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Thursday
March 19, 1981

Highlights

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17535 **National Farm Safety Week, 1981** Presidential proclamation

17682 **Grant Programs—Juvenile Delinquency** Justice/OJARS postpones date for submission of applications for Planning and Coordination Grants to Develop and Support Model Comprehensive Programs for High Risk Youth

17683 **Metric System** MB announces availability of the third and final draft of the American National Metric Council Instrument Sector Conversion Plan; comments by 6-15-81

17547, 17566 **Taxes** IRS issues temporary rule and proposes rule concerning submission of certain withholding certificates, comments by 5-18-81 (2 documents)

17682 **Research** Justice/NIJ solicits preliminary proposals for Research on Efficient Use of Police Resources

17574 **International Trade** USDA/FAS issues notice informing public of procedures for obtaining information concerning proposed foreign standards affecting international trade in agricultural commodities; effective 3-19-81

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

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

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Presidential Documents

Title 3—

The President

Proclamation 4825 of March 16, 1981

National Farm Safety Week, 1981

By the President of the United States of America

A Proclamation

American farmers and ranchers are at the core of our Nation's economy, providing food not only for our own people, but for millions of others around the world.

Yet we must not take the miracle of American agricultural abundance for granted. An unacceptable number of farm accidents cripples people and threatens production. Last year, nearly 400,000 farmers and ranchers were injured or killed in accidents at work, at home, during recreation, or on roads.

Powerful equipment, chemicals and variable working conditions are potential agricultural hazards, but safe work practices, protective equipment and other measures can minimize the risks. Special vigilance by the agricultural community is also necessary to reduce the toll of off-the-job injuries.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate the week of July 25 through July 31, 1981, as National Farm Safety Week. I urge all persons engaged in farming and ranching and all persons and organizations allied with agriculture to redouble their personal and group efforts for farm, home, recreation and highway safety.

IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of March, in the year of our Lord nineteen hundred and eighty-one, and of the Independence of the United States of America the two hundred and fifth.

Ronald Reagan

[FR Doc. 81-8692
Filed 3-17-81; 4:36 pm]
Billing code 3195-01-M

Rules and Regulations

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 514]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period March 20–26, 1981. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: March 20, 1981.

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

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant", and is not a major rule. This regulation is issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81. The marketing policy was recommended by the committee following discussion at a public meeting on October 14, 1980. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on March 17, 1981 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navels deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges is improved.

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

1. Section 907.814 is added as follows:

§ 907.814 Navel Orange Regulation 514.

The quantities of navel oranges grown in Arizona and California which may be handled during the period March 20, 1981, through March 26, 1981, are established as follows:

(1) District 1: 1,547,000 cartons;
(2) District 2: 153,000 cartons;
(3) District 3: Unlimited cartons;
(4) District 4: Unlimited cartons.

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

D. S. Kuryloski,

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

[FR Doc. 81-8737 Filed 3-18-81; 11:35 am]

BILLING CODE 3410-02-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Real Estate Lending—Deregulation

AGENCY: National Credit Union Administration (NCUA).

ACTION: Final rule.

SUMMARY: In accordance with the ongoing program of updating, clarifying, and simplifying existing regulations, the National Credit Union Administration Board (NCUA Board) has promulgated this final rule which will reduce the regulatory burden on Federal credit unions. This rule (1) eliminates the current requirement that Federal credit unions with assets of less than $2,000,000 obtain the prior written consent of the Administration before granting long-term real estate loans and (2) eliminate the current limitation on the amount of loan origination fees a Federal credit union can assess when granting long-term real estate loans. (A long-term real estate loan is a real estate loan which has a maturity in excess of 12 years (12 CFR 701.21–6(b)).)

EFFECTIVE DATE: March 12, 1981.

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

FOR FURTHER INFORMATION CONTACT: Thomas C. Buckman, Office of Examination and Insurance. Telephone (202) 357–1065.

SUPPLEMENTARY INFORMATION: On November 28, 1980, the NCUA Board invited public comment on a proposal to deregulate § 701.21–6 of the National Credit Union Administration Rules and Regulations. (45 FR 79079 (1980).) The NCUA Board received 24 comments on the proposed rule. All of the comments with one exception favored the general deregulation of the rule.

I. $2,000,000 Asset Limitation

All of the commentors with one exception supported the change which would permit Federal credit unions with assets under $2,000,000 to grant long-term real estate loans without the prior written approval of the NCUA Board. Thus, the prohibition against small credit unions granting long-term real estate loans has been lifted.

The comments were divided, however, as to whether Federal credit unions under $2,000,000 should be required to obtain commitments from investors before originating long-term real estate loans or whether they should simply have a means of selling such loans. Approximately two-thirds of the commentors recommended that neither alternative be included in the final rule because, specifically, the requirement was confusing and generally, both requirements conflict with the goal to deregulate. They pointed out that NCUA would be replacing one restriction with another.

The commentors supporting the removal of restrictions on small credit unions believe that all Federal credit unions, not just small ones, face the same dangers of possibly impairing their liquidity by the practice of originating mortgage loans without commitments. They suggested that the objective circumstances of an individual Federal credit union, rather than its size, should determine whether mortgage loans should be originated for sale or the Federal credit union's portfolio. They also suggested if problems are noted after complete deregulation that NCUA could always regulate the area at that time. Other commentors expressed confusion over what actually constitutes a "commitment or a means of selling such loans."

Commentors supporting the commitment requirement believe that the requirement will help to prevent both liquidity impairments and situations where only a few members receive real estate loans while other members are deprived of such loans due to the lack of funds.

Other commentors recommended that in lieu of the commitment requirement that NCUA provide general guidance to small credit unions desiring to grant real estate loans.

After giving careful consideration to all of the comments, the NCUA Board has decided to remove the proposed commitment requirement from the final rule. However, NCUA will monitor this area through its normal supervisory examinations. If problems are noted in this area, rulemaking will be considered at a later date.

The NCUA Board, while not requiring small credit unions to obtain commitments prior to originating long-term real estate loans, believes that small Federal credit unions, in fact all Federal credit unions, can greatly reduce their exposure to liquidity risks by obtaining commitments from investors prior to originating long-term real estate loans. The NCUA Board would also forewarn Federal credit unions against allocating loanable real estate funds primarily to officials and employees. Such a practice would be inconsistent with the traditional cooperative concepts and in general would be in violation of the NCUA Rules and Regulations.

Further guidance in the granting of long-term real estate loans may be found in the following:

1. Section 701.21–6 of the NCUA Rules and Regulations (12 CFR 701.21–6);

2. Chapter 4 of the Credit Manual for Federal Credit Unions (NCUA publication 8024);

3. The Accounting Guidelines for Real Estate Lending (NCUA publication 8504); and

4. Sections 226.4, 226.5, and 226.8, of Regulation Z (12 CFR 226).

These sources provide guidance to Federal credit unions regarding compliance with regulations and provide helpful practices for success in granting long-term real estate loans.

II. Loan Origination Fees

All of the commentors supported the proposed removal of the limits on loan origination fees. The commentors concurred with NCUA Board's belief that removing of the limits will make additional mortgage funds available to credit union members in addition to allowing Federal credit unions to recover the cost of originating and marketing mortgage loans. Thus, the regulatory restrictions pertaining to the maximum amount loan origination fees have been removed as proposed.

Procedure for Regulatory Development

NCUA's Final Report: Improving Government Regulations, has not been completely complied with for the following reasons. A formal preliminary review memorandum was unnecessary because the NCUA Board provided specific instructions to the staff on the drafting of the proposed regulation. In addition, a regulatory analysis was not necessary because the regulation will not result in an annual effect on the economy of $100 million or more nor will it result in a major increase in costs or expenses for all, or a significant portion of, Federal credit unions with assets under $1 million or for other financial institutions. Because of the discrepancy between the permitted loan origination fees and the cost of loan origination, the NCUA Board believes that prompt action is necessary and therefore provided for a comment period of less than 60 days on the proposed rule. For this reason, and because this rule relieves restrictions, the NCUA Board has determined not to provide a delayed effective date.

Rosemary Brady,

Secretary, NCUA Board.

March 12, 1981.

§ 701.21–6 [Amended]

12 CFR Part 701.21–6 is amended as follows:

a. The introductory text of 12 CFR 701.21–6(b) is revised to read as follows:

* * * * *

(b) Federal credit unions may originate loans secured by first liens on residential real property, with maturities in excess of 12 years and not exceeding 30 years within the limitations of written policies adopted by the board of directors provided: * * *."

* * * * *

b. 12 CFR 701.21–6(c)(5) is removed and reserved.

(12 U.S.C. 1757, 1766, 1789)

[FR Doc. 81–8373 Filed 3–18–81; 8:45 am]

BILLING CODE 7535–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 21510; Amdt. 39–4070]

Airbus Industrie Model A300 Series Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires repetitive inspections, and repair or replacement as necessary, of the forward cargo compartment decompression panels on Airbus Industrie Model A300 series airplanes. The AD is needed to prevent loss of fire protection due to separation of, or damage to, blowout panels in the ceiling and sidewalls of the forward cargo compartment, which could result in a degradation of fire extinguishing capability in the aircraft.

DATES: Effective April 2, 1981. Compliance schedule—as prescribed in body of the AD.

ADDRESSES: The applicable service bulletins may be obtained from: Airbus Industrie, Airbus Support Division, BP 33, 31700 Blagnac, France.

A copy of each service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The FAA has determined that the decompression panels in the forward cargo compartment of the Airbus Industrie Model A300 series airplanes can be damaged, or the attachment of the panel may loosen, so that sealing of the compartment is lost. This loss of sealing could result in dilution of fire extinguishant below an effective concentration in case of a fire in the compartment. Since this condition is likely to exist or develop on other airplanes of the same type design, an airworthiness directive is being issued which requires repetitive inspections of the condition and attachment of the decompression panels and repair or replacement as necessary until modified panels are installed, on Airbus Industrie Model A300 series airplanes.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

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

Airbus Industrie: Applies to Model A300 series airplanes, certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To prevent loss of fire protection due to separation of, or damage to blowout panels in the ceiling and sidewalls of the forward cargo compartment, which could result in a degradation of the fire extinguishing capability in the aircraft, accomplish the following:

(a) On airplanes which have not accomplished the modification required by Airbus Industrie Service Bulletin Nos. A300-25-149, Revision 3, dated December 26, 1979, and A300-25-248, dated December 11, 1978, before the first flight each day, inspect the forward cargo compartment decompression panels for condition and attachment in the panel cut-outs, in accordance with the instructions in paragraph 2.A, "INSPECTION OF DECOMPRESSION PANELS IN FWD, AFT AND BULK CARGO COMPARTMENT," of Airbus Industrie Service Bulletin No. A300-25-138, Revision 4, dated December 26, 1979, or an FAA-approved equivalent.

(b) On airplanes which have accomplished the modification required by Airbus Industrie Service Bulletin Nos. A300-25-149, Revision 3, dated December 26, 1979, and A300-25-248, dated December 11, 1978, within the next 600 hours time in service after the effective date of this AD, and thereafter at intervals not to exceed 600 hours time in service from the last inspection, inspect the forward cargo compartment decompression panels in accordance with the instructions in paragraph 2.A. of Airbus Industrie Service Bulletin No. A300-25-138, Revision 4, dated December 26, 1979, or an FAA-approved equivalent.

(c) If, during the inspections required by paragraphs (a) and (b) of this AD, damage to, or separation of decompression panels is found, within the next 25 hours time in service, unless already accomplished, replace damaged panels and re-attach separated decompression panels in accordance with instructions in paragraph 2.C. of Airbus Industrie Service Bulletin No. A300-25-138, Revision 4, dated December 26, 1979, or an FAA-approved equivalent.

(d) Upon accomplishment of the modification required by Airbus Industrie Service Bulletin Nos. A300-25-149, Revision 3, dated December 26, 1979, and A300-25-248, dated December 11, 1978, the daily inspections required by paragraph (a) of this AD are no longer required.

(e) If an equivalent means of compliance is used in complying with paragraphs (a), (b) or (c) of this AD, that equivalent means must be approved by the Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium.

This amendment becomes effective April 2, 1981.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Airbus Industrie, Airbus Support Division, BP 33, 31700 Blagnac, France. These documents may be examined at FAA Headquarters, Room 916, 800 Independence Avenue SW., Washington, DC 20591.

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

Note.—The FAA has determined that this regulation is an emergency regulation under the President's memorandum of January 29, 1981, and 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 deterimed to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT".

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

Issued in Washington, D.C., on March 10, 1981.

M. C. Beard,

Director of Airworthiness.

The incorporation by reference provision in this document was approved by the Director of the Federal Register on June 19, 1967.

[FR Doc. 81-8052 Filed 3-18-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 21512; Amdt. 39-4068]

Government Aircraft Factories Nomad Model N22B and N24A Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires modifications to all movable horizontal stabilizer and geared trailing edge trim tabs on certain Government Aircraft Factories of Australia Model N22B and N24A airplanes. This AD is needed to prevent loss of structural stiffness of the horizontal stabilizer and trim tabs which could result in tail flutter and subsequent loss of airplane control.

DATES: Effective April 2, 1981. Compliance schedule—as prescribed in the body of the AD.

ADDRESSES: The manufacturer's applicable service bulletins may be obtained from Government Aircraft Factories, 226 Lorimer Street, Port Melbourne 3207 Vic., Australia. These documents may also be examined at the Federal Aviation Administration, Pacific-Asia Region, Engineering and Manufacturing District Office, 300 Ala Moana Blvd., Room 7321, Honolulu,

Hawaii 96850, or Rules Docket Room 916, 800 Independence Avenue SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Gary K. Nakagawa, Chief, Engineering and Manufacturing District Office, APC-210, Federal Aviation Administration, Pacific-Asia Region, P.O. Box 50109, Honolulu, Hawaii 96850, Telephone: (808) 546-8650 or 546-8658, or C. Chapman, Acting Chief, Technical Standards Branch, AWS-110, FAA, 800 Independence Avenue SW., Washington, DC 20591, Telephone: (202) 426-8192.

SUPPLEMENTARY INFORMATION: The FAA recently learned of structural discrepancies on a Government Aircraft Factories (GAF) Nomad Model N24A airplane that had accumulated less than 1,000 hours total flight time. During the investigation, the FAA raised questions with respect to the structural rigidity of the empennage structure of GAF Nomad Model N22B and N24A series airplanes. It has subsequently been determined that without prescribed structural modification, a reduction of stiffness of the horizontal stabilizer will occur. Since loss of structural stiffness could result in hazardous tail flutter and subsequent loss of airplane control, an AD is being issued which requires modifications to all movable horizontal stabilizer and geared trailing edge trim tabs on certain Government Aircraft Factories of Australia Nomad Model N22B and N24A airplanes. The modification requires installation of additional mass balance weights, improved riveting, access panels, structural reinforcements, high strength steel trim tab control brackets, self-aligning control rod ends and longer control rods, and horizontal stabilizer pivot bracket attachments.

Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued which requires modification of the horizontal stabilizer and trailing edge trim tabs on certain Government Aircraft Factories of Australia Nomad Model N22B and N24A series airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure thereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

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

Government Aircraft Factories (GAF): Applies to Nomad Model N22B (Serial Nos. N22B-5 and up) and N24A (Serial Nos. N24A-42 and up) airplanes, certificated in all categories.

Compliance required within the next 25 hours time in service after the effective date of this AD, unless already accomplished.

To prevent loss of structural rigidity which could result in hazardous tail flutter and subsequent loss of airplane control, accomplish the following:

(a) Modify the horizontal stabilizer to incorporate mass balance weights, improved riveting, addition of access panels, and structural reinforcements to the horizontal stabilizer in accordance with Part 2, "ACCOMPLISHMENT INSTRUCTIONS," of Government Aircraft Factories Nomad Service Bulletin NMD-55-10, Revision 1, dated May 2, 1980, or an FAA-approved equivalent. All AGS pop rivets removed as a result of this modification, must be replaced with MS20426AD rivets.

(b) Install high strength steel trim tab control brackets, self-aligning control rod ends, and longer control rods in accordance with Part 2, "Accomplishment Instructions," of Government Aircraft Factories Nomad Service Bulletin NMD-55-8, Revision 3, dated September 1, 1980, or an FAA-approved equivalent.

(c) Modify the horizontal stabilizer pivot bracket attachments in accordance with Part 2, "ACCOMPLISHMENT INSTRUCTIONS," of Government Aircraft Factories Nomad Alert Service Bulletin ANMD-55-13, Revision 1, dated August 22, 1980, or an FAA-approved equivalent.

(d) In accordance with FAR §§ 21.197 and 21.199 the airplane may be flown to a location where these modifications can be accomplished.

(e) If an equivalent means of compliance is used in complying with paragraphs (a) through (c) of this AD, that equivalent means must be approved by the Chief, Engineering and Manufacturing District Office, FAA, Pacific-Asia Region, Honolulu, Hawaii.

This amendment becomes effective April 2, 1981.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Government Aircraft Factories, 226 Lorimer Street, Port Melbourne 3207 Vic., Australia. These documents may be examined at FAA, Pacific-Asia Region, Engineering and Manufacturing District Office, 300 Ala Moana Blvd., Room 7321, Honolulu, Hawaii, and at FAA Headquarters, Room 916, 800 Independence Avenue, SW., Washington, DC.

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

Note.—The FAA has determined that this regulation is an emergency regulation under the President's memorandum of January 29, 1981, and 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 above under the caption "FOR FURTHER IMFORMATION CONTACT".

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

Issued in Washington, DC, on March 10, 1981.

M C. Beard,

Director of Airworthiness.

The incorporation by reference provision in this document was approved by the Director of the Federal Register on June 19, 1967.

[FR Doc. 81-8054 Filed 3-18-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 21511; Amdt. 39-4069]

Partenavia Costruzioni Aeronautiche S.p.A., Model P68 and P68B Series Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires an inspection of the ball joint end of the propeller pitch control system for excessive play at the propeller governor, readjustment of the system as necessary, and repetitive inspections until the ball joint end is replaced with a new part number ball joint end on certain Partenavia Model P68 and P68B series airplanes. This AD is necessary to preclude improper settings of the propeller governor and prevent a

dangerous propeller overspeed condition during any regime of airplane operation.

DATES: Effective April 2, 1981. Compliance schedule—as prescribed in body of AD.

ADDRESSES: The applicable service bulletin may be obtained from: Partenavia Costruzioni Aeronautiche S.p.A., Via Cava, Casoria—Naples, Italy.

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

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

SUPPLEMENTARY INFORMATION: The FAA has determined that excessive play can develop in the ball joint end of the propeller pitch control system at the propeller governor and can result in improper settings of the propeller governor which could cause a catastrophic overspeed of the propeller on certain Partenavia Model P68 and P68B series airplanes. Since this condition is likely to exist or develop on other airplanes of the same type design, an airworthiness directive is being issued which requires inspection of the propeller pitch control system ball joint end at the propeller governor for excessive play, readjustment as necessary before further flight, and repetitive inspection until a new part number ball joint end is installed.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

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

Partenavia Costruzioni Aeronautiche S.p.A.: Applies to Model P68 and P68B series airplanes, serial numbers 1 to 160 inclusive, certificated in all categories, which have a Woodward propeller governor installed but do not have a ball joint end, P/N 7.5077-1, installed on the pitch control flexible cable.

Compliance is required as indicated, unless already accomplished.

To preclude failure of the propeller pitch control system, accomplish the following:

(a) Within 25 hours time in service after the effective date of this AD, or within 50 hours time in service since the last inspection, whichever occurs later, and every 50 hours time in service thereafter, inspect the propeller pitch control system for play between the ball joint, P/N 7.5021-3, and the joint end, P/N 7.5021-1, in accordance with Partenavia Service Bulletin 37, Revision 2, dated November 22, 1978, or an FAA-approved equivalent.

(b) If play is not found during the inspection required in paragraph (a) of this AD, return airplane to service.

(c) If play is found during the inspection required in paragraph (a) of this AD, adjust the propeller pitch control system as necessary in accordance with Part I, "Instructions," of Partenavia Service Bulletin 37, Revision 2, dated November 22, 1978, or an FAA-approved equivalent, or install a new joint end, P/N 7.5021.1, and return to service.

(d) The inspections required by this AD are no longer required with the installation of Partenavia Kit P/N 68-005 installed in accordance with Partenavia Service Instruction No. 2, dated July 14, 1978, or an FAA-approved equivalent.

(e) If an equivalent means of compliance is used in complying with this AD, that equivalent must be approved by the Chief, Aircraft Certification Staff, Europe, Africa and Middle East Office, c/o American Embassy, Brussels, Belgium.

This amendment becomes effective April 2, 1981.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Partenavia Costruzioni Aeronautiche S.p.A., Via Cava, Casoria-Naples, Italy. These documents may be examined at FAA Headquarters, Room 916, 800 Independence Avenue, SW., Washington, DC 20591.

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

Note.—The FAA has determined that this regulation is an emergency regulation under the President's memorandum of January 29, 1981, and 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 above under the caption "FOR FURTHER INFORMATION CONTACT".

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

Issued in Washington, DC, on March 10, 1981.

M. C. Beard,

Director of Airworthiness.

The incorporation by reference provision in this document was approved by the Director of the Federal Register on June 19, 1967.

[FR Doc. 81-8053 Filed 3-18-81; 8:45 am]

BILLING CODE 4910-13-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1000

Commission Organization and Functions; Correction

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule; correction.

SUMMARY: The Commission is publishing a correction to the listing, in § 1000.21, of the directorates reporting to the Executive Director.

EFFECTIVE DATE: These corrections are effective March 19, 1981.

FOR FURTHER INFORMATION CONTACT: Sadye Dunn, Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, Telephone 202-634-7700.

SUPPLEMENTARY INFORMATION: The Commission published a revision of its statement of organization and functions on December 31, 1980, 45 FR 86415. The revisions included changing the name of the Directorate for Compliance and Enforcement to the Directorate for Compliance and Administrative Litigation in § 1000.27, and replacing the former Directorate for Engineering and Sciences with two new organizations, the Directorate for Engineering Sciences in § 1000.25 and the Directorate for Health Sciences in § 1000.26.

The Commission inadvertently neglected to make corresponding

changes in § 1000.21 which, in describing the functions of the Executive Director, lists the Commission's directorates. Section 1000.21 is accordingly being corrected to bring it into conformity with §§ 1000.25, 1000.26, and 1000.27.

Since this amendment deals only with internal agency organization, it is being made effective immediately and comments are not being solicited.

For the foregoing reasons, Part 1000 of Chapter II of Title 16 of the Code of Federal Regulations is amended as shown.

Part 1000—AUTHORITY [REVISED]

1. The authority citation for Part 1000 is amended to read as follows:

Authority: 5 U.S.C. 552(a).

2. In Part 1000, § 1000.21 is revised to read as follows:

§ 1000.21 Office of the Executive Director.

The Executive Director, under the broad direction of the Chairman and in accordance with Commission policy, acts as the chief operating manager of the agency, supporting the development of the agency's budget and operating plan before and after Commission approval, and managing the execution of those plans. The Executive Director has direct line authority over seven operating directorates: Hazard Identification and Analysis, Engineering Sciences, Health Sciences, Compliance and Administrative Litigation, Field Operations, Communications, and Administration, as well as the Office of Program Management and the Office of Budget, Program Planning and Evaluation.

Dated: March 16, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 81-8543 Filed 3-18-81; 8:45 am]

BILLING CODE 6355-01-M

INTERNATIONAL TRADE COMMISSION

19 CFR Part 200

Amendments to Agency Ethics Rules

AGENCY: International Trade Commission.

ACTION: Notice of final rules.

SUMMARY: Recent regulations issued by the Office of Government Ethics (OGE) redefine the qualifications and duties of designated agency ethics officials and list the elements of agency ethics programs. 46 FR 2582 (January 9, 1981) (to be codified at 5 CFR 738.101–.313). The following amendments to Commission ethics regulations, 19 CFR Part 200, reflect the changes in OGE regulations. In addition, the Commission is abandoning its previous practice of requiring that its Ethics Counselor be a Commissioner. The Counselor must be a senior Commission employee with experience demonstrating the ability to coordinate and manage the program. This is in line with the practice of practically all other Government agencies. In addition, there are several technical and conforming changes reflecting that Commission employees who file SF 278 public financial disclosure reports need not file confidential financial disclosure reports under Executive Order No. 11222 and Subpart C of Part 200 of Title 19, Code of Federal Regulations.

EFFECTIVE DATE: March 15, 1981.

FOR FURTHER INFORMATION CONTACT: Michael B. Jennison of the Office of General Counsel at 202–523–0350.

SUPPLEMENTARY INFORMATION: The Commission published proposed regulations for public comment. 45 FR 82957 (December 17, 1980). Comment was received only from the Office of Government Ethics, which suggested only two changes. Both have been incorporated, along with editorial change. Section 200.735–103(b) was altered to require that the Deputy Ethics Counselor be chosen by the Chairman in accordance with 5 CFR 738.202(c), which directs that the head of an agency select the two individuals entrusted with certifying the financial disclosures filed for confirmation purposes by Presidential nominees. A phrase was added to § 200.735–103(c)(2) clarifying that the Ethics Counselor reviews and certifies the financial disclosure reports of nominees to the Commission, in accordance with statutory and regulatory mandate.

The U.S. International Trade Commission amends 19 CFR Part 200 as follows:

§§ 200.735–101 and 200.735–102 [Amended]

1. In §§ 200.735–101 and 200.735–102(a)(b), change "U.S. Tariff Commission" to read "U.S. International Trade Commission."

2. Section 200.735–102(c) is revised to read:

* * * * *

(c) "Employee" means a Commissioner, employee, or special Government employee of the Commission.

* * * * *

3. Add § 200.735–102(g):

* * * * *

(g) "Ethics Counselor" means designated agency ethics official as defined in Subpart B of Part 738, Code of Federal Regulations.

* * * * *

4. Remove present § 200.735–103 and add:

§ 200.735–103 Counseling service.

(a) The Chairman shall appoint an Ethics Counselor, who serves as the Commission's designated agency ethics official and liaison to the Office of Government Ethics and who is responsible for carrying out the Commission's ethics program. The program shall be designed to implement titles II, IV, and V of the Ethics in Government Act of 1978, Executive Order No. 11222, the regulations in this part, and other statutes and regulations applicable to agency ethics matters. The Ethics Counselor will be a senior Commission employee with experience demonstrating the ability to review financial disclosure reports and counsel employees with regard to resolving conflicts of interest, review the financial disclosures of Presidential nominees to the Commission prior to confirmation hearings, counsel employees with regard to ethics standards, assist supervisors in implementing the Commission's ethics program, and periodically evaluate the ethics program.

(b) The Chairman shall select a Deputy Ethics Counselor, who will serve as alternate agency ethics official and to whom any of the Counselor's statutory and regulatory duties may be delegated.

(c) The Ethics Counselor shall coordinate and manage the agency's ethics program. The Counselor's duties shall consist of—

(1) Liaison with the Office of Government Ethics;

(2) Review of financial disclosure reports, including reports filed by Presidential nominees to the Commission, except that reports filed by Commissioners other than the Chairman shall be reviewed by the Chairman and the report filed by the Chairman shall be reviewed by the Vice Chairman;

(3) Initiation and maintenance of ethics education and training programs;

(4) Monitoring administrative actions and sanctions; and

(5) Implementation of the specific program elements listed in Office of Government Ethics regulations, 5 CFR 738.203(b).

5. Section 200.735–114 is revised to read as follows:

§ 200.735–114 Employees required to submit statements.

Except as provided in § 200.735–114a, the following employees shall submit confidential statements of employment and financial interests:

(a)(1) Employees in grade GS–13 or above under section 5332 of title 5, United States Code, or in comparable or higher positions not subject to that section, other than those employees who are required to file public financial disclosure reports by title II of the Ethics in Government Act of 1978.

(2) The Director of Personnel shall list all such positions, shall include the listing in the chapter of the Commission's Policy Manual pertaining to the filing of confidential statements of employment and financial interests, and shall furnish copies thereof to the Deputy Counselor and to affected employees.

(3) The Director of Personnel shall update the listing required by paragraph (a)(2) of this section and shall take all other steps required by paragraph (a)(2) as of January 1 and July 1 of each year.

(b)(1) Employees classified below GS–13 under section 5332 of title 5, United States Code, or at a comparable pay level under other authority, other than those employees who are required to file public financial disclosure reports by title II of the Ethics in Government Act of 1978, who are (i) responsible for making a decision or taking an action in regard to Commission contracting or procurement, (ii) responsible for conducting investigative and research activities where the decision to be made or action to be taken could have an economic impact on any non-Federal enterprise, or (ii) responsible for exercising the authority of any supervisory or investigative employee in the absence of such employee.

(2) The Director of Personnel, upon obtaining the advice of the General Counsel, shall be responsible for determining which positions below GS–13 meet the criteria of paragraph (b)(1) of this section. The Director of Personnel shall justify his or her determination in writing and shall submit it to the Office of Personnel Management for its approval. Upon obtaining the approval of the Office of Personnel Management, the Director of Personnel shall include the listing of these positions in the chapter of the Commission's Policy Manual pertaining to the filing of confidential statements of employment and financial interests and shall furnish copies thereof to the Deputy Counselor and to affected employees.

(3) The Director of Personnel shall evaluate the determination under paragraph (b)(2) of this section as of January 1 and July 1 of each year. When organizational changes or personnel actions indicate that positions should be either added to or taken from the list of positions which the Director of Personnel has determined meet the criteria of paragraph (b)(1) of this section, the Director of Personnel shall make a new determination under paragraph (b)(2) of this section and shall take all other steps required by paragraph (b)(2) immediately upon the implementation of said organizational changes or personnel actions.

Issued: March 10, 1981.

By order of the Commission.

(E.O. 11222, 30 CFR 6469, 3 CFR, 1965 Supp.; 5 CFR 735.101 et seq.)

Kenneth R. Mason,

Secretary.

[FR Doc. 81-8465 Filed 3-18-81; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF STATE

Office of the Secretary

22 CFR Part 191

[Dept. Reg. 108.803]

Hostage Relief Assistance

AGENCY: Department of State.

ACTION: Interim rule.

SUMMARY: The Department of State is amending its rules by adding new regulations to implement the Hostage Relief Act of 1980 (Pub. L. 96–449, 94 Stat. 1967; 5 U.S.C. 5561 note). The regulations provide for assistance to American hostages and members of their families and households.

DATES: This interim rule is effective January 21, 1981. Consideration will be given to written comments or suggestions received on or before March 23, 1981.

ADDRESS: Send written comments to the Assistant Secretary for Administration, Department of State, Washington, D.C. 20520.

FOR FURTHER INFORMATION CONTACT: Walter F. Weiss (202) 632–1728.

SUPPLEMENTARY INFORMATION: On January 21, 1981 a proposed rule was published in the **Federal Register** (46 FR 6358) to implement the Hostage Relief Act of 1980. The proposed rule was published as Subchapter P, Parts 1, 2, 3 and 4. The regulation is added as Subchapter T, Part 191, and renumbered accordingly.

Dated: February 26, 1981.

Thomas M. Tracy,

Assistant Secretary for Administration.

Subchapter T, Part 191 is added to Title 22, Code of Federal Regulations, as set forth below.

SUBCHAPTER T—HOSTAGE RELIEF

PART 191—HOSTAGE RELIEF ASSISTANCE

Subpart A—General

Sec.

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Authority: Hostage Relief Act of 1980 (Pub. L. 96–449 and sec. 4 of Act of 1949 (22 U.S.C. 2658)).

Subpart A—General

§ 191.1 Declaration of hostile action.

(a) The Secretary of State from time to time shall declare when and where individuals in the civil or uniformed services of the United States, or a citizen or resident alien of the United States rendering personal services to the United States abroad similar to the service of a civil officer or employee of the United States, have been placed in captive status because of hostile action abroad directed against the United States and occurring or continuing between November 4, 1979, and such date as may be declared by the President under section 101(2)(A) of the Hostage Relief Act of 1980 (Pub. L. 96–449, hereafter "the Act") or January 1, 1983, whichever is later. Each such declaration shall be published in the **Federal Register**.

(b) The Secretary of State upon his or her own initiative, or upon application under § 191.2 shall determine which individuals in captive status as so

declared shall be considered hostages eligible for benefits under the Act. The Secretary shall also determine who is eligible under the Act for benefits as a member of a family or household of a hostage. The determination of the Secretary shall be final, but any interested person may request reconsideration on the basis of information not considered at the time of original determination. The criteria for determination are set forth in sections 101 and 205 of the Act, and in these regulations.

§ 191.2 Application for determination of eligibility.

(a) Any person who believes that they or other persons known to them are either hostages as defined in the Act, or members of the family or household of hostages as defined in § 191.3(a)(1), or a child eligible for benefits under Subpart D, may apply for benefits under this subchapter for themselves, or on behalf of others entitled thereto.

(b) The application shall be in writing, should contain all identifying and other pertinent data available to the person applying about the person or persons claimed to be eligible, and should be addressed to the Assistant Secretary of State for Administration, Department of State, Washington, D.C. 20520. Applications may be filed at any time after publication of a declaration under § 191.1(a) in the **Federal Register**, and during the period of its validity, or within 60 days after release from captivity. Later filing may be considered when in the opinion of the Secretary of State there is good cause for the late filing.

§ 191.3 Definitions.

When used in this subchapter, unless otherwise specified, the terms—

(a) "Family Member" means (1) a spouse, (2) an unmarried dependent child including a step-child or adopted child, (3) a person designated in official records or determined by the agency head or designee thereof to be a dependent, or (4) other persons such as parents, parents-in-law, persons who stand in the place of a spouse or parents, or other members of a household when fully justified by the circumstances of the hostage situation, as determined by the Secretary of State.

(b) "Agency head" means the head of an agency as defined in the Act (or successor agency) employing an individual determined to be an American hostage. The Secretary of State is the agency head with respect to any hostage not employed by an agency.

(c) "Principal" means the hostage whose captivity forms the basis for benefits under this subchapter for a family member.

§ 191.4 Notification of eligible persons.

The Assistant Secretary of State for Administration shall be responsible for notifying each individual determined to be eligible for benefits under the Act or, if that person is not available, a representative or Family Member of the hostage.

§ 191.5 Relationships among agencies.

(a) The Assistant Secretary of State for Administration shall promptly inform the head of any agency whenever an employee (including a member of the Armed Forces) in that agency, or Family Member of such employee, is determined to be eligible for benefits under this subchapter.

(b) In accordance with inter-agency agreements between the Department of State and relevant agencies—

(1) The Veterans Administration will periodically bill the Department of State for expenses it pays for each eligible person under Subpart D of this subchapter plus the administrative costs of carrying out its responsibilities under this part.

(2) The Department of State will, on a periodic basis, determine the cost for services and benefits it provides to all eligible persons under this subchapter and bill each agency for the costs attributable to Principals (and Family Members) in or acting on behalf of the agency plus a proportionate share of related administrative expenses.

§ 191.6 Effective date.

This regulation is effective as of November 4, 1979. Reimbursement may be made for expenses approved under this subchapter for services rendered on or after such date.

Subpart B—Application of Soldiers' and Sailors' Civil Relief Act

§ 191.10 Eligibility for benefits.

A person designated as a hostage under Subpart A of this subchapter, other than a member of the Armed Forces covered by the provisions of the Soldiers' and Sailors' Civil Relief Act of 1940, shall be eligible for benefits under this Part.

§ 191.11 Applicable benefits.

(a) Eligible persons are entitled to the benefits provided by the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 501, et seq.), including the benefits provided by section 701 (50 U.S.C. App. 591) notwithstanding paragraph (c) thereof, but excluding the benefits provided by sections 104, 105, 106, 400 through 408, 501 through 512, and 514 (50 U.S.C. App. 514, 515, 516, 540 through 548, 561 through 572, and 574).

(b) In applying such Act for purposes of this section—

(1) The term "person in the military service" is deemed to include any such American hostage;

(2) The term "period of military service" is deemed to include the period during which such American hostage is in a captive status;

(3) References therein to the Secretary of the Army, the Secretary of the Navy, the Adjutant General of the Army, the Chief of Naval Personnel, and the Commandant, United States Marine Corps, or other officials of government are deemed to be references to the Secretary of State; and

(4) The term "dependents" shall, to the extent permissible by law, be construed to include "Family Members" as defined in section 101 of the Hostage Relief Act.

§ 191.12 Description of benefits.

The following material is included to assist persons affected, by providing a brief description of some of the provisions of the Civil Relief Act. Note that not all of the sections applicable to hostages have been included here. References to sections herein are references to the Civil Relief Act of 1940, as amended, followed by references in parentheses to the same section in the United States Code.

(a) *Guarantors, endorsers.* Section 103 (50 U.S.C. App. 513) provides that whenever a hostage is granted relief from the enforcement of an obligation, a court, in its discretion, may grant the same relief to guarantors and endorsers of the obligation. Amendments extend relief to accommodation makers and others primarily or secondarily liable on an obligation, and to sureties on a criminal bail bond. They provide, on certain conditions, that the benefits of the section with reference to persons primarily or secondarily liable on an obligation may be waived in writing.

(b) *Written Agreements.* Section 107 (50 U.S.C. App. 517) provides that nothing contained in the Act shall prevent hostages from making certain arrangements with respect to their contracts and obligations, but requires that such arrangements be in writing.

(c) *Protection in Court.* Section 200 (50 U.S.C. App. 520) provides that if a hostage is made defendant in a court action and is unable to appear in court, the court shall appoint an attorney to represent the hostage and protect the hostage's interests. Further, if a judgment is rendered against the hostage, an opportunity to reopen the

case and present a defense, if meritorious, may be permitted within 90 days after release.

(d) *Court Postponement.* Section 201 (50 U.S.C. App. 521) authorizes a court to postpone any court proceedings if a hostage is a party thereto and is unable to participate by reason of being a captive.

(e) *Relief Against Penalties.* Section 202 (50 U.S.C. App. 522) provides for relief against fines or penalties when a court proceeding involving a hostage is postponed, or when the fine or penalties are incurred for failure to perform any obligation. In the latter case, relief depends upon whether the hostage's ability to pay or perform is materially affected by being held captive.

(f) *Postponement of Action.* Section 203 (50 U.S.C. App. 523) authorizes a court to postpone or vacate the execution of any judgment, attachment or garnishment.

(g) *Period of Postponement.* Section 204 (50 U.S.C. App. 524) authorizes a court to postpone proceedings for the period of captivity, and for 3 months thereafter, or any part thereof.

(h) *Extended Time Limits.* Section 205 (50 U.S.C. App. 525) excludes the period of captivity from computing time under existing or future statutes of limitation. Amendments extend relief to include actions before administrative agencies, and provide that the period of captivity shall not be included in the period for redemption of real property sold to enforce any obligation, tax, or assessment. Section 207 excludes application of section 205 to any period of limitation prescribed by or under the internal revenue laws of the United States.

(i) *Interest Rates.* Section 206 (50 U.S.C. App. 526) provides that interest on the obligations of hostages shall not exceed a specified per centum per annum, unless the court determines that ability to pay greater interest is not affected by being held captive.

(j) *Misuse of Benefits.* Section 600 (50 U.S.C. App. 580) provides against transfers made with intent to delay the just enforcement of a civil right by taking advantage of the Act.

(k) *Further Relief.* Section 700 (50 U.S.C. App. 590) provides that a person, during a period of captivity or 6 months thereafter, may apply to a court for relief with respect to obligations incurred prior to captivity, or any tax or assessment whether falling due prior to or during the period of captivity. The court may, on certain conditions, stay the enforcement of such obligations.

(l) *Stay of Eviction.* Section 300 (50 U.S.C. App. 530) provides that a hostage's dependents shall not be evicted from their dwelling if the rental is $150 or less per month, except upon leave of a court. If it is proved that inability to pay rent is a result of being in captivity, the court is authorized to stay eviction proceedings for not longer than 3 months. An amendment extends relief to owners of the premises with respect to payments on mortgage and taxes.

(m) *Contract and Mortgage Obligations.* As provided by sections 301 and 302 of the Act (50 U.S.C. App. 531 and 532), as amended, contracts for the purchase of real and personal property, which originated prior to the period of captivity, may not be rescinded, terminated, or foreclosed, or the property repossessed, except as provided in section 107 (50 U.S.C. App. 517), unless by an order of a court. The mentioned sections give the court wide discretionary powers to make such disposition of the particular case as may be equitable in order to conserve the interests of both the hostage and the creditor. The cited sections further provide that the court may stay the proceedings for the period of captivity and 3 months thereafter, if in its opinion the ability of the hostage to perform the obligation is materially affected by reason of captivity. Section 303 (50 U.S.C. App. 533) provides that the court may appoint appraisers and, based upon their report, order such sum as may be just, if any, paid to hostages or their dependents, as a condition to foreclosing a mortgage, resuming possession of property, and rescinding or terminating a contract.

(n) *Termination of a Lease.* Section 304 (50 U.S.C. App. 534) provides, in general, that a lease covering premises occupied for dwelling, business, or agricultural purpose, executed by persons who subsequently become hostages, may be terminated by a notice in writing given to the lessor, subject to such action as may be taken by a court on application of the lessor. Termination of a lease providing for monthly payment of rent shall not be effective until 30 days after the first date on which the next rental payment is due, and, in the case of other leases, on the last day of the month following the month when the notice is served.

(o) *Assignment of Life Insurance Policy.* Section 305 (50 U.S.C. App. 535) provides that the assignee of a life insurance policy assigned as security, other than the insurer in connection with a policy loan, except upon certain conditions, shall not exercise any right with respect to the assignment during the period of captivity of the insured and one year thereafter, unless upon order of a court.

(p) *Storage Lien.* Section 305 (50 U.S.C. App. 535) provides that a lien for storage of personal property may not be foreclosed except upon court order. The court may stay proceedings or make other just disposition.

(q) *Extension of Benefits to Dependents.* Section 306 (50 U.S.C. App. 536) extends the benefits to section 300 through 305 to dependents of a hostage.

(r) *Real and Personal Property Taxes.* Section 500 (50 U.S.C. App. 560) forbids sale of property, except upon court leave, to enforce collection of taxes or assessments (other than taxes on income) on personal property or real property owned and occupied by the hostage or dependents thereof at the commencement of captivity and still occupied by the hostage's dependents or employees. The court may stay proceedings for a period not more than 6 months after termination of captivity. When by law such property may be sold to enforce collection, the hostage will have the right to redeem it within 6 months after termination of captivity. Unpaid taxes or assessments bear interest at 6 percent.

(s) *Income Taxes.* Section 513 provides for deferment of payment of income taxes. However, section 204 of the Hostage Relief Act of 1980 provides for deferment and certain other relief, and should be referred to in order to determine statutory tax benefits in addition to those in section 513 of the Civil Relief Act.

(t) *Certification of Hostage.* Section 601 provides that a certificate signed by the agency head shall be prima facie evidence that the person named has been a hostage during the period specified in the certification.

(u) *Interlocutory Orders.* Section 602 (50 U.S.C. App. 582) provides that a court may revoke an interlocutory order it has issued pursuant to any provision of the Soldiers' and Sailors' Civil Relief Act of 1940.

(v) *Power of Attorney.* Section 701 (50 U.S.C. App. 591) provides that certain powers of attorney executed by a hostage which expire by their terms after the person was captured shall be automatically extended for the period of captivity. Exceptions are made with respect to powers of attorney which by their terms clearly indicate they are to expire on the date specified irrespective of hostage status. (Section 701 applies to American hostages notwithstanding paragraph (c) thereof which states that it applies only to powers of attorney issued during the "Vietnam era".)

§ 191.13 Administration of benefits.

(a) The Assistant Secretary of State for Administration will issue certifications or other documents when required for purposes of the Civil Relief Act.

(b) The Assistant Secretary of State shall whenever possible promptly inform the chief legal officer of each State in which hostages maintain residence of all persons determined to be hostages eligible for assistance under this subpart.

Subpart C—Medical Benefits

§ 191.20 Eligibility for benefits.

A person designated as a hostage or Family Member of a hostage under Subpart A of this subchapter shall be eligible for benefits under this Subpart.

§ 191.21 Applicable benefits.

A person eligible for benefits under this Part shall be eligible for authorized medical and health care at U.S. Government expense, and for payment of other authorized expenses related to such care or for obtaining such care for any illness or injury which is determined by the Secretary of State to be caused or materially aggravated by the hostage situation, to the extent that such care may not—

(a) Be provided or paid for under any other Government health or medical program, including, but not limited to, the programs administered by the Secretary of Defense, the Secretary of Labor and the Administrator of Veterans Affairs; or

(b) Be entitled to reimbursement by any private or Government health insurance or comparable plan.

§ 191.22 Administration of benefits.

(a) An eligible person, who desires medical or health care under this Subpart or any person acting on behalf thereof, shall submit an application to the Office of Medical Services, Department of State, Washington, D.C. 20520 (hereafter referred to as the "Office"). The applicant shall supply all relevant information, including insurance information, requested by the Director of the Office. An eligible person may also submit claims to the Office for payment for emergency care when there is not time to obtain prior authorization as prescribed by this paragraph, and for payment for care received prior to or ongoing on the effective date of these regulations.

(b) The Office shall evaluate all requests for care and claims for reimbursement and determine, on behalf of the Secretary of State, whether the care in question is authorized under § 191.21 of this subpart. The Office will authorize care, or payment for care when it determines the criteria of such section are met. Authorization shall include a determination as to the necessity and reasonableness of medical or health care.

(c) The Office will refer applicants eligible for benefits under other Government health programs to the Government agency administering those programs. Any portion of authorized care not provided or paid for under another Government program will be reimbursed under this Subpart.

(d) Eligible persons may obtain authorized care from any licensed facility or health care provider of their choice approved by the Office. To the extent possible, the Office will attempt to arrange for authorized care to be provided in a Government facility at no cost to the patient.

(e) Authorized care provided by a private facility or health care provider will be paid or reimbursed under this Subpart to the extent that the Office determines that costs do not exceed reasonable and customary charges for similar care in the locality.

(f) All bills for authorized medical or health care covered by insurance shall be submitted to the patient's insurance carrier for payment prior to submission to the Office for payment of the balance authorized by this Part. The Office will request the health care providers to bill the insurance carrier and the Department of State for authorized care, rather than the patient.

(g) Eligible persons will be reimbursed by the Office for authorized travel to obtain an evaluation of their claim under paragraph (b) of this part and for other authorized travel to obtain medical or health care authorized by this Subpart.

§ 191.23 Disputes.

Any dispute between the Office and eligible persons concerning (a) whether medical or health care is required in a given case, (b) whether required care is incident to the hostage taking, or (c) whether the cost for any authorized care is reasonable and customary, shall be referred to the Medical Director, Department of State and the Foreign Service for a determination. If the person bringing the claim is not satisfied with the decision of the Medical Director, the dispute shall be referred to a medical board composed of three physicians, one appointed by the Medical Director, one by the eligible person and the third by the first two members. A majority decision by the board shall be binding on all parties.

Supart D—Educational Benefits

§ 191.30 Eligibility for benefits.

(a) A spouse or unmarried dependent child aged 18 or above of a hostage as determined under Subpart A of this subchapter shall be eligible for benefits under § 191.31 of this Subpart. (Certain limitations apply, however, to persons eligible for direct assistance through other programs of the Veterans Administration under chapter 35 of title 38, United States Code).

(b) A Principal (see definition in § 191.3) designated as a hostage under Subpart A of this subchapter, who intends to change jobs or careers because of the hostage experience and who desires additional training for this purpose, shall be eligible for benefits under § 191.32 of this Part unless such person is eligible for comparable benefits under title 38 of the United States Code as determined by the Administrator of the Veterans Administration.

§ 191.31 Applicable family benefits.

(a) An eligible spouse or child shall be paid (by advancement or reimbursement) for expenses incurred for subsistence, tuition, fees, supplies, books, and equipment, and other educational expenses, while attending an educational or training institution approved in accordance with procedures established by the Veterans Administration, which shall be comparable to procedures established pursuant to chapters 35 and 36 of title 38 U.S.C.

(b) Except as provide in paragraph (c) or (d herein), payments shall be available under this subsection for an eligible spouse or child for education or training which occurs—

(1) 90 days after the Principal is placed in a captive status, and

(i) Through the end of any semester or quarter which begins before the date on which the Principal ceases to be in a captive status, or

(ii) If the educational or training institution is not operated on a semester or quarter system, the earlier of the end of any course which began before such date or the end of the twelve-week period following that date.

(c) In special circumstances and within the limitation of § 191.34, the Secretary of State may, under the criteria and procedures set forth in § 191.33, approve payments for education or training under this subsection which occurs after the date determined under paragraph (b) above.

(d) In the event a Principal dies and the death is determined by the Secretary

of State to be incident to that individual being a hostage, payments shall be available under this subsection for education or training of a spouse or child of the Principal which occurs after the date of death, up to the maximum that may be authorized under § 191.34.

§ 191.32 Applicable benefits for hostages.

(a) When authorized by the Secretary of State a Principal, following released from captivity, shall be paid (by advancement or reimbursement) for expenses incurred for subsistence, tuition, fees, supplies, books and equipment, and other educational expenses, while attending an educational or training institution approved in accordance with procedures established by the Veterans Administration comparable to procedures established pursuant to chapters 35 and 36 of title 38 U.S.C. Payments shall be available under this subsection for education or training which occurs on or before—

(1) The end of any semester or quarter (as appropriate) which begins before the date which is 10 years after the day on which the Principal ceases to be in a captive status, or

(2) If the educational or training institution is not operated on a semester or quarter system, the earlier of the end of any course which began before such date or the end of the twelve-week period following that date.

(b) A person eligible for benefits under this subsection shall not be required to separate from Government service in order to undertake the training or education, but while in Government service, may only receive such training or education during off-duty hours or during periods of approved leave.

§ 191.33 Administration of benefits.

(a) Any person desiring benefits under this Part shall apply in writing to the Assistant Secretary of State for Administration, Department of State, Washington, D.C. 20520. The application shall specify the benefits desired and the basis of eligibility for those benefits. The Secretary of State shall make determinations of eligibility for benefits under this Part, and shall forward approved applications to the Veterans Administration and advise the applicant of the name and address of the office in the Veterans Administration that will counsel the eligible persons on how to obtain the benefits that have been approved. Persons whose applications are disapproved shall be advised of the reasons for the disapproval.

(b) The Veterans Administration shall provide the same level and kind of assistance, including payments (by advancement or reimbursement) for authorized expenses up to the same maximum amounts, to spouses and children of hostages, and to Principals following their release from captivity as it does to eligible spouses and children of veterans and to eligible veterans, respectively, under chapters 35 and 36 of title 38, United States Code. The Veterans Administration shall, following consultation with the Secretary of State and under procedures it has established to administer section 1724 of title 38, United States Code, discontinue assistance for any individual whose conduct or progress is unsatisfactory under standards consistent with those established pursuant to such section 1724.

(c) An Advisory Board shall be established to advise on eligibility for benefits under paragraphs (c) and (d) of § 191.31 and § 191.32. The Board shall be composed of the Assistant Secretary of State for Administration as Chairperson, the Director of the Office of Medical Services of the Department of State, the Executive Director of the regional bureau of the Department of State in whose region the relevant hostile action occurred, the Director of Personnel or other designee of the applicable employing agency, and a representative of the Veterans Administration designated by the Administrator.

(d) If an application is received from a spouse or child for extended training under § 191.31(c), the Secretary of Administration shall determine with the advice of the Advisory Board whether the Principal, following release from captivity, is incapacitated by the hostage experience to the extent that (1) he or she has not returned to full-time active duty and is unlikely to be able to resume the normal duties of his or her position or career, or (2) in the event of a separation from Government service, a comparable position or career, for at least six months from the date the Principal is released from captivity. If the Secretary makes such a determination, he or she may approve, within the limits of § 191.34, an application under § 191.31(c) for up to one year of education or training. If the Principal remains incapacitated, the Secretary may approve additional training or education up to the maximum authorized under § 191.34.

§ 191.34 Maximum limitation on benefits.

(a) In no event may assistance be provided under this Subpart for any individual for a period in excess of 45 months, or the equivalent thereof in part-time education or training.

(b) The eligibility of a spouse for benefits under paragraph (c) or (d) of § 191.31 shall expire on a date which is 10 years after the date of the release of the hostage, or the death of the hostage, respectively. The eligibility of a dependent child for benefits under such paragraphs (c) and (d) shall expire on the 26th birthday of such child or on such later date as determined by the Administrator of the Veterans Administration, as would be applicable if section 1712 of title 38, United States Code, were applicable.

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BILLING CODE 4710-10-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 31 and 37

[T.D. 7772]

Employment Taxes; Submission of Certain Withholding Certificates

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document contains temporary employment tax regulations relating to the submission of certain withholding exemption certificates (Forms W–4). The regulations would provide guidance to employers and employees with respect to the furnishing and honoring of employee withholding exemption certificates. In addition, the text contained in the temporary regulations set forth in this document serves as the text of the proposed regulations cross-referenced in the notice of proposed rulemaking in the Proposed Rules section of this issue of the Federal Register.

DATE: These temporary regulations are effective with respect to withholding exemption certificates furnished by the employee to the employer after March 19, 1981.

FOR FURTHER INFORMATION CONTACT: Barry L. Wold of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202–566–3459).

SUPPLEMENTARY INFORMATION:

Background

This document contains temporary employment tax regulations relating to the submission of certain withholding certificates under section 3402(f) of the Internal Revenue Code of 1954. Further,

a new Part 37, Temporary Employment Tax Regulations for Withholding Exemption Certificates, is added by this document to Title 26 of the Code of Federal Regulations. The temporary regulations provided by this document will remain in effect until superseded by final regulations on this subject. These regulations are necessary to ensure uniform enforcement of the statutes relating to withholding of income tax at the source.

General Explanation

Those provisions of this temporary regulation that are not described below are currently provisions of § 31.3402(f)(2)–1(g) and consequently are not included in this general explanation. Since the provisions of § 31.3402(f)(2)–1(g) are included in this temporary regulation, this document deletes the cited paragraph (g).

The temporary regulations provide that the Internal Revenue Service may advise an employer that a named employee is not entitled to claim a status exempting the employee from withholding and is not entitled to claim a total number of withholding exemptions in excess of a number specified by the Service in the notice. The employer shall withhold on the basis of the maximum number specified in the written notice received from the Service unless and until otherwise notified by the Service. The employer shall withhold on the basis of any new certificate filed by the employee only if the certificate does not contain a claim which is inconsistent with the advice earlier furnished by the Service in its written notice to the employer. If the new certificate does make a claim which is inconsistent with the advice contained in the Service's earlier written notice to the employer, the employer shall disregard the new certificate and withhold amounts from the employee on the basis of the maximum number specified in the written notice received from the Service.

The employee may specify in a written statement any change in circumstances or other justification for the claims made in the new certificate, in which case the employer shall submit the certificate and statement to the Service. The employer must continue to disregard that new certificate (submitted to the Service) unless and until the Service notifies the employer to honor it. In addition, upon prior written notice from the Service, employers are required to submit immediately to the District Director copies of any new withholding exemption certificates required by the regulations to be submitted to the Service and which are received from employees or groups of employees named by the Service in the notice. An employer must also submit to the Service a copy of any written statement received from an employee in support of the employee's claim made on a withholding exemption certificate whenever the employer is required to submit a copy of the certificate itself.

