway 109 to New Ulm, TX, then over county road via Cat Spring, TX, to Sealy, TX, (also from junction Texas Highways 109 and 159 over Texas Highway 159 to Belleville, TX, and then over Texas Highway 38 to Sealy, TX, with side trip to New Ulm and Cat Spring, TX, over Texas Highway 109 and county road and return), then over U.S. Highway 90 to Brookshire, TX, (also side trip to San Felipe, TX, over county road and return), then over U.S. Highway 90 via Katy, and Barker, TX, to Houston, and return over the same route. (23) Between Houston, TX, and Galveston, TX, serving all intermediate points: From Houston over U.S. Highway 75 via Webster, League City, Dickinson and LaMarque, TX, to Galveston, (also side trip to Texas City, TX, over combined Texas Highways 146 and 348 and return), and return over the same route. Restriction: The service authorized herein is subject to the following conditions: The service to be performed by Coordinated Transportation Company shall be limited to service which is auxiliary to or supplemental of rail service of Missouri-Kansas-Texas Railroad Company and its subsidiary, Missouri-Kansas-Texas Railroad Company of Texas, both hereinafter called the Railroad. Coordinated Transportation

Company shall not serve any point not a station on a rail line of the Railroad.

Note.—Applicant now operates over the above routes. The purpose of this application is to remove "key points" at Galveston, Houston, San Antonio, Austin, Waco, Ft. Worth, Dallas, Wichita Falls, and Denison, TX, Oklahoma City, OK, Parsons, KS, and Kansas City and Franklin, MO, which now prevent it from rendering unrestricted service over the above routes.

MC 119086 (Sub-7), filed September 9, 1981. Applicant: MILLER TRUCKING COMPANY, P.O. Box 316, Taneytown, MD 21787. Representative: C. Jack Pearce, Suite 1200, 1000 Connecticut Ave., NW., Washington, DC 20036, (202) 785-0048. Transporting *bakery products and bakery machinery*, between points in MD and PA, on the one hand, and, on the other, points in the U.S.

MC 140186 (Sub-47), filed September 10, 1981. Applicant: TIGER TRANSPORTATION, INC., P.O. Box 2248, Missoula, MT 59801. Representative: David A. Sutherland, 1150 Connecticut Ave., NW., Suite 400, Washington, DC 20036, (202) 452-6800. Transporting *general commodities* (except classes A and B explosives), between points in AZ, CA, CO, ID, MT, NV, NM, ND, OR, SD, UT, WA, and WY, on the one hand, and, on the other, points in the US in and west of OH, IN, IL, MO, AR, and LA.

MC 140666 (Sub-4), filed September 10, 1981. Applicant: EDWARD R. CORCORAN, P.O. Box 1472, Billings, MT 59103. Representative: Edward R. Corcoran (same address as applicant), (406) 245-6065. Transporting (1) *coal and coal products*, and (2) *Mercer commodities*, between points in ND and WY, on the one hand, and, on the other, points in AZ.

MC 154416 (Sub-3), filed September 1, 1981. Applicant: J & S LINES, INC., P.O. Box 184, Mukwonago, WI 53149. Representative: Ronald E. Laitsch, 117 S. Third Street, Watertown, WI 53094. Transporting (1) *abrasives* and (2) *machinery, equipment, supplies and materials used by or useful in the manufacture and distribution of abrasives* between points in the U.S.

MC 157746, filed September 11, 1981. Applicant: ROCKY MOUNTAIN TRUCK AND EQUIPMENT, INC., 6450 Highway 2, Commerce City, CO 80022. Representative: Lawrence V. Bialek, 1600 Carr St. No. 2, Lakewood, CO 80215, (303) 232-4377. Transporting *machinery*, between points in the U.S., under continuing contract(s) with Santa Fe Equipment Co., of Denver, CO.

MC 158116, filed September 8, 1981. Applicant: NORTH CENTRAL SUPPLY,

INC., 904 E. St. Andrew, Rapid City, SD 57701. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701, (605) 343-4036.

Transporting (1) *rubber and plastic products*, between points in ND and SD, on the one hand, and, on the other, points in IA, KS, and MO, (2) *metal products*, between Denver, CO, on the one hand, and, on the other, points in Pennington County, SD, (3) *Mercer commodities*, between points in WY, SD, CO, NE, MT, ND, OK, and KS, on the one hand, and, on the other, points in OH, CO, TX, and WY, (4) *such commodities* as are dealt in by a home building center or lumber yard, between points in WA, OR, CA, ID, MT, and WY, on the one hand, and on the other, points in SD, MT, ND, WY, and NE, (5) *lumber and lumber products*, between points in WA, OR, CA, MT, ID, and WY, on the one hand, and, on the other, points in SD, MT, ND, WY, and NE, and (6) *building materials*, between those points in the U.S. in and west of OH, MI, IN, IL, AR, and TX.

MC 158158, filed September 9, 1981. Applicant: L. H. MOORE TRUCKING, INC., 1018 Vance, Toledo, OH 43607. Representative: Lee H. Moore (same address as applicant), (419) 241-8861. Transporting (1) *stone, sand, gravel, topsoil, glass, fertilizer*, and (2) *material, equipment and supplies* used in the construction business, between points in OH and MI, on the one hand, and, on the other, points in IN.

Volume No. OPY-4-376

Decided: September 22, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 118696 (Sub-49), filed September 4, 1981. Applicant: FERREE FURNITURE EXPRESS, INC., 252, Wildwood Rd., Hammond, IN 46234. Representative: John F. Wickes, Jr., 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638-1301. Transporting (1) *furniture, fixtures, and parts*, between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, (2) (a) *packaging materials*, (b) *wood excelsior and related products*, (c) *plastic and rubber products*, (d) *carpets, rugs, mats, and padding*, between points in the U.S., (3) *powdered metals*, between points in Sumner County, TN, Burnet County, TX, Burlington County, NJ, and Washington County, IN, (4) *appliances and parts*, between points in and south of Nueces, Jim Wells, Duval, and Webb Counties, TX, Greene County, MO, and Berrien County, MI, on the one hand, and on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 143356 (Sub-5), filed September 8, 1981. Applicant: MIRACL MOTOR SERVICES LTD., 1825 N. California Ave., Chicago, IL 60647. Representative: Bernice Phillips, 5527 N. Central Ave., Chicago, IL 60630, (312) 775-3344. Transporting (1) *lumber and wood products*, (2) *furniture and fixtures*, (3) *chemicals and related products*, (4) *rubber and plastic products*, (5) *metal products*, (6) *machinery*, (7) *building materials*, (8) *textile mill products*, and (9) *pulp, paper and related products*, between Chicago, IL, on the one hand, and, on the other, points in IL, IN, OH, MI, WI, IA, and MO.

MC 143666 (Sub-4), filed September 11, 1981. Applicant: NOOKSACK VALLEY TRANSPORT, INC., 1867 E. Pole Rd., Everson, WA 98247. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055, (206) 235-1111. Transporting (1) *farm machinery, equipment and supplies*, (2) *lumber products and premanufactured truss joists*, (3) *building materials and supplies*, and (4) *prefab metal buildings and metal products*, and *milking parlor units*, between points in Whatcom County, WA, on the one hand, and, on the other, points in CA, CO, ID, NV, OR, UT, MT, WY, AZ, MO, and WA.

MC 146976 (Sub-8), filed September 11, 1981. Applicant: FOREWAY TRANSPORTATION, INC., 1413 Randall St., P.O. Box 301, Coopersville, MI 49404. Representative: D. Richard Black, Jr., 7610 Cottonwood Dr., P.O. Box 294, Jenison, MI 49428, (616) 457-9290. Transporting *general commodities* (except classes A and B explosives), between points in CT, IA, IL, IN, KY, ME, DE, MA, MD, MI, MN, MO, NC, NH, NJ, NY, OH, PA, RI, TN, VA, VT, WV, WI, GA, SC, AL, and DC.

MC 156696, filed September 14, 1981. Applicant: NUFREIGHT SYSTEMS, 15605 Heron Ave., La Mirada, CA 90638. Representative: Kenneth E. Coor (same address as applicant), (213) 617-0449. Transporting *coal, and anthracite silt refuse*, between points in the U.S., under continuing contract(s) with Palmco Corporation, of Cherry Hill, NJ.

MC 158226, filed September 14, 1981. Applicant: CLEANERS HANGERS COMPANY, 6895 Telegraph Rd., Birmingham, MI 48012. Representative: Jerry B. Sellman, 50 W. Broad, Columbus, OH 43215, (614) 464-4103. Transporting *such commodities* as are dealt in or used by manufacturers of foodstuffs and related products, between Denver, CO, on the one hand, and, on the other, points in TX.

Volume No. OPY-5-157

Decided: September 21, 1981.

By the Commission Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 114848 (Sub-67), filed August 31, 1981. Applicant: WHARTON TRANSPORT CORPORATION, P.O. Box 13068, Memphis, TN 38113. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205, (601) 355-3543. Transporting (1) *rock salt, soda ash, corn starch*, and *plastic pellets*, between points in Shelby County, TN, on the one hand, and, on the other, points in TN, AR, AL, GA, IL, KY, LA, MS, MO, NC, SC, TX, and VA; (2) *clay*, between points in Wilkinson County, GA, on the one hand, and, on the other, points in Callaway County, MO, Lowndes County, MS, and Mercer County, NJ, and (3) *Alumina*, between points in Saline County, AR, on the one hand, and, on the other, points in AL, CO, DE, FL, GA, IL, IN, IA, KY, LA, MA, MD, MI, MN, MS, MO, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA, WV, and WI.

MC 120788 (Sub-4), filed September 3, 1981. Applicant: FULSANG'S MOTOR SERVICE, INC., 7061 South Willow Springs Rd., Countryside, IL 60525. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210, (703) 525-4050. Transporting *general commodities* (except classes A and B explosives), between Minneapolis, MN, points in Ashland, Brown, Marathon and Winnebago Counties, WI, and points in IL, on the one hand, and, on the other, points in IN, IL, IA, KS, KY, MI, MN, MO, NE, OH, TN, and WI.

MC 143059 (Sub-187), filed August 24, 1981. Applicant: MERCER TRANSPORTATION CO., INC., P.O. Box 35610, Louisville, KY 40232. Representative: Kenneth W. Kilgore (same address as applicant) (502) 584-2301. Transporting *general commodities* (except classes A and B explosives), between points in MA, NY, MD, and PA, on the one hand, and, on the other, points in the U.S.

MC 147468 (Sub-3), filed September 3, 1981. Applicant: HAROLD SPIVEY d.b.a. SPIVEY TRUCK LINES, P.O. Box 3146, East Dublin, GA 31021. Representative: Virgil H. Smith, 74 Hwy N. Box 245, Tyrone, GA 30290 (404) 969-1980. Transporting *wire* between points in Telfair County, GA, on the one hand, and, on the other, points in AR, OH, NC, SC, IA, AL, OK, KY, IL, TN, MS, TX, VA, and WI.

MC 151428 (Sub-4), filed August 28, 1981. Applicant: J & H TRUCKING, INC., 12425 Telephone, Chino, CA 91710. Representative: David B. Rosenman, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212 (213) 277-2323. Transporting

food and related products, and chemicals and related products, between points in the U.S., under continuing contract(s) with E. T. Horn, Inc., of La Mirada, CA.

MC 157749, filed September 8, 1981. Applicant: ALL AMERICAN TOWING SERVICES, INC., 7950 "C" Street, Millington, TN 38053. Representative: John Paul Jones, P.O. Box 3140, Front Street Station, 189 Jefferson Avenue, Memphis, TN 38103 (901) 527-2482. Transporting *wrecked or disabled motor vehicles*, and *replacement vehicles* for wrecked or disabled motor vehicles, by use of wrecker equipment only, between points in TN, AL, AR, CT, CO, DE, FL, GA, IA, IL, IN, KS, KY, LA, MA, MD, MI, MN, MO, MS, NC, NJ, NY, OH, OK, PA, SC, TX, VA, WI, WV, and DC.

MC 158029, filed September 2, 1981. Applicant: JOHN D. LINDE, d.b.a. JOHN D. LINDE TRUCKING, INC., 370 Hartford Pike, Shrewsbury, MA 01545. Representative: Stephen J. Linde (same address as applicant) (617) 791-2155. Transporting (1) *building materials*, between points in the U.S., (2) *machinery*, between points in Worcester and Middlesex Counties, MA, and Hancock and Brooke Counties, WV, on the one hand, and, on the other, points in the U.S., (3) *buildings, trailers, and trailer chassis*, between points in Essex County, MA, on the one hand, and, on the other, points in the U.S., and (4) *metal products*, between points in Bristol, Middlesex, and Worcester Counties, MA, Oneida and Chautauqua Counties, NY, Caldwell County, KY, and Washtenaw County, MI, on the one hand, and, on the other, points in the U.S.

MC 158089, filed September 4, 1981. Applicant: K & B TRANSPORT, INC., 7923 Whitecliff Rd., Egg Harbor, WI 54209. Representative: Stephen H. Loeb, Suite 2027, 33 N. LaSalle St., Chicago, IL 60602 (312) 726-9722. Transporting *building materials*, between points in AR, GA, IL, IN, IA, KY, MO, MI, MN, NE, NC, OH, SC, TN, and WI.

MC 158109, filed September 4, 1981. Applicant: CIRCLE TRAVEL, INC., 123 West Franklin Street, Chapel Hill, NC 27514. Representative: Mary Howes (same address as applicant) (919) 942-4196. To operate as a *broker* at Chapel Hill, NC, in arranging for the transportation of *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at points in Orange County, NC, and extending to points in the U.S.

MC 158119, filed September 8, 1981. Applicant: ROBERT L. TAYLOR, d.b.a. CIRCLE T TRUCKING, 77 Lake Lee Rd.,

Greenville, MS 38701. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701 (601) 335-3576. Transporting (1) (a) *bicycles, exercisers and tricycles*, and (b) *parts and accessories* for the commodities in (a), between points in the U.S., under continuing contract(s) with Schwinn Bicycle Company, of Chicago, IL, and (2) *metal products*, between points in the U.S., under continuing contract(s) with Hager Hinge Company, of Greenville, MS.

Volume No. OPY-5-158

Decided: September 21, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 120578 (Sub-2), filed August 17, 1981. Applicant: OZARK TRANSFER, INC., P.O. Box 154, DeSoto, MO 63020. Representative: Herman W. Huber, 101 East High St., Jefferson City, MO 65101 (314) 636-9131. Over regular routes, transporting *general commodities* (except classes A and B explosives), between St. Louis, MO, and Big Shawnee, MO, from St. Louis over MO Hwy 21 to Ellington, MO, then over MO Hwy 106 to its junction with Shannon County Route H, then over Shannon County Route H to Big Shawnee and return over the same route, serving all intermediate points and serving points in Jefferson, Washington, Iron, Reynolds, and Shannon Counties, MO as off-route points. Condition: Issuance of a Certificate of Public Convenience and Necessity is subject to the coincidental cancellation, at applicant's written request, of its Certificate of Registration in MC 120578 (Sub-No.1).

Note.—The purpose of this application is to convert applicant's Certificate of Registration in MC 120578 (Sub-No. 1) to a Certificate of Public Convenience and Necessity and to extend its operating authority.

MC 124159 (Sub-16), filed September 14, 1981. Applicant: DAGGETT TRUCK LINE, INC., P.O. Box 158, Frazee, MN 56544. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108, 701-237-4223. Transporting *such commodities* as are dealt in or used by the manufacturers and distributors of charcoal and charcoal products, between points in the U.S. under continuing contract(s) with Husky Industries, Inc., of Atlanta, GA.

MC 124718 (Sub-2), filed September 14, 1981. Applicant: REISING BROTHERS, INC., 54 Hungry Harbor Rd., Valley Stream, NY 11582. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048-0640, 212-466-0220. Transporting *coal and coal products*, between points in Sussex County, NJ, on

the one hand, and, on the other, New York, NY and points in Nassau and Suffolk Counties, NY.

MC 141318 (Sub-12), filed September 14, 1981. Applicant: WEATHER SHIELD TRANSPORTATION, LTD., P.O. Box LTD, Medford, WI 54451. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402, 612-333-1341. Transporting *building materials*, and *such commodities* as are dealt in or used by manufacturers and distributors of feed, feed ingredients and animal health products, between points in Wood, Clark, Taylor, and Marathon Counties, WI, on the one hand, and, on the other, points in the U.S.

MC 144909 (Sub-8), filed September 14, 1981. Applicant: CENTRAL DELIVERY SERVICE OF MASSACHUSETTS, INC., 125 Magazine St., Boston, MA 02119. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K St., N.W., Washington, DC 20005, 202-783-3525. Transporting *such commodities* as are dealt in or used by department stores, between points in the U.S. under continuing contract(s) with Sears Roebuck and Co. of Chicago, IL.

MC 145229 (Sub-1), filed September 9, 1981. Applicant: JAMES D. BASOLO & HAROLD W. FULLERTON d.b.a. J & H, 209 Commerce St., Missoula, MT 59806. Representative: Walter Anno (same address as applicant), 406-721-2403. Transporting *beverages and beverage containers*, between Denver, CO, on the one hand, and, on the other, points in MT.

MC 145608 (Sub-6), filed September 3, 1981. Applicant: HENRY JOHNSON, INC., 4902 S. 61st St., Omaha, NE 68117. Representative: Jack H. Blanshan, 205 W. Touhy Ave., Suite 200-A, Park Ridge, IL 60068, (312) 698-2235. Transporting *printed matter* between Chicago, IL, on the one hand, and, on the other, points in CA.

MC 147319 (Sub-3), filed September 4, 1981. Applicant: LUCKEY TRUCKING, INC., Rural Route #5, Streator, IL 61364. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001-4594 (202) 628-9243. Transporting *steel tubing* between points in La Salle and Livingston Counties, IL, on the one hand, and, on the other, points in the U.S.

MC 147319 (Sub-4), filed September 4, 1981. Applicant: LUCKEY TRUCKING, INC., Rural Route #5, Streator, IL 61364. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001 (202) 628-9243. Transporting (1) *fertilizer* and (2) *sand*, between points in La Salle County,

IL, on the one hand, and, on the other, points in MI, IN, OH, WI, IA, MN, and IL.

MC 148739, filed September 4, 1981. Applicant: DOORN'S INC., P.O. Box 1083, Mitchell, SD 57301. Representative: A. J. Swanson, P.O. Box 1103, 226 North Phillips Ave., Sioux Falls, SD 57101 (605) 335-1777. Transporting *general commodities* (except classes A and B explosives), between points in Davison County, SD, on the one hand, and, on the other, points in the U.S.

MC 148558 (Sub-4), filed September 14, 1981. Applicant: VICTOR SHIMONIS, 11 Reynolds St., Pittston, PA 18640. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517; 717-344-8030 or 717-562-1202. Transporting *food and related products*, between points in IA, on the one hand, and, on the other, points in CT, MD, MA, NJ, NY, OH, PA, RI, and TX.

MC 151158 (Sub-6), filed September 10, 1981. Applicant: BROWN TRANSIT, INC., 325 Ingram, Conway, AR 72032. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064; 615-790-2510. Transporting *such commodities* as are dealt in or used by wholesale, retail, discount, variety, and department stores, between points in Pulaski County, AR on the one hand, and, on the other, points in the U.S.

MC 151368 (Sub-4), filed September 11, 1981. Applicant: KOCH TRUCK LINE, INC., 619 Iowa, Sabetha, KS 66534. Representative: Eugene W. Hiatt, 207 Cason Bldg., 603 Topeka Blvd., Topeka, KS 66603; 913-232-7263. Transporting *agricultural limestone*, between points in the U.S. under continuing contract(s) with Kerford Limestone Co. of Lincoln, NE.

MC 153478, filed September 9, 1981. Applicant: S & W MOTOR SERVICES, INC., 6128 W. 80th Pl., Burbank, IL 60459. Representative: Donald E. Weishaar, Suite 202, 1301 W. 22nd St., Oak Brook, IL 60521; 312-986-5855. Transporting *such commodities as are dealt in or used by drug, health food, catalog and general department stores*, between points in the U.S. under continuing contract(s) with General Nutrition Corporation of Pittsburgh, PA.

MC 154468 (Sub-1), filed September 9, 1981. Applicant: PRIORITY DISPATCH OF KENTUCKY, INC., 731-B Allendale Dr., P.O. Box 336, Lexington, KY 40584. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602; 502-227-2254. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with United Pool Distribution, Inc., of Columbus, OH.

MC 154768 (Sub-2), filed September 9, 1981. Applicant: IOWA EXPRESS DISTRIBUTION, INC., 2165 N.W. 108th, Suite B, Des Moines, IA 50322.

Representative: Harold W. Sternberg (same address as applicant) 515-278-5864. Transporting *automobile and truck parts, supplies and accessories*, between points in the U.S. under continuing contract(s) with Maremont Marketing, Inc., of Nashville, TN.

MC 157298, filed September 10, 1981. Applicant: LYON INDUSTRIES, INC., 21 Orchard Pl., East Hanover, NJ 07938. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934; 201-435-7140. Transporting *metal products*, between points in the U.S. under continuing contract(s) with Shaffer Steel Corp., of Parsippany, NJ.

MC 158149, filed September 9, 1981. Applicant: MARVIN SACKETT AND WAYNE SACKETT d.b.a. MARVIN SACKETT, R.R. #3 Box 77, Highland, IL 62249. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701; 217-544-5468. Transporting *paper and related products*, between points in the U.S. under continuing contract(s) with Birmingham & Prosser Company, a Division of Mead Corporation of St. Louis, MO.

James H. Bayne,
Acting Secretary.

[FR Doc. 81-28035 Filed 9-25-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. OPY-5-159]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

September 21, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified

prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Finding

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 3,
Members Krock, Joyce, and Dowell.

James H. Bayne,
Acting Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

MC 157399 (Sub-1), filed September 4, 1981. Applicant: CLAYTON W. & WAVERLY HARRIS, Box 125, Browning, MO 64630. Representative: Clayton W. Harris (same address as applicant) (816) 946-4533. *Transporting food and other edible products and byproducts intended for human consumption (except alcoholic beverages and drugs), agricultural limestone and fertilizers, and other soil conditioners by the owner of the motor vehicle in such vehicle, between points in the U.S.*

MC 158148, filed September 11, 1981. Applicant: REFERRED SERVICES, INC., 1103 Miller Lane, Buffalo Grove, IL 60090. Representative: Robert J. Gill, First Commercial Bank Bldg., 410 Cortez Rd. West, Bradenton, FL 33507; 813-758-4153. *Transporting shipments weighting 100 pounds or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.*

[FR Doc. 81-28036 Filed 9-25-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier; Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-156

The following applications were filed in region I: Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, room 501, Boston, MA 02114.

MC 124718 (Sub-1-1TA), filed September 11, 1981. Applicant: REISING BROTHER, INC., 54 Hungry Harbor Road, P.O. Box 5, Valley Stream, NY 11582. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048-0640. *Coal in bags from Sussex County, NJ to New York, NY and points in Nassau and Suffolk Counties, NY. Supporting shipper: Limestone Products Corporation, P.O. Box 490, Newton, NJ 07860.*

MC 100318 (Sub-1-2TA), filed September 9, 1981. Applicant: JAMES F. MOLLENHAUER, d.b.a. CITY TRANSPORT COMPANY, P.O. Box 1331, Cherry Hill, NJ 08034. Representative: Ronald Ervais, 1315 Walnut Street, Suite 1329, Philadelphia, PA 19107. *General commodities (except hazardous waste) between points in the Counties of Philadelphia and Montgomery, PA to CT and vice versa for McNeill Consumer Products Company. Applicant intends to tack to present Docket. Supporting shipper: McNeill Consumer Products Co., Camp Hill Road, Fort Washington, PA 19034.*

MC 144305 (Sub-1-4TA), filed September 11, 1981. Applicant: McCAIN TRANSPORT, INC., 5 Wade Road, Washburn, ME 04786. Representative: John C. Lighbody, Esq., Murray, Plumb & Murray, 30 Exchange Street, Portland, ME 04101. *Beer and wine from Merrimac, NH, Newark, NJ, Baltimore, MD, Brooklyn, NY and Williamsburg, VA to Caribou, ME. Supporting shipper: Solomon Distributors, Inc., 59 York Street, Caribou, ME 04738.*

MC 133863 (Sub-1-1TA), filed September 9, 1981. Applicant: FRANK MURPHY CONTRACT CARRIER, INC., 730 Richmond Terrace, Staten Island, NY 10301. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *General commodities, except Classes A and B explosives, hazardous waste, and household goods, having a prior or subsequent movement by water between the Commercial Zone of New York, NY, on the one hand, and, on the*

other, Baltimore, MD, Allentown, Bethlehem, Easton, and Philadelphia, PA, and points in NJ. Supporting shipper(s): Associated Container Transportation, 1 World Trade Center, New York, NY 10048; Dart Containerline Ltd., 5 World Trade Center, New York, NY 10048.