Drafting Information

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

Adoption of Amendments to the Regulations

Accordingly, a new Part 37, Temporary Employment Tax Regulations for Withholding Exemption Certificates, is added to Title 26 of the Code of Federal Regulations, and the following amendments are made to Title 26:

PART 31—EMPLOYMENT TAXES; APPLICABLE ON OR AFTER JANUARY 1, 1955

§ 31.3402(f)(2)–1 [Amended]

Paragraph 1. Section 31.3402(f)(2)–1 is amended by the removal of paragraph (g) thereof.

§ 31.3401(e)–1 [Amended]

Par. 2. The last sentence of paragraph (b) of § 31.3401(e)–1 is amended by removing "§ 31.3402(f)(2)–1(g)" and inserting in lieu thereof "§ 37.3402–1".

§ 31.3402(n)–11 [Amended]

Par. 3. The last sentence preceding Example (1) of § 31.3402(n)–1 is amended by removing "§ 31.3402(f)(2)–1(g)" and inserting in lieu thereof "§ 37.3402–1".

Par. 4. A new Part 37, Temporary Employment Tax Regulations for Withholding Exemption Certificates, is added to Title 26 of the Code of Federal Regulations. Part 37 reads as follows:

PART 37—TEMPORARY EMPLOYMENT TAX REGULATIONS FOR WITHHOLDING EXEMPTION CERTIFICATES

Sec.

37.3402–1 Submission of certain withholding certificates.

§ 37.3402–1 Submission of certain withholding certificates.

(a) *General rule.* An employer shall submit, in accordance with paragraph (c) of this section, a copy of any withholding exemption certificate, together with a copy of any written statement received from the employee in support of the claims made on the certificate, which is received from the employee during the reporting period (without regard to the date it is effective) if the employee is employed by that employer on the last day of the reporting period and if—

(1) The total number of withholding exemptions (within the meaning of § 3402(f)(1) and the regulations thereunder) claimed on the certificate exceeds 9, or

(2) The certificate indicates that the employee claims a status exempting the employee from withholding, and the exception provided by paragraph (b) of this section does not apply.

(b) *Exception.* A copy of the certificate shall not be submitted under paragraph (a)(2) of this section if the employer reasonably expects, at the time the certificate is received, that the employee's wages (under chapter 24 of the Code) from that employer shall not then usually exceed $200 per week.

(c) *Rules for submission*—(1) *In general.* The reporting period is a calendar quarter. Copies required to be submitted under paragraph (a) of this section shall be submitted at the time and place of filing Form 941 or 941E for the reporting period, or Form 941–M for the last month of the reporting period. Form 941, 941E or 941–M shall be used, in accordance with the instructions for the form, to transmit the copies.

(2) *Option.* At the choice of the employer, copies required to be submitted under paragraph (a) of this section may be submitted earlier and for shorter reporting periods than a calendar quarter. In such case, the employer shall submit the copies to the service center where the employer could file a Form 941 or 941E and shall include with the submission a statement showing the employer's name, address, employer identification number, and the number of copies of withholding exemption certificates submitted. However, in no event shall a copy be submitted later than the time for filing the report required to be submitted for the calendar quarter reporting period under paragraph (c)(1) of this section.

(3) *First report.* The first submission of copies shall include a copy of any certificate required to be submitted under paragraph (a) of this section

which is received by the employer on or after April 1, 1980.

(d) *Other withholding exemption certificates.* An employer shall also submit a copy of any currently effective withholding exemption certificate (or make the original certificate available for inspection), together with a copy of any written statement received from the employee in support of the claims made on the certificate, upon written request of the Internal Revenue Service. This request of the Service may relate either to one or more named employees or to one or more named groups of employees. In this regard, the Service may, by written notice, advise the employer that a copy of each new withholding exemption certificate received from one or more named employees, or from one or more named groups of employees, which is required, under this section, to be submitted to the Service is to be submitted to the District Director. The employer shall then submit to the District Director a copy of each such new certificate of each such employee immediately after the employer receives the new certificate from the named employee.

(e) *Computation of withholding.* (1) Until receipt of written notice from the Internal Revenue Service that a certificate, a copy of which was submitted under this section, is defective, that certificate is effective and the employer shall withhold on the basis of the statements made in that certificate, unless that certificate must be disregarded under the provisions of paragraph (e)(4) of this section. If the Internal Revenue Service finds that a copy of a withholding exemption certificate submitted contains any materially incorrect statement or if, after written request to the employee for verification of the statements on the certificate, the Internal Revenue Service determines that it lacks sufficient information to determine if the certificate is correct, and in either event so notifies the employer in writing, the employer shall then consider the certificate to be defective for purposes of computing amounts of withholding.

(2) The Internal Revenue Service may, as a part of the written notice to the employer, advise the employer of the reasons why it has determined that the certificate is defective. In this regard, the Internal Revenue Service may, based upon its findings, advise the employer that the employee is not entitled to claim a status exempting the employee from withholding and is not entitled to claim a total number of withholding exemptions in excess of a number specified by the Internal Revenue Service in the notice.

(3) The employer shall promptly furnish the employee who filed the defective certificate, if still in his employ, with a copy of the written notice of the Internal Revenue Service with respect to the certificate and may request another withholding exemption certificate from the employee. The employer shall withhold amounts from the employee on the basis of the maximum number specified in the written notice received from the Service.

(4) If and when the employee does file any new certificate (after an earlier certificate of the employee was considered to be defective), the employer shall withhold on the basis of that new certificate (whenever filed) as currently effective only if the new certificate does not make a claim of exempt status or of a number of withholding exemptions which claim is inconsistent with the advice earlier furnished by the Internal Revenue Service in its written notice to the employer. If any new certificate does make a claim which is inconsistent with the advice contained in the Service's written notice to the employer, then the employer shall disregard the new certificate, shall not submit that new certificate to the Service, and shall continue to withhold amounts from the employee on the basis of the maximum number specified in the written notice received from the Service. If, however, the employee specifies on such new certificate, or by a written statement attached to that certificate, any circumstances of the employee which have changed since the date of the Service's earlier written notice, or any other circumstances or reasons, as justification or support for the claims made by the employee on the new certificate, the employer must submit a copy of that new certificate and the employee's written statement (if any) to the District Director. The employer shall continue to disregard that new certificate and shall continue to withhold amounts from the employee on the basis of the maximum number specified in the written notice received from the Service unless and until the Internal Revenue Service by written notice (under paragraph (e) (2) of this section) advises the employer to withhold on the basis of that new certificate and revokes its earlier written notice.

(f) *Definition of employer.* For purposes of this section, the term "employer" includes any individual authorized by the employer to receive withholding exemption certificates, to make withholding computations, or to make payroll distributions.

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue it with notice and public procedure under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

William E. Williams,

Acting Commissioner of Internal Revenue.

Approved: March 11, 1981.

Emil M. Sunley,

Acting Assistant Secretary of the Treasury.

[FR Doc. 81-8544 Filed 3-17-81; 10:00 am]

BILLING CODE 4830-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-8-FRL 1778-1]

Approval and Promulgation of State Implementation Plans; Colorado

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The purpose of this notice is to approve a revision to the Colorado State Implementation Plan (SIP) for alternative emission reduction or "bubble" for Coors Container Company's Paper Packaging Facility printing presses located in Boulder. On December 19, 1980 (45 FR 83546), EPA published a notice of proposed rulemaking which described the state submittal, and requested public comment. Two were received.

DATE: Effective April 20, 1981.

ADDRESSES: Copies of the SIP revision and any comments received are available at the following addresses for inspection:

Environmental Protection Agency, Air Programs Branch, Region VIII, Suite 200, 1860 Lincoln Street, Denver, Colorado 80295

Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), Mail Code PM-213, 401 M Street SW., Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT: Eliot Cooper, Air Programs Branch, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295 (303) 837-3711.

SUPPLEMENTARY INFORMATION:

Background

On May 13, 1980, the Colorado Air Quality Hearings Board conducted a public hearing to consider a request of Coors Container Company to revise the SIP to exempt two printing presses operated by Coors at its Boulder paper packaging facility from the daily emission limitation for volatile organic compounds (VOC) contained in the Air Quality Control Commission Regulation No. 7, Section VII.B.2.c., and instead to subject the two presses to a single total daily emission limitation, "bubble," not involving an increase in total emissions allowed from the printing operation.

Upon formal motion and by majority vote, the Board ordered the application of Coors for a revision to the SIP providing for an alternate means for Coors' two printing presses at its Boulder, Colorado, paper packaging facility to comply with Air Quality Control Commisson Regulation No. 7, Section VII.B.2.c., be granted and the "Revision of Limited Applicability to Colorado Air Quality Control Commission Regulation No. 7," which was made a part of the decision and order, adopted. The applicability to the two subject printing presses of the hourly emission limitations contained in Regulation No. 7, Section VII.B.2.c., was not modified.

The Hearings Board modified Regulation No. 7 as follows:

Revision of Limited Applicability to Colorado Air Quality Control Commission; Regulation No. 7

Air Quality Control Commission Regulation No. 7, Section VII.B.2.c., is hereby modified as follows:

In lieu of meeting the daily emission limitations of Section VII.B.2.c. of Air Quality Control Commission Regulation No. 7, Coors Container Company may elect to simultaneously operate the 26-inch printing press and the 44-inch printing press which it owns and operates at its Boulder, Colorado, paper packing facility so as to comply with the emission limitations which satisfy the following equation:

$E26 + E44 = 6{,}000$ pounds per day

where E26 is the emission limitation (pounds of VOC per day) for the 26-inch printing press and E44 is the emission limitation (pounds of VOC per day) for the 44-inch printing press; *Provided that* Coors shall be required to maintain accurate records of the amounts of products printed on each press, the types of inks used for such printings, the operation rate of each press for such printings, and the time period for which each press was operated for such printings. Such records shall be kept current and shall be retained for a period of one year after the date of printing shown by the record. The maximum emission from either press shall not exceed 5,000 pounds/day of VOC emissions.

On August 25, 1980, the Governor of Colorado submitted a site specific revision to the SIP for Coors for alternative emission reduction, "bubble," for their printing presses.

EPA solicited comments in a December 19, 1980 (45 FR 83546), proposed rulemaking. Two commentors objected to the "bubble" approach because it caters to the desires of industry, and suggested rather that Coors meet more stringent limits due to the ozone violations in Boulder. In our proposal, EPA stated that Coors will be required (no later than by December 31, 1982) to meet a more stringent emission limit equivalent to Reasonable Available Control Technology (RACT) for graphic arts—rotogravure. This stringent emission limit is a requirement of the Denver (six county) ozone nonattainment plan. The "bubble" is only an interim measure effective until the RACT compliance date.

EPA Action

EPA is approving this SIP revision sinee, as explained in greater detail in the proposed rulemaking notice (45 FR 8346), it meets the conditions of our December 11, 1979, "bubble" policy statement (44 FR 71780) and the requirements of the Clean Air Act.

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

The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to Section 8(b) of that Order.

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

Dated: March 12, 1981.

Walter C. Barber,

Acting Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Colorado was approved by the Director of the Federal Register on July 1, 1980.

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

Subpart G—Colorado

1. Section 52.320 is amended by adding (c)(23) as follows:

§ 52.320 Identification of plan

* * * * *

(c) * * *

(23) On August 25, 1980, the Governor of Colorado submitted a site specific revision to the State Implementation Plan for Coors Container Corporation, Paper Packaging Division, in regard to alternative volatile organic compound emissions reduction for its printing presses.

[FR Doc. 81-8407 Filed 3-18-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-5-FRL 1777-7]

Ohio; Approval and Promulgation of Implementation Plans

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: U.S. Environmental Protection Agency (EPA) is promulgating a revision to the Ohio State Implementation Plan for sulfur dioxide (SO_2) for Wright Patterson Air Force Base, in Greene County, Ohio. The revision is to reflect a modification (completed April 1980) in which new boiler units and stacks were constructed and some older boiler units and stacks were eliminated.

DATE: Effective April 20, 1981.

FOR FURTHER INFORMATION CONTACT: Debra Marcantonio, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 886-6088.

ADDRESS: The docket (#5A-79-4) for this revision is available for inspection and copying during normal business hours at the above address and at the Central Docket Section, West Tower Lobby, Gallery 1, 401 M Street, SW, Washington, DC 20460.

SUPPLEMENTARY INFORMATION: This final rule is an amendment to the federally promulgated Ohio State Implementation Plan (SIP) for sulfur dioxide (SO_2). This revision is specifically for sources owned and operated by the U.S. Air Force at the Wright Patterson Air Force Base.

On August 27, 1976, (41 FR 36324) the U.S. Environmental Protection Agency (EPA) promulgated regulations establishing the SIP for the control of SO_2 for the State of Ohio.

On December 27, 1978, Wright Patterson requested a revision of the Ohio SIP for SO_2 for its facility located in Greene County, Ohio based on a modification of the facility (i.e., the construction of new boiler units and stacks and the elimination of some older boiler units and stacks).

This rulemaking action does *not* apply to the new boiler units. Wright Patterson is required to obtain a State operating permit for the new boiler units. The new boilers must be in compliance with all appropriate state and federal new source review requirements. The Prevention of Significant Deterioration requirements are not applicable to this revision because this source is located in an area which is presently designated as a nonattainment area for sulfur dioxide.

Note.—In the modeling analysis performed to support the SIP revision request, the new boilers were modeled at the same emission limitation as the remaining old boilers (i.e., 877.2 ng/J (2.04 lbs. SO_2/MMBTU)). As noted above, however, the new boilers will be subject to LAER, which in this case is less than 877.2 ng/J. Since the modeling demonstrated that the ambient standards will be protected with the new boilers operating at 877.2 ng/J, the ambient standards will also be protected with the new boilers operating at their eventual lower allowable emission limit. Thus, this SIP revision will ensure attainment of the ambient standards, no matter what LAER limit (less than 877.2 ng/J) is set by the State on the new boilers.

The previous configuration at the Wright Patterson facility consisted of 21 boiler units vented to 19 stacks. The boiler units and stacks for each boiler building were as follows:

Building 10271—four boilers, four stacks
Building 20066—seven boilers, five stacks
Building 20770—two boilers, two stacks
Building 30170—five boilers, five stacks
Building 31240—three boilers, three stacks

The revised plant configuration consists of: (a) Closure of three of the five buildings and the discontinuation of one boiler and one stack at Building 31240, and the discontinuation of two stacks at Building 20770 and (b) construction of three new boiler units and three stacks at Building 31240 and three new boilers and one stack at Building 20770. Thus, the revised plant configuration has the following number of boilers and stacks:

Building 20770—five boilers, one stack
Building 31240—five boilers, five stacks

The plant modification also included the following stack height increases. At Building 20770, Boilers #1 and 2 are now being vented out one new taller stack (an increase from 19.8 meters to 27.4 meters) along with the emissions from the new boilers at Building 20770-Boilers #3, 4 and 5. At Building 31240, the individual stacks serving old Boilers #2 and 3 were increased from about 21 meters to 23 meters. Since all of these new stacks are less than 30 meters, no Good Engineering Practice (GEP) review is necessary (see 44 FR 2608, January 12, 1979).

This revision does not affect the attainment date or compliance schedule previously promulgated for this facility (41 FR 36324).

EPA analyzed the SIP revision and proposed approval on December 21, 1979 (44 FR 75671). The notice proposed to revise the emission limitation for the remaining boilers and did not affect the new boilers which are subject to new source review. A 30 day public comment was provided at the time of the proposal. EPA did not receive any public comments on the proposed revision.

Based upon the Agency's review of the technical documentation submitted, EPA has determined that approval of the SIP revision for the Wright Patterson Air Force Base will not jeopardize the attainment and maintenance of the National Ambient Air Quality Standards. Therefore, EPA approves the SIP revision for the Wright Patterson Air Force Base in Greene County.

The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to Section 8(b) of that Order.

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

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

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

Subpart KK—Ohio

1. Section 52.1881 is amended by revising paragraph (b)(29)(ii) as follows:

§ 52.1881 Control strategy: Sulfur oxides (sulfur dioxide).

* * * * *

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

* * * * *

(29) In Greene County:

* * * * *

(ii) The present or any subsequent owner of the Wright Patterson Air Force Base in Greene County, Ohio, shall not cause or permit emissions of sulfur dioxide in excess of 877.2 nanograms of sulfur dioxide per joule (2.04 lbs. SO_2/MMBTU) of actual heat input from the stack at Building 20770 and stacks #2 and 3 at Building 31240.

* * * * *

Dated: March 12, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

[FR Doc. 81-8406 Filed 3-18-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-1-FRL 1778-2]

Massachusetts; Approval and Promulgation of Implementation Plans

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is today approving a revision to the Massachusetts State Implementation Plan (SIP) submitted by the Commissioner of the Massachusetts Department of Environmental Quality Engineering (the Massachusetts Department) on September 12, 1980. The revision amends the SIP by adding a new regulation, 310 CMR 7.19, "Interim Sulfur-in-Fuel Limitations for Fossil Fuel Utilization Facilities Pending Conversion to an Alternate Fuel or Implementation of Permanent Energy Conservation Measures." On November 7, 1980 the Massachusetts Department submitted a clarification to the narrative portion of its submittal. EPA's proposed approval of this revision was published on December 16, 1980 (45 FR 82675). Two letters of comment were received during the 30 day comment period which ended January 15, 1981.

This new regulation establishes a process whereby certain sources rated at less than 250 million Btu per hour heat input which are currently limited to burning residual fuel oil having a sulfur content of 0.28 pounds or 0.55 pounds per million Btu heat release potential (0.5% or 1.0% sulfur content by weight), will be allowed to burn, for a temporary period, fuel oil having a sulfur content of not more than 0.55 pounds or 1.21 pounds per million Btu heat release potential (1.0% or 2.2% sulfur content by weight), respectively.

EFFECTIVE DATE: March 19, 1981.

FOR FURTHER INFORMATION CONTACT:
Margaret McDonough, Air Branch, EPA Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203, (617) 223-4448.

ADDRESSES: Copies of the Massachusetts submittal which is incorporated by reference are available for public inspection during regular business hours at the Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M. St. SW., Washington, D.C. 20460; Office of the Federal Register, 110 L Street, NW., Room 8401, Washington, D.C. and Department of Environmental Quality Engineering, 600 Washington Street, Room 320, Boston, MA 02111.

SUPPLEMENTARY INFORMATION: The requirements and conditions of the regulation being approved today, 310 CMR 7.19, which sources must meet in order to qualify for temporary sulfur-in-fuel relaxations and the procedures which the Massachusetts Department must use in screening the sources to determine that their emissions will not violate the National Ambient Air Quality Standards (NAAQS), were discussed in detail in the Notice of Proposed Rulemaking (the NPR) cited above and will not be repeated here. EPA's reasons for approving this revision were also discussed at length in the NPR and, therefore, will not be repeated. Two letters of comment, both in favor of EPA's proposed action, were received.

EPA finds good cause for making this action effective immediately because the implementation plan revision is already in effect under state law and the EPA approval imposes no additional regulatory burdens.

In the NPR, EPA proposed approval of all individual sources which are later determined to meet the eligibility requirements of the new regulations and set forth the procedures by which EPA will conduct its proposed rulemaking process for individual sources concurrently with the State's review process. Therefore, this notice does not give final approval to individual sources which meet the eligibility requirements of the new regulation. Before final approval, these sources must be processed in accordance with the concurrent State/EPA procedures set forth in the NPR. Individual SIP revisions for each eligible source will be submitted to EPA by the Massachusetts Department at some future dates, at which time EPA will proceed to final rulemaking for these individual sources.

EPA specifically solicited comments in the NPR on this new parallel, concurrent State/EPA processing of individual sources since it is a departure from EPA's usual procedure of conducting a separate, proposed rulemaking only after the State has completed its review and determination for each source requesting a relaxation of the sulfur-in-fuel limitation. No comments were received concerning this new approach. EPA believes that this new approach is a significant regulatory reform which will substantially reduce the time required to complete the SIP revision process for these sources.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this SIP revision is available *only* by 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.

The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to Section 8(b) of that Order.

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

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, 1980.

(Sec. 110(a), 301, Clean Air Act, as amended, (42 U.S.C. 7401 and 7601))

Dated: March 12, 1981.

Walter C. Barber,

Acting Administrator.

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

Subpart W—Massachusetts

1. Section 52.1120, paragraph (c) is amended by adding subparagraph (36) as follows:

§ 52-1120 Identification of plan.

* * * * *

(c) * * *

(36) A revision submitted by the Commissioner of the Massachusetts Department of Environmental Quality Engineering on September 12, 1980 adding a new regulation 310 CMR 7.19 "Interim Sulfur-in-Fuel Limitations for Fossil Fuel Utilization Facilities Pending Conversion to an Alternate Fuel or Implementation of Permanent Energy Conservation Measures."

[FR Doc. 81-8408 Filed 3-18-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-3-FRL 1777-2]

Approval of Revision of the Pennsylvania State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: In a Federal Register notice of May 20, 1980, 45 FR 33607, EPA conditionally approved the Commonwealth of Pennsylvania's State Implementation Plan (SIP). The SIP was conditionally approved because there were deficiencies which had to be corrected before full approval could be granted. In the same **Federal Register** of May 20, 1980, 45 FR 33656, EPA proposed deadlines by which the Commonwealth had to correct the conditionally approved items. Conditional approval means that Section 176 and Section 316 of the Clean Air Act and new source growth restrictions will not apply unless the State fails to submit the necessary SIP revisions by the scheduled dates, or unless the revisions are not approved by EPA. On September 30, 1980, Pennsylvania requested a time extension for three of the conditionally approved items in order to hold a common public hearing on all three items. EPA is approving this request for a time extension. There were no other comments on the proposed schedules.

EFFECTIVE DATE: March 19, 1981.

ADDRESSES: Copies of the State Implementation Plan revisions affecting this rulemaking and the accompanying support documentation are available for public inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Region III, Air Programs Branch, Curtis Building, 10th Floor, Sixth & Walnut Streets, Philadelphia, PA 19106; ATTN: Patricia Sheridan

Pennsylvania Department of Environmental Resources, Bureau of Air Quality, Post Office Box 2063, Harrisburg, PA 17120; ATTN: Gary L. Triplett

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

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

FOR FURTHER INFORMATION CONTACT:
Mr. Ed Shoener (3AH12), Air Programs Branch, U.S. Environmental Protection Agency, Region III, Curtis Building, 10th Floor, Sixth & Walnut Streets, Philadelphia, PA 19106; Phone: (215) 597-8188.

SUPPLEMENTARY INFORMATION: In the **Federal Register** notice of May 20, 1980 EPA proposed time schedules by which five conditionally approved items of the Pennsylvania SIP had to be corrected. On September 30, 1980 Pennsylvania requested a time extension for items 1, 2 and 5 in order to provide for a common public hearing on all three items. EPA is granting these time extensions. EPA received no other comments on its proposed schedule. Listed below are the final schedules by which Pennsylvania must correct the deficiencies:

1. The Commonwealth and Allegheny County will remove the exemption allowing the use of cutback asphalt as a tack coat and submit revised regulations by May 31, 1981. In the interim, they must meet the following schedules:

—January 31, 1981—Notice of public hearing (proposed date was September 30, 1980).
—February 28, 1981—Public hearing and draft regulations submitted to EPA. (Proposed date was October 31, 1980.)
—May 31, 1981—Adopt new regulations and submit to EPA. (Proposed date was December 31, 1980.)

2. The Commonwealth and Allegheny County will revise the limit of solvent content allowed in emulsified asphalt consistent with reasonably available control technology and submit revised regulations by May 31, 1981. In the interim, they must meet the following schedules:

—January 31, 1981—Notice of public hearing. (Proposed date was September 30, 1980.)
—February 28, 1981—Public hearing and draft regulations submitted to EPA. (Proposed date was October 31, 1980.)
—May 31, 1981—Adopt new regulations and submit to EPA. (Proposed date was December 31, 1980.)

3. The Delaware Valley Regional Planning Commission, as the designated lead planning agency for the Philadelphia metropolitan area, will obtain firm commitments from appropriate State and local authorities for the implementation of the Newton Branch electrification and the Route 66 Trolley extension and submit these commitments to EPA by December 31, 1980; should firm commitments not be obtained by December 31, 1980, the Commonwealth must submit substitute measures with equivalent reductions by June 30, 1981.

4. Each designated lead planning agency and metropolitan planning organization in the Allentown-Bethlehem-Easton, Scranton, Wilkes-Barre, and Harrisburg areas will provide written assurances to EPA with endorsements by the Commonwealth that no project, program, or plan will be approved that does not conform with the approved State Implementation Plan. The deadline for the submittal of these commitments was proposed as July 31, 1980. However, on July 21, 1980 EPA received the written assurances. EPA will handle this sumittal in a separate **Federal Register** notice.

5. The Commonwealth will revise the language in the Special Permit Requirements (§ 127.65(b)) to comply with Section 173(3) of the Clean Air Act concerning permit requirements by May 31, 1981. In the interim they must meet the following schedule:

—January 31, 1981—Notice of Public Hearing.
—February 28, 1981—Public Hearing and draft regulations submitted to EPA.
—May 31, 1981—Adopt new regulations and submit to EPA. (Proposed date was March 11, 1981.)

The schedules are effective on March 19, 1981 for good cause because some of the deadlines will become effective in the near future.

The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to Section 8(b) of that Order.

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

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

Dated: March 12, 1981.

Walter C. Barber,

Acting Administrator.

Note.—Incorporated by reference of the State Implementation Plan for the Commonwealth of Pennsylvania was approved by the Director of the Federal Register on July 1, 1980.

Approval of the Revision of the Pennsylvania State Implementation Plan, Title 40, Part 52 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

Subpart NN—Pennsylvania

Section 52.2037 is revised as follows:

§ 52.2037 Control strategy: Carbon monoxide and ozone (hydrocarbons).

(a) Part D—Conditional Approval—the Pennsylvania plan for carbon monoxide and ozone is approved provided that the following conditions are satisfied:

(1) The Commonwealth and Allegheny County will remove the exemption allowing the use of cutback asphalt as a tack coat and submit revised regulations by May 31, 1981. In the interim, they must meet the following schedules:

—January 31, 1981—Notice of public hearing.
—February 28, 1981—Public hearing and draft regulations submitted to EPA.
—May 31, 1981—Adopt new regulations and submit to EPA.

(2) The Commonwealth and Allegheny County will revise the limit of the solvent content allowed in emulsified asphalt consistent with reasonably available control technology and submit revised regulations by May 31, 1981. In the interim, they must meet the following schedules:

—January 31, 1981—Notice of public hearing.
—February 28, 1981—Public hearing and draft regulations submitted to EPA.
—May 31, 1981—Adopt new regulations and submit to EPA.

(3) The Delaware Valley Regional Planning Commission, as the designated lead planning agency for the Philadelphia metropolitan area, will obtain firm commitments from appropriate State and local authorities for the implementation of the Newton Branch electrification and the Route 66 Trolley extension and submit these commitments to EPA by December 31, 1980; should firm commitments not be obtained by December 31, 1980, the Commonwealth must submit substitute measures with equivalent reductions by June 30, 1981.

In § 52.2055, paragraph (c), is revised as follows:

§ 52.2055 Review of new sources and modifications.

* * * * *

(c) The Special Permit Requirement regulations are approved provided that the language of § 127.65(b) of the Pennsylvania regulations is revised to conform with section 173(3) of the Clean Air Act and submitted to EPA by the Secretary of the Department of Environmental Resources by May 31, 1981. In the interim, the following schedule must be met:

—January 31, 1981—Notice of public hearing.
—February 28, 1981—Public hearing completed and draft regulations submitted to EPA.
—May 31, 1981—Adopt new regulations and submit to EPA.

However, these regulations are not approved for permitting of applicable CO sources locating in CO nonattainment areas or for applicable hydrocarbon sources in rural ozone nonattainment areas.

[FR Doc. 81-8409 Filed 3-18-81; 8:45 am]
BILLING CODE 6560-38-M

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40 CFR Part 52

[A-5-FRL 1777-8]

Ohio; Approval and Promulgation of Implementation Plans

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This action revises the federally promulgated Ohio State Implementation Plan (SIP) for the B. F. Goodrich Company in Lorain County. This revision is based on increasing the allowable emissions from the two coal-fired boilers and reducing the allowable emissions from the four oil-fired boilers. The revision results in a decrease in both maximum allowable SO_2 emissions and actual SO_2 emissions in comparison with current emission levels.

EFFECTIVE DATE: April 20, 1981.

FOR FURTHER INFORMATION CONTACT: Debra Marcantonio, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 886-6088.

SUPPLEMENTARY INFORMATION: On August 27, 1976, the U.S. Environmental Protection Agency (EPA) promulgated regulations establishing the SIP for the control of sulfur dioxide for the State of Ohio (41 FR 36324). This action amends the SIP as it applies to the B. F. Goodrich Company in Lorain County.

On July 24, 1979, B. F. Goodrich submitted a SIP revision request for its facility in Lorain County. Additional information was submitted on March 14, 1980 and May 15, 1980. B. F. Goodrich's Lorain County facility uses steam provided by two coal-fired boilers and four oil-fired boilers. The submissions request a revision to the August 27, 1976 regulation that set boiler-specified limits according to a general county-wide equation that used the rated heat capacity of each boiler.

The B. F. Goodrich Company's SIP revision is based on increasing the allowable emissions from the two coal-fired boilers and reducing the allowable emissions from the four oil-fired boilers. The revision will result in a decrease in both maximum allowable SO_2 emissions and actual SO_2 emissions in comparison with current emission levels. In support of its proposed revision; B. F. Goodrich originally submitted a modeling analysis using the RAM urban model. However, recent EPA final rulemaking (June 24, 1980, 45 FR 42279) for the Cleveland Electric Illuminating Company's (CEI) Avon Lake Plant which is located 2 km north of B. F. Goodrich, relied on modeling performed with EPA's rural, single-source CRSTER model. Because both the CEI and the B. F. Goodrich plants are located close together, EPA determined that it was appropriate to model both plants together with MPTER (the multi-source version of CRSTER). The modeling analysis of B. F. Goodrich and CEI with MPTER was performed by EPA. Further discussion of the modeling analysis is contained in the notice of proposed rulemaking (45 FR 77465) and the technical support document which is available in Docket 5A-80-12.

Based upon the Agency's review of the B. F. Goodrich submittal and the Agency's additional modeling analysis, EPA proposed to approve this SIP revision for the B. F. Goodrich Company on November 24, 1980 (45 FR 77465). During the public comment period EPA received one public comment which addressed several issues. Each issue raised in this comment is addressed below.

Issue: The commentor questioned the assumed natural background level of 40 $\mu g/m^3$ utilized in EPA's modeling analysis.

Response: The background level applied in EPA's analysis was based on representative 1979 monitoring data. The 40 $\mu g/m^3$ level was originally derived by EPA in its analysis to support the emission limitations promulgated for both the Cleveland Electric Illuminating Company (CEI) Eastlake and Avon Lake plants (see 45 FR 42279). The CEI Avon Lake and B. F. Goodrich plants are only 1.5 km apart and there are no other significant SO_2 sources within 12 km of these two facilities. Thus, application of a 40 $\mu g/m^3$ background level and inclusion of CEI Avon Lake in EPA's analysis of B. F. Goodrich is sufficient to account for the impact of all natural and nearby and distant man-made sources.

Issue: The commentor asked if there were any receptors located above the elevation of the B. F. Goodrich stack heights. If there were, the commentor noted that the MPTER model would not be appropriate.

Response: The terrain in northern Lorain County near Lake Erie where B. F. Goodrich is located is relatively flat and there are no elevations greater than the B. F. Goodrich stack elevations in the area. Consequently, there is no need to consider variable terrain heights in the modeling. The MPTER model is, therefore, appropriate for this situation.

Issue: The commentor expressed concern that this SIP revision may result in a violation of the three-hour standard.

Response: The highest, second high 3-hour concentration predicted in the Lorain area was 1300 $\mu g/m^3$, to which B. F. Goodrich had no significant contribution. Therefore, the 3-hour secondary standard will be protected with B. F. Goodrich operating at the revised emission limits.

Based upon the Agency's review and analysis of the SIP revision request and the public comment received, EPA has determined that approval of the B. F. Goodrich SIP revision will not jeopardize the attainment and maintenance of the NAAQS. Therefore, EPA approves the revised emission limitations for the B. F. Goodrich Company in Lorain County.

This revision does not affect the compliance schedule and the attainment date as previously promulgated for this facility on May 31, 1977 (42 FR 27588). The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to Section 8(b) of that Order.

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

This Notice of Final Rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended.

Dated: March 12, 1981.

Walter C. Barber,

Acting Administrator.

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

Subpart KK—Ohio

1. Section 52.1881 is amended by adding a new paragraph (b)(38)(ix) as follows:

§ 52.1881 Control strategy: Sulfur oxides (sulfur dioxide).

* * * * *

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

(38) In Lorain County * * *

* * * * *

(ix) The B. F. Goodrich Company or any subsequent owner or operator of the facility in Lorain County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack in excess of the rates specified below:

(A) 129.0 nanograms of sulfur dioxide per joule (0.30 lbs. SO_2/MMBTU) of actual heat input for oil-fired boilers number 1, 2, 5, and 6.

(B) 2237.1 nanograms of sulfur dioxide per joule (5.20 lbs. SO_2/MMBTU) of actual heat input for coal-fired boilers number 3 and 4.

* * * * *

[FR Doc. 81-8410 Filed 3-18-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-2-FRL 1776-8]

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

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces approval by the Environmental Protection Agency of a revision to the New York State Implementation Plan. This action has the effect of allowing the Niagara Mohawk Power Corporation to continue to use fuel oil with a maximum sulfur content of 2.8 percent, by weight, in unit 5 of its Oswego generating facility, located in Oswego County, New York. The State's submittal, extending its current "special limitation," will allow the use of fuel oil with a maximum sulfur content of 2.8 percent, by weight, for a maximum period of three years from [insert the date of publication]. Receipt of this implementation plan revision request from New York State was announced in the **Federal Register** on December 16, 1980 at 45 FR 82678, where a full description of the proposed revision is contained.

EFFECTIVE DATE: This action becomes effective on March 19, 1981.

ADDRESSES: Copies of the SIP revision submitted by New York State are available for inspection during normal business hours at the following addresses:

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

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

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

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

SUPPLEMENTARY INFORMATION: On September 17, 1980 New York State submitted to the Environmental Protection Agency (EPA) a proposed revision to its State Implementation Plan (SIP). This revision proposes to allow the Niagara Mohawk Power Corporation (NMPC) to continue to use fuel oil with a maximum sulfur content of 2.8 percent, by weight, in unit 5 of its Oswego generating facility, located in Oswego County, New York. Normally under State regulation this facility would be required to burn fuel oil with a maximum sulfur content of 2.0 percent, by weight. Authority for such "special limitations" is found at § 225.2 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

On July 20, 1976 (41 FR 29817) EPA approved a "special limitation" which allowed the use, until May 31, 1977, of 2.8 percent sulfur content fuel oil at units 1 through 5 at the Oswego generating facility. On April 24, 1978 (43 FR 17357) EPA approved a renewal until May 31, 1980 of this initial "special limitation." The State's current revision request asks for a renewal to expire three years from today. However, it should be noted that this request applies only to unit 5 of the Oswego generating facility.

This proposed revision to the New York SIP was announced in the **Federal Register** of December 16, 1980 (45 FR 82678), where it is described in detail. At that time EPA advised the public that comments would be accepted as to whether the proposed revision should be approved or disapproved. No comments were received.

Based on EPA's review of the State's technical support documents and hearing officer's report, and agreement with the State's conclusion that, if implemented, the proposed SIP revision would not be expected to cause or exacerbate contraventions of any national ambient air quality standard or applicable Prevention of Significant Deterioration increments, EPA finds this revision to the New York SIP consistent with the requirements of Section 110(a) of the Clean Air Act and EPA regulations found at 40 CFR Part 51. Accordingly, EPA approves this revision.

Furthermore, this action is being made effective immediately because it imposes no hardship on the affected sources, and no purpose would be served by delaying its effective date.

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 sixty 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 requirments.

The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to Section 8(b) of that Order.

Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements. Moreover, due to the nature of the federal-state relationship, federal inquiry into the economic reasonability of the state actions would serve no practical purpose and could well be improper. In addition, this action only applies to one facility.

Incorporation by reference of the State Implementation Plan for the State of New York was approved by the Director of the Federal Register on July 1, 1980.

(Secs. 110, 172, and 301 of the Clean Air Act, as amended (42 U.S.C. 7410, 7502, and 7601))

Dated: March 12, 1981.

Walter C. Barber,

Acting Administrator, Environmental Protection Agency.

Title 40, Chapter 1, Subchapter C, Part 52, Code of Federal Regulations is amended as follows:

Subpart HH—New York

1. Section 52.1670, paragraph (c) is amended by adding a new subparagraph (c)(58) as follows:

§ 52.1670 Identification of plan.

* * * * *

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

* * * * *

(58) Revision submitted on September 17, 1980 by the New York State Department of Environmental Conservation which grants a "special limitation" under 6 NYCRR Part 225. This "special limitation" relaxes to 2.8 percent, by weight, until three years from [insert publication date], the sulfur-in-fuel oil limitation applicable to unit 5 of Niagara Mohawk Power Corporation's Oswego generating facility, located in Oswego County.

[FR Doc. 81-8401 Filed 3-18-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-4-FRL 1777-3]

Approval and Promulgation of Implementation Plans; North Carolina: Approval of 1979 CO Revisions

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is giving full approval to North Carolina's 1979 revisions for the Mecklenburg County carbon monoxide (CO) nonattainment area, which were conditionally approved on April 17, 1980 (45 FR 26038), since all the terms of the conditional approval have been met. The revisions provide for the attainment of the 8-hour carbon monoxide standard by 1987.

DATE: This action is effective April 20, 1981.

ADDRESSES: Copies of the materials submitted by North Carolina may be examined during normal business hours at the following locations:

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

Library, EPA Region IV, 345 Courtland Street N.E., Atlanta, Georgia 30365

The Office of the Federal Register, 1100 L Street N.W., Room 8401, Washington, D.C. 20005

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

SUPPLEMENTARY INFORMATION: On April 17, 1980 (45 FR 26038), the Administrator granted an extension to December 1987 for the attainment of the 8-hour carbon monoxide standard in Mecklenburg County, North Carolina, and approved the 1979 revisions for the area on the condition that the State correct deficiencies in transportation related commitments, submit added detail and specific commitments for the vehicle inspection/maintenance (I/M) program required, and adopt a regulation providing for alternative analysis as required by Section 172(b)(11)(A) of the Clean Air Act.

On May 22, 1980, the State submitted revisions in the narrative of the Charlotte-Mecklenburg Air Quality Implementation Plan, a commitment from the North Carolina Department of Transportation to implement transportation control measures (TCM) contained in the plan, materials related to the evaluation and implementation of TCM, and an addition to Regulation 2H.0608 providing for alternative analysis of sources proposing to locate in areas where standards cannot be met by the end of 1982, i.e., areas qualifying for an attainment date extension. On July 1, 1980, the State submitted new legislation changing the implementation of I/M by merging it with the safety inspection program administered by the Department of Motor Vehicles. On August 19, 1980, the State submitted further revisions in the narrative of the plan, including an I/M schedule revised to meet legislative changes, a resolution of the Environmental Management Commission certifying to the Commissioner of Motor Vehicles the need for I/M in Mecklenburg County, and a letter from the Commissioner of Motor Vehicles acknowledging his statutory responsibility with regard to I/M.

On November 10, 1980 (45 FR 74515), the Agency described the materials submitted, with the exception of the alternative analysis regulation, indicated that they met the terms of the conditional approval, and proposed to give full approval to North Carolina's 1979 CO revisions. No comments were received in response to the notice of proposal.

The reader may refer to that notice and to the notice of conditional approval for a detailed justification of EPA's position that the revisions meet all the requirements of the Clean Air Act and EPA's implementing regulations and guidelines, and are approvable.

As for the alternative analysis regulation, which incorporates language of Section 172 of the Act, EPA does not feel that the failure to propose explicitly in the notice of November 10, 1980, to approve it is an obstacle to giving approval today since the State's adoption and submittal of the regulation was announced in the "Proposed Rules" section of the **Federal Register** on June 24, 1980 (45 FR 42339). Moreover, no one has expressed concern over this feature of the North Carolina 1979 revisions for CO. Accordingly, they are hereby approved. This action is effective April 20, 1981.

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

The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to Section 8(b) of that Order.

(Secs. 110 and 172 of the Clean Air Act (42 U.S.C. 7410 and 7502))

Dated: March 12, 1981.

Walter C. Barber,

Acting Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of North Carolina was approved by the Director of the Federal Register on July 1, 1980.

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

Subpart II—North Carolina

In § 52.1770, paragraph (c) is amended by adding subparagraph (24) as follows:

§ 52.1770 Identification of plan.

* * * * *

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

* * * * *

(24) Corrections in Part D carbon monoxide revisions conditionally approved on April 17, 1980, submitted on May 22 (this submittal included Regulation 2H.0608(g)), July 1, and August 19, 1980, by the North Carolina Department of Natural Resources and Community Development.

[FR Doc. 81-8402 Filed 3-18-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-2-FRL 1776-6]

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

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On February 5, 1980 (45 FR 7803), the Environmental Protection Agency (EPA) promulgated conditional approval of the New York State Implementation Plan (SIP) for the Capital District, Rochester and Syracuse metropolitan areas with regard to its ability to meet requirements of Part D of the Clean Air Act. A similar notice for the Niagara Frontier area was published in the **Federal Register** on November 10, 1980 (45 FR 74472). These conditional approvals identified, among other corrective actions, the need to submit to EPA the criteria and procedures for making assessments of the consistency and conformity of the outputs of the transportation planning process with the SIP.

EPA received the required documentation to meet this condition under cover of a July 2, 1980 letter from the State and proposed its approval on September 15, 1980 (45 FR 60930). EPA is now taking action to finalize its proposed action. EPA is also incorporating the provision of the State's submission into the approved SIP and is revoking the applicable condition on its approval of the plan. Until all conditions are met, conditional approval of the SIP will continue.

EFFECTIVE DATE: This action is effective on March 19, 1981.

ADDRESSES: Copies of the State's submission are available for inspection during normal business hours at the following addresses:

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

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

Copies of the State's submission are also available for inspection during normal business hours at the following address:

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

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

SUPPLEMENTARY INFORMATION: On February 5, 1980 (45 FR 7803), the Environmental Protection Agency (EPA) promulgated conditional approval of the New York State Implementation Plan (SIP) for the Capital District, Rochester and Syracuse metropolitan areas with regard to its ability to meet the requirements of Part D of the Clean Air Act, as amended. A similar notice for the Niagara Frontier area was published on November 10, 1980 (45 FR 74472). Today's notice discusses one condition of EPA's approval of the plan. This condition required the State to submit to EPA, on or before July 1, 1980, criteria and procedures for making assessments of the consistency and conformity of the outputs of the transportation planning process with the SIP.

In response to this requirement, on July 2, 1980 the Commissioner of the New York State Department of Environmental Conservation submitted to EPA a document entitled, "Criteria and Procedures for Evaluating the Consistency/Conformity of Transportation Plans, Programs and Projects with the State Implementation Plan for Upstate Planning Areas."

EPA published its proposed approval of this submission in the September 15, 1980 issue of the **Federal Register** at 45 FR 60930. EPA found the State's criteria and procedures to be adequate for determining the consistency and conformity of the outputs of the transportation planning process with the SIP.

During the sixty day comment period following publication of the September 15, 1980 notice, EPA received no comments concerning its proposal.

Based upon its review of the submitted documents, and discussions with the affected agencies, EPA finds that the subject condition on its approval of the New York SIP for the Capital District, Rochester, Syracuse, and Niagara Frontier metropolitan areas has been fully met. Therefore, EPA is incorporating the State's submission into the SIP and revoking the applicable condition.

This action is being made effective immediately inasmuch as it provides no additional burden upon the affected parties. 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 sixty 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.

The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to Section 8(b) of that Order.

(Secs. 110, 172, 301, Clean Air Act, as amended (42 U.S.C. 7410, 7302 and 7601))

Dated: March 12, 1981.

Walter C. Barber,

Acting Administrator, Environmental Protection Agency.

Note.—Incorporation by reference of the State Implementation Plan for the State of New York was approved by the Director of the Federal Register on July 1, 1980.

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

Subpart HH—New York

1. Section 52.1670 is amended by adding a new paragraph (c)(57) as follows:

§ 52.1670 Identification of plan.

* * * * *

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

* * * * *

(57) A supplemental submittal, dated July 2, 1980, from the New York State Department of Environmental Conservation which included criteria and procedures for making assessments of the consistency and conformity of the outputs of the transportation planning process with the SIP.

§ 52.1674 [Amended]

2. Section 52.1674 is amended by removing and reserving paragraph (b) in its entirety.

[FR Doc. 81-8404 Filed 3-18-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 81

[A-7-FRL 1777-1]

Designation of Areas for Air Quality Planning Purposes: State of Iowa

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: This document redesignates several areas under Section 107 of the Clean Air Act. Linn County, Iowa (Cedar Rapids), is redesignated from nonattainment to attainment with respect to the ozone air quality standards. Ames, Iowa is redesignated from unclassifiable to attainment with

respect to the total suspended particulate ambient air quality standards. In addition, nine rural counties are redesignated from unclassifiable to attainment with respect to the ozone air quality standards. A nonattainment designation means that air pollution levels in a certain area are above the ambient air quality standard and that the area is required by Part D of the Clean Air Act to develop a plan to attain the standards. An attainment designation means that air pollution levels are better than the standards while an unclassifiable designation means that the sufficient information does not exist to make a determination.

EFFECTIVE DATE: March 19, 1981.

ADDRESSES: Copies of the state submitted information and the EPA prepared evaluation report are available at the following addresses: Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri; Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M Street SW., Washington, D.C., and the Iowa Department of Environmental Quality, Henry A. Wallace Building, 900 East Grand, Des Moines, Iowa.

FOR FURTHER INFORMATION CONTACT: Daniel J. Wheeler, at 816–374–3791.

SUPPLEMENTARY INFORMATION: Section 107 of the Clean Air Act requires all areas to be designated as attaining the National Ambient Air Quality Standards (NAAQS), as not attaining the NAAQS or as being unclassifiable with respect to attainment for each pollutant for which there is a standard. Attainment/nonattainment designations are recommended by the state and approved or revised as necessary by EPA.

The original designations for the State of Iowa were published in the **Federal Register** March 3, 1978 (43 FR 8962), and were codified in the Code of Federal Regulations at 40 CFR 81.316. On June 22, 1979 the state submitted a number of redesignation requests.

The state has requested that the City of Ames be redesignated from unclassifiable to attainment. Ames was originally designated unclassifiable because air quality data did not present a clear picture of existing particulate levels. Since that time, air quality sampling has shown no exceedences of the 24 hour secondary particulate standard for over two years. These monitoring results meet EPA's requirements for demonstrating attainment in Ames.

The counties of Boone, Clinton, Harrison, Jasper, Marshall and Story were designated unclassifiable for ozone due to the lack of ozone monitoring and the fact that they were downwind from ozone nonattainment areas. On March 6, 1980 (45 FR 14569) EPA revised the designations of three of the nonattainment areas based on a change in the ozone standard (see 44 FR 8220, February 8, 1979). Since the upwind counties that were designated nonattainment are no longer designated nonattainment the State requests the downwind counties be designated attainment. Most of these counties are related to counties that have been redesignated attainment for ozone. One, Clinton County is near Scott County which is now designated unclassifiable. Monitoring at one location in Scott County, near the Clinton County line, does not show violations of the ozone standard. There is no evidence that Clinton County exceeds the standard or has the potential to exceed the standard. In the absence of air quality monitoring data to the contrary, EPA agrees that these six counties can be designated attainment.

On October 1, 1980, the state requested that Linn County (Cedar Rapids) be redesignated from nonattainment to attainment for ozone. At the same time the state requested that Buchanan, Delaware and Jones Counties be redesignated from unclassifiable to attainment for ozone.

Linn County had been designated nonattainment based on exceedences of the ozone standard at a monitor in Cedar Rapids. The state has submitted air quality data showing that the air quality standard for ozone is now attained at this site which had recorded violations for the standard. There have not been any values recorded in excess of the ozone standard for the last two years. The standard was exceeded only on two days in 1978. Since the designation of the other three counties was based on the Linn County (Cedar Rapids) designation, they are also requested to be redesignated to attainment.

The redesignations of the City of Ames and of Boone, Clinton, Harrison, Jasper, Marshall and Story Counties were proposed on November 6, 1980 (45 FR 73702). The redesignations of Linn, Buchanan, Delaware and Jones Counties were proposed on November 18, 1980 (45 FR 76210). No comments were received on either proposal.

The Administrator's decision to approve or revise proposed designations is based on any comments received and a determination of whether or not the designations meet the requirements of the Clean Air Act and satisfy the requirements stated in the March 3, 1978 and February 8, 1979 rulemakings.

Since there were no public comments, the Administrator's decision is based solely on air quality data submitted by the state. The Administrator finds that the requirements for an attainment designation are met in all cases and all of the subject areas are hereby redesignated to attainment.

The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to Section 8(b) of that Order.

This notice is issued under the authority of Section 107 of the Clean Air Act, as amended (42 U.S.C. 7407).

Dated: March 12, 1981.

Walter C. Barber,

Acting Administrator.

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

Subpart C—Section 107 Attainment Status Designations

§ 81.316 [Amended]

In § 81.316 Iowa, the Table "Iowa TSP" is amended by removing the following:

City of Ames * * * X * * *
Remainder of Story County * * * X.

2. In § 81.316 Iowa, the table "Iowa O_x" is amended by removing the line reading:

Linn County * * * X * * *;

and by revising the words "Remainder of State" to read "Entire State."

[FR Doc. 81-8405 Filed 3-18-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 205

[NH FRL 1782-7]

Noise Emission Standards: Medium and Heavy Trucks and Truck Mounted Solid Waste Compactors

AGENCY: Environmental Protection Agency.

ACTION: Request for additional comments; final rule.

SUMMARY: The Environmental Protection Agency is requesting comments on whether or not to rescind the 80 dB noise standard regulation for heavy and medium trucks. The EPA is seeking additional comments because of the renewed request for rescission of this standard since EPA published the deferrals of effective dates.

DATE: EPA will consider all written comments on whether or not to rescind the 80 dB regulation for medium, and

heavy trucks, which are received before 4:30 p.m., April 24, 1981.

ADDRESSES: Written comments to the docket should be mailed to: Director, Standards and Regulations Division, Attention: ONAC Docket 81-02 (Medium and Heavy Trucks), ANR-490, U.S. Environmental Protection Agency, Washington, D.C. 20460. Copies of the related correspondence and other supporting documents are available for public inspection between the hours of 8:00 am and 4:00 pm at the Central Docket Section of the Environmental Protection Agency, West Tower, Gallery 1, 401 M Street, SW., Washington, D.C. 20460. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT: Timothy Barry, Program Manager, Standards and Regulations Division, (ANR-490), U.S. Environmental Protection Agency, Washington, D.C. 20460; or phone (202) 557-2710.

SUPPLEMENTARY INFORMATION: On January 27, 1981 (46 FR 8497) the U.S. Environmental Protection Agency, (EPA) deferred the effective date of the 80 decibel (dB) noise emission regulation for medium and heavy trucks from January 1, 1982 to January 1, 1983. The action was taken in response to petitions submitted by the International Harvester Company and Mack Trucks, Incorporated requesting reconsideration of that regulation. The purpose of the Agency action was to provide temporary relief to the truck manufacturing industry from expenditures otherwise needed to bring their medium and heavy trucks into compliance with the 1982, 80 dB regulation. The basis for the action was the recent downturn in the economic condition of the truck manufacturing industry and an unforeseen increase in the demand for medium diesel trucks, which are the most costly to quiet.

Because the 76 dB noise emission regulation for truck-mounted solid waste compactors is related to the 80 dB level for truck chassis, the effective date for the 76 dB compactor regulation was also deferred, from July 1, 1982 to July 1, 1983.

Since publication of the deferrals in effective dates, EPA has received renewed requests to rescind the 80 dB regulation for medium and heavy trucks. This notice is to request public comment on whether or not the Agency should rescind the 80 dB noise regulation for medium and heavy trucks.

Dated: March 13, 1981.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 81-8565 Filed 3-18-81; 8:45 am]

BILLING CODE 6560-27-M

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 1-3, 1-11 and 1-16

[FPR Amdt. 215]

Exemption From State and Local Taxes

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: The Federal Procurement Regulations are amended to clarify and simplify requirements for asserting immunity or an exemption from State and local taxes and to assume responsibility for prescribing policies and procedures on the use and issuance of tax exemption certificate forms. The changes are based on recommendations made by the General Accounting Office (GAO) in its March 31, 1977, letter B-184165 and proposed changes to Title 7, Section 26, of the GAO Policy and Procedures Manual for the Guidance of Federal Agencies. The intended effect is to reduce the amount of time and paperwork involved in handling tax immunity or exemptions on Government procurements and to centralize the responsibility for prescribing tax exemption and immunity policies, procedures, and forms in the General Services Administration (GSA).

EFFECTIVE DATE: May 1, 1981.

FOR FURTHER INFORMATION CONTACT: Philip G. Read, Director, Federal Procurement Regulations Directorate, Office of Acquisition Policy (703-557-8947).

SUPPLEMENTARY INFORMATION: The significant changes introduced in this amendment are as follows:

(1) In the interest of economy and reduced paperwork, agency heads or their authorized representatives are given discretionary authority to decline to assert immunity or an exemption from State and local taxes on imprest fund purchases. If immunity or an exemption is asserted on such purchases, it is to be limited to transactions where the tax exceeds $10.

(2) On other than imprest fund transactions, immunity or exemption from State and local taxes is not to be asserted unless the tax exceeds $10.

(3) The principle is established that the Government need only identify itself as the vendee to assert its immunity or an exemption from State and local taxes. The use of normal transaction documents to provide this identification, rather than the special tax exemption certificate form, is emphasized.

(4) Standard Form 1094, U.S. Tax Exemption Certificate, formerly prescribed by GAO, has been revised and is now prescribed by GSA in the Federal Procurement Regulations. The form is illustrated, and procedures for asserting immunity or exemptions from State and local taxes are fully described in revised coverage. Supplies of Standard Form 1094 will be stocked in GSA Supply Distribution Facilities. Requests for supplies of the form should be submitted in FEDSTRIP/MILSTRIP format. The request should reference NSN 7450-00-634-4238.

PART 1-3—PROCUREMENT BY NEGOTIATION

The table of contents for Part 1-3 is amended by revising the following entry:

1-3.604-7 State and local taxes.

Subpart 1-3.6—Small Purchases

Section 1-3.604-7 is revised to read as follows:

§ 1-3.604-7 State and local taxes.

Government purchases are exempt from State and local sales and use taxes as a general rule (see § 1-11.301). However, it is recognized that the assertion of immunity or an exemption may be impracticable on many small cash purchases made with imprest funds. Accordingly, on imprest fund purchases which are made in accordance with the provisions of § 1-3.604-5, State and local sales and use taxes may be paid at the discretion of agency heads or their authorized representatives for this purpose. When immunity or an exemption is claimed, documentary evidence as prescribed in § 1-11.502-1 shall be provided to vendors if necessary to establish the Government's exemption or immunity from State or local taxes. In accordance with § 1-11.502-2(b), evidence of immunity or an exemption shall not be issued if the amount of a particular tax on any one transaction (purchase, invoice, aggregate billing, or payment for multiple purchases) is $10 or less.

PART 1-11—FEDERAL, STATE, AND LOCAL TAXES

The table of contents for Part 1-11 is amended by adding or revising the

following entries and removing § 1–11.302 as follows:

1–11.300 Scope of subpart.
1–11.301 Policy.
1–11.302 [Removed]

Subpart 1–11.3—State and Local Taxes

Sections 1–11.301 and 1–11.302 are redesignated as §§ 1–11.300 and 1–11.301 and are revised to read as follows:

§ 1–11.300 Scope of subpart.

(a) This subpart sets forth policies regarding the immunity or exemption of Government procurements from State and local sales and use taxes.

(b) As used in this subpart, the term "State and local taxes" includes taxes of the States, the District of Columbia, the possessions of the United States, Puerto Rico, and political subdivisions thereof.

§ 1–11.301 Policy.

(a) As a general rule, purchases made by the Government itself are immune or exempt from State and local sales and use taxes. However, whether purchases made by the Government itself are actually immune or exempt from these taxes requires both an analysis of the constitutional principles of sovereign immunity and the provisions of the particular State and local law involved. The Government is constitutionally immune from State and local taxes, the legal incidence of which is on the vendee. In cases where the legal incidence of State and local taxes is on the vendor, the Government may be exempt if State or local law or regulations so provide. Personal and real property are immune from State and local property taxes when title is vested in the Government and the property is both owned and possessed by the Government. In all cases, the immunity or exemption shall be used to the fullest extent possible by providing adequate evidence that an agency of the Government is the purchaser of the goods or services or the owner of the property and is thus not subject to the taxes. However, in the interest of economy and reduced paperwork, §§ 1–3.604–7 and 1–11.502–2(b) limit the assertion of immunity or an exemption to transactions on which a particular State or local tax exceeds $10.

(b) When purchases are not made by the Government itself, but by a prime contractor of the Government or by a subcontractor under a prime contract, the right to an exemption of the transaction from a sales or use tax may not rest on the Government's immunity from direct taxation by States and localities. It may rest instead on provisions of the particular State or local law involved or, in some cases, the transaction may not in fact be expressly exempt from the tax. Similarly, Government-owned property in the possession of a contractor or subcontractor on tax day may give rise to situations where States or localities may have the right to tax the contractor's or subcontractor's possession of, interest in, or use of that property.

(c) Whenever there is any doubt as to the availability of the Government's immunity or exemption from any State or local tax, the matter shall be handled in accordance with § 1–11.000(b).

(d) The types of evidence of tax immunity or exemption which may be employed are identified in § 1–11.502–1. Usually this evidence is provided by documents created in the normal course of transacting purchases, and no additional evidence, such as a tax exemption certificate, will be necessary.

§ 1–11.302 [Removed]

Subpart 1–11.5—Tax Exemption Forms

1. Section 1–11.501(a) is revised to read as follows:

§ 1–11.501 Federal excise tax exemption forms.

(a) Unless the contract requires otherwise, evidence of exemption shall not be issued unless the amount of taxes on any one transaction (purchase, invoice, aggregate billing, or payment for multiple purchases) exceeds $10.

* * * * *

2. Sections 1–11.502–1 and 1–11.502–2 are revised to read as follows:

§ 1–11.502–1 Types of evidence of immunity or exemption.

Evidence appropriate to establish immunity or exemption from State or local taxes will vary depending upon the grounds of immunity or exemption claimed, the parties to the transaction, and the requirements of the taxing jurisdiction. Such evidence includes but is not limited to the following:

(a) Copies of purchase orders, shipping documents, credit card imprinted sales slips, paid or acknowledged invoices, and similar documents created in due course which identify an agency or instrumentality of the U.S. Government as the vendee;

(b) A copy of the contract or applicable portion thereof;

(c) A State or local form indicating that supplies or services are for the exclusive use of the U.S. Government;

(d) Any other State or locally required form, certificate, or document to establish a general or specific exemption; or

(e) Standard Form 1094, U.S. Tax Exemption Certificate. (Use of this form is appropriate when no other evidence is available and the amount of the tax is large enough to justify its completion.)

§ 1–11.502–2 When evidence of immunity or exemption is to be furnished.

(a) The general rules for asserting immunity or exemption from State and local taxes are outlined in the policy statements contained in § 1–11.301. Special rules for asserting tax immunity or exemption on imprest fund purchases are discussed in § 1–3.604–7.

(b) To reduce uneconomical paperwork, immunity or exemptions shall not be asserted on transactions on which a particular State or local tax is $10 or less. For this purpose, a transaction is defined as a purchase, invoice, aggregate billing, or payment for multiple purchases.

(c) If a reasonable basis to sustain immunity or an exemption exists, and the $10 tax threshold as discussed in paragraph (b) of this § 1–11.502–2 is exceeded, contractors, including vendors, will be furnished evidence of imminity or an exemption under:

(1) Contracts containing the clauses prescribed in either §§ 1–11.401–1 or 1–11.401–2 in accordance with the terms of those clauses;

(2) Cost-reimbursement type contracts; and

(3) Contracts or purchase orders which contain no provision regarding taxes if the contractor warrants that the contract price does not include the tax, or the contractor consents to a reduction in the contract price if the evidence of immunity or an exemption is accepted by the taxing jurisdiction.

(d) In case of disagreement as to whether a reasonable basis exists that would sustain the immunity or exemption of a transaction, the matter should be resolved in accordance with § 1–11.000(b).

PART 1–16—PROCUREMENT FORMS

The table of contents for Part 1–16 is amended to add new entries as follows:

1–16.807 Standard Form 1094, U.S. Tax Exemption Certificate, and Standard Form 1094–A, Tax Exemption Certificates Accountability Record.
1–16.901–1094 Standard Form 1094, U.S. Tax Exemption Certificate.
1–16.901–1094–A Standard Form 1094–A, Tax Exemption Certificates Accountability Record.

Subpart 1–16.8—Miscellaneous Forms

Section 1–16.807 is added as follows:

§ 1-16.807 Standard Form 1094, U.S. Tax Exemption Certificate, and Standard Form 1094-A, Tax Exemption Certificates Accountability Record.

(a) A signed copy of Standard Form 1094, U.S. Tax Exemption Certificate, provides a means of asserting the Government's immunity or exemption from State or local taxes whenever other evidence of immunity or an exemption is not readily available (see § 1-11.502-1). General procedural instructions governing the use of Standard Form 1094 are printed on the form. Normally, the form will be signed by the contracting officer, his or her representative, or an authorized certifying or disbursing officer.

(b) Each agency shall be responsible for providing adequate safeguards to ensure proper control and use of Standard Form 1094, Standard Form 1094-A, Tax Exemption Certificates Accountability Record, which accompanies Standard Form 1094, shall be used to control and provide a usage record for the U.S. Tax Exemption Certificates.

Subpart 1-16.9—Illustrations of Forms

Sections 1-16.901-1094 and 1-16.901-1094-A are added as follows:

BILLING CODE 6820-61-M

§ 1-16.901-1094 Standard Form 1094, U.S. Tax Exemption Certificate.

U.S. TAX EXEMPTION CERTIFICATE	Read the instructions on the reverse side.	DEPARTMENT, AGENCY, OR OFFICE	SERIAL NO.	
ITEM PURCHASED FOR EXCLUSIVE USE OF THE U.S. GOVERNMENT *(Describe)*			QUANTITY	UNIT PRICE $
VENDOR FROM WHICH PURCHASED	NAME	A tax exemption certificate has not previously been issued and the described item(s) has (have) been delivered and invoiced pursuant to:	Amount of Tax Excluded	
	ADDRESS *(No., Street, City, State, and ZIP Code)*		State	$
I certify that the information on this form is true and correct to the best of my knowledge and belief.		P.O. OR CONTRACT NO.	Local	$
PURCHASER'S SIGNATURE, OFFICE TITLE, AND ADDRESS ▶		DATE	For Administrative Office	
		DATES	D.O. SYMBOL NO.	
Certified correct and just:			VOUCHER NO.	
SIGNATURE AND TITLE OF VENDOR'S REPRESENTATIVE ▶		DATE	DATE	

SPECIMEN

STANDARD FORM 1094 (REV. 4-80)
Prescribed by GSA, FPR (41 CFR) 1-16.807

INSTRUCTIONS

1. This form will be used to establish the Government's exemption or immunity from State or Local taxes whenever no other evidence is available.

2. This form shall NOT be used for:
(a) Purchases of quarters or subsistence made by employees in travel status.
(b) Expenses incident to use of a privately owned motor vehicle for which a mileage allowance has been authorized, or
(c) Merchandise purchased which is subject only to Federal Tax.

3. If the spaces provided on the face of this form are inadequate, attach a separate statement containing the required information.

4. If both State and Local taxes are involved, use a separate form for each tax. The certificate will be provided to the vendor when the prices exclude State or Local tax.

5. The serial number of each certificate prepared will be shown on the payment voucher.

THE FRAUDULENT USE OF THIS CERTIFICATE FOR THE PURPOSE OF OBTAINING EXEMPTION FROM OR ADJUSTMENT OF TAXES IS PROHIBITED.

STANDARD FORM 1094 BACK (REV. 4-80)

§ 1-16.901-1094-A Standard Form 1094-A, Tax Exemption Certificates Accountability Record.

TAX EXEMPTION CERTIFICATES ACCOUNTABILITY RECORD	To be used for convenience of the issuing agency for maintaining a control record of tax exemption certificates issued.

TAX EXEMPTION CERTIFICATES IN THIS BOOK NUMBERED ▶	THROUGH	TAX EXEMPTION CERTIFICATES RETURNED UNUSED FOR REISSUE ▶	THROUGH
ISSUED TO		REISSUED TO	
NAME		NAME	
TITLE		TITLE	
OFFICE DESIGNATION		OFFICE DESIGNATION	

	SIGNATURE	DATE ISSUED		SIGNATURE	DATE ISSUED
ISSUING OFFICER	TITLE AND OFFICE DESIGNATION		ISSUING OFFICER	TITLE AND OFFICE DESIGNATION	

SPECIMEN

STANDARD FORM 1094-A (REV. 4-80)
Prescribed by GSA, FPR (41 CFR) 1-16.807

CERTIFICATE NO. / DATE	Mark "X" in appropriate column to indicate type of tax ▶ VENDOR AND PURCHASE		TAX EXCLUDED (Amount)	ST	LOC	TRANSACTION REFERENCE
	VENDOR NAME AND ADDRESS	ITEM PURCHASED	$			Voucher No. / Voucher Date / PO/Cont. No.
	VENDOR NAME AND ADDRESS	ITEM PURCHASED	$			Voucher No. / Voucher Date / PO/Cont. No.
	VENDOR NAME AND ADDRESS	ITEM PURCHASED	$			Voucher No. / Voucher Date / PO/Cont. No.
	VENDOR NAME AND ADDRESS	ITEM PURCHASED	$			Voucher No. / Voucher Date / PO/Cont. No.
	VENDOR NAME AND ADDRESS	ITEM PURCHASED	$			Voucher No. / Voucher Date / PO/Cont. No.

SPECIMEN

STANDARD FORM 1094-A BACK (REV. 4-80)

BILLING CODE 6820-61-C

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: February 13, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-7923 Filed 3-18-81; 8:45 am]

BILLING CODE 6820-61-M

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41 CFR Ch. 101

[FPMR Amdt. E-245]

Procurement Sources and Programs; Exceptions to Mandatory Use of Federal Supply Schedule Contracts

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation provides guidelines for procuring activities to follow when reporting to GSA the purchase of identical products from non-contract sources at delivered prices that are lower than the prices provided by multiple award schedule contracts. The information being requested will enable GSA to more readily evaluate purchases made under the exceptions provision. The addition of this information will update the FPMR accordingly.

EFFECTIVE DATE: March 19, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert F. Welsh, Acting Director, Regulations Management Division (FFY) (703-557-7970).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and, therefore, is not significant for the purposes of Executive Order 12044.

Section 101-26.401-4(f)(3) is revised to read as follows:

§ 101-26.401-4 Exceptions to mandatory use.

* * * * *

(f) * * *

(3) When identical products are purchased from noncontract sources at delivered prices that are lower than the prices provided by multiple award schedule contracts, the following information shall be furnished to the General Services Administration (FCC), Washington, DC 20406, when the order is issued:

(i) Copy of the purchase order;

(ii) Identification of the Federal Supply Schedule;

(iii) Name of the schedule contractor;

(iv) Schedule contractor number;

(v) Schedule contract price;

(vi) Schedule special item number (SIN); and

(vii) Manufacturer's model and/or part number.

Documentation of paragraphs (ii) through (vii) of this section may be provided by an informal means, such as attachment(s) to the purchase order, annotation directly on the purchase order, or a combination of both. Interagency Report Control Number 0262-GSA-AR has been assigned to this report in accordance with FPMR 101-11.11.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: February 20, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-7924 Filed 3-18-81; 8:45 am]

BILLING CODE 6820-24-M

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41 CFR Ch. 101

[FPMR Temp. Reg. G-40, Supp. 1]

Required Use of Standard Carrier Alpha Codes on Standard Form 1113, Public Voucher for Transportation Charges; Appendix

AGENCY: Transportation and Public Utilities Service, General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This supplement extends to February 28, 1983, the expiration date of FPMR Temporary Regulation G-40.

DATES: Effective date: March 1, 1981. Expiration date: February 28, 1983.

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 regulation will not impose unnecessary burdens on the economy or on individuals and, therefore, is not significant for the purposes of Executive Order 12044.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

In 41 CFR Chapter 101, this temporary regulation is listed in the appendix at the end of Subchapter G.

Note.—Supplement 1 to FPMR Temporary Regulation G-40 is filed with the original document, and its text does not appear in this volume.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-7922 Filed 3-18-81; 8:45 am]

BILLING CODE 6820-AM-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 173

[Docket No. HM-166G; Amdt. No. 173-147]

Ammonium Hydroxide; Shippers General Requirements for Shipments and Packagings

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Final rule.

SUMMARY: This final rule amends the Hazardous Materials Regulations to authorize the use of non-specification portable tanks and cargo tanks for the shipment of ammonium hydroxide containing no more than 30 percent ammonia by weight under specified conditions.

On January 8, 1981, the MTB published a notice of proposed rulemaking under Docket HM-166-G, Notice No. 80-9 (46 FR 2126), which proposed numerous amendments, all of which would relieve some of the current burden of restrictive regulation. Because of the urgent need for aqua ammonia by farmers for their crops, MTB is issuing this amendment in an expedited manner to permit the transportation of this important agricultural product in portable tanks and cargo tanks not presently authorized by the regulations. MTB believes that aqua ammonia, containing no more than 30 percent ammonia, does not pose a risk sufficient to warrant required use of specification portable tanks and cargo tanks when transported in motor vehicles that are primarily operated in local distribution services.

EFFECTIVE DATE: This amendment is effective June 1, 1981; however, compliance with the regulations as amended herein is authorized immediately.

ADDRESS: Copies of supporting documents, Regulatory Evaluation and Environmental Assessment are available for inspection and reproduction at the following address: Dockets Branch, Department of Transportation, Research and Special Programs Administration, Materials Transportation Bureau, Room 8426, 400 7th Street, S.W., Washington, D.C. 20590, (202) 426-3148.

FOR FURTHER INFORMATION CONTACT: Darrell L. Raines, Chief, Exemptions and Regulations Termination Branch, Office of Hazardous Materials Regulation,

Materials Transportation Bureau, Washington, D.C. 20590, (202) 472-2726.

Delay in publication of this amendment would be costly to fertilizer companies and farmers, and would result in lower crop yields and higher costs to consumers. Therefore, MTB believes this rulemaking responds to an emergency situation and is exempt from the President's Memorandum on Postponement of Pending Regulations dated January 29, 1981, and may be issued under Executive Order 12291.

In consideration of the foregoing, 49 CFR Part 173 is revised by adding paragraph (a)(36) to § 173.245 to read:

§ 173.245 Corrosive liquids not specifically provided for.

(a) * * *

(36) Ammonium hydroxide containing no more than 30 percent ammonia by weight may be transported by motor vehicle in non-specification cargo and portable tanks that meet the requirements of § 173.24.

* * * * *

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, Appendix A to Part 1)

Note.—The Materials Transportation Bureau has determined that this document will not result in a "major rule" under the terms Executive Order 12291 and is not a significant regulation under DOT's regulatory policy and procedures (44 FR 11034), nor require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321) et seq.)) A regulatory evaluation and an environmental assessment are available for review in the docket.

Issued at Washington, D.C., on March 12, 1981.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 81-8453 Filed 3-18-81; 8:45 am]

BILLING CODE 4910-60-M

Proposed Rules

Federal Register
Vol. 46, No. 53
Thursday, March 19, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Ch. I

Issuance of Quarterly Report on Proposed Rules

AGENCY: Nuclear Regulatory Commission.

ACTION: Issuance of quarterly report.

SUMMARY: The Nuclear Regulatory Commission has issued the January 31, 1981, Quarterly Report on Proposed Rules. The report, which is a quarterly summary of proposed rules that are pending final action, is issued to provide the public with information regarding NRC's rulemaking activities.

ADDRESSES: A copy of this report, designated NRC Status of Proposed Rules—January 31, 1981, is available for inspection and copying at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC

Requests for single copies of the report, or a request to be placed on an automatic distribution list for single copies of future reports, should be made in writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: John Philips, Chief, Rules and Procedures Branch, Office of Administration, Telephone 301–492–7086.

Dated at Bethesda, Md., this 13th day of March 1981.

For the Nuclear Regulatory Commission.

John Philips,

Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration.

[FR Doc. 81-8522 Filed 3-18-81; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 212

Tertiary Incentive Program

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: The Economic Regulatory Administration (ERA) is giving notice that it intends to issue a Notice of Proposed Rulemaking to rescind the Tertiary Incentive Program (10 CFR § 212.78) with respect to any allowed expenses that have not been incurred and paid as of [March 19, 1981]. This Notice is intended to inform qualified producers that they cannot rely on 10 CFR § 212.78 to provide for recoupment of allowed expenses that are incurred or paid after March 19, 1981.

DATE: Proposed effective date of the rule to be proposed: March 19, 1981.

FOR FURTHER INFORMATION CONTACT: William Funk (Office of General Counsel), U.S. Department of Energy, Room 6A–099 (GC–12), 1000 Independence Avenue, S.W., Washington, D.C. 20585, (212) 252–6736.

SUPPLEMENTARY INFORMATION: The tertiary incentive program was adopted, effective August 21, 1979, to provide start-up financing for tertiary recovery projects. While moderately successful during its first year of existence, in the past couple of months, especially since the President's decontrol Executive Order (E.O. 12287, 46 FR 9909, January 30, 1981), the amount of recoupable allowed expenses reported to ERA has increased phenomenally. At the same time, refiners have informed DOE that the volume of crude oil being recertified as tertiary incentive oil has increased beyond their greatest expectations.

ERA has concluded that continuation of the tertiary incentive program beyond March 19, 1981 will not meaningfully increase the production of crude oil, but will likely result in large amounts of funds expended on behalf of future production being subsidized by refiners through recertification of previously sold price-controlled crude oil. This conclusion is based upon our belief that tertiary projects which this program was designed to enhance are most likely already to have been certified and appropriate expenses incurred and paid. Any project that has waited so long to become certified and any expenses that have not already been incurred and paid are not likely to need the benefits of the tertiary incentive program.

In light of the above, ERA is giving notice hereby that it intends to eliminate the ability to recoup tertiary expenses pursuant to 10 CFR § 212.78 with respect to any expenses not already incurred and paid as of March 19, 1981. A Notice of Proposed Rulemaking formally proposing this regulatory change will be published in the near future.

Issued in Washington, D.C., on March 17, 1981.

Barton R. House,

Acting Administrator, Economic Regulatory Administration.

[FR Doc. 81-8529 Filed 3-18-81; 9:46 am]

BILLING CODE 6450-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 31

Withholding Exemption Certificates; Proposed Rulemaking

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to temporary regulations.

SUMMARY: In the Rules and Regulations portion of this **Federal Register**, the Internal Revenue Service is issuing temporary employment tax regulations that relate to submission of certain withholding certificates. The text of those temporary regulations also serves as the comment document for this proposed rulemaking.

DATES: Written comments and requests for a public hearing must be delivered or mailed by May 18, 1981. The amendments to the final regulations are proposed to be effective for withholding exemption certificates furnished by the employee or the employer after the date which is 30 days after publication of a Treasury decision in the **Federal Register**.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR–50–81), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:
Barry L. Wold of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3459).

SUPPLEMENTARY INFORMATION:

Explanation

The temporary regulations in the Rules and Regulations portion of this issue of the **Federal Register** add a new Part 37 to Title 26 of the Code of Federal Regulations. The final regulations, which this document proposes be based on those temporary regulations, would relate to submission to the Internal Revenue Service of certain employee withholding exemption certificates and would be incorporated as a new paragraph (g) of § 31.3402(f)(2)-1 of Part 31 of Title 26 in place of that paragraph (g) which was deleted by the Treasury decision which adopted the temporary regulations. For the text of the temporary regulations, see FR Doc. 81-8544 (T.D. 7772) published in the Rules and Regulations portion of this issue of the **Federal Register**. The preamble to the temporary regulations explains the addition to the regulations.

These regulations are proposed to be issued under the authority contained in section 7805 of the Internal Revenue Code (26 U.S.C. 7805; 68A Stat. 917).

Regulatory Flexibility Act

Although this document is a notice of proposed rulemaking which solicits public comment, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register**.

William E. Williams,

Acting Commissioner of Internal Revenue.

[FR Doc. 81-8545 Filed 3-17-81; 10:00 am]

BILLING CODE 4830-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 141, 406, 409, 413, 416, 418, 420, 421, 422, 424, 426, 428, 432, 435, 436, 440, 443, 457, and 460

[AS-FRL 1782-5]

Withdrawal of Proposed Regulations

AGENCY: Environmental Protection Agency.

ACTION: Withdrawal of proposed rules.

SUMMARY: The Environmental Protection Agency has identified a number of regulations which were proposed before January 1, 1979 and which the Agency does not presently intend to promulgate. Accordingly, EPA is withdrawing these proposals. Some of these regulations may be reproposed at a later date. The regulations were proposed under the Safe Drinking Water Act, Clean Water Act and Atomic Energy Act. These actions are being taken to inform the public of the status of these proposals.

FOR FURTHER INFORMATION CONTACT:
Susan G. Lepow, Assistant General Counsel, Water and Solid Waste Division, Office of General Counsel, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460 (202) 426-4497.

SUPPLEMENTARY INFORMATION: The following proposed regulations are withdrawn.

CFR part affected	FR citation	Subject matter
1. 40 CFR 141.51-141.55	43 FR 5756 (2/9/78) 43 FR 29135 (7/6/78)	Safe Drinking Water Act: Control of Organic Contaminants in Drinking Water by Granular Activated Carbon Systems.
2. 40 CFR 406.74, 406.84, 406.94, 406.104	40 FR 921 (1/3/75)	Clean Water Act. Grain Mills Category: Proposed Pretreatment Standards for Existing Sources.
3. 40 CFR 409.43-409.46, 409.53-409.56, 409.63-409.66, 409.73-409.76, 409.83-409.86.	40 FR 8506 (2/27/75)	Clean Water Act. Sugar Processing Category: Proposal Concerning Best Available Technology, New Source Performance Standards and Pretreatment Standards.
4. 40 CFR 413.13, 413.15, 413.16; 412.23, 413.25, 413.26, 413.43, 413.45, 413.46; 413.53, 413.55, 413.56; 413.63, 413.65, 413.66.	40 FR 18140 (4/24/75)	Clean Water Act. Electroplating Category: Proposal Concerning Best Available Technology, New Source Performance Standards, and Pretreatment Standards for New Source.
5. 40 CFR 416.144, 416.154, 416.164, 416.174, 416.184, 416.194, 416.204, 416.214.	40 FR 3730 (1/23/75)	Clean Water Act. Plastics and Synthetics Category: Proposed Pretreatment Standards for Existing Sources.
6. 40 CFR 418.14, 418.24, 418.34, 418.44, 418.54	40 FR 12842 (4/8/74)	Clean Water Act. Fertilizer Category: Proposed Pretreatment Standards for Existing Sources.
7. 40 CFR 418.64, 418.74	40 FR 2654 (1/14/75)	Clean Water Act. Fertilizer Category: Proposed Pretreatment Standards for Existing Sources.
8. 40 CFR 420.223-420.226, 420.253-420.256	41 FR 13017 (3/29/76)	Clean Water Act. Iron and Steel Category: Proposal Concerning Best Available Technology, New Source Performance Standards, Pretreatment Standards.
9. 40 CFR 421.14, 421.24	39 FR 12829 (4/8/74)	Clean Water Act. Nonferrous Metals Category: Proposed Pretreatment Standards for Existing Sources.
10. 40 CFR 421.44-421.46, 421.54-421.56, 421.65-421.66, 421.74-421.76, 421.84-421.86.	40 FR 8530 (2/27/75)	Clean Water Act. Nonferrous Metals Category: Proposed Pretreatment Standards and New Source Performance Standards.
11. 40 CFR 422.14, 422.24, 422.34	30 FR 6586 (2/20/74)	Clean Water Act. Phosphate Manufacturing Category: Proposed Pretreatment Standards for Existing Sources.
12. 40 CFR 422.44, 424.46, 422.54, 422.56, 422.64, 422.66	40 FR 4110 (1/27/75)	Clean Water Act. Phosphate Manufacturing Category: Proposed Pretreatment Standards.
13. 40 CFR 424.14, 424.24, 424.34	39 FR 6813 (2/22/74)	Clean Water Act. Ferroalloy Manfacturing Category: Proposed Pretreatment Standards for Existing Sources.
14. 40 CFR 424.44-424.46, 424.54-424.56, 424.64-424.66, 424.74-424.76	40 FR 8038 (2/24/75)	Clean Water Act. Ferroalloy Manufacturing Category: Proposed New Source Performance Standards and Pretreatment Standards.
15. 40 CFR 426.14	30 FR 2567 (1/22/74)	Clean Water Act. Glass Manufacturing Category: Proposed Pretreatment Standards for Existing Sources.
16. 40 CFR 426.54, 426.74	39 FR 5721 (2/14/74)	Clean Water Act. Glass Manufacturing Category: Proposed Pretreatment Standards for Existing Sources.
17. 40 CFR 426.84, 426.104, 426.114, 426.124, 426.134	40 FR 2963 (1/16/75)	Clean Water Act. Glass Manufacturing Category: Proposed Pretreatment Standards for Existing Sources.

CFR part affected	FR citation	Subject matter
18. 40 CFR 428.14, 428.24, 428.34, 428.44	39 FR 6686 (2/21/74)	Clean Water Act. Rubber Manufacturing Category: Proposed Pretreatment Standards for Existing Sources.
19. 40 CFR 428.54, 428.64, 428.74, 428.84, 428.94, 428.104, 428.114	40 FR 2347 (1/10/75)	Clean Water Act. Rubber Manfacturing Category: Proposed Pretreatment Standards for Existing Sources.
20. 40 CFR 432.110–432.116, 432.120–432.126, 432.130–432.136, 432.140–432.146, 432.150–432.156.	40 FR 18150 (4/24/75)	Clean Water Act. Poultry Processing Category: Proposal Concerning Best Practicable Technology, Best Available Technology, New Source Performance Standards and Pretreatment Standards.
21. 40 CFR 435.13–435.16, 435.23–435.26	40 FR 42573 (9/15/75)	Clean Water Act. Oil and Gas Extraction Category: Proposal Concerning Best Available Technology and Pretreatment Standards.
22. 40 CFR 435.33–435.36, 435.43–435.46, 435.53–435.56, 435.63–435.66	41 FR 44950 (10/13/76)	Clean Water Act. Oil and Gas Extraction Category: Proposal Concerning Best Availble Technology, New Source Performance Standards and Pretreatment Standards.
23. 40 CFR 436.23, 436.25, 436.26, 436.33, 436.35, 436.36, 436.43, 436.45, 436.46, 436.53, 436.55, 436.56, 436.63, 436.65, 436.66, 436.73, 436.75, 436.76, 436.103, 436.105, 436.106, 436.113, 436.115, 436.116, 436.123, 436.125, 436.126, 436.133, 436.135, 436.136, 436.143, 436.145, 436.146, 436.153, 436.155, 436.156, 436.183, 436.186, 436.193, 436.195, 436.196, 436.223, 436.225, 436.226, 436.233, 436.235, 436.236, 436.243, 436.245, 436.246, 436.253, 436.255, 436.256, 436.263, 436.265, 436.266, 436.323, 436.325, 436.326, 436.383, 436.385, 436.386.	41 FR 23573 (6/10/76)	Clean Water Act. Mineral Mining and Processing Category: Proposal Concerning Best Available Technology, New Source Performance Standards and Pretreatment Standards for New Sources.
24. 40 CFR 436.54, 436.64, 436.74, 436.104, 436.114, 436.124, 436.134, 436.144, 436.154, 436.194, 436.224, 436.234, 436.244, 436.254, 436.264, 436.324, 436.384.	40 FR 48667 (10/16/75)	Clean Water Act. Mineral Mining Processing Category: Proposed Pretreatment Standards for Existing Sources.
25. 40 CFR 440.13–440.16 440.23–440.26 440.33–440.36 440.43–440.46 440.53–440.56 440.63–440.66 440.73–440.76.	40 FR 51739 (11/6/75)	Clean Water Act. Ore Mining and Dressing Category: Proposal Concerning Best Available Technology, New Source Performance Standards and Pretreatment Standards.
26. 40 CFR 443.14, 443.24, 443.34, 443.44	40 FR 31197 (7/24/75)	Clean Water Act. Paving and Roofing Materials Category: Proposed Pretreatment Standards for Existing Sources.
27. 40 CFR 457.13–457.16, 457.33–457.36	41 FR 10187 (3/9/76)	Clean Water Act. Explosives Manufacturing Category: Proposal Concerning Best Available Technology, New Source Performance Standards and Pretreatment Standards.
28. 40 CFR 460.13, 460.15, 460.16	41 FR 18780 (5/6/76)	Clean Water Act. Hospital Category: Proposal Concerning Best Available Technology, New Source Performance Standards for New Sources.
29. Criteria Document 42 U.S.C. § 2021(h)	43 FR 53262 (11/15/78)	Atomic Energy Act: Environmental Criteria for Radioactive Wastes.

Dated: March 13, 1981.

Walter C. Barber,

Acting Administrator.

[FR Doc. 81-8403 Filed 3-18-81; 8:45 am]

BILLING CODE 6560-36-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 67

[CC Docket No. 80-286]

Federal-State Joint Board on Jurisdictional Separations; Denial of Petitions

AGENCY: Federal Communications Commission.

ACTION: Memorandum opinion and order denying petitions.

SUMMARY: The Joint Board denied Petitions requesting that it reconsider its previous decision to employ notice and comment procedures and instead mandate discovery and oral evidentiary hearings because the requested procedures are not required as a matter of law and are not otherwise warranted at this point in the proceeding. The Joint Board will proceed pursuant to notice and comment procedures and consider requests for discovery and evidentiary hearings in particular areas at a later date when the issues in this proceeding have been more specifically delineated.

DATE: This action is effective March 13, 1981.

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

FOR FURTHER INFORMATION CONTACT: Claudia Pabo, Policy & Program Planning Division, Common Carrier Bureau (202–632–9342).

Memorandum Opinion and Order

Adopted: February 23, 1981

Released: March 13, 1981.

In the matter of amendment of Part 67 of the Commission's rules and establishment of a Joint Board.

By the Federal-State Joint Board:

I. Introduction

1. On June 11, 1980, the Commission instituted this proceeding to amend Part 67 of the Commission's Rules involving jurisdictional separations and established a Federal-State Joint Board to develop the relevant revisions pursuant to Section 410(c) of the Communications Act, as amended. *Amendment of Part 67 of the Commission's Rules and Establishment of a Joint Board,* CC Docket No. 80–286, 78 FCC 2d 837 (1980). In establishing the Joint Board, the Commission noted that some participants in the *MTS–WATS Market Structure Inquiry,* CC Docket No. 78–72, which to establish procedural ground rules for the operation of the Joint Board. The Commission declined to do this, noting that previous Joint Boards had been allowed to establish their own procedures adopted by the Joint Board will not comport with all applicable rules of this Commission and requirements of administrative due process." *Id.* at 846.

2. The Joint Board adopted a procedural order on November 12, 1980, (45 FR 82281) stating that it would "in general attempt to follow the Commission's Rules and Regulations pertaining to Rule Making" set out in Sections 1.1 to 1.120 and 1.399 to 1.430 of the Commission's Rules since the purpose of this preceeding was to amend Part 67 of the Rules. *Amendment of Part 67 of the Commission's Rules and Establishment of a Joint Board,* CC Docket No. 80–286, FCC 80–692, released December 5, 1980. On December 18, 1980, United States Transmission Systems, Inc. (USTS) filed a Petition for Reconsideration of this action with the Joint Board.[1] Southern Pacific Communications Company (SPCC) and MCI Telecommunications Corporation (MCI) also filed Petitions for Reconsideration with the Joint Board on January 5, 1981. The American Telephone and Telegraph Company (AT&T) filed a Response to the USTS Petition on January 9, 1981, and a consolidated Response to the SPCC and MCI Petition on January 19, 1981 GTE Service Corporation (GTE) and the United States Independent Telephone Association (USITA) also filed Responses to the USTS, SPCC and MCI Petitions for Reconsideration on January

[1] The USTS Petition was addressed to the Commission, but USTS filed an Erratum on January 6, 1981 indicating that it meant to direct its filing to the Joint Board.

21, 1981 respectively.[2] USTS also filed a Reply and a Further Reply.

II. Summary of the Pleadings

3. In their Petitions for Reconsiderations, USTS, SPCC and MCI challenged the Joint Board's decision to proceed pursuant to the Sections of the Commission's Rules governing informal notice and comment rulemaking proceedings, and sought an opportunity for discovery and oral evidentiary hearings pursuant to Section 1.201 *et seq.* of the Commission's Rules. USTS argued that in the absence of such procedures it would not be able to obtain necessary information concerning AT&T's implementation of the present separations procedures. In particular, USTS argued that the differences in the type of local interconnection provided to the specialized common carriers and AT&T Long Lines must be taken into consideration in arriving at changes in the separations procedures—something which USTS believed would be impossible in the absence of detailed information concerning current AT&T implementation of those procedures.

4. SPCC criticized the Joint Board for establishing procedural ground rules without giving the parties notice and an opportunity to comment, claiming that this constituted a violation of their due process rights. SPCC argued that this proceeding involves factual issues in addition to major policy questions. Specifically, SPCC took the position that it needs to know how the separations process is currently administered by AT&T before it can develop an informed position on possible changes. Thus, it argued that discovery and oral hearings were necessary in order to elicit the relevant information which SPCC stated was almost exclusively within the control of AT&T, an interested party to the proceeding. SPCC pointed out that the federal courts have embraced procedures in excess of notice and comment in informal rulemaking proceedings when the following factors were present: (1) the subject matter was of great substantive importance, highly complex and not readily subject to proper analysis under informal rulemaking procedures; (2) the proceeding was quasi-judicial in character, exceptionally affecting particular parties; and (3) relevant information was subject to the control of one party. SPCC argued that all three of these factors are present in this proceeding, noting that the Joint Board will determine the magnitude of local access charges to be paid by SPCC. Assuming that discovery and evidentiary hearing procedures were not strictly required as a matter of law, SPCC asked that the Joint Board exercise its discretion to adopt these procedures. SPCC also emphasized that it did not wish to impede or delay the work of the Joint Board by its request for evidentiary procedures.

5. MCI argued that the language of section 410 indicates a Congressional intent that Joint Board proceedings be evidentiary in nature. In support of this contention, MCI pointed out that Section 410(a) of the Act specifies that Joint Boards, "shall have all the jurisdiction and powers conferred by law upon an examiner * * *." It recognized that the Ozark Plan for jurisdictional separations was adopted without evidentiary hearings, but distinguished that situation on the ground that no controverted issues of material fact were involved. It also noted that the Ozark Plan was a compromise measure endorsed by nearly all of the active parties to the proceeding which led to its promulgation. MCI took the position that one of the principal issues in this proceeding involves the development of separations procedures which take into account the quantitative cost differences in the local interconnection provided to the specialized common carriers and AT&T Long Lines. It argued that the need for evidentiary hearings on this point is intensified by the proposal in the Second Supplemental Notice in the *MTS/WATS Market Structure Inquiry* to apply the results of this proceeding to determine the access charges imposed on the specialized carriers. According to MCI this involves rate prescription pursuant to Section 205 of the Act. MCI also noted that in Docket No. 18128, *AT&T Private Line Ratemaking Principles*, the Commission rejected relative use methodologies similar to those employed in the present Separations Manual after evidentiary hearings, and argued that it would be improper for the Commission to decide to employ relative use principles in interstate ratemaking on the basis of less rigorous procedures than those employed in Docket No. 18128. MCI also stressed that the need for an evidentiary hearing was particularly acute where, as in this situation, most of the critical facts are in the exclusive control of one of the parties in an adversary proceeding.

6. AT&T opposed the requests for discovery and evidentiary hearings by USTS, SPCC and MCI. It argued that none of the parties had cited authority to the effect that such procedures are required as a matter of law under the Communications Act. AT&T contended that the notice and comment procedures established by the Joint Board satisfied the requirements of due process. It stated that even if this proceeding involved ratemaking (a conclusion which it disputed), evidentiary hearings were not required as a matter of law. AT&T noted that evidentiary hearing procedures involve the potential for unnecessary delay, but recognized that they are desirable in certain situations. However, it argued that no showing of need had been made by the petitioners. In fact, AT&T took the position that such a showing was impossible at this early stage of the proceeding, stating that the issues to be dealt with by the Joint Board have only been outlined in very general terms. Thus, AT&T concluded that the requests for discovery and evidentiary hearings should be denied as premature.

7. GTE also filed a brief response to the USTS, SPCC and MCI Petitions. It emphasized the agency's discretion in ordering its proceedings and stated that the specialized carriers have not been prejudiced by the Joint Board's decision to follow notice and comment procedures at this point in the proceeding. Although GTE believed that the use of discovery and oral evidentiary hearings throughout this proceeding would generate delay and a lengthy, but unenlightening record, it indicated that such procedures might be appropriate on particular issues. In addition, USITA filed a response, charging USTS, SPCC and MCI with the use of delaying tactics and urging the Joint Board to employ informal rulemaking procedures supplemented with written information requests if necessary.

8. USTS filed a Reply to AT&T's Response. It reiterated that due process requires a full evidentiary hearing in certain situations regardless of the statutory language involved, and argued that the complexity of the subject matter and the fact that so much information is predominantly within the control of one party mandates such procedures in this case. USTS also disputed AT&T's claim that the request for evidentiary hearings was premature. USTS argued that it now has so little information concerning separations implementation that it can not even determine whether present

[2] By an Order issued on January 21, 1981, the Chief, Common Carrier Bureau acting pursuant to delegated authority provided for consolidated responses to the Petitions for Reconsideration filed with the Joint Board, and established February 5, 1981 as the deadline for Replies. *Amendment of Part 67 of the Commission's Rules and Establishment of a Joint Board*, CC Docket No. 80-286, Mimeo No. 06172, released January 21, 1981.

implementation procedures would have a significant bearing on possible changes in the Manual. It took the position that waiting until a later date to adopt evidentiary procedures would cause the Joint Board to lose valuable time since the parties would have to come to the Board requesting evidentiary procedures on each separate issue. USTS subsequently filed a Further Reply.[3]

III. Discussion

9. The pleadings discussed above raise three major issues. One question is whether the nature of the Joint Board forum affects the type of hearing procedure required. The second issue involves the general scope of statutory and due process rights to hearing on matters of the type involved in this proceeding. The final question is whether the Joint Board should exercise its discretion to prescribe discovery and evidentiary hearings at this time if such procedures are not required as a matter of law.

A. Procedural Implications of Joint Board Forum

10. Section 410(c) requires that the Commission refer all proceedings concerning jurisdictional separations to a Federal-State Joint Board. 47 U.S.C. 410(c)(1976). Such Joint Boards have the same authority as a Board established under Section 410(a) which provides that Joint Boards shall have "all the jurisdiction and powers conferred by law upon an examiner provided for in Section 1010 of Title 5, designated by the Commission, and shall be subject to the same duties and obligations." 47 U.S.C. 410(a)(1976).

11. A review of the legislative history of Section 410 establishes that this language does not indicate a Congressional intent that Joint Board proceedings be adversarial or adjudicative in nature. Originally, section 410(a) gave Joint Boards the same authority that an individual Commissioner had when designated to hold a hearing. When the procedure which allowed individual Commissioners to hear cases was abolished in 1952, section 410(a) was amended to give Joint Boards the same authority as the Commission itself. 1952 U.S. Code Cong. and Adm. News 2234.

12. In 1955, the Commission requested modification of section 410(a). It stated that "the new delegation of jurisdiction and powers is undesirably broad," adding that "with the wording of section 410(a) inserted by the Communications Act Amendments, 1952, it does not seem likely that the Commission would ever find it desirable to refer any matter to a joint board." 1956 U.S. Code Cong. and Admin. News 4139. In particular, the Commission suggested:

[I]f the second sentence of section 410(a) were changed to give joint boards the same jurisdiction that is now conferred on an examiner, it would be more nearly what Congress must have intended and would make the section more usable to the Commission in the administration of the act.

Id. The House Report accompanying this legislation stated that "[the proposed amendment . . . would authorize the Commission to confer on joint boards the same power and authority as is now conferred on the Commission's hearing examiners in adjudicatory cases and *thereby gives the full Commission an opportunity to act before a final determination is made.*" *Id.* at 4136 (emphasis added). Thus, it is clear that the language giving Joint Boards the authority of hearing examiners was added to ensure an opportunity for Commission review of Joint Board actions, not for the purpose of indicating that proceedings before Joint Boards should be adjudicatory in nature.

13. This view is reinforced by the legislative history of Pub. L. 92–131 which added section 410(c) to the Act in 1971 requiring Joint Board consideration of matters involving jurisdictional separations. In explaining the background of this amendment, the Senate Report reviewed, in considerable detail, the proceedings which led to adoption of the Ozark Plan the previous year. As the Report makes clear, the Ozark Plan was considered in informal rulemaking proceedings. 1971 U.S. Code Cong. and Admin. News 1514. The Commission order adopting the plan specifically states that "this is an ordinary Commission rulemaking proceeding * * * governed by section 553 of the Administrative Procedure and Judicial Review Act * * *." *Separations Procedures*, Docket No. 18806, 26 F.C.C. 2d 247 at 250 (1970). In fact, the State of California unsuccessfully argued against Commission adoption of the Ozark Plan on the ground that an evidentiary hearing had not been provided for as allegedly required by Section 221(c) of the Communications Act.

14. In recommending approval of this legislation, the Senate Report stated that "[it] would make mandatory the procedures voluntarily followed last year in the formulation of the Ozark Plan." 1971 U.S. Code Cong. and Admin. News 1514. This reference was directed primarily to the Federal-State composition of the Joint Board and the fact that its action took the form of a recommendation subject to Commission review. However, the Commerce Committee's familiarity with the informal rulemaking procedures employed in consideration of the Ozark Plan and the absence of any comments in its Report questioning these procedures strongly suggests that such informal rulemaking procedures were not viewed as being inconsistent with the provisions of section 410(a) giving Joint Boards the jurisdiction and powers of an examiner. Presumably, if these procedures were viewed as inappropriate, the Report would have so stated. Evidence of Congressional familiarity with an agency interpretation of its statute coupled with a failure to criticize that interpretation when expanding the coverage of the statute provides clear evidence of approval of the agency practice.[4]

15. In addition to running counter to the legislative history of the Act, it is hardly persuasive from a logical standpoint to argue that reference in section 410(a) to the Joint Board's having the power, duties and obligations of an examiner mandates evidentiary hearings. Separate Joint Board procedures were carved out of the Act in section 410 to insure full State participation on matters of joint Federal-State concern. Plainly, there is no logical basis for suggesting that Congress intended to establish disparate procedural requirements and to impose obligations upon Joint Boards which it did not impose upon the Commission itself. It would make little sense for Congress to allow the Commission itself to proceed by rulemaking whereas, its agent, the Joint Board, would have to hold a full evidentiary hearing in each and every proceeding without considering such relevant circumstances such as the nature of the case, its importance, the appropriateness of a hearing to the underlying subject matter and the availability of resources.

B. Administrative Procedure Act Hearing Requirements

16. Since the existence of a Joint Board in this proceeding does not affect the type of procedures required, we

[3] The Joint Board will consider USTS' Further Reply even though it does not appear to have been filed in a timely fashion. In view of the conclusions reached herein, such consideration does not prejudice the opposing parties.

[4] *See Red Lion Broadcasting Co.* v. *Federal Communications Commission*, 395 U.S. 367 at 380–382 (1969); *Power Reactor Development Co.* v. *International Union of Electrical, Radio & Machine Workers*, 367 U.S. 396 at 413–414 (1961); *Norwegian Nitrogen Products Co.* v. *United States*, 288 U.S. 294 at 311–315 (1933); *Costanzo* v. *Tillinghast*, 287 U.S. 341 at 345 (1932).

must examine the Administrative Procedure Act (APA) and relevant case law to determine if oral evidentiary hearings are required in the present circumstances as a general matter of law. The procedural framework for rulemaking by Federal agencies is established by the APA. Section 553 of the APA provides for rulemaking pursuant to notice and comment procedures, specifying that the opportunity for oral presentations is optional. 5 U.S.C. 553(c) (1976). Section 553(c) also provides that "[w]hen rules are required by statute to be made on the record after opportunity for an agency hearing, sections 556 and 557 of this title apply instead of this subsection." 5 U.S.C. 553(c) (1976). Proceedings governed by sections 556 and 557 are subject to various procedural requirements not contained in section 553. In particular, section 556(d) states that:

[a] party is entitled to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. In rulemaking or determining claims for money or benefits or applications for initial licenses an agency may, when a party will not be prejudiced thereby, adopt procedures for the submission of all or part of the evidence in written form.

5 U.S.C. 556(d) (1976).

17. In *United States v. Florida East Coast Railway Co.*, 410 U.S. 224 (1973), the Supreme Court dealt with the question of when rulemaking proceedings are subject to the strictures of sections 556 and 557 of the APA. The District Court had held that section 1(14)(a) of the Interstate Commerce Act which authorized the Commission to take certain actions "after hearing" mandated the application of sections 556 and 557. The Supreme Court reversed, holding that the agency's proceeding was governed by section 553. It stated that the requirement of a hearing in section 1(14)(a) was not the equivalent of a statutory requirement that a rule "be made on the record after opportunity for an agency hearing" thereby triggering the application of sections 556 and 557. The Court recognized, however, that the phrase "on the record after opportunity for an agency hearing" was not a term of art and stated that other statutory language having the same meaning might trigger the application of sections 556 and 557.

18. Stating that the APA does not limit or repeal other statutory procedural requirements, the Court turned to the question of whether the Interstate Commerce Act requirement for a hearing mandated oral presentation of evidence and cross-examination even though the full requirements of sections 556 and 557 did not apply. It concluded that "the term 'hearing' as used in [Section 1(14)(a) of the Interstate Commerce Act] does not necessarily embrace * * * the right to present evidence orally and to cross-examine opposing witnesses * * *." *Id.* at 240. It is significant that the Court reached this conclusion in a case involving an industry-wide rate prescription.[5]

19. Under *Florida East Coast Railway* the present proceeding appears to be subject to the requirements of section 553 rather than the more rigorous provisions of sections 556 and 557. Sections 221(c), 213(a) and 205(a), the substantive provisions of the Act which give the Commission authority to act upon the recommended decision the Joint Board will submit, require a hearing, but do not specify that rules be made "on the record."[6]

20. Although the present Joint Board proceeding is not formally subject to the requirements of sections 556 and 557, a number of decisions have indicated that agencies are required, under certain circumstances, to accord procedural rights in addition to those specified in section 553 of the APA even though the proceeding involved may not be governed by sections 556 and 557.[7] In *Mobil Oil Corporation v. Federal Power Commission*, 483 F.2d 1238 (D.C. Cir. 1973), the D.C. Circuit concluded that the Federal Power Commission was not required to follow sections 556 and 557 of the APA, but stated that compliance with section 553 was not necessarily adequate.

21. However, in *Vermont Yankee Nuclear Power Corp.* v. *Natural Resources Defense Council, Inc.*, 435 U.S. 519 (1978), the Supreme Court held that "generally speaking [section 553] of the Act establishe[s] the maximum procedural requirements which Congress was willing to have the courts impose upon agencies in conducting rulemaking procedures." *Id.* at 524. Recognizing that prior decisions suggested that additional procedures might be required in rulemaking involving a " 'quasi-judicial' determination by which a very small number of persons are 'exceptionally affected, in each case upon individual grounds,' " *Id.* at 542, quoting *United States* v. *Florida East Coast Railway Co.*, 410 U.S. 224 at 242–245 (1973), the Court cautioned that its decision should not be read "to say necessarily that there are no circumstances which would ever justify a court in overturning agency action because of a failure to employ procedures beyond those required by the statute." *Id.* at 524. But, it stated that "such circumstances, if they exist, are extremely rare," and "emphasized that the formulation of procedures was basically to be left within the discretion of the agencies to which Congress had confided the responsibility for substantive judgments." *Id.* The Court summarized its holding on this point, stating:

> Absent constitutional constraints or extremely compelling circumstances the "administrative agencies 'should be free to fashion their own rules of procedure and to pursue methods of inquiry capable of permitting them to discharge their multitudinous duties.' "

Id. at 543 quoting *Federal Communications Commission* v. *Schreiber*, 381 U.S. 279 at 290 (1965). Thus, the Joint Board is not required to

[5] In addition, the Court distinguished the rulemaking involved in *Florida East Coast Railway* from the proceeding under review in *Interstate Commerce Commission v. Louisville and Nashville Railroad Co.*, 227 U.S. 88 (1913), which involved commission action on a complaint by a shipper that specified rates set by a carrier were unreasonable, a type of proceeding traditionally viewed as adjudicatory.

[6] Section 221(c) of the Communications Act which gives the Commission authority to allocate telephone company plant between the interstate and intrastate jurisdictions states that such "classification shall be made after hearing, upon notice to the carrier, the State commission * * * of any State in which the property is located, and such other persons as the Commission may prescribe." 47 U.S.C. 221(c) (1976). Section 213(a) which provides for Commission valuation of carrier property also requires an "opportunity for hearing." 47 U.S.C. 213(a) (1976). Section 205(a) provides for Commission prescription of just and reasonable rates "after full opportunity for hearing." 47 U.S.C. 205(a) (1976).

[7] These cases indicated that the procedures employed should be suited to the nature of the issues involved. *Water Holm & Co. v. Hardin*, 449 F.2d 1009 at 1015 (D.C. Cir. 1971). They took the position that "the need for an evidentiary hearing is particularly acute when the issue presented is one which possesses great substantive importance, or is one which is unusually complex or difficult to resolve on the basis of pleadings and arguments." *National Air Carrier Assoc. v. Civil Aeronautics Board*, 436 F.2d 185 at 191 (D.C. Cir. 1970), summarizing *Marine Space Enclosures, Inc. v. Federal Maritime Commission*, 420 F.2d 577 (D.C. Cir 1969); *Citizens for Allegan County, Inc. v. Federal Power Commission*, 414 F.2d 1125 (D.C. Cir. 1969); *Trailways of New England, Inc. v. Civil Aeronautics Board*, 412 F.2d 926 (D.C. Cir. 1969). A subsequent case observed that "a right of cross-examination, consistent with time limitations, might well extend to particular cases of need, on critical points where the general procedure proved inadequate to probe 'soft' and sensitive subjects and witnesses." *International Harvester Co. v. Ruckelshaus*, 478 F.2d 615 at 631 (D.C. Cir. 1973).

employ procedures in addition to those set out in section 553 of the APA, absent exceptional circumstances,[8] although the record must be adequate to support any proposed rules.[9]

[8] *Vermont Yankee* involved "rulemaking procedures in their most pristine sense," rather than ratemaking which Justices Douglas and Stewart viewed as "adjudicatory" within the terms of the APA in their dissent in *Florida East Coast Railway, Vermont Yankee Nuclear Power Corp.* v. *Natural Resources Defense Council, Inc.*, 435 U.S. 519 at note 1 (1978).

[9] Although the Court upheld the agency's discretion to order its proceedings in *Vermont Yankee*, the case was remanded to the D.C. Circuit for a determination of "whether the challenged rule finds sufficient justification in the administrative proceedings that it should be upheld by the reviewing court." *Id.* at 549.

C. Discretionary Provision for Evidentiary Procedures

22. Although discovery and oral evidentiary hearings are not required, this Joint Board, like its predecessors, has been given wide latitude by the Commission to establish its own procedures. No showing has been made that the use of discovery or oral evidentiary procedures is warranted at this point in the proceeding. This issues which the Joint Board is to consider have only been sketched in very broad outline, and we have not issued information requests or sought comments on the issues. There is no reason to believe that such preliminary steps would be facilitated by discovery and oral evidentiary hearings. When these steps have been completed, we will be in a better position to determine whether there are specific issues which should be explored through discovery and evidentiary hearings. At that time the parties can file appropriate requests for use of such procedures.

23. Accordingly, it is ordered, That the Petitions for Reconsideration filed by USTS, SPCC and MCI ARE DENIED.

24. It is further ordered, That this action is without prejudice to the filing of petitions seeking discovery and oral evidentiary hearings on particular issues at a later date as outlined above.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-8532 Filed 3-16-81; 8:45 am]

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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

Federal Grain Inspection Service

Official Agency Geographic Areas; Amendments to Assigned Geographic Areas of Fostoria Grain Inspection and D. L. Boltenhouse Grain Inspection

AGENCY: Federal Grain Inspection Service.

ACTION: Notice.

SUMMARY: This notice announces amendments to the assigned geographic areas of Fostoria Grain Inspection, Fostoria, Ohio, and D. L. Boltenhouse Grain Inspection, Bellevue, Ohio, to include portions of the Toledo, Ohio, nonexport area for the performance of official inspection functions under authority of the U.S. Grain Standards Act, as amended.

EFFECTIVE DATE: March 23, 1981.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, Washington, DC 20250; (202) 447–8262.

SUPPLEMENTARY INFORMATION: This final action has been reviewed and determined not to be a rule or regulation as defined in the Presidential Memorandum of January 29, 1981, regarding postponement of pending regulations and as defined in Executive Order 12291, therefore, neither document applies to this action.

The April 30, 1980, issue of the **Federal Register** (45 FR 28981) contained a notice from the Federal Grain Inspection Service (FGIS) requesting applications for designation to provide official inspection services under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (the "Act"), for the nonexport area formerly serviced by the Toledo Board of Trade (TBOT), Toledo, Ohio. Applications were to be postmarked by June 30, 1980. A total of three qualified application were received. The names of the applicants for designation are as follows: D. L. Boltenhouse Grain Inspection, P.O. Box 96, Bellevue, Ohio 44811; Fostoria Grain Inspection, 506 Lockwood Avenue, P.O. Box 864, Fostoria, Ohio 44830; and Northern Ohio Grain Inspection, R.R. #1, Lone Oak Drive, Farmland, Indiana 47340.