MC 158133 (Sub-1-1TA), filed September 9, 1981. Applicant: CONTRACT TRANSPORTATION SERVICE, INC., 1711 South 2nd Street, Piscataway, NJ 08854. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract carrier; irregular routes: Building materials and supplies, except in bulk between Gloucester and Plainfield, NJ, on the one hand, and, on the other, points in the U.S. (except AK and HI) under continuing contract(s) with Vanguard Vinyl Siding, Inc., Manville, NJ. Supporting shipper: Vanguard Vinyl Siding, Inc., Box 69, Manville, NJ 08835.*

MC 156800 (Sub-1-3TA), filed September 8, 1981. Applicant: SEABOARD EXPRESS, INC., 565 Plank Road, Waterbury, CT 06705. Representative: Joseph A. Keating, Jr., 121 S. Main Street, Taylor, PA 18517. *Contract carrier; irregular routes: General commodities (except Classes A & B explosives & hazardous waste) between points in the U.S. (except AK & HI), under continuing contract(s) with StanChem, Incorporated, East Berlin, CT, and NAPCO, Inc., Terryville, CT. Supporting shipper(s): StanChem, Inc., 401 Berlin St., E. Berlin, CT 06023; NAPCO, Inc., Plymouth Ind. Pk., Napco Dr., Terryville, CT 06780.*

MC 157915 (Sub-1-1TA), filed September 11, 1981. Applicant: SILVERWING, INC., R.D. #1, Box 416G, Cape May Courthouse, NJ 08210. Representative: William H. Shawn, 1730 M Street, NW, Suite 501, Washington, DC 20036-4579. *Passengers and their baggage and express and newspapers in the same vehicle with passengers, in charter and special operations, beginning and ending in Chester, Delaware, Montgomery and Philadelphia Counties, PA, and extending to Atlantic County, NJ. Supporting shipper(s): There are 17 statements in support of this application which may be examined at the Regional Office of the I.C.C. in Boston, MA.*

MC 154631 (Sub-1-7TA), filed September 14, 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)*

Cereal and kindred products, from Clinton, MA to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VA, UT, WV and WI; (2) *Materials, equipment and supplies used in the manufacture, distribution and sale of cereal and kindred products*, from the above-named destinations to the above-named origin under continuing contract(s) with Weetabix-Van Brode Cereals of Clinton, MA. Supporting shipper: Weetabix-Van Brode Cereals, 20 Cameron Street, Clinton, MA 01510.

MC 7840 (Sub-1-8TA), filed September 14, 1981. Applicant: ST. LAWRENCE FREIGHTWAYS, INC., 650 Cooper Street, Watertown, NY 13601. Representative: E. Stephen Heisley, 666 Eleventh Street NW., 805 McLachlen Bank Bldg., Washington, DC 20001. *Snowmobiles, snowmobiles parts, lubricants and related products* between points in Franklin County, NY, on the one hand, and on the other, points in the U.S. in and north of VA, KY, MO, KS, CO, UT, NV and CA. Supporting shipper: Bombardier Corp., East Main Street Road, Malone, NY 12983.

MC 158211 (Sub-1-1TA), filed September 14, 1981. Applicant: PORT TRANSPORTATION CO., INC., 54 Devonshire Street, Boston, MA 02109. Representative: Joseph Wine (same address as applicant). *Pulp, paper and related products*, between points in Bucksport, ME to the Port of Boston, MA, the Port of New York, NY, the Port of Newark, NJ. Supporting shipper: Erskine Forwarding Co., 19 Rector Street, New York, NY.

MC 154993 (Sub-1-3TA), filed September 15, 1981. Applicant: H. & W. ENTERPRISES, South Witham Road, Auburn, ME 04210. Representative: Ignatius B. Trombetta, 1220 Williamson Building, Cleveland, OH 44114. *Contract carrier: irregular routes: Textile mill products* between facilities located in Androscoggin County, ME on the one hand, and, on the other, to points in Suffolk County (Boston) and Hampden County (Springfield), MA, New York City commercial area, NY, Hartford commercial area, CT, and Kenty County (Coventry), RI under continuing contract(s) with W. S. Libby Company of Lewiston, ME. Supporting shipper: W. S. Libby Company, 1 Mill Street, Lewiston, ME 04240.

MC 29890 (Sub-1-1TA), filed September 10, 1981. Applicant: ROCKLAND COACHES, INC., 126 North Washington Avenue, Bergenfield, NJ 07621. Representative: W. C. Mitchell, 370 Lexington Avenue, New York, NY 10017. *Passengers and their baggage*, in

the same vehicle with passengers (1) Between points in Congers, NY, serving all intermediate points from junction U.S. Hwy 9-W and New York State Hwy 303, over New York State Hwy 303 to junction Lake Road, and return over the same route; (2) Between Valley Cottage, NY and Orangeburg, NY serving all intermediate points from junction Rockland Lake Road and New York State Hwy 303, over New York State Hwy 303 to junction New York State Hwy 340, and return over the same route; (3) Between Tomkins Cove, NY and Stony Point, NY serving all intermediate points from northern junction of Gay's Hill Road and U.S. Hwy 9-W, over U.S. Hwy 9-W to junction Main Street, and return over the same route. Applicant proposes to tack this authority with existing authority to provide service to and from New York, NY and to and from intermediate points in NJ. Supporting shipper(s): Application is based on abandonment of existing service.

MC 147915 (Sub-1-5TA), filed September 14, 1981. Applicant: RUSSO MOTOR EXPRESS, INC., Keim Blvd. and Bridge Plaza, Commerce Square, Burlington, NJ 08016. Representative: Robert R. Harris, 1730 M Street NW., Suite 501, Washington, DC 20036-4579. *General commodities (except commodities in bulk, classes A & B explosives, hazardous waste, household goods as defined by the Commission)* between Philadelphia, PA and points in its commercial zone, on the one hand, and, on the other, points in the U.S. (except AK & HI). Supporting shipper(s): There are eight statements in support of this application which may be examined at the Regional Office of the I.C.C. in Boston, MA.

MC 158071 (Sub-1-1TA), filed September 14, 1981. Applicant: L. F. OAKES & SONS TRANSPORTATION DIVISION, LTD., Holmesville Road, Bath, New Brunswick, CD E0J 1E0. Representative: John C. Lightbody, Esq., Murray, Plumb & Murray, 30 Exchange Street, Portland, ME 04101. *Artificial fire logs* from points on the International Boundary between the U.S. and Canada at Houlton and Fort Fairfield, ME to points in CT, DC, DE, MA, MD, ME, NC, NH, NJ, NY, PA, RI, VA. Supporting shipper: Consumer Chemical Corp., Main Street, Andover, New Brunswick, CD.

MC 2060 (Sub-1-3TA), filed September 14, 1981. Applicant: PINE HILL-KINGSTON BUS CORP., d.b.a. PINE HILL TRAILWAYS, 411 Washington Ave., P.O. Box 1758, Kingston, NY 12401. Representative: Lawrence E. Lindeman, 425 13th Street NW., Suite 1032,

Washington, DC 20004. *Passengers and their baggage, and express and newspapers in the same vehicle with passengers*, (1) between the junction of Interstate Hwys 80 and 95 and New York, NY, from the junction of Interstate Hwys 80 and 95 near Teaneck, NJ, over Interstate Hwy 95 to New York, NY, and Freeport, NY, from New York via New York Hwy 25B to Mineola, then over Mineola Boulevard and Franklin Avenue to Hempstead, then over Henry Street, Greenwich Street, Nassau Road and Main Street to Freeport, and return over the same route, serving all intermediate points. Supporting shipper(s): There are ten statements in support of this application which may be examined at the Regional office of the I.C.C. in Boston, MA.

MC 158209 (Sub-1-1TA), filed September 14, 1981. Applicant: S. L. A. TRANSPORT, INC., 6 Spring Street, Johnstown, NY 12095. Representative: David Earl Tinker, Esq., 1000 Connecticut Avenue NW., Suite 1112, Washington, DC 20036-5391. *Hides, skins, split skins, wet skins, leather, leather products, tannery by-products, and materials, equipment, and supplies (including chemicals) used in the tanning process*, (1) between Gloversville and Johnstown, NY, on the one hand, and, on the other, the New York commercial zone, Pentecooke, NH, and Mercersburg, PA; and (2) between the New York commercial zone, on the one hand, and, on the other, Gloversville and Johnstown, NY, Pentecooke, NH, and Mercersburg, PA. Supporting shipper: Feuer Leather Corporation, 9 East Fulton Street, Johnstown, NY 12095.

MC 150451 (Sub-1-5TA), filed September 15, 1981. Applicant: G & L TRANSPORT, Route 9, Troy, ME 04987. Representative: Barry Weintraub, Suite 510, 8133 Leesburg Pike, Vienna, VA 22180. *Contract carrier: irregular routes: Such commodities as are dealt in or used by tanneries* between the points of Hopewell, VA, Portsmouth, VA, Somerville, NJ, Peabody, MA, Danvers, MA, Woburn, MA, South Paris, ME, Hartland, ME, Saco, ME and the Commercial Zone of New York City, NY under continuing contract(s) with Tannin Corporation of Peabody, ME. Supporting shipper: Tannin Corporation, P.O. Box 606, Peabody, ME 01960.

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 158104 (Sub-2-1TA), filed September 8, 1981. Applicant: JOSEPH J. ALLEN, d.b.a. JOE ALLEN CHARTER BUS COMPANY, 1233 South Melville

Street, Philadelphia, PA 19143. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110. *Passengers and their baggage*, in round-trip charter and special operations, beginning and end at points in the Philadelphia, PA commercial zone, and extending to points in the United States, for 180 days. Supporting shipper(s): There are six (6) certifications of support which may be examined at the Commission's Regional Office in Philadelphia, PA.

MC 140889 (Sub-II-21TA), filed September 3, 1981. Applicant: FIVE STAR TRUCKING, INC., 4720 Beidler Rd., Willoughby, OH 44094. Representative: Ignatius B. Trombetta, 1220 Williamson Bldg., Cleveland, OH 44114. Contract, irregular: *Chemical and related products and rubber and plastic products* between the facilities of B.F. Goodrich Co. located in Cuyahoga County, OH; Jefferson County, KY; Jefferson County, TX; Los Angeles County, CA; and St. James and Iberville Parishes, LA, on the one hand, and, on the other, points in CA, OR, AZ and TX, under a continuing contract(s) with B.F. Goodrich Co. of Cleveland, OH, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): B.F. Goodrich Co., 6100 Oaktree, Blvd., Cleveland, OH 44131.

MC 133966 (II-2-TA), filed September 14, 1981. Applicant: NORTH EAST EXPRESS, INC., P.O. Box 127, Mountaintop, PA 18707. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St., NW., Washington, DC 20004. *Paper and laminated plastic sheets* between the facilities of Formica Corporation, a subsidiary of American Cyanamid Co., at or near Evendale, OH, Sunset-Whitney Ranch, CA, and Piscataway, NJ, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Formica Corporation, a subsidiary of American Cyanamid Co., 10155 Reading Road, Cincinnati, OH 45241.

MC 151806 (Sub-II-2TA), filed September 14, 1981. Applicant: HARRY E. PEEK, SR., INC., 105 Olde Greenwich Dr., Fredericksburg, VA 22401. Representative: Gary M. Nuckols, P.O. Box 240, Fredericksburg, VA 22401. Contract: Irregular: *New furniture, furnishings and appliances, under exclusive contract with one retailer*, Gallahan's Furniture & Appliances, Inc., from its facilities in or near Fredericksburg, VA, and Boca Raton, FL, and points in MD, DE, PA, WV, NC, SC, GA, FL, VA and DC, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper:

Gallahan's Furniture & Appliances, Inc., 105 Olde Greenwich Dr., Fredericksburg, VA 22401.

MC 152672 (II-8-TA), filed September 14, 1981. Applicant: A. ROGER LEASING, LTD., 850 Beaver Grade Road, Coraopolis, PA 15108. Representative: Barry Weintraub, Suite 510, 8133 Leesburg Pike, Vienna, VA 22180. Contract: Irregular: *general commodities* (except class A and B explosives) between Cheswick, PA, on the one hand, and, on the other, points in the U.S. under continuing contract with Action Industries, Inc. of Cheswick, PA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Action Industries, Inc., 400 Nixon Rd., Cheswick, PA 15024.

MC 158075 (Sub-II-1TA), filed: September 14, 1981. Applicant: T & S BUS SERVICE, INC., 5009 Wheeler Road, Oxon Hill, MD 20754. Representative: Donald E. Cross/Brian L. Troiano, 918 16th Street N.W., Washington, D.C. 20006. *Passengers and their baggage*, in round trip charter operations, beginning and ending at Washington, DC, Dulles International Airport, Chantilly, VA; Alexandria and Falls Church, VA; points in Arlington and Fairfax Counties, VA; points in Montgomery, Prince Georges, Anne Arundel, and Charles Counties, MD, and extending to points in VA, MD, DE, FL, SC, CT, OH, NC, NJ, PA, NY, TN, AR, OK, TX, NM, LA, and MS for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are 21 supporting shippers. Their statements may be examined at the Philadelphia Regional Office.

MC 41951 (Sub-II-4TA), filed September 14, 1981. Applicant: WHEATLEY TRUCKING, INC., P.O. Box 458, Cambridge, MD 21613. Representative: Gary E. Thompson, 4304 East-West Highway, Bethesda, MD 20814. *Foodstuffs, materials and supplies* between (1) Cambridge, MD, on the one hand, and, on the other, Rochelle, IL and Pauline, KS and (2) St. Charles, IL, on the one hand, and, on the other, Worcester, MA, Lockport, NY, Swedesboro, NJ and Pauline, KS for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: RJR Foods, Inc., Box 3575, San Francisco, CA 94119.

MC 158196 (Sub-II-1-TA), filed September 14, 1981. Applicant: BANKS WRIGHT, d.b.a. WRIGHT MOTOR LINES, Box 177, Armagh, PA 15292. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Contract: Irregular: *Irregular Routes: Tungsten and tungsten products*, between Pittsburgh

and Latrobe, PA, including their respective commercial zones, on the one hand, and, on the other, Roanoke Rapids, Raleigh and Henderson, NC; Johnson City, TN and New Market and Lexington, VA, including their respective commercial zones, for 270 days. Supporting shipper: Kennemetal, Inc., Latrobe, PA 15650.

MC 156885 (Sub-II-2-TA), filed September 17, 1981. Applicant: CHARLES E. FOULKE & SONS, INC., 2215 N. Rockhill Road, Sellersville, PA 18960. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966. *Road emulsion oil*, in bulk, in tank vehicles, from Pettys Island, Camden County, NJ on the one hand, and, on the other, points in Berkes, Bucks, Chester, Delaware, Lehigh, Montgomery, Northampton, Philadelphia and Schuylkill Counties, PA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Loder & Sharpe, Inc., 39 E. Cherry Road, P.O. Box 19, Quakertown, PA 18951.

MC 150939 (Sub-II-22TA), filed September 16, 1981. Applicant: GEMINI TRUCKING, INC., 1533 Broad Street, Greensburg, PA 15601. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219. Such commodities as are generally dealt in by retail hardware stores, and equipment, materials and supplies used in the conduct of such business (except commodities in bulk) between the facilities of American Hardware Supply Company at or near Butler and Parkesburg, PA, Greenville, SC and Westfield, MA, on the one hand, and, on the other, points in the U.S., under a continuing contract(s) with American Hardware Supply Company of Butler, PA, for 270 days. Supporting shipper: American Hardware Supply Company, P.O. Box 1510, Butler, PA 16001.

MC 150339 (Sub-2-49TA), filed September 17, 1981. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Stephen J. Hammer (same as applicant). Contract: irregular: *Metal products*, from Clinton, IL, Newport, AR, and Monett, MO, to points in CA, WA, and OR, under continuing contract(s) with Revere Copper & Brass, Inc., Rome, NY for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Revere Copper & Brass, Inc., P.O. Box 191, Rome, NY 13440.

MC 84450 (Sub-2-1TA), filed September 15, 1981. Applicant: S.R.T. MOTOR FREIGHT, INC., 1801 S. Pennsylvania Avenue, Morrisville, PA 19067. Representative: Alan Kahn, 1430

Land Title Bldg., Philadelphia, PA 19110. *Rubber and plastic products*, between the facilities of Recycling Research, Inc. at Morton (Delaware County), PA, on the one hand, and, on the other, points in the United States in and east of WI, IL, KY, TN and MS, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Recycling Research, Inc., 100 Woodland Avenue, P.O. Box 105, Morton, PA 19070.

The following applications were filed in region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 156409 (Sub-3-1TA), filed September 15, 1981. Applicant: E. E. MCAFEE AND D. W. MCAFEE, d.b.a. MCAFEE TRUCKING COMPANY, Route 1, Michie, TN 38357. Representative: Phil R. Hinton, Attorney at Law, Box 801, 411 Waldron St., Corinth, MS 38834. *Ores and Minerals viz: Crushed limestone, Rip-Rap Limestone, Crushed gravel or rock, Washed gravel or rock, Clay gravel or rock, sand, and basic slag*; restricted to bulk in dump vehicles between TN (West of the TN River), AL (North of I-20 highway), and MS (North of U.S. 82 Highway). Supporting shippers: Southern Stone Company, Inc., Box 269, Cherokee, AL 35616; Tennessee Sand and Stone, Inc., Box 495, Savannah, TN 38372.

MC (Sub-3-TA). Applicant: W.F. MEADOWS, INC., 8028 Maddox Rd., Morrow, GA 30260. Representative: L.F. Meadows, Route 2, Box 432, Commerce, GA 30529. *Dry dog food*, from Royston, GA to points in AL, FL, NC, SC and TN. Supporting shipper: Delite Feeds, Inc., 301 Railroad St., Royston, GA 30662.

MC 96802 (Sub-3-1TA), filed September 15, 1981. Applicant: OWENS FREIGHT LINES, INC., 1449 V.F.W. Road, P.O. Box 517, Conyers, GA 30207. Representative: Clyde H. Owens, 1257 Robin Road, Conyers, GA 30207. *General commodities, usual exceptions*: Between Atlanta, GA and Covington, GA, on traffic having a prior or subsequent movement in interstate or foreign commerce or by rail.

Note.—Applicant intends to tack with existing authority in MC-96802 and to interline with other carriers at Atlanta, GA. Supporting Shipper: Mobil Chemical Company, P.O. Box 71, Covington, GA 30209.

MC 151985 (Sub-3-7TA), filed September 17, 1981. Applicant: BRAVE TRANSPORT, INC., 3181 Bankhead Highway, Suite 10, Atlanta, GA 30318. Representative: John C. Bach, 53 Perimeter Center East, Suite 350, Atlanta, GA 30346. *Cleaning equipment, cleaning compounds, weed killers, insecticides, chemical dispensing*

apparatuses, and chemical products, between the facilities of Oxford Chemicals, Inc., located at or near Chamblee, GA, on the one hand, and points in the U.S., on the other hand. Supporting shipper: Oxford Chemicals, Inc., P.O. Box 80202, Atlanta, GA 30366.

MC 157483 (Sub-3-1TA), filed September 17, 1981. Applicant: GEORGE E. GRAY, JR. TRUCKING CO., 2210 West Vernon Avenue, Kinston, NC 28501. Representative: George E. Gray, Jr., (same address as applicant). *Contract carrier: Irregular routes: Pepsi Cola Products supplies, equipments, and accessories used in the manufacturing of Pepsi Cola products; such as Plastic bottles, canned soft drinks, bottled soft drinks, empty bottles and syrup* between Cheraw, SC, and Kinston, Jacksonville, Morehead City and New Bern, NC under continuing contract with Pepsi Cola Bottling Co. of Kinston, Inc. Supporting shipper: Pepsi Cola Bottling Co. of Kinston, Inc., P.O. Box 1028, Kinston, NC 28501.

MC 108676 (Sub-3-11TA), filed September 17, 1981. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue, Knoxville, TN 37917. Representative: H. E. Miller, Jr., 806 Nashville Bank & Trust Building, 315 Union Street, Nashville, TN 37201. *Building materials* between Knox County, TN, Tuscaloosa County, AL, Jasper County, MO, Frederick County, MD, and Phillips County, KS, on the one hand, and, on the other, points in the U.S. in and east of NC, SD, NE, KS, OK and TX. Supporting shipper: TAMKO Asphalt Products, Inc., 220 West Fourth Street, Joplin, MO 64801.

MC 158299 (Sub-3-1TA), filed September 17, 1981. Applicant: BURGESS TRANSPORT, INC., 1065 E 21st St., Hialeah, FL 33013. Representative: Richard B. Austin, 320 Rochester Building, 8390 NW 53d St., Miami, FL 33166. *Synthetic fiber yarn* between points in Alamance, Rockingham and Guilford Counties, NC on the one hand, and, on the other, points in Dade, Broward and Palm Beach Counties, FL. Supporting shipper: Macfield Texturing, Inc., P.O. Box 737, Madison, NC 27025.

Republication—originally published in Federal Register of 9-2-81, page 44079, volume 46, No. 170.

MC 157916 (Sub-3-1TA), filed August 25, 1981. Applicant: Ronald C. Johnston d.b.a. R. C. Johnston Trucking, P.O. Box 422, Dolomite, AL 35061. Representative: Wade H. Brown, P.O. Box 217, Bessemer, AL 35021-0217. *Metal Products*, between Warrior, AL, on the one hand, and, on the other, points in AL, FL, GA, LA, MS, NC, SC, TN and

TX. Supporting shipper: H & H Fabricators, Inc., P.O. Box 187, Warrior, AL 35180.

MC 158119 (Sub-3-1TA), filed September 18, 1981. Applicant: ROBERT L. TAYLOR, d.b.a. CIRCLE T TRUCKING, 77 Lake Lee Road, Greenville, MS 38701. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701. *Contract Carrier: Irregular: (1) bicycles, exercisers and tricycles (2) bicycle, exerciser, and tricycle parts and accessories (3) fabricated metal products and (4) materials, equipment and supplies used in the manufacture, distribution and sale of the commodities described in (1), (2), and (3) above* between points in the U.S. under continuing contracts with Schwinn Bicycle Company, Chicago, IL and Hager Hinge Company, Greenville, MS. Supporting shippers: Schwinn Bicycle Company, 1856 North Kostner Avenue, Chicago, IL 60639 and Hager Hinge Company, P.O. Box 577, Greenville, MS 38701.

MC 129712 (Sub-3-16TA), filed September 18, 1981. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569, McDonough, GA 30253. Representative: Guy H. Postell, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326. *Contract, irregular, Metal Products*, between all points in the U.S., under continuing contract(s) with Metal Specialists Internationale. Supporting shipper: Metal Specialists Internationale, 1114 Florida Ave., Suite C, Palm Harbor, FL 33563.

MC 129028 (Sub-3-1TA), filed September 18, 1981. Applicant: BAUCOM'S TRANSFER & STORAGE COMPANY, INC., 511 Johnson Road, Charlotte, NC 28225. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. *New and used household goods and computer components*, between points in AL, DC, FL, GA, KY, MD, NC, SC, TN and VA. Supporting shippers: J. A. Jones Construction Company, 6060 St. Albans Street, Charlotte, NC 28287 and Metric Constructors, Inc., 2 South Executive Park, 7135 Park Road, Charlotte, NC 28210.

MC 151985 (Sub-3-6TA), filed September 14, 1981. Applicant: BRAVE TRANSPORT, INC., 3181 Bankhead Highway, Suite 10, Atlanta, GA 30318. Representative: John C. Bach, 53 Perimeter Center East, Suite 350, Atlanta, GA 30346. *Such commodities as are dealt in or used by paint stores and hardware stores*, between the facilities of the Synkoloid Company, located at or near Atlanta, GA, on the one hand, and points in the U.S. (except AK and HI), on

the other hand. Supporting shipper: The Synkoloid Company, 400 Colgate Drive, S.W., Atlanta, GA 30336.