FGIS announced the names of these applicants and requested comments on them in the December 5, 1980, issue of the **Federal Register** (45 FR 80777). A total of seven comments were received. One commentor recommended the designation of D. L. Boltenhouse Grain Inspection, two commentors recommended the designation of Northern Ohio Grain Inspection, and four commentors requested that FGIS continue to provide official inspection services in the nonexport area.

The export port locations will continue to be provided service by the FGIS Field Office in Toledo, Ohio, and currently include the following facilities: The Andersons, Toledo, Ohio, and Maumee, Ohio; Cargill, Inc. (East and West Side Elevators), Toledo, Ohio, and Cargill, Inc., Maumee, Ohio; and Mid-States Terminals, Inc., Toledo, Ohio. These export port locations in Toledo and Maumee, Ohio, were listed in the December 5, 1980, issue of the **Federal Register.**

Except for the export port locations listed above, all other geographic areas previously serviced by the TBOT have been determined to be domestic locations and were provided service by FGIS only on an interim basis in accordance with Section 7(h) of the Act, until such time as services could be provided on a regular basis by a designated official agency.

After considering all available information in relation to the criteria for designation in Section 7(f)(1)(A) of the Act, the Administrator, in accordance with Section 7(f)(1)(B), has determined that Fostoria Grain Inspection and D. L. Boltenhouse Grain Inspection are better able than any other applicants to provide official inspection services in the Toledo, Ohio, nonexport area. These assignments will facilitate official services in the area and therefore be in the best interest of the public. The portions designated to the applicants and described in this Notice constitute the entire geographic area as originally proposed. As a result, the geographic areas previously assigned to the subject agencies are amended as follows.

The assigned geographic area of the Fostoria Grain Inspection published on January 14, 1980 (45 FR 2670), and corrected on April 30, 1980 (45 FR 28981), is amended to include Fulton County. The Fostoria Agency is currently providing services to Metamora Elevator in this County under an interim authority.

The assigned geographic area of D. L. Boltenhouse Grain Inspection published on April 30, 1979 (44 FR 25258), is amended to include the remainder of the nonexport area that is open for assignment. This assignment includes Lucas and Ottawa Counties in Ohio, and those portions of Jackson, Lenawee, and Monroe Counties which are east of Michigan State Route 127 and south of Michigan State Route 50 in Michigan. An exception to this geographic area is the following location situated inside Boltenhouse's area which has been and will continue to be serviced by Grain Inspection Services, Inc., Battle Creek, Michigan: Crop Aid, Hudson, Michigan, in Lenawee County.

For clarification purposes, the exception as cited above was assigned to Grain Inspection Services, Inc., in the January 31, 1980, issue of the **Federal Register** (45 FR 6979).

Effective March 23, 1981, the responsibility for providing official inspection services to the geographic areas indicated above will be transferred from the FGIS Field Office in Toledo, Ohio, to the Fostoria and Boltenhouse agencies, respectively. The FGIS will continue to provide service to the export locations as cited previously.

A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspections and where the agency or one or more of its licensed inspectors is located. In addition to the specified service points within the assigned geographic area, the agency will provide official inspection services not requiring a licensed inspector to all other areas within its geographic area.

Interested persons may obtain a map of the assigned geographic areas and a list of specified service points by contacting the agencies or the Regulatory Branch, Compliance Division, Federal Grain Inspection

Service, U.S. Department of Agriculture, Washington, DC 20250; (202) 447–8525.

(Sec. 8, Pub. L. 94–582, Stat. 2870 (7 U.S.C. 79))

Done in Washington, DC on: March 13, 1981.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 81–8374 Filed 3–18–81; 8:45 am]

BILLING CODE 3410–02–M

Foreign Agricultural Service

Information on Proposed Foreign Standards Affecting International Trade

March 13, 1981.

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notice.

SUMMARY: This notice informs the public of the types of, and the procedures for obtaining, information concerning proposed foreign standards affecting international trade in agricultural commodities. The publication of this notice carries out one of the functions of the Technical Office established in the Department of Agriculture (45 FR 82153, December 15, 1980) pursuant to Section 412(a)(2) of the Trade Agreements Act of 1979 (Pub. L. 96–39).

EFFECTIVE DATE: March 19, 1981.

FOR FURTHER INFORMATION CONTACT: Thomas O'Connell, Technical Office, U.S. Department of Agriculture, Room 5528, South Agriculture Building, Washington, D.C. 20250; Telephone: (202) 382–1318.

Notice

The purpose of this notice is to inform interested parties that notifications of proposed foreign standards related activities affecting international trade in agricultural commodities will be made available by the Technical Office, upon request, to all interested parties, including state governmental agencies and trade associations. These include titles and brief description, where appropriate, of notices of proposed foreign standards related activities, government and private, and copies of foreign notifications to the Secretariat of the General Agreement on Tariffs and Trade (GATT) of proposed standards.

Information on *existing* foreign regulations on standards related activities will not be available from the Technical Office; however, the National Bureau of Standards (U.S. Department of Commerce) can assist interested persons in obtaining copies of such foreign regulations. Inquiries may be made by calling the Standards Information Center, (301) 921–2092/2587.

Information on proposed regulations on standards related activities may be obtained from the Technical Office by providing a description of the category(ies) of agricultural commodities of interest. Such categorizations should be made as specific as possible (e.g. "fruits and vegetables" is usually too broad; "fresh apples" or "canned peaches" is better).

To the extent possible, information regarding proposed standards related activities will be provided in "Export Briefs", which is published weekly by the Export Trade Services Division (ETSD) of FAS. Subscription (at no cost) to "Export Briefs" may be made by contacting ETSD, FAS, USDA, Room 4945 South Building, Washington, D.C. 20250 (Telephone: (202) 447–7102). In addition, the Technical Office will disseminate relevant information through contacts with appropriate trade associations and commodity sector advisory groups.

(Sec. 412 of the Trade Agreements Act of 1979, Pub. L. 96–39, 19 U.S.C. 2542; Executive Order 12188)

Richard A. Smith,

Acting Administrator.

[FR Doc. 81–8375 Filed 3–18–81; 8:45 am]

BILLING CODE 3410–10–M

Forest Service

Custer National Forest, Montana, North Dakota, South Dakota; Environmental Impact Statement

In the matter of Custer National Forest Plan: Carbon, Carter, Park, Powder River, Rosebud, Stillwater, and Sweet Grass Counties, Montana; Billings, Dunn, Golden Valley, Grant, McHenry, McKenzie, Ransom, Richland, Sioux, and Slope Counties, North Dakota; and Corson, Harding Perkins, and Ziebach Counties, South Dakota.

Pursuant to the National Environmental Policy Act Regulations, the Forest Service, Department of Agriculture, will prepare an environmental impact statement on the proposed Land and Resource Management Plan for the Custer National Forest in Montana, North Dakota, and South Dakota.

The plan is being prepared in accordance with requirements of the Secretary's regulations developed pursuant to the National Forest Management Act of 1976. It will propose management direction affecting the natural and human resources within the boundaries of the Custer National Forest.

The plan will be selected from a range of alternatives including: continuation of current management practices and policies; alternatives displaying possible outputs of resources at several expenditure levels; and alternatives designed to resolve or mitigate major public issues and management concerns.

Early in the development of the plan, Federal, State, Indian tribes, and local agencies and other individuals or organizations, who may be interested in or affected by the decision, will be invited to participate in the scoping process. All issues identified will be considered and those of significance will be addressed in the plan. The rationale for selecting the significant issues and the disposition of those issues will be visible in the planning process.

In conjunction with this planning effort and pursuant to 43 CFR Part 3460, the Custer National Forest is in the process of applying "coal unsuitability criteria" as mandated by the Surface Mining Control and Reclamation Act of 1977. The Little Missouri National Grasslands contain some Known Recoverable Coal Resource Areas where the criteria are being applied.

Tom Coston, the Regional Forester for the Northern Region, is the responsible official for approval of the Forest Plan. The responsible official for preparing the Forest Plan is Forest Supervisor Daniel C. MacIntyre, Custer National Forest. Questions concerning development of the plan should be directed to Daniel C. MacIntyre, Forest Supervisor, Custer National Forest, P.O. Box 2556, Billings, MT 59103, (406) 657–6361.

The draft environmental impact statement is expected to be available in early 1982 and the final in mid-1982.

Dated: March 13, 1981.

James E. Reid,

Acting Regional Forester, Northern Region.

[FR Doc. 81–8425 Filed 3–18–81; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

Minority Business Development Agency

Financal Assistance Application Announcement

The Minority Business Development Agency announces that it is seeking applications under its program to operate one project for a twelve month period beginning July 1, 1981. The total cost of the project will not exceed $909,000.

Funding Instrument: It is anticipated that the funding instrument, as defined

by the Federal Grant and Cooperative Agreement Act of 1977, will be a grant.

Program Description: The General Business Services Program (GBS) of the Minority Business Development Agency (MBDA) provides technical assistance to minority businesspersons and firms for the purpose of improving their stability by increasing their management and marketing capabilities. MBDA offers competitive grants to consulting firms (either non-profit or commercial entities). These firms must be capable of providing such services as:

—Preparation of business plans;
—Financial packaging;
—Industrial management assistance;
—Personnel management services;
—Marketing planning;

and a broad range of other business services excluding legal services.

Applications are invited for the following project:

One grant for a management and technical assistance project to operate in the Miami, Fort Lauderdale and West Palm Beach SMSAs in Florida.

The project will operate at a cost not to exceed $909,000. The Project I. D. Number is 04–10–80008–01. This project will also include supplying specialized consulting services.

Eligibility Requirements: There are no restrictions. Any profit or non-profit institution is eligible to submit an application.

Pre-Application Conference: A Pre-application Conference for this project will be held on April 6, 1981 at 1:30 p.m. at the following address:

U.S. Department of Commerce, Minority Business Development Agency, 1371 Peachtree Street, NE, Suite 505, Atlanta, Georgia 30309

Application Materials: An application kit for this project may be requested by writing the following address:

U.S. Department of Commerce, Minority Business Development Agency, 1365 Peachtree Street, NE, Room 225, Atlanta, GA 30309

In requesting an application kit, the applicant must specify its profit status; i.e., State or local government, federally recognized Indian tribal units, educational institutions, hospitals, 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 April 21, 1981.

(11.800 Minority Business Development Catalog of Federal Domestic Assistance)
(This program is not subject to the requirements of OMB Circular A–95)

Dated: March 13, 1981.

Gordon M. Anderson,

Grant Specialist.

[FR Doc. 81–8540 Filed 3–18–81; 8:45 am]

BILLING CODE 3510–21–M

National Oceanic and Atmospheric Administration

National Marine Fisheries Service; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The National Marine Fisheries Service and the U.S. Fish and Wildlife Service will hold a joint meeting to discuss implementation of the Emergency Striped Bass Study as authorized by the amended Anadromous Fish Conservation Act, (Public Law 96–118).

DATE: The meeting will convene on Monday April 13, 1981 at 10:00 a.m. and will adjourn at approximately 5:00 p.m. The meeting is open to the public, however, space is limited.

ADDRESS: National Marine Fisheries Service, Room 401, Page Building No. 2, 3300 Whitehaven Street, N.W., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Richard H. Schaefer, State/Federal Division, Office of Resource Conservation and Management, National Marine Fisheries Service, Washington, D.C. 20235. Telephone: (202) 634–7454.

Dated: March 16, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81–8530 Filed 3–18–81; 8:45 am]

BILLING CODE 3510–22–M

Weather Facsimile (WEFAX) Conference

AGENCY: National Oceanic and Atmospheric Administration.

ACTION: Public meeting on WEFAX services from GOES satellites.

SUMMARY: The National Oceanic and Atmospheric Administration's National Earth Satellite Service (NESS) will sponsor a WEFAX Users Conference on April 28 and 29, 1981, for current and future U.S. Weather Facsimile (WEFAX) system users. NESS will describe their WEFAX operating procedures, plans, policies, and interpretation and application of products. NESS will solicit comments for improving present and future services.

DATE: The meeting will be held at the Ramada Inn, 5910 Princess Gardens Parkway, Lanham, Maryland 20810, from 9:00 a.m. to 5:00 p.m. on April 28 and from 9:00 a.m. to 12:00 noon on April 29, 1981.

FOR FURTHER INFORMATION CONTACT: Robert W. Popham, Chairperson, Coordinator for Direct Readout Services, National Oceanic and Atmospheric Administration, National Earth Satellite Service S/OP31, U.S. Department of Commerce, Washington, D.C. 20233 (301–763–8062).

Dated: March 13, 1981.

Francis J. Balint,

Acting Director, Office of Management and Computer Systems, National Oceanic and Atmospheric Administration.

[FR Doc. 81–8435 Filed 3–18–81; 8:45 am]

BILLING CODE 3510–12–M

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket 81–C0006]

Gillette Co., a Corporation, d.b.a. Braun North America; Provisional Acceptance of a Consent Order Agreement

AGENCY: Consumer Product Safety Commission.

ACTION: Provisional acceptance of a consent order agreement under the Consumer Product Safety Act.

SUMMARY: Under requirements of 16 CFR 1118.20, the Commission must publish in the **Federal Register** consent agreements which it provisionally accepts under the Consumer Product Safety Act. Published below is a provisionally-accepted Consent Order Agreement with the Gillette Company, doing business as Braun North America.

DATES: Any interested person may ask the Commission not to accept this agreement by filing a written request with the Office of the Secretary by April 2, 1981.

ADDRESS: Persons wishing to comment on this Consent Order Agreement should send written comments to the Office of the Secretary, Suite 300, 1111–18th St., NW, Washington, DC 20207.

FOR FURTHER INFORMATION CONTACT:
Earl Gershenow, Directorate for Compliance and Administrative Litigation, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 492-6626.

SUPPLEMENTARY INFORMATION:
[Attached.]

Dated: March 13, 1981.

Sadye E. Dunn,
Secretary.

Agreement Containing Consent Order To Cease and Desist

In the matter of Gillette Company, a corporation, doing business as Braun North America (hereinafter, "Gillette" or "Respondent") and the staff of the Consumer Product Safety Commission (hereinafter, the Commission) pursuant to 16 CFR 1118.20, in settlement of a complaint for a civil penalty pursuant to 15 U.S.C. 2069, for knowingly failing to report immediately to the Commission a defect in the Braun Aromaster Coffeemaker, Model KF-20, Type 4050, which could create a substantial product hazard, as required by 15 U.S.C. 2064(b)(2), in violation of 15 U.S.C. 2068(a)(4). A copy of the complaint is attached hereto and incorporated herein by reference.

Gillette and the staff of the Commission hereby stipulate and agree:

1. The Consumer Product Safety Commission has jurisdiction over Gillette and the subject matter of this Consent Order Agreement pursuant to 15 U.S.C. 2051 *et seq.*

2. Gillette is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located in Boston, Massachusetts. Gillette is an international consumer product firm engaged in the manufacture and sale of products for personal care and use.

3. Braun North America (hereinafter Braun) is an unincorporated division of Gillette, with its principal place of business located in Cambridge, Massachusetts. Braun imports, *inter alia*, coffee makers.

4. Gillette, through Braun "imported" and "distributed in commerce" as these terms are defined in 15 U.S.C. 2052(a)(8), (11), and (12), respectively, the Braun Aromaster Coffeemaker, Model KF-20, Type 4050 (hereinafter the "Coffeemaker"). The Coffeemaker is an automatic, drip-type (120 volts, 750 watts), employing a main heating element to heat the water and a smaller warming element. The Coffeemaker is manufactured by Braun AG, a subsidiary of Gillette located in West Germany. The Coffeemaker retails for approximately $80.00.

5. The Coffeemaker is produced and distributed in commerce for sale to consumers for use in or around a permanent or temporary household or residence, a school, in recreation, or otherwise, and is therefore a "consumer product" within the meaning of 15 U.S.C. 2052(a).

6. Between July 1976 and March 1977, Braun distributed in commerce as many as 2,135 Coffeemakers that the staff of the Commission alleged contained a defective thermostat which presented a "substantial product hazard" within the meaning of 15 U.S.C. 2064(b), as more fully set forth in the complaint.

7. In the complaint, the staff of the Commission has alleged that Gillette knowingly failed to inform the Commission immediately of the defect upon having obtained information which reasonably supported the conclusion that the Coffeemaker contained a defect which could create a "substantial product hazard," as required by 15 U.S.C. 2064(b)(2), in violation of 15 U.S.C. 2068(a)(4), for which a civil penalty may be issued pursuant to 15 U.S.C. 2069. The staff of the Commission seeks in the complaint a civil penalty against Gillette in the sum of $100,000.

8. Gillette denies all claims set forth in the complaint and without admitting the existence of a substantial product hazard or a violation of the reporting requirements under 15 U.S.C. 2064(b), Gillette hereby agrees to pay the sum of $45,000 upon final acceptance of this Consent Agreement by the Commission, in full settlement any and all claims by the Commission of any kind whatsoever against Gillette arising out of the alleged defect in the Coffeemaker which is the subject of the complaint.

9. The complaint represents the allegations of the Commission staff and the Commission has made no formal finding that the Coffeemaker contained the defect or constituted a substantial hazard.

10. Upon final acceptance by the Commission of this Consent Order Agreement, Gillette knowingly and voluntarily waives any and all rights to an administrative or judicial hearing, and to any and all other procedural stages; including the right to judicial review, or to otherwise challenge or contest this Consent Order Agreement and the Commission's Order.

11. Upon execution of this Consent Order Agreement by Gillette and the Commission staff, and provisional acceptance by the Commission, as provided in 16 CFR 1118.20(d), pursuant to 16 CFR 1118.20(e) this Consent Order Agreement will be made a matter of the public record in the Commission's Public Calendar, and in the **Federal Register**, for a period of fifteen days. The Commission will then consider and act upon the Consent Order Agreement pursuant to 16 CFR 1118.20(f)-(g).

12. Final acceptance by the Commission of the Consent Order Agreement and issuance of the Order contained herein, pursuant to 15 U.S.C. 2069, shall settle all claims set forth in the complaint. The Order shall take effect upon its issuance.

13. Upon final acceptance, the Commission will disclose the terms of this Consent Order Agreement to the public and will make the Consent Order Agreement available for public viewing at the Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street N.W., Washington, D.C. 20207.

Order

It is ordered that The Gillettee Company, doing business as Braun North America, shall pay to the order of the United States Treasurer the sum of forty-five thousand dollars ($45,000.00) in full settlement of any and all claims of any kind whatsoever by the Consumer Product Safety Commission against Gillette arising out of an alleged defect in the Braun Aromaster Coffeemaker, Model KF-20 Type 4050, as more fully set forth in the complaint which accompanies the Consent Order Agreement executed by Gillette and the staff of the Commission on December 30, 1980.

Earl A. Gershenow,
Trial Attorney, Counsel for the staff of the Consumer Product Safety Commission.

By direction of the Commission, this Consent Order Agreement is provisionally accepted pursuant to 16 CFR 1118.20(d), and shall be placed on the public record, and the Commission shall announce provisional acceptance of the Consent Order Agreement in the Commission's Public Calendar and in the **Federal Register.**

So ordered by the Commission, this 13th day of March 1981.

Sadye E. Dunn,
Secretary, Consumer Product Safety Commission.

[FR Doc. 81-8531 Filed 3-18-81; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Environmental Impact Statement (DEIS); Proposed Revision to Water Control Plan for Prado Dam; Santa Ana River, Orange, Riverside, and San Bernardino Counties, California

AGENCY: US Army Corps of Engineers, DoD.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY:

1. *Proposed Action.* The proposed action has been initiated to evaluate alternative reservoir release plans that take advantage of the recently increased capacity of the downstream Santa Ana River channel and thereby provide greater public safety. The study will also address alternative water conservation operations for Prado Basin that should contribute to groundwater suppliers.

2. *Alternatives.* Six alternative plans for flood control releases have been selectively paired with 4 alternative plans for water conservation within Prado Basin to identify a total of 21 alternatives. The flood control release alternatives range from maximum controlled releases of 5,000 to 14,000 cubic feet per second with progression increases from zero to a maximum controlled release for each alternative. The water conservation pool alternatives range from maximum elevations of 490 feet above mean seal level (msl) to up to 510 feet msl, depending on time of the year and with a required empty reservoir during August and September.

3. *Scoping Process.* A 15 December 1980 Letter of Initiation for the Prado Dam Water Control Study was sent to numerous federal, state, county, and city agencies and to interested groups and individuals. The alternatives were presented and questions and comments were solicited. Public meetings are expected to be held during the month of October 1981 approximately 15 days following the publication of the DEIS. Informal coordination with interested individuals and groups and local, state, and federal agencies is anticipated.

The DEIS will address several significant impacts in depth. Effects on land use, cultural resources, riparian habitat, and endangered species potentially resulting from the proposed conservation pool alternatives will be investigated. Effects on riparian habitat in the Santa Ana Canyon and on the feeding habitat of the endangered least tern at the mouth of the Santa Ana River potentially resulting from the proposed flood release alternatives will also be investigated.

The requirements of the following acts and executive orders will be addressed in the DEIS: National Historic Preservation Act, Endangered Species Act, Fish and Wildlife Coordination Act, Wild and Scenic Rivers Act, Clean Water Act, Executive Order 11990 Protection of Wetlands, and Executive Memorandum Analysis of Impacts on Prime and Unique Farmlands.

4. *Scoping Meeting.* A scoping meeting will not be held.

5. *Publication of DEIS.* The DEIS is expected to be available to concerned agencies and the interested public for review and comment in October 1981.

ADDRESS: Questions about the proposed action and DEIS can be answered by Grigor Grigorian, Project Manager ((213) 688–4756) or by Ken Kules, Chief, Environmental Planning Section ((213) 688–5421), Corps of Engineers, P.O. Box 2711, Los Angeles, California 90053.

Dated: March 12, 1981.

Roger C. Higbee,

Lieutenant Colonel, CE Acting District Engineer.

[FR Doc. 81-8434 Filed 3-18-81; 8:45 am]

BILLING CODE 3710-KF-M

DELAWARE RIVER BASIN COMMISSION

Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, March 25, 1981, commencing at 11 a.m. The hearing will be a part of the Commission's regular March business meeting which is open to the public. Both the hearing and the meeting will be held in the seventh floor lounge at the Sheraton Inn, 1570 North duPont Highway, Dover, Delaware. The subjects of the hearing will be:

A. A proposal that the Fifteenth Water Resources Program, adopted by the Commission on October 25, 1978 be re-adopted and continued as the current Water Resources Program, in accordance with the requirements of Section 13.2 of the Delaware River Basin Compact.

B. Application for approval of the following projects as amendments to the Comprehensive Plan pursuant to Article 11 of the Compact and/or as project approvals pursuant to Section 3.8 of the Compact:

1. *Village of Monticello (D–81–5 CP).* A well water supply project to augment public water supplies in the Village of Monticello, Sullivan County, New York. Two new wells having a combined capacity of 900,000 gallons per day will be used to augment current supplies from Kiamesha Lake.

2. *New Jersey Department of Environmental Protection, Division of Fish, Game and Shellfisheries (D–81–8 CP).* A waste treatment project at the Pequest Trout Hatchery in Liberty Township, Warren County, New Jersey. The project will remove 89 percent of BOD from a wastewater flow of 296,000 gallons per day. Treated effluent will discharge to the Pequest River.

3. *Broad Run Sewer Company (D–80–58).* A sewage treatment plant expansion project in West Bradford Township, Chester County, Pennsylvania. The plant, with a present capacity of 150,000 gallons per day and discharging to the East Branch Brandywine Creek, would be expanded to the East Branch Brandywine Creek, would be expanded to treat 400,000 gallons per day to serve proposed housing developments.

4. *Philadelphia Electric Company (D–80–75).* Expansion of existing industrial waste treatment facilities at the Company's Cromby Generating Station in East Pikeland Township, Chester County, Pennsylvania. The project would provide 97 percent removal of suspended solids from a wastewater flow of about 1.4 million gallons per day. Treated effluent would discharge to the Schuylkill River.

5. *Gressona Aluminum Company (D–80–87).* A well water supply project to provide process water at the Company's plant in the Borough of Cressona, Schuylkill County, Pennsylvania. The new facility is planned for use at an average rate of 720,000 gallons per day.

Documents relating to the above-listed projects may be examined at the Commission's offices. Persons wishing to testify at this hearing are requested to register with the Secretary prior to the date of the hearing.

W. Brinton Whitall,

Secretary.

March 11, 1981.

[FR Doc. 81-8436 Filed 3-18-81; 8:45 am]

BILLING CODE 6360-01-M

DEPARTMENT OF ENERGY

Conduct of Employees; Waiver

Notice of Waiver pursuant to section 605(a)(3) of the Department of Energy Organization Act (Pub. L. 95–91).

Section 605(a)(3) of the Department of Energy Organization Act (Pub. L. 95–91) authorizes the Secretary of Energy to

waive the post-employment restrictions of section 605(a)(1) of the Department of Energy Organization Act, to permit a former employee with outstanding scientific or technological qualifications to make appearances before or communications to the Department in connection with a particular matter in a scientific or technological field, where it has been determined that such a waiver would serve the national interest.

It has been established to my satisfaction that Robert G. Matlock, formerly Deputy Director for Nuclear Reactor Programs, has outstanding scientific and technological qualifications in the fields of nuclear reactor physics and engineering, and in nuclear plant design, construction, operation, and safety evaluation. I am further satisfied that it will serve the national interest to permit him, in his capacity as Special Assistant to the Managing Director/Chief Executive Officer of the Washington Public Power Supply System—

(1) With respect to the New Plutonium Production Reactor (NPR) of the Department of Energy, to confer with officials of the Richland Operations Office of the Department on matters related to the purchase of NPR generated steam by the Washington Public Power Supply System, and to confer with officials of the Bonneville Power Administration on the sale of electricity produced from NPR generated steam by the Washington Public Power Supply System to the Bonneville Power Administration, and

(2) With respect to nuclear power plants of the Washington Public Power Supply System that are subject to Bonneville Power Administration review authority, to confer with officials of the Bonneville Power Administration on matters relating to the operation and construction of the plants, including the generation, distribution, and sale of electrical power produced from the plants.

I am also satisfied that these activities require the qualifications stated.

I have, therefore, waived the post-employment appearance and communication prohibitions of section 605(a)(1) of the Department of Energy organization Act, with respect to contact with officials of the Richland Operations Office of the Department of Energy and of the Bonneville Power Administration by Mr. Robert G. Matlock to permit him to undertake the stated activities in his capacity as Special Assistant to the Managing Director/Chief Executive Officer of the Washington Public Power Supply System.

Dated: March 5, 1981.

James B. Edwards,

Secretary of Energy.

[FR Doc. 81-8385 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangements

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Canada Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above mentioned agreements involve approval for the supply of the following materials:

Contract Number S-EU-683, for the sale of 50 milligrams of thorium, enriched to 99.8% in thorium-230, and 1.150 milligrams of thorium, enriched to 91.54% in thorium-230 to be used as standard reference material for mass spectrometry at the Central Bureau for Nuclear Measurements, Geel, Belgium.

Contract Number S-CA-306, for the sale of 1 milligram of thorium, enriched to 99.86% in thorium-230, to be used for isotopic exchange studies at Carleton University, Ontario, Canada.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: March 13, 1981.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-8383 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-01-M

Uranium Hexafluoride; Separative Work Charges, and Base Charges for Natural Uranium

The Department of Energy (DOE) hereby announces changes in the base charges for uranium in the form of uranium hexafluoride (UF_6). Accordingly, the notice entitled, "Uranium Hexafluoride: Separative Work Charges, and Base Charges for Natural Uranium," as published in the **Federal Register** on September 29, 1977 (42 FR 51636) and amended by notice published on January 21, 1980 (45 FR 3948) is further amended by deleting paragraph 2 and inserting the following paragraph in lieu thereof:

2. *Base Charges for Natural Uranium*

(a) The base charge for natural uranium furnished on other than a short notice, one time basis, is $23.85 per pound of contained U_3O_8 in the form of concentrate and $66.52 per kg of contained uranium in the form of UF_6.

(b) The base charge for natural uranium furnished on a short notice, one time basis, is $42.71 per pound of contained U_3O_8 in the form of concentrate and $116.77 per kg of contained uranium in the form of UF_6.

Effective date: This notice is effective March 19, 1981.

Dated: February 18, 1981.

Francis Allhoff, Jr.,

Acting Assistant Secretary, Resource Applications.

[FR Doc. 81-8384 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-01-M

Finding of No Significant Impact; Oak Ridge Gaseous Diffusion Plant, Roane County, Tenn.

The Department of Energy has prepared an environmental assessment on the continued operation of the Oak Ridge Gaseous Diffusion Plant in Roane County, Tennessee. Based on the environmental assessment, which is available to the public on request, the Department of Energy has determined that the continued operation of the plant does not constitute a major Federal action significantly affecting the quality of the human environment, within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.* Therefore, an environmental impact statement is not required.

The Oak Ridge Gaseous Diffusion Plant, which has been in operation since 1945, is located on a 64-acre tract of land near the junction of Poplar Creek and the Clinch River on the Oak Ridge Reservation in Roane County, Tennessee. Low enriched uranium is expected to be the primary source of fuel for nuclear power reactors through the year 2000. Conventional light-water reactors require uranium enriched to a nominal uranium-235 content of 3 percent. Since natural uranium contains only 0.7 percent uranium-235, an enrichment process is needed to provide reactor fuel. The Oak Ridge Gaseous Diffusion Plant is one of three such

facilities operated by the Federal Government for enriching natural uranium through the gaseous diffusion process.

At the present time, the diffusion cascades at Oak Ridge are being upgraded and uprated to provide additional enrichment capability. The analysis of the proposed action assumes operation of the plant at full capacity after the upgrading and uprating is complete. Alternatives to the proposed action include: (1) shutdown or reduced operation; (2) replacement of the gaseous diffusion process with an alternative enrichment process technology; (3) relocation of the gaseous diffusion plant; (4) alternatives for supplying electrical power requirements of the plant; and (5) various alternative subsystems. The analysis of these alternatives in the environmental assessment concludes that the Oak Ridge Gaseous Diffusion Plant must continue to operate if contractual commitments to the private sector are to be fulfilled. Conversion to either the gas centrifuge or an advanced isotope separation technology is not economically justifiable at this time. Operation of the plant at its present site is environmentally preferable to relocating to another site. Additionally, the supply of power by the Tennessee Valley Authority is preferable to the alternatives, both environmentally and economically and implementation of alternative subsystems will depend upon the result of on-going feasibility studies.

There are no significant environmental impacts associated with the full-power operation of the Oak Ridge Gaseous Diffusion Plant. Environmental impacts and mitigation measures that will be taken are as follows:

Air Quality Impacts

The Oak Ridge Gaseous Plant will release approximately 660 microcuries of radionuclides into the air from operation during 1984. The amount is about the same as the current annual release. The annual dose to an individual living at the plant boundary is well below Nuclear Regulatory Commission limits and calculated health effects to the population within 80 kilometers of the plant are negligible.

The steam plant and the process and support facilities produce nonradioactive emissions: particulates, nitrous oxide, sulfur dioxide, and hydrogen fluoride. Projected 1984 emissions are essentially the same as present releases, with the exception of a decrease in hydrogen fluoride. Particulate emissions and ambient concentrations of nitrous oxide and sulfur dioxide will be in compliance with Federal and state standards.

Water Quality Impacts

All applicable Federal and state standards will be met for effluents after the planned mitigation measures are incorporated into the project. The mitigation measures include:

(1) Wastewater treatment improvements which will provide a slight reduction in effluent concentration of chromium, copper, and dissolved solids, and a large reduction in nitrate and nickel levels;

(2) New settling ponds and additional use of existing chemical treatment facilities to better control effluent quality;

(3) Collection and treatment of runoff from coal piles;

(4) A new sludge treatment facility;

(5) Repair sewage system piping to prevent the infiltration of surface runoff during periods of heavy precipitation which now results in overloading of the plants' capacity and is responsible for many of the noncompliances.

Land-Use Impacts

The Oak Ridge Gaseous Diffusion Plant generates solid radioactive wastes in the form of contaminated scrap paper, wood, equipment, and residues from treatment of gaseous and liquid wastes. Nonclassified wastes are buried at the Y-12 plant and contaminated scrap is being stored pending a Nuclear Regulatory Commission decision on whether to allow smelting and recycling. Classified waste is burned on a 22-acre plot within the plant. The highest possible dose to humans would result from release into a drinking supply and has been calculated to be very low.

Through the year 2000 it has been projected that 20 acres of land will be used for low level radioactively contaminated waste disposal and 2 acres will be used for sanitary landfill. Disposal of wastes will occur in areas of the Oak Ridge reservation which are already dedicated to these uses and which are monitored under the overall monitoring program for the facility.

Approximately 2700 acres of land is dedicated to electric transmission line corridors. These corridors are presently in existence and are covered with either grass or low growing vegetation for erosion control. The land within the corridors is managed on a periodic schedule to control growth of the vegetation.

Biological Impacts

The only air pollutant emitted by the Oak Ridge Gaseous Diffusion Plant which is expected to cause some biological damage is hydrogen fluoride. Although average concentrations of hydrogen fluoride are never expected to exceed threshold values for sensitive plants, short-term concentrations under stable atmospheric conditions are expected to cause some damage to on-site vegetation: Plants beyond the site boundary should be unaffected. There have been no signs of fluoride damage to wildlife.

Some vegetation damage within the facility boundary will also be caused by cooling tower drift salts. Cooling tower drift also contains zinc and chromium, the latter of which now occurs at higher levels in plants around the facility. However, neither metal tends to accumulate in animal food chains, and consequently no impact is likely.

No detectable radiological impact is expected on either aquatic or terrestrial biota as a result of the radionuclides released into the air and aquatic environments. There also have been no detectable adverse effects due to the use of pesticides and herbicides.

Entrainment, impingement, and thermal impacts associated with the steam plants' use of cooling water will not be significant.

Some of the substances in the effluents can reach concentrations greater than the criteria for protection of aquatic biota, e.g., nickel, zinc, and residual chlorine. Possible impacts of these concentrations include acute and/or chronic toxic effects, community composition changes and increased bioaccumulation of heavy metals. However, this would only occur during infrequent periods of zero flow. Thus, these impacts will not be significant.

Electrical Energy Consumed

At full power operation, 2080 megawatts of electrical energy will be consumed. This represents 6.6 percent of the Tennessee Valley Authority total power output. The power is supplied under a bulk power contract that does not involve specific powerplants dedicated to supplying the diffusion plant. In addition, even if the power were not purchased from the Tennessee Valley Authority system, that system would continue to operate as it exists, and the environmental effects in the area of its plants would not be altered. Consequently, there are no significant environmental effects directly attributable to supplying power to the diffusion plant.

Transportation

Solid uranium fluoride, other chemicals and materials are shipped to

and from the Oak Ridge Gaseous Diffusion Plant by rail and truck. All uranium fluoride shipments are regulated by both the Department of Energy and the Department of Transportation.

Accidents, Safeguards and Securities

Potential accidents at Oak Ridge Gaseous Diffusion Plant include criticality, process and handling accidents. Since design features, operating procedures, and administrative and safety practices are strictly controlled, the possibility of a criticality accident, especially at low enrichment, is remote and in any event, radiological releases from a criticality accident are likely to be contained by the process equipment or building. Only minor contamination would occur in the immediate vicinity and no exposure to the general public from such an accident would be anticipated. Highly enriched material is not processed at the plant. The worst case accident cited for the Oak Ridge Gaseous Diffusion Plant would involve the mishandling of a 14-ton cylinder of liquid uranium fluoride in which case lethal concentrations of hydrogen fluoride could exist within the immediate vicinity of the plant. Although the probability of such an accident is extremely low, in the event that it should happen, the effects would be mitigated through emergency response procedures (Emergency Preparedness Plan, etc.) which are established at Oak Ridge.

In addition to safety programs, a comprehensive security program is maintained at the plant to meet the Department's requirements for protecting the valuable enriched uranium the equipment used for effecting the enrichment, and the technical information related to the enrichment. The basic components of this program are a physical protection system, a nuclear material control system, and an internal personnel control program.

SINGLE COPIES OF THE EA ARE AVAILABLE FROM: James Behrend, Gaseous Diffusion, Operations Division, Industrial and Utility Applications and Operations, Federal Building, 12th Pennsylvania Avenue, N.W., Washington, D.C. 20461 (202) 633–8841.

FOR FURTHER INFORMATION CONTACT: Michael Kleinrock, Regulations and Procedures Branch, NEPA Affairs Division, Room 4G–064, Office of Environmental Compliance and Overview, 1000 Independence Avenue, S.W., Washington, D.C. 20585 (202) 252–6374.

Dated: March 13, 1981.

Alex G. Fremling,

Acting Assistant Secretary for Environmental Protection, Safety and Emergency Preparedness.

[FR Doc. 81–8526 Filed 3–18–81; 8:45 am]

BILLING CODE 6450–01–M

Economic Regulatory Administration

Application by San Diego Gas & Electric Co. for Authority to Transmit Electric Energy to Mexico: PP–68–A

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of application by San Diego Gas & Electric Company (SDG&E) for authority to export electric energy to Mexico.

SUMMARY: SDG&E has applied to the Department of Energy (DOE) for authority to export electric energy to the Comision Federal de Electricidad, Baja, California, Norte (CFE), pursuant to Section 202(e) of the Federal Power Act and Presidential Permit PP 68 that has been issued to SDG&E.

FOR FURTHER INFORMATION CONTACT:

James M. Brown, Jr., Division of Power Supply and Reliability, Department of Energy, Room 4110, 2000 M Street, N.W., Washington, D.C. 20461 (202) 653–3825

Lise Courtney Howe, Office of General Counsel, Department of Energy, Room 5E–064, Forrestal Bldg., 1000 Independence Avenue, S.W., Washington, D.C. 20585 (202) 252–2900

SUPPLEMENTARY INFORMATION: On December 30, 1980, SDG&E filed an application with the Division of Power Supply and Reliability of the Department of Energy (DOE) pursuant to Section 202(e) of the Federal Power Act for authority to transmit electric energy to Mexico.

The Interconnection and Exchange Agreement (Agreement) between SDG&E and CFE, a copy of which was submitted as Exhibit A of its application, provides for the sale of non-emergency capacity and/or energy and emergency assistance to CFE. SDG&E has full discretion, under the terms of the Agreement, to sell non-emergency capacity and/or energy to the CFE. In addition, the sale of emergency assistance energy is conditional; the Agreement provides that "* * * such supply will not result in impairment or serious hazard to service in the system of the Supplier * * *." According to SDG&E, this Agreement gives it the same discretion to protect its own system from adverse impacts on its system reliability, system stability, or sufficiency of electric supply as it has in its electricity sales agreements with other U.S. utilities.

SDG&E notes that the exporting of electric energy will increase the quantity of fuel being consumed during the periods of actual energy export. However, SDG&E intends any such energy export to be part of a program of mutual benefit between CFE and itself. Due to the nature of the two systems, SDG&E expects that its total exports of electric energy to CFE will not exceed its total imports from CFE. In fact, according to SDG&E, the opportunity exists to decrease its total fuel oil requirements, as well as to slightly improve its system reliability by means of interconnecting its operations with CFE. This is described in the joint study between SDG&E and CFE, which was previously submitted to DOE and to the California Public Utility Commission in connection with SDG&E's application for a Presidential Permit (PP–68).

On November 8, 1979, SDG&E applied pursuant to Executive Order No. 10485, as amended by Executive Order No. 12038, for a Permit to construct, connect, operate and maintain an international interconnection at a point on the United States-Mexican border, approximately ten miles south of the SDG&E Miguel substation. SDG&E proposes to export electric energy to Mexico via this 230-kilovolt overhead transmission line. The line will interconnect with a similar transmission line owned and operated by CFE at the CFE Tijuana substation.

Upon consideration of the latter application, it was found that the issuance of the Presidential Permit was appropriate and consistent with the public interest. Accordingly, the Permit was issued on January 12, 1981, authorizing SDG&E to construct, connect, operate and maintain an electric transmission facility at the United States-Mexican border.

Any person desiring to be heard, or to protest this application to export electric energy, should file a petition to intervene or protest with the Director, Division of Power Supply and Reliability, Room 4103, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with § 1.8 or 1.10 of the Rules of Practice and Procedure (18 CFR 1.8 and 1.10).

Any such petitions and protests should be filed on or before March 30, 1981. Protests will be considered by the DOE in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are

on file with DOE and will, upon request, be made available for public inspection and copying by the Division of Power Supply and Reliability, Room 4103, 2000 M Street, N.W., Washington, D.C.

Dated: March 12, 1981.

Howard F. Perry,

Acting Assistant Administrator for Utility Systems, Department of Energy.

[FR Doc. 81-8380 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Presidential Permit, PP-70, for 12 kV International Interconnection to Minnkota Power Cooperative, Inc.

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of issuance of Presidential permit, PP-70, for 12 kilovolt (kV) international interconnection to Minnkota Power Cooperative, Inc.

SUMMARY: The Department of Energy (DOE) gives notice of the issuance of a Presidential Permit, PP-70, to Minnkota Power Cooperative, Inc., for a 12 kV International Interconnection at the United States-Canadian Border.

FOR FURTHER INFORMATION CONTACT:

James M. Brown, Jr., Division of Power Supply and Reliability, Department of Energy, Room 4110, 2000 M Street, N.W., Washington, D.C. 20461 (202) 653-3825.

Lise Courtney Howe, Office of General Counsel, Department of Energy, Room 5E-064, Forrestal Bldg., 1000 Independence Avenue, S.W., Washington, D.C. 20585 (202) 252-2900.

SUPPLEMENTARY INFORMATION: On June 13, 1979, the Minnkota Power Cooperative, Inc., applied for authorization, pursuant to the Executive Order No. 10485, as amended by Executive Order No. 12038, to construct, connect, operate and maintain an international interconnection at the United States-Canadian border, in the Minnesota Northwest Angle State Forest. The proposed 12 kilovolt transmission line, approximately 75 feet in length, would connect a similar transmission line owned by the Manitoba Hydro-Electric Board to an underground cable owned by the Roseau Electric Cooperative in the Minnesota Northwest Angle State Forest.

The Department of Interior, Bureau of Indian Affairs (BIA), conducted an environmental review of the proposed route because certain significant portions of the project are located on Indian lands in the Northwest Angle State Forest. The BIA made a negative determination of the environmental impacts. On September 5, 1980, the Department of Energy (DOE) adopted the negative determination of environmental impacts made by the BIA.

The Secretary of State by letter dated October 27, 1980, and the Secretary of Defense by letter dated October 14, 1980, favorably recommended that the Permit be granted.

Upon consideration of the matter, the DOE found that issuance of the Permit was appropriate and consistent with the public interest. Accordingly, the Permit was issued on November 10, 1980, authorizing the Minnkota Power Cooperative, Inc., to construct, connect, operate and maintain an electric transmission facility at the U.S.-Canadian border. The Permit was accepted and executed by the Board of Directors of Minnkota Power Cooperative on December 19, 1980, and an executed copy of the Permit returned to the DOE on January 12, 1981.

Copies of the Order are on file with the Division of Power Supply and Reliability and will, upon request, be made available for public inspection and copying at Room 4103, 2000 M Street, N.W., Washington, D.C.

Issued in Washington, D.C., March 12, 1981.

Howard F. Perry,

Acting Assistant Administrator for Utility Systems, Department of Energy.

[FR Doc. 81-8379 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Presidential Permit PP-69 to Vermont Electric Cooperative, Inc.

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of issuance of Presidential permit PP-69 authorizing Vermont Electric Cooperative, Inc. (VEC), to operate and maintain electric transmission facilities at the international border between the United States and Canada.

SUMMARY: On October 9, 1980, the Department of Energy (DOE) authorized the VEC to operate and maintain electric transmission facilities at the international border between the United States and Canada. This Permit (No. PP 69) superseded the prior authorization, issued in 1945 to the International Electric Company, which sold the facilities to the VEC in 1970.

FOR FURTHER INFORMATION CONTACT:

James M. Brown, Jr., Division of Power Supply & Reliability, Department of Energy, Room 4110, 2000 M Street, NW., Washington, D.C. 20461, (202) 653-3825.

Lise Courtney M. Howe, Office of the General Counsel, Department of Energy, Forrestal Building, Room 5E-064, 1000 Independence Ave., SW., Washington, D.C. 20585, (202) 252-2900.

SUPPLEMENTARY INFORMATION: On October 4, 1945, President Harry S. Truman signed Presidential Permit No. PP-9 authorizing the International Electric Company (IEC), a subsidiary of the Southern Canada Power Company, to construct, operate and maintain certain electric transmission facilities at the United States/Canada border. This authorization was for a total of five three-phase electric power lines and three single-phase electric power lines.

In February 1979, the DOE staff learned that the VEC had in service several electric power facilities crossing the United States/Canada border. From communications with the VEC staff, it was determined that in 1970 the VEC had purchased all of the U.S. facilities of the International Electric Company, including those lines authorized pursuant to Presidential Permit No. PP-9. This purchase occurred despite a restriction in Article 9 of the Permit prohibiting the transfer of the facilities. In 1970 the VEC also constructed a new distribution structure for its own use at Derby Line, Vermont; and in the fall of 1977, it made several changes in the transformers and structures to accommodate a change by Hydro Quebec (the successor organization to the Southern Canada Power Company) in the line voltage from 46 kV to 24.95 kV.

It appeared to the DOE staff that the VEC's violations—*viz.* the unauthorized purchase of the facilities, and the structural changes—were due to a lack of knowledge of Executive Order No. 10485, which requires a Presidential Permit for any international electric interconnection. This conclusion was supported by the expeditious submission by VEC of an application for a Presidential Permit on April 26, 1979.

The Secretary of State and the Secretary of Defense favorably recommended that this Permit be granted. Upon consideration of this matter, the DOE found that the issuance of the Permit was appropriate and consistent with the public interest. Accordingly, the Presidential Permit was issued on October 9, 1980.

The Permit then was accepted by the Vermont Electric Cooperative on October 28, 1980, and a copy of that

Testimony of Acceptance was returned to DOE on November 7, 1980.

Copies of the Permit are on file with the Department of Energy and will, upon request, be made available for public inspection and copying by the Division of Power Supply and Reliability, Room 4103, 2000 M Street, NW., Washington, D.C.

Issued in Washington, D.C., March 12, 1981.

Howard F. Perry,

Acting Assistant Administrator for Utility Systems, Department of Energy.

[FR Doc. 81-8381 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-01-M

Proposed Modification of Duration of Orders Granting Temporary Public Interest Exemptions for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of proposed modification extending duration of orders granting special temporary public interest exemptions.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) proposes to extend the duration of the Orders issued to the petitioners listed below for a period of time sufficient to allow construction of natural gas pipeline interconnections, necessary payback periods, plus an additional 18 months.

Petitioner/generating station	Identification	Original expiration date
City of Detroit (Mistersky).	#5, 6 & 7	Dec. 7, 1981.
Florida Power & Light Co. (Putnam).	CC 1 & 2	Do.
Jacksonville Electric Authority (Northside).	#1, 2 & 3	Do.
Virginia Electric & Power Co. (Yorktown).	#3	Do.

A copy of the proposed modification has been sent by certified mail to each petitioner.

Each of the above listed petitioners was issued an Order granting a temporary public interest exemption pursuant to section 311(e) of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act), 10 CFR 501.68 and 10 CFR Part 508. In each instance, the powerplants listed above are either prohibited by section 301(a)(2) of FUA from using natural gas as a primary energy source or are prohibited from using natural gas as a primary energy source in excess of the average base year proportion allowed in section 301(a)(3) of the Act. The Order granting the temporary exemption allows the powerplants to burn natural gas, notwithstanding the prohibitions of section 301(a) (2) and (3) of FUA, to displace consumption of high sulfur residual fuel oil.

SUPPLEMENTARY INFORMATION: On April 9, 1979, ERA issued a final rule implementing section 311(e) of FUA. This final rule, 10 CFR Part 508 (44 FR 21230, April 9, 1979) sets forth the policy ERA has adopted in implementing section 311(e) of FUA, and the eligibility standards which petitioners for the temporary exemption must meet.

ERA published Orders in the **Federal Register** granting temporary public interest exemptions to Putnam CC 1 & 2; Northside #1, 2 & 3; and Yorktown #3 on October 16, 1980, (45 FR 68714), and to Mistersky #5, 6 & 7 on October 17, 1980, (45 FR 69006). The temporary exemptions permit the existing electric powerplants to use natural gas as a primary energy source in excess of the amounts which are permitted by section 301(a) (2) and (3) of FUA. The use of natural gas permitted under the temporary exemptions was to displace the burning of high sulfur residual fuel oil in the existing powerplants.

ERA has been informed that each of the above listed petitioners has been unable to utilize natural gas pursuant to the granted temporary exemption because there is no natural gas interconnection to these powerplants. Before a petitioner can commit to the construction of the interconnection it must have assurance that it will be able to utilize the natural gas for a period of sufficient length to recover the capital expense of installing the pipeline and accrue some economic benefit for its customers. Therefore, ERA proposes to extend the duration of the Orders, for a period of time covering construction of natural gas pipeline interconnections, payback periods, plus an additional 18 months. If ERA issues modified orders extending the duration of the temporary exemptions, the expiration date of such extension will be listed for each petitioner in the modified Order.

Without this extension, the issued Orders will have no practical effect in promoting ERA's policy set forth in 10 CFR Part 508 (Exemption for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230, hereafter referred to as the Special Rule). In the Special Rule, ERA determined that to the extent that the near term choice for certain existing powerplants is limited to petroleum or natural gas, generally, the use of natural gas is preferred. The increased use of natural gas helps to reduce the Nation's short-term oil consumption and the demand for imported oil. This decreased consumption of imported oil helps the Nation's balance of payments and domestic inflation rate.

There are presently surplus quantities of natural gas available for short term contracts to displace fuel oil. The general natural gas supply and demand picture also looks more encouraging for the near future than it has in the recent past. ERA believes this additional displacement of fuel oil will have minimal impact on refineries serving the regions wherein these powerplants are located.

The duration of the exemptions may be extended upon request of the petitioners for an additional period at the discretion of ERA. However, the temporary public interest exemption, including all extensions and the period during which the petitioners were allowed to burn natural gas while their petitions were pending may not exceed the lesser of the maximum 5-year period authorized by the Act, or extend beyond June 30, 1985.

In addition, these modifications would not relieve the existing powerplants from compliance with any pertinent rules or regulations concerning the acquisition or the distribution of natural gas that are administered by the Federal Energy Regulatory Commission or any pertinent State regulatory agency or from any public utility obligation to pertinent categories of customers.

Comments

ERA is publishing this notice of proposed modification, to invite interested persons to submit written comments. In addition, any interested person may request that a public hearing be convened in regard to this proposed modification.

Dates

Written comments relating to the proposed modification are due on or before May 4, 1981. A request for a public hearing may be made by any interested person within this same 45 day period.

Addresses

Requests for a public hearing and/or 10 copies of written comments shall be submitted to: Department of Energy, Case Control Unit, Box 4629, Room 3214, 2000 M Street, N.W., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Jack C. Vanderberg, Office of Public Information, Economic Regulatory

Administration, Department of Energy, Room B–110, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653–4055

James W. Workman, Director, Powerplants Conversion Division, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, Room 3112D, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653–4268

Henry K. Garson, Acting Assistant General Counsel for Coal Regulations, Office of General Counsel, Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–2967

Issued in Washington, D.C. on March 13, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-8378 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-01-M

Windham Gas & Oil Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

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

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces 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.

DATES: Effective February 10, 1981. Comments by: April 20, 1981.

ADDRESS: Send comments to: Edward F. Momorella, District Manager of Enforcement, Northeast District, Department of Energy, 1421 Cherry Street, Philadelphia, Pennsylvania 19102.

FOR FURTHER INFORMATION CONTACT: Joseph B. Connolly, Audit Director, Office of Enforcement, Suite 260, 7 Parkway Center, Pittsburgh, Pennsylvania 15220.

SUPPLEMENTARY INFORMATION: On February 10, 1981, the Office of Enforcement of the ERA executed a Consent Order with Windham Gas and Oil Company of Windham, Ohio. Under 10 CFR Section 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Windham Gas and Oil Company, with its home office located in Windham, Ohio, is a firm engaged in the sale of motor gasoline and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Part 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 Windham, the Office of Enforcement of the ERA, and Windham have entered into a Consent Order, the significant terms of which are as follows:

1. Windham has agreed to refund a total of $36,000 and interest thereon from December 31, 1980 and in four (4) equal installments beginning 10 days after the execution of the Consent Order which occurred on February 10, 1981 in full settlement of overcharges alleged by the DOE for the period March 1, 1979 to August 31, 1979.

2. Windham has agreed to pay a civil penalty of $3,000.

3. The provisions of 10 CFR 205.199J are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Windham agreed 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 $36,000, together with interest. Refund of those overcharges will be in the form of certified check(s) made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system it is likely that overcharges have been passed through as higher prices to subsequent purchasers. 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 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 specified in I.1. above, should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to 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 with 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 the Consent Order. Such comments will be considered solely in connection with DOE's right to rescind or modify the Consent Order upon the discovery of new evidence or upon petition by Windham.

You should send your comments or written notification of a claim to Edward F. Momorella, District Manager of Enforcement, Northeast District, Department of Energy, 1421 Cherry Street, Philadelphia, Pennsylvania 19102. You may obtain a free copy of this Consent Order by writing to the same address or by calling (215) 597–2633. You should identify your comments on the outside of the envelope and on the documents you submit with the designation, "Comments on Windham Gas and Oil Company Consent Order." We will consider all comments which are pertinent as described above and which we receive by 4:30 p.m., Eastern Standard Time, on April 20, 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 Philadelphia, Pennsylvania on the 23rd day of February 1981.

Edward F. Momorella,

District Manager, Northeast District.

[FR Doc. 81-8382 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-01-M

[ERA Case No. 52416-9185-21, 22-22; Docket No. ERA-FC-80-031]

Puget Sound Power & Light Co.; Public Hearing

This notice sets forth the date, time and place of the public hearing concerning Puget Sound Power & Light Company's petitions for permanent peakload powerplant exemptions from the provisions of the Powerplant & Industrial Fuel Use Act of 1978. The Notice of order granting a Public Hearing was published in the **Federal Register** on February 24, 1981 (46 FR 13758). The hearing will be held on April 1, 1981, beginning at 9:00 a.m. The hearing will be held in the Fourth Floor Auditorium of the Federal Building, 915 Second Avenue, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT:

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

Kathleen J. Ewing, FUA Public Hearings Staff, Economic Regulatory Administration, Case Control Unit, Box 4629, Room 3009, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653-4258;

Marilyn Ross, Office of General Counsel, Department of Energy, 1000 Independence Avenue, S.W., Room 6B-178, Washington, D.C. 20585, (202) 252-2967.

Issued in Washington, D.C., March 17, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-8708 Filed 3-18-81; 9:48 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-80-037; OFC Case No. 67001-9020-08-12]

Upjohn Co.; Powerplant and Industrial Fuel Use, Prohibition Orders

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Order Granting Exemption from the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: Pursuant to the provisions of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.*) (FUA or the Act) the Economic Regulatory Administration (ERA) of the Department of Energy, in response to a petition filed by the Upjohn Company (Upjohn) on November 17, 1980, hereby grants to Upjohn, subject to the terms and conditions specified herein, the following exemption from the prohibitions of Title II of FUA:

For a major fuel burning installation (MFBI), designated as boiler No. 8 by Upjohn, installed at Upjohn's Portage Road Plant in Kalamazoo, Michigan, a permanent exemption for lack of an alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum, as authorized by section 212(a) of the Act and 10 CFR 503.32(c) (45 FR 38315, June 6, 1980).