MC 147683 (Sub-3-1 TA), filed September 14, 1981. Applicant: POPE TRUCKING INC., Rt. #1, Box 133, Axson, GA. 31624. Representative: Clifford W. Pope (same as applicant). *Contact carrier; irregular routes; Lumber between points in AL, FL, GA, and SC, under continuing contract(s) with Brunswick Pulp & Paper Company. Supporting shipper: Brunswick Pulp and Paper, Brunswick, GA 31521.*

MC 147665 (Sub-3-4 TA), filed September 15, 1981. Applicant: BASSETT TRUCKING COMPANY, Post Office Box 47, Newton, NC 28658. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. *Contract: irregular: Foodstuffs, between all points in the US in and east of the states of TX, OK, KS, NE, ND and SD, under continuing contract with Borden, Inc. Supporting shipper: Borden, Inc., 180 East Broad Street, Columbus, OH 43215.*

MC (Sub-3-11 TA), filed September 16, 1981. Applicant: REBEL MOTOR FREIGHT, INC., 3934 Homewood Road, Memphis, TN 38118. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. *Electrical machinery or equipment and associated supplies, between Almodoro, NM, on the one hand, and on the other, Canton, MS. Supporting shipper: Canton Sales & Storage, P.O. Box 529, Canton, MS 39046.*

MC 37896 (Sub-3-7 TA), filed September 15, 1981. Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 1048, Fletcher, NC 28732. Representative: Charles Ephraim, Ephraim and Flint, 406 World Center Building, 918-16th Street, N.W., Washington, D.C. 20006. *Contract: irregular; General commodities (except classes A and B explosives) Between points in the U.S. pursuant to continuing contract(s) with Ramco Transportation, Inc., of Seattle, WA. Supporting shipper: Ramco Transportation, Inc., 1762 6th Avenue South, Suite 123, Seattle, WA 98134.*

MC 149433 (Sub-3-3 TA), filed September 15, 1981. Applicant: BOONE EXPRESS, P.O. Box 114, Smyrna, TN. 37167. Representative: Rachel C. Boone (same address as Applicant). *Auto parts, supplies and accessories; candy, popcorn, supplies and accessories; paper products, supplies and accessories; industrial chemicals & paper products & supplies; finished shoes and shoe products; between Nashville, TN., and its commercial zone, on the one hand, and, on the other,*

points to the following KY counties: Madison, Fayette, Jessamine, Monroe, Metcalfe, Washington, Taylor, Casey, Marion, Boyle, Mercer, Gerrard, Lincoln, Christian, Trigg, Callaway, Marshall, Graves, McCracken; Cities in AL: Huntsville, Decatur, Florence, Sheffield, Athens, Tuscumbia, Muscle Shoals, also on returns servicing the following counties in TN: Warren, Coffee, Bedford, Rutherford, Williamson, Murray, Lawrence, and Giles. Supporting shipper(s): There are seven supporting shippers; whose statements may be examined in Atlanta.

Note.—Applicant intends to tack with existing authority and also intends to interline with other carriers at Nashville, TN.

MC 121081 (Sub-3-9TA), filed September 16, 1981. Applicant: COLUMBUS MOTOR LINES, INC., P.O. Box 26741, Charlotte, NC 28213. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. (1) *Iron and steel articles, (2) Materials, equipment, and supplies, used in the manufacture, sale, and distribution of iron and steel articles, between points in Georgetown County, SC, on the one hand, and on the other, points in the United States in and east of WI, IL, KY, TN, and MS. Supporting shipper: Andrews Wire Company, Division Georgetown Steel Corp., P.O. Box 3, Andrews, SC 29510.*

MC 158278 (Sub-3-1TA), filed September 16, 1981. Applicant: NCO MOTOR CARGO COMPANY, P.O. Box 2147, Rocky Mount, NC 27801. Representative: Rick A. Rude, Esq., Suite 611, 1730 Rhode Island Ave., N.W., Washington, D.C. 20036. *General commodities, Except Classes A&B Explosives, Household Good, and Commodities in Bulk, between facilities used by Inter State Express, Inc., at Points in the U.S. in and east of MN, IA, MO, OK, and TX, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, OK, and TX. Supporting shipper, Inter State Express, Inc., 120 Apollo St., Brooklyn, NY 11222.*

MC 158099 (Sub-3-1TA), filed September 16, 1981. Applicant: SAM JANSON TRANSFER, INC., 3152 Crescent Avenue, Erlanger, KY 41018. Representative: David M. O'Boyle, Esquire, 2310 Grant Building, Pittsburgh, PA 15219. *Displays, exhibits, and materials, equipment and supplies used in connection with the production and use of displays and exhibits, between points in CA, CN, FL, GA, IL, IN, KY, LA, MA, MI, MN, MO, NV, NJ, NY, OH, OR, PA, RI, TN, TX, and WA. There are 8 supporting statements attached to the application which may be examined at the ICC office in Atlanta, GA.*

MC 149133 (Sub-3-16TA), filed September 16, 1981. Applicant: DIST/TRANS MULTI-SERVICES, INC., d.b.a. TAHWHEELALEN EXPRESS, INC., 1333 Nevada Boulevard, Post Office Box 7191, Charlotte, NC 28217. Representative: Wyatt E. Smith (same address as above). *Contract carrier, irregular routes; Such commodities as are dealt in or used by retail department stores and mail order merchandisers; between points in GA, NC, SC, VA, and IL, restricted to service performed under a continuing contract or contracts with Wieboldt Stores, Inc. of Des Plaines, IL. Supporting shipper: Wieboldt Stores, Inc., 300 S. Wieboldt Drive, Des Plaines, IL 60616.*

MC 151012 (Sub-3-3TA), filed September 16, 1981. Applicant: O.W.L. TRANSPORT, INC., 157 Carolyn Lane, Nicholasville, KY 40356. Representative: Robert H. Kinker, P.O. Box 464, Frankfort, KY 40602 (1) *iron and steel articles, furniture parts and furniture part components, and (2) materials, equipment and supplies used in the manufacture and distribution of the commodities in (1) above, between facilities used by Leggett & Platt, Inc. and affiliates in the U.S. in and east of MN, IA, NE, KS, OK and TX, on the one hand, and on the other, those points in the U.S. in and east of MN, IA, NE, KS, OK and TX. Supporting shipper: Leggett & Platt, Inc., P.O. Box 757, Carthage, MO 64836.*

MC 138882 (Sub-3-36TA), filed September 15, 1981. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: John J. Dykema, P.O. Drawer 707, Troy, AL 36081. (1) *Malt Beverages, and (2) Materials, equipment and supplies used in the manufacture or distribution of commodities in (1) above, between Milwaukee, WI, Fulton, NY, Ft. Worth, TX, and Eden, NC, on the one hand, and, on the other, points in and east of ND, SD, NE, KS, OK and TX. Supporting shipper: Miller Brewing Company, 3939 West Highland Boulevard, Milwaukee, WI 53201.*

The following applications were filed in region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 134167 (Sub-4-1TA), filed September 11, 1981. Applicant: CARRIER SERVICE CO. OF WISCONSIN, INC., 2621 South 5th Place, Milwaukee, WI 53207. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. *Contract; irregular: Such commodities as are used by or dealt in by retail*

department stores and mail order houses between Columbus, OH, on the one hand, and, on the other, Wauwatosa, WI, under continuing contract(s) with J.C. Penney Co., Inc., New York, NY for 270 days. Underlying ETA seeks 120 days authority. Supporting shipper: J.C. Penney Co., Inc., 1301 Avenue of the Americas, New York, NY 10019.

MC 134286 (Sub-4-19TA), filed September 11, 1981. Applicant: ILLINI EXPRESS, INC., P.O.B. 1564, Sioux City, IA 51102. Representative: Jack B. Wolfe, 1600 Sherman #665, Denver, CO 80203. *Household Appliances*, from facilities utilized by Edison Products at Edison, Jamesburg, South Brunswick and East Brunswick, NJ to points in AL, AR, FL, GA, IL, IN, KS, MI, MS, OH, SC and TX for 270 days. Supporting shipper: Edison Products, Route 27AD Vineyard Road, Edison, NJ 08817.

MC 140257 (Sub-4-2TA), filed September 15, 1981. Applicant: BENNETT & SON TRANSPORT, LTD., 47 Bothwell Crescent, Regina, Saskatchewan, Canada S5R 5Y7. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. *Steel pipe and oil well casing* from the facilities of Interprovincial Steel & Pipe Corporation, Ltd. in Saskatchewan to points in KS, ND, SD, MT, CO, WY, NE, OK and TX. Supporting shipper: Interprovincial Steel & Pipe Sales Corporation, Ltd., P.O. Box 1670, Regina, Saskatchewan, Canada S4P 3C7.

MC 146728 (Sub-1-9TA), filed September 14, 1981. Applicant: GOLDEN BROS., INC., 234 East McClure St., Kewanee, IL 61443. Representative: Abraham A. Diamond, 29 South La Salle St., Chicago, IL 60603. *Contract irregular: Iron and Steel Articles*, between points in the US, under continuing contract with All Metals Services and Warehousing, Inc. Supporting shipper: All Metals Services and Warehousing, Inc., 880 Industrial Park Drive, N.E., Marietta, GA 30062.

MC 145787 (Sub-4-2), filed September 15, 1981. Applicant: HERBERT TRUCKING, INC., R.R. #1, Macon, IL 62544. Representative: Michael W. O'Hara, 300 Heisch Bldg., Springfield, IL 62701. *Contract irregular: Soft drinks, glass bottles and pallets*, between Decatur, IL on the one hand, and on the other, Terre Haute, IN. Restricted to traffic moving under continuing contract(s) with Decatur Bottling Company. An underlying E/T/A seeks 120 days authority. Supporting shipper: Decatur Bottling Company, P.O. Box 910, 2112 N. Brush College Rd., Decatur, IL 62521.

MC 145894 (Sub-4-2TA), filed September 15, 1981. Applicant: EQUIPMENT SUPPLIES, INC., 7736 W. 62nd Place, Summit, IL 60501. Representative: Stephen H. Loeb, Suite 2027, 33 North LaSalle Street, Chicago, IL 60602. *Cold rolled steel*, from Cleveland and Warren, OH to the facilities of General Electric Appliance Motor Department at DeKalb, IL. Supporting shipper: General Electric Appliance Motor Department, East Pleasant Ave., DeKalb, IL 60115.

MC 147541 (Sub-4-1TA), filed September 15, 1981. Applicant: CLAYTON H. TEN PAS, d.b.a. C. H. TEN PAS TRANSPORT, Route 1, Plymouth, WI 53073. Representative: Richard C. Alexander, 710 N. Plankinton Ave., Milwaukee, WI 53203. *Contract irregular: (1) Liquid concrete additives, in bulk in tank vehicles, and (2) materials and supplies used in the production of the commodities in (1)*, between Port Washington, WI, on the one hand, and, on the other, points in AL, GA, and TN, under continuing contract(s) with Sika Corporation. An underlying ETA seeks 120 days authority. Supporting shipper: Sika Corporation, 248 W. 26th Ave., Denver, CO 80231.

MC 147943 (Sub-4-3TA), filed September 11, 1981. Applicant: E.W.K. CARTAGE, INC., 4855 S. Leamington, Chicago, IL 60638. Representative: Anthony E. Young, 29 S. LaSalle St., Suite 350, Chicago, IL 60603. *General commodities (except Classes A and B explosives)*, between Chicago, IL, on the one hand, and, on the other, points in IA, OH, KY, and MO. An underlying ETA seeks 120 days authority. Supporting shippers: Acme Fast Freight, Inc., 2641 S. Leavitt Ave., Chicago, IL 60608, and Clipper Express Co., 3401 W. Pershing Rd., Chicago, IL 60632.

MC 148797 (Sub-4-3TA), filed September 14, 1981. Applicant: RICHARD L. WHITE, d.b.a. RICHARD L. WHITE TRUCKING, 926 1/2 East 10th St., Fairmont, MN 56031. Representative: Gene P. Johnson, Box 2471, Fargo, ND 58108. *Contract irregular: insecticides and herbicides (except commodities in bulk)*, from El Paso, IL and Fremont and Omaha, NE to Kasota, MN, under a continuing contract(s) with United Agri Products of Kasota, MN. Underlying ETA seeks 120-days authority. Supporting shipper: United Agri Products, P.O. Box 55, Kasota, MN 56050.

MC 150746 (Sub-4-31TA), filed September 11, 1981. Applicant: DFC TRANSPORTATION CO., 12007 Smith Dr., P.O. Box 929, Huntley, IL 60142. Representative: Edward G. Bazelon, 39

S. La Salle St., Chicago, IL 60603. (A) *Food ingredients*, between Amboy, IL, on the one hand, and, on the other, points in U.S.; and (B) *Plastic film, and materials, equipment, and supplies used in the manufacture, sale, and distribution thereof*, between Lake Zurich, IL; Wentzville, MO; and Pottsville, PA, on the one hand, and, on the other, points in U.S. Supporting shippers: Fantasy Flavors, Inc., 24W051 North Ave., Wheaton, IL 60187 and Exxon Chemical Americas, 351 N. Oakwood, Lake Zurich, IL 60047.

MC 155397 (Sub-4-2TA), filed September 14, 1981. Applicant: PENNINGTON BROTHERS, INC., 5320 Grand Haven Rd., Muskegon, MI 49441. Representative: Earl L. Pennington, (same as applicant). *Waste acids, chemicals and petroleum products and recycled or reprocessed products thereof and raw materials and supplies used in the treatment of these wastes*, between the state of MI and points and places in the states of AL, MS, AR, MO, IL, KY, IN, OH, PA, NY, TN, and WI. Supporting shippers: Systech Liquid Treatment Corp., 3030 Wood St. Muskegon Heights, MI 49444; Thermo Chem, Inc., P.O. Box 51, Muskegon, MI 49443; Windatt Pontiac, 2001 Peck St., Muskegon Heights, MI 49444; Matson Oldsmobile, 1144 3rd St., Muskegon, MI 49440; Dresser Industries, Inc., 414 W. Broadway Ave., Muskegon Heights, MI 49444.

MC 156744 (Sub-4-1TA), filed September 11, 1981. Applicant: H.S.D. TRUCKING, INC., Route 5, Box 5, Edgerton, WI 53534. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Contract irregular: fertilizer and fertilizer ingredients in bulk* between points in IA, IL, and WI. Restricted to transportation to be performed under a continuing contract(s) with Terra Chemical International, Inc. Supporting shipper: Terra Chemical International, Inc., 1709 W. Main St., Sun Prairie, WI 53590.

MC 157516 (Sub-4-3TA), filed September 15, 1981. Applicant: ALL AREA EXPRESS, INC., P.O. Box 5027, Sioux Falls, SD 57117. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *General commodities (except classes A and B explosives)*, between the facilities of Morewood Warehouse Company, a division of Kansas City Terminal Warehouse Company, Inc. at or near Omaha, NE, on the one hand, and, on the other, points in U.S. Supporting shipper: Morewood Warehouse Company, a division of Kansas City

Terminal Warehouse Company, Inc., 716 S. 9th Street, Omaha, NE 68102.

MC 157516 (Sub-4-4), filed September 15, 1981. Applicant: ALL AREA EXPRESS, INC., P.O. Box 5027, Sioux Falls, SD 57117. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *General commodities* (except classes A and B explosives), between the facilities of Wichita Warehouse Co., a Division of Kansas City Terminal Warehouse Co., Inc. located at or near Wichita, KS, on the one hand, and, on the other, points in the U.S. Supporting shipper: Wichita Warehouse Co., a division of Kansas City Terminal Warehouse Co., Inc., 3331 N. Meade St., Wichita, KS 67201.

MC 158179 (Sub-4-1TA), filed September 11, 1981. Applicant: A. CURTIS WOODS, d.b.a., C & J TRUCKING, Route 2, Box 13A1, Albany, IN 47320. Representative: Robert W. Loser II, 1101 Chamber of Commerce, Bldg., 320 N. Meridian St., Indianapolis, IN 46204. *Contract irregular: glass products*, between the facilities of Indiana Glass Co., located at or near Dunkirk and Muncie, IN, on the one hand, and, on the other, points in AZ and CA, under contract(s) with Indiana Glass Co., a Division of Lancaster Colony Corp., of Dunkirk, IN. Underlying ETA seeks 120 days authority. Supporting shipper: Indiana Glass Co., a Division of Lancaster Colony Corp., 717 E. St., Dunkirk, IN.

MC 158226 (Sub-4-1TA), filed September 15, 1981. Applicant: CLEANERS HANGAR COMPANY, 6895 Telegraph Rd., Birmingham, MI 48012. Representative: Jerry B. Sellman, 50 W. Broad, Columbus, OH 43215. (1) *Malt beverages and related advertising materials*; (2) *empty used beverage containers and materials, equipment and supplies used in and dealt with by breweries*; between Jefferson County, CO; on the one hand, and, on the other, points in TX, for 270 days. An underlying ETA seeks authority for 120 days. Supporting shipper: Adolph Coors Company, Golden, CO 80401.

MC 158229 (Sub-4-1), filed September 15, 1981. Applicant: FREEWAY CONTRACT CARRIERS, 6841 Milton Dr., Rockford, IL 61109. Representative: Robert E. Knoppe, Dreyfus & Knoppe, 79 W. Monroe, Suite 500, Chicago, IL 60603. *Contract irregular: Equipment: Metal tray trucks, trailers, gondolas, and industrial casters* between Rockford, IL and points in OK, TX, GA, KA, ID, KY, NC, and VA. Restricted to traffic moving under continuing contract with Modern Suspension Systems, Inc. Supporting shipper: Modern Suspension Systems, Inc., 333 18th Ave., Rockford, IL.

MC 158230 (Sub-4-1), filed September 15, 1981. Applicant: STEFANIA SEWRUK and KRISTYNA SCHOLTZE, d.b.a. TEMPO TRANSPORTATION, 3017 S. Kensington Ave., Westchester, IL 60153. Representatives: T. M. Schlechter and D. S. Mullins, 1033 Graceland Ave., Des Plaines, IL 60016. *General Commodities (except Classes A and B explosives)*, Between points in IL on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shippers: There are 6 shippers.

MC 4024 (Sub-4-2), filed September 17, 1981. Applicant: HORN TRUCKING CO., 300 Schmetter Road, Highland, IL 62249. Representatives: Edward D. McNamara, Jr., Leslieann G. Maxey, 907 South Fourth St., Springfield, IL 62703. *Scrap metal for remelting purposes only* between the states of TX, OH, TN, IN, IL, MI, AL and GA, on the one hand, and Philadelphia County, PA, on the other hand. Supporting shipper: Franklin Smelting & Refining Company, Castor Avenue East of Richmond Street, Philadelphia, PA 19134.

MC 127187 (Sub-4-8TA), filed September 16, 1981. Applicant: FLOYD DUENOW, INC., P.O. Box 88, Savage, MN 55378. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., 10 S. 5th St., Minneapolis, MN 55402. *Fertilizer and agricultural chemicals*, between points in the U.S. for the account of USS Agri-Chemicals, a Division of United States Steel Corporation, for 270 days. Supporting shipper: USS Agri-Chemicals Division of United States Steel Corporation.

MC 134286 (Sub-4-20TA), filed September 16, 1981. Applicant: ILLINI EXPRESS, INC., P.O.B. 1564, Sioux City, IA 51102. Representative: Jack B. Wolfe, 1600 Sherman #665, Denver, CO 80203. *Rubber and plastic products*, (1) from the facilities of Rehrig Pacific Co. at Gurnee, IL to points in IA, KS, MN, MO, NE, and ND; and (2) from the facilities of Central States Products Co. at Cranston, RI to points in CA, IL, MO, NY, OH and TN. Supporting shipper: Rehrig Pacific Co., 1985 Northwestern Ave., Gurnee, IL 60031 and Central States Products Co., P.O. Box 8486 Olivette Branch, St. Louis, MO 63133.

MC 134612 (Sub-4-14TA), filed September 17, 1981. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, IL 60513. Representative: Albert A. Andrin, 180 N. La Salle St., Chicago, IL 60601. *Contract, irregular, transporting: General commodities* (except Classes A and B explosives) between Richmond, IN, Jena, LA, Memphis, TN and Clinton, AR, on the one hand, and, on the other, points in LA, TX, NJ, IL, NC, KY, TN and

AR, for the account of Belden Corp. Supporting shipper: Belden Corp., 2000 Batavia Ave., Geneva, IL 60134.

MC 143032 (Sub-4-6TA), filed September 17, 1981. Applicant: WALCO TRANSPORT, INC., 3112 Truck Center Dr., Duluth, MN 55806. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Ten South Fifth St., Minneapolis, MN 55402. *General commodities* (except Classes A and B explosives), between points in the U.S. Restricted to the transportation of traffic for ASDCO, Inc. Supporting shipper: ASDCO, Inc., P.O. Box 6186, Duluth, MN 55806.

MC 146123 (Sub-4-1TA), filed, September 16, 1981. Applicant: KROFLITE MOTOR EXPRESS, INC., 1932 S. Wentworth Ave., Chicago, IL 60616. Representative: Richard A. Kerwin, 180 N. La Salle St., Chicago, IL 60601. *General commodities* (except Classes A and B explosives) Between points in Chicago, IL and points in the Chicago, IL Commercial Zone on the one hand, and, on the other, points in La Porte County, IN. An underlying ETA was filed. Supporting shippers: The Clorox Company, 17 Lake Mirror Road, Forest Park, GA 30050; Boyle Midway, Div. of American Home Prod. Corp., 5151 W. 73rd St., Chicago, IL.

MC 152779 (Sub-4-3TA), filed, September 17, 1981. Applicant: KFM TRANSPORT, INC., 222 E. 5th Ave., Naperville, IL 60540. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Kitchen cabinets assembled and cartoned*, between Cottonwood, MN and Woodstock, Dekalb, Elgin, Aurora, Ottawa, Kankakee and Urbana, IL, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Plywood Minnesota, 140 E. Chestnut, Kankakee, IL 60901.

MC 153448 (Sub-4-3TA), filed, September 16, 1981. Applicant: CONTRUX, INC., 9001 W. 79th Place, Justice, Illinois 60458. Representative: Jack I. Anderson (same as applicant). *Contract irregular: General commodities* (except Classes A and B explosives) between points in the U.S. (except AK and HI). Restricted to traffic moving under a continuing contract(s) with ITOFCA, INC. Supporting shipper: ITOFCA, INC., 1001 W. 31st Street, Downers Grove, Illinois 60515.

MC 154121 (Sub-4-10TA), filed, September 15, 1981. Applicant: TRAILINER CORP., 5367 West 86th St., Indianapolis, IN 46268. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Food and related products, alcoholic beverages and*

beverages, from Lawrenceburg, IN and points in KY, to the facilities of Bohemian Distributing Co., subsidiary of Federated Industries, Inc., at or near La Mirada, North Hollywood, San Bernardino, and San Diego, CA. Supporting shipper(s): Federated Industries, Inc., 4130 S. Morgan, Chicago, IL 60609.

MC 154867 (Sub-4-4TA), filed, September 15, 1981. Applicant: SMEDEMA GRAIN, INC., 110 Hopkins Drive, Randolph, WI 53958. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. *Food and related products* from the facilities of American Farms Corporation in WI to points in AR, KS, OK and TX, for 270 days. Underlying ETA seeks 120 days authority. Supporting shipper: American Farms Corporation, 111 East Main Street, Waupun, WI 53983.

MC 156069 (Sub-4-5TA), filed September 16, 1981. Applicant: TRANSITALL SERVICES, INC., Two N. Riverside Plaza, Suite 1402, Chicago, IL 60606. Representative: Anthony E. Young, 29 South LaSalle St., Chicago, IL 60603. *General commodities (except Classes A & B explosives)*, between Chicago, IL, Detroit, MI, and their commercial zones, on the one hand, and on the other, points in IL, IN, MI, OH, MN, WI, IA, MO, TN, KY, and PA. Restricted to the transportation of traffic having a prior or subsequent movement by rail or water. There are eighteen (18) supporting shippers.

MC 157497 (Sub-4-2TA), filed September 17, 1981. Applicant: IVAN HABECK, Route 1, Box M-8, Ipswich, SD 57451. Representative: Steven K. Kuhlmann, 717 17th St., Ste 2600, Denver, CO 80202. *Contract; irregular: Such commodities as are dealt in or used by manufacturers and distributors of trailers, farm machinery, structures, and equipment*, from Detroit, MI; Cleveland, OH; Chicago, IL; Nashville, TN; Springfield, MO; Wichita and Kansas City, KS; Elkhart and Gary, IN; Armstrong, IA; Pittsburgh, PA; Sloan Spring, AR; Marshfield and St. Louis, MO; Milwaukee and La Crosse, WI; Minneapolis, MN; and Tulsa, Broken Arrow and Muskogee, OK; to Mitchell, SD under contract(s) with Dakota Mfg. Co. of Mitchell, SD, for 270 days. Supporting shipper: Dakota Mfg. Co., P.O.B. 1188, Mitchell, SD 57301.