In accordance with section 702(a) of FUA, this order shall take effect on May 18, 1981.

FOR FURTHER INFORMATION CONTACT:

Constance L. Buckley, Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street NW., Room 3128, Washington, D.C. 20461, phone (202) 653-4226.

Robert Goodie, Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street NW., Room 3128, Washington, D.C. 20461, phone (202) 653-4226.

Allan J. Stein, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B-178; 1000 Independence Avenue SW., Washington, D.C. 20585, phone (202) 252-2967.

The public file containing a copy of this order and other documents and supporting materials on this proceeding is avilable for inspection upon request at: ERA, Room B-110, 2000 M Street, NW., Washington, D.C. Monday through Friday, 8:00 a.m.—4:30 p.m.

SUPPLEMENTARY INFORMATION: Title II of FUA prohibits the use of natural gas or petroleum as a primary energy source in new major fuel burning installations (MFBI's) consisting of a boiler unless an exemption for such use has been granted by ERA. Procedures and criteria for petitioning for exemptions from the prohibitions of FUA are contained in 10 CFR Parts 500 and 501 and 10 CFR Part 503, published on June 6, 1980, at 45 FR 38276 and 38302 respectively.

Under the authority of section 212(a) of the Act, 10 CFR 503.32 sets forth eligibility criteria and evidentiary requirements for a permanent exemption for lack of an alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum. In lieu of the evidentiary requirements of 10 CFR 503.32(b), a certification alternative under 10 CFR 503.32(c) is available for MFBI's which will be operated less than 600 hours at full load, or equivalent, on an annual basis. Upjohn petitioned ERA under the provisions of 10 CFR 503.32(c) for a permanent exemption for its boiler No. 8. Boiler No. 8 has a design heat input rate of 150 million Btu's per hour and is capable of burning residual fuel oil and natural gas. As stated by Upjohn, the boiler will be used to supply steam as a backup for the seven existing boilers at the Portage Road plant.

In accordance with the procedural requirements of FUA and 10 CFR 501.3(d), ERA published notice of its acceptance of Upjohn's petition in the **Federal Register** on December 11, 1980, at 45 FR 81649. The Notice of Acceptance provided a 45-day comment period during which interested persons could submit written comments on the petition for exemption and could request a public hearing. This period expired on January 26, 1981. No comments were received nor was a public hearing requested.

Upon reaching a tentative determination that the certifications made by Upjohn in its petition fulfilled the requirements of 10 CFR 503.32(c), the ERA staff completed a Tentative Staff Analysis which recommended that the exemption requested by Upjohn be granted. A Notice of Availability of the Tentative Staff Analysis was published in the **Federal Register** on February 17, 1981, at 46 FR 12536. A 14-day comment period for interested persons to submit written comments on the Tentative Staff Analysis, or to request a public hearing, was provided. The period expired on March 3, 1981. No comments were received nor was a public hearing requested.

As required by section 701 (f) and (g) of the Act, ERA provided a copy of Upjohn's petition to the Environmental Protection Agency and the Federal Trade Commission for their comment. Written comment was received from the Acting Regional Administrator, Region V, Environmental Protection Agency (EPA), which addressed the environmental permits granted by EPA to Upjohn for boiler No. 8, and indicated that the limited operation of the unit under the exemption was not expected to result in any undesirable impacts upon National Ambient Air Quality Standards and Prevention of Significant deterioration increments. No comments were received from the Federal Trade Commission.

Decision and Order: Based upon review of the entire record of this proceeding, ERA has determined that Upjohn has satisfied the certification requirements of 10 CFR 503.32(c). Therefore, pursuant to section 212(a) of the Act, and subject to the terms and

conditions stated below, ERA hereby grants Upjohn a permanent exemption from the prohibitions of Title II of FUA for boiler No. 8 installed at Upjohn's Portage Road Plant, Kalamazoo, Michigan.

Terms and Conditions: Section 214(a) of FUA authorizes ERA to attach terms and conditions to any order granting an exemption which are appropriate and consistent with the purposes of the Act. By petitioning for an exemption under the provisions of 10 CFR 503.32(c), Upjohn, in accordance with 10 CFR 503.32(d), agreed, upon grant of such exemption, to the terms and conditions specified in 10 CFR 503.32(d). Accordingly, such terms and conditions, as enumerated below, are attached to this order granting the requested exemption.

(1) Boiler No. 8 will be operated less than 600 hours annually at its maximum design heat input rate or equivalent. Based upon the boiler's design fuel heat input rate of 150 million Btu's per hour x 600 hours, the amount of natural gas and petroleum consumed in boiler No. 8 under the provisions of this exemption shall not, in the aggregate, exceed 90 billion Btu's annually.

(2) The quality of any petroleum to be burned in boiler No. 8 will be the lowest grade available, technically feasible, and capable of being burned consistent with applicable environmental requirements.

(3) Upjohn shall report annually the hours of use, the total amount of fuels consumed, and the total Btu value of such fuels, for boiler No. 8 in the previous calendar year. The report, to be executed by a duly authorized representative of Upjohn, shall be filed with ERA at the address provided below not later than January 31 of each following year and shall be in the following format:

Hours of operation	Annual fuel consumption				
	Natural gas		Petroleum		
	Mcf	Btu value	Grade	Bbls	Btu value

(4) Upjohn will, prior to operating boiler No. 8 under the provisions of this exemption, secure all applicable environmental permits and approvals pursuant to, but not limited to, the following: Clean Air Act, Clean Water Act, Rivers and Harbors Act, Coastal Zone Management Act and the Resource Conservation and Recovery Act.

Reports required under this order shall be sent to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street NW., Washington, D.C. 20461.

OFC Case Number 67001-9020-08-12 shall be cited on each report filed with ERA pursuant to this order.

On August 11, 1980, DOE published in the **Federal Register** (45 FR 53199) a notice of proposed amendments to guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the guidelines, the granting or denial of certain FUA permanent exemptions, including the permanent exemption by certification for lack of an alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum for a MFBI that will be operated less than 600 hours annually at full load or equivalent, were identified as classes of actions which normally do not require the preparation of an Environmental Impact Statement or an Environmental Assessment.

This classification raises a rebuttable presumption that the granting or denial of the exemption will not significantly affect the quality of the human environment. Upjohn has certified that it will secure all applicable permits and approvals prior to commencement of operation of the unit under exemption. The Environmental Checklist completed and certified to by Upjohn pursuant to 10 CFR 503.15(b) has been reviewed by DOE's Office of Environment, with consultation from the Office of the General Counsel, and it has been determined that Upjohn's responses to the questions therein indicate that the operation of boiler No. 8 under this exemption will have no impact on those areas regulated by specified laws that impose consultation requirements on DOE, and otherwise affirms the applicability of the categorical exclusion to this FUA action. As no comments were received during the proceeding on Upjohn's petition which raised questions regarding the application of the categorical exclusion in this instance, no additional environmental review is deemed to be required.

Effectiveness of Order: The exemption granted by this order shall become effective on May 18, 1981.

Judicial Review: Pursuant to section 702(c) of the Act, any person aggrieved by this order may at any time before May 18, 1981, petition for judicial review in accordance with 10 CFR 501.69.

Issued in Washington, D.C. on March 13, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-8523 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 3916-000]

Richard L. Bean and Fred G. Castagna; Application for Preliminary Permit

March 16, 1981.

Take notice that Richard L. Bean and Fred G. Castagna (Applicants) filed on December 29, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3916 to be known as Deep Creek located on Deep Creek in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicants should be directed to: R. L. Bean and F. G. Castagna, 741 Baker Road Redding, California 96003. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a diversion structure; (2) a penstock; (3) a powerhouse containing a 4,500-kW generating unit; and (4) a transmission line.

The Applicant estimates that the average annual energy output would be 36,000,000 kWh.

Purpose of Project—The power generated by the proposed project would be sold to the Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies under Permit—The Applicant seeks issuance of a preliminary permit for a period of 24 months, during which it would make geographic studies; prepare an environmental report; study the economic and financial feasibility; and apply for the necessary permits. The Applicant estimates the cost of these studies to be $120,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary

studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing for the Commission are invited to submit comments on the described application for preliminary permits. (A copy of the application may be obtained directly from the Applicant.) Comments should confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before *May 13, 1981*, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than *July 13, 1981*. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 13, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", OR "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3916. Any comments, notices of intent, competing applications, protest, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Banch, Division of Hydropower Licensing, Federal Enery Regulatory Commission, Room 208, 400 First Street, N.W., Washinton, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81 8458 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3823-000]

Continental Hydro Corp.; Application for Preliminary Permit

March 16, 1981.

Take notice that Continental Hydro Corporation (Applicant) filed on December 4, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3823 to be known as the Corbett Diversion Dam located at the Water and Power Resources Services Corbett Diversion Dam on the Shoshone River in Park County, Wyoming. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Gail Staker, 141 Milk Street, Suite 1143, Boston, Massachusetts 02109. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing dam owned by the Water and Power Resources Service. Applicant's facilities would be located on U.S. lands. Project No. 3823 would consist of: (1) a proposed powerhouse, located at the south end of the existing dam, that would contain generating units having a total installed capacity of 600 kW; (2) proposed transmission lines; and (3) appurtenant facilities. The Applicant estimates the average annual energy output for the project to be 4,800 MWh.

Purpose of Project—The applicant proposes to sell the energy produced at the project to the Pacific Power and Light Company and other public institutions or industrial users.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months. During that time he would perform engineering, economic, and environmental studies to determine the feasibility of the project. In addition, he would apply for DOE funds, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license. The Applicant estimates the cost of the studies under the permit would be approximately $40,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 15, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 14, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the

Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before May 15, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE" as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3823. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First St., NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8454 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 5, 1981.

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION								
-ADOBE OIL & GAS CORPORATION					RECEIVED: 02/09/81 JA: TX			
8116856	26492	4213332410	102		KERR #3	MANGUM NORTH (3200)	106.0	ODESSA NATURAL CORP
8116716	22414	4213332200	102		SNEED #1	MANGUM NORTH (3200)	101.0	ODESSA NATURAL CORP
-ALFORD PETROLEUM CORP					RECEIVED: 02/09/81 JA: TX			
8116702	21507	4217531239	103		L W WHEELIS 2-79-H	LA BAHIA (2400)	99.0	TRUNKLINE GAS CO
-AMOCO PRODUCTION CO					RECEIVED: 02/09/81 JA: TX			
8116945	29486	4218930322	103		ANTON-IRISH CLEARFORK UNIT #452	ANTON-IRISH	0.9	PIONEER NATURAL GAS
8116696	21064	4234730451	102		C R MIZE GAS UNIT NO 1	NACOGDOCHES E /PETTIT/	200.0	UNITED GAS PIPE LINE
8116978	29814	4207931056	103		DEAN UNIT #30	SLAUGHTER	0.7	EL PASO NATURAL GAS
8116976	29812	4200332245	103		FULLERTON SAN ANDRES UNIT #44	FULLERTON SAN ANDRES	6.2	AMOCO PRODUCTION CO
8116977	29813	4200332281	103		FULLERTON SAN ANDRES UNIT #58	FULLERTON SAN ANDRES	14.9	AMOCO PRODUCTION CO
8116972	29781	4239330713	103		J C VOLLMERT B NO 2	NW MENDOTA	219.0	PANHANDLE EASTERN PI
8116862	26746	4235531587	103		KATHERINE L SHAFFER B #8	LUBY/3450/	0.0	VALLEY GAS TRANSMISS
8116911	28397	4235730836	103		PEARSON UNIT F WELL #2U	LIPS WEST (CLEVELAND)	242.0	NORTHERN NATURAL GAS
8116980	29818	4244530837	103		PRENTICE NORTHEAST UNIT #146	PRENTICE / 6700	1.0	AMOCO PRODUCTION CO
8116979	29817	4244530845	103		PRENTICE NORTHEAST UNIT #147	PRENTICE / 6700	4.7	AMOCO PRODUCTION CO
*8116920	28625	4203931356	103		VELMA F STOCKWELL B WELL NO 4	HASTINGS WEST	148.0	AMOCO GAS CO
8116891	27863	4248930617	103		WILLAMAR COMMUNITY E WELL NO 6	WILLAMAR (6350)	56.0	NATURAL GAS PIPE LIN
-ARCO OIL AND GAS COMPANY					RECEIVED: 02/09/81 JA: TX			
8116717	22505	4234130566	103		A J DONELSON A #2	WEST PANHANDLE FIELD	365.0	PANHANDLE EASTERN PI
8116729	22584	4229530699	102		PAINE BROS CO INC NO 1	KIOWA CREEK S (MORROW L)	913.0	TRANSWESTERN PIPELIN
8116680	06270	4229530571	103		SIM PAINE NO 2	KIOWA CREEK (DOUGLAS)	113.0	NORTHERN NATURAL GAS
-B & W OIL & GAS					RECEIVED: 02/09/81 JA: TX			
8116981	29819	4206530829	103		MISTY # 5	PANHANDLE - CARSON	25.0	PANHANDLE EASTERN PI
-BAR M PETROLEUM CO INC					RECEIVED: 02/09/81 JA: TX			
8116715	22304	4247900000	102		ARNOLD #1	ADAMI WEST (360)	12.0	BAR M PETROLEUM CO I
-BENNETT PRODUCTION CORP					RECEIVED: 02/09/81 JA: TX			
8116878	27176	4233700000	108		CLISBEE	EANES (CADDO)	0.0	J L DAVIS
8116871	27133	4207700000	108		CLYDE SHAW	BUD (5970 CONGL)	10.0	CITIES SERVICE OIL C
*8116875	27170	4223700000	108		COYLE	DEWEBER (CONGL)	4.0	CITIES SERVICE OIL C
*8116870	27131	4223700000	108		HANCOCK ESTATE	DEWEBER (CONGL)	3.0	KOCH OIL CO
8116881	27201	4233700000	108		J B IRONS D	EANES (CADDO)	6.0	J L DAVIS
8116879	27177	4207700000	108		J C HARRIS	J C HARRIS CONGL	4.0	CITIES SERVICE OIL C
8116873	27168	4207700000	108		KIMBROUGH	BUFFALO SPRING N (CONGL)	2.0	CITIES SERVICE OIL C
8116874	27169	4223700000	108		LILLIE MAE CARTER	DEWEBER (CONGL)	8.0	CITIES SERVICE OIL C
*8116876	27171	4223700000	108		PICKENS	DEWEBER (CONGL)	8.0	CITIES SERVICE OIL C
8116880	27178	4233700000	108		REBA STANFIELD	BOWIE (MISS)	13.0	J L DAVIS
-BLOCKER EXPLORATION CO					RECEIVED: 02/09/81 JA: TX			
8116830	25806	4229330484	102		L D CROSS TRUSTEE UNIT (#88045)	S THORNTON (COTTON VALLE	548.0	TEXAS UTILITIES FUEL
-BOB WALLACE OIL INC					RECEIVED: 02/09/81 JA: TX			
8116962	29762	4206530832	103		BURNETT NO 6	PANHANDLE CARSON COUNTY	100.0	PANHANDLE EASTERN PI

J? NO	JA DKT	API NO	SEC	D	WELL NAME		
8116963	29763	4206530830	103		BURNETT NO 8		
-BORDER EXPLORATION CO					RECEIVED: 02/09/81	JA:	TX
8116732	23101	4214330622	103		MCINROE NO 2		
-BTA OIL PRODUCERS					RECEIVED: 02/09/81	JA:	TX
8116864	26812	4237133004	107		8004 GRANDE #1		
-CENTURA INCORPORATED					RECEIVED: 02/09/81	JA:	TX
8116925	28839	4231131362	102		GORDON A NO 1		
-CHAMPLIN PETROLEUM COMPANY					RECEIVED: 02/09/81	JA:	TX
8116956	29687	4243130889	103		R L COPE NO 3		
-CHEVRON U S A INC					RECEIVED: 02/09/81	JA:	TX
8116752	24572	4236130314	102		POWELL LUMBER CO ET AL #1		
-CIMMARON OIL CO INC					RECEIVED: 02/09/81	JA:	TX
8116839	26224	4222103601	102		STERLING GAS UNIT #1		
-CITIES SERVICE COMPANY					RECEIVED: 02/09/81	JA:	TX
8116999	29870	4214930638	103		IVY B NO 1		
-CLEMCO INC					RECEIVED: 02/09/81	JA:	TX
8116833	25945	4249930690	103		M BLALOCK NO 1		
-COASTAL OIL & GAS CORP					RECEIVED: 02/09/81	JA:	TX
8116961	29754	4237530731	103		BIVINS 3507 S		
8116964	29765	4237530740	103		MASTERSON D-1101		
-COBRA OIL AND GAS CORPORATION					RECEIVED: 02/09/81	JA:	TX
8116686	16574	4207731344	103		W I HOLT AB #1-CS		
-COLA PETROLEUM INC					RECEIVED: 02/09/81	JA:	TX
*8116957	29695	4238331468	103		HOLT 110 #1		
*8116958	29696	4238331509	103		HOLT 114 #1		
*8116959	29697	4238331512	103		HOLT 130 #1		
*8116960	29698	4238331488	103		HOLT 132 #1		
-COMINCO AMERICAN INC					RECEIVED: 02/09/81	JA:	TX
8116749	24460	4229530776	102		STUART RANCH #5		
-COOK EXPLORATION CO					RECEIVED: 02/09/81	JA:	TX
8116868	27061	4218300000	103		FLEWELLEN #3		
-COOK PRODUCTION CO					RECEIVED: 02/09/81	JA:	TX
*8116681	07588	4223700000	108		ANDY SHAWVER #2		
*8116682	07589	4223700000	108		C L WILSON #1		
-CORNELL OIL CO					RECEIVED: 02/09/81	JA:	TX
8116893	27873	4236700000	103		DUVALL BROS #1		
8116892	27872	4236700000	103		JONES C MCCONNELL NO 1		
-CORPUS CHRISTI OIL AND GAS CO					RECEIVED: 02/09/81	JA:	TX
8116762	25264	4205730941	102		NO 1 LITTLE HEIRS		
-CPC EXPLORATION INC					RECEIVED: 02/09/81	JA:	TX
8116936	29105	4215731103	102		WHELESS NO 1-U		
-CRAWFORD ENERGY					RECEIVED: 02/09/81	JA:	TX
8117019	30073	4233731325	103		W LAIRD #1		
-DANDEN PETROLEUM INC					RECEIVED: 02/09/81	JA:	TX
8116730	22767	4223300000	108		KNUDSEN #18		
-DELRAY OIL INC					RECEIVED: 02/09/81	JA:	TX
8116744	24234	4208332066	103		BERTIE E STONE NO 6		
-DEVON CORPORATION					RECEIVED: 02/09/81	JA:	TX
8116900	27992	4211531386	103		GRAVES #1-A		
-DINERO OIL CO					RECEIVED: 02/09/81	JA:	TX
8116921	28662	4224931245	103		F MCCARTHY #1		
-DISCOVERY OPERATING INC					RECEIVED: 02/09/81	JA:	TX

FIELD NAME	PROD	PURCHASER
PANHANDLE CARSON COUNTY	120.0	PANHANDLE EASTERN PI
X-RAY (MARBLE FALLS)	145.0	VALERO ENERGY CORP
WILDCAT	1825.0	
N HAGIST RANCH (WILCOX 8	180.0	VALERO TRANSMISSION
CONGER SW (PENN)	139.0	NORTHERN NATURAL GAS
LONG PRAIRIE (12300)	912.5	VALERO TRANSMISSION
GRANBURY NE (MARBLE FALL	237.2	ALEDO GAS CO LTD
GIDDINGS (AUSTIN CHALK)	27.0	FALCON GAS CO
QUITMAN (HILL)	365.0	ARKANSAS LOUISIANA G
PANHANDLE (RED CAVE)	34.0	COLORADO INTERSTATE
PANHANDLE (RED CAVE)	50.0	COLORADO INTERSTATE
JOY NW (MARBLE FALLS)	16.0	SANFORD P FAGADAU
CALVIN (DEAN)	18.0	UNION TEXAS PETROLEU
CALVIN (DEAN)	35.0	UNION TEXAS PETROLEU
CALVIN (DEAN)	38.1	UNION TEXAS PETROLEU
CALVIN (DEAN)	33.5	UNION TEXAS PETROLEU
LADY (UPPER MORROW)	500.0	NORTHERN NATURAL GAS
WILLOW SPRINGS-MACKEY (T	300.0	ARKANSAS LOUISIANA G
JACK COUNTY REGULAR	5.4	CITIES SERVICE CO
JACK COUNTY REGULAR	17.5	CITIES SERVICE CO
TOTO (STRAWN)	36.5	SOUTHWESTERN GAS PIP
TOTO (STRAWN)	36.5	SOUTHWESTERN GAS PIP
STEAMBOAT PASS SOUTH (50	0.0	HOUSTON PIPE LINE CO
PECAN GROVE (7700)	750.0	HOUSTON PIPELINE CO
LAIRD (ATOKA)	12.0	TEXAS UTILITIES FUEL
PANHANDLE	2.1	DIAMOND-SHAMROCK COR
BURT-OGDEN-MABEE	100.0	LONE STAR GAS CO
ACKERLY (DEAN SAND)	30.0	GETTY OIL CO
EMBLETON (MET 3400)	91.0	NUE-WELLS PIPELINE C

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
*8116738	23744	4241300000	108		MARY JACKSON #3	ELDORADO (CANYON)	3.6	ARCO OIL & GAS CO
-DIXON EXPLORATION INC					RECEIVED: 02/09/81 JA: TX			
8117004	29896	4202530956	103		P D GRAY #1 (88550)	KARON S (SLICK)	39.0	TEXAS EASTERN TRANSM
-DOUGLAS PETROLEUM INC					RECEIVED: 02/09/81 JA: TX			
8116863	26808	4231100000	102		HAGIST RANCH A WELL #1	PAYNE (2050) FIELD	110.0	ESPERANZA TRANSMISSI
-ECHO PRODUCTION INC					RECEIVED: 02/09/81 JA: TX			
8116902	28074	4249731597	103		SHANNON HARRIS #1-T	BOONSVILLE (BEND CONGL)	15.1	LONE STAR GAS CO
-ENSERCH EXPLORATION INC					RECEIVED: 02/09/81 JA: TX			
8116922	28664	4249731792	103		G R TAYLOR NO 3-T	WISE COUNTY	34.0	LONE STAR GAS CO
8116753	24714	4228930348	103		HAMILL GAS UNIT 1 NO 1	BUFFALO EAST	483.0	LONE STAR GAS CO
8116888	27665	4223733111	103		L H YATES E NO 2-T	BOONSVILLE	287.0	LONE STAR GAS CO
-ESPERANZA ENERGY CORP					RECEIVED: 02/09/81 JA: TX			
8116943	29477	4235330952	103		JORDAN #4	WHITE (GARDNER SAND) FIE	0.0	ESPERANZA PIPELINE C
-EXXETER PETROLEUM CORP					RECEIVED: 02/09/81 JA: TX			
8116690	20929	4210500000	108		UNIVERSITY 1-25	HOWARD DRAW (GRAYBURY SA	0.0	EL PASO NATURAL GAS
-EXXON CORPORATION					RECEIVED: 02/09/81 JA: TX			
8116883	27383	4247531571	103		AMERICAN NATIONAL LIFE INS #34	ESTES BLOCK 34 (PENN)	87.0	DELHI GAS PIPELINE C
8116927	28932	4226130538	103		C M ARMSTRONG 57-F (90511)	CANDELARIA (J-45)	365.0	NATURAL GAS PIPELINE
8117002	29878	4226130536	103		C M ARMSTRONG 58-F (07533)	CANDELARIA (I-60)	10.0	NATURAL GAS PIPELINE
*8116726	022550	4220330483	103		DURKEE GAS UNIT 1 #2	WOODLAWN (COTTON VALLEY)	190.0	ARMCO STEEL CORP
8116838	26127	4236530611	103		ELSIE JONES #2 (CFEC #497)	CARTHAGE (COTTON VALLEY)	280.0	
*8116966	29770	4200332339	103		FULLERTON CLEARFORK UNIT #635	FULLERTON	36.0	PHILLIPS PETROLEUM C
*8116967	29771	4200332338	103		FULLERTON CLEARFORK UNIT #743	FULLERTON	14.0	PHILLIPS PETROLEUM C
*8116688	19036	4215730885	103		H P LOCKWOOD #44	THOMPSON	58.0	ARMCO STEEL CORP
*8116728	22572	4215731010	103		H P LOCKWOOD #45	THOMPSON	35.0	ARMCO STEEL CORP
*8116725	022547	4249930744	103		HAWKINS FIELD UNIT # 4114	HAWKINS	18.0	ARMCO STEEL CORP
*8116720	22540	4249930718	103		HAWKINS FIELD UNIT # 4284	HAWKINS	80.0	ARMCO STEEL CORP
*8116719	22539	4249930731	103		HAWKINS FIELD UNIT # 9919	HAWKINS	109.8	ARMCO STEEL CORP
*8116721	22541	4249930746	103		HAWKINS FIELD UNIT # 9922	HAWKINS	20.0	ARMCO STEEL CORP
*8116723	022543	4249930725	103		HAWKINS FIELD UNIT #0052	HAWKINS	11.0	ARMCO STEEL CORP
*8116700	21384	4249930612	103		HAWKINS FIELD UNIT #4062	HAWKINS	139.8	ARMCO STEEL CO
*8116722	22542	4249930676	103		HAWKINS FIELD UNIT #4218	HAWKINS	36.5	ARMCO STEEL CORP
*8116701	21385	4249930614	103		HAWKINS FIELD UNIT #4239	HAWKINS	25.0	ARMCO STEEL CORP
*8116697	21207	4249930679	103		HAWKINS FIELD UNIT #9918	HAWKINS	80.0	ARMCO STEEL CORP
*8116740	23861	4249930732	103		HAWKINS FIELD UNIT #9921	HAWKINS	160.0	ARMCO STEEL CORP
8116923	28687	4235730966	103		HELEN ROGERS #5	ELLIS RANCH (CLEVELAND)	280.0	TRANSWESTERN PIPELIN
*8116865	26831	4247330299	103		KATY GAS FIELD CONSOL #8205D	KATY (I-A)	0.0	UNITED TEXAS TRANSMI
*8116866	26833	4247330299	103		KATY GAS FIELD CONSOL #8205F	KATY (II-B)	0.0	UNITED TEXAS TRANSMI
8116741	23863	4247330294	103		KATY GAS FIELD UNIT I W-47	KATY (WILCOX 10200 SEG 4	181.2	AMOCO PRODUCTION CO
8116933	28988	4247330331	103		KATY OIL UNIT NO 23 WELL 1	KATY (I-B)	19.0	UNITED TEXAS TRANSMI
*8116711	21876	4227331268	103		KING RANCH ALAZAN 311-D	ALAZAN	840.0	ARMCO STEEL CORP
*8116745	24363	4227331336	102		KING RANCH ALAZAN 327-D	ALAZAN (J-37)	256.0	ARMCO STEEL CORP
*8116746	24371	4227331336	102		KING RANCH ALAZAN 327-F	ALAZAN (I-07)	1000.0	ARMCO STEEL CORP
*8116759	25190	4227331383	102		KING RANCH ALAZAN 340-F (87355)	ALAZAN (D-19)	500.0	ARMCO STEEL CORP
8116831	25879	4215731074	103		LOCKWOOD & SHARP A #92	THOMPSON	50.0	
*8116835	25999	4215731073	103		LOCKWOOD & SHARP A-91	THOMPSON	27.0	
8116837	26126	4215731088	103		LOCKWOOD & SHARP B #65	THOMPSON	20.0	
*8116699	21346	4236530679	103		M J COLEMAN #2	CARTHAGE (COTTON VALLEY)	0.0	ARMCO STEEL CO
8116969	29773	4200332348	103		MEANS SAN ANDRES UNIT #7214	MEANS	6.0	PHILLIPS PETROLEUM C
8116970	29774	4200332346	103		MEANS SAN ANDRES UNIT #7366	MEANS	9.0	PHILLIPS PETROLEUM C
8116903	28169	4242731279	103		MIGUEL JUAREZ 7-F	KELSEY SOUTH (ZONE 19-H	120.0	TRUNKLINE GAS CO
*8116713	21924	4228530724	102		MONT GAS UNIT 1 #1	MONT	140.0	ARMCO STEEL CORP

JD NO	JA OKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
*3116727	22551	4242330355	103		OVERTON GAS UNIT 18 #1	OVERTON (HAYNESVILLE)	329.0	ARMCO STEEL CORP
*3116724	22546	4242330356	103		OVERTON GAS UNIT 19 #1	OVERTON (HAYNESVILLE)	511.0	ARMCO STEEL CORP
*3116712	21922	4203930812	102		PLEDGER GAS UNIT 1 #2	PLEDGER (FRIO 7260)	730.0	ARMCO STEEL CORP
8116968	29772	4216531827	103		ROBERTSON CLEARFORK UNIT #103	ROBERTSON N (CLEARFORK 7	27.0	PHILLIPS PETROLEUM C
*3116751	24540	4234730436	103		SAM B HAYTER ESTATE #1-L	DOUGLASS W (TRAVIS PEAK)	500.0	ARMCO STEEL CORP
*3116731	22897	4234730436	103		SAM B HAYTER ESTATE #1-U	DOUGLASS (PETTIT)	200.0	ARMCO STEEL CORP
8116965	29769	4216531799	103		SAM C JENKINS #5	JENKINS NORTH (CANYON)	5.0	PHILLIPS PETROLEUM C
8117001	29876	4226130600	103		SOGU 158	SARITA (2-K W)	438.0	NATURAL GAS PIPELINE
3116692	20942	4220130927	103		WEBSTER FIELD UNIT #0157	WEBSTER	64.4	HOUSTON PIPELINE CO
3116691	20940	4220130630	103		WEBSTER FIELD UNIT #2133	WEBSTER	716.7	HOUSTON PIPELINE CO
3116695	20964	4220130783	103		WEBSTER FIELD UNIT #2308	WEBSTER	336.7	HOUSTON PIPELINE CO
3116694	20963	4220130596	103		WEBSTER FIELD UNIT #2756	WEBSTER	99.2	HOUSTON PIPELINE CO
3116693	20962	4220130799	103		WEBSTER FIELD UNIT #2765	WEBSTER	322.0	HOUSTON PIPELINE CO
-FRANK CASS					RECEIVED: 02/09/81 JA: TX			
8117000	29872	4217331078	103		DANIEL/HOELSCHER A NO 2	SPRABERRY (TREND AREA)	420.0	EL PASO NATURAL CO
8117020	30074	4238331654	103		DANIEL/HOELSCHER 33 NO 1	SPRABERRY (TREND AREA)	520.0	EL PASO NATURAL GAS
-GAS WEST					RECEIVED: 02/09/81 JA: TX			
8116836	26014	4237530681	103		BIVINS 1-1	PANHANDLE	0.0	COLORADO INTERSTATE
-GEODYNAMICS OIL & GAS INC					RECEIVED: 02/09/81 JA: TX			
8116742	24143	4205130551	102		BEN HEJL NO 1	CALDWELL (AUSTIN CHALK)	144.0	CHAMPLIN PETROLEUM C
8116750	24492	4205130724	102		BRAVENEC #1	CALDWELL (AUSTIN CHALK)	98.0	CHAMPLIN PETROLEUM C
8116770	25717	4205100000	102		BUNDICK #1	GIDDINGS (AUSTIN CHALK)	140.0	CLAJON GAS CO
8116687	18484	4205130375	102		HOVORAK #1	CALDWELL (AUSTIN CHALK)	114.0	CLAJON GAS CO
8116743	24230	4205130539	102		JOSEPHINE HEJL UNIT #1	GIDDINGS (AUSTIN CHALK)	144.0	CLAJON GAS CO
8116771	25718	4205100000	102		JUNEK UNIT #1	GIDDINGS (AUSTIN CHALD)	214.0	CLAJON GAS CO
8116748	24445	4205130535	102		JURRIES #3	CALDWELL (AUSTIN CHALK)	36.0	CHAMPLIN PETROLEUM C
8116755	25099	4205130520	102		KACHTIK #1	CALDWELL (AUSTIN CHALK)	269.0	CLAJON GAS CO
8116747	24373	4205130505	102		LYON #2	CALDWELL (AUSTIN CHALK)	143.0	CHAMPLIN PETROLEUM C
8116758	25103	4205130633	102		MAIS UNIT #2	CALDWELL (AUSTIN CHALK)	135.0	CLAJON GAS CO
8116756	25100	4205130406	102		RYAN #1	CALDWELL (AUSTIN CHALK)	94.0	CLAJON GAS CO
8116757	25101	4205130485	102		RYAN NO 2	CALDWELL (AUSTIN CHALK)	259.0	CLAJON GAS CO
8116754	25098	4205130617	102		VYCHOPEN A UNIT #1	CALDWELL (AUSTIN CHALK)	80.0	CLAJON GAS CO
-GETTY OIL COMPANY					RECEIVED: 02/09/81 JA: TX			
8116714	22156	4230130237	102		GLENN BRUNSON 12-26 #1	WILDCAT (PENN LOWER)	9125.0	INTRATEX GAS CO
8116714	22156	4230130237	107		GLENN BRUNSON 12-26 #1	WILDCAT (PENN LOWER)	9125.0	INTRATEX GAS CO
8116975	29802	4223330938	103		HERRING A TRACT 2 #99	PANHANDLE HUTCHINSON CO	62.1	PANHANDLE EASTERN PI
-GIBBS COX & GIBBS INC					RECEIVED: 02/09/81 JA: TX			
3117005	29897	4208332046	103		E S HAYNES A #1-A (89893)	SANTA ANNA (MARBLE FALLS	225.0	ODESSA NATURAL CORP
3117006	29898	4208332031	103		M J LINEBERRY # 1-B (90374)	SANTA ANNA (MARBLE FALLS	95.0	ODESSA NATURAL CORP
-GRAND BANKS ENERGY CO					RECEIVED: 02/09/81 JA: TX			
*8116885	27408	4203330581	103		DYER #1	ACKERLY (DEAN SAND)	14.4	TEXACO INC
-GROVER J GEISELMAN					RECEIVED: 02/09/81 JA: TX			
8116763	25266	4215731094	103		PETRUSEK WELL NO 1 87946	NEEDVILLE (MID 4200)	160.0	PHILLIPS PETROLEUM C
-GULFSTREAM PETROLEUM CORP					RECEIVED: 02/09/81 JA: TX			
3116910	28373	4233930482	103		TEXAS A & M WELL NO 3	SPRINGER (YEGUA Y-4)	169.0	TEXAS INTRASTATE GAS
-H & R OILS INC					RECEIVED: 02/09/81 JA: TX			
3116698	21237	4239931490	103		VOELKER E R #3A	BALLINGER (GARDNER)	23.0	UNION TEXAS PETROLEU
-HARKINS & COMPANY					RECEIVED: 02/09/81 JA: TX			
8116930	28949	4224931144	102		COLONY ESTATES NO 1 WELL	COLONY (STILLWELL SD) FI	110.0	UNITED GAS PIPE LINE
8116930	28949	4224931144	103		COLONY ESTATES NO 1 WELL	COLONY (STILLWELL SD) FI	110.0	UNITED GAS PIPE LINE
-HILL PRODUCTION CO					RECEIVED: 02/09/81 JA: TX			
3116736	23681	4240130854	102		RAS REDWINE NO 1	REDWINE (TRAVIS PEAK)	72.0	DELHI GAS PIPELINE C

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8116737	23733	4240130907	102		TUCKER DAVIS UNIT NO 1	REDWINE (TRAVIS PEAK)	0.0	DELHI GAS PIPELINE C
8116735	23680	4240130899	102		WARREN ALLEN HANN UNIT NO 1	REDWINE (TRAVIS PEAK	36.0	DELHI GAS PIPELINE C
8116739	23771	4240130866	102		WILLIS DAVIS UNIT NO 1	REDWINE (PETTIT NORTH)	50.0	DELHI PIPELINE OIL &
-HUMBLE EXPLORATION CO INC					RECEIVED: 02/09/81 JA: TX			
8116689	19249	4228700000	102		HELEN #1 - 11984	GIDDINGS	124.0	PHILLIPS PETROLEUM
8116689	19249	4228700000	103		HELEN #1 - 11984	GIDDINGS	124.0	PHILLIPS PETROLEUM
8116915	28470	4228730765	102		NADINE LOAFMAN #1	GIDDINGS	130.0	PHILLIPS PETROLEUM
8116915	28470	4228730765	103		NADINE LOAFMAN #1	GIDDINGS	130.0	PHILLIPS PETROLEUM
-HURLEY PETROLEUM CORPORATION					RECEIVED: 02/09/81 JA: TX			
8116760	25210	4236530822	102		ALLIE M HOGG #3-C	BETHANY TRAVIS PEAK 7700	360.0	TENNESSEE GAS PIPELI
-INDIAN WELLS OIL CO					RECEIVED: 02/09/81 JA: TX			
8116877	27175	4210531062	103		ROBERTSON #1-B	OZONA (CANYON SAND)	150.0	DELHI GAS PIPELINE C
-INLAND PETROLEUM CORP					RECEIVED: 02/09/81 JA: TX			
8116909	28369	4213100000	103		INLAND STATE NO 1	LOMA NOVIA NE (6300)	73.0	SEAGULL PIPELINE COR
-J B PRODUCTION CO					RECEIVED: 02/09/81 JA: TX			
8116859	26508	4239931461	103		SOUTH MILES CITY UNIT NO 1	SOUTH MILES CITY UNIT NO	0.0	ODESSA NATURAL CORP
-J M HUBER CORPORATION					RECEIVED: 02/09/81 JA: TX			
8116854	26301	4210532341	103		UNIVERSITY 19-39 NO 1	BLOCK 39-B (ELLENBERGER)	164.0	EL PASO NATURAL GAS
-JAMES E FAGAN					RECEIVED: 02/09/81 JA: TX			
8116949	29495	4239131413	103		FAGAN #2	FAGAN (2100) FIELD	180.0	UNITED GAS PIPELINE
-JAMES K ANDERSON INC					RECEIVED: 02/09/81 JA: TX			
8116867	26845	4239931572	102		GERHART D NO 1	GERHART GARDNER	36.0	UNION TEXAS PETROLEU
-JOHN H HENDRIX CORPORATION					RECEIVED: 02/09/81 JA: TX			
8116884	27394	4210332221	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-JONES CO					RECEIVED: 02/09/81 JA: TX			
8116919	28588	4241732900	102		WALKER-BUCKLER 78 #1	ROCKWELL SOUTH (CONGL)	200.0	DELHI GAS PIPELINE C
-KENDRICK & MULLIGAN OIL & GAS INC					RECEIVED: 02/09/81 JA: TX			
8116882	27375	4236731107	103		J G THOMAS UNIT #1	LAKE MINERAL WELLS (4330	60.0	SOUTHWESTERN GAS PIP
-LIBERTY OIL & GAS CORP					RECEIVED: 02/09/81 JA: TX			
8116939	29310	4249731558	103		THOMAS NIVENS #1	ALVORD (CADDO CONGLOMERA	100.0	TEXAS UTILITIES FUEL
-MEG PETROLEUM CORP					RECEIVED: 02/09/81 JA: TX			
8117003	29889	4233500000	103		#1 MELBA WILSON	MCCABE (PENNSYLVANIAN)	45.0	SUN GAS CO
-NEWBOURNE OIL COMPANY					RECEIVED: 02/09/81 JA: TX			
8116834	25968	4235731001	102		HARDY #3	HARDY (MORROW UPPER)	22.0	TRANSWESTERN PIPELIN
8116768	25507	4235731005	102		JUDICE #4	HARDY (MORROW UPPER)	148.0	TRANSWESTERN PIPELIN
8116895	27939	4229530808	103		TUBB 424 NO 2	S W LIPSCOMB FIELD	190.0	NORTHERN NATURAL GAS
-NGF OIL CORP					RECEIVED: 02/09/81 JA: TX			
8116928	28938	4247930890	108		GUILLERMO B GARZA #1 (66572)	SANTO TOMAS (ESCONDIDO)	7.7	LONE STAR GAS CO
8116929	28939	4247930878	108		HACHAR 1-D (66622)	SANTO TOMAS (OLMOS)	3.6	LONE STAR GAS CO
8116973	29796	4207131028	103		M E MAYES NO 3	MAYES WEST (F-2)	18.0	
-NITCHELL ENERGY CORPORATION					RECEIVED: 02/09/81 JA: TX			
8116887	27658	4249700000	108		ARTHERHOLT #1 11255	LEFTWICK (STRAWN)	4.0	UPHAM OIL AND GAS
8116769	25616	4249700000	108		J H BRIDGES #1	BOONESVILLE (BEND CONGL	11.8	NATURAL GAS PIPELINE
8116734	23646	4249700000	108		LAVONIA VANDIVER #1	BOONESVILLE (BEND CONGL	12.9	NATURAL GAS PIPELINE
-MOBIL PRDG TEXAS & NEW MEXICO INC					RECEIVED: 02/09/81 JA: TX			
8116971	29778	4221932860	103		MAPLE WILSON #97	SLAUGHTER	41.6	AMOCO PRODUCTION CO
-MOTE RESOURCES INC					RECEIVED: 02/09/81 JA: TX			
8117011	29905	4233731392	103		THWEATT #2 20095	SUNSET CONGLOMERATE	5.5	TEXAS UTILITIES FUEL
8117008	29902	4249731846	103		YATES #2 20157	SUNSET CONGLOMERATE	14.0	NATURAL GAS PIPELINE
8117009	29903	4249731857	103		YATES #3 20515	SUNSET CONGLOMERATE	7.0	NATURAL GAS PIPELINE
8117010	29904	4249731863	103		YATES #4 20514	SUNSET CONGLOMERATE	10.5	NATURAL GAS PIPELINE
-NATURAL GAS ANADARKO INC					RECEIVED: 02/09/81 JA: TX			

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8116764	25307	4235730979	102		CAMP #1-64T	PENDING	200.0	TRANSWESTERN PIPELIN
-O H BERRY					RECEIVED: 02/09/81 JA: TX			
8116860	26635	4223500000	103		FAWN A-2	SIXTY-SEVEN CANYON	6.0	NORTHERN NATURAL GAS
-OILWELL OPERATORS INC					RECEIVED: 02/09/81 JA: TX			
8116955	29591	4212900000	108		MELTON A #2	PANHANDLE	12.0	PIONEER NATURAL GAS
8116954	29589	4217900000	108		MELTON A #4	PANHANDLE	12.0	PIONEER NATURAL GAS
8116953	29588	4217900000	108		MELTON A #5	PANHANDLE	12.0	PIONEER NATURAL GAS
-P & R OIL INC					RECEIVED: 02/09/81 JA: TX			
8116914	28463	4242932354	102		RAMSEY NO 2-U (88531)	BAGGETT (RANGER)	0.0	ATLAS-REISS PIPELINE
-PALO PETROLEUM INC					RECEIVED: 02/09/81 JA: TX			
8116858	26497	4238300000	103		PALO BOOTHE #1	SPRAYBERRY TREND	13.8	BIG LAKE BASOLINE PL
8116857	26495	4238300000	103		ROBERTSON MULHOLLAND #1	SPRAYBERRY TREND	9.1	BIG LAKE GASOLINE PL
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 02/09/81 JA: TX			
8116935	29061	4213500362	108		CUMMINS A #6	GOLDSMITH (CLEARFORK)	8.0	EL PASO NATURAL GAS
8116952	29555	4200304783	108		UNIVERSITY ANDREWS #77	EMBAR (PERMIAN)	20.0	EL PASO NATURAL GAS
8116951	29554	4200304789	108		UNIVERSITY ANDREWS #83	EMBAR (PERMIAN)	18.0	EL PASO NATURAL GAS
8116950	29553	4238310203	108		ZULETTE #12	SPRABERRY (TREND AREA)	16.0	NORTHERN NATURAL GAS
-PICKETT OIL CO					RECEIVED: 02/09/81 JA: TX			
8117007	29899	4228730565	103		PAUL J STOUT #1 (12588)	GIDDINGS (AUSTIN CHALK)	0.0	CLAJON GAS CO
-PRODUCTION MANAGEMENT ASSOC					RECEIVED: 02/09/81 JA: TX			
8117012	30009	4217900000	108		J B BOWERS (00377) NO 4	PANHANDLE GRAY COUNTY	6.0	PHILLIPS PETROLEUM C
-R H SIEGFRIED INC					RECEIVED: 02/09/81 JA: TX			
8117013	30061	4249700000	103		R L MORRIS-A- NO 20A	CHICO WEST (CADDO CONGL	120.0	NATURAL GAS PIPELINE
-R K G ENGINEERING INC					RECEIVED: 02/09/81 JA: TX			
8116937	29173	4212732061	103		COTULLA	CATARINA SW (OLMOS)	0.0	VALERO TRANSMISSION
8116905	28273	4237133139	103		MOBIL 13 LEASE NO 26097	TROPORO (DEVONIAN)	97.2	PGP GAS PRODUCTS INC
-R L BURNS CORP					RECEIVED: 02/09/81 JA: TX			
8116907	28292	4247930465	108		HUGHES NO 1	SEGUNDO (OLMOS)	12.5	HOUSTON PIPE LINE CO
-RALPH L WAY INC					RECEIVED: 02/09/81 JA: TX			
8116996	29865	4210532540	103		UNIVERSITY DYCO A #1	FARMER (SAN ANDRES)	6.5	NORTHERN NATURAL GAS
8116995	29864	4210532783	103		UNIVERSITY DYCO A #10	FARMER (SAN ANDRES)	9.4	NORTHERN NATURAL GAS
8116997	29866	4210532777	103		UNIVERSITY DYCO A #4	FARMER (SAN ANDRES)	2.9	NORTHERN NATURAL GAS
8116991	29856	4238331570	103		UNIVERSITY 9A #4	FARMER (SAN ANDRES)	24.4	NORTHERN NATURAL GAS
8116998	29867	4238331578	103		UNIVERSITY 9B #6	FARMER (SAN ANDRES)	29.0	NORTHERN NATURAL GAS
-REALITOS ENERGY CORP					RECEIVED: 02/09/81 JA: TX			
8116872	27141	4240931421	102		ERIC HARTZENDORF ET AL NO 1	WILDCAT-PROPOSED WILLMAN	275.0	UNITED GAS PIPE LINE
-ROLLERT CO INC					RECEIVED: 02/09/81 JA: TX			
8116926	28854	4217531323	102		TRAVIS S MARKS NO 1	COLOGNE WEST (1260)	109.5	HOUSTON PIPE LINE CO
-RUTHERFORD OIL CORP					RECEIVED: 02/09/81 JA: TX			
8116869	27129	4246900000	102		AUGUST GAUGLER #2	COLETTO CREEK E (4100)	350.0	HOUSTON PIPE LINE CO
-SHELL OIL CO					RECEIVED: 02/09/81 JA: TX			
8116913	28459	4221531006	103		A A MCALLEN NO 68	MCALLEN RANCH (VICKSBURG	200.0	VALERO INTERSTATE TR
8116853	26252	4213500000	108		E HARPER NO 127	HARPER	1.2	PHILLIPS PETROLEUM C
8116844	26243	4213500000	108		E HARPER NO 331	HARPER	1.0	PHILLIPS PETROLEUM C
8116852	26251	4213500000	108		E HARPER UNIT 223	HARPER	1.1	PHILLIPS PETROLEUM C
8116850	26249	4213500000	108		E HARPER UNIT 302	HARPER	1.0	PHILLIPS PETROLEUM C
8116849	26248	4213500000	108		E HARPER UNIT 304	HARPER	0.0	PHILLIPS PETROLEUM C
8116848	26247	4213500000	108		E HARPER UNIT 305	HARPER	1.4	PHILLIPS PETROLEUM C
8116847	26246	4213500000	108		E HARPER UNIT 314	HARPER	2.0	PHILLIPS PETROLEUM C
8116846	26245	4213500000	108		E HARPER UNIT 315	HARPER	1.9	PHILLIPS PETROLEUM C
8116845	26244	4213500000	108		E HARPER UNIT 323	HARPER	1.0	PHILLIPS PETROLEUM C
8116843	26242	4213500000	108		E HARPER UNIT 348	HARPER	1.2	PHILLIPS PETROLEUM C
8116842	26241	4213500000	108		E HARPER UNIT 402	HARPER	1.2	PHILLIPS PETROLEUM C

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD		PURCHASER
8116841	26240	4213500000	108		E HARPER UNIT 406	HARPER		1.3	PHILLIPS PETROLEUM C
8116851	26250	4213500000	108		E HARPER 241	HARPER		0.8	PHILLIPS PETROLEUM C
8116787	25747	4213500000	108		EAST HARPER UNIT # 216	HARPER		1.0	PHILLIPS PETROLEUM C
8116788	25748	4213500000	108		EAST HARPER UNIT # 231	HARPER		1.0	PHILLIPS PETROLEUM C
8116789	25749	4213500000	108		EAST HARPER UNIT # 234	HARPER		1.0	PHILLIPS PETROLEUM C
8116790	25750	4213500000	108		EAST HARPER UNIT # 235	HARPER		1.0	PHILLIPS PETROLEUM C
8116791	25751	4213500000	108		EAST HARPER UNIT # 236	HARPER		1.0	PHILLIPS PETROLEUM C
8116792	25752	4213500000	108		EAST HARPER UNIT # 240	HARPER		1.0	PHILLIPS PETROLEUM C
8116793	25753	4213500000	108		EAST HARPER UNIT # 247	HARPER		1.0	PHILLIPS PETROLEUM C
8116794	25754	4213500000	108		EAST HARPER UNIT # 254	HARPER		1.0	PHILLIPS PETROLEUM C
8116795	25755	4213500000	108		EAST HARPER UNIT # 259	HARPER		1.0	PHILLIPS PETROLEUM C
8116796	25756	4213500000	108		EAST HARPER UNIT # 260	HARPER		1.0	PHILLIPS PETROLEUM C
8116797	25757	4213500000	108		EAST HARPER UNIT # 265	HARPER		1.0	PHILLIPS PETROLEUM C
8116799	25759	4213500000	108		EAST HARPER UNIT # 313	HARPER		1.0	PHILLIPS PETROLEUM C
8116801	25761	4213500000	108		EAST HARPER UNIT # 325	HARPER		1.0	PHILLIPS PETROLEUM C
8116802	25762	4213500000	108		EAST HARPER UNIT # 336	HARPER		1.0	PHILLIPS PETROLEUM C
8116804	25765	4213500000	108		EAST HARPER UNIT # 342	HARPER		1.0	PHILLIPS PETROLEUM C
8116805	25766	4213500000	108		EAST HARPER UNIT # 343	HARPER		1.0	PHILLIPS PETROLEUM C
8116807	25768	4213500000	108		EAST HARPER UNIT # 345	HARPER		1.0	PHILLIPS PETROLEUM C
8116808	25769	4213500000	108		EAST HARPER UNIT # 349	HARPER		1.0	PHILLIPS PETROLEUM C
8116809	25770	4213500000	108		EAST HARPER UNIT # 355	HARPER		1.0	PHILLIPS PETROLEUM C
8116810	25771	4213500000	108		EAST HARPER UNIT # 357	HARPER		2.0	PHILLIPS PETROLEUM C
8116811	25772	4213500000	108		EAST HARPER UNIT # 358	HARPER		1.0	PHILLIPS PETROLEUM C
8116813	25774	4213500000	108		EAST HARPER UNIT # 365	HARPER		1.0	PHILLIPS PETROLEUM C
8116814	25775	4213500000	108		EAST HARPER UNIT # 367	HARPER		1.0	PHILLIPS PETROLEUM C
8116772	25731	4213500000	108		EAST HARPER UNIT #10	HARPER		1.0	PHILLIPS PETROLEUM C
8116778	25737	4213500000	108		EAST HARPER UNIT #102	HARPER		2.0	PHILLIPS PETROLEUM C
8116779	25738	4213500000	108		EAST HARPER UNIT #104	HARPER		2.0	PHILLIPS PETROLEUM C
8116780	25739	4213500000	108		EAST HARPER UNIT #105	HARPER		2.0	PHILLIPS PETROLEUM C
8116781	25740	4213500000	108		EAST HARPER UNIT #107	HARPER		1.0	PHILLIPS PETROLEUM C
8116782	25741	4213500000	108		EAST HARPER UNIT #128	HARPER		1.0	PHILLIPS PETROLEUM C
8116773	25732	4213500000	108		EAST HARPER UNIT #15	HARPER		1.0	PHILLIPS PETROLEUM C
8116774	25733	4213500000	108		EAST HARPER UNIT #16	HARPER		2.0	PHILLIPS PETROLEUM C
8116775	25734	4213500000	108		EAST HARPER UNIT #17	HARPER		1.0	PHILLIPS PETROLEUM C
8116776	25735	4213500000	108		EAST HARPER UNIT #19	HARPER		1.0	PHILLIPS PETROLEUM C
8116777	25736	4213500000	108		EAST HARPER UNIT #20	HARPER		2.0	PHILLIPS PETROLEUM C
8116783	25742	4213500000	108		EAST HARPER UNIT #206	HARPER		1.0	PHILLIPS PETROLEUM C
8116784	25743	4213500000	108		EAST HARPER UNIT #207	HARPER		1.0	PHILLIPS PETROLEUM C
8116785	25745	4213500000	108		EAST HARPER UNIT #214	HARPER		1.0	PHILLIPS PETROLEUM C
8116786	25746	4213500000	108		EAST HARPER UNIT #215	HARPER		1.0	PHILLIPS PETROLEUM C
8116798	25758	4213500000	108		EAST HARPER UNIT #308	HARPER		1.0	PHILLIPS PETROLEUM C
8116800	25760	4213500000	108		EAST HARPER UNIT #321	HARPER		1.0	PHILLIPS PETROLEUM C
8116803	25763	4213500000	108		EAST HARPER UNIT #340	HARPER		1.0	PHILLIPS PETROLEUM C
8116806	25767	4213500000	108		EAST HARPER UNIT #344	HARPER		1.0	PHILLIPS PETROLEUM C
8116812	25773	4213500000	108		EAST HARPER UNIT #362	HARPER		1.0	PHILLIPS PETROLEUM C
8116815	25776	4213500000	108		EAST HARPER UNIT #368	HARPER		1.0	PHILLIPS PETROLEUM C
8116816	25777	4213500000	108		EAST HARPER UNIT #369	HARPER		1.0	PHILLIPS PETROLEUM C
8116817	25778	4213500000	108		EAST HARPER UNIT #370	HARPER		1.0	PHILLIPS PETROLEUM C
8116818	25779	4213500000	108		EAST HARPER UNIT #371	HARPER		1.0	PHILLIPS PETROLEUM C
8116819	25781	4213500000	108		EAST HARPER UNIT #376	HARPER		1.0	PHILLIPS PETROLEUM C
8116820	25782	4213500000	108		EAST HARPER UNIT #404	HARPER		1.0	PHILLIPS PETROLEUM C
8116821	25783	4213500000	108		EAST HARPER UNIT #407	HARPER		1.0	PHILLIPS PETROLEUM C

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8116822	25784	4213500000	108		EAST HARPER UNIT #413	HARPER	1.0	PHILLIPS PETROLEUM C
8116823	25785	4213500000	108		EAST HARPER UNIT #414	HARPER	1.0	PHILLIPS PETROLEUM C
8116824	25786	4213500000	108		EAST HARPER UNIT #426	HARPER	1.0	PHILLIPS PETROLEUM C
8116825	25787	4213500000	108		EAST HARPER UNIT #429	HARPER	1.0	PHILLIPS PETROLEUM C
8116826	25788	4213500000	108		EAST HARPER UNIT #440	HARPER	1.0	PHILLIPS PETROLEUM C
8116827	25789	4213500000	108		EAST HARPER UNIT #449	HARPER	1.0	PHILLIPS PETROLEUM C
8116828	25790	4213500000	108		EAST HARPER UNIT #450	HARPER	1.0	PHILLIPS PETROLEUM C
8116829	25791	4213500000	108		EAST HARPER UNIT #454	HARPER	1.0	PHILLIPS PETROLEUM C
8116840	26239	4213500000	108		EAST HARPER UNIT 455	HARPER	1.0	PHILLIPS PETROLEUM
8117018	30070	4221131204	103		FEE 321	GLAZIER NW (MORROW UPPER	298.3	PHILLIPS PETROLEUM C
[illegible]	[illegible]	[illegible]	[illegible]		MIDWAY LANE 1100 UNIT #115	MIDWAY LANE (PERMIAN)	1.3	JAMES C BURNETT
8116733	23108	4249500000	108		SEALY SMITH B NO 8	HALLEY	1.0	TRANSWESTERN PIPELIN
8117017	30069	4247532180	103		SEALY SMITH FOUNDATION #192	MONAHANS (CLEAR FORK)	32.9	EL PASO NATURAL GAS
8117016	30068	4249531238	103		SEALY SMITH FOUNDATION #194	MONAHANS (CLEAR FORK)	36.6	EL PASO NATURAL GAS
8117015	30067	4249531239	103		SEALY SMITH FOUNDATION #195	MONAHANS NE (PENN DERTIT	73.2	EL PASO NATURAL GAS
8116718	22531	4249500000	108		SEALY SMITH 120	MONAHANS QUEENS SAND	1.0	EL PASO NATURAL GAS
-SOHIO PETROLEUM CO					RECEIVED: 02/09/81 JA: TX			
8116931	28953	4232930901	103		EARNEST BRADEN WELL NO 1	CALVIN (DEAN)	4.0	UNION TEXAS PETROLEU
-SUN OIL COMPANY (DELAWARE)					RECEIVED: 02/09/81 JA: TX			
8116947	29400	4250131819	103		BENNETT RANCH UNIT #319	WASSON	9.8	SHELL OIL CO
8116946	29487	4250131821	103		BENNETT RANCH UNIT #320	WASSON	12.8	SHELL OIL CO
8116948	29489	4250131815	103		BENNETT RANCH UNIT #324	WASSON	7.3	SHELL OIL CO
8116705	21805	4208100000	108		BLOODWORTH N E C U NO 5-2L	BLOODWORTH N E	1.0	EL PASO NATURAL GAS
8116704	21804	4208100000	108		BLOODWORTH N E C U NO 8-11	BLOODWORTH N E	3.0	EL PASO NATURAL GAS
8116703	21803	4208100000	108		BLOODWORTH N E C U NO 8-3	BLOODWORTH N E	1.0	EL PASO NATURAL GAS
8116944	29484	4216130427	103		BRUMLOW #1	FREESTONE (COTTON VALLEY	200.0	UNITED TEXAS TRANSMI
8116984	29825	4207931100	103		DELA S WRIGHT -D- NO 3	LEVELLAND	1.5	CITIES SERVICE CO
8116987	29828	4207931018	103		DELA S WRIGHT -F- NO 2	LEVELLAND	0.0	CITIES SERVICE CO
8116986	29827	4213533310	103		E GOLDSMITH HOLT UT #19-6L	GOLDSMITH E (HOLT)	5.0	PHILLIPS PETROLEUM C
8116683	16196	4240100000	108		E S SMITH NO 3	EAST TEXAS	0.7	MOBIL OIL CORP
8116985	29826	4213533309	103		EAST GOLDSMITH SAN ANDRES UT #14-1	GOLDSMITH E (SAN ANDRES)	48.5	PHILLIPS PETROLEUM C
8116982	29823	4213533310	103		EAST GOLDSMITH SAN ANDRES UT #19-6U	GOLDSMITH E (SAN ANDRES)	32.0	PHILLIPS PETROLEUM C
8116988	29829	4213533145	103		EAST GOLDSMITH SAN ANDRES UT #2-1	GOLDSMITH E (SAN ANDRES)	73.0	PHILLIPS PETROLEUM C
8116709	21809	4208100000	108		FRED JAMESON WELL NO 6	JAMESON EAST	2.0	LONE STAR GAS CO
8116990	29831	4212731181	103		G G BOYD NO 18	PEARSALL	5.0	HOUSTON PIPE LINE CO
8116940	29359	4233531515	103		J F MCCABE B NO 1	JAMESON NORTH (ELLEN)	26.0	LONE STAR GAS CO
8116706	21806	4208100000	108		J S WALKER WELL NO 6	BLOODWORTH	10.0	LONE STAR GAS CO
8116707	21807	4208100000	108		J S WALKER WELL NO 7	BLOODWORTH	1.0	LONE STAR GAS CO
8116708	21808	4208100000	108		J S WALKER WELL NO 8	BLOODWORTH	1.5	LONE STAR GAS CO
8116710	21810	4208100000	108		J S WALKER WELL NO 9	BLOODWORTH	15.0	LONE STAR GAS CO
8116983	29824	4222731971	103		L C DENMAN -B- NO 11	IATAN E HOWARD	0.0	GETTY OIL CO
8116684	16210	4218300000	108		M T COLE NO 18	EAST TEXAS	1.0	ATLANTIC RICHFIELD C
8116942	29435	4242731362	103		MARRS MCLEAN NO 22	LOCKHART	18.0	TENNESSEE GAS PIPELI
8116989	29830	4213533288	103		PAUL MOSS UNIT #189	COWDEN S (CANYON 8790)	0.0	ODESSA NATURAL CORP
8116941	29372	4233531721	103		V T MCCABE C NO 14	JAMESON N (ODOM)	2.6	LONE STAR GAS CO
8116855	26443	4233531688	103		V T MCCABE NO 30	N JAMESON (ODOM)	165.0	LONE STAR GAS CO
8116932	28961	4235330833	102		W M GEORGE #1	WITHERS (ELLENBURGER)	1.1	
8116934	29001	4235330853	102		W M GEORGE #2	WITHERS (ELLENBURGER)	1.2	
-SUPREME OIL CO					RECEIVED: 02/09/81 JA: TX			
8116974	29800	4213331985	103		LULA CANET #1 (88376)	EASTLAND COUNTY REGULAR	350.0	LONE STAR GAS CO
-TANA OIL & GAS CORP					RECEIVED: 02/09/81 JA: TX			
8116761	25253	4229700000	102		R L SPARKMAN NO 1	CLAY WEST (MASSIVE WILCO	1100.0	EL PASO NATURAL GAS

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-TAURUS OIL CORP					RECEIVED: 02/09/81 JA: TX			
8116767	25372	4222130479	108		HOUSTON RANCH A-1	HOUSTON RANCH (STRAWN)	4.8	NORTHERN GAS PRODUCT
8116766	25371	4221130481	108		HOUSTON RANCH B-2	HOUSTON RANCH (STRAWN)	6.1	NORTHERN GAS PRODUCT
8116765	25370	4221130480	108		HOUSTON RANCH C-3 78285	HOUSTON RANCH (STRAWN)	11.0	NORTHERN GAS PRODUCT
-TENNECO OIL COMPANY					RECEIVED: 02/09/81 JA: TX			
8116832	25944	4221531013	103		PEARL KEIRN UNIT NO 4	MCALLEN	125.0	TRUNKLINE GAS CO
-TEXAS OIL & GAS CORP					RECEIVED: 02/09/81 JA: TX			
8116685	16386	4226130398	102		ERCK WELL #5	MCGILL (8130)	150.0	FLORIDA GAS TRANSMIS
-TEXLAND-RECTOR & SCHUKACHER					RECEIVED: 02/09/81 JA: TX			
8116924	28804	4221932690	103		DAVIS NO 5	SLAUGHTER	2.0	ANOCO PRODUCTION CO
-TRANSCONTINENTAL OIL CORPORATION					RECEIVED: 02/09/81 JA: TX			
*8116992	29858	4241330826	103		UNIVERSITY 12 #1	UNIVERSITY 53 (ELLENBURG	442.0	CRA INC
*8116994	29860	4241330875	103		UNIVERSITY 19 #1 WELL	UNIVERSITY 53 (CANYON)	187.0	CRA INC
*8116993	29859	4241330946	103		UNIVERSITY 4 #1	UNIVERSITY 54 (CANYON)	86.5	CRA INC
-U S OPERATING INC					RECEIVED: 02/09/81 JA: TX			
8116897	27955	4228730689	102		BIRDIE NO 1	GIDDINGS (AUSTIN CHALK G	400.0	PGP GAS PRODUCTS INC
8116938	29273	4247730338	102		HMK ANNIE NO 1	GIDDINGS (AUSTIN CHALK G	96.0	PGP GAS PRODUCTS INC
8116896	27953	4228730688	102		JENSEN NO 1	GIDDINGS (AUSTIN CHALK G	360.0	PGP GAS PRODUCTS INC
8116898	27956	4228730588	102		LUCILLE NO 1	GIDDINGS (AUSTIN CHALK G	150.0	PGP GAS PRODUCTS INC
8116899	27957	4247730362	102		PATSY LEE NO 1	GIDDINGS (AUSTIN CHALK G	70.0	PGP GAS PRODUCTS INC
-UNC TEXAS INC					RECEIVED: 02/09/81 JA: TX			
8117014	30062	4217500000	103		GRACE RAMSEY 1-A ID #90469	CABEZA CREEK S (YEGUA UP	59.0	UNITED GAS PIPELINE
-UNION OIL & MINERALS CORP					RECEIVED: 02/09/81 JA: TX			
8116894	27903	4214930530	103		PASEUR #1	GIDDINGS (AUSTIN CHALK)	180.0	PHILLIPS PETROLEUM C
-UNION OIL COMPANY OF CALIF					RECEIVED: 02/09/81 JA: TX			
8116890	27669	4213533337	103		MOSS UNIT #2-7	COWDEN SOUTH	12.0	ODESSA NATURAL CORP
8116889	27668	4213533336	103		MOSS UNIT #20-9	COWDEN SOUTH	30.0	ODESSA NATURAL CORP
-UNITED PETROSEARCH INC					RECEIVED: 02/09/81 JA: TX			
8116901	28045	4217930710	103		G A BENTLEY #1	EAST PANHANDLE GAS	48.5	PHILLIPS PETROLEUM C
-WALLACE OIL & GAS INC					RECEIVED: 02/09/81 JA: TX			
8116908	28338	4229508611	103		LEWIS #1	FRITZLEN FIELD	36.4	DIAMOND SHAMROCK COR
-WALSH AND WATTS INC					RECEIVED: 02/09/81 JA: TX			
8116906	28290	4215100000	103		BOYD D #5 (10970)	JUDY GAIL (CANYON SAND)	0.0	LONE STAR GAS CO
-WILBROOK EXPLORATION INC					RECEIVED: 02/09/81 JA: TX			
8116861	26695	4213331731	103		HANCOCK #1 (15003)	MASSENGALE (DUFFER)	44.0	LONE STAR GAS CO
8116886	27604	4213331967	103		JUANITA MASSENGALE A NO 1	MASSENGALE (DUFFER)	45.0	LONE STAR GAS CO
-WM GRUENERWALD & ASSOC INC					RECEIVED: 02/09/81 JA: TX			
8116918	28514	4234130555	103		MASTERSON H #14R 03947,	PANHANDLE (RED CAVE)	29.9	COLORADO INTERSTATE
8116916	28511	4234130557	103		MASTERSON H #15R 03947	PANHANDLE (RED CAVE)	20.8	COLORADO INTERSTATE
8116917	28512	4234130556	103		SNEED-THOMPSON #4-6 04224	PANHANDLE (RED CAVE)	38.8	PANHANDLE EASTERN PI
-ZENITH EXPLORATION COMPANY					RECEIVED: 02/09/81 JA: TX			
8116904	28209	4216331771	103		ESTHER BERRY NO 4	BERRY (FRIO) FIELD	110.0	TRANSCONTINENTAL GAS

OTHER PURCHASERS VOLUME NO 1376

8116681 CITIES SERVICE CO
8116682 CITIES SERVICE COMPANY
8116688 E I DUPONT DE NEMOURS & CO INC
8116697 E I DUPONT DE NEMOURS & CO INC
8116699 E I DUPONT DE NEMOURS & CO INC
8116700 E I DUPONT DE NEMOURS & CO INC
8116701 E I DUPONT DE NEMOURS & CO INC
8116711 E I DUPONT DE NEMOURS & CO INC
8116712 E I DUPONT DE NEMOURS & CO INC
8116713 E I DUPONT DE NEMOURS & CO INC
8116719 E I DUPONT DE NEMOURS & CO INC
8116720 E I DUPONT DE NEMOURS & CO INC
8116721 E I DUPONT DE NEMOURS & CO INC
8116722 E I DUPONT DE NEMOURS & CO INC
8116723 E I DUPONT DE NEMOURS & CO INC
8116724 E I DUPONT DE NEMOURS & CO INC
8116725 E I DUPONT DE NEMOURS & CO INC
8116726 E I DUPONT DE NEMOURS & CO INC
8116727 E I DUPONT DE NEMOURS & CO INC
8116728 E I DUPONT DE NEMOURS & CO INC
8116731 E I DUPONT DE NEMOURS & CO INC
8116738 NORTHERN NAT GAS CO
8116740 E I DUPONT DE NEMOURS & CO INC
8116745 E I DUPONT DE NEMOURS & CO INC
8116746 E I DUPONT DE NEMOURS & CO INC
8116751 E I DUPONT DE NEMOURS & CO INC
8116759 E I DUPONT DE NEMOURS & CO INC
8116835 E I DUPONT DE NEMOURS & CO INC
8116865 LONE STAR GAS CO
8116866 LONE STAR GAS CO
8116870 CITIES SERVICE OIL CO
8116875 TEXAS UTILITIES FUEL CO
8116876 TEXAS UTILITIES FUEL CO
8116885 PIONEER NATURAL GAS CO
8116920 TEXAS EASTERN TRANSMISSION CO
8116957 EL PASO NATURAL GAS CO
8116958 EL PASO NATURAL GAS CO
8116959 EL PASO NATURAL GAS CO
8116960 EL PASO NATURAL GAS CO
8116966 PHILLIPS PETROLEUM CO
8116967 PHILLIPS PETROLEUM CO
8116992 LONE STAR GAS CO
8116993 LONE STAR GAS CO
8116994 LONE STAR GAS CO

[FR Doc. 81-8481 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceeding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before April 3, 1981.

Please reference the FERC Control Number (JD No.) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

CORRECTIONS TO PREVIOUS NOTICES/REVISIONS TO PRIOR DETERMINATIONS

JD No.	JA	APPLICANT	WELL NAME	ORIG. FERC VOL. NO.	DATE PUB. IN FEDERAL RECISTER	R: Revision of Rational Agency C: Correction to Prior Fed. Reg. Notice
81-12873	TX	Southland Minerals Co	W L Goldston #1	359	2/12/81	C: 102 & 103 approved
81-12987	TX	Gunn Oil Co	Burnett S.B. Estate Q1	359	2/12/81	C: 102 & 103 approved
81-12900	TX	Tana Oil & Gas Corp	Tana #1 Holm - State	359	2/12/81	C: 102 & 103 approved

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 5, 1981.

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
MONTANA BOARD OF OIL & GAS CONSERVATION								
-MACQUEST PETROLEUM INC					RECEIVED: 02/09/81 JA: MT			
3117178	11-80-238	2503521474	103		MACQUEST #1-25 HUEBNER	LITTLE ROCK GAS FIELD	23.0	FOUREM CO
3117176	11-80-236	2503521478	103		MACQUEST #2-23 STUFFT FARMS	LITTLE ROCK GAS FIELD	24.0	FOUREM CO
3117177	11-80-237	2503521476	103		MACQUEST #2-26 TUMA	LITTLE ROCK GAS FIELD	36.0	FOUREM CO
NORTH DAKOTA GEOLOGICAL SURVEY								
-TEXACO INC					RECEIVED: 02/09/81 JA: ND			
3117174	320	3305301056	102		C M LOOMER NO 10	BLUE BUTTES SOUTH	1040.0	MONTANA DAKOTA UTILI
-WILLIAM HERBERT HUNT TRUST ESTATE					RECEIVED: 02/09/81 JA: ND			
*3117171	318	3300700529	102		BARANKO #1	WILDCAT	259.0	KOCH HYDROCARBON CO
*3117172	316	3300700458	102		EGLY #4	BIG STICK	295.0	KOCH HYDROCARBON CO
*3117173	319	3300700386	102		KORDON B #1	FOUR EYES	33.0	KOCH HYDROCARBON CO
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS								
-AMOCO PRODUCTION CO					RECEIVED: 02/09/81 JA: NM			
3117183		3001523196	102		STATE IH COM #1	UND SOUTH ROCK TANK MORR	638.8	EL PASO NATURAL GAS
-FRED POOL DRILLING CO					RECEIVED: 02/09/81 JA: NM			
3117182		3000560631	102		CORN BROS INC #1	WILDCAT-UND ABO	0.0	TRANSWESTERN PIPELIN
-KERSEY & COMPANY					RECEIVED: 02/09/81 JA: NM			
3117180		3001505178	108		STATE W K #2 B-3105	GRAYBURG JACKSON GRAYBUR	9.0	CONTINENTAL OIL CO
-MORAN EXPLORATION INC					RECEIVED: 02/09/81 JA: NM			
3117179		3002526740	103		GANN NO 2	CAUDILL (DEV)	0.0	
-TENNECO OIL COMPANY					RECEIVED: 02/09/81 JA: NM			
3117181		3002526528	102		KEMNITZ DEEP LF-29 #2	SOUTH KEMNITZ ATOKA-MORR	1800.0	
OKLAHOMA CORPORATION COMMISSION								
-AN-SON CORPORATION					RECEIVED: 02/09/81 JA: OK			
*3117026	07155	3501520683	103		COATES NO 1	N W COGAR	16.8	TRANSOK PIPE LINE CO
-ANDOVER OIL COMPANY					RECEIVED: 02/09/81 JA: OK			
3117027	07157	3500320668	103		PROVOST #6-1		180.0	DELHI GAS PIPELINE C
3117028	07156	3500320672	103		RICHTER #31-1		180.0	DELHI GAS PIPELINE C
3117029	07158	3509321809	103		STURGEON #15-2		185.0	PANHANDLE EASTERN PI
-ARCO OIL AND GAS COMPANY					RECEIVED: 02/09/81 JA: OK			
3117031	07233	3505920846	103		FREDA A YAUK UNIT WELL #3	N W LOVEDALE	73.0	CITIES SERVICE GAS C
-BERRY PETROLEUM CORP					RECEIVED: 02/09/81 JA: OK			
3117034	07240	3504722182	103		HELBERG #31-1	SOONER TREND	150.0	GRACE PETROLEUM CORP
-BIG HOPE OIL & GAS INC					RECEIVED: 02/09/81 JA: OK			
3117033	07250	3507300000	103		WHEELBARGER #20-1		0.0	CONOCO INC

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-CHAMPLIN PETROLEUM COMPANY					RECEIVED: 02/09/81 JA: OK			
3117025	07267	3510900000	108		MERRILL NO 1	OKLAHOMA CITY	4.0	PHILLIPS PETROLEUM
3117038	07208	3500300000	108		RUTH B DAVIS NO 1	E CHANEY DELL	11.0	CHAMPLIN PETROLEUM
-CLEMENTS ENERGY INC					RECEIVED: 02/09/81 JA: OK			
3117062	07153	3510320978	103		DAY NO 1		18.3	AMINOIL USA INC
-CONOCO INC					RECEIVED: 02/09/81 JA: OK			
3117057	07400	3503920332	102		M L AGAN NO 1	CUSTER	0.7	
-DALCO PETROLEUM INC					RECEIVED: 02/09/81 JA: OK			
3117022	07025	3507322449	103		GLADYS #1	SOONER TREND	91.3	CITIES SERVICE GAS C
3117063	07205	3507322475	103		WENDT #2	SOONER TREND	91.3	CITIES SERVICE GAS C
-DONALD C SLAWSON					RECEIVED: 02/09/81 JA: OK			
3117060	07220	3501721276	103		#1-17 HORWEDEL	WATONGA TREND	36.0	CITIES SERVICE GAS C
-ECC OIL CO					RECEIVED: 02/09/81 JA: OK			
3117059	07249	3514721283	103		NEUSTADT WELL #1	OGLESBY GAS FIELD	65.4	OKAN GAS CO
-F C D OIL CORP					RECEIVED: 02/09/81 JA: OK			
3117024	07004	3507322474	103		CAROL 1-34	SOONER TREND	18.3	EASON OIL CO
-HARPER OIL COMPANY					RECEIVED: 02/09/81 JA: OK			
3117058	07264	3507321981	103		AGNES A-1	SOONER TREND	16.0	EXXON CO USA
*3117044	07262	3500300000	103		MCCOLLUM B-1	RINGWOOD	44.0	OKLAHOMA GAS & ELECT
*3117047	07263	3502321992	103		RATCLIFF #1	SOONER TREND	13.0	EXXON COMPANY USA-PR
-KEITH F WALKER					RECEIVED: 02/09/81 JA: OK			
3117052	07214	3501922043	103		CARLOCK #1	OIL CITY	182.0	MOBIL OIL CORP
-LUBELL OIL CO					RECEIVED: 02/09/81 JA: OK			
3117041	07226	3506321146	103		MEADORS #1-21	GILCREASE	150.0	
-MACKELLAR INC					RECEIVED: 02/09/81 JA: OK			
3117053	07138	3507322506	103		ELIZABETH #1	SOONER TREND	0.0	CITIES SERVICE GAS C
-MORAN EXPLORATION INC					RECEIVED: 02/09/81 JA: OK			
3117055	07480	3501721319	102		DOLEZAL NO 2	YUKON	0.0	PHILLIPS PETROLEUM C
-NATIONAL OIL COMPANY					RECEIVED: 02/09/81 JA: OK			
3117050	07137	3509321743	103		HARVEY DIERKSEN	S E MENO	185.0	CITIES SERVICE GAS C
-NEVA ASSOCIATES					RECEIVED: 02/09/81 JA: OK			
3117046	06859	3507121860	103		KELLE #1-23		6.0	CITIES SERVICE GAS C
3117045	06860	3507121870	103		KEMNITZ #2-23	EAST BLACKWELL	10.0	CITIES SERVICE GAS C
-D L SCOTT JR					RECEIVED: 02/09/81 JA: OK			
3117037	07221	3504722169	103		VOSKUHL #1		60.0	ARCO GAS CO
-PACIFIC OIL & GAS CO					RECEIVED: 02/09/81 JA: OK			
3117030	07192	3509321748	103		EDWARDS NO 2	WEST CHEYENNE VALLEY	30.0	PHILLIPS PETROLEUM C
3117040	07193	3509321673	103		EDWARDS 1-A	WEST CHEYENNE VALLEY	30.0	PHILLIPS PETROLEUM C
-RICKS EXPLORATION CO					RECEIVED: 02/09/81 JA: OK			
3117056	07386	3501552086	102		MERIWETHER #1	WATONGA TREND	33.0	DELHI GAS PIPELINE C
-RODMAN PETROLEUM CORP					RECEIVED: 02/09/81 JA: OK			
3117036	07253	3504722175	103		DAVE-J LEE 17-1		82.0	PANHANDLE EASTERN PI
3117035	07252	3504722207	103		DAVE-J LEE 17-2		73.0	PANHANDLE EASTERN PI
-SHELL OIL CO					RECEIVED: 02/09/81 JA: OK			
3117054	07143	3500721848	103		BARBY 2-6	MOCANE LAVERNE	365.0	EL PASO NATURAL GAS
3117039	07255	3515300000	108		MARSTON 2-33	HARMON	1.0	MULTISTATE OIL PROPE
-SUN OIL COMPANY (DELAWARE)					RECEIVED: 02/09/81 JA: OK			
3117051	06977	3501120994	103		F L FORNEY NO 2	FAY S E	588.0	OKLAHOMA GAS & ELECT
3117043	07222	3505300000	108		SCHMITZ NO 1	WAKITA	7.0	CITIES SERVICE GAS C
-SUNDANCE ENERGY CORP					RECEIVED: 02/09/81 JA: OK			
3117064	07148	3504722197	103		ROBERTSON #1	NORTH ENID	120.0	CHAMPLIN PETROLEUM C
-TEXAS OIL & GAS CORP					RECEIVED: 02/09/81 JA: OK			

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8117023	07009	3504722159	103		BOLENBAUGH A #1	SOONER TREND	77.0	
-WIERSEN & COCHRAN			RECEIVED: 02/09/81 JA: OK					
8117032	07236	3508321222	103		ARMOUR B #2	SOONER TREND	18.0	CONOCO INC
-VULCAN ENERGY CORP			RECEIVED: 02/09/81 JA: OK					
8117048	07216	3507322393	103		LORENZ #1	SOONER TREND	150.0	CITIES SERVICE CO
8117042	07217	3507322392	103		LUETKEMEYER #1	SOONER TREND	100.0	CITIES SERVICE CO
-WILLIAM H DAVIS			RECEIVED: 02/09/81 JA: OK					
8117061	07206	3508321364	103		MCNEIL #1	W LAWRIE	21.0	EASON OIL CO
-WOODS PETROLEUM CORPORATION			RECEIVED: 02/09/81 JA: OK					
8117049	07215	3504920982	103		ABSHURE #17-1	WEST ANTIOCH	7.0	WARREN PETROLEUM CO
WEST VIRGINIA DEPARTMENT OF MINES								
-TUG FORK CORP			RECEIVED: 02/09/81 JA: WV					
*8117114		4704301223	107		AUBREY TURLEY 1-1001	WASH	8.9	TENNESSEE GAS PIPELI
*8117065		4709900137	107		B J PRICHARD 1-550	STONEWALL	3.6	TENNESSEE GAS PIPELI
*8117108		4704301187	107		BARRETT-MALLORY 1-968	WASH	9.8	TENNESSEE GAS PIPELI
*8117069		4704500028	107		BETTY CONLEY 1-1187	CHAPMANVILLE	4.9	TENNESSEE GAS PIPELI
*8117119		4704301318	107		BOWMAN HOPKINS 1-1003	WASH	6.5	TENNESSEE GAS PIPELI
*8117097		4704301165	107		C UNDERHILL 1-921	WASH	1.2	TENNESSEE GAS PIPELI
*8117118		4704301265	107		C UNDERHILL 2-1014	WASH	5.1	TENNESSEE GAS PIPELI
*8117115		4704301227	107		CAMBRIDGE GAS CO 2-973	WASH	0.9	TENNESSEE GAS PIPELI
*8117113		4704301201	107		CAMBRIDGE GAS CO 3-974	WASH	0.3	TENNESSEE GAS PIPELI
*8117103		4704301177	107		ELWOOD RUNYAN 2-963	WASH	8.2	TENNESSEE GAS PIPELI
*8117105		4704301183	107		ELWOOD RUNYAN 3-964	WASH	12.5	TENNESSEE GAS PIPELI
*8117067		4709900913	107		F E MATHEWSON 12-901	GRANT	0.9	TENNESSEE GAS PIPELI
*8117122		4704301377	107		F F STARCHER 10-1198	HARTS CREEK	6.9	TENNESSEE GAS PIPELI
*8117123		4704301386	107		F F STARCHER 11-1203	HARTS CREEK	12.6	TENNESSEE GAS PIPELI
*8117124		4704301388	107		F F STARCHER 12-1207	HARTS CREEK	7.3	TENNESSEE GAS PIPELI
*8117125		4704301406	107		F F STARCHER 13-1209	HARTS CREEK	9.3	TENNESSEE GAS PIPELI
*8117126		4704301437	107		F F STARCHER 16-1220	HARTS CREEK	10.1	TENNESSEE GAS PIPELI
*8117127		4704301440	107		F F STARCHER 17-1223	HARTS CREEK	4.1	TENNESSEE GAS PIPELI
*8117128		4704301441	107		F F STARCHER 18-1224	HARTS CREEK	4.9	TENNESSEE GAS PIPELI
*8117079		4704301084	107		F F STARCHER 3-864	HARTS CREEK	8.3	TENNESSEE GAS PIPELI
*8117089		4704301122	107		F F STARCHER 5-891	HARTS CREEK	7.3	TENNESSEE GAS PIPELI
*8117092		4704301143	107		F F STARCHER 6-895	HARTS CREEK	4.0	TENNESSEE GAS PIPELI
*8117096		4704301158	107		F F STARCHER 7-896	HARTS CREEK	3.6	TENNESSEE GAS PIPELI
*8117121		4704301376	107		F F STARCHER 8-928	HARTS CREEK	5.3	TENNESSEE GAS PIPELI
*8117078		4704301083	107		G J ALEXANDER 1-863	HARTS CREEK	9.0	TENNESSEE GAS PIPELI
*8117117		4704301264	107		GLADYS JOHNSON 1-993	WASH	12.7	TENNESSEE GAS PIPELI
*8117116		4704301246	107		HILL-HOY-THOMPSON 1-995	WASH	18.6	TENNESSEE GAS PIPELI
*8117068		4709901278	107		HOARD BLADWIN 57-1095	STONEWALL	5.6	TENNESSEE GAS PIPELI
*8117083		4704301104	107		ISLAND CREEK MINING 1-875	HARTS CREEK	4.5	TENNESSEE GAS PIPELI
*8117094		4704301148	107		ISLAND CREEK MINING 10-903	HARTS CREEK	6.3	TENNESSEE GAS PIPELI
*8117095		4704301149	107		ISLAND CREEK MINING 11-909	HARTS CREEK	8.3	TENNESSEE GAS PIPELI
*8117102		4704301173	107		ISLAND CREEK MINING 12-910	HARTS CREEK	2.2	TENNESSEE GAS PIPELI
*8117098		4704301166	107		ISLAND CREEK MINING 13-924	HARTS CREEK	6.9	TENNESSEE GAS PIPELI
*8117090		4704301131	107		ISLAND CREEK MINING 8-890	HARTS CREEK	7.0	TENNESSEE GAS PIPELI
*8117093		4704301147	107		ISLAND CREEK MINING 9-900	HARTS CREEK	6.9	TENNESSEE GAS PIPELI
*8117071		4704300552	107		KOONTZ REALTY CO 1-692	HARTS CREEK	4.1	TENNESSEE GAS PIPELI
*8117075		4704300996	107		KOONTZ REALTY CO 11-829	HARTS CREEK	9.0	TENNESSEE GAS PIPELI
*8117076		4704301055	107		KOONTZ REALTY CO 20-853	HARTS CREEK	5.6	TENNESSEE GAS PIPELI

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
*3117081		4704301091	107		KOONTZ REALTY CO 21-868	HARTS CREEK	6.1	TENNESSEE GAS PIPELI
*3117082		4704301092	107		KOONTZ REALTY CO 22-869	HARTS CREEK	12.0	TENNESSEE GAS PIPELI
*3117084		4704301105	107		KOONTZ REALTY CO 23-876	HARTS CREEK	7.0	TENNESSEE GAS PIPELI
*3117085		4704301113	107		KOONTZ REALTY CO 24-878	HARTS CREEK	9.7	TENNESSEE GAS PIPELI
*3117087		4704301118	107		KOONTZ REALTY CO 25-882	HARTS CREEK	5.7	TENNESSEE GAS PIPELI
*3117091		4704301132	107		KOONTZ REALTY CO 26-888	HARTS CREEK	6.7	TENNESSEE GAS PIPELI
*3117109		4704301196	107		KOONTZ REALTY CO 27-946	HARTS CREEK	5.7	TENNESSEE GAS PIPELI
*3117070		4704500862	107		LAWSON HRS 9-1208	CHAPSMANVILLE	11.5	TENNESSEE GAS PIPELI
*3117100		4704301170	107		M BOWMAN A 1-952	WASH	7.3	TENNESSEE GAS PIPELI
*3117099		4704301167	107		M BOWMAN B 1-941	WASH	6.5	TENNESSEE GAS PIPELI
*3117111		4704301199	107		M V TRIMBLE 1-980	WASH	1.8	TENNESSEE GAS PIPELI
*3117107		4704301185	107		MACEL PAULEY 1-957	WASH	3.1	TENNESSEE GAS PIPELI
*3117120		4704301324	107		MARY BESS 1-1000	WASH	10.4	TENNESSEE GAS PIPELI
*3117106		4704301184	107		N GILCHRIST 1-969	WASH	4.8	TENNESSEE GAS PIPELI
*3117072		4704300646	107		PATTIE PORTER 7-734	LAUREL HILL	24.5	TENNESSEE GAS PIPELI
*3117104		4704301180	107		R H RONK 1-940	WASH	5.2	TENNESSEE GAS PIPELI
*3117074		4704300989	107		STEIN & MCCOMAS 14-814	HARTS CREEK	7.1	TENNESSEE GAS PIPELI
*3117086		4704301114	107		STEIN & MCCOMAS 19-867	HARTS CREEK	5.8	TENNESSEE GAS PIPELI
*3117088		4704301119	107		STEIN & MCCOMAS 20-887	HARTS CREEK	2.9	TENNESSEE GAS PIPELI
*3117073		4704300814	107		STEIN & MCCOMAS 5-767	HARTS CREEK	10.6	TENNESSEE GAS PIPELI
*3117077		4704301082	107		T H HARVEY 1-857	HARTS CREEK	7.3	TENNESSEE GAS PIPELI
*3117080		4704301090	107		T H HARVEY 2-858	HARTS CREEK	3.9	TENNESSEE GAS PIPELI
*3117110		4704301197	107		T H HARVEY 3-953	HARTS CREEK	6.0	TENNESSEE GAS PIPELI
*3117112		4704301200	107		T H HARVEY 5-975	HARTS CREEK	9.4	TENNESSEE GAS PIPELI
*3117101		4704301172	107		W O MORRIS 1-939	WASH	4.6	TENNESSEE GAS PIPELI
*3117066		4709900434	107		WILSON COAL LAND CO 43-753	LINCOLN	9.9	TENNESSEE GAS PIPELI
**********					**********			
** U.S. GEOLOGICAL SURVEY - LOS ANGELES,CA								
**********					**********			
-OXY PETROLEUM INC					RECEIVED: 02/09/81 JA: CA 2			
3117175	CA1-80	0402958723	102		CHEVRON-OJAI USL ND 34-30	CAL CANAL	180.0	KERNRIDGE OIL CO
**********					**********			
** U.S. GEOLOGICAL SURVEY - ALBUQUERQUE,NM								
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-PETRO-LEWIS CORPORATION					RECEIVED: 02/07/81 JA: NM 4			
3117021	NM-0154-80	3003900000	103		FLORANCE #8	TAPACITO	146.0	
**********					**********			
** U.S. GEOLOGICAL SURVEY - CASPER,WY								
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-MIDLANDS GAS CORPORATION					RECEIVED: 02/09/81 JA: MT 5			
*3117130	M 634-0	2507121373	108		0213 FEDERAL 1-0213	WILDCAT	15.0	KANSAS-NEBRASKA NATU
*3117131	M635-0	2507121531	108		0871 FEDERAL 1	WILDCAT	22.0	KANSAS-NEBRASKA NATU
3117129	M 514-0	2507121462	108	D	1351 FEDERAL 133531		0.0	
*3117132	M648-0	2507121360	108		1532 FEDERAL 1	WILDCAT	22.0	KANSAS-NEBRASKA NATU
-TRICENTROL UNITED STATES INC					RECEIVED: 02/09/81 JA: MT 5			
3117133	M666-0	2504122174	103		U S 22-6-T30N-R15E	TIGER RIDGE-BULLHOOK UNI	44.0	NORTHERN NATURAL GAS
3117134	M667-0	2504122172	103		US 34-16-T31N-R17E	TIGER RIDGE	110.0	NORTHERN NATURAL GAS
-BWAB INC					RECEIVED: 02/09/81 JA: ND 5			
3117136	ND679-0	3305301070	102		FEDERAL #35-43	MONDAK	8.0	MONTANA DAKOTA UTILI
-DOME PETROLEUM CORP					RECEIVED: 02/09/81 JA: ND 5			
3117135	ND 678-0	3305301136	102		DOME FEDERAL 3-26	MON-DAK	17.3	SHELL OIL CO
-AMOCO PRODUCTION CO					RECEIVED: 02/09/81 JA: WY 5			

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8117150	W 647-0	4900720521	102		COAL GULCH UNIT E NO 1	COAL GULCH	265.0	CITIES SERVICE GAS C
8117157	W 672-0	4904120279	102		RYCKMAN CREEK UNIT NO 16	RYCKMAN CREEK	730.0	NORTHWEST PIPELINE C
8117158	W 673-0	4904120316	102		RYCKMAN CREEK UNIT NO 28	RYCKMAN CREEK	300.0	NORTHWEST PIPELINE C
-ARCO OIL AND GAS COMPANY					RECEIVED: 02/09/81 JA: WY 5			
8117159	W 674-0	4901321010	103		ARCO - TRIBAL #32	RIVERTON DOME	158.0	MONTANA-DAKOTA UTILI
-BELCO PETROLEUM CORPORATION					RECEIVED: 02/09/81 JA: WY 5			
8117146	W 642-0	4903520566	103		ELBU 30-21	EAST LABARGE	0.0	NORTHWEST PIPELINE C
8117147	W 643-0	4903520568	103		ELBU 33-28	EAST LABARGE	4.0	NORTHWEST PIPELINE C
8117148	W 644-0	4903520541	103		GRBU 70-19	GREEN RIVER BEND	0.0	NORTHWEST PIPELINE C
8117160	W 675-0	4903520572	103		GRBU 72-27	GREEN RIVER BEND	0.0	NORTHWEST PIPELINE C
8117149	W 645-0	4903520599	103		S 31-28	MESAVERDE	0.0	NORTHWEST PIPELINE C
8117156	W 668-0	4903506160	108		S-13-22	MIDDLE PINEY	20.0	NORTHWEST PIPELINE C
-CITIES SERVICE COMPANY					RECEIVED: 02/09/81 JA: WY 5			
8117151	W 650-0	4900720569	102		FEDERAL BE #1	ECHO SPRINGS	200.0	CITIES SERVICE GAS C
-COLUMBINE EXPLORATION CORP					RECEIVED: 02/09/81 JA: WY 5			
8117137	W609-0	4903721695	103		LEAR FEDERAL #1-30	SIX MILE SPRING	1.0	MOUNTAIN FUEL SUPPLY
-DAVIS OIL COMPANY					RECEIVED: 02/09/81 JA: WY 5			
8117153	W 652-0	4900921652	102		#1 GATES FEDERAL	WILDCAT	25.2	PHILLIPS PETROLEUM C
8117164	W 681-0	4901920548	102		#2 BRAVE FEDERAL G	INDIAN CREEK	77.0	PHILLIPS PETROLEUM C
8117169	W 687-0	4901920592	102		CULP DRAW UNIT II #65	WILDCAT	0.0	PHILLIPS PETROLEUM C
8117140	W 628-0	4900921533	103		GRACE FEDERAL NO 1	MIKES DRAW	19.4	PHILLIPS PETROLEUM C
8117168	W 686-0	4903721626	102		GREAT DIVIDE NO 7	GREAT DIVIDE UNIT AREA	545.0	PANHANDLE EASTERN PI
8117139	W627-0	4900525468	103		HILIGHT FEDERAL NO 1	HILIGHT FEDERAL	16.7	PHILLIPS PETROLEUM C
8117165	W 682-0	4901920568	102		INDIAN CHIEF FEDERAL #30	INDIAN CREEK	18.0	PHILLIPS PETROLEUM C
8117152	W 651-0	4900525410	103		J C FEDERAL (F) #1	HILIGHT	23.2	PHILLIPS PETROLEUM C
8117167	W 685-0	4903721498	102		J T FEDERAL #3	HAY RESERV DIR	363.4	PANHANDLE EASTERN PI
8117154	W 654-0	4900921687	102		MEASOR FEDERAL #2	WILDCAT	10.7	PHILLIPS PETROLEUM C
8117163	W 680-0	4900525452	102		N POWELL ARMSTRONG FED #1	WILDCAT	231.4	PHILLIPS PETROLEUM C
-MARATHON OIL COMPANY					RECEIVED: 02/09/81 JA: WY 5			
8117155	W 662-0	4900525268	102		ANTELOPE CREEK #1-30	LOGAN DRAW	44.0	
*8117144	W 638-0	4902920769	103		BASTON A #14 (EMBAR & TENSLEEP)	OREGON BASIN FIELD	14.6	COLORADO INTERSTATE
*8117145	W 639-0	4902920770	103		BASTON A #15 (EMBAR & TENSLEEP)	OREGON BASIN FIELD	8.6	COLORADO INTERSTATE
*8117143	W 632-0	4902920811	103		OWENS A NO 9	OREGON BASIN FIELD	21.6	COLORADO INTERSTATE
8117138	W626-0	4902320318	102		WHISKEY BUTTES #35	WHISKEY BUTTES	73.0	MOUNTAIN FUEL SUPPLY
-MOBIL OIL CORP					RECEIVED: 02/09/81 JA: WY 5			
8117162	W 677-0	4903520516	103		TIP TOP UNIT NO T32-6G	TIP TOP UNIT	400.0	NORTHWEST PIPELINE C
8117161	W 676-0	4903520553	103		TIP TOP UNIT T22-17G	TIP TOP	350.0	NORTHWEST PIPELINE C
-PETRO ENERGY INC					RECEIVED: 02/09/81 JA: WY 5			
8117142	W 631-0	4904521363	103		FEDERAL 1-23	LONETREE CREEK	75.0	PHILLIPS PETROLEUM C
-RAYMOND T DUNCAN					RECEIVED: 02/09/81 JA: WY 5			
8117170	W688-0	4900921578	102		FEDERAL 1-33	SCOTT FIELD	20.0	CHINOOK CONSTRUCTION
-TEXAS OIL & GAS CORP					RECEIVED: 02/09/81 JA: WY 5			
8117166	W 684-0	4903721720	103		SAND DUNES FEDERAL #1	NITCHIE GULCH	150.0	MOUNTAIN FUEL SUPPLY
-TRIGG DRILLING COMPANY INC					RECEIVED: 02/09/81 JA: WY 5			
8117141	W 629-0	4901320981	103		TRIBAL - TRIGG 1-11	EAST RIVERTON	0.0	MONTANA DAKOTA UTILI

OTHER PURCHASERS VOLUME NO 1375

8117026	MUSTANG FUEL CORP
8117044	UNION TEXAS PETROLEUM
8117047	ONG WESTERN INC
8117065	INDUSTRIAL GAS CORP
8117066	INDUSTRIAL GAS CORP
8117067	INDUSTRIAL GAS CORP
8117068	INDUSTRIAL GAS CORP
8117069	INDUSTRIAL GAS CORP
8117070	INDUSTRIAL GAS CORP
8117071	INDUSTRIAL GAS CORP
8117072	INDUSTRIAL GAS CORP
8117073	INDUSTRIAL GAS CORP
8117074	INDUSTRIAL GAS CORP
8117075	INDUSTRIAL GAS CORP
8117076	INDUSTRIAL GAS CORP
8117077	INDUSTRIAL GAS CORP
8117078	INDUSTRIAL GAS CORP
8117079	INDUSTRIAL GAS CORP
8117080	INDUSTRIAL GAS CORP
8117081	INDUSTRIAL GAS CORP
8117082	INDUSTRIAL GAS CORP
8117083	INDUSTRIAL GAS CORP
8117084	INDUSTRIAL GAS CORP
8117085	INDUSTRIAL GAS CORP
8117086	INDUSTRIAL GAS CORP
8117087	INDUSTRIAL GAS CORP
8117088	INDUSTRIAL GAS CORP
8117089	INDUSTRIAL GAS CORP
8117090	INDUSTRIAL GAS CORP
8117091	INDUSTRIAL GAS CORP
8117092	INDUSTRIAL GAS CORP
8117093	INDUSTRIAL GAS CORP
8117094	INDUSTRIAL GAS CORP
8117095	INDUSTRIAL GAS CORP
8117096	INDUSTRIAL GAS CORP
8117097	INDUSTRIAL GAS CORP
8117098	INDUSTRIAL GAS CORP
8117099	INDUSTRIAL GAS CORP
8117100	INDUSTRIAL GAS CORP
8117101	INDUSTRIAL GAS CORP
8117102	INDUSTRIAL GAS CORP
8117103	INDUSTRIAL GAS CORP
8117104	INDUSTRIAL GAS CORP
8117105	INDUSTRIAL GAS CORP
8117106	INDUSTRIAL GAS CORP
8117107	INDUSTRIAL GAS CORP
8117108	INDUSTRIAL GAS CORP
8117109	INDUSTRIAL GAS CORP
8117110	INDUSTRIAL GAS CORP
8117111	INDUSTRIAL GAS CORP
8117112	INDUSTRIAL GAS CORP
8117113	INDUSTRIAL GAS CORP
8117114	INDUSTRIAL GAS CORP
8117115	INDUSTRIAL GAS CORP
8117116	INDUSTRIAL GAS CORP
8117117	INDUSTRIAL GAS CORP
8117118	INDUSTRIAL GAS CORP
8117119	INDUSTRIAL GAS CORP
8117120	INDUSTRIAL GAS CORP
8117121	INDUSTRIAL GAS CORP
8117122	INDUSTRIAL GAS CORP
8117123	INDUSTRIAL GAS CORP
8117124	INDUSTRIAL GAS CORP
8117125	INDUSTRIAL GAS CORP
8117126	INDUSTRIAL GAS CORP
8117127	INDUSTRIAL GAS CORP
8117128	INDUSTRIAL GAS CORP
8117130	MONTANA DAKOTA UTILITIES CO
8117131	MONTANA DAKOTA UTILITIES CO
8117132	MONTANA DAKOTA UTILITIES CO
8117143	CODY GAS CO
8117144	CODY GAS CO
8117145	CODY GAS CO
8117171	WESTERN GAS PROCESSORS INC
8117172	WESTERN GAS PROCESSORS LTD
8117173	WESTERN GAS PROCESSORS INC

The above notices of determination were received from the indicated jurisdictional agenices by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for detemination in these proceddings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, execpt to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before April 3, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8462 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-C

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 5, 1981.

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION								
-IMPERIAL OIL COMPANY					RECEIVED: 02/05/81 JA: KS			
3117217	79-1976	1511920201	108		ATKINSON #1-26	ANGELL	0.0	MICHIGAN WISCONSIN P
LOUISIANA OFFICE OF CONSERVATION								
-ANADARKO PRODUCTION COMPANY					RECEIVED: 02/05/81 JA: LA			
3117192	81-204	1701723259	102		CLYDE W MILLER JR ET AL #1	METCALF	34.0	J-W OPERATING CO
-DAVIS OIL COMPANY					RECEIVED: 02/05/81 JA: LA			
3117211	80-3557	1708920394	102		L L & E NO 1	MARTINS ISLAND	365.0	TRANSCONTINENTAL GAS
-GLENDA PETROLEUM CORP					RECEIVED: 02/05/81 JA: LA			
3117189	81-210	1711122441	108		BRANTLEY #1 S/N 168602	MONROE	12.6	MID LOUISIANA GAS CO
3117190	81-209	1711122442	108		BRANTLEY #2 S/N 168603	MONROE	12.6	MID LA GAS CO
3117188	81-211	1711122268	108		DARBONNE CO 12 #16 S/N 167568	MONROE	12.6	MID LA GAS CO
3117207		1711122118	108		EXXON 11 #11 S/N 166340	MONROE	16.2	MID LOUISIANA GAS CO
3117198	81-218	1711122120	108		EXXON 11 #13 S/N 166342	MONROE	12.6	MID LOUISIANA GAS CO
3117199	81-217	1711122121	108		EXXON 11 #14 S/N 166343	MONROE	12.6	MID LOUISIANA GAS CO
3117184	81-212	1711122092	108		EXXON 11 #7 S/N 166128	MONROE	12.6	MID LA GAS CO
3117187	81-215	1711122093	108		EXXON 11 #8 S/N 166129	MONROE	12.6	MID LOUISIANA GAS CO
3117185	81-213	1711122103	108		EXXON 12 #2 S/N 166202	MONROE	12.6	MID LA GAS CO
3117186	81-214	1711122104	108		EXXON 12 #3 S/N 166203	MONROE	12.6	MID LOUISIANA GAS CO
3117191	81-208	1711122356	108		RABUN 1 #2 S/N 168187	MONROE 6824	12.6	MID LOUISIANA GAS CO
3117197	81-219	1711122359	108		RABUN 1 #5 S/N 168190	MONROE	12.6	MID LOUISIANA GAS CO
3117194	81-222	1711122344	108		SMITH 36 #1 S/N 168149	MONROE	5.7	MID LOUISIANA GAS CO
-GODFREY & RILEY					RECEIVED: 02/05/81 JA: LA			
3117205		1711122876	103		MASHAW-RABUN NO 5	MONROE	14.0	MID LOUISIANA GAS CO
3117204	81-228	1711122877	103		MASHAW-RABUN NO 6	MONROE	14.0	MID LOUISIANA GAS CO
3117200	81-229	1711122878	103		STELL NO 3	MONROE	14.0	MID LOUISIANA GAS CO
-GULF OIL CORPORATION					RECEIVED: 02/05/81 JA: LA			
3117214	80-3554	1707522713	102		SL 7342 #1	QUARANTINE BAY	160.5	UNITED GAS PIPELINE
-HENRY GOODRICH D/B/A GOODRICH OIL C					RECEIVED: 02/05/81 JA: LA			
3117215	80-3556	1700120875	102		WRIGHT & SARVER NO 1	MIDLAND	365.0	CONOCO INC
-IMC EXPLORATION COMPANY					RECEIVED: 02/05/81 JA: LA			
3117203	81-225	1711122970	103		CHAPMAN #4	MONROE	14.0	PETRO-LEWIS CORP
3117213	80-3555	1700120843	102		MILLER ET AL NO 1	CHURCH POINT FIELD	730.0	UNITED GAS PIPELINE
3117193	81-223	1711122945	103		SMITH #13	MONROE	14.6	PETRO-LEWIS CORP
3117202	81-224	1711122946	103		SMITH #14	MONROE	14.0	PETRO-LEWIS CORP
-INEXCO OIL COMPANY					RECEIVED: 02/05/81 JA: LA			
3117210	80-3691	1702321406	102		MIAMI CORP NO 1	LAKE MISERE	1139.0	LOUISIANA RESOURCES
3117209	80-3690	1702321338	102		MIAMI CORP NO 3	LAKE MISERE	185.0	LOUISIANA RESOURCES
-LLOG EXPL CO					RECEIVED: 02/05/81 JA: LA			
3117212	80-3559	1708920406	102		S J SIMONEAUX NO 1	BOUTTE	450.0	

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-MID LOUISIANA GAS COMPANY					RECEIVED: 02/05/81 JA: LA			
3117195	81-221	1711121391	108		MLGC FEE GAS #678	MONROE GAS FIELD	22.1	MID LOUISIANA GAS CO
3117196	81-220	1711121616	108		MLGC FEE GAS #753	MONROE GAS FIELD	19.0	MID LOUISIANA GAS CO
-MIDWAY PRODUCTION CO IX					RECEIVED: 02/05/81 JA: LA			
3117206		1707321614	103		WADDELL #6	MONROE	40.0	IMC EXPLORATION CO
-UNION OIL COMPANY OF CALIF					RECEIVED: 02/05/81 JA: LA			
3117208	80-3692	1710922234	102		LATERRE CO INC F NO 1	LAKE PAGIE	1500.0	TEXAS GAS TRANSMISSI
-VIKING RESOURCES (LA)					RECEIVED: 02/05/81 JA: LA			
3117201	81-226	1711122809	103		DEAN NO 1	MONROE	22.0	PETRO-LEWIS FUNDS IN
MICHIGAN DEPARTMENT OF NATURAL RESOURCES								
-DELTA OIL CO INC					RECEIVED: 02/11/81 JA: MI			
3117299		2105500000	103		MANUEL J FRANCO UNIT #1-34	BLAIR 34-26N-11W POOL	480.0	CONSUMERS POWER CO
-HUNT ENERGY CORPORATION ET AL					RECEIVED: 02/11/81 JA: MI			
3117300		2105500000	102		C VAN DELLEN #1A-1 (PER #33607)	WILDCAT	73.0	MICHIGAN CONSOLIDATE
3117300		2105500000	103		C VAN DELLEN #1A-1 (PER #33607)	WILDCAT	73.0	MICHIGAN CONSOLIDATE
NORTH DAKOTA GEOLOGICAL SURVEY								
-DOME PETROLEUM CORP					RECEIVED: 02/10/81 JA: ND			
3117218	317	3305300908	102		DOME BURNS 3-34	MON-DAK	24.3	SHELL OIL CO
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS								
-AMERADA HESS CORPORATION					RECEIVED: 02/12/81 JA: NM			
3117322		3002500000	108		E WOOD NO 8	DRINKARD	4.3	NORTHERN NATURAL GAS
-AMOCO PRODUCTION CO					RECEIVED: 02/02/81 JA: NM			
3117216		3004522646	103		HEATH GAS COM A #1A	BLANCO MESAVERDE	130.0	EL PASO NATURAL GAS
-AMOCO PRODUCTION CO					RECEIVED: 02/12/81 JA: NM			
3117349		3004524247	103		HAROLD B CHAPSON NO 1	BLOOMFIELD GALLUP	73.0	EL PASO NATURAL GAS
3117334		3004524217	103		JAQUEZ GAS COM B NO 3E	BASIN DAKOTA	30.0	EL PASO NATURAL GAS
3117341		3004507952	108		PRESPENTT GAS COM #1 (2ND FIL)	AZTEC-PICTURED CLIFFS	20.0	EL PASO NATURAL GAS
3117342		3004509214	108		STEDJE GAS COM #1 (3RD FIL)	BASIN DAKOTA	19.0	EL PASO NATURAL GAS
-ARCO OIL AND GAS COMPANY					RECEIVED: 02/12/81 JA: NM			
3117333		3002525497	103		FLYING M STATE NO 2	FLYING M SAN ANDRES	7.8	CITIES SERVICE OIL C
-BASS ENTERPRISES PRODUCTION CO					RECEIVED: 02/12/81 JA: NM			
3117328		3002526904	103		MONTIETH #1	NORTHEAST LOVINGTON (PEN	0.0	GAS CO OF NEW MEXICO
-COQUINA OIL CORPORATION					RECEIVED: 02/12/81 JA: NM			
3117350		3001500000	102		CARLSBAD PECOS #1	WILDCAT	78.0	EL PASO NATURAL GAS
-DALLAS MCCASLAND					RECEIVED: 02/12/81 JA: NM			
3117329		3002500000	108		CHRISTMAS A	JALMAT	0.0	EL PASO NATURAL GAS
3117331		3002500000	108		CHRISTMAS B	JALMAT	0.0	EL PASO NATURAL GAS
-DAVID FASKEN					RECEIVED: 02/12/81 JA: NM			
3117344		3001521471	108		BRADSHAW NO 1	ATOKA (PENN)	4.0	TRANSWESTERN PIPELIN
-DOYLE HARTMAN OIL OPERATOR					RECEIVED: 02/12/81 JA: NM			
3117313		3001523418	103		SOUTH EMPIRE STATE COM #1	EMPIRE MORROW SOUTH	400.0	EL PASO NATURAL GAS
-EL PASO NATURAL GAS COMPANY					RECEIVED: 02/12/81 JA: NM			
3117317		3003922310	103		SAN JUAN 27-5 UNIT #24A (MV)	BLANCO MESAVERDE	128.0	EL PASO NATURAL GAS
3117319		3003922310	103		SAN JUAN 27-5 UNIT #24A (PC)	SOUTH BLANCO PICTURED CL	55.0	EL PASO NATURAL GAS
3117337		3003922303	103		SAN JUAN 30-6 UNIT #86A	BLANCO MESAVERDE	219.0	EL PASO NATURAL GAS
-ENERGY RESERVES GROUP INC					RECEIVED: 02/12/81 JA: NM			