MC 157516 (Sub-4-5TA), filed September 16, 1981. Applicant: ALL AREA EXPRESS, INC., P.O. Box 5027, Sioux Falls, SD 57117. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *General commodities (except classes A and B*

explosives), between the facilities of Kansas City Terminal Warehouse Company, Inc. at or near Kansas City, KS-MO, on the one hand, and, on the other, points in the U.S. Supporting shipper: Kansas City Terminal Warehouse Company, Inc., 1701 Liberty, Kansas City, MO 64102.

MC 158194 (Sub-4-1TA), filed September 14, 1981. Applicant: MARVIN W. LEE, R.R. 1, Box 76, Adrian, ND 58410. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108. *Dry fertilizer*, from Minneapolis, MN to points in Dickey, LaMoure and Stutsman Counties, ND. Supporting shipper: Farmers Union Oil Co., P.O. Box 1557, Jamestown, ND 58401.

MC 158300 (Sub-4-1TA), filed September 18, 1981. Applicant: GERALD COSSETTE, d.b.a. GERALD COSSETTE TRUCKING, 2202 5th Avenue North, Fargo, ND 58102. Representative: Charles E. Johnson, P.O. Box 2056, Bismarck, ND 58502-2056. *Contract; irregular; transporting materials and supplies used in the construction of railroads*, between points in ND, SD, MN, WI, MI, IA, NE, MT, and WY, on the one hand, and, on the other, points in the US, under contract with Railroad Service, Inc., Lakeville, MN, and Dakota Railroad Service, Inc., Fargo, ND. An underlying ETA seeks 120-day authority. Supporting shippers: Railroad Service, Inc., and Dakota Railroad Service, Inc., 8485 210 St. W. Lakeville, MN 55044, and 1562 40th St. No., Fargo, ND 58102.

MC 158306 (Sub-4-1TA), filed September 14, 1981. Applicant: RICHARD J. WARREN, d.b.a. WARREN TRANSPORT, 10031 McGee Rd., Box 57, McBain, MI 49657. Representative: Richard J. Warren (same as applicant). *Vacuum cleaners, vacuum parts and power nozzles* between points in Wexford County, MI and Alameda County, CA. Supporting shipper: Rexair, Inc., 230 7th, Cadillac, MI 49601.

MC 158307 (Sub-4-1TA), filed September 15, 1981. Applicant: WAYNE BROWN TRANSPORT, INC., 1109 Barlow Street, West Lafayette, Indiana 47906. Representative: Wayne K. Brown (same address as applicant). *Farm Products; Forest Products; Food and related products; Furniture and fixtures; chemicals and related products; Rubber and plastic products; and materials, supplies, and equipment used in the manufacture of the above commodities*. Between all points in the states of: AL, AR, FL, GA, IL, IN, KY, LA, MI, MS, MO, OH, NC, SC, TN, and WI. Supporting shippers: There are 6 statements of support attached.

The following applications were filed in region 5. Send protests to: Consumer

Assistance Center, Interstate Commerce Commission, P.O. Box 17150, Fort Worth, TX 76102.

MC 69834 (Sub-5-6), filed September 14, 1981. Applicant: PRICE TRUCK LINE, INC., 2945 N. Market, Wichita, KS 67219. Representative: Paul V. Dugan, 2707 W. Douglas, Wichita, KS 67213. *Chemicals, compressed gases, drilling mud additives, and materials used in the manufacture thereof*; between Sedgwick County, KS; and all points and places in the U.S. except AK and HI. Supporting shipper: Vulcan Materials Company, Chemical Div., P.O. Box 12283, Wichita, KS 67277.

MC 69834 (Sub-5-7), filed September 14, 1981. Applicant: PRICE TRUCK LINE, INC., 2945 N. Market, Wichita, KS 67219. Representative: Paul V. Dugan, 2707 W. Douglas, Wichita, KS 67213. *Carpet, nails, glue, cabinets, hardware, lumber, paint, building supplies; and materials and tools*; between Wichita, KS and all points and places in the U.S., except AK and HI. Supporting shipper: Star Lumber & Supply Company, Inc., 325 S. West Street, Wichita, KS 67209.

MC 114028 (Sub-5-3TA), filed September 14, 1981. Applicant: ROWLEY INTERSTATE TRANSPORTATION COMPANY, INC., 2010 Kerper Boulevard, Dubuque, IA 52001. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. *Chemicals (except in bulk)* from Trona, Westend & Boron, CA; Wilmington, DE; Chicago & Joliet, IL; Brandenburg, KY; Minneapolis & St. Paul, MN; Clark, NV; Gibbstown, NJ; Syracuse, NY; Manitowoc, WI; Natrium, WV; and Green River, WY, to Sumner, IA; and from Sumner, IA, to Fremont, NE and Sioux Falls, SD. Supporting shipper: Overton Chemical Sales, Inc., 701 Railroad Street, Sumner, IA 50674.

MC 117765 (Sub-5-23), filed September 14, 1981. Applicant: HAHN TRUCK LINE, INC., P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same address as applicant). *Flour, Feed Ingredients*, between Baine County, OK and Pottawatomie County, OK, on the one hand, and, on the other, points in Kansas. Supporting shipper: Shawnee Milling Company, P.O. Box 1567, Shawnee, OK 74801.

MC 117765 (Sub-5-24), filed September 14, 1981. Applicant: HAHN TRUCK LINE, INC., P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same address as applicant). *Waterbed frames, Mattresses*, from Greeley (Weld County), CO to OK. Supporting shipper: Better Rest Waterbed Distributor, 1131

Enterprise Ave., Bay 18; Oklahoma City, OK 73128.

MC 121517 (Sub-5-17), filed September 14, 1981. Applicant: ELLSWORTH MOTOR FREIGHT LINES, INC., 2120 N. 161st E. Ave., Tulsa, OK 74112. Representative: Jerry C. Slaughter (same address as above). *Roofing, roofing products and equipment, materials and supplies used in the manufacture, installation, distribution and sale thereof*, between Ardmore, OK and Daingerfield, TX on the one hand, and, on the other, points in AR, CO, KS, MS, MO, LA, OK, NM, TN, TX and WY. Supporting shipper: Georgia Pacific Corporation, 1062 Lancaster Avenue, Rosemont, PA 19010.

MC 134547 (Sub-5-3TA), filed September 14, 1981. Applicant: BILBO TRANSPORTS, INC., 2722 Singleton Blvd., Dallas, Texas 75212. Representative: Mark H. Fetzer, General Manager (address same as above). Contract: irregular (1) *Roofing and roofing materials*, and (2) *materials, equipment, and supplies (except in bulk) used in or incidental to the manufacture, installation, sale, and distribution of the commodities in (1)*, between, at, or near Ardmore, OK and Daingerfield, TX on the one hand, and, on the other, points in AR, LA, NM, OK, and TX under continuing contract with: Georgia Pacific Corporation, 1062 Lancaster Avenue, Rosemont, PA 19010.

MC 144449 (Sub-5-4TA), filed September 15, 1981. Applicant: A & A MOVING & STORAGE CO., d.b.a. A & A CONTRACT CARRIERS, 414 Blue Smoke Court West, Fort Worth, TX 76105. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. Contract, irregular: *Radio broadcast transmitters and equipment*, between points in the U.S., under continuing contract(s) with Continental Electronics Mfg. Co., of Dallas, TX

MC 145384 (Sub-5-13 TA), filed September 14, 1981. Applicant: ROSEWAY, INC., 1914 E. Euclid, Des Moines, IA 50306. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. *Machinery, machine parts and attachments*, from the facilities of Highway Equipment Co. at Cedar Rapids, IA to pts in the U.S. in and west of ND, SD, NE, CO and NM. Supporting shipper(s): Highway Equipment Co., 616 D. Avenue, N.W., Cedar Rapids, IA 52405.

MC 148152 (Sub-5-10TA), filed September 15, 1981. Applicant: K & H TRUCKING, INC., 3301 So. Lamar St., Dallas, TX 75215. Representative: Edmond E. Payne, 3301 So. Lamar St., Dallas, TX 75215. *Steel, Components, and Accessories used in the*

manufacture, sale, and distribution of springs between points in TX, TN, LA, MS, AR and AL on the one hand, and, on the other, points in TX, TN, LA, MS, AR and AL. Restricted to shipments originating at or destined to the facilities of Weaver Spring Manufacturing Co. Supporting shipper: Weaver Spring Manufacturing Co., 723 Cantegral, Dallas, TX 75204.

MC 148152 (Sub-5-11TA), filed September 15, 1981. Applicant: K & H TRUCKING, INC., 3301 So. Lamar Street, Dallas, TX 75215. Representative: Edmond E. Payne, 3301 So. Lamar Street, Dallas, TX 75215. (1) *Furniture, furniture parts* (2) *metal and metal products, plastic and plastic products* (3) *materials, equipment and supplies used in the manufacture, sale and distribution of furniture and furniture parts*. Between points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NJ, NC, OH, OK, RI, SC, TN, TX, VA, WV, WI. Restricted to shipments originating at or destined to the facilities of Leggett & Platt, Inc.

MC 148852 (Sub-5-2TA), filed September 14, 1981. Applicant: LINDSEY M. ROBISON, d.b.a. MIDWEST CARPET CARRIERS, 1219 A East Division, Springfield, MO 65803. Representative: Lindsey M. Robison (same address as applicant). *Floor and wall covering and materials and supplies used in installation, and materials and supplies used in the manufacturing of the above* between points in GA, AL, KS, OK, MO and AR. Supporting shippers: Speas Carpet Mills, Hope, AR. C & C Floorcovering, Inc., Springfield, MO. Midwest Rug Company, Springfield, MO. Carpet Corner, Kansas City, KS.

MC 148987 (Sub-5-1TA), filed September 14, 1981. Applicant: W. C. CARRIERS, INC., 5229 N. W. 5th Street, Bethany, OK 73008. Representative: Ray K. Babb, Jr., 1100 Classen Drive, Suite 221, Oklahoma City, OK 73103. *Plastic pails, lids, bails and handles and such items used in the manufacture of same* between OK and points West of the Mississippi River. Witness support: Letica Corporation (Letica of OK) 7428 S. W. 29th Street, Oklahoma City, OK 73179.

MC 152775 (Sub-5-2TA), filed September 15, 1981. Applicant: RAM ROD TRUCKING, INC., P.O. Box 1127, Marrero, LA 70073. Representative: Michael F. Morrone, 1150 17th Street, NW., Suite 1000, Washington, D.C. 20036. Contract: *Irregular Metal Products* between points in LA, AL, AR, FL, KY, IL, MS, MO, TN, TX, and GA for the accounts of Natchez Steel

Corporation, Natchez, MS; Universal Steel Co., Vicksburg, MS; Sabil Steel Service, Inc., Montgomery, AL; Gulf Steel Company, Houston, TX; NOLA Steel, Inc., New Orleans, LA; Jeffreys Steel Company, Inc., Mobile, AL; and Intercontinental Metals Corporation, Houston, TX.

MC 156469 (Sub-5-2TA), filed September 15, 1981. Applicant: J & N TRUCKING, Route 1, Box 12x1, Diboll, Texas 79541. Representative: Robert J. Birnbaum, Hightower, Alexander, Cook & Birnbaum, P.C., 3636 Executive Center Drive, Suite 151, Austin, Texas 78731. Contract, irregular. (1) *Adhesives* and (2) *chemicals*, between points in the United States (except AK and HI), under a continuing contract or contracts with Borden Chemical Division Borden Chemical, Inc.

MC 157963 (Sub-5-1TA), filed September 14, 1981. Applicant: J & R LEASING, INC., 3935 Duncan Avenue, St. Louis, MO 63110. Representative: James C. Swearingen, Hawkins, Brydon & Swearingen P. C., P.O. Box 456 Jefferson City, MO 65102. *General commodities, except commodities in bulk, Classes A and B explosives, household goods, and those commodities which, because of their size or weight, require the use of special handling or equipment*, between points in the States of CA, IL, KY, TN, IN, AR, and NY, on the one hand, and on the other hand, points in the City of St. Louis, MO, St. Louis County, MO, Jackson County, MO, and Greene County, MO. Supporting shipper: Peter Hauptmann Company, a Division of Foremost-McKesson, 2340 59th Street, St. Louis, MO 63110.

MC 158003 (Sub-5-1TA), filed September 15, 1981. Applicant: CROWN TRANSPORTATION AND DELIVERY SERVICE, INC., 810 Lynwood, Broken Arrow, OK 74012. Representative: Jack R. Anderson, Rahal & Anderson, 305 Reunion Center, 9 East Fourth Street, Tulsa, OK 74103. Contract, irregular: *General commodities, except explosives, and commodities in bulk*, between Broken Arrow, OK and points in the State of OK. Supporting shipper: Amway Corporation, 2001 Timberlake, Arlington, TX 76010.

MC 158198 (Sub-5-1TA), filed September 14, 1981. Applicant: HUDSON FOODS, INC., P.O. Box 777, Rogers, AR 72756. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Contract irregular: *Food and Related Products*, between points in IA, MN, MO, NE and SD under continuing contract(s) with Geo. A. Hormel & Co. Supporting shipper: Geo.

A. Hormel & Co., P.O. Box 800, Austin, MN 55912.

MC 143286 (Sub-5-1TA), filed September 18, 1981. Applicant: RAYMOND R. WITTROCK, INC., 14610 Woodstock, Waverly, NE 68462. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Contract, Irregular. *Machinery*, from Fresno County, CA to Detroit, MI, under a continuing contract(s) with Manlift, Inc. Supporting shipper: Manlift, Inc., P.O. Box 120, Selma, CA 93662.

MC 146442 (Sub-5-4TA), filed September 18, 1981. Applicant: CLEARFIELD TRANSPORTATION COMPANY, INC., P.O. Box 313, Clinton, MO 64735. Representative: Mark J. Andrews, Lawrence Rudolph, Suite 1100, 1660 L Street, NW, Washington, DC 20036. Contract: irregular. *Pneumatic tires, tubes, and related plastic and rubber products*, from Oklahoma City, OK, and points within its commercial zone, to Clinton, MO, and points within its commercial zone under continuing contract(s) with Diehl Tire Company. Supporting shipper: Diehl Tire Company, P.O. Box 425, Clinton, MO 64735.

MC 147047 (Sub-5-3TA), filed September 17, 1981. Applicant: CAPITAL WIRE AND CABLE CORPORATION, d.b.a. CWC TRUCKING COMPANY, P.O. Box 7, Plano, TX 75074. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. *Lead and lead products, materials, equipment and supplies used in the manufacture and sales of lead and lead products* between Hammond, IN on the one hand, and, on the other, points in the U.S. Restricted to shipments originating at or destined to the facilities of Hammond Lead Products, Inc. Supporting shipper: Hammond Lead Products, Inc., P.O. Box 308, Hammond, IN 46325.

MC 151383 (Sub-5-11TA), filed September 18, 1981. Applicant: NICKELL TRUCKING CO., 4901 West 51st Street, Tulsa, OK 74107. Representative: Fred Rahal, Jr., Suite 305, Reunion Center, 9 East Fourth Street, Tulsa, OK 74103. Contract, Irregular: (1) *Iron and steel articles*, and (2) *material and supplies used in the production and distribution of the commodities named in part (1) above*, between points in the United States under continuing contract(s) with Ozark Engineering Co. of Joplin, MO. Supporting shipper: Ozark Engineering Co., 15th and Illinois Ave., Joplin, MO 64801.

MC 151384 (Sub-5-10TA), filed September 18, 1981. Applicant: G AND J TRUCKING, INC., 415 South 11th St., Ft. Smith, AR 72914. Representative: Jay C. Miner, P.O. Box 313, Harrison, AR 72601.

Corn products, (except liquid or bulk, or in tank vehicle) including, but not limited to hominy feed, corn meal, flour, corn flakes, brewer flakes, brewer grits and bakers flakes, from Paris, to Corsicana, TX. Supporting shipper: Illinois Cereal Mills, Inc., 616 S. Jefferson St., Paris, IL 61944.

MC 152622 (Sub-5-2TA), filed September 18, 1981. Applicant: DARYL THOMASON TRUCKING, INC., P.O. Box 1087, Broken Bow, OK 74728. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. Contract irregular: *Building materials*, between points in the U.S., under continuing contract(s) with Continental Timber Co., Inc., of Valley Center, KS. Supporting shipper: Continental Timber Co., Inc., 202 So. Cedar, Valley Center, KS 67147.

MC 157179 (Sub-5-2TA), filed September 16, 1981. Applicant: WARRIOR TRANSPORT, INC., 2334 Havenhurst, Farmers Branch, TX 75234. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Ft. Worth, TX 76112. Contract irregular: *General commodities (except classes A and B explosives and commodities in bulk)*, tendered on an airfreight bill of lading moving overland as an alternative to air transport, between points in Dallas, TX, Houston, TX and Miami, FL, and their respective commercial zones, on the one hand, and, on the other, points in the U.S. under continuing contract(s) with Comet International Airfreight. Supporting shipper: Comet International Airfreight, P.O. Box 524313, Miami, FL 33152.

MC 158276 (Sub-5-1TA), filed September 16, 1981. Applicant: STAGECOACH BUSINESS, INC., P.O. Box 586, Council Bluffs, IA 51502. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. *Passengers and their baggage* in special or charter operations, between pts in Douglas, Sarpy and Washington Counties, NE and Pottawattamie, Shelby, Mills and Harrison Counties, IA on the one hand, and, on the other, pts in the US (except AK and HI). Supporting shippers: Travel & Transport, Inc., Council Bluffs, IA; Charter Sales, Council Bluffs, IA; Einbender's Inc., Omaha, NE 68147; Mid-States Travel, Inc., Omaha, NE 68144.

MC 158277 (Sub-5-1TA), filed September 16, 1981. Applicant: O. K. REAL ESTATE & AUCTION COMPANY, INC., d.b.a. O. K. WRECKER SERVICE, 2922 North "A" Street, Wellington, KS 67152. Representative: Paul V. Dugan, 2707 W. Douglas, Wichita, KS 67213. *Wrecked and disabled vehicles* between Sumner County, KS on the one hand; and all

points and places in OK on the other. Supporting shippers: Farmers Co-Op Grain Assoc., Wellington, KS 67152; Koehn Motors, Inc., Wellington, KS 67152; Rusk Bros., Inc., Wellington, KS 67152.

MC 158287 (Sub-5-1TA), filed September 16, 1981. Applicant: W. G. LLOYD, d.b.a. JET DOG ERRAND AND DELIVERY SERVICE, 5207 Mumm Lane, El Paso, TX 79924. Representative: W. G. Lloyd (same as applicant). *General commodities, (except class A and B explosives)*, between El Paso County, TX, on the one hand, and, on the other, points in Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lea, Lincoln, Luna, Otero, and Sierra Counties, NM. Supporting shippers: 6.

Note.—Applicant intends to interline.

The following applications were filed in region 6. Send protests to: Interstate Commerce Commission, Region 6, Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 158165 (Sub-6-1TA), filed September 10, 1981. Applicant: EDWARD E. CALLAHAN, 3535 SE 76th Ave., Portland, OR 97206. Representative: Edward E. Callahan (same as applicant). *Iron and steel* between Pasco, WA and Portland, OR for 270 days. Supporting shippers: American Steel Co., 4033 NW Yeon St., Portland, OR 97210.

MC 146041 (Sub-6-4TA), filed September 9, 1981. Applicant: CAL-TEX, INC., P.O. Box 1678, Costa Mesa, CA 92626. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue, NW., Washington, DC 20005. *Printed matter*, between Atlanta, GA, and points in its commercial zone, on the one hand, and, on the other, points in the U.S. Supporting shipper(s): Simon Marketing, Inc., 1379 Logan Circle, N.W., Atlanta, GA 30318, for 270 days. An underlying ETA seeks 120 days authority.

MC 42487 (Sub-6-64TA), filed September 14, 1981. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. *Contract carrier, irregular routes: General Commodities, (except classes A and B explosives)*, between the facilities of Ladish Co. at or near Houston, TX and Russellville, AR, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI and DC, for 270 days. Supporting shipper(s): Ladish Co., 5481 South Packard Ave., Cudahy, WI 53110.

MC 150900 (Sub-6-2TA), filed, September 14, 1981. Applicant: CREATIVE TOURS AND CHARTER SERVICE CORPORATION, 6952 Cantaloupe Ave., Van Nuys, CA 91405. Representative: Manuel H. Miller, 16133 Ventura Blvd. Penthouse Suite B, Encino, CA 91436. *Passengers and their baggage* in charter and/or special operations from Los Angeles, Ventura, and Kern Counties, CA, to Clark County, NV, and return for 180 days. There are six (6) shippers. Their statements may be examined at the Regional Office listed above.

MC 118038 (Sub-6-3TA), filed, September 14, 1981. Applicant: EASLEY HAULING SERVICE, INC., P.O. Box 10, Yakima, WA 98907. Representative: Flower & Andreotti, 303 East "D" St., Suite 2, Yakima, WA 98901. *Paper and Paper products, materials, supplies and equipment used in the manufacture and distribution of said commodities*, between Nez Perce County, ID and points in WA, OR, ID, UT, and MT; from Franklin County, WA to points in OR, ID, UT, and MT; between points in WA, OR, ID, UT, and MT, for 270 days. Supporting shippers: Container Corporation of America, 2800 De La Cruz Blvd., Santa Clara, CA 95050. Potlatch Corporation, P.O. Box 7864, San Francisco, CA 94120.

MC 158042 (Sub-6-1TA), filed, September 10, 1981. Applicant: FRANCE-CALIFORNIA TOURIST SERVICES, CORP., 860 Eddy St., #2, San Francisco, CA 94109. Representative: James W. Sturgeon, III (same address as applicant). *Passengers and their baggage* in special operations beginning and ending in San Francisco, CA, and extending to Douglas and Washoe Counties, NV. Restricted to transportation in 15-passenger vans, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: FCT Services, Cie, 860 Eddy St., #2, San Francisco, CA 94109; Brigitte Vonsy, B. P. 6471 FAAA, Tahiti, French Polynesia; Madeleine Gervais, 214, rue Saint Mour, Paris 10^e, France.

MC 151450 (Sub-6-2TA), filed, September 11, 1981. Applicant: JOE GILBERT GONZALES, P.O.B. 93, Dixon, NM 82527. Representative: Charles M. Williams, 1600 Sherman St., Suite 665, Denver, CO 80203. *Contract carrier, irregular routes, transporting gypsum and gypsum products*, from Park County, WY and Marshall County, KS to points in Colorado and Utah County, UT for the account of Drywall Supply, Inc., for 270 days. An underlying ETA seeks 120 days operating authority. Supporting

shipper: Drywall Supply, Inc. 60 Tejon St. Denver, CO 80203.

MC 155936 (Sub-6-2TA), filed, September 14, 1981. Applicant: GREAT WESTERN TRANSPORTATION CO., INC., 8058 E. Carol Way, Scottsdale, AZ 85260. Representative: Phil B. Hammond, 3003 N. Central, Suite 2201, Phoenix, AZ 85012. *Litho plates and materials used in the manufacture of litho plates* between points in Maricopa County, AZ; Alameda, Butte, Fresno, Glenn, Humboldt, Imperial, Kern, Los Angeles, Mendocino, Orange, Plumas, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, San Joaquin, San Luis Obispo; Santa Clara; Shasta, Siskiyou, Tehama, Tulare, Ventura and Yuba Counties, CA; and Cook, Lake and McHenry Counties, IL, for the account of Phoenix Litho Plate Mfg., Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Phoenix Litho Plate Mfg., Inc., 4814 S. 33rd St., Phoenix, AZ 85040.

MC 52471 (Sub-6-1TA), filed September 10, 1981. Applicant: HEMPHILL TRUCKING INC., 1931 Yellowstone Rd, Rock Springs, WY 82901. Representative: John R. Davidson, 805 First Bank Bldg., Billings, MT 59101. *Machinery, equipment, materials and supplies used in, or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission and distribution of manufactured and natural gas and petroleum and their products and by-products*. Between all points in CO, ID, MT, NV, UT and WY, for 270 days. Supporting shippers: Exeter Drilling Northern, Inc. POB 367, Patteville, CO 80651; Brinkerhoff-Signal, Inc. 3400 Anaconda Tower, Denver, CO 80202; CRC Colorado Well, Inc. POB 1006, Rangely, CO 81648; and R. L. Manning Co., Box 1840, Mills, WY 82644-1840.

MC 158164 (Sub-6-1TA), filed September 10, 1981. Applicant: HOTEL TOUR AND TRAVEL DESK LTD., 5300 Paradise Rd., Las Vegas, NV 89119. Representative: Harold Lerz (same as above). *Passengers and baggage* by limo from NV to points in AZ, CA and UT for 180 days. An underlying ETA seeks authority for 90 days. Supporting shipper: Total Transportation, 5300 Paradise Rd., Las Vegas, NV 89119.