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8117312		3002526920	103		AMOCO STATE #3	BUCKEYE ABO	32.4	PHILLIPS PETROLEUM C
-GETTY OIL COMPANY					RECEIVED: 02/12/81 JA: NM			
8117314		3004524302	103		GARRETT FEDERAL COM #1E	BLANCO-MESAVERDE	175.0	EL PASO NATURAL GAS
8117321		3002526915	103		MYERS LANGLIE MATTIX #234	LANGLIE MATTIX	96.7	EL PASO NATURAL GAS
-GULF OIL CORPORATION					RECEIVED: 02/12/81 JA: NM			
8117307		3002526763	103		LEA ED STATE (NCT-A) #4	QUAIL RIDGE BONE SPRINGS	0.0	PHILLIPS PETROLEUM C
-HARPER OIL COMPANY					RECEIVED: 02/12/81 JA: NM			
8117332		3002500000	103		SEAY #2	EAST HIGHTOWER	20.0	WARREN PETROLEUM CO
-HONDO OIL & GAS COMPANY					RECEIVED: 02/12/81 JA: NM			
8117302		3001522188	108		HONDO 22 STATE #1	UNDESIGNATED ATOKA-GAS	10.0	EL PASO NATURAL GAS
-JOHN H HENDRIX CORP					RECEIVED: 02/12/81 JA: NM			
8117339		3002500000	108		BERTHA J BARBER #2	EUNICE MONUMENT (G-SA)	4.5	EL PASO NATURAL GAS
8117343		3002500000	108		BERTHA J BARBER #3	EUNICE MONUMENT (G-SA)	3.9	EL PASO NATURAL GAS
8117338		3002500000	108		BERTHA J BARBER #4	EUNICE MONUMENT (G-SA)	3.0	EL PASO NATURAL GAS
8117340		3002500000	108		BERTHA J BARBER #6	EUNICE MONUMENT (G-SA)	5.4	EL PASO NATURAL GAS
8117324		3002500000	108		J L GREENWOOD #10	DRINKARD	12.3	GETTY OIL CO
8117326		3002500000	108		J L GREENWOOD #8	DRINKARD	7.1	GETTY OIL CO
8117325		3002500000	108		J L GREENWOOD #9	DRINKARD	8.7	GETTY OIL CO
-KERR-MCGEE CORPORATION					RECEIVED: 02/12/81 JA: NM			
8117320		3000520740	103		STATE F NO 14	CHAVEROO	0.0	CITIES SERVICES CO
-MARALO INC					RECEIVED: 02/12/81 JA: NM			
8117311		3002526753	103		MARALO 16 STATE #9	SIOUX YATES	13.9	EL PASO NATURAL GAS
-MESA PETROLEUM					RECEIVED: 02/12/81 JA: NM			
8117303		3004523744	103		STATE COM AD #26E	BASIN DAKOTA	100.0	EL PASO NATURAL GAS
-MILLARD DECK					RECEIVED: 02/12/81 JA: NM			
8117310		3002526965	103		POSSH NO 2	LANGLIE MATTIX	36.5	EL PASO NATURAL GAS
-MWJ PRODUCING COMPANY					RECEIVED: 02/12/81 JA: NM			
8117330		3001500000	103		STATE GWA #1	AVALON DELAWARE	5.0	EL PASO NATURAL GAS
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 02/12/81 JA: NM			
8117327		3002502837	108		E VAC GB/SA TR 2059 #001	VACUUM GB/SA	8.0	EL PASO NATURAL GAS
8117306		3002526577	103		E VAC GB/SA TR 2923 #001	VACUUM GB/SA	7.0	EL PASO NATURAL GAS
8117304		3002526580	103		E VAC GB/SA TR 2980 #002	VACUUM GB/SA	8.0	EL PASO NATURAL GAS
8117305		3002526852	103		LEAMEX #29	MALJAMAR GB/SA	34.0	EL PASO NATURAL GAS
-SOUTHLAND ROYALTY CO					RECEIVED: 02/12/81 JA: NM			
8117308		3004523955	103		CAIN COM #12E(DAKOTA)	BASIN	95.0	SOUTHERN UNION GATHE
8117309		3004523955	103		CAIN COM #12E(CHACRA)	UNDESIGNATED	88.0	SOUTHERN UNION GATHE
8117323		3002521366	108		FARRAR A #1	INDE PERMO PENN	8.7	WARREN PETROLEUM CO
8117315		3001523041	103		STATE 14-A COMM #1	TURKEY TRACK	98.0	EL PASO NATURAL GAS
-SUN OIL COMPANY (DELAWARE)					RECEIVED: 02/12/81 JA: NM			
8117347		3002500000	108		J A AKENS NO 9	OIL CENTER-BLINEBRY	10.8	PHILLIPS PETROLEUM C
8117346		3000500000	108		NEW MEXICO -H- STATE NO 11	CATO/SAN ANDRES	5.6	CITIES SERVICE CO
8117348		3000500000	108		STATE TRACT -C- NO 4	CHAVEROO	0.9	CITIES SERVICE CO
-TEXACO INC					RECEIVED: 02/12/81 JA: NM			
8117335		3004524490	103		FEDERAL STATE COM NO 1E	BASIN DAKOTA	114.0	SOUTHERN UNION GATHE
-W A MONCRIEF JR					RECEIVED: 02/12/81 JA: NM			
8117301		3002520592	103	D	STATE 27 NO 1	UNDESIGNATED ATOKA-MORRO	350.0	CONTINENTAL OIL CO
-YATES PETROLEUM CORPORATION					RECEIVED: 02/12/81 JA: NM			
8117316		3001523321	103		IRISH HILLS KW STATE COM #2	UND PENASCO DRAW PERMO P	0.0	TRANSWESTERN PIPELIN
8117336		3000560778	103		LONG ARROYO OD ST COM #1	UND MORROW	0.0	TRANSWESTERN PIPELIN
8117345		3001523149	102		SRC STATE KZ #6	PENASCO DRAW MORROW	0.0	TRANSWESTERN PIPELIN
-ZIA ENERGY INC					RECEIVED: 02/12/81 JA: NM			
8117318		3002527009	103		ELLIOTT A STATE NO 1	EUMONT	109.5	EL PASO NATURAL GAS

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION								
-BENNETT PETROLEUM CORP					RECEIVED: 02/06/81 JA: NY			
3117240	935	3112114426	103		JAMES W WRIGHT NO 1		32.0	COLUMBIA GAS TRANSMI
-CHAUTAUQUA ENERGY INC					RECEIVED: 02/06/81 JA: NY			
3117222	863	3101314155	103		VILARDO #2	LAKE SHORE	10.8	NATIONAL FUEL GAS
3117242	862	3101314156	103		VILARDO #3	LAKE SHORE	10.8	NATIONAL FUEL GAS
3117223	861	3101314157	103		VILARDO #4	LAKE SHORE	0.0	NATIONAL FUEL GAS
-ENVIROGAS INC					RECEIVED: 02/06/81 JA: NY			
3117226	901	3101314428	103		#1 D BARGER	LAKESHORE	18.0	NATIONAL FUEL GAS DI
3117264	952	3101314368	103		#1 J HITZ	LAKESHORE	18.0	NATIONAL FUEL GAS DI
3117229	893	3101314431	103		#1 LEFEVER	LAKESHORE	18.0	NATIONAL FUEL GAS DI
3117230	889	3101314356	103		#2 I COCHRANE	LAKESHORE	18.0	NATIONAL FUEL GAS DI
3117227	899	3101314795	103		#2 J NERATKO	LAKESHORE	18.0	NATIONAL FUEL GAS DI
3117228	894	3101314432	103		#2 LEFEVER	LAKESHORE	18.0	NATIONAL FUEL GAS DI
-J M RESOURCES					RECEIVED: 02/06/81 JA: NY			
3117225	859	3101314420	103		KNIGHT-KOFOOD #5	LAKE SHORE	27.0	NATIONAL FUEL GAS DI
-LOCAL ENERGY INC					RECEIVED: 02/06/81 JA: NY			
3117236	870	3101313019	108		DICKINSON #2	LAKE SHORE	10.0	NATIONAL FUEL GAS DI
3117235	858	3101312228	108		DIX #1	LAKE SHORE	10.0	NATIONAL FUEL GAS DI
3117238	906	3101312555	108		DIX-LUDOVICY #2	LAKE SHORE	10.0	NATIONAL FUEL GAS DI
3117224	857	3101312326	108		HANOVER FISH & GAME CLUB #1	LAKE SHORE	10.0	NATIONAL FUEL GAS DI
3117237	907	3101312439	108		HANOVER FISH & GAME CLUB #2	LAKE SHORE	10.0	NATIONAL FUEL GAS DI
3117234	871	3101312144	108		LUDOVICY #1	LAKE SHORE	10.0	NATIONAL FUEL GAS DI
-P & S DRILLING INC					RECEIVED: 02/06/81 JA: NY			
3117239	904	3100914448	103		CORBETT #18	SKINNER HOLLOW	9.0	NATIONAL FUEL GAS
3117231	912	3102913722	103		DABB #1	MARILLA	3.9	NATIONAL FUEL GAS
3117243	916	3102913914	103		ELMA WELL #1	ELMA	47.7	NATIONAL FUEL GAS
3117233	913	3100913724	103		PANIGUTTI #1A	SKINNER HOLLOW	30.0	NATIONAL FUEL GAS
3117232	914	3102913783	103		PFENNING #1	COWLESVILLE	2.7	NATIONAL FUEL GAS
3117219	905	3102914650	103		ZIEZIULA #3	ELMA	66.0	NATIONAL FUEL GAS
-PARAGON RESOURCES INC					RECEIVED: 02/06/81 JA: NY			
3117260	393	3101311153	108		UNIT NO 114 - KERMIT JOHNSON	LAKESHORE	8.0	NATIONAL FUEL GAS DI
3117261	462	3101311526	108		UNIT NO 128 - JAMES SOMMERS	LAKESHORE	1.4	NATIONAL FUEL GAS DI
3117244	233	3101310176	108		UNIT NO 129-ROLLIN NORTHRUP	LAKESHORE	5.9	NATIONAL FUEL GAS DI
3117251	273	3101311181	108		UNIT NO 134 - JOHN BEARDSLEY	LAKESHORE	1.9	NATIONAL FUEL GAS DI
3117252	274	3101311146	108		UNIT NO 139 - ALAN BRIGGS	LAKESHORE	5.9	NATIONAL FUEL GAS DI
3117248	250	3101310944	108		UNIT NO 146-R DAY HOWARD	LAKESHORE	3.0	NATIONAL FUEL GAS DI
3117257	390	3101311154	108		UNIT NO 150 - MARGARET ANDERSON	LAKESHORE	4.3	NATIONAL FUEL GAS DI
3117258	391	3101311169	108		UNIT NO 151 - HERB STORER	LAKESHORE	1.0	NATIONAL FUEL GAS DI
3117259	392	3101311205	108		UNIT NO 152 - JOSEPH MIKULA	LAKESHORE	11.1	NATIONAL FUEL GAS DI
3117253	378	3101311138	108		UNIT NO 153 - JOSEPH MIKULA	LAKESHORE	10.1	NATIONAL FUEL GAS DI
3117254	379	3101311120	108		UNIT NO 154 - ED BUSECK	LAKESHORE	8.5	NATIONAL FUEL GAS DI
3117249	256	3101311022	108		UNIT NO 158-CLARENCE BARBER	LAKESHORE	2.0	NATIONAL FUEL GAS DI
3117245	245	3101311429	108		UNIT NO 216-HERMAN RIEDESEL	LAKESHORE	6.4	NATIONAL FUEL GAS DI
3117221	225	3101311063	108		UNIT NO 219 - CALVIN BOWEN	LAKESHORE	5.2	NATIONAL FUEL GAS DI
3117220	227	3101311165	108		UNIT NO 228 - GEORGE HOLCOMB	LAKESHORE	4.8	NATIONAL FUEL GAS DI
3117250	263	3101310033	108		UNIT NO 57 - CHARLES H SKINNER	LAKESHORE	7.8	NATIONAL FUEL GAS DI
3117246	246	3101310883	108		UNIT NO 64-ARTHUR LONGHOUSE	LAKESHORE	1.0	NATIONAL FUEL GAS DI
3117247	247	3101310895	108		UNIT NO 65-LESTER LONGHOUSE	LAKESHORE	6.1	NATIONAL FUEL GAS DI
3117263	133	3101310919	108		UNIT NO 69 - WARREN R SMITH	LAKESHORE	4.4	NATIONAL FUEL GAS DI

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
3117256	389	3101310530	108		UNIT NO 76 - ROBERT SCHRADER	LAKESHORE	6.4	NATIONAL FUEL GAS DI
3117262	217	3101310459	108		UNIT NO 91 - SEBASTIAN BELARD EST	LAKESHORE	9.9	NATIONAL FUEL GAS DI
3117255	385	3101311152	108		UNIT NO 94 - MCGUINN-SHERARDSON	LAKESHORE	8.8	NATIONAL FUEL GAS DI
-ROBERT D CHARLEBOIS			RECEIVED: 02/06/81 JA: NY					
3117266	968	3101314785	103		WESTFIELD WATERSHED 14785	LAKESHORE	44.5	COLUMBIA GAS TRANSMI
3117265	969	3101314806	103		WESTFIELD WATERSHED 14806	LAKESHORE	54.8	COLUMBIA GAS TRANSMI
-SCG GAS QUEST INC			RECEIVED: 02/06/81 JA: NY					
*3117267	924	3102913955	103		JOHN J THOMAS #1	EDEN-EVANS MEDINA	36.5	TENNESSEE GAS PIPELI
*3117241	925	3102913952	103		TMV ENTERPRISES CORP #1	EDEN-EVANS MEDIANA	36.5	TENNESSEE GAS PIPELI
OKLAHOMA CORPORATION COMMISSION								
-AMAREX INC			RECEIVED: 02/06/81 JA: OK					
*3117268	06615	3500920172	102		NICHOLS-GREGORY #1	CARPENTER	275.0	OKLAHOMA NATURAL GAS
-AN-SON CORPORATION			RECEIVED: 02/06/81 JA: OK					
3117276	07087	3501720705	103		KUNNEMAN #1-30	N CONCHO	8.4	PHILLIPS PETROLEUM C
-GETTY OIL COMPANY			RECEIVED: 02/06/81 JA: OK					
3117273	7064	3501721399	103		J C PAVY NO 2	WATONGA TREND	300.0	DELHI GAS PIPELINE C
-GETTY RESERVE OIL INC			RECEIVED: 02/06/81 JA: OK					
3117274	7065	3507920351	103		HATTER FARMS #20-2	KINTA	730.0	ARKANSAS LOUISIANA G
-HADSON PETROLEUM CORP			RECEIVED: 02/06/81 JA: OK					
3117297	06789	3505120922	103		HAYHURST #1-32	CHITWOOD	365.0	MOBIL OIL CORP
-HAMM PRODUCTION CO			RECEIVED: 02/06/81 JA: OK					
*3117272	7062	3509321837	103		FULLER #1	RINGWOOD	138.7	UNION TEXAS PETROLEU
-O L SCOTT JR			RECEIVED: 02/06/81 JA: OK					
3117277	07128	3504721980	103		CHARLES N KRIPPES ESTATE NO 1		56.0	ARCO GAS CO
-P-T III LTD			RECEIVED: 02/06/81 JA: OK					
3117282	6931	3504722077	103		GREGORY #31-1	SOONER TREND	180.0	WELLHEAD ENTERPRISES
-PETROLIA DRILLING CORP			RECEIVED: 02/06/81 JA: OK					
3117270	06796	3509321731	103		EILENA NO 2	SOONER TREND (MISS)	36.5	PIONEER GAS PRODUCTS
-RED EAGLE OIL CO			RECEIVED: 02/06/81 JA: OK					
3117279	6998	3509321877	103		CAROLYN NO 1	EAST CHEYENNE VALLEY	365.0	PHILLIPS PETROLEUM C
*3117271	6999	3509321830	103		RUBY NO 1	RINGWOOD	91.0	PIONEER GAS PRODUCTS
-SAMSON RESOURCES COMPANY			RECEIVED: 02/06/81 JA: OK					
3117278	07296	3512920486	103		GUENZEL UNIT NO 1	S W REYDON	2190.0	NORTHERN NATURAL GAS
-SEARCH DRILLING CO			RECEIVED: 02/06/81 JA: OK					
3117293	7129	3500721795	103		WELLS #1-25	MOCANE-LAVERNE	2.5	
-SINGER-FLEISCHAKER OIL OPR CO			RECEIVED: 02/06/81 JA: OK					
3117280	6996	3502720344	103		ROBERTS NO 2	SW CORN	146.0	SUN GAS CO
-SOUTHWESTERN EXPLOR CONSULT INC			RECEIVED: 02/06/81 JA: OK					
3117292	7130	3510321003	103		SMITH #3	POLO	0.0	ARCO OIL & GAS CO
-SPELLER OIL CORP			RECEIVED: 02/06/81 JA: OK					
3117290	8462	3507322317	103		CAROLYN 35-1	SOONER TREND	36.0	EASON OIL CO
-SULLIVAN AND CO			RECEIVED: 02/06/81 JA: OK					
3117269	6997	3508120937	103		NINA BALES NO 1	SOUTHWEST PRAIRIE GEM	44.0	SUN OIL CO
-SUN OIL COMPANY (DELAWARE)			RECEIVED: 02/06/81 JA: OK					
3117289	07503	3512920458	102		TAYLOR FARMS NO 2		2190.0	DELHI GAS PIPELINE C
-VULCAN ENERGY CORP			RECEIVED: 02/06/81 JA: OK					
3117281	04088	3500320684	103		DEFOE #1	GOLTRY	125.0	PANHANDLE EASTERN PI
-WESTHEIMER-NEUSTADT CORP			RECEIVED: 02/06/81 JA: OK					
3117296	7356	3509520175	102		#1 FISH	ISOM SPRINGS	64.2	NATURAL GAS PIPELINE
3117287	7363	3509520186	102		#1 HAROLD	ISOM SPRINGS	5.8	NATURAL GAS PIPELINE

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8117298	07359	3509520237	102		#1 HOUK	ISOM SPRINGS	27.4	NATURAL GAS PIPELINE
8117286	7364	3509520192	102		#1 JONES	ISOM SPRINGS	99.6	NATURAL GAS PIPELINE
8117284	7362	3509520155	102		#1 OSTEEN	ISOM SPRINGS	31.2	NATURAL GAS PIPELINE
8117294	7357	3509520194	102		#1 WILLIAMS	ISOM SPRINGS	54.0	NATURAL GAS PIPELINE
8117283	7361	3509520180	102		#2 FISH	ISOM SPRINGS	146.0	NATURAL GAS PIPELINE
8117295	7358	3509520217	102		BRUCE #1	ISOM SPRINGS	12.8	NATURAL GAS PIPELINE
8117288	7355	3509520228	102		SCOTT NO 1	ISOM SPRINGS	36.5	NATURAL GAS PIPELINE
8117285	7365	3509520162	102		VICTOR #1	ISOM SPRINGS	20.0	NATURAL GAS PIPELINE
8117291	7366	3509520147	102		WALLACE #1	ISOM SPRINGS	30.0	NATURAL GAS PIPELINE
-WILLIAM H DAVIS					RECEIVED: 02/06/81 JA: OK			
8117275	07066	3508321351	103		BUCK LOWE #1	W LANGSTON	61.0	EASON OIL CO

WEST VIRGINIA DEPARTMENT OF MINES

-COLUMBIA GAS TRANSMISSION CORP					RECEIVED: 02/12/81 JA: WV			
8117353		4705900917	107		BURNING CREEK HARROWBONE 820445	WEST VIRGINIA FIELD AREA	64.0	COLUMBIA GAS TRANS C
8117366		4705900916	107		CENTRAL TRUST CO 820444	WEST VIRGINIA FIELD AREA	15.0	COLUMBIA GAS TRANS C
8117356		4701900216	107		KANAWHA GAULEY COAL & COKE 809793	FIELD AREA A	12.0	COLUMBIA GAS TRANS C
8117351		4703902605	107		KING LAND CO 809789	FIELD AREA A	8.0	COLUMBIA GAS TRANS C
8117354		4703902606	107		KING LAND CO 809790	FIELD AREA A	12.5	COLUMBIA GAS TRANS C
8117355		4703902621	107		KING LAND CO 809799	FIELD AREA A	8.8	COLUMBIA GAS TRANS C
8117364		4703902622	107		KING LAND CO 809800	FIELD AREA A	3.7	COLUMBIA GAS TRANS C
8117365		4703902624	107		KING LAND CO 809802	FIELD AREA A	1.0	COLUMBIA GAS TRANS C
8117357		4703902611	107		KING LAND CO 809805	FIELD AREA A	14.0	COLUMBIA GAS TRANS C
8117363		4703902614	107		KING LAND CO 809808	FIELD AREA A	10.0	COLUMBIA GAS TRANS C
8117352		4703902667	107		KING LAND CO 809844	FIELD AREA A	20.0	COLUMBIA GAS TRANS C
-LENA CARR HEIRS GAS CO					RECEIVED: 02/12/81 JA: WV			
8117367		4708524387	102		LENA CARR HRS H-803	CLAY DISTRICT	35.0	CONSOLIDATED GAS SUP
-PETROLEUM DEVELOPMENT CORP					RECEIVED: 02/12/81 JA: WV			
8117362		4700101126	103		DONALD MURPHY #1	CLEMTOWN	15.0	CONSOLIDATED GAS SUP
8117359		4703301925	103		G RAPP #3	BRIDGEPORT	56.5	CONSOLIDATED GAS SUP
8117361		4703301233	103		M REED #1	BRIDGEPORT	21.0	CONSOLIDATED GAS SUP
-SWIFT ENERGY CO					RECEIVED: 02/12/81 JA: WV			
8117358		4702103566	103		BEALL NO 3	GLENVILLE NORTH	50.0	CONSOLIDATED GAS SUP
-THE CARTER JONES LUMBER CO					RECEIVED: 02/12/81 JA: WV			
8117360		4710301177	103		GLENN AMOS #1	PORTER FALLS	15.0	

OTHER PURCHASERS VOLUME NO 376

8117241	SOUTHERN CONNECTICUT GAS CO
8117267	SOUTHERN CONNECTICUT GAS CO
8117268	PANHANDLE EASTERN PIPELINE CO
8117271	OKLAHOMA NATURAL GAS GATHERING CO
8117272	PANHANDLE EASTERN PIPELINE CO

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 205.204, file a protest with the Commission on or before April 3, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8460 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-C

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 5, 1981.

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
MISSISSIPPI OIL & GAS BOARD								
-EXXON CORPORATION					RECEIVED: 02/13/81 JA: MS			
3117505	2-80-147	2309100000	108		KNOXO GAS UNIT 8 NO 1	KNOXO	18.0	SOUTHERN NATURAL GAS
-PRUET PRODUCTION CO					RECEIVED: 02/13/81 JA: MS			
3117506	38-80-413	2309520280	102		CREEKMORE UNIT #36-9 NO 1	MAPLE BRANCH FIELD	31.0	TENNESSEE GAS PIPELI
3117506	38-80-413	2309520280	103		CREEKMORE UNIT #36-9 NO 1	MAPLE BRANCH FIELD	31.0	TENNESSEE GAS PIPELI
-TOMLINSON INTERESTS INC					RECEIVED: 02/13/81 JA: MS			
3117507	66-80-420	2306520037	107		CHARLES W CAVANAUGH NO 1	HOLIDAY CREEK FIELD	109.5	MICHIGAN-WISCONSIN P
MONTANA BOARD OF OIL & GAS CONSERVATION								
-TRICENTROL UNITED STATES INC					RECEIVED: 02/13/81 JA: MT			
3117512	12-80-239	2500522163	102		FINCH 35-1-T32N-R18E	TIGER RIDGE	20.0	NORTHERN NATURAL GAS
3117515	12-80-242	2504122157	103		SOLOMON 34-3-T31N-R16E	TIGER RIDGE	11.0	NORTHERN NATURAL GAS
3117513	12-80-241	2504122155	103		MAVRICK 25-2-T31N-R14E	TIGER RIDGE - BULLHOOK U	10.0	NORTHERN NATURAL GAS
3117511	12-80-240	2500522155	102		WILLIAMSON 8-4-T31N-R18E	TIGER RIDGE GAS UNIT	15.0	NORTHERN NATURAL GAS
3117514	12-80-243	2504122158	103		YATES 34-8-T32N-R14E	TIGER RIDGE	6.0	NORTHERN NATURAL GAS
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS								
-HARLAN DRILLING CO					RECEIVED: 02/12/81 JA: NM			
3117368		3004500773	108		HARTMAN #2	FULCHER-KUTZ	0.0	EL PASO NATURAL GAS
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION								
-SCG GAS QUEST INC					RECEIVED: 02/13/81 JA: NY			
3117508	918	3102914269	102	D	LARDO B #1	EDEN-EVANS MEDINA	36.5	TENNESSEE GAS PIPELI
3117510	919	3102914271	102	D	VEREERSTRAETEN #1	EDEN-EVANS MEDINA	36.5	TENNESSEE GAS PIPELI
3117509	922	3102914270	102	D	WILLIAMS #1	EDEN-EVANS MEDINA	36.5	TENNESSEE GAS PIPELI
OHIO DEPARTMENT OF NATURAL RESOURCES								
-ALLEN M ANDERSON					RECEIVED: 02/13/81 JA: OH			
3117485		3416725623	103		VERNON BEAVER #1	GRANDVIEW TOWNSHIP	5.0	COLUMBIA GAS
-ALSID OIL & GAS DEVELOPMENT CO					RECEIVED: 02/13/81 JA: OH			
3117427		3412724846	103		CAMPBELL #3	HOPEWELL	15.0	
3117428		3412724847	103		CAMPBELL #4	HOPEWELL	15.0	
3117454		3405922796	103		SLIFKO #1	JACKSON	20.0	
3117453		3405922794	103		VALENTINE #1	JACKSON	20.0	
-ALTHEIRS OIL INC					RECEIVED: 02/13/81 JA: OH			
3117449		3405320627	103		DARST #1	CHESHIRE TWP	5.0	COLUMBIA GAS TRANS C

JO NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8117447		3405320611	103		HAMMACK #1	CHESHIRE TWP	5.0	COLUMBIA GAS TRANS C
8117448		3405320612	103		SIDERS/NELSON #1	CHESHIRE TWP	4.0	COLUMBIA GAS TRANS C
-AMERICAN EXPLORATION CO					RECEIVED: 02/13/81 JA: OH			
8117462		3407521541	108		A GINGERICH #1		3.0	COLUMBIA GAS
8117436		3415722638	108		BEITZEL-GRIMM #2		3.0	LIBBY OWENS FORD
8117419		3412720971	108		GOBLE #1		3.0	ELJER PLUMBING
-AMERICAN WELL MANAGEMENT COMPANY					RECEIVED: 02/13/81 JA: OH			
8117429		3412724881	103		FRANK MOORE NO 1	MADISON	18.0	
8117387		3408923964	103		PALMER NO 1	BOWLING GREEN	18.0	
-ATLAS ENERGY GROUP INC					RECEIVED: 02/13/81 JA: OH			
8117433		3415521592	102		BIBBY DETELICH UNIT NO 1	BROOKFIELD	0.0	COLUMBIA GAS TRANS C
8117391		3409921059	108		KOCH UNIT NO 1		11.0	COLUMBIA GAS TRANSMI
8117392		3409921058	108		KOCH UNIT NO 2		11.0	COLUMBIA GAS TRANSMI
8117434		3415521614	102		SANTUCCI NO 1	HARTFORD	0.0	COLUMBIA GAS TRANS C
-BETHEL RESOURCES INC					RECEIVED: 02/13/81 JA: OH			
8117477		3416922419	103		HINES #1	CHESTER	12.0	COLUMBIA GAS TRANSMI
8117476		3416922410	103		MANN #1	FRANKLIN	12.0	COLUMBIA GAS TRANSMI
8117473		3416922249	103		PETERSON #1	CHESTER	12.0	COLUMBIA GAS TRANSMI
8117463		3407521625	103		SCHLEGEL #2	PRARIE	12.0	COLUMBIA GAS TRANSMI
8117479		3416922470	103		SPECK #1	CHESTER	12.0	COLUMBIA GAS TRANSMI
8117475		3416922344	103		WEISER #2	CHESTER	12.0	COLUMBIA GAS TRANSMI
8117474		3416922260	103		ZIMMERMAN #3	WAYNE	12.0	COLUMBIA GAS TRANSMI
-C W RIGGS INC					RECEIVED: 02/13/81 JA: OH			
8117439		3416724678	107		ANNA HESSON #1	INDEPENDENCE FIELD	27.0	
8117437		3416724746	107		ANNA HESSON #2	INDEPENDENCE FIELD	45.6	
8117492		3416724754	107		ARTIE MITCHELL #1	NEWPORT FIELD	15.0	
8117482		3416725459	107		BARBER RIGGS #1	NEWPORT FIELD	11.7	
8117483		3416725463	107		BERNARD WILLIAMSON #1	NEWPORT FIELD	4.4	
8117504		3416725429	107		BOBBY BOWERSOCK #2	RENO	3.6	COLUMBIA GAS TRANS C
8117494		3416725054	107		CARROLL HARTSHORN #1	RENO	17.0	COLUMBIA GAS TRANS C
8117497		3416725214	107		DEAN ZINNER #1	RENO	3.6	COLUMBIA GAS TRANS C
8117499		3416725278	107		DELBERT DAVIS #1	RENO	33.2	COLUMBIA GAS TRANS C
8117502		3416725364	107		DELNO INGRAM #1	NEWPORT FIELD	11.5	
8117480		3416725434	107		DONNA BIEHL #1	RENO	8.7	COLUMBIA GAS TRANS C
8117503		3416725393	107		E WARGO UNIT #1	RENO	11.0	COLUMBIA GAS TRANS C
8117493		3416724918	107		FRANK VAUGHT #1	RENO	4.4	COLUMBIA GAS TRANS C
8117481		3416725439	107		FRED BARTH #1	RENO	14.6	COLUMBIA GAS TRANS C
8117498		3416725257	107		FRED HOCKENBERRY #2	RENO	2.1	COLUMBIA GAS TRANS C
8117500		3416725314	107		PATSY SPROUT #1	RENO	5.5	COLUMBIA GAS TRANS C
8117487		3416725710	107		USA - DEPUY #1	DART FIELD	12.4	
8117501		3416725344	107		USA - GRACY #1	RENO	16.0	COLUMBIA GAS TRANS C
8117496		3416725076	107		USA - WOODS #1	INDEPENDENCE FIELD	20.0	
8117495		3416725057	107		VIRGIL LONG #2	RENO	6.0	COLUMBIA GAS TRANS C
-CALLANDER & KIMBREL INC					RECEIVED: 02/13/81 JA: OH			
8117389		3408923998	103		ROBERT & LINDA BUTLER #1	NEWARK	5.0	
8117388		3408923985	103		WILLIAM & JEAN KREIDER #1	MARNE	5.0	
-CHAMFORD OIL AND GAS CORP					RECEIVED: 02/13/81 JA: OH			
8117488		3416725729	107		CHARLES H CONGLETON #1	LIBERTY	30.0	
8117489		3416725732	107		CHARLES H CONGLETON #3	LIBERTY	20.0	
-CLINTON OIL CO					RECEIVED: 02/13/81 JA: OH			
8117420		3412722480	108		T & L DEAVERS #1		20.0	QUAKER STATE
8117421		3412722491	108		T & L DEAVERS #2		20.0	FORAKER
8117430		3413322421	103		T BATTAGLIA UNIT #1-555	BRIMFIELD	0.0	

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-DISCOVERY OIL LTD					RECEIVED: 02/13/81 JA: OH			
3117464		3407522113	103		#2 SMITH FLYING S RANCH	MECHANIC	1.3	COLUMBIA GAS TRANSMI
-DON MCKEE DRILLING CO INC					RECEIVED: 02/13/81 JA: OH			
3117426		3412724298	103		SAMUEL JOHNSON ETAL #1		10.0	NATIONAL GAS & OIL C
-EDCO DRILLING & PRODUCING INC					RECEIVED: 02/13/81 JA: OH			
3117467		3407522853	103		KB-10A EVANS FOUNDATION	RICHLAND	18.0	
-ENTERPRISE GAS & OIL INC					RECEIVED: 02/13/81 JA: OH			
3117450		3405922642	103		HENRY #1	RICHLAND	18.2	COLUMBIA GAS TRANSMI
3117452		3405922778	103		NIEKRO #1	CENTER	36.5	COLUMBIA GAS TRANSMI
-FLOYD E KIMBLE DBA RED HILL DEV					RECEIVED: 02/13/81 JA: OH			
3117461		3406720393	103		A CROSIER #1	FREEPORT	12.0	
3117456		3406720266	103		A GROVES #1	WASHINGTON	15.0	
3117378		3415723537	103		B WIDDER #1	DOVER	14.0	
3117370		3415723469	103		E FUNK #1	AUBURN	18.0	
3117374		3415723503	103		E MILLER #6	BUCKS	15.0	
3117459		3406720386	103		F STEWART #1	FREEPORT	16.0	
3117371		3415723487	103		G SCHERER #1	BUCKS	14.0	
3117460		3406700392	103		HOLMES LIMESTONE #1	FREEPORT	19.0	
3117372		3415723486	103		J FRAUTSCHY #2	DOVER	40.0	
3117376		3415723533	103		MARVIN MILLER #7	BUCKS	22.0	
3117458		3406720385	103		R ALDEN MOORE #1	FREEPORT	18.0	
3117457		3406720384	103		R CLARK #1	FREEPORT	14.0	
3117377		3415723536	103		REYNOLDS-STUCKY UNIT #1	DOVER	14.0	
3117373		3415723502	103		T KANE #2	FRANKLIN	34.0	
3117369		3415723296	103		T KANE #3	DOVER	37.0	
3117379		3415723547	103		W STUCKY #1	AUBURN	37.0	
3117375		3415723532	103		W YOUNGEN #1	AUBURN	15.0	
3117451		3405922703	103		WM HAUETER #1	WASHINGTON	18.0	
3117455		3406720259	103		WM MCCLINTOCK #1	FREEPORT	12.0	
3117444		3403123922	103		WM SNYDER #1	CRAWFORD	22.0	
3117380		3415723548	103		WM SNYDER #2	BUCKS	22.0	
-GIANT PETROLEUM CORPORATION					RECEIVED: 02/13/81 JA: OH			
3117441		3400721180	103		PARKER #3	ORWELL	20.0	EAST OHIO GAS CO
-H D COLLINS TRUST					RECEIVED: 02/13/81 JA: OH			
3117422		3412723676	108		E R PETTIT #1		5.0	NATIONAL GAS & OIL C
3117423		3412723915	108		E R PETTIT #2		5.0	NATIONAL GAS & OIL C
3117424		3412723929	108		E R PETTIT #3		5.0	NATIONAL GAS & OIL C
-HOPCO RESOURCES INC					RECEIVED: 02/13/81 JA: OH			
3117417		3411925439	103		HAROLD & MARY SLACK #1	HOPEWELL	12.0	NATIONAL GAS & OIL C
-HORTIN & HUFFMAN					RECEIVED: 02/13/81 JA: OH			
3117386		3408923919	103		EDWIN & JOY SPARGROVE #1	FALLSBURG	2.0	NATIONAL GAS & OIL C
-L & M PETROLEUM INC					RECEIVED: 02/13/81 JA: OH			
3117484		3416725615	107		BENNETT/GARDNER UNIT #1		12.8	COLUMBIA GAS TRANSMI
3117486		3416725701	107		LAWRENCE SMITH #1	LAWRENCE	12.8	COLUMBIA GAS TRANSMI
-L A MOORE & SON INC					RECEIVED: 02/13/81 JA: OH			
3117418		3411925444	103		NEWTON AM LEGION & CLAYPOOL #1	NEWTON	6.0	NATIONAL GAS & OIL C
-L BOORD OIL CO INC					RECEIVED: 02/13/81 JA: OH			
3117470		3416726049	103		#2-LAURA BOARD ETAL	BARLOW	10.0	COLUMBIA GAS TRANSMI
-LIBERTY OIL & GAS CORP					RECEIVED: 02/13/81 JA: OH			
3117402		3410521794	108		C COLLINS #1		20.0	COLUMBIA GAS TRANSMI
3117395		3410521714	108		CLYDE MORLAN #1		4.0	COLUMBIA GAS TRANSMI
3117381		3416723744	108		DAVID KANEFF #1A		1.0	RIVER GAS CO

JO NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
3117382		3416723799	108		EUGENE LANE #1		1.0	RIVER GAS CO
3117383		3416723903	108		EUGENE LANE #2		1.0	RIVER GAS CO
3117397		3410521734	108		GARLAND CALDWELL #1		5.0	COLUMBIA GAS TRANSMI
3117401		3410521786	108		GLEN BAKER #1		5.0	COLUMBIA GAS TRANSMI
3117400		3410521784	108		GLEN LAWSON #1		2.0	COLUMBIA GAS TRANSMI
3117398		3410521735	108		HOWARD CALDWELL #1		9.0	COLUMBIA GAS TRANSMI
3117385		3416723919	108		HOWARD DYAR #1		4.0	RIVER GAS CO
3117438		3416723960	108		HOWARD LANG #1		1.0	RIVER GAS CO
3117399		3410521747	108		KENNETH FRECKER #1		1.0	COLUMBIA GAS TRANSMI
3117394		3410521701	108		ORLAND GILLAND #1		1.0	COLUMBIA GAS TRANSMI
3117384		3416723918	108		RAYMOND TORNES #1		2.0	RIVER GAS CO
3117396		3410521733	108		WILLIAM CASTO #1		8.0	COLUMBIA GAS TRANSMI
-MINNESOTA-OHIO OIL CORP					RECEIVED: 02/13/81 JA: OH			
3117411		3411121937	107		GRIFFIN #1	WASHINGTON	25.0	COLUMBIA GAS TRANSMI
3117410		3411121924	107		U S A #1	WASHINGTON	25.0	COLUMBIA GAS TRANSMI
-NATIONAL PETROLEUM CORP					RECEIVED: 02/13/81 JA: OH			
3117412		3411121999	107		F LISK #1	SUMMIT	15.0	TEXAS EASTERN TRANSM
-NATIONAL PRODUCTION CORPORATION					RECEIVED: 02/13/81 JA: OH			
3117390		3408924037	103		CUNNINGHAM #1	MADISON	12.0	NATIONAL GAS & OIL C
-ORION ENERGY CORP					RECEIVED: 02/13/81 JA: OH			
3117431		3413322432	103		PLYMALE #1	ATWATER	10.0	
-OXFORD OIL CO					RECEIVED: 02/13/81 JA: OH			
3117414		3411922458	108		ALPINE - SLACK #2		4.0	EAST OHIO GAS CO
3117415		3411924385	108		ALPINE-BOTSON #1		11.0	EAST OHIO GAS CO
3117416		3411925390	103		D L GOINS #1		10.0	
3117440		3400523315	103		LURA OTTO #1	MOHICAN	10.0	
3117413		3411522059	103		RAYMOND HIVNOR #1		10.0	
3117465		3407522666	103		WARREN STEINER #1	KILLBUCK	10.0	
-PETRO-LEWIS FUNDS INC					RECEIVED: 02/13/81 JA: OH			
3117393		3410521683	108		REED NANCY C #1	RUTLAND CIVIL TOWNSHIP	0.6	COLUMBIA GAS TRANSMI
-POI ENERGY INC					RECEIVED: 02/13/81 JA: OH			
3117466		3407522734	103		MELLAR #3	RICHLAND	15.0	COLUMBIA GAS TRANSMI
3117443		3400721323	103		PAVILONIS #2	COLEBROOK	20.0	
3117442		3400721224	103		WESOLOWSKI #2	NEW LYME	0.0	
-RELIANCE MANAGEMENT CO					RECEIVED: 02/13/81 JA: OH			
3117445		3404520592	108		C A MILLER #1		3.0	COLUMBIA GAS TRANSMI
-REPUBLIC ENERGY INV CORP 80-II					RECEIVED: 02/13/81 JA: OH			
3117446		3405320591	103		HALLIDAY-SHEETS #4	CHESHIRE	5.0	COLUMBIA GAS TRANSMI
-REPUBLIC ENERGY 80 - III					RECEIVED: 02/13/81 JA: OH			
3117404		3410521964	103		BUSH #1	BEDFORD	5.0	COLUMBIA GAS TRANSMI
3117405		3410521965	103		BUSH #2	BEDFORD	5.0	COLUMBIA GAS TRANSMI
3117406		3410521966	103		CLIFFORD #1	BEDFORD	5.0	COLUMBIA GAS TRANSMI
3117407		3410521967	103		CLIFFORD #2	BEDFORD	5.0	COLUMBIA GAS TRANSMI
3117408		3410521968	103		HYSELL #1	BEDFORD	5.0	COLUMBIA GAS TRANSMI
3117409		3410521969	103		HYSELL #2	BEDFORD	5.0	COLUMBIA GAS TRANSMI
-RIMCO OPERATING INC					RECEIVED: 02/13/81 JA: OH			
3117478		3416922461	103		G & B STULL #1	PLAIN	12.0	COLUMBIA GAS
-ROYSE DRILLING CO INC					RECEIVED: 02/13/81 JA: OH			
3117403		3410521894	103		HOLTER #2	LEBANON	20.0	COLUMBIA GAS TRANS C
-VESCORP INDUSTRIES INC					RECEIVED: 02/13/81 JA: OH			
3117432		3415122952	108		DEL PUPPO #1		3.0	TIMKEN CO
3117425		3415122953	108		GATES #1		3.0	TIMKEN CO

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8117435		3415723281	108		P GINGERICH #2		3.0	COLUMBIA GAS
-WHITMAN OIL & GAS CORP					RECEIVED: 02/13/81 JA: OH			
8117472		3416726294	103		BERNARD WAGNER #1	ADAMS	10.0	
8117469		3416726033	103		CARL DRAKES #2	LUDLOW	15.0	
8117490		3416725874	103		DECATUR CHAPEL CHURCH #1	DECATUR	10.8	
8117491		3416725874	107		DECATUR CHAPEL CHURCH #1	DECATUR	10.8	
8117468		3416725956	103		DONALD SCHAAD #2	FAIRFIELD	10.0	
8117471		3416726156	103		LOWELL HOME BUILDERS #2	MUSKINGUM	15.0	
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES								
-ADOBE OIL & GAS CORPORATION					RECEIVED: 02/13/81 JA: PA			
8117521	6380	3712921288	103		ALLAN R POOLE #1	BLAIRSVILLE	30.0	PEOPLES NATURAL GAS
8117517	6306	3712921289	103		ALLAN R POOLE #2	BLAIRSVILLE	30.0	PEOPLES NATURAL GAS
8117516	6308	3712921393	103		B W AMALONG	LATROBE	25.0	PEOPLES NATURAL GAS
8117520	6303	3712921338	103		MICHAEL SHABELLA #1	LATROBE	22.0	PEOPLES NATURAL GAS
8117518	6305	3706522171	103		ORVAL SPRAGUE #1-A	DUBOIS	26.0	
8117519	3876	3700522265	103		ROCHESTER & PITTSBURGH COAL #2	RURAL VALLEY	30.0	PEOPLES NATURAL GAS
8117522	6370	3706522169	103		WILLIAM B BENSON #1-A	PUNXSUTAWNEY	30.0	
-ARMCLAR GAS CO					RECEIVED: 02/13/81 JA: PA			
8117523	6377	3700522546	103		SHOFFNER #1 87A	HOGBACK	36.0	COLUMBIA GAS TRANSMI
-CASTLE GAS CO INC					RECEIVED: 02/13/81 JA: PA			
8117526	6346	3706324089	108		H C MCCLURE #1 (C-474) IND-24089	EAST MAHONING TWP	10.0	PEOPLES NATURAL GAS
8117527	6347	3706324117	108		H C MCCLURE #2 (C-475) IND-24117	EAST MAHONING TWP	10.0	PEOPLES NATURAL GAS
8117524	6344	3706323740	108		J MACK #1 (C-419) IND-23740	YOUNG TWP	18.0	T W PHILLIPS GAS & O
8117525	6345	3706323726	108		J MACK #2 (C-420) IND-23726	YOUNG TWP	18.0	T W PHILLIPS GAS & O
-COLUMBIA GAS TRANSMISSION CORP					RECEIVED: 02/13/81 JA: PA			
8117530	6060	3712324704	102		TCO-CHRISTENSEN 620164	WHITES RUN	26.3	COLUMBIA GAS TRANS C
8117528	6058	3703920462	102		TCO-POST 620160	ATHENS	52.6	COLUMBIA GAS TRANS C
8117529	6059	3703920466	102		TCO-SCOUTEN 620162	SPARTA	37.8	COLUMBIA GAS TRANS C
-DORAN & ASSOCIATES INC					RECEIVED: 02/13/81 JA: PA			
8117531	6146	3706325753	103		H SCOTT #3 K-A-55	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRANSMI
8117533	5959	3700522084	108		R SCHALL #1 K-L-22	UPPER DEVONIAN SANDS	20.0	INDUSTRIAL GAS SALES
8117532	5975	3706323720	108		W HELMAN #2 K-L-4	UPPER DEVONIAN SANDS	20.0	INDUSTRIAL GAS SALES
-DORSO ENERGY					RECEIVED: 02/13/81 JA: PA			
8117535	6375	3706325218	103		JOHN J WEYANDT #1 #142	CRETE	30.0	BETHLEHEM STEEL CORP
8117534	6376	3706325219	103		JOHN J WEYANDT #2 #143	CRETE	30.0	BETHLEHEM STEEL CORP
-FOX OIL & GAS INC					RECEIVED: 02/13/81 JA: PA			
8117537	5132	3712921425	108		DON MEFFE #2	SOUTH HUNTINGDON	12.2	LOUDEN PROPERTIES CO
8117536	6229	3706325828	103		FLORENCE DHARRAH #2	MONTGOMERY TOWNSHIP	2.6	COLUMBIA GAS TRANS C
-J & J ENTERPRISES INC					RECEIVED: 02/13/81 JA: PA			
8117546	6318	3706324083	108		CLAYTON WINEBARK #1	CANOE	12.2	CONSOLIDATED GAS SUP
8117543	6325	3703320701	108		D T MITCHELL JR #1 (160A)	BELL	3.0	CONSOLIDATED GAS SUP
8117558	6369	3703320890	108		E E MITCHELL #B-6	BURNSIDE	10.1	CONSOLIDATED GAS SUP
8117538	6368	3703320896	108		E E MITCHELL #B-7	BURNSIDE	10.1	CONSOLIDATED GAS SUP
8117553	6312	3703320854	108		H A RORABAUGH #2 (90A)	BURNSIDE	9.6	CONSOLIDATED GAS SUP
8117544	6320	3706323793	108		J W BURBA #2 (108A)	MONTGOMERY	1.2	CONSOLIDATED GAS SUP
8117539	6329	3703320745	108		JOHN FENCHAK #1 (54A)	BELL	20.2	CONSOLIDATED GAS SUP
8117540	6328	3706324211	108		JOHN PRUSHNOK #1	MONTGOMERY	2.8	CONSOLIDATED GAS SUP
8117542	6326	3706324213	108		JOHN PRUSHNOK #3	MONTGOMERY	4.6	CONSOLIDATED GAS SUP
8117552	6313	3706324360	108		JOHN PRUSHNOK #4 (188A)	MONTGOMERY	3.6	CONSOLIDATED GAS SUP
8117555	6371	3706324318	108		L LAVELLE CONRAD #1	BANKS	16.1	CONSOLIDATED GAS SUP

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
3117559	6373	3703320895	108		MARY MCGEE #B-14	BURNSIDE	8.3	CONSOLIDATED GAS SUP
3117557	6374	3703320788	108		MARY MCGEE #B-16	BURNSIDE	8.3	CONSOLIDATED GAS SUP
3117556	6370	3703320893	108		MARY MCGEE #B-8	BURNSIDE	8.3	CONSOLIDATED GAS SUP
3117554	6372	3703320894	108		MARY MCGEE #B-9	BURNSIDE	8.3	CONSOLIDATED GAS SUP
3117551	6316	3703320786	108		MARY MCGEE B-11 (588A)	BURNSIDE	3.1	CONSOLIDATED GAS SUP
3117545	6319	3703320787	108		MARY MCGEE B-12 (588A)	BURNSIDE	5.5	CONSOLIDATED GAS SUP
3117548	6310	3703320889	108		MECKLEY BROS #1 (60A)	BURNSIDE	1.4	CONSOLIDATED GAS SUP
3117550	6317	3706521378	108		R & P COAL CO #19	HENDERSON	3.9	CONSOLIDATED GAS SUP
3117549	6309	3703320879	108		R RORABAUGH (LENTZ) #1 (175A)	BURNSIDE	3.1	CONSOLIDATED GAS SUP
3117547	6311	3703320898	108		R RORABAUGH #2 (175A) (LENTZ)	BURNSIDE	1.4	CONSOLIDATED GAS SUP
3117541	6327	3703320888	108		STEPHEN SOLTIS #1 (50A)	BELL	3.3	CONSOLIDATED GAS SUP
-MEA CROSS CO					RECEIVED: 02/13/81 JA: PA			
3117560	5946	3704921057	102		P SKELTON #1	MILL VILLAGE	10.0	NATIONAL FUEL GAS SU
-PHILLIPS PRODUCTION CO					RECEIVED: 02/13/81 JA: PA			
3117563	6262	3706325777	103		EDWARD C BAKER ET UX #1	MONTGOMERY	30.0	
3117569	6247	3706325736	103		EDWARD C HOUCK ET UX #1	GREEN	25.0	
3117565	6238	3706325756	103		EULALE GROMLEY ET AL #1	GRANT	45.0	
3117564	6315	3706522184	103		FRED ROBERTS ET UX #2	BELL	30.0	
3117562	6261	3706325778	103		LEONARD MUMAU #1	GRANT	40.0	
3117561	6260	3706325613	103		RICHARD L BROWN ET UX #1	E MAHONING	50.0	
3117567	5281	3706324719	108		W WILLIAM BENNETT #1	WHITE	20.0	COLUMBIA GAS TRANSMI
3117568	5275	3706324867	108		WILLIAM CHERNEY ET AL #3	YOUNG	9.0	COLUMBIA GAS TRANSMI
3117566	5282	3706324718	108		WILLIAM T MARTIN #1	WHITE	17.0	COLUMBIA GAS TRANSMI
-VICTORY DEVELOPMENT CO					RECEIVED: 02/13/81 JA: PA			
3117571	6151	3706325723	103		DEYARMIN #2 IND-25723	W PA UPPER DEVONIAN SAND	0.0	COLUMBIA GAS TRANSMI
3117570	6113	3706325722	103		DEYARMIN #3 - IND-25722	W PA UPPER DEVONIAN SAND	0.0	COLUMBIA GAS TRANSMI

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before April 3, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8464 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2634-002]

Great Northern Nekoosa Corp., Application for Amendment of License

March 16, 1981.

Take notice that on February 12, 1981, great Northern Nekoosa Corporation (Licensee) filed an application [pursuant to the Federal Power Act, 16 U.S.C 791(a)–825(r)] for amendment of its license for its Great Northern Storage Project, Caucomgomoc Development, FERC NO. 2634 located at the headwaters of the West Branch of the Penobscot River, Piscataguis County, Maine. Correspondence with the Applicant should be directed to: Mr. W. A. Nash, Chief Engineer, Central Engineering Department, Great Northern Nekoosa Corporation, Millinocket, Maine 04462.

Applicant requests that its license be amended to authorize the replacement of the existing rock–filled timber–crib dam, gates, and fishway at Caucomgomoc Lake with a new concrete gravity dam including four new gates, an Ogee-type spillway section and a vertical slot fishway. In addition the earthen wing dikes at the dam would be increased 3.7 feet in height. The replacement of the dam and the increase in height of the wing dikes is necessary to enhance the ability of the dam and dikes to withstand extreme flood conditions. The normal water surface elevation of Caucomgomoc Lake will remain the same.

Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in 1.10 for protest. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petiton to intervene must be received on or before April 24, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 8455 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3107-000]

Newfound Hydroelectric Co.; Application for Short-Form License (Minor)

March 16, 1981.

Take notice that the Newfound Hydroelectric Company (Applicant) filed on January 7, 1981, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for construction and operation of a water power project to be known as the Newfound Hydroelectric Project No. 3107. The project would be located on the Newfound River in Grafton County, New Hampshire. Correspondence with the Applicant should be directed to: Mr. Henry Harris, Central Square, Bristol, New Hampshire 03222.

Project Description—The proposed project would consist of: (1) a diversion weir (presently breached) located adjacent to New Hampshire Route 3A in Bristol, New Hampshire; (2) a new 800-foot long water conveyance facility, leading to (3) a new powerhouse located approximately 800 feet downstream of the Water St. Bridge; and (4) appurtenant works. The installed capacity would be approximately 1,487 kW. Applicant estimates that the average annual generation would be 7,400 megawatt-hours.

The application was filed during the term of the Applicant's preliminary permit for the Newfound Project, issued August 14, 1980.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 15, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 14, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's

Rules. Any comments, protest, or petition to intervene must be received on or before May 15, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8457 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3545-000]

Utah Hydro Corp.; Application for Preliminary Permit[1]

March 13, 1981.

Take notice that Utah Hydro Corporation (Applicant) filed on October 8, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3545 to be known as the Echo Hydro Project located on the Weber River in Summit County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. J. D. Catten, 8184 Breeze Drive, Magma, Utah 84044. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing Water and Power Resources Service's Echo Dam and Reservoir, operated and maintained by the Weber River Water Users Association, and would consist of: (1) a penstock utilizing the existing outlet works near the left dam abutment; (2) a new powerhouse containing generating units having a total rated capacity between 2,500 kW and 7,070 kW; (3) a tailrace; (4) a new 46 kV transmission line, two miles long; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be between 10,740,000 kWh and 25,060,000 kWh.

Purpose of Project—Project energy would be sold to the Utah Power and Light Company. Other alternative markets will be studied.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $65,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 4, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 3, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 4, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3545. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8460 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3894-000]

Town of Wareham, Mass.; Application From Exemption From Licensing of a Small Hydroelectric Project of 5 Megawatts or Less

March 16, 1981.