MC 145533 (Sub-6-1TA), filed September 14, 1981. Applicant: KERWIN F. JENSEN, P.O. Box 308, Cleveland, UT 84518. Representative: Kerwin F. Jensen (same as above). *Coal*, in bulk, between points in Utah and Wasatch Counties, UT, south of a line running east and west through Soldier Summit, UT, on the

one hand, and, on the other hand, points in Carbon and Emery Counties, UT for 270 days. An underlying ETA seeks 120 days authority. ETA seeks 120 days authority. Supporting shipper: Plateau Mining Company, Wattis, UT.

MC 149104 (Sub-6-1TA), filed September 8, 1981. Applicant: MARC D. LARGENT, d.b.a. M.D. LARGENT CO., 841 Solano Ave. #6, Albany, CA 94706. Applicant's Representative: Marc D. Largent (same as applicant). *General Commodities* (except Classes A and B explosives, hazardous waste materials, commodities in bulk or in tank vehicles,) having a prior or subsequent movement via a rail carrier, to and from CA, for 270 days. Supporting shipper: Co-Operative Shippers, Inc., 2608 S. Damen Ave., Chicago, IL 60608.

MC 158166 (Sub-6-1TA), filed September 10, 1981. Applicant: MASTER REFRIGERATED TRANSPORT, INC., 8705 Crater Lake Hwy., White City, OR 97503. Representative: A. J. Swanson, P.O. Box 1103, Sioux Falls, SD 57101-1103. *Meats, meat products, and meat by-products*, (1) From Sioux Falls, SD, and points in IA, MN and NE, to Clinton, OK; Middlesboro, KY; Denver, CO; Seattle, WA; Falls City, NE; Pittsburgh, KS; and Dayton and Washington Court House, OH and points in their respective commercial zones. (2) Between Clinton, OK; Middlesboro, KY; Denver, CO; Seattle, WA; Falls City, NE; Pittsburgh, KS; and Dayton and Washington Court House, OH and points in their respective commercial zones. (3) From Clinton, OK; Middlesboro, KY; Denver, CO; Seattle, WA; Falls City, NE; Pittsburgh, KS; and Dayton and Washington Court House, OH, and points in their respective commercial zones, to Atlanta, GA; New Orleans, LA; Kansas City, KS; Phoenix, AZ; Salt Lake City, UT; Hayward and Los Angeles, CA; and Houston, Dallas and San Antonio, TX; and points in their respective commercial zones, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Bar-S Foods Co., 2203 Airport Way South, Seattle, WA 98124.

MC 140688 (Sub-6-4TA), filed September 15, 1981. Applicant: NICOLL TRUCKING [MEDICINE HAT] LTD., P.O. Box 8009, Calgary, Alberta, CD T2J 4B4. Representative: John T. Wirth, 717, 17th Street, Suite 2600, Denver, CO 80202. *Lumber and wood products, and building materials*, between ports of entry on the International boundary line between the U.S. and CD located in

WA, ID and MT on the one hand, and, on the other, points in WA, OR, ID and MT; restricted to traffic moving in foreign commerce, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Potlatch Corporation, P.O.B. 7864, San Francisco, CA 94120; Rowles Westrum Lumber Co., Ltd., 145 Devon Dr., RR#1, Okanagan Falls, B.C., CD VOH 1R0; Taiga Wood Products, Inc., 5th Flr., 4400 Dominican St., South Burnaby, B.C., CD V5H 3X6.

MC 143666 (Sub-6-1TA), filed September 14, 1981. Applicant: NOOKSACK VALLEY TRANSPORT, INC., 1867 E. Pole Rd., Everson, WA 98247. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. (1) *Milk Tanks and Cooling systems and Milking Parlor Units*; (2) *Lumber or Wood Products and Building Materials*; between Whatcom County, WA, on the one hand and, on the other, points in MT, WY, AZ, MO, CA, CO, ID, NV, OR, UT and WA for 270 days. Supporting shippers: John Louws Construction, Inc., 6149 Guioide Meridian, Lynden, WA 98264; Sunset Western, Inc., 8645 Berthusen Rd., Lynden, WA 98264; Great Western Lumber, 7636 Goodwin Rd., Everson, WA 98247.

MC 158225 (Sub-6-1TA), filed September 15, 1981. Applicant: ROGER HILLS & BEVERLEY HILLS d.b.a. R & B HILLS TRANSPORT, 2033 Weiler Ave., Sidney BC, CD V8L1R3. Representatives: Roger Hills (as applicant). *Plastics—plastic products not shaped, plastic fabricated products, polyethylene resins, pallets, containers, cores and plugs used for transporting, machinery used in the manufacture thereof, from the International Boundary Line at Blaine WA to points in WA and return, and to Portland OR and return for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Ellenhammer Industries Ltd., 2130 Malaview Ave., Sidney B C, CD V8L 2E4.*

MC 152609 (Sub-6-5TA), filed September 4, 1981. Applicant: SHIPPERS FREIGHT SERVICES, INC., P.O. Box 1248, Lake Oswego, OR 97034. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97201. Authority sought: *Contract Carrier, Irregular routes; General Commodities* except household goods and class A and B explosives between all points in the U.S., for the account of General Products Manufacturing, Inc. for 270 days. An underlying ETA seeks 120 day authority. Supporting shipper: General Products Manufacturing, Inc., 9450 S.W. Commerce Circle, Suite #400, Wilsonville, OR 97070.

MC 158072 (sub-6-1TA), filed September 11, 1981. Applicant: VAN WATERS & ROGERS, DIVISION OF UNIVAR CORPORATION, 2600 Campus Dr., Box 5932, San Mateo, CA 94403. Representative: William H. Borghesani, Jr., 1150 17th St., N.W., Suite 1000, Washington, D.C. 20036. *Contract carrier; irregular routes: Milled flour, wheat starch, vital gluten, and specialty bakery and grocery products; from Portland, OR to Los Angeles and Sacramento, CA; and points in San Francisco, San Mateo, Contra Costa, Alameda and Santa Clara Counties CA; and from Spokane, WA to Portland, OR, for the account of Centennial Mills, Portland, OR, for 270 days. Underlying ETA seeks 120 days authority. Supporting shipper: Centennial Mills, 1464 N.W. Front Ave., Portland, OR 97208.*

James H. Bayne

Acting Secretary.

[FR Doc. 81-28038 Filed 9-25-81; 8:45 am]

BILLING CODE 7035-01-M

LEGAL SERVICES CORPORATION

Grants and Contracts

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996f, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly * * * such grant, contract, or project * * *."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Native Hawaiian Legal Corporation to serve terminated and unrecognized tribes in the State of Hawaii.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Native American Desk, Denver Regional Office, 1726 Champa Street, Suite 500, Denver, CO 80202.

Clinton Lyons,

Director, Office of Field Services.

[FR Doc. 81-28030 Filed 9-25-81; 8:45 am]

BILLING CODE 5820-35-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-413A and 50-414A]

Duke Power Co.; Receipt of Antitrust Information Accompanying Operating License Application

Note.—This document was originally published in the issue of September 21, 1981. It is reprinted at the request of the NRC.

The Duke Power Company has submitted antitrust information in connection with the owner's plans to operate two pressurized water reactors located in York County, South Carolina. The reactors have been designated as Catawba Nuclear Station, Units 1 and 2. The data submitted contain antitrust information for review pursuant to NRC Regulatory Guide 9.3 necessary to determine whether there have been any significant changes since the completion of the antitrust review at the construction permit stage.

On completion of staff antitrust review of the above-named application, the Director of Nuclear Reactor Regulation will issue an initial finding as to whether there have been "significant changes" under section 105c(2) of the Act. A copy of this finding will be published in the Federal Register and will be sent to the Washington and local public document rooms and to those persons providing comments or information in response to this notice. If the initial finding concludes that there have not been any significant changes, request for reevaluation may be submitted for a period of 60 days after the date of Federal Register notice. The results of any reevaluation that is requested will also be published in the Federal Register and copies sent to the Washington and local public document rooms.

A copy of the general information portion of the application for operating licenses and the antitrust information submitted is available for public examination and copying for a fee at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the local public document room at the York County Library, 325 South Oakland Avenue, Rock Hill, South Carolina 29730.

Any person who desires additional information regarding the matter covered by this notice or who wishes to have his views considered with respect to significant changes related to antitrust matters which have occurred in the licensee's activities. Since the construction permit antitrust review for the above-named plant should submit such request for information or views to the U.S. Nuclear Regulatory

Commission, Washington, D.C. 20555, Attention: Chief, Utility Finance Branch, Office of Nuclear Reactor Regulation, on or before November 20, 1981.

Dated at Bethesda, Maryland, this 31st day of August 1981.

For the Nuclear Regulatory Commission.
Elinor G. Adensam,
Acting Branch Chief, Licensing Branch No. 4,
Division of Licensing.

[FR Doc. 81-27452 Filed 9-16-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Panel for the Decontamination of Three Mile Island, Unit 2; Meeting

Notice is hereby given pursuant to the Federal Advisory Committee Act that the Advisory Panel for the Decontamination of Three Mile Island, Unit 2 will be meeting on October 21, 1981, from 7:00 p.m. to 10:00 p.m. in the Hotel Yorktown, 48 E. Market Street, York, Pennsylvania, and again on November 16, 1981, from 7:00 p.m. to 10:00 p.m. in the Municipal Building, 400 S. Eighth Street, Lebanon, Pennsylvania. The meetings will be open for public observation.

At these meetings the Panel will discuss the current status of cleanup activities at TMI.

Further information on the meetings may be obtained from Dr. William Travers, Three Mile Island Program Office, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone 301/492-7466.

Dated: September 22, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-26076 Filed 9-25-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on DOE Response Working Group; Meeting

The ACRS Subcommittee on DOE Response Working Group will hold a meeting on October 14, 1981, Room 1167, 1717 H Street, NW., Washington, DC. The Subcommittee will prepare ACRS comments on the Department of Energy (DOE) post Three Mile Island Unit 2 accident review of the safety of DOE reactors.

In accordance with the procedures outlined in the Federal Register on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its

consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Wednesday, October 14, 1981

*8:30 a.m. Until the Conclusion of
Business*

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information about topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Richard Savio (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: September 23, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-26077 Filed 9-25-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Floating Nuclear Plant; Meeting

The ACRS Subcommittee on Floating Nuclear Plant will hold a meeting on October 13, 1981, Room 1167, 1717 H Street, NW., Washington, DC. The Subcommittee will review Supplement 4 of the Floating Nuclear Plant Manufacturing License Safety Evaluation Report, as well as remaining ACRS outstanding issues for this project. Notice of this meeting was published August 21.

In accordance with the procedures outlined in the Federal Register on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only

by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Cognizant Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary and Industrial Security information. One or more closed sessions may be necessary to discuss such information. (Sunshine Act Exemption 4). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Tuesday, October 13, 1981

*8:30 a.m. Until the Conclusion of
Business*

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the Offshore Power Systems, NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Paul Boehnert (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary and Industrial Security information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: September 23, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-26078 Filed 9-25-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Regulatory Activities; Meeting

The ACRS Subcommittee on Regulatory Activities will hold a meeting on October 14, 1981 in Room 1046, 1717 H Street NW., Washington, DC.

In accordance with the procedures outlined in the Federal Register on October 7, 1980 (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Wednesday, October 14, 1981—8:45 a.m. Until 3:00 p.m.

The Subcommittee will hear presentations from the NRC Staff and will hold discussions with this group pertinent to the following:

- (1) Proposed Amendment to 10 CFR Part 50, § 50.55a, "Codes and Standards" (pre comment).
- (2) Regulatory Guide 1.23, Revision 1, "Meteorological Programs in Support of Nuclear Power Plants" (post comment).
- (3) Regulatory Guide 1.13, Revision 2, "Spent Fuel Storage Facility Design Basis" (pre comment).
- (4) Proposed Regulatory Guide (Task IC 121-5), "Response Time Testing of Protection System Instrument Channels" (pre comment).

Other matters which may be of a predecisional nature relevant to reactor operation or licensing activities may be discussed following this session.

Persons wishing to submit written statements regarding Regulatory Guide 1.23, Revision 1, may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. However, to insure that adequate time is available for full consideration of these comments at the meeting, it is desirable to send a readily reproducible copy of the comments as far in advance of the meeting as practicable to Mr. Sam Duraiswamy, the Designated Federal Employee for the meeting, in care of ACRS, Nuclear Regulatory Commission, Washington, DC 20555 or telecopy them to the

Designated Federal Employee (202/634-3319) as far in advance of the meeting as practicable. Such comments shall be based upon documents on file and available for public inspection at the NRC Public Document Room, 1717 H St. NW., Washington, DC 20555.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Mr. Sam Duraiswamy (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., Eastern Time.

Dated: September 23, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-28079 Filed 9-25-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Subcommittee on Sequoyah Nuclear Plant; Meeting

The ACRS Subcommittee on Sequoyah Nuclear Plant will hold a meeting on October 13, 1981, Room 1046, 1717H Street, NW, Washington DC to review operating experience, response to ACRS requests, and status of hydrogen control measure. Notice of this meeting was published August 21.

In accordance with the procedures outlined in the Federal Register on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Cognizant Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary and Industrial Security information. One or more closed sessions may be necessary to discuss such information. (SUNSHINE ACT EXEMPTION 4). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Tuesday, October 13, 1981

8:30 a.m. Until the Conclusion of Business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the Tennessee Valley Authority, NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Dr. Richard Savio (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary and Industrial Security information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: September 23, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-28080 Filed 9-25-81; 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

September 22, 1981.

The evidentiary hearings will be resumed on October 5 and continue through October 9, 1981. (Because of a scheduling conflict, the Board has cancelled the October 12-16, 1981 hearing which had been noticed in our Order of September 1, 1981). Thereafter, the hearings will be resumed:

- (a) On October 26 and continue through October 30, 1981;
- (b) On November 16 and continue through November 20, 1981; and
- (c) On December 7 and continue through December 11, 1981.

Testimony will be presented upon certain contentions carried over from the September 1981 hearing and upon

other contentions and Board questions listed in the attachment to the Staff's letter dated September 2, 1981. These testimonies will be heard sequentially pursuant to the order of presentation which will be set forth in the Applicant's and/or Staff's submissions of October 1, 1981.

The October 5-9 hearing session will be held at the following location: Ramada Inn, 7787 Katy Freeway, Houston, Texas 77004.

The October 26-30, November 16-20, and December 7-11 hearing sessions will be held at the following location: South Texas College of Law, Joe M. Green, Jr. Auditorium (4th floor), 1303 San Jacinto Street, Houston, Texas 77002.

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 camera* proceedings.

It is so ordered.

Dated at Bethesda, Maryland, this 22nd day of September 1981.

For the Atomic Safety and Licensing Board.
Sheldon J. Wolfe,
Administrative Judge.

[FR Doc. 81-28001 Filed 9-25-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-416 and 50-417]

Mississippi Power & Light Co., et al.; Availability of Safety Evaluation Report for Grand Gulf Nuclear Station, Units 1 and 2

Notice is hereby given that the Office of Nuclear Reactor Regulation has published its Safety Evaluation Report on the proposed operation of the Grand Gulf Nuclear Station, Units 1 and 2, to be located in Claiborne County, Mississippi. Notice of receipt of the application of Mississippi Power & Light Company, et al., to operate the Grand Gulf Nuclear Station was published in the Federal Register on July 28, 1978 (43 FR 32903).

The report is being referred to the Advisory Committee on Reactor Safeguards and is being made available at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Hines Jr. College, McLendon Library, Raymond, Mississippi 39154 for inspection and copying. The report (Document No. NUREG-0831) can also be purchased, at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port

Royal Road, Springfield, Virginia 22161, and through the NRC GPO sales program by writing to the U.S. Nuclear Regulatory Commission, Attention Sales Manager, Washington, D.C. 20555. GPO deposit holders can call 301-492-9530.

Dated at Bethesda, Maryland this 22nd day of September, 1981.

For the Nuclear Regulatory Commission.
A. Schwencer,
Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 81-28063 Filed 9-25-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-275]

Pacific Gas & Electric Co.; Issuance of Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Facility Operating License No. DPR-76, to Pacific Gas & Electric Company (licensee) which authorizes operation of the Diablo Canyon Nuclear Power Plant, Unit 1 (the facility), at reactor core power levels not in excess of 166.9 megawatts thermal (5 percent power) in accordance with the provisions of the license, the Technical Specifications and the Environmental Protection Plan.

The Diablo Canyon Nuclear Power Plant, Unit 1, is a pressurized water nuclear reactor located at the licensee's site in San Luis Obispo County, California about 12 miles west-southwest of San Luis Obispo. The license is effective as of the date of issuance and shall expire one year after that date, unless extended for good cause shown, or upon earlier issuance or denial of a subsequent licensing action.

The application for the license complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license. Prior public notice of the overall action involving the proposed issuance of an operating license was published in the Federal Register on October 19, 1973 (38 FR 29105).

The Commission has determined that the issuance of this license will not result in any environmental impacts other than those evaluated in the Final Environmental Statement and its Addendum since the activity authorized by the license is encompassed by the overall action evaluated in the Final Environmental Statement and its Addendum.

For further details with respect to this action, see (1) Facility Operating License No. DPR-76, complete with Technical Specifications and Environmental Protection Plan; (2) the reports of the Advisory Committee on Reactor Safeguards dated June 12, 1975, August 19, 1977, July 14, 1978, and November 12, 1980; (3) the Commission's Safety Evaluation Report dated October 1974, Supplement No. 1 dated January 1975, Supplement No. 2 dated May 1975, Supplement No. 3 dated September 1975, Supplement No. 4 dated May 1976, Supplement No. 5 dated September 1976, Supplement No. 6 dated July 1977, Supplement No. 7 dated May 1978, Supplement No. 8 dated November 1978, Supplement No. 9 dated June 1980, Supplement No. 10 dated August 1980, Supplement No. 11 dated October 1980, Supplement No. 12 dated March 1981, Supplement No. 13 dated April 1981 and Supplement No. 14 dated April 1981; (4) the Final Safety Analysis Report and amendments thereto; (5) the Final Environmental Statement dated May 1973 and the Addendum to the Final Environmental Statement dated May 1976, (6) NRC Flood Plain Review of Diablo Canyon Nuclear Power Plant Site dated September 9, 1981; and (7) Discussion of the Environmental Effects of the Uranium Fuel Cycle dated September 9, 1981.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and the California Polytechnic State University Library, Documents and Maps Department, San Luis Obispo, California 93407. A copy of Facility Operating License No. DPR-76 the Safety Evaluation Report and its Supplements 1 through 8 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing. Copies of Supplements 9 through 14 of the Safety Evaluation Report may be purchased at current rates from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, and through the NRC GPO sales program by writing to U.S. Nuclear Regulatory Commission, Attention: Sales Manager, Washington, D.C. 20555. GPO deposit account holders can call 301-492-9530.

Dated at Bethesda, Maryland, this 22d day of September 1981.

For the Nuclear Regulatory Commission.
Frank J. Miraglia,
*Chief, Licensing Branch No. 3, Division of
 Licensing.*

[FR Doc. 81-28082 Filed 9-25-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

Boston Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and Opportunity for Hearing

September 22, 1981.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Carling O'Keefe Ltd.
 Common Stock, No Par Value (File No. 7-6046)
 Chicago Pneumatic Tool Co.
 Common Stock, \$8 Par Value (File No. 7-6047)
 Ducommun Inc.
 Common Stock, \$2 Par Value (File No. 7-6048)
 Geo International Corp.
 Common Stock, \$10 Par Value (File No. 7-6049)
 Handy & Harman
 Common Stock, \$1 Par Value (File No. 7-6050)
 National Can Corp.
 Common Stock, \$5 Par Value (File No. 7-6051)
 Sargent Industries, Inc.
 Common Stock, No Par Value (File No. 7-6052)
 Southwest Gas Corp.
 Common Stock, \$1 Par Value (File No. 7-6053)
 Winn Dixie Stores Inc.
 Common Stock, \$1 Par Value (File No. 7-6054)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before October 14, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the

maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-28043 Filed 9-25-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11950 (812-4908)]

Centennial Money Market Trust; Filing of an Application for an Order of Exemption

Notice is hereby given that Centennial Money Market Trust, 3600 South Yosemite Street, Denver, Colorado 80237 ("Applicant"), an open-end, diversified management investment company, file an application on June 26, 1981 and an amendment thereto on July 28, 1981, pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting the Applicant from the provisions of rules 2a-4 and 22c-1 thereunder to the extent necessary to permit the Applicant to compute its price per share to the nearest one cent on a share value of one dollar. In all other respects, portfolio securities held by the Applicant will be valued in accordance with the views set forth in Investment Company Act Release No. 9786 (May 31, 1977) ("IC-9786"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is a "money market" fund whose investment objective is seeking maximum current income that is consistent with low capital risk and the maintenance of liquidity. The Applicant further states that it is designed as an investment vehicle for investors with temporary cash balances in securities accounts at certain brokerage firms, and that shares of the Applicant are offered exclusively to participants in automatic purchase and redemption programs established by said firms. The Applicant represents that its portfolio may be invested, as matter of fundamental investment policy, in U.S. Government and agency obligations, certain bank obligations and instruments secured thereby, commercial paper, certain debt obligations and repurchase agreements and certain other obligations meeting specified tests, maturing in one year or less.

Applicant represents that its shareholders will use its shares for

investment of temporary cash balances. Applicant states that the maintenance of a constant net asset value per share is a crucial factor in the purchase and holding of its shares. The Applicant asserts that by meeting the conditions set forth below and by valuing its shares to the nearest one cent on a share value of one dollar, it can maintain a constant value for its shareholders along with full liquidity and a satisfactory yield. In addition, the Applicant states that its adherence to the conditions set forth below will substantially reduce the likelihood of significant variation from a constant share price and the likelihood of any dilution of the assets and returns of incoming or outgoing shareholders.

Rule 22c-1 under the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof 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 sell such security. Rule 2a-4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption and repurchase shall be determined with reference to (1) current market value for portfolio securities with respect to which market quotations are readily available and (2) for other securities and assets fair value as determined in good faith by the board of directors of the registered company. In Release No. IC-9786 the Commission issued an interpretation of rule 2a-4 expressing its view that it was inconsistent with rule 2a-4 for certain money market funds to "round off" calculations of their net asset value per share to the nearest one cent on a share value of \$1.00, because such a calculation might have the effect of masking the impact of changing values of portfolio securities and therefore might not "reflect" its portfolio valuation as required by Rule 2a-4.

Section 6(c) of the Act provides, in part, that the Commission may, by order upon application, 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 and 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 submits that the issuance of the requested order is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant states that shareholders who purchase its shares with the expectation of receiving maximum current income consistent with stability of principal would be unfairly treated should there be a deviation below \$1.00 per share, because redeeming shareholders could lose not only all or part of the dividend income which they have earned but even part of their principal, particularly if a redemption takes place relatively soon after a purchase. Applicant represents that, to the extent necessary, the Applicant's Trustees will consider the advisability of temporarily suspending the payment of dividends, or making a capital gains distribution (if and to the extent that capital gains have not been reflected in prior dividends) to maintain a \$1.00 price per share, if the net asset value per share declines to value below \$0.997 or rises to a value above \$1.003, respectively. Applicant states that in order to attempt to assure the stability of its net asset value per share it will also adhere to the following conditions:

1. Applicant's Trustees, in supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, undertake—as a particular responsibility within their overall duty of care owed to Applicant's shareholders—to assure to the extent reasonably practicable, taking into account current market conditions affecting Applicant's investment objectives, that Applicant's price per share as computed for the purpose of distribution, redemption and repurchase, rounded to the nearest one cent, will not deviate from one dollar.

2. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable price per share. Applicant will not purchase a portfolio security unless it matures in twelve months or less from the date of purchase, or is subject to a repurchase agreement so maturing or has been called for redemption within twelve months; nor will it maintain a dollar-weighted average portfolio maturity in excess of 120 days.

3. Applicant will limit its portfolio investment, including repurchase agreements and securities called for

redemption, to those instruments which are denominated in U.S. dollars and which the Trustees of Applicant determine present minimal credit risks, and which are of high quality as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the Trustees.

Notice is further given that any interested person may, not later than October 16, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, to the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-28042 Filed 9-25-81; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 34-18105; File No. SR-MS RB-81-14]

Municipal Securities Rulemaking Board Self-Regulatory Organizations; Proposed Rule Change Relating to Calculations

Comments requested on or before October 19, 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 September 4, 1981, the Municipal Securities Rulemaking Board filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below,

which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Municipal Securities Rulemaking Board (the "Board") is filing herewith proposed rule G-33 on calculations (hereafter referred to as the "proposed rule change"). The text of the proposed rule change appears below.

II. Self-Regulatory Organization's Statement on the Purpose of, and Statutory Basis for, the proposed Rule Change

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) Board rules G-12 and G-15 require that intra-industry and customer confirmations set forth certain information as to the yield and dollar price of a transaction. The rules also require that, with respect to transactions effected on the basis of a yield price, the dollar price must be calculated to the lowest of price to premium call, price to par option, or price to maturity; rule G-15 requires, in certain circumstances, the computation of yields to these dates. Further, rule G-12 contains certain provisions relating to maximum permissible money differences and computations of interest. Neither rule, however, contains any provision regarding the specific method of calculation of yields, dollar prices, or accrued interest amounts. The proposed rule change would prescribe standard methods for making these calculations.

The Board believes that adoption of a standard method for such calculations would be an important and beneficial step for the municipal securities industry. Adoption of standard methods of performing these computations will ensure that customers will receive precise and consistent information regarding the yield and dollar price of their transactions, and will foster the further refinement and enhanced accuracy of these computations. Further, the adoption of standard calculation methods will lessen the likelihood of disagreements between parties to a transaction regarding interest and dollar price computations. It should also improve the clearance and processing procedures for municipal securities transactions by, among other matters, facilitating the comparison and delivery

of securities. The Board notes that certain industry commentators have urged the Board in the past to adopt such standard calculation methods.

In August 1980 the Board issued in exposure draft form a rule (the "draft rule") proposing to establish certain standards for industry calculation methods.¹ The draft rule contained proposed formulas to be used for computations of accrued interest, dollar price, and yield, as well as proposed standards for the accuracy of calculations, the termination of computed values, and the day-count basis. The proposals contained in the draft rule were developed by the Board in consultation with an Ad Hoc Committee on Calculations, composed of industry experts on calculations matters.²

In response to certain of the suggestions contained in the comment letters received on the August 1980 exposure draft³ the Board issued, in December 1980, a second notice (the "solicitation")⁴ requesting further industry comment on certain of the issues raised by the original commentators. The solicitation requested further comment on the appropriateness of the following changes: (1) changing the method of day-counting currently used by the industry; (2) adopting special formulas for securities with "odd" first coupons (*i.e.*, first coupons paying interest for periods of more or less than six months), and for securities paying interest other than semi-annually; and (3) using, in the case of a transaction effected at a yield price equalling the coupon rate on the particular security involved, the computed result of the proposed formula, rather than presuming the result to be "100," as has previously been traditional. In addition, the solicitation proposed the adoption of special formulas for securities priced on a discounted basis. A second series of comment letters was received on the solicitation; in addition, a detailed letter was received from a manufacturer of calculator equipment in common use in the industry, summarizing the effect of the Board's proposals on existing calculator models.⁵

The standards set forth in the proposed rule change are in most respects similar to those contained in the draft rule. As a result of its consideration of the comments received on the draft rule and the issues raised in the solicitation, however, the Board has significantly modified several of the proposals included in the draft rules. The principal provisions of the proposed rule change are as follows:

(1) The proposed rule change sets forth a standard method for computing accrued interest on municipal securities transactions. The formula computes the time period for the accrual of interest as a fraction of the full year; the draft rule has proposed adoption of a slightly different formula, which computed the accrued interest in terms of a standard six-month coupon period. The Board adopted the approach reflected in the proposed rule change in accordance with a suggestion made by one of the commentators, who indicated that this formula would be less confusing to use when accruing interest for short or long interest periods.

(2) The proposed rule change sets forth standard formulas for computing dollar price and yield on municipal notes, municipal bonds with less than six months to maturity, municipal bonds with maturities longer than six months, and municipal securities priced on a discounted basis.⁶ The proposed rule change permits the use of dollar price interpolation until January 1, 1984, and also permits until January 1, 1984 the use of the dollar price "100," rather than the actual computed result of the formulas, for transactions where the yield price equals the coupon rate of the securities.

The draft rule had proposed that one basic formula (that prescribed in the proposed rule change for municipal bonds with maturities of longer than six months) be used for all types of securities. While the use of different formulas for municipal notes and municipal bonds with less than six months to maturity has been traditional, the exposure draft discussion suggested that the use of a single formula, rather

than a variety of formulas, would promote consistency and greater accuracy in computations of dollar price and yield. Further, the discussion noted that the formulas contained in the draft rule was based on the compounding of interest (rather than on the simple interest method used in the traditional formulas for such short-term securities), and that use of a compounding formula would facilitate the comparison of municipal securities investments with other investment alternatives. The discussion pointed out, however, that the conversion to a compound-interest formula would generally cause a slight decrease in the dollar prices of the securities for which the simple interest formula had previously been used.

In response to the draft rule several commentators observed that the decrease in the dollar price due to the conversion to a compound interest formula might well be significant, particularly in view of the large block size common to municipal note transactions, and the effect of even minimal dollar price changes on the yields of such short-term securities. The commentators also suggested that the investments with which such short-term securities were likely to be compared were typically valued in simple-interest formulas, and that it would be appropriate to continue to use a computation method that is consistent with that used for these other securities. For these reasons the Board determined not to proceed with the draft rule's single-formula proposal, and has adopted the currently-used simple interest formulas for municipal notes and municipal bonds with less than six months to maturity. The proposed rule change adopts the draft rule's formula for use for municipal bonds with maturities of longer than six months; the industry currently uses this formula for such securities.

The draft rule did not propose any formula for use on transactions in securities priced on a discounted basis; the solicitation proposed formulas for such securities. The proposed rule change includes such formulas, and also special formulas appropriate for discounted securities traded on a "yield-equivalent" basis.

One commentator suggested that the term in the formulas which represents the accrued interest portion of the security's value should be expressed by the equation prescribed in the rule for the computation of accrued interest generally. The Board has determined to accept this suggestion.

The draft rule proposed that an exception to the use of the prescribed

¹ A copy of the August 1980 exposure draft is on file at the Board's office.

² A list of the members of the Committee is attached to the August 1980 exposure draft.

³ Copies of the comment letters received on the August 1980 exposure draft are on file at the Board's office.

⁴ A copy of the December 1980 solicitation is on file at the Board's office.

⁵ Copies of these letters are on file at the Board's office.

⁶ The formulas distinguish among (1) municipal securities paying interest at maturity (generally municipal notes), (2) municipal securities paying interest on a periodic basis (generally municipal coupon-bearing bonds), and (3) municipal securities trading on a discounted basis. Further, the formulas distinguish between periodic-interest municipal securities for which only the interest payment at maturity remains due (generally municipal bonds of less than six months to maturity) and periodic interest securities for which two or more interest payments remain due (generally bonds of maturities longer than six months).

For ease and clarity of reference, this filing will discuss the formulas in terms of the securities to which they would normally apply.

formula should be made in the case of a transaction priced at a yield price equal to the coupon rate of the securities involved; the draft rule proposed that in such cases the dollar price should be presumed to be "100." Several commentators pointed out that this assumed result is not accurate, particularly in the case of securities prefunded to a premium call date, and suggested that the computed result should be used. The Board has determined to accept the suggestion of these commentators that the more accurate computed result to be used. However, in view of the fact that this represents a change to currently-accepted industry practice, and that existing calculator models are programmed to assume a dollar price of "100" on this particular computation, the Board believes that it would be appropriate to defer the effectiveness of this change to January 1, 1984.

The draft rule did not address the acceptability under the rule of the interpolative method of deriving a dollar price.⁷ Given the wide availability of computer and calculator equipment that is capable of computing a dollar price directly to the settlement date of a transaction, the Board does not believe that dollar price interpolation should continue to be acceptable indefinitely. The Board recognizes, however, that many of the calculators currently in use, as well as some dealers' confirmation processing programs, derive dollar prices through interpolation, and that reprogramming of such calculators and confirmation processing functions will be necessary; accordingly, the proposed

rule change specifies that dealers may continue to use interpolation to determine dollar prices until January 1, 1984.

(3) The proposed rule change establishes standards of accuracy for computations, and prescribes "truncation" as the method of terminating computed numbers. The standards of accuracy conform to current industry practice or previous actions of the Board. The "truncation" method of terminating computed numbers has also been traditionally used in the industry.

The draft rule had proposed use of a "rounding" method, rather than truncation, to terminate computed numbers.* The Board suggested that this would provide greater accuracy in computations on large block transactions. Several commentators objected to the change to rounding, noting that it would necessitate reprogramming and suggesting that the greater accuracy did not appear to justify the expense of the change. The Board has accepted their reasoning and adopted the traditional "truncation" method.

(4) The proposed rule change provides that the standard "30/360" day count basis should be used for the computations under the rule, except in the case of municipal notes, in which case the day count basis selected by the issuer should be used; the proposed rule change also prescribes a formula for day counting. The day count standard is as proposed in the draft rule. One of the commentators on the draft rule suggested that inclusion of a standard formula for computing a day count would be helpful; the Board has adopted this suggestion, and has included in the proposed rule change the traditional day counting formula, together with specification of certain traditional assumptions on day counting for month-end dates.

(5) The proposed rule change provides for a delayed effective date of six months following the approval of the proposed rule change by the Commission, with the exception of the provisions concerning the use of interpolation and transactions at a yield price equal to the coupon rate discussed above. The Board is proposing a delay of six months to permit the municipal securities industry time to acquaint itself

with the rule, and to provide time for the Board to publish and distribute material on the calculation methods. Since the formulas mandated under the proposed rule change are those viewed as standard in the industry, and produce results essentially consistent with all methods of computing dollar price and yield currently used by the industry, the Board does not believe that a delay in effectiveness of greater length is necessary.

(b) The Board has adopted the proposed rule changes pursuant to section 15B(b)(2)(C) of the Securities Exchange Act of 1934, as amended, which authorizes and directs the Board to adopt rules which are

* * * designed * * * to foster cooperation and coordination with persons engaged in * * * clearing, settling, processing information with respect to, and facilitating transactions in municipal securities, to remove impediments to and perfect the mechanism of a free and open market in municipal securities, and, in general, to protect investors and the public interest * * *

The Board believes that the proposed rule change will further the purposes of the Act inasmuch as it will standardize the methods of computing yield and dollar price on customer and inter-dealer transactions, and will foster the improvement of the accuracy of such computations.

B. Self-regulatory Organization's Statement on Burden on Competition

The Board is of the opinion that the proposed rule change will not impose any significant burden on competition among brokers, dealers, or municipal securities dealers, inasmuch as the proposed rule change will standardize the methods of performing the computations currently required under Board rules G-12 and G-15, which apply uniformly to all brokers, dealers and municipal securities dealers, and enhance the accuracy of such computations. The Board notes that the provisions of the proposed rule change pertaining to dollar price interpolation and computations on transactions effected at yield prices equal to the securities' coupon rates, both of which will become effective on January 1, 1984, may have a different impact on different municipal securities brokers and dealers, since certain dealers will need to reprogram to comply with these provisions, and other dealers are already computing dollar prices in a manner consistent with these requirements. The Board does not believe that this differential will be significant.

⁷ The interpolative method derives the dollar price of a transaction in a particular security by establishing the dollar price values corresponding to the yield price of the transaction for specified dates (usually the month-end dates immediately before and after the settlement date) and interpolating between those values to determine the dollar price to the precise settlement date. For example, if the transaction involved 5% securities due on September 1, 1981, selling at a 9.00 yield price for settlement August 20, 1981, the interpolative method would determine the dollar price value for August 1, 1981 ("73.841") and September 1, 1981 ("73.984") and interpolate between them to arrive at the dollar price for a settlement of August 20 ("73.932").

Dealers using the interpolative method historically derived the monthly values from "basis books," which computed such values through the use of the formulas which the Board is prescribing. As computer technology was made available for confirmation processing it became possible to compute the dollar price directly to the settlement date, rather than approximating through the use of interpolation. A number of dealers, however, have chosen to include an interpolative function in their confirmation processing programs, so that they continue to derive dollar prices by means of interpolation (and, as a result, perform three dollar price computations in the course of generating confirmations, rather than only the one necessary computation directly to the settlement date).

* Under the truncation method, a unit dollar price of "99.4837519" becomes "99.483," with the remaining decimal values being discarded. Under the proposal in the draft rule "99.4837519" would have been truncated after the fourth decimal place ("99.4837"), the remaining decimal values being discarded, and then rounded to the third, becoming "99.484."

One of the commentators on the draft rule suggested that adoption of the rule would force all dealers to purchase sophisticated calculator equipment in order to meet the rule's requirements. The Board does not believe that this assertion is correct, and notes that dealers can easily structure transactions in a manner that avoids any difficulties posed by the computational requirements (for example, such dealers can effect all transactions on a dollar price basis, and thereby be required only to perform the relatively easy conversion from dollar price to yield).

C. Self-Regulatory Organization's Statement of Comments Received on the Proposed Rule Change Received from Members, Participants, or Others

In response to the August 1980 exposure draft and the December 1980 solicitation the Board received 20 letters of comment, as well as one letter from a manufacturer of calculator equipment. The letters generally were supportive of the establishment of standards in the calculation area, with both industry trade groups commenting in favor of the adoption of such a rule. Several commentators suggested that the Board adopt previous standards set forth in a 1973 Securities Industry Association publication, *Standard Securities Calculation Methods*; ⁹ the standards included in the proposed rule change are fully consistent with these formulas.

In addition to the comments discussed previously, the commentators raised and discussed a number of other issues. These are summarized below:

Comments on the Draft Rule

Several of the persons commenting on the draft rule suggested that different formulas be promulgated as the standard formulas for yield and dollar price computations. The Board has rejected these commentators' suggestions, in one case because the suggested formulas are not accurate, and in the other case because the suggested formula, while appropriate for programming purposes, does not clearly convey the mathematical method used to compute the dollar price or yield. By contrast, the formulas included in the proposed rule change present each of the mathematical functions as a separate term of the overall formula. The Board intends, however, to make this latter formula (as well as other, similar programming algorithms)

available to the industry for use for programming purposes.

The proposed rule change retains the draft rule's requirement that the yield on securities with maturities of longer than six months be computed through the use of the formula prescribed for dollar price computations on such securities (the method which is currently used by the municipal securities industry). This computation entails the use of iterative methods to successively approximate the yield, until an accurate yield is derived. One of the commentators suggested that the iterative methods to be used should also be established in the rule. The Board has not adopted this suggestion, since a variety of equally valid iteration methods exist. The Board intends, however, to include a suggested method in future material published on calculations matters.

The Board also intends to include in a future publication a set of benchmark calculations for use for programming purposes.

Comments on Solicitation

In response to certain other suggestions received from commentators on the draft rule the Board issued the solicitation requesting comments on several specific issues, including, among others, (1) adopting an "actual/365" day count method, rather than the currently-used "30/360" method; (2) adopting a formula that accurately computes yield and dollar price for securities with "odd" first coupons (*i.e.*, first coupons of longer or shorter than six months); and (3) adopting a formula that converts on the same basis as the security pays interest (*e.g.*, converting annually on annual-coupon securities).¹⁰

⁹ The significance of these proposals is as follows:

(1) The "30/360" day counting method presumes that the year consists of twelve months of thirty days each; the "actual/365" method counts days in accordance with the actual days in a calendar month. The difference in the day count is reflected in a slight difference in the mathematical value assigned to each day for purposes of accruing interest and computing dollar price. This differential corrects itself over the course of a year, and does not create an ongoing error.

(2) Securities with "odd" first coupons are currently valued with the standard formulas, which presume that each coupon period has six months. This causes some marginal misstatements in the computing of a yield or dollar price; the accrued interest is, of course, computed for the actual "odd" coupon period.

(3) Securities paying coupons quarterly or annually are currently valued with the standard formulas, which presume that each coupon period has six months. This can cause a marginal misstatement in computing dollar price or yield.

The municipal securities industry has traditionally discredited the "odd" first coupon and quarterly/annual coupon features, and, as noted, used the standard formulas. The use of the "30/360" day counting method is also traditional.

The Board has determined not to proceed at this time with any of these suggested changes. With respect to the suggestions regarding the convertibility of the formulas and the use of the formulas for "odd" coupon securities, the Board was advised that existing calculator models could not perform these specialized calculations, nor could they be easily modified to do so. Since adoption of these changes would render all existing calculators obsolete, the Board does not believe that these changes should be adopted at this time. However, the Board is communicating to the manufacturers of calculator equipment its intention to revisit these two proposals at some point in the future, and to mandate the use of the more accurate formulas for computing these types of securities. The Board believes that these changes can be adopted when more sophisticated calculator equipment, capable of handling these computations, comes into general use in the industry.

The Board has also decided not to adopt the suggestion for converting to the use of an "actual/365" day counting method. Several of the commentators pointed out the problems that such a conversion would cause, particularly in computing interest on existing securities and in preparing and printing certificates for new issues of securities. Further, the "30/360" day counting method has been traditional in the municipal securities industry (and other debt-securities industries) since its inception; participants in the industry are fully acclimated to its use, and conversion to an "actual/365" day counting method would cause significant confusion during and after the conversion period. The Board does not believe that the correction of the minor inaccuracy in computations arising from the use of the "30/360" day count method is sufficient to outweigh the significant compliance problems the industry would experience in making such a conversion.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the *Federal Register* or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule changes, or

⁹ Bruce M. Spence, Jacob Y. Graudenz, and John J. Lynch, Jr., *Standard Securities Calculation Methods: Current Formulas for Price and Yield Computations* New York: Securities Industry Association, 1973.

(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 change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, NW., Washington, D.C. Copies of such filing also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: September 21, 1981.

George A. Fitzsimmons,
Secretary.

Text of Proposed Rule

Rule G-33. Calculations

(a) *Accrued Interest.* Accrued interest shall be computed in accordance with the following formula:

Interest = Rate × Par Value of

Transaction × Number of Days/Number of Days in Year

For purposes of this formula, the "number of days" shall be deemed to be the number of days from the previous interest payment date (from the dated date, in the case of first coupons) up to, but not including, the settlement date. The "number of days" and the "number of days in year" shall be counted in accordance with the requirements of section (e) below.

(b) *Interest-Bearing Securities:*

(i) *Dollar Price.* For transactions in interest-bearing securities effected on the basis of yield the resulting dollar price shall be computed in accordance with the following provisions:

(A) *Securities Paying Interest at Maturity.* Except as otherwise provided in this section (b), the dollar price for a transaction in a security paying interest at maturity shall be computed in accordance with the following formula:

$$P = \left[\frac{1 + \left(\frac{\text{DIM}}{B} \cdot R \right)}{1 + \left(\frac{\text{DSM}}{B} \cdot Y \right)} \right] - \left[\frac{A}{B} \cdot R \right]$$

For purposes of this formula the symbols shall be defined as follows:

"A" is the number of accrued days from the beginning of the interest payment period to the settlement date (computed in accordance with the provisions of section (e) below);

"B" is the number of days in the year (computed in accordance with the provisions of section (e) below);

"DIM" is the number of days from the issue date to the maturity date (computed in accordance with the provisions of section (e) below);

"DSM" is the number of days from the settlement date of the transaction to the maturity date (computed in accordance with the provisions of section (e) below);

"P" is the dollar price of the security for each \$100 par value (divided by 100);

"R" is the annual interest rate (expressed as a decimal); and

"Y" is the yield price of the transaction (expressed as a decimal).

(B) *Securities with Periodic Interest Payments.* Except as otherwise provided in this section (b), the dollar price for a transaction in a security with periodic interest payments shall be computed as follows:

(1) For securities with six months or less to maturity, the following formula shall be used:

$$P = \left[\frac{RV}{\left(1 + \frac{Y}{2} \right)^{\text{exp} \cdot N - 1 + \frac{E-A}{E}}} \right] + \left[\sum_{K=1}^N \frac{100 \cdot \frac{R}{2}}{\left(1 + \frac{Y}{2} \right)^{\text{exp} \cdot K - 1 + \frac{E-A}{E}}} \right] - \left[100 \cdot \frac{A}{B} \cdot R \right]$$

For purposes of this formula the symbols shall be defined as follows:

"A" is the number of accrued days from the beginning of the interest payment period to the settlement date (computed in accordance with the provisions of section (e) below);

"B" is the number of days in the year (computed in accordance with the provisions of section (e) below);

"E" is the number of days in the interest payment period in which the settlement date falls (computed in accordance with the provisions of section (e) below);

"N" is the number of interest payments (expressed as a whole number) occurring between the settlement date and the redemption date, including the payment on the redemption date;

"P" is the dollar price of the security for each \$100 par value;

$$P = \left[\frac{\frac{RV}{100} + \frac{R}{M}}{1 + \left(\frac{\text{DSM}}{E} \cdot \frac{Y}{M} \right)} \right] - \left[\frac{A}{B} \cdot R \right]$$

For purposes of this formula the symbols shall be defined as follows:

"A" is the number of accrued days from the beginning of the interest payment period to the settlement date (computed in accordance with the provisions of section (e) below);

"B" is the number of days in the year (computed in accordance with the provisions of section (e) below);

"DSM" is the number of days from the settlement date to the redemption date (computed in accordance with the provisions of section (e) below);

"E" is the number of days in the interest payment period in which the settlement date falls (computed in accordance with the provisions of section (e) below);

"M" is the number of interest payment periods per year standard for the security involved in the transaction;

"P" is the dollar price of the security for each \$100 par value (divided by 100);

"R" is the annual interest rate (expressed as a decimal);

"RV" is the redemption value of the security per \$100 par value; and

"Y" is the yield price of the transaction (expressed as a decimal).

(2) For securities with more than six months to maturity, the following formula shall be used:

"R" is the annual interest rate (expressed as a decimal);

"RV" is the redemption value of the security per \$100 par value; and

"Y" is the yield price of the transaction (expressed as a decimal).

For purposes of this formula the symbol "exp" shall signify that the preceding value shall be raised to the power indicated by the succeeding value; for purposes of this formula the symbol "K" shall signify successively each whole number from "1" to "N" inclusive; for purposes of this formula the symbol "sigma" shall signify that the succeeding term shall be computed for each value "K" and that the results of such computations shall be summed.

(C) *Transactions Where the Yield Equals the Interest Rate.* A transaction in a security with a redemption value of par that is effected on the basis of a yield price equal to

the interest rate of the security shall be exempt from the requirements of subparagraph (b)(i)(B) until January 1, 1984.

(D) *Interpolation.* The computation of a dollar price by means of interpolation shall be deemed to be in compliance with this paragraph (b)(i) until January 1, 1984.

(ii) *Yield.* Yields on interest-bearing securities shall be computed in accordance with the following provisions:

(A) *Securities Paying Interest at Maturity.* The yield of a transaction in a security paying interest at maturity shall be computed in accordance with the following formula:

(ii) *Return on Investment.* The return on investment for a discounted security shall be computed in accordance with the following provisions:

(A) The return on investment for a discounted security, other than a discounted security traded on a yield-equivalent basis, shall be computed in accordance with the following formula:

$$Y = \left[\frac{\left(1 + \left(\frac{DIM}{B} \cdot R\right)\right) - \left(P + \left(\frac{A}{B} \cdot R\right)\right)}{P + \left(\frac{A}{B} \cdot R\right)} \right] \cdot \left[\frac{B}{DSM} \right] \quad IR = \left[\frac{RV - P}{P} \right] \cdot \left[\frac{B}{DSM} \right]$$

For purposes of this formula the symbols shall be defined as follows:

"A" is the number of accrued days from the beginning of the interest payment period to the settlement date (computed in accordance with the provisions of section (e) below);

"B" is the number of days in the year (computed in accordance with the provisions of section (e) below);

"DIM" is the number of days from the issue date to the maturity date (computed in accordance with the provisions of section (e) below);

"DSM" is the number of days from the settlement date of the transaction to the maturity date (computed in accordance with the provisions of section (e) below);

"P" is the dollar price of the security for each \$100 par value (divided by 100);

"R" is the annual interest rate (expressed as a decimal); and

"Y" is the yield on the investment if the security is held to maturity (expressed as a decimal).