Take notice that the Town of Wareham (Applicant) filed with the Federal Energy Regulatory Commission on December 22, 1980, an application for exemption for it's Tremant Hydroelectric Project No. 3894-000 from all or part of Part 1 of the Federal Power Act pursuant to 18 CFR Part 4 subpart K (1980) implementing in part section 408 of the Energy Security Act of 1980.[1] The proposed project would be located on the Weweantic River in the Town of Wareham, Plymouth County, Massachusetts. Correspondence with

[1] This notice supersedes the Notice of Application for Preliminary Permit issued on February 24, 1981.

[1] Pub. Law 96-294, 94 Stat. 611. Section 408 of the ESA amends *inter alia*, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2705 and 2708).

the Applicant should be directed to: Mr. Robert F. Packard, Tremont Dam Project, Town Hall, Wareham, Massachusetts 02571.

Project Description—The proposed run-of-the-river project would consist of existing project works including: (1) a 1,200-foot long, 15-foot high earthen and granite-faced dam; (2) a reservoir of negligible storage capacity at a normal water surface elevation of 58.7 feet M.S.L.; (3) two overflow spillway gates and two inlet gates leading to the penstocks; (4) two 7-foot high, 10-foot wide, 18-foot long concrete penstocks; (5) a powerhouse which would contain two new 150-kW turbine-generator units; (6) a 1,200-foot long, 25-kV transmission line located either overhead or buried; and (7) appurtenant facilities. Applicant estimates that the average annual energy output would be 1,027,000 KWH.

Purpose of the Project—Project energy would be sold to the Bedford Gas and Edison Light Company for distribution to customers in it's service area.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—Federal, State and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for exemption. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of an exemption and consistent with the purpose of an exemption as described in this notice. No other formal request for comments will be made. If an agency does not file comments within 60 days of the date of issuance of this notice, it will be presumed to have no comments.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before April 27, 1981, either a competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than August 25, 1981. Applications for a preliminary permit will not be accepted. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 27, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for exemption for Project No. 3894. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 N. Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first Paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8459 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3922]

James E. White; Application for Exemption for Small Hydroelectric Power Project Under 5 Megawatts Capacity

March 16, 1981.

Take notice that on January 5, 1981, James E. White (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) [Public Law 96-294, 94 Stat. 611] (16 U.S.C. 2705, and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part 1 of the Federal Power Act. The proposed James E. White small hydroelectric project (FERC No. 3922) would be located on Derr Creek in Bonner County, Idaho. Correspondence with the Applicant should be directed to: James E. White, P.O. Box 158, Clark Fork, Idaho 83811.

Project Description—The proposed project would consist of: (1) an intake structure; (2) two parallel penstocks, each 3,050 feet in length; (3) a powerhouse, containing five generating units with a total installed capacity of 250 kW; and (4) two 24-inch diameter discharge culverts. The power plant would be operated in a run-of-the-river mode, without capacity for storage or ponding.

Purpose of the Project—The energy generated by the proposed project would be marketed to a local utility.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for exemption. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuances of an exemption and consistent with the purpose of an exemption as described in this notice. No other formal request for comments will be made. If an agency does not file comments within 60 days of the date of issuance of this notice, it will be presumed to have no comments.

Competing Application.—Any qualified license applicant desiring in file a competing application must submit to the Commission, on or before April 27, 1981, either a competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than August 25, 1981. Applications for a preliminary permit will not be accepted. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (C) (1980). A competing license application

must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene.—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10. for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 27, 1981.

Filing and Service of Responsive Documents.—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3922. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8456 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-1-20-002]

Algonquin Gas Transmission Co.; Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

March 12, 1981.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas") on March 2, 1981, tendered for filing Revised 55th Revised Sheet No. 10 to its FERC Gas Tariff, First Revised Volume No. 1.

Algonquin Gas states that this sheet is being filed to track a downward adjustment in rates by its pipeline supplier, Texas Eastern Transmission Corporation, in compliance with the directive of the Commission order dated February 17, 1981, accepting Algonquin Gas' currently effective March 1, 1981 rates for filing.

Algonquin Gas also states such adjustment is in lieu of the treatment of reduced rates filed by Texas Eastern by a credit adjustment to Account 191 as prescribed in Section 17 of the Purchased Gas Cost Adjustment Provisions of its FERC Gas Tariff, First Revised Volume No. 1.

Algonquin Gas requests that the Commission accept for filing effective March 1, 1981, Revised 55th Revised Sheet No. 10.

Algonquin Gas notes that a copy of this filing is being mailed to each affected party and interested state commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with § 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 23, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8499 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA81-17-000]

American Standard Plumbing/Heating Division; Application for Staff Adjustment

March 12, 1981.

Take notice that on February 9, 1981, American Standard (Applicant), P.O. Box 279, Tiffin, Ohio 44883, filed with the Federal Energy Regulatory Commission (Commission) pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) and § 1.41 of the Commission's Rules of Practice and Procedure an application for an adjustment. Applicant seeks relief from § 282.207(c)(3) of the Commission's regulations under the NGPA.

Specifically, Applicant states that it has installed its own gas supply system (self-help) for its plant operation. The Applicant's present disclosed estimation methodology, dated January 26, 1981, prorates its self-help gas among exempt and non-exempt (boiler) use in accordance with Order No. 86 in Docket No. RM80-16 (Issued on May 8, 1980).

Applicant further states that self-help gas has benefit for both the public and industry by reducing total demand from utilities and increasing supplies available to residential areas, while in addition reducing operation cost which affects employment and production cost to consumers. Applicant asserts that it should be able to subtract its self-help gas directly from its non-exempt boiler fuel in order to reduce or eliminate the amount of natural gas subject to incremental surcharges. In addition, Applicant feels that installing additional special costly and unnecessary piping so that the self-help gas could be exclusively designated for use in the boiler or increasing industry's cost by prorating to comply to Order No. 86 was not the intent of the law, rather than intent was to reduce dependence on oil, whether foreign or domestic.

The procedures applicable to the conduct of this adjustment proceeding are found in section 1.41 of the Commission's Rules of Practice and Procedure, Order No. 24, issued March 22, 1979 (44 FR 19861, March 30, 1979).

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of section 1.41(e). All petitions to intervene must be filed on or before April 3, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8500 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-319-000]

Arizona Public Service Co.; Filing

March 12, 1981.

The filing Company submits the following:

Take notice that on March 6, 1981, Arizona Public Service Company (APS) tendered for filing Amendment No. 1 to Service Schedule K dated April 23, 1980 to the Power Coordination Agreement between Salt River Project Agricultural Improvement and Power District (SRP) and APS for the purpose of providing standby transmission facilities for the power to be generated at the Coronado Generating Station.

APS requests waiver of the Commission's Regulations to permit an effective date of October 27, 1980, the date that one of APS' customers will require to have its power flow to serve its load in the Coronado and Cholla areas.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 3, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8501 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4034-000]

Beacon Aluminum Finishing Corp.; Application for Preliminary Permit

March 12, 1981.

Take notice that Beacon Aluminum Finishing Corp. (Applicant) filed on January 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 4034 to be known as the Braendley Hydro Project located on Fishkill Creek in Dutchess County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Joseph Guarneri, P.O. Box 850, One E. Main Street, Beacon, New York 12508. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would be run-of-the-river and would consist of: (1) an existing overflow gravity dam, 126 feet long and 15 feet high, constructed of cut stone set in mortar and capped with concrete; (2) a reservoir having negligible pondage; (3) a rehabilitated intake structure with a new gate; (4) a rehabilitated penstock; (5) a new powerhouse containing a generating unit having a total rated capacity of 300 kW; (6) a tailrace; (7) a new 13.2 kV transmission line; and (8) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 1,500,000 kWh.

Purpose of Project—Project energy would be sold to the Central Hudson Gas and Electric Company.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $10,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Aplications—This application was filed as a competing application to David Goodman and George R. Oliger's application for Project No. 3512, filed on September 29, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to made any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protest. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 3, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4034. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8517 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4109-000]

City of Fairbury; Application for Preliminary Permit

March 12, 1981.

Take notice that City of Fairbury (Applicant) filed on February 3, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825 (r)] for Proposed Project No. 4109 to be known as Fairbury Dam Power Project located on the Little Blue River in Jefferson County, Nebraska. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Marion E. Stewart, Chairman, Board of Public Works, 612 D Street, Fairbury, Nebraska 68352. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing Fairbury Dam and reservoir. Project No. 4109 would consist of: (1) a proposed forebay; (2) a proposed powerhouse located adjacent to the existing powerhouse; (3) proposed transmission lines; (4) an existing masonry dam approximately 240 feet long and 16 feet high; (5) an existing reservoir of approximately 5 acres at a normal crest elevation of 1,300 feet m.s.l. with minimal storage capacity and a drainage area of approximately 2,300 square miles; and (6) appurtenant facilities. Applicant estimates the installed capacity of the proposed project to be 300 kW, and the annual energy output to be 1.8 GWh.

Purpose of Project—Energy produced at the proposed project would be utilized within the municipality.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 36 month permit to prepare a definitive project report, including preliminary design and economic feasibility studies, hydrological studies, environmental and social studies, and soils and foundation data. The cost of the aforementioned activities along with obtaining agreements with other Federal, State and local agencies is estimated to be $100,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant). Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 20, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 19, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 20, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4109. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8509 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3803-000]

City of Rome, New York; Application for Preliminary Permit

March 13, 1981.

Take notice that the City of Rome, New York (Applicant) filed on November 28, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3803 to be known as the Delta Project located on the Mohawk River in Oneida County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mayor J. Eilenberg, City Hall, Rome, New York 13440. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed run-of-the-river project would consist of: (1) an existing gravity dam composed of a 300-foot long ogee spillway with a maximum height of 86 feet flanked by non-overflow sections of 331 feet and 381 feet in length; (2) the Delta Reservoir with a surface area of 2,483 acres at a crest elevation of 550 feet m.s.l.; (3) four existing 60-inch diameter outlet penstocks; (4) two existing 30-inch conduits in the western section of the dam providing water for a fish hatchery downstream; (5) a new powerhouse located below the eastern non-overflow section; (6) turbine/generator units with a total capacity between 1.5 and 2.2

MW; (7) a short transmission line and appurtenant facilities. The Applicant estimates that the average annual energy output would be 10,000,000 kwh.

Purpose of the Project—Project power would be used by the Applicant for municipal purposes.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of two years, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost under the permit would be $35,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to the Power Authority of the State of New York's application for Project No. 3630 filed on October 29, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's rules. Any comments, protest, or petition to intervene must be received on or before April 7, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", OR "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3803. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8508 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4240]

City of Santa Clara; Application for Preliminary Permit

March 16, 1981.

Take notice that the City of Santa Clara, (Applicant) filed on February 23, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–824(r)] for proposed Project No. 4240 to be known as the North Fork Dam Hydroelectric Project located on the North Fork American River in Placer County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the applicant should be directed to: Mr. Barry R. Flynn, Director of Electric Utility, City of Santa Clara, 1500 Warburton Avenue, Santa Clara, California 95050. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project, to be located at the base of the existing U.S. Army Corps of Engineers' North Fork Dam, would consist of: (1) a penstock; (2) a powerhouse to be operated under a head of 130 feet with a rated capacity of 12 MW; and (3) approximately 5 miles of existing 12-kV transmission line connected to a pacific Gas and Electric Company substation. The Applicant estimates that the average annual energy output would be 60 million Kwhs.

Purpose of Project—Power generated from the project would be used to serve the Applicant's electrical service area.

Proposed Scope and Cost of Studies under Permit—Applicant seeks a preliminary permit for a period of 36 months during which it would conduct environmental, engineering, and economical studies to determine the feasibility of constructing and operating the proposed project. Applicant estimates that the costs of the feasibility studies and preparation of an FERC license application are $125,000.

Purpose of Preliminary Permit—A Preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Application—This application was filed as a competing application to the City of McFarland and

Western Renewable Resources' Project No. 3256 and the City of Redding's Project No. 3704, filed on July 17, 1980, and November 12, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 7, 1981.

Filing and Service of Responsive Documents.—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4240. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 208, RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8466 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-318-000]

Cleveland Electric Illuminating Co.; Filling

March 12, 1981.

The filing company submits the following:

Take notice that on March 6, 1981, The Cleveland Electric Illuminating Company (CEI) tendered for filing an executed Service Agreement and Exhibits A and B thereto, providing for transmission by CEI of approximately 20 MW of power from the 345 kv interconnection point on CEI's Juniper—Canton Line with the Ohio Power Company to the City of Cleveland Ohio (City) in accordance with the terms and conditions of CEI's FERC Transmission Service Tariff.

CEI has requested waiver of the FERC's 60-day notice requirement in order to permit commencement of transmission service on March 1, 1981.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 3, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8489 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project 3482-001]

Susan A. Craft; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

March 12, 1981.

Take notice that on January 7, 1981, Susan A. Craft (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) [Pub. L. 96-294, 94 Stat. 611] (16 U.S.C. 2705, and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The Lilliwaup Falls Hydroelectric Project (FERC Project No. 3482) is located on Lilliwaup Creek in Mason County, Washington. Correspondence with the Applicant should be directed to: Mr. John Scarola, c/o Montgomery, Lytal, Reiter, Denney and Searcy, P.O. Drawer 3626, West Palm Beach, Florida 33409.

Project Description—The existing project consists of: (1) a 45-foot long, 8-foot high concrete dam; (2) a 235-foot long tunnel with a 5-foot by 7-foot cross section; (3) a 486-foot long concrete flume with a 4-foot by 3-foot cross section; (4) a 24-inch diameter, 900-foot long wooden penstock; (5) a brick powerhouse containing two generating units with total installed capacity of 160 kW; and (6) appurtenant facilities.

Applicant proposes to increase the installed capacity to between 1,000 and 1,200 kW.

Purpose of Project—Project energy is and would be sold to a local utility company.

Agency Comments—The U.S. Fish and Wildlife Service and the Washington Departments of Fisheries and Game are requested, for the purposes set forth in Section 408 of the Act, to submit appropriate terms and conditions to protect any fish and wildlife resources. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before April 20, 1981, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than June 17, 1981. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and

Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 20, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3482. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Spreinger, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to interevene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8516 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-298]

El Paso Electric Co.; Filing

March 12, 1981.

The filing company submits the following:

Take notice that on or about February 23, 1981, El Paso Electric Company submitted for filing a compliance report, pursuant to the Commission's letter of January 27, 1981, in the above referenced proceeding.

A copy of this filing has been sent to the California Public Utility Commission.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before April 3, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8480 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4206-000]

Enagenics; Application for Preliminary Permit

March 13, 1981.

Take notice that Enagenics (Applicant) filed on February 17, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for proposed Project No. 4206 to be known as the Laguna Project located on the Colorado River in Yuma County, Arizona. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., Presient, Enagenics, 1727 Q Street, N.W., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing Water and Power Resources Service's Laguna Dam, 4,780 feet long and 43 feet high and would consist of: (1) a new power plant adjacent to the downsteam face of the dam; (2) a new penstock and new trashracks; (3) a turbine/generator unit rated at 600 kW; (4) a new 2.0 mile long, 69-kV transmission line and (5) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 2,200,000 kWh.

Purpose of Project—Project power would be sold either to the Western Area Power Administration or the Arizona Power Authority.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be $30,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant). Comments should be confined to substantive issues relevant tot he issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 13, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will

consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordane with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 13, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protest, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT OT FILE COMPETING APPLICATION", "COMPETING APPLCIATION", "PROTEST", or "PETITON TO INTERVENE", as applicable. Any of hese filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4206. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D. C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8511 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3063-001]

Gelardin/Bruner/Cott, Inc.; Application for Short Form License (Minor)

March 12, 1981.

Take notice that Gelardin/Bruner/Cott, Inc. (Applicant) filed on January 26, 1981, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for reconstruction and operation of a water power project to be known as Central Falls Hydroelectric Project No. 3063. The project would be located on the Blackstone River at Central Falls, in Providence County, Rhode Island. Correspondence with the Applicant should be directed to: Mr. Eric Richelson, Gelardin/ Bruner/Cott, Inc., 75 Cambridge Parkway, Cambridge, Massachusetts 02142, and Mr. Todd Cormier, Halliwell Associates, Inc., 865 Waterman Avenue, East Providence, Rhode Island 02914.

Project Description—The proposed project would consist of existing project works including: (1) Valley Falls Dam, a curved granite-masonry structure about 200 feet long and 10 feet high; (2) Valley Falls Pond, a reservoir of negligible storage capacity at surface elevation 49.5 feet m.s.l.; (3) a gatehouse/headgate structure containing five timber gates, each 7 feet-10 inches wide and 9 feet-3 inches high; (4) a headrace canal about 300 feet long, 12 feet deep, and varying from 26 to 60 feet wide; (5) a powerhouse area, located in the substructure of the restored south mill building (Blackstone Falls Mill), in which would be installed two new 409 kw turbine-generators for a total installed capacity of 818 kW; (6) a tailrace channel about 1,200 feet long and 25 feet wide at its narrowest section; (7) electrical facilities; and (8) other appurtenances. Applicant estimates annual generation would average 4,761,000 kWh.

Purpose of Project—The Blackstone Valley Falls Elderly Housing Project will utilize more than 25 percent of the project energy with the remainder being sold to the Blackstone Valley Electric Company.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 11, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 8, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 11, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8512 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4158-000]

Georgia-Pacific Corp.; Application for Preliminary Permit

March 16, 1981.

Take notice that Georgia-Pacific Corporation (Applicant) filed on February 9, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4158 to be known as Skookum Creek Project located on Skookum and Orsino Creeks in Whatcom County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Georgia-Pacific Corporation, P.O. Box 1236, Attn: John H. Asmundson, Bellingham, Washington 98227. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) two 3-foot high concrete diversion weirs; (2) a 3-mile long pipeline; (3) a surge tank; (4) a 4,000-foot long penstock; (5) a powerhouse containing one generating unit rated at 5,000 kW; and (6) a 2-mile

long transmission line. The Applicant estimates that the average annual energy output would be 34.5 million kWh.

Purpose of the Project——The energy generated by the project would be sold to the Puget Sound Power and Light Company.

Proposed Scope and Cost of Studies Uunder Permit—Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would conduct engineering and geological studies, perform preliminary designs, make an economic and feasibility analysis, obtain water rights, conduct environmental studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The estimated cost of the work to be performed under the preliminary permit is $250,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 13, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 13, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" or "PETITION TO INTERVENE", as applicable.

Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4158. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8487 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4198-000]

Indiana Municipal Power Agency; Application for Preliminary Permit

March 16, 1981.

Take notice that Indiana Municipal Power Agency (Applicant) filed on February 13, 1981, an application for preliminary permit [Pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4198 to be known as Cagles Mill Water Power Project located on the Mill Creek in Putnam County, Indiana. The Applicant is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Frank R. Rudolph, Chairman, Indiana Municipal Power Agency, 5920 Castleway West Drive, Indianapolis, Indiana 46250. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineers' dam and reservoir, and the Applicant facilities would be located mostly on U.S. lands. The proposed project would consist of: (1) an existing outlet conduit to be reinforced with a new steel liner; (2) a proposed penstock; (3) a proposed powerhouse containing generating units with a total installed capacity of 2.6 MW; (4) a proposed tailrace channel which would connect with the existing outlet channel; (5) proposed transmission lines; and (6) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 6,900 MWh.

Purpose of Project—The power generated by the proposed project would be sold by the Applicant to the local residents.

Proposed Scope and Cost of Studies under Permit—Applicant has requested a 36-month permit to prepare a definitive project report, including preliminary design and economic feasibility studies, hydrological studies, environmetal and social studies, and soils and foundation data. The cost of the aforementioned activities along with obtaining agreements with other Federal, State and local agencies is estimated to be $290,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Fedral, State, and local agencies that recieve this notice through direct mailing form the Commssion are invited to submit

comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Continental Hydro Corp. Project No. 3399 filed on August 27, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 and 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before April 8, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 4198. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Divison of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8468 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4195-000]

Indiana Municipal Power Agency; Application for Preliminary Permit

March 16, 1981.

Take notice that Indiana Municipal Power Agency (Applicant) filed on February 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4195 to be known as Salamonie located on the Salamonie River in Wabash County, Indiana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Frank R. Rudolph, Chairman, Indiana Municipal Power Agency, 5920 Castleway West Drive, Indianapolis, Indiana 46250. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineers' dam and reservoir, and would consist of: (1) a proposed steel liner in the existing outlet tunnel; (2) a proposed shut-off valve, wye and short penstock; (3) a proposed powerhouse; (4) a proposed tailrace; (5) proposed transmission lines and switchyard; and (6) appurtenant facilities. Applicant estimates the capacity of the proposed project to be 7.7 Mw, and the annual energy output to be 20.1 Gwh.

The proposed project will be located on Federal Lands.

Purpose of Project—Energy produced at the proposed project would be utilized by the twelve Indiana Municipal Power Agency (IMPA) members to displace power which would otherwise be purchased from private utilities.

Proposed Scope and Cost of Studies under Permit—Applicant has requested a 36-month permit to prepare a definitive project report, including preliminary design and economic feasibility studies, hydrological studies, environmental and social studies, and soils and foundation data. The cost of the aforementioned activities along with obtaining agreements with other Federal, State and local agencies is estimated to be $290,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Continental Hydro Corp., Project No. 3353 filed on August 25, 1980, under 18 CFR 4.33 (1980), and, therefore, on further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 and 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before April 7, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it has made a response to this notice of

application for preliminary permit for Project No. 4195. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8469 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4197-000]

Indiana Municipal Power Agency; Application for Preliminary Permit

March 16, 1981.

Take notice that Indiana Municipal Power Agency (Applicant) filed on February 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4197 to be known as Mississinewa Water Power Project located on the Mississinewa River southeast of Peru, Indiana, in Miami County, Indiana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. James V. Williamson, R. W. Beck and Associates, 200 Tower Building, 7th Avenue and Olive Way, Seattle, Washington 98101. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineers' dam and reservoir. Project No. 4197 would consist of: (1) a proposed waterway formed by the installation of a steel liner through the existing outlet tunnel; (2) a proposed wye from the existing conduit at the entrance to the stilling basin; (3) a proposed penstock from the wye to a manifold; (4) a proposed powerhouse located on the north bank of the river and discharging into the existing outlet channel; (5) proposed transmission lines; and (6) appurtenant facilities. The Applicant estimates the capacity of the project would be 10,300 kW and the annual output would be 26,900,000 KWh.

The proposed project will be located on Federal lands.

Purpose of Project—Energy produced at the proposed project would be utilized by the Indiana Municipal Power Agency members to displace power which would otherwise be purchased from private utilities.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 36-month permit to prepare a definitive project report, including preliminary design and economic feasibility studies, hydrological studies, environmental and social studies, and soils and foundation data. The cost of the aforementioned activities along with obtaining agreements with other Federal, State, and local agencies is estimated to be $290,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—This application was filed as a competing application to Continental Hydro Corporation, Project No. 3365 filed on August 25, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 and 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before April 7, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 4197. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 208, RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8470 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4196-000]

Indiana Municipal Power Agency; Application for Preliminary Permit

March 16, 1981.

Take notice that Indiana Municipal Power Agency (Applicant) filed on February 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4196 to be known as C.M. Harden located on Raccoon Creek in Parke County, Indiana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Frank R. Rudolph, Chairman, Indiana Municipal Power Agency, 5920

Castleway West Drive, Indianapolis, Indiana 46250. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineers' dam and reservoir and would consist of: (1) a proposed steel liner in the existing outlet conduit; (2) a proposed shut-off valve, wye and a short penstock; (3) a proposed powerhouse; (4) a proposed tailrace; (5) proposed transmission lines and switchyard; and (6) appurtenant facilities. Applicant estimates the capacity of the proposed project to be 1.4 MW, and the annual energy output to be 4.6 GWh.

The proposed project is to be located on Federal lands.

Purpose of Project—Energy produced at the proposed project would be utilized by the twelve Indiana Municipal Power Agency (IMPA) members to displace power which would otherwise be purchased from private utilities.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 36-month permit to prepare a definitive project report, including preliminary design and economic feasibility studies, hydrological studies, environmental and social studies, and soils and foundation data. The cost of the aforementioned activities along with obtaining agreements with other Federal, State and local agencies is estimated to be $290,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Continental Hydro Corporation, Project No. 3391 filed on August 27, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 and 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before April 7, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 4196. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 208, RB Building, Washington, D.C 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc.81-8471 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4198-000]

Indiana Municipal Power Agency; Application for Preliminary Permit

March 16, 1981.

Take notice that Indiana Municipal Power Agency (Applicant) filed on February 12, 1981, an application for prelimianry permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4191 to be known as Monroe Lake located on Salt Creek in Monroe County, Indiana. The Application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Frank R. Rudolph, Chairman, Indiana Municipal Power Agency, 5920 Castleway West Drive, Indianapolis, Indiana 46250. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineers' dam and reservoir, and would consist of: (1) a proposed steel liner in the existing outlet conduit; (2) a proposed shut-off valve, wye and short penstock; (3) a proposed powerhouse; (4) a proposed tailrace; (5) proposed transmission lines and switchyard; and (6) appurtenant facilities. Appliant estimates the capacity of the proposed project to be 3.5 mw, and the annual energy output to be 9.1 Gwh. The proposed project would be located on Federal Lands.

Purpose of Project—Energy produced at the proposed project would be utilized by the twelve Indiana Municipal Power Agency (IMPA) members to displace power which would otherwise be purchased from private utilities.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 36-month permit to prepare a definitive project report, including preliminary design and economic feasibility studies, hydrological studies, environmetal and social studies, and soils and foundation data. The cost of the aforementioned activities along with obtaining agreements with other Federal, State and local agencies is estimated to be $290,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and

environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to *Continental Hydro Corp.* Project No. 3355 filed on August 25, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 and 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before April 7, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 4191. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Divison of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E. Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8472 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4150-000]

Indiana Municipal Power Agency; Application for Preliminary Permit

March 13, 1981.

Take notice that Indiana Municipal Power Agency (Applicant) filed on February 9, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for proposed Project No. 4150 to be known as Huntington Waterpower Project located on the Wabash River in Huntington County, Indiana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Frank R. Rudolph, Chairman, Indiana Municipal Power Agency, 5920 Castleway West Drive, Indianapolis, Indiana 46250. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineers' dam and reservoir, and the Applicant's facilities would be located mostly on U.S. lands. The proposed project would consist of: (1) a proposed intake structure; (2) a proposed power conduit bored through the left concrete non-overflow section; (3) a proposed steel penstock; (4) a proposed powerhouse containing generating units with a total installed capacity of 5.2 MW; (5) a proposed tailrace channel which would connect with the existing outlet channel; (6) proposed transmission lines; and (7) appurtenant facilities.

The Applicant estimates that the averge annual energy output would be 13,600 MWh.

Purpose of Project—The power generated by the proposed project would be utilized by the customers of the Indiana Municipal Power Agency.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 36-month permit to prepare a definitive project report, including preliminary design and economic feasibility studies, hydrological studies, environmental and social studies, and soils and foundation data. The cost of the aforementioned activities along with obtaining agreements with other Federal, State and local agencies is estimated to be $290,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Continental Hydro Corp. Project No. 3328 filed on August 18, 1980, under 18 CFR 4.33 (1980), and, therfore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 and 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordane with the Commission's Rules. Any comments, protests, or

petition to intervene must be received on or before April 7, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 4150. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8513 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3918-000]

Jackson County, Oreg.; Application for Preliminary Permit

March 12, 1981.

Take notice that Jackson County (Applicant) filed on January 2, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3918 to be known as Gold Ray Hydroelectric Project located on Rogue River in Jackson County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Paul Steinbrenner, County Administrator, Jackson County Courthouse, 10 South Oakdale, Medford, Oregon 97501. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (a) the existing Gold Ray Reservoir with gross storage capacity of 100 acre-feet at elevation 1,146 feet (mean sea level); (b) the existing 40-foot high, 394-foot long Gold Ray concrete gravity dam; (c) either the existing abandoned powerhouse (to be restored) or a new powerhouse (to be built) housing new generating units with total rated capacity of 6.5 to 9.0 MW; and (d) appurtenant facilities.

The Applicant estimates that the average annual energy output would be between 30 and 40 million kWh.

Purpose of Project—Project energy would be sold to Pacific Power and Light Company.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 36-month permit to prepare a project report including preliminary designs, results of environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right to priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. [A copy of the application may be obtained directly from the Applicant.] Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Gold Hill and Gold Ray Water Power Project No. 3210 on Rogue River in Jackson County, Oregon, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 6, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3918. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8514 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-325-000]

Kansas City Power & Light Co. Filing

March 12, 1981.

The filing Company submits the following:

Take notice that on March 9, 1981, Kansas City Power & Light Company ("KCPL") tendered for filing an Assignment and Indemnification dated May 31, 1980, entered into between KCPL and The Empire District Electric Company ("Empire"), under the Associated-Companies Contract dated March 28, 1962, KCPL's Rate Schedule FPC No. 31A.

KCPL states the purpose of this filing is to assign to KCPL all of Empire's right, title and interest in and to all electric transactions under the Missouri Integration Arrangements during the remaining term of the Associated-Companies Contract. KCPL requests an effective date 60 days from the date of this filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10) All such petitions or protests should be filed on or before April 3, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8491 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER81-66-000, ER81-225-000, ER81-136-000, and ER80-592, et al.]

Louisville Gas & Electric Co.; Order Accepting for Filing and Suspending in Part Rate Schedule Changes, Waiving Notice in Part, Consolidating Dockets, Initiating Hearing, and Establishing Procedures

March 13, 1981.

The Louisville Gas and Electric Company (Louisville) filed certain amendments to its interconnection agreements with Public Service Company of Indiana (PSCI) on January 12, 1981,[1] in Docket No. ER81-66-000, with Big Rivers Electric Corporation (Big Rivers) on January 19, 1981, in Docket No. ER81-225-000, and with the Cincinnati Gas and Electric Company (CG&E) on November 24, 1980, in Docket No. ER81-136-000.[2] The amendments provide for (1) an increase in the demand charge for short-term power sold under the respective agreements, and (2) the replacement of percentage adders with fixed adders as part of the rates for any transmission or third party purchase and resale service provided by either party to the agreements pursuant to the Commission's Order Nos. 84 and 84-B.

Louisville requested an effective date of September 1, 1980, for the fixed adders and effective dates of January 1, 1981, and March 16, 1981, for all other rate changes filed in Docket Nos. ER81-66-000 and ER81-225-000, respectively. The charges filed by Louisville and CG&E in Docket No. ER81-136-000 have been previously accepted for filing by letter dated December 30, 1980, pursuant to the delegated authority of the Director of the Electric Power Regulation.

Louisville's proposed amendments applicable to the three remaining parties provide for an increase from $0.07/kW/week to $0.85/kW/week in the demand charge for short-term power. The proposed amendments also provide for fixed adders of 2 mills/kWh for Louisville and PSCI, and 1 mill/kWh for CG&E as part of the rates for transmission service or third party purchase and resale service. Louisville also proposes to cancel a service schedule for maintenance power service to PSCI.[3]

PSCI and CG&E have submitted executed certificates of concurrence which are considered by the Commission to constitute filings in their own right with respect to these proposed charges, *i.e.*, a 2 mills/kWh adder for PSCI and a 1 mill/kWh adder for CG&E. No pleadings have been received in response to public notice of these filings.[4]

Discussion

Our analysis of the proposed demand charge for short-term power in Docket Nos. ER81-66-000 and ER81-225-000 indicates that this charge is cost-justified. Moreover, the $0.85/kw/week charge has already been accepted for filing with respect to PSCI.[5] Consequently, we shall accept the demand charges for short-term power for filing to become effective, without suspension, 60 days after completion of the filings on March 14, 1981 (Docket No. ER81-666-000) and March 21, 1981 (Docket No. ER81-225-000).

Our preliminary review, however, does not support the proposed 2 mills/kWh fixed adder in Docket Nos. ER81-666-000 and ER81-225-000. We find that this proposed charge has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Consequently, we shall accept this portion of the submittals in both dockets for filing and we shall suspend operation of the 2 mills/kwh adder as directed below.

In a number of suspension orders, [6] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspension periods may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. We have consistently imposed a nominal suspension for interchange arrangements of the type involved in Docket Nos. ER81-666-000 and Docket No. ER81-225-000, recognizing that such arrangements provide for the mutual availability of necessary services. A one day suspension and the imposition of a refund obligation should protect the affected ratepayers pending the outcome of these consolidated proceedings. We further note that Order Nos. 84 and 84-B anticipated that required limitations on adders for third party transmission service would become effective on or about September 1, 1980. In addition, while the proposed fixed adders have not been shown to be just and reasonable, it appears that such adders can be expected to produce revenues

[1] This submittal was orginally made on October 30, 1980, but was declared deficient by letter order issued December 29, 1980.

[2] See Attachment A for rate schedule designations.

[3] Louisville's original transmittal letter in Docket No. ER81-66-000 also proposed to cancel a service schedule for fuel conservation energy service. By letter dated December 29, 1980, Louisville was requested to provide support for the cancellation of this service and to indicate what service would be offered in place of fuel conservaton energy service in the future if a fuel shortage situtation arose. On January 12, 1981, Louisville responded by indicating that the parties intended to retain the fuel conservation energy rate in accordance with the Commission's order in Docket Nos. ER78-229, *et al.*, establishing principles for fuel conservation energy rate schedules. Louisville's filing in Docket No. ER81-225-000 similarly indicated that the portion of the executed amendment which provided for the cancellation of the fuel conservation energy rate schedule was to be considered a nullity and that the service schedule would remain in effect pending renegotiation of the fuel conservation energy rate.

[4] Notices of the submittals in Docket Nos. ER81-66-000 and ER81-225-000 were issued on November 5, 1980, and January 26, 1981, respectively, with responses due on or before November 25, 1980, and February 13, 1981, respectively.

[5] See Letter order dated October 8, 1980, Docket No. ER80-255.

[6] *E.G., Boston Edison Company*, Docket No. ER80-508 (August 29, 1980) (five month suspension); *Alabama Power Company*, Docket No. ER80-506, *et al.*, (August 29, 1980) (one-day suspension); *Cleveland Electric Illuminating Company*, Docket No. ER80-488 (August 22, 1980) (one-day suspension).

lower than the existing percentage adders. Accordingly, we shall waive the prior notice requirements, and the proposed fixed adders filed in Docket Nos. ER81–666–000 and ER81–225–000 will be suspended for one day to become effective on September 2, 1980.

As noted above, Louisville's previous submittal in Docket No. ER81–136–000 was accepted for filing and allowed to go into effect without suspension as a result of a letter order issued by the Director of the Office of Electric Power Regulation. Since our current review of the filings in Docket Nos. ER81–666–000 and ER81–225–000 indicates that the 2 mills/kWh fixed adder may not be just and reasonable, and since an identical 2 mills/kWh fixed adder was filed in Docket No. ER81–136–000, we are compelled to look into the matter further. Based upon our present analysis, we believe it is in the public interest to institute an investigation pursuant to section 206(a) of the Federal Power Act for the limited purpose of invetigating the fixed adder in Docket No. ER81–136–000.

Since the proposed 2 mills/kWh fixed adder in Docket No. ER81–136–000 is identical to those filed by Louisville in Docket Nos. ER81–66–000 and ER81–225–000, consolidation of these proceedings is appropriate and in the public interest. Futhermore, consolidation of these three dockets with the current proceeding in Allegheny Power System, et al., Docket Nos. ER80–592, *et al.*, is appropriate since common questions of law and fact are presented.

The Commission Orders:

(A Wâiver of the notice requirements is hereby granted with respect to the fixed adders filed in Docket Nos. ER81–66–000 and ER81–225–000.

(B) The proposed 2 mills/KWh fixed adders filed in Docket Nos. ER81–66–000 and ER81–225–000 are hereby accepted for filing and suspended for one day to become effective on September 2, 1980, subject to refund pending hearing and decision.

(C) The proposed rate changes, other then the proposed 2 mills/KWh fixed adder, which have been filed in Docket Nos. ER81–66–000 and ER81–225–000 are hereby accepted for filing to become effective on March 14, 1981, in Docket No. ER81–66–000 and on March 21, 1981, in Docket No. ER–81–000, without suspension.

(D) Docket No. ER81–136–000 is hereby re-opened for the purposes specified in this order.

(E) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure, and the regulations under the Federal Power Act [18 CFR, Chapter I (1980)], a public hearing shall be held concerning the justness and reasonableness of the 2 mills/KWh fixed adders filed in Docket Nos. ER81–66–000 and ER81–225–000, respectively, and currently in effect in Docket No. ER81–136–000.

(F) The proceedings in Docket Nos. ER81–66–000, ER81–225–000, and ER81–136–000 are hereby consolidated with the pending proceedings in Docket Nos. ER80–592, *et al.* for purposes of hearing and decision.

(G) The administrative law judge designated to preside in the consolidated proceeding in Docket Nos. ER80–592, *et al.*, shall determine the appropriate procedures necessary to accommodate consolidation of Docket Nos. ER81–66–000, ER81–225–000, and ER81–136–000, with the existing proceedings.

(H) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A.—*Louisville Gas & Electric Co., Docket Nos. ER81–66–000, ER81–225–000 Rate Schedule Designations*

Docket No. ER81–66–000.
Other party: Public Service Co. of Indiana, Inc.

Designation and Description

Louisville Gas & Electric Co.

(1) Supplement No. 6 to Rate Schedule FPC No. 21; Amendment to Interconnection Agreement
(2) Supplement No. 1 to Supplement No. 6 to Rate Schedule FPC No. 21; Letter Dated January 8, 1981, Stating Intention to Retain Service Schedule F
(3) Supplement No. 7 to Rate Schedule FPC No. 21; Service Schedule A—Emergency Service
(4) Supplement No. 8 to Rate Schedule FPC No. 21; Service Schedule B—Interchange Power
(5) Supplement No. 9 to Rate Schedule FPC No. 21; (Supersedes Supplement No. 1 to Supplement No. 4); Service Schedule E—Short-Term Power

Public Service Co. of Indiana, Inc.

(6) Supplement No. 12 to Rate Schedule FPC No. 208 (Supersedes Supplement Nos. 1, 2, 3 and 10, as Supplemented and Concurs in (1)–(5) Above); Certificate of Concurrence

Docket No. ER81–225–000.
Other party: Big Rivers Electric Corp.

Designation and Description

Louisville Gas & Electric Co.t

(7) Supplement No. 10 to Rate Schedule FPC No. 27; Amendment to Interconnection Agreement
(8) Supplement No. 1 to Supplement No. 10 to Rate Schedule FPC No. 27; Letter Dated January 15, 1981 Stating Intention to Retain Service Schedule E
(9) Supplement No. 11 to Rate Schedule FPC No. 27 (Supersedes Supplement No. 1); Service Schedule A—Emergency Energy
(10) Supplement No. 12 to Rate Schedule FPC No. 27 (Supersedes Supplement No. 2); Service Schedule B—Interchange Energy
(11) Supplement No. 13 to Rate Schedule FPC No. 27 (Supersedes Supplement No. 9); Service Schedule C—Short Term Power

[FR Doc. 81–8473 Filed 3–18–81; 8:45 am]
BILLING CODE 6450–85–M

[Docket No. ER81–322–000]

Louisville Gas & Electric Co.; Filing

March 12, 1981.

The filing Company submits the following:

Take notice that Louisville Gas and Electric Company (LG&E), on March 5, 1981, tendered for filing proposed changes in its Interconnection Agreement between LG&E and East Kentucky Power Cooperative (East Ky.) designated Louisville Gas and Electric Company FPC Rate Schedule No. 25.

The purpose of this filing is to increase the transmission charge as set forth under Article II of the Interconnection Agreement from 0.8 mill per kilowatt-hour to 1 mill per kilowatt-hour, and to increase the demand charge as set forth under Article VI from $0.12 per kilowatt per weekday (Monday through Saturday) to $0.14 per kilowatt per weekday (Monday through Saturday). These proposed revisions reflect a desire on the part of both parties to attain the optimum benefit from the interconnection of their systems.

Copies of the filing were served upon East Ky. and the Energy Regulatory Commission of Kentucky.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N. E., Washington, D. C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 3, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to

become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc.81-8502 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4215-000]

Metropolitan District Commission; Application for Preliminary Permit

March 13, 1981.

Take notice that the Metropolitan District Commission (Applicant) filed on February 17, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for proposed Project No. 4215 to be known as the Tariffville Project located on the Farmington River in Tariffville, Hartford County, Connecticut. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Bernard A. Batycki, District Manager, The Metropolitan District, 555 Main Street, Hartford, Connecticut 06101. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a new 30-foot high, 220-foot long concrete dam at the location of the old Tariffville dam; (2)(a) a new powerhouse at the location of the old powerhouse containing two turbine-generators with a total rated capacity of 3.0 MW; or (b) a diversion structure and 4,000-foot long power conduit extending downstream through Tariffville Gorge to the site of the old dam (which would eliminate the need for a dam) and a new powerhouse, located at the site of the old powerhouse containing two turbine-generators with total rated capacity of 3.0 MW; or (c) a 5,000 to 6,000-foot long tunnel whose intake would be located 1½ miles upstream from the old dam (which would also eliminate the need for a dam) and which would extend across the bend in the river, leading to a new powerhouse located approximately 1,000 to 2,000 downstream from the old dam containing two turbine-generator units with a total rated capcity of 4.5 MW; (3) a transmission line; and (4) appurtenant facilities.

The applicant estimates that the average annual energy output would be up to 20,000 kWh.

Purpose of Project—Energy produced at the project would be sold to Hartford Electric Light Company for distribution to its customers.

Proposed Scope and Cost of Studies Under Permit—The work proposed under the preliminary permit would include preliminary designs and economic analysis and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $75,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to the Tariffville Project, No. 3324 filed on August 15, 1980, by Hartford Electric Light Company under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordane with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedure specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the commission's Rules. Any comments, protests, or petitions to intervene must be received on or before April 7, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 4215. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N. E., Room 208 RB Building, Washington, D. C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8515 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4117-000]

Metropolitan District of Hartford, Connecticut; Application for Preliminary Permit

March 16, 1981.

Take notice that the Metropolitan District of Hartford County, Connecticut, (Applicant) filed on February 5, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4117-000 to be known as the Collinsville Project. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Bernard A. Batycki, District Manager, The Metropolitan District, 555 Main Street, Hartford, Connecticut 06101. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements

specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would include the following existing works: (1) the Collins Company Upper Dam, having a height of 32 feet and a length of 660 feet. The dam impounds a reservoir of 55 surface acres and a storage capacity of 350 acre-feet; (2) the Collins Company Lower Dam, having a height of 33 feet and a length of 400 feet. The dam impounds a reservoir of 40 surface acres and a storage capacity of 160 acre-feet; (3) the Goodwin Dam, having a height of 125 feet and a length of 900 feet. The dam impounds a reservoir of 215 surface acres and 8,900 acre-feet of storage; (4) the Nepaug Dam, having a height of 133 feet and a length of 600 feet; (5) the Phelps Brook Dam, having a height of 67 feet and a length of 1,250 feet. The Nepaug and Phelps Brook Dams together impound the Nepaug Reservoir having 900 surface acres and 34,120 acre-feet of storage capacity; (6) the Saville Dam, which impounds the Barkhamsted Reservoir, having a storage capacity of approximately 92,000 acre-feet; (7) a powerhouse at the Collins Company Upper Dam, which would be restored and would have an installed generating capacity of 1,500 kW. Alternately, the Applicant might construct a new powerhouse; (8) a powerhouse at the Collins Company Lower Dam, which would be restored and would have an installed generating capacity of 1,500 kW. Alternately, the Applicant might construct a new powerhouse; (9) a proposed powerhouse, which would utilize flows from the Nepaug and Barkhamsted Reservoirs and would have an installed generating capacity of 2,500 kW; and (10) appurtenant works.

The project would have a total installed generating capacity of 5,500 kW, and an estimated average annual energy output of 19,000,000 kWh.

Purpose of Project—Project energy would be sold to the Hartford Electric Light Company, or to local users of electric energy.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of two years, during which time Applicant would investigate the power generation, construction, economic, environmental, historic, and recreational aspects of the project. Depending upon the outcome of the studies, the Applicant would decide how to proceed with further environmental studies, project designs, and an application for a FERC license.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to the Collins Company Dams Project No. 3271, filed on July 29, 1980, by Water Power Development Corporation under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 7, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4117. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's Regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8474 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-166-000]

Missouri Utilities Co.; Filing

March 12, 1981.

The filing company submits the following:

Take notice that on or about February 17, 1981, Missouri Utilities Company submitted for filing a compliance report pursuant to the Commission's order, dated February 6, 1981, in the above-referenced proceeding.

A copy of this filing has been sent to the parties to this proceeding.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before April 3, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8492 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER80-66-001, ER80-67-002, ER80-68-001, ER80-220-001]

New England Power Co.; Filing

March 12, 1981.

The filing company submits the following:

Take notice that on February 23, 1981, New England Power Company submitted for filing a compliance report pursuant to the Commission's order, dated November 26, 1980, in the above referenced proceeding.

A copy of this filing has been sent to the parties to this proceeding.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before April 3, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8493 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-321-000]

Ohio Power Co.; Filing

March 12, 1981.

The filing Company submits the following:

Take notice that American Electric Power Service Corporation (AEP) on March 9, 1981, tendered for filing on behalf of its affiliate Ohio Power Company (OPCo.), Modification No. 16 dated February 23, 1981 to the Operating Agreement dated June 14, 1962 between The Cleveland Electric Illuminting Company and Ohio Power Company, OPCo.'s Rate Schedule FERC No. 31.

Sections 1 and 2 of Modification No. 16 provide for an increase in the demand charge for Short Term and Limited Term Power from $0.85 to $1.05 per kilowatt per week and $4.50 to $5.50 per kilowatt per month respectively. Both schedules proposed to become effective February 23, 1981.

Applicant states that since the use of Short Term Power and Limited Term Power cannot be accurately estimated, for the twelve-month period succeeding the date of filing, it is impossible to estimate the increase in revenues resulting from its modification for such period. Applicant's Appendix V which was included with the filing of this modification, demonstrates that the increase in revenues which would have resulted had the modification been in effect during the twelve-month period ending December 1980 would have been $4,009,642.88 (i.e., from $86,474,006.74 to $90,483,649.62) for Short Term power and $5,100,000.00 (i.e., from $98,052,425.50 to $103,152,424.50) for Limited Term Power.

Copies of the filing were served upon The Cleveland Electric Illuminating Company and the Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 3, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8503 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA 81-2-40-000 (PGA 81-2)]

Raton Natural Gas Co.; Change in Rates

March 12, 1981.

Take notice that Raton Natural Gas Company (Raton), on March 6, 1981, tendered for filing proposed changes in its FERC Gas Tariff, Volume No. 1, consisting of Twenty-fourth Revised Sheet No. 3a. The change in rates is for jurisdictional gas service. The proposed effective date is April 1, 1981.

Raton states that the instant notice of change in rates is occasioned solely for decrease in the cost of gas purchased from Colorado Interstate Gas Company (CIG). The tracking of CIG gas cost decrease results in decrease in Demand Rate-from $1.85 to $1.79 and decrease in Commodity Rate from 305.16¢ to 302.84¢ per MCF. The annual revenue decrease, by reason of the tracking, amounts to $25,482.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.9 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.9, 1.10). All such petitions or protests should be filed on or before March 23, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

Copies of this filing are on file with the Commission and are available for inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8494 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81 316-000]

Southeastern Electric Power Co., Filing

March 12, 1981.

The filing Company submits the following:

Take notice that on March 5, 1981, Southwestern Electric Power Company (SWEPCO) tendered for filing an Agreement between SWEPCO and Gulf States Utilities Company (Gulf States) dated October 2, 1978, which provides for SWEPCO to offer to sell and GSU to purchase capacity without reserves from specific generating units according to the following schedule:

Period	Unit	Megawatt rated capability	Megawatt offered	Estimated unit cost per dollar kilowatt
June 1, 1981 to May 31, 1982.	Flint Creek No. 1.	264	90	260
June 1, 1982 to May 31, 1983.	Welsh No. 3...	528	150	296
June 1, 1983 to May 31, 1984.	Welsh No. 3...	528	115	296

SWEPCO states that it desires to sell the capacity from these units in order to reduce its reserves and Gulf States desires to purchase this capacity to assist in meeting its load requirements.

SWEPCO further states that energy schedule to be delivered each month shall be primary energy which is that energy scheduled up to 146 hours times the maximum Kilowatts established during the billing months, and secondary energy which is the scheduled energy which exceeds 146 hours times the maximum Kilowatts established during the billing month but not to exceed, in the aggregate, 438 hours times the maximum Kilowatts used during the same billing month.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8

and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 3, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8504 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-41-000 (PGA81-2)]

Southwest Gas Corp.; Change in Rates Pursuant to Purchased Gas Cost Adjustment

March 12, 1981.

Take notice that Southwest Gas Corporation ("Southwest") on February 27, 1981 tendered for filing Tenth Revised Sheet No. 10 and Second Revised Sheet No. 10A pursuant to Section 9, Purchased Gas Adjustment Clause ("PGA"), of the General Terms and Conditions contained in its FERC Gas Tariff, Original Volume No. 1. The purpose of said filing is to reflect a reduction in rates occasioned by a decrease in rates from Southwest's northern Nevada sole supplier of gas, Northwest Pipeline Corporation, effective April 1, 1981. The proposed effective date for Southwest's proposed reduction in rates is April 1, 1981.

Southwest states that a copy of this filing has been mailed to the Nevada Public Service Commission, the California Public Utilities Commission, Sierra Pacific Power Company and CP National.

Any person desiring to be heard, or to protest said filing, should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 24, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8495 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3926-000]

Mr. Edward D. Stone, Jr., and Mr. Robert V. Stone; Application and Preliminary Permit

March 13, 1981.

Take notice that Mr. Edward D. Stone, Jr. and Mr. Robert V. Stone (Applicant) filed on January 5, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3926 to be known as the Stone Project located on the Eightmile River in New London County, Connecticut. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert V. Stone; 24 West 69th Street; Apartment 25; New York, New York 10023. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an existing 10 foot high, two section stone dam having a length of 70 feet; (2) an existing stone and concrete spillway; (3) the existing Mill Pond having a surface area of approximately 20 acres with a normal surface elevation of 24.37 feet; (4) an existing flume; (5) an existing penstock; (6) a new powerhouse having an installed generating capacity of 85 kW; (7) an existing tailrace; (8) new transmission lines and switchyard equipment; and (9) appurtenant works. The Mill Pond and Dam are owned by the Lyme Land Conservation Trust. The Applicant estimates that the average annual energy output would be 500,000 kWh.

Purpose of Project—Project energy would be sold to local public utilities.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years during which time the Applicant would investigate and generate project design alternatives, financial feasibility, environmental effects of project construction and operation and power output potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the costs of studies under the permit would be $15,650.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, state and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 13, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a4 petition to intervene in accordance with the Commission's Rules. Any comments,

protest, or petition to intervene must be received on or before May 13, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3926–000. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's Regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 N. Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–8510 Filed 3–18–81; 8:45 am]

BILLING CODE 6450–85–M

[ER81–324–000]

Union Electric Co.; Filing

March 12, 1981.

The filing Company submits the following:

Take notice that on March 9, 1981, Union Electric Company tendered for filing under Appendix B of the Interconnection Agreement between Central Illinois Public Service Company, Illinois Power Company, and Union Electric Company a new connection point and a revision to an existing connection point. Also included in the filing is a new Appendix "I" and an Amended Appendix "C" to the Facility Use Agreement between Union Electric Company and Central Illinois Public Service Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before April 3, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are available for public inspection at the Federal Energy Regulatory Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–8505 Filed 3–18–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket Nos. ER80–379–001 and ER80–380–001]

Utah Power & Light Co.; Filing

March 12, 1981.

The filing company submits the following:

Take notice that on December 5, 1980, Utah Power and Light Company, (UPL) submitted for filing revised sheets in UPL's F.E.R.C. Electric Tariff, Original Volume No. 1.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 24, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–8496 Filed 3–18–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER81–310–000]

The Washington Water Power Co.; Filing

March 12, 1981.

The filing Company submits the following:

Take notice that on March 2, 1981, The Washington Water Power Company (Washington) tendered for filing copies of a service schedule applicable to what Washington refers to as a "Capacity Sales Agreement" between Washington and the City of Seattle, Department of Lighting (Seattle) for the sale of capacity. Washington states that the capacity will be made available to Seattle from November 1, 1980, through February 28, 1981.

Washington requests that the requirements of prior notice be waived and the effective date be made retroactive to November 1, 1980, adding that there would be no effect upon purchasers under other rate schedules.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 31, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–8506 Filed 3–18–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER81–326–000]

West Texas Utilities Co.; Filing

March 12, 1981.

The filing Company submits the following:

Take notice that West Texas Utilities Company ("WTU") on March 9, 1981 tendered for filing as an initial rate schedule an agreement between WTU and the South Texas Electric Cooperative, Inc. ("STEC"). The agreement provides for sales of economy energy from WTU to STEC and from STEC to WTU.

Copies of the filing were served upon STEC and the Public Utility Commission of Texas.

Any person desiring to be heard or to protest said rate schedule should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 or the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before April 3, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the

Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8497 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-323-000]

Wisconsin Public Service Corp.; Filing

March 12, 1981.

The filing Company submits the following:

Take notice that Wisconsin Public Service Corporation on March 9, 1981 tendered for filing a revised certified map of the City of Wisconsin Rapids, Wood County, Wisconsin. This revision reflects the addition of a small area in the City of Wisconsin Rapids, Wood County, Wisconsin, to the area to be served by Wisconsin Public Service Corporation.

Copies of the filing were served upon the City of Wisconsin Rapids.

The agreement is to be effective May 11, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 3, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8498 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP80-38]

Zenith Natural Gas Co. and Gulf Oil Corp.; Protest To Charge and Collect Section 108 of NGPA Price

March 13, 1981.

Take notice that on February 27, 1981 Zenith Natural Gas Company (Zenith) filed with the Federal Energy Regulatory Commission (Commission), a protest pursuant to 18 CFR 154.94 to any proposed rate change described in any blanket affidavit filed under 18 CFR 154.94(h)(i), any interim collection filing made pursuant to 18 CFR 273.202, or any rate change filing by Gulf Oil Corporation (Gulf), selling gas to Zenith insofar as any blanket affidavit, interim collection or rate change filing pertains to the collection of the maximum lawful price prescribed under section 108 of the Natural Gas Policy Act of 1978 (NGPA) for gas sales to Zenith under Rate Schedule No. 598 of Gulf, and the gas purchase contract related thereto, dated March 14, 1929.

Zenith asserts that Gulf claims to have the contractual authority to collect the maximum lawful price under section 108 of the NGPA, but that the above-mentioned contract does not authorize the collection of this price

These contracts are on file with the Commission and are open to public inspection.

Any person desiring to be heard or to protest said filings should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before April 6, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8507 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of Implementation of Special Refund Procedures and Solicitation of Comments.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy solicits comments concerning the appropriate procedures to be followed in refunding to members of the public $1,629,000 in consent order funds. Separate escrow accounts of $1,100,000 and $529,000 were established by the Aluminum Company of America and Palo Pinto Oil and Gas Company, respectively, in settlement of enforcement proceedings brought