(B) *Securities with Periodic Interest Payments.* The yield of a transaction in a security with periodic interest payments shall be computed as follows:

(1) For securities with six months or less to maturity, the following formula shall be used:

$$Y = \left[\frac{\left(\frac{RV}{100} + \frac{R}{M}\right) - \left(P + \left(\frac{A}{E} \cdot \frac{R}{M}\right)\right)}{P + \left(\frac{A}{E} \cdot \frac{R}{M}\right)} \right] \cdot \left[\frac{M \cdot E}{DSM} \right]$$

For purposes of this formula the symbols shall be defined as follows:

"A" is the number of accrued days from the beginning of the interest payment period to the settlement date (computed in accordance with the provisions of section (e) below);

"DSM" is the number of days from the settlement date to the redemption date (computed in accordance with the provisions of section (e) below);

"E" is the number of days in the interest payment period in which the settlement

date falls (computed in accordance with the provisions of section (e) below);

"M" is the number of interest payment periods per year standard for the security involved in the transaction;

"P" is the dollar price of the security for each \$100 par value (divided by 100);

"R" is the annual interest rate (expressed as a decimal);

"RV" is the redemption value of the security per \$100 par value; and

"Y" is the yield price of the transaction (expressed as a decimal).

(2) For securities with more than six months to maturity, the formula set forth in item (2) of subparagraph (b)(i)(B) shall be used.

(c) *Discounted Securities:*

(i) *Dollar Price.* For transactions in discounted securities, the dollar price shall be computed in accordance with the following provisions:

(A) The dollar price of a discounted security, other than a discounted security traded on a yield-equivalent basis, shall be computed in accordance with the following formula:

$$P = [RV] - [DR \cdot RV \cdot \frac{DSM}{B}]$$

For purposes of this formula the symbols shall be defined as follows:

"B" is the number of days in the year (computed in accordance with the provisions of section (e) below);

"DR" is the discount rate (expressed as a decimal);

"DSM" is the number of days from the settlement date of the transaction to the maturity date (computed in accordance with the provisions of section (e) below);

"P" is the dollar price of the security for each \$100 par value; and

"RV" is the redemption value of the security per \$100 par value.

(B) The dollar price of a discounted security traded on a yield-equivalent basis shall be computed in accordance with the formula set forth in subparagraph (b)(i)(A).

For purposes of this formula the symbols shall be defined as follows:

"B" is the number of days in the year (computed in accordance with the provisions of section (e) below);

"DSM" is the number of days from the settlement date of the transaction to the maturity date (computed in accordance with the provisions of section (e) below);

"IR" is the annual return on investment if the security is held to maturity (expressed as a decimal);

"P" is the dollar price of the security for each \$100 par value; and

"RV" is the redemption value of the security per \$100 par value.

(B) The yield of a discounted security traded on a yield-equivalent basis shall be computed in accordance with the formula set forth in subparagraph (b)(i)(A).

(d) *Standards of Accuracy; Truncation:*

(i) *Intermediate Values.* All values used in computations of accrued interest, yield, and dollar price shall be computed to not less than ten decimal places.

(ii) *Results of Computations.* Results of computations shall be presented in accordance with the following:

(A) Accrued interest shall be truncated to three decimal places, and rounded to two decimal places immediately prior to presentation of total accrued interest amount on the confirmation;

(B) Dollar prices shall be truncated to three decimal places immediately prior to presentation of dollar price on the confirmation and computation of extended principal; and

(C) Yields shall be truncated to four decimal places, and rounded to three decimal places, provided, however, that for purposes of confirmation display as required under rule G-15(a)(viii)(B) yields accurate to the nearest .05 percentage points shall be deemed satisfactory.

Numbers shall be rounded, where required, in the following manner: if the last digit after truncation is five or above, the preceding digit shall be increased to the next highest number, and the last digit shall be discarded.

(e) *Day Counting:*

(i) *Day Count Basis.* Computations under the requirements of this rule shall be made on the basis of a thirty-day month and a three-hundred-sixty-day year, or, in the case of computations on municipal notes, on the day

count basis selected by the issuer of the securities.

(ii) *Day Count Formula.* Computations of day counts for purposes of this rule shall be made in accordance with the following formula:

$$\text{Number of Days} = (Y2-Y1) 360 + (M2-M1) 30 + (D2-D1)$$

For purposes of this formula the symbols shall be defined as follows:

"M1" is the month of the date of which the computation periods begins;

"D1" is the day of the date on which the computation period begins;

"Y1" is the year of the date on which the computation period begins;

"M2" is the month of the date on which the computation period ends;

"D2" is the day of the date on which the computation period ends; and

"Y2" is the year of the date on which the computation period ends.

For purposes of this formula, if the symbol "D2" has a value of "31," and the symbol "D1" has a value of "30" or "31," the value of the symbol "D2" shall be changed to "30." If the symbol "D1" has a value of "31," and the symbol "D2" has a value other than "31," the value of the symbol "D1" shall be changed to "30." For purposes of this rule time periods shall be computed to include the day specified in the rule for the beginning of the period but not to include the day specified for the end of the period.

(f) *Effectiveness.* The requirements of this rule shall become effective on _____ [six months following the date of Commission approval], except as provided in subparagraphs (C) and (D) of paragraph (b)(i).

[FR Doc. 81-28044 Filed 9-25-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Small Business Loans; Interest Rates

The interest rate on section 7(a) Small Business Administration direct business loans (as amended by Pub. L. 97-35) and the SBA share of immediate participation loans is fifteen and seven-eighths (15 $\frac{7}{8}$) percent for the fiscal quarter beginning October 1, 1981. Direct loans for the handicapped remain at the statutory rate of 3 percent.

On a quarterly basis, the Small Business Administration also publishes an interest rate called the optional "peg" rate (13 CFR 120.3(b)(2)(iii)). This rate is a weighted average cost of money to the government for maturities similar to the average SBA loan. This rate may be used as a base rate for guaranteed fluctuating interest rate SBA loans. For the October-December quarter of 1981,

this rate will be fourteen and three-eighths (14 $\frac{3}{8}$) percent.

Edwin T. Holloway,

Acting Associate Administrator for Financial Assistance.

September 23, 1981.

[FR Doc. 81-28075 Filed 9-25-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 81-077]

Ship Structure Committee; Meeting

AGENCY: Coast Guard, DOT, Ship Structure Committee.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Ship Structure Committee. Notice of this meeting is required under the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I, section 10(a)(2)).

DATE: October 15, 1981, 9:00 a.m. to 1:00 p.m.

ADDRESS: American Bureau of Shipping, 65 Broadway, New York, N.Y., Second Floor Committee Room.

FOR FURTHER INFORMATION CONTACT: LCDR D. B. Anderson, USCG, Secretary, Ship Structure Committee, U.S. Coast Guard Headquarters (G-MMT-4), Washington, D.C. 20593, (202) 426-2197.

SUPPLEMENTARY INFORMATION: The agenda for this meeting is as follows: to review the business and research projects of the Committee. Various ideas and concepts for the research program for FY 1983 will be discussed and developed. Attendance is open to the interested public. With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify LCDR D. B. Anderson, Secretary, Ship Structure Committee not later than the day before the meeting. Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C. on September 23, 1981.

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 81-28074 Filed 9-25-81; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

Intent To Develop Draft and Final Environmental Impact Statements; Clackamas County Reliever Airport Project, Mulino, Ore.

The Federal Aviation Administration intends to develop draft and final environmental impact statements for the acquisition and development of the Mulino Oregon airport by the Port of Portland, Oregon.

Proposed Action and Possible Alternatives

The Proposed action consists of the following Phase I development items to be sponsored by the Port of Portland, Portland, Oregon:

Acquisition of the existing privately owned Mulino Airport, and acquisition of land or acquisition of a navigation easement of adjacent privately owned parcels, for total acquisition of 282.8 acres.

Displacement of 20 households and relocation of affected residents.

Demolition or removal of existing structures.

Construction of new paved runway 3,600 feet long and 100 feet wide, with paved parallel taxiway.

Construction of new airport entrance, automobile parking facilities, terminal area, support facilities area, aircraft parking apron, aircraft tie-down area, aircraft hangar area, and associated facilities.

The airport Master Plan projects that the runway will have to be extended (in the year 1987) to 5400 feet. The impacts associated with both runway lengths and associated development will be discussed although environmental approval is only being sought by the Port of Portland for the above Phase I items.

The result of previous airport site selection studies and the evaluation of alternative airport layout plans at the Mulino airport will be presented.

The "no-build" alternative is considered to be the continued use and growth of the existing privately owned Mulino airport.

Scoping Process

Due to Federal budgetary constraints a formal scoping meeting will not be held. The proposed action was the subject of an environmental assessment report. Persons wishing to review the environmental assessment in order to better understand the proposed action or provide comments regarding environmental concerns may review the assessment report and associated reference documents at the following

locations: The Port of Portland Office, Northwest Region Federal Aviation Administration, Airports Division Office (Seattle), Clackamas County Public Library, Molalla Public Library, Oregon City Public Library, and the Multnomah County Library.

Letters containing environmental concerns must be received by Mr. Mark Beisse, Acting Chief, Airports Planning and Programming Branch, FAA Building, King County International Airport, Seattle, Washington 98108 by October 30, 1981.

Draft EIS Issue: January 1982.

Final EIS Issue: April 1982.

FAA Contact Person

Any questions concerning the proposed project and the EIS should be directed to: Dennis Ossenkop, ANW-614, Environmental Planning Officer, Federal Aviation Administration, FAA Building, Boeing Field, King County International Airport, Seattle, Washington 98108.

Dated: September 16, 1981.

Mark Beisse,

Acting Chief, Planning and Programming Branch, ANW-610.

[FR Doc. 81-27860 Filed 9-23-81; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA); Special Committee 135—Environmental Conditions and Test Procedures for Airborne Equipment; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 135 on Environmental Conditions and Test Procedures for Airborne Equipment to be held on October 20-22, 1981 in RTCA Conference Room 267, 1717 H Street, NW., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of Meeting Held on April 16-17, 1981; (3) Review Comments on International Standards Organization Draft Proposal N-234 on Environmental Tests for Aircraft Equipment—Explosion Proofness; (4) Consideration of Proposed Explosion Test Requirements for Incorporation into RTCA and European Organization for Civil Aviation Electronics (EUROCAE) Documents Concerning Environmental Conditions and Test Procedures for Airborne Equipment; (5) Consideration of Proposed Procedures for Identification

of Environmental Tests for Airborne Equipment; and (6) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1717 H Street, NW., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on September 21, 1981.

Karl F. Bierach,

Designated Officer.

[FR Doc. 81-27861 Filed 9-23-81; 8:45 am]

BILLING CODE 4910-13-M

The Law of Aviation Symposium

AGENCY: Federal Aviation Administration, Office of the Chief Counsel (FAA), DOT.

DATES: December 1-2, 1981.

PLACE: FAA Auditorium, 800 Independence Avenue, SW., Washington, D.C., 3rd Floor.

FOR FURTHER INFORMATION CONTACT: Edward P. Faberman, Assistant Chief Counsel, Federal Aviation Administration, Regulations and Enforcement Division, AGC-200, 800 Independence Avenue SW., Washington, D.C. 20591, (202) 426-3235.

Purpose of Symposium

The Office of the Chief Counsel, FAA, will hold an Aviation Law Symposium on December 1-2, 1981 (9:00 a.m.-4:30 p.m.) in the FAA Auditorium. The purpose of the symposium is to conduct an open exchange with members of the legal community on a broad spectrum of aviation law topics. In addition, the symposium will include a discussion on FAA's organization. The symposium will include a general session as well as smaller sessions on various subjects. Discussions will be by panels of legal experts from the FAA, other government agencies, industry, law firms, trade associations, labor organizations, consumer groups, and Congressional committees. The topics tentatively scheduled for discussion include:

FAA After Sunset; Airport Access and Anti-Trust Considerations Following *Lafayette vs. Louisiana Power and Light Co.*; Airport Access and the Preservation of the Airport System; The Federal Aviation Act of 1958 under Executive Order 12291 Federal and Non-Federal Noise Abatement Responsibilities; Congress and Aviation; Loan Guarantees;

FAA Acquisition Process:

The Freedom of Information Act in the FAA; Wake Turbulence Liability and New Developments in Litigation; Enforcement Practice Before the National Transportation Safety Board and the Courts;

Aircraft Certification—Legal Implications; Air Carrier vs. Air Taxi—Which Way to Go; New Trends in Civil Rights Programs Affecting Recipients of Federal Financial Assistance.

Comments are invited on these topics or on other suggested topics for discussion. In addition, any individual wishing to be a member of any subject panel should contact Edward Faberman at (202) 426-3235. Panel members will not be reimbursed for their expenses in attending the symposium. Comments or suggestions as to panel members should be submitted by October 23, 1981. Please send all written comments to: Aviation Law Symposium, Regulations and Enforcement Division, AGC-200, 800 Independence Avenue SW., Washington, D.C. 20591.

There will be no charge for admission to the symposium. Space, however, is limited. Therefore, in order to assure availability of space, you are requested to reserve admission by submission of a written request to the above address. Space will be reserved based upon date of receipt of requests to attend. We would also appreciate notice as to which sessions you would like to attend.

A final agenda for the symposium will be issued before November 1 and will be mailed to all who have notified the agency that they will attend.

Dated: September 21, 1981.

J. E. Murdock III,
Chief Counsel.

[FR Doc. 81-27862 Filed 9-23-81; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

[FHWA Docket No. 81-7, Notice 2]

Policy on Use of Galvanized Rebars; Solicitation of Comments

AGENCY: Federal Highway Administration, (FHWA), DOT.

ACTION: Extension of comment period.

SUMMARY: This document extends the period for comments on the notice soliciting comments on the FHWA's policy on the use of galvanized rebars in concrete bridge decks published on July 30, 1981, (46 FR 39073). The comment period is being extended upon request from September 28, 1981, until December 4, 1981, in order to provide interested

parties additional time to respond to the notice.

DATE: Comments will be received until December 4, 1981.

ADDRESS: FHWA Docket No. 81-7, Federal Highway Administration, HCC-10, Room 4205, 400 Seventh Street, SW., Washington, D.C. 20590. All comments and suggestions received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m. ET, Monday through Friday. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT:

Mr. Stanley Gordon, Office of Engineering (HNG-30), (202) 426-0426, Mr. Richard E. Hay, Office of Research (HRS-20), (202) 285-2001, or Mr. Stanley Abramson, Office of the Chief Counsel (HCC-10), (202) 426-9761; Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., ET, Monday through Friday.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued on: September 22, 1981.

L. P. Lamm,

Executive Director, Federal Highway Administration.

[FR Doc. 81-27999 Filed 9-25-81; 8:45 am]

BILLING CODE 4910-22-M

VETERANS ADMINISTRATION

Medical Research Service Merit Review Boards; Meetings

The Veterans Administration gives notice pursuant to Pub. L. 92-463 of the

meetings of the following Merit Review Boards.

Merit Review Board	Date	Time	Location
Immunology	Oct. 2, 1981	8 a.m. to 5 p.m.	Room 139, VACO. ¹
Alcoholism and drug dependence	Oct. 6, 1981	do	Room 817, VACO.
Oncology	Oct. 9, 1981	do	Room 139, VACO.
Cardiovascular studies	Oct. 13, 1981	do	Do.
Surgery	Oct. 13, 1981	do	Teakwood Suite, Hilton Hotel. ²
Respiration	Oct. 16, 1981	do	Room 139, VACO.
Basic sciences	Oct. 19, 1981	do	Room 119, VACO.
Do	Oct. 20, 1981	8 a.m. to 1 p.m.	Do.
Behavioral sciences	Oct. 22, 1981	8 a.m. to 5 p.m.	Do.
Do	Oct. 23, 1981	8 a.m. to 1 p.m.	Do.
Endocrinology	Oct. 26, 1981	8 a.m. to 5 p.m.	Room 817, VACO.
Neurobiology	Oct. 29, 1981	do	Do.
Do	Oct. 30, 1981	8 a.m. to 1 p.m.	Do.
Hematology	Nov. 2, 1981	8 a.m. to 5 p.m.	Do.
Nephrology	Nov. 4, 1981	do	Hyatt Regency Hotel. ³
Gastroenterology	Nov. 5, 1981	do	Do.
Infectious diseases	Nov. 5, 1981	do	Do.

¹ Veterans Administration Central Office, 810 Vermont Ave. NW, Wash., DC 20420.

² Hilton Hotel, Mason & O'Farrell Streets, San Francisco, CA 94102.

³ Hyatt Regency Hotel, 151 E. Wacker Drive, Chicago, IL 60601.

These meetings will be for the purpose of evaluating scientific merit of research conducted in each specialty by Veterans Administration investigators working in Veterans Administration hospitals and clinics.

The meetings will be open to the public up to the seating capacity of the rooms at the start of each meeting to discuss the general status of the program. All of the Merit Review Board meetings will be closed to the public

after approximately one-half hour from the start, for the review, discussion and evaluation of initial, and renewal research projects.

The closed portions of the meetings involve: discussion, examination, reference to, and oral review of site visits, staff and consultant critiques of research protocols, and similar documents. During this portion of the meeting, discussion and recommendations will deal with qualifications of personnel conducting the studies, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, as well as research information, the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action regarding such research projects. Closure of these meetings is in accordance with subsection 10(d) of Pub. L. 92-463, as amended by Pub. L. 94-409, and as cited in U.S.C. 552b(c)(6) and (9)(B).

The appearance of this notice in the **Federal Register** at least 15 days prior to the first meeting listed, has been hindered due to delays in administrative processing.

Because of the limited seating capacity of the rooms, those who plan to attend should contact Mr. Howard M. Berman, Chief, Merit Review Board Staff Division, Medical Research Service (151D), Veterans Administration, Washington, DC 20420, (202) 389-5065 at least five days prior to each meeting. Minutes of the meeting and rosters of the members of the Boards may be obtained from this source.

Dated: September 22, 1981.

Robert P. Nimmo,
Administrator.

[FR Doc. 81-28030 Filed 9-25-81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register

Vol. 46, No. 187

Monday, September 28, 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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[M-331, September 21, 1981]

CIVIL AERONAUTICS BOARD

TIME AND DATE: 9:30 a.m., September 28, 1981.

PLACE: Room 1012, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT

1. Upcoming Negotiations with Malaysia and Taiwan.
2. Negotiations with Brazil. (BIA)

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-1403-81 Filed 9-24-81; 3:47 pm]

BILLING CODE 6320-01-M

2

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10 a.m., Wednesday, September 30, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., fifth floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Speculative Limits in Futures and Options.

CONTACT PERSON FOR MORE

INFORMATION: Jane Stuckey, 254-6314.

[S-1402-81 Filed 9-24-81; 3:26 pm]

BILLING CODE 6351-01-M

3

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: S-1440-81
PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m. (eastern time), Friday, September 25, 1981.

CHANGES IN THE MEETING: The following item is added to the agenda:

Freedom of Information Act Appeal No. 81-7-FOIA-197, concerning a request for copies of the SF 171's of certain Commission employees.

A majority of the entire membership of the Commission determined by recorded vote that the business of the Commission required this change and that no earlier announcement was possible. The vote was as follows:

In favor of change:

J. Clay Smith, Acting Chairman
Daniel E. Leach, Vice Chairman
Armando M. Rodriguez, Commissioner

Opposed:

None

CONTACT PERSON FOR MORE

INFORMATION: Treva I. McCall, Executive Officer, Executive Secretariat at (202) 634-6748.

This notice issued: September 23, 1981.

[S-1460-81 Filed 9-24-81; 1:08 pm]

BILLING CODE 46570-06-M

4

FEDERAL ELECTION COMMISSION

[FR No. 1447]

PREVIOUSLY ANNOUNCED DATE AND TIME: Tuesday, September 29, 1981 at 10 a.m.

CHANGE IN MEETING: The following item has been added to the Agenda: FY '82 Management Plan.

PERSON TO CONTACT FOR INFORMATION:

Mr. Fred Eiland, Public Information Officer; Telephone: 202-523-4065.

Marjorie W. Emmons,

Secretary of the Commission.

[S-1457-81 Filed 9-24-81; 10:07 am]

BILLING CODE 6715-01-M

5

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:
PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m. Wednesday September 30, 1981.

PLACE: 1700 G Street, N.W., board room, sixth floor.

STATUS: Open meeting.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The following item has been added to the open portion of the Bank Board meeting scheduled for Thursday, September 30, 1981.

Consumer Leasing

No. 541, September 24, 1981.

[S-1459-81 Filed 9-24-81; 1:01 pm]

BILLING CODE 6720-01-M

6

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

MEETING: Cultural Minorities Task Force.

DATES AND TIMES:

Thursday, October 15, 1981, 9 a.m.-5:30 p.m.

Friday, October 16, 1981 8:30 a.m.-5:30 p.m.

PLACE: Holiday Inn, Capitol, 550 C Street, S.W., Washington, D.C. 20024.

STATUS: Open.

MATTERS TO BE DISCUSSED: Writing of Final Report.

September 21, 1981.

Ruby O Woods Robinson,

Research Associate.

[S. 1458-81 Filed 9-24-81; 11:45 am]

7

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of September 28, 1981, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Wednesday, September 30, 1981, at 2:30 p.m. and on Thursday, October 1, 1981, following a 10:30 a.m. open meeting.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. 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 meetings 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).

Commissioners Loomis, Evans, Thomas and Longstreth voted to consider the items listed for the closed meetings in closed session.

The subject matter of the closed meeting scheduled for Wednesday, September 30, 1981, at 2:30 p.m., will be:

Formal order of investigation.

Settlement of administrative proceedings of an enforcement nature.

Litigation matter.

Institution of administrative proceeding of an enforcement nature.

Institution and settlement of administrative proceeding of an enforcement nature.

Institution of injunctive actions.

Regulatory matter regarding financial institution.

The subject matter of the closed meeting scheduled for Thursday, October 1, 1981, following the 10:30 a.m. open meeting, will be:

Opinion.

Regulatory matter regarding financial institution.

The subject matter of the open meeting scheduled for Thursday, October 1, 1981, at 10:30 a.m. will be:

1. Consideration of whether to issue three releases concerning the designation of National Market System ("NMS") securities. The first release would publish for comment proposed amendments to Rule 11Aa2-1 under the Securities Exchange Act of 1934 (1) which the National Association of Securities Dealers, Inc. ("NASD") has petitioned the Commission to adopt, which, among other things, would increase the number of securities eligible for NMS designation; and (ii) which would clarify the eligibility of American Depositary Receipts to be designated as NMS securities. The second release would publish for comment the NASD's "National Market System Securities Designation Plan with Respect to NASDAQ Securities" ("Plan"), and the third release would delegate to the Director of the Division of Market Regulation the authority to approve that Plan and to publish and approve amendments to the Plan. For further information, please contact Michael J. Simon at (202) 272-2889.

2. Consideration of whether to approve the selection of Robert P. Beshar and Mary Des Roches as public members of the Municipal Securities Rulemaking Board. For further information, please contact Susan J. Walters at (202) 272-2825.

3. Consideration of: (1) whether to announce the addition of two types of proposals that appear not to require staff review to the previously announced list of proposals that will not trigger review of

preliminary proxy soliciting materials filed by registered investment companies, and (b) whether to announce new stand-by procedures for the selective review of both preliminary proxy soliciting materials and certain post-effective amendments filed by registered investment companies. For further information, please contact Kathleen A. Jackson at (202) 272-2115.

4. Consideration of an application requesting that The Westcap Corporation and its subsidiary companies be relieved from disqualifications arising from a 1976 administrative proceeding instituted by the Commission which, among other things, restricted the activities of Hibbard, O'Connor & Weeks, Inc. (now known as the Westcap Corporation) and its subsidiary companies, to municipal and U.S. government issued or guaranteed securities sold to or purchased from dealers and institutional customers. For further information, please contact Robert E. Anderson at (202) 272-2916.

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: Paul Lowenstein at (202) 272-2092.

September 22, 1981.

[S-1401-81 Filed 9-24-81; 3:22 pm]

BILLING CODE 8010-01-M

federal register

**Monday
September 28, 1981**

Part II

Department of the Interior

**Office of Surface Mining Reclamation and
Enforcement**

**Prime Farmland: Interim Regulatory
Program**

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 716

Prime Farmland: Interim Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Confirmation of effective date and amendments to final rule.

SUMMARY: The Department is making effective and amending certain rules implementing the initial program of the Surface Mining Control and Reclamation Act, the effective dates of which were postponed in Federal Register notices of February 4, 1981 (46 FR 10707), March 23, 1981 (46 FR 18023), April 3, 1981 (46 FR 20211), April 29, 1981 (46 FR 23924), June 15, 1981 (46 FR 31258), and August 14, 1981 (46 FR 41046). These rules relate to the definition and identification of prime farmland.

Two of these changes to the interim program regulations resulted from U.S. District Court decisions while four other changes were made so that the interim and permanent program regulations would coincide to provide for a smooth transition upon adoption of State programs.

EFFECTIVE DATE: September 28, 1981.

FOR FURTHER INFORMATION CONTACT: Donald F. Smith, Agricultural Engineer, Office of Surface Mining, Department of the Interior, 1951 Constitution Avenue, NW, Washington, D.C. 20240. Telephone (202) 343-5954.

SUPPLEMENTARY INFORMATION:**Background**

On December 13, 1977 (42 FR 62639-62716), the Office promulgated final initial regulations (30 CFR Chapter VII) as required by section 501(a) of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. Section 1251(a), (SMCRA or the Act). Section 716.7 of the initial regulations pertains to surface coal mining operations conducted on prime farmland, (42 FR 62693-95 (1977)).

Six changes to § 716.7 were proposed at 44 FR 33628 (July 11, 1979) and published in final form at 46 FR 7208 (January 22, 1981). Two of these changes to the interim program regulations resulted from U.S. District Court decisions while four other changes were made so that the interim and permanent program regulations would coincide to provide for a smooth transition upon adoption of State programs. These six changes are discussed in detail at 44 FR

33628 (July 11, 1979) and 46 FR 7208 (January 22, 1981). In brief, these changes include: (1) defining "historically used for cropland" as 5 out of 10 years; (2) measuring the historical use period from the date of acquisition of the land for mining purposes; (3) providing for the regulatory authority to have flexibility to classify as prime farmlands those lands important to the State or local economy; (4) providing for the regulatory authority to have flexibility to classify as prime farmland those lands taken out of cropland use for more than 5 years in 10 due to ownership circumstances which do not relate to the capability of the land to produce crops; (5) substitution of the term "cropland" for "cultivated crops"; and (6) implementing the grandfather clause of the Act (Section 510(d)(2)). This notice discusses the first five rule changes described above. The sixth rule change (the grandfather clause) has been combined with other grandfather issues discussed in Federal Register being published Sept. 29, 1981.

The statutory basis, legislative history and rulemaking history of the first five regulation changes described above appeared in the Notice of Proposed Rules (44 FR 33626-29, July 11, 1979) and Notice of Final Rule (46 FR 7208-12, January 22, 1981). That material will not be repeated here but is incorporated and made a part hereof unless otherwise stated in the notice.

Analysis of Comments

Numerous comments were received on the issues of whether to modify, issue or suspend indefinitely the regulations published in January, 1981. Most of these comments related to implementation of the grandfather clause in the Surface Mining Act and are discussed in a separate Federal Register notice. OSM received only one comment on the prime farmland definitions. This commenter referenced comments and testimony presented to OSM during earlier rulemakings on 30 CFR 716.7 in which the commenter objected to the definition of prime farmland as not consistent with the definition set forth in the legislative history at 123 Cong. Rec. S8109 (daily ed. May 20, 1977). OSM has reviewed its previous response to this comment (see 42 FR 62661, December 13, 1977, second and third columns) and finds that no changes in the definition are necessary.

Accordingly, the prime farmland identification and definition regulations published on January 22, 1981, will be made effective without further change except for § 716.7(a)(2) which will be addressed in a separate document published on September 29, 1981. For the

convenience of the public, the following table shows the current status of all subsections of 30 CFR 716.7:

Subsection of § 716.7	Where to find the final regulation
(a)(1)	The "historical use" rulemaking published today.
(a)(2)	The "grandfather clause" rulemaking published Sept. 29, 1981.
(b)(1), (2) and (3)	The "historical use" rulemaking published today.
(c)	42 FR 62694, December 13, 1977, codified at 30 CFR 716.7(c).
(d)(1)	The "historical use" rulemaking published today.
remainder of (d), (e), (f), and (g)	42 FR 62694, December 13, 1977, codified at 30 CFR 716.7 (d), (e), (f), and (g).

Statements Under E.O. 12291 and NEPA

This final rule is exempt from section 102(2)(c) of the National Environmental Policy Act under section 501(a) of the Surface Mining Act.

OSM has determined that this rule is not a major rule under Executive Order 12291 and a regulatory impact analysis will not be prepared.

Regulatory Flexibility Act

Pub. L. 96-354 requires that the head of an agency must make a certification of effect on small entities and publish the certification and reasons therefore in the appropriate Federal Register document. Following is the required certification.

I certify that making this rule effective will not have a significant economic impact on a substantial number of small entities. Based on OSM's experience with the Small Operator's Assistance Program (SOAP), OSM estimates that there are 2,000 to 3,000 small operators in the coal mining industry of the United States.

Precise data on the number of small operators that disturb prime farmland are not available. However, OSM estimates that less than 100 small operators disturb prime farmland in those States having the highest percentage of such land (Illinois, Indiana, Iowa, Missouri and Ohio). Because the number of small operators is low and the number of strippable prime farmland acres is low, OSM has determined that these regulations will have a limited impact on small entities.

Dated: September 22, 1981.

Daniel N. Miller, Jr.,

Assistant Secretary, Energy and Minerals.

Drafting Information

The principal author of these rules and the accompanying preamble is Donald F. Smith, Office of Surface

Mining, Department of the Interior, 1951
Constitution Avenue, NW., Washington,
D.C. 20240, phone (202) 343-5954.

Final Regulations

PART 716—SPECIAL PERFORMANCE STANDARDS

The following regulations in Chapter
VII of Title 30 of the Code of Federal
Regulations are amended as follows:

§ 716.7 (Amended)

1. 30 CFR 716.7(a)(1) as published on
January 22, 1981, is confirmed and (a)(2)
is removed and reserved.

2. 30 CFR 716.7 (b)(1) through (b)(3) as
published on January 22, 1981, is
confirmed.

3. 30 CFR 716.7(d)(1) is removed in its
entirety and new § 716.7(d)(1) is added
as follows:

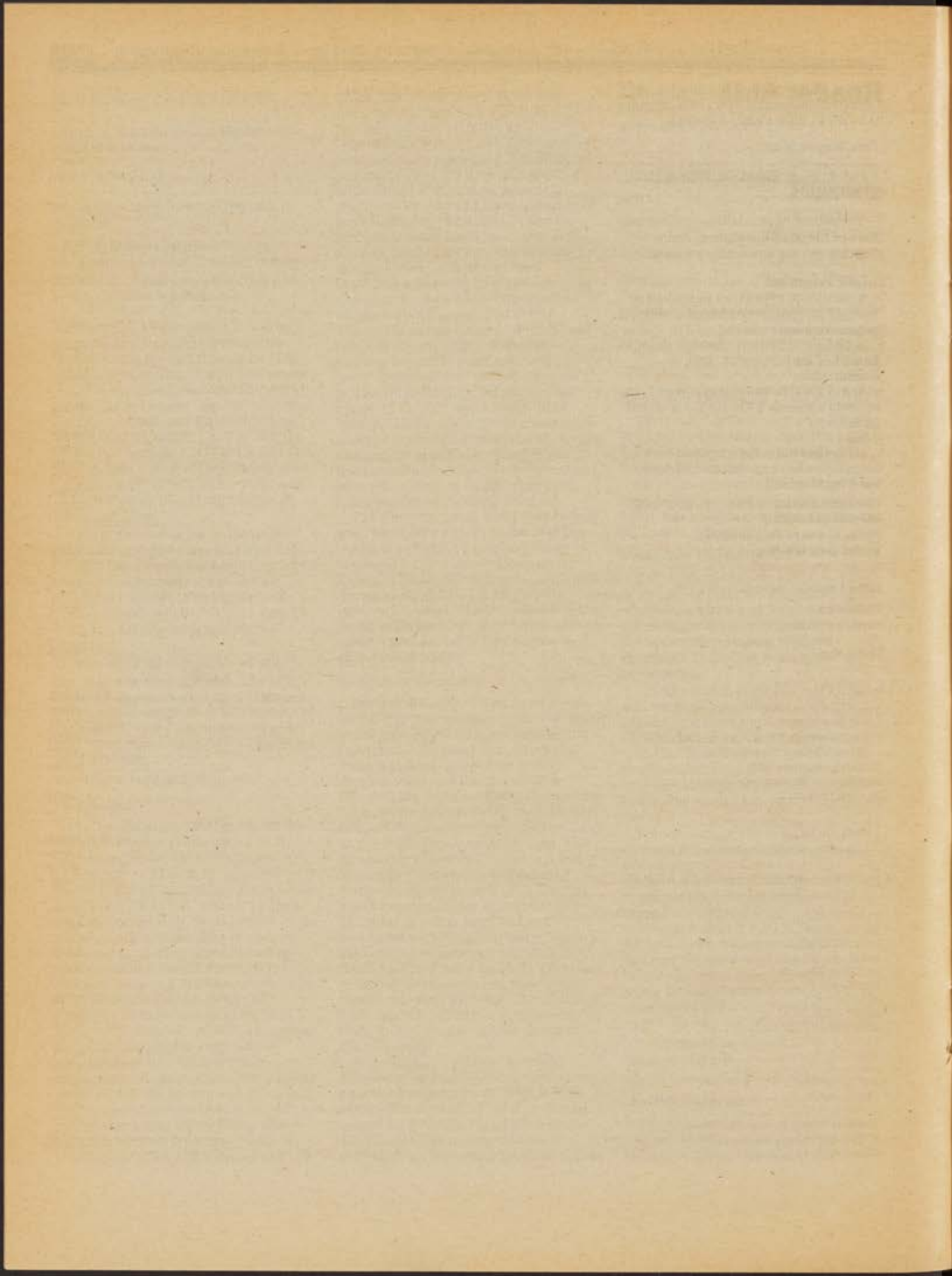
(d) * * *.

(1) lands within the proposed permit
boundaries have not been historically
used for cropland.

(Secs. 201, 501, 527 and 529, P.L. 95-87 Stat.
445 {30 U.S.C. 1201})

[FR Doc. 81-28045 Filed 9-25-81; 8:45 am]

BILLING CODE 4310-05-M



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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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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.

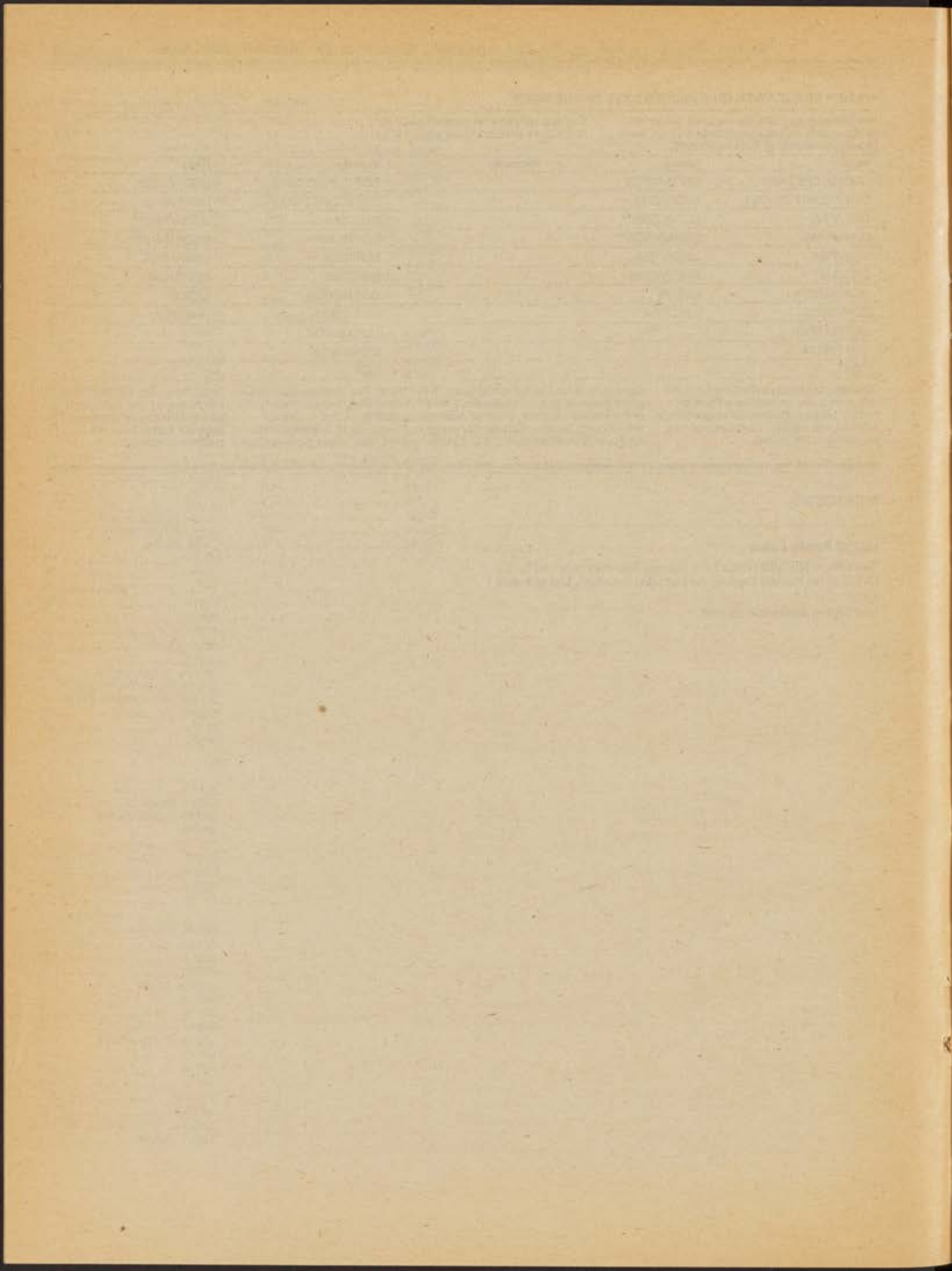
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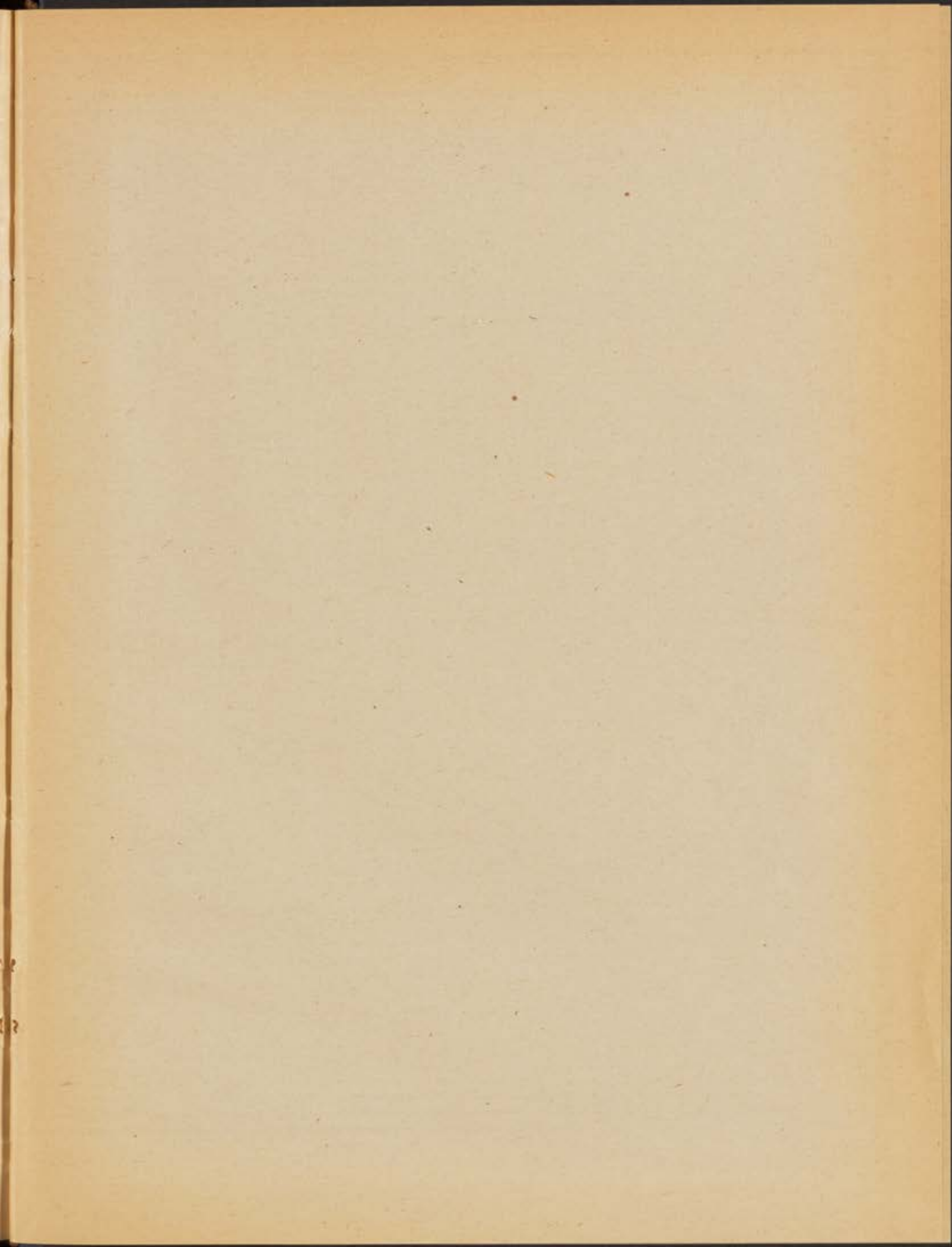
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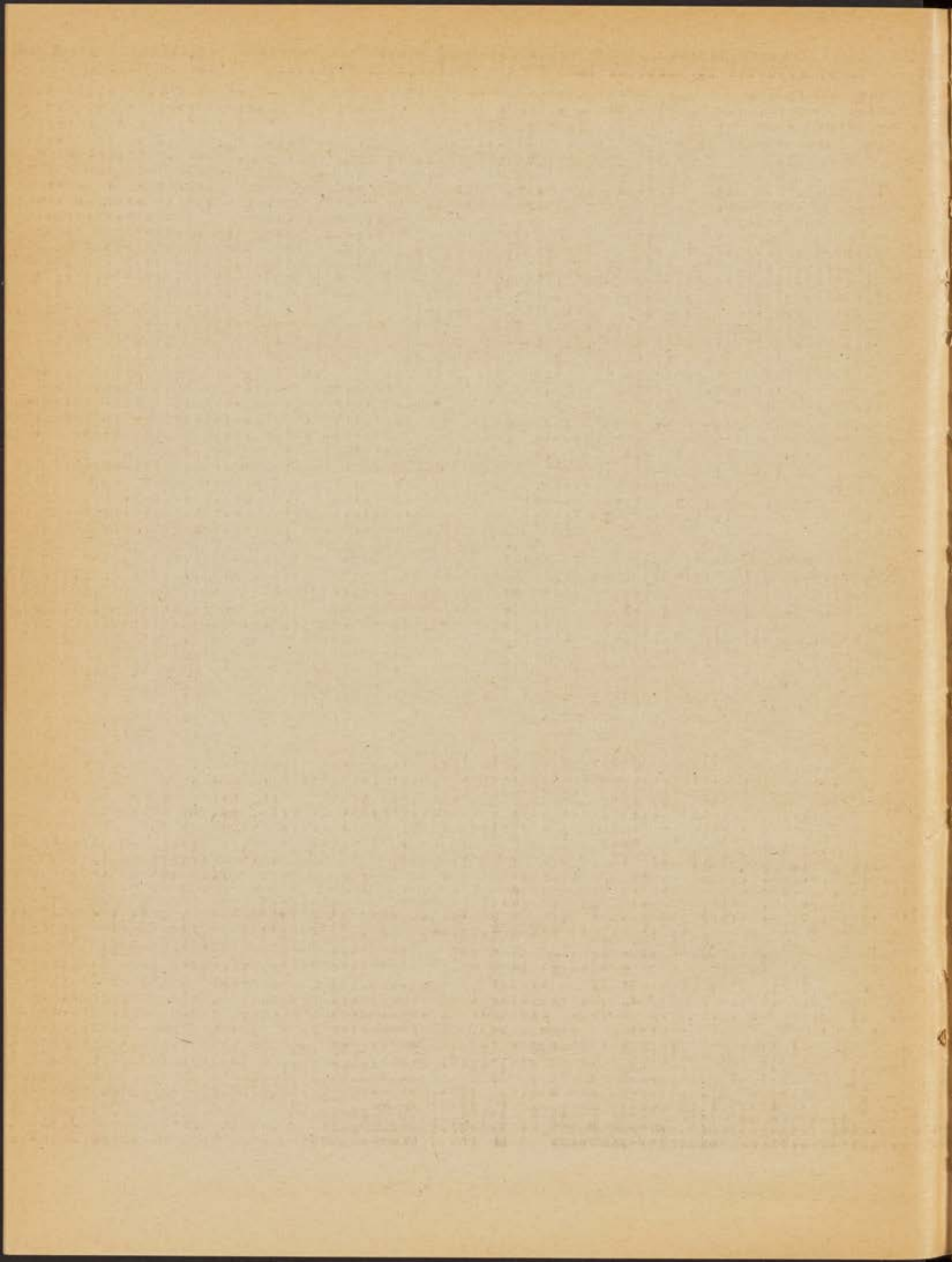
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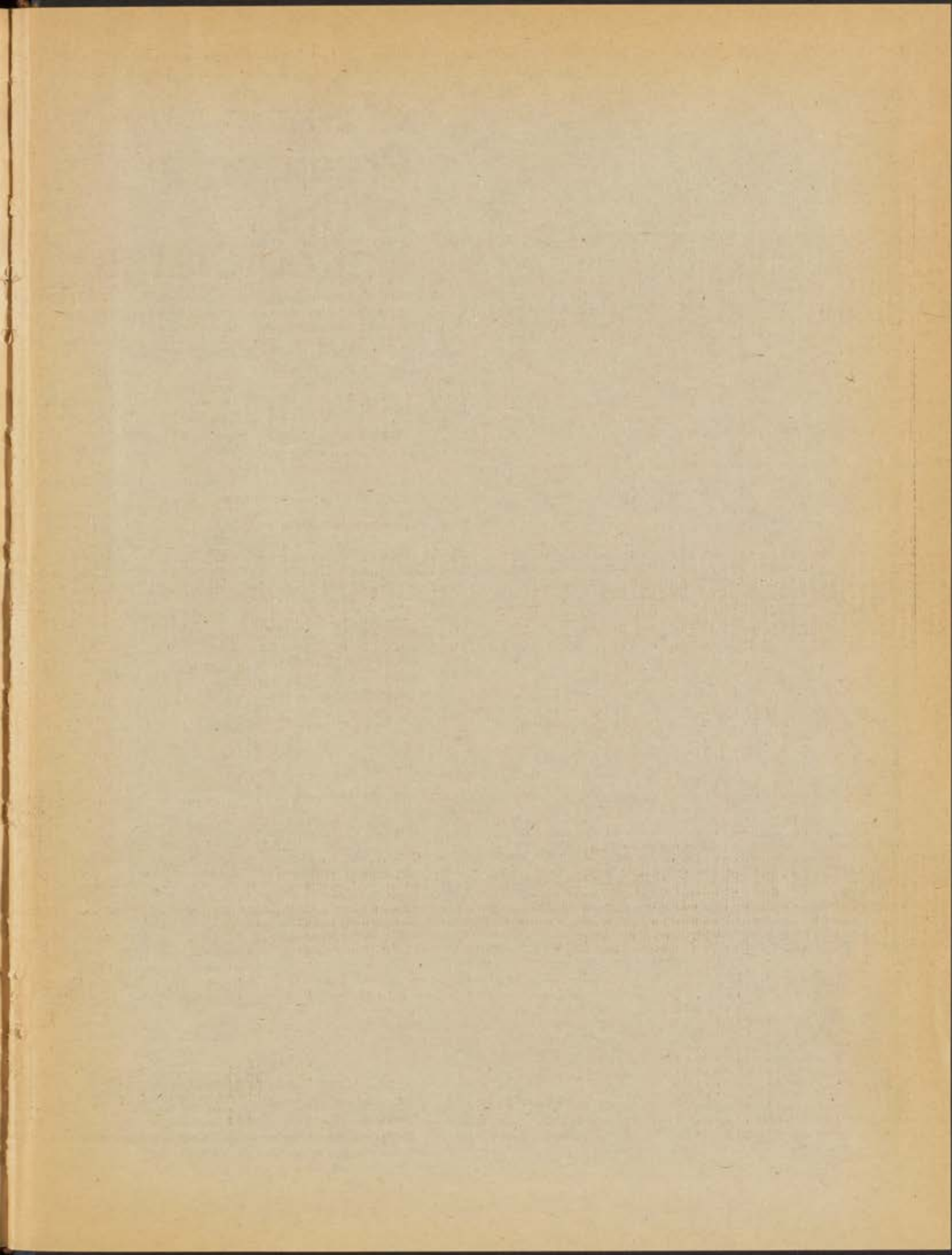
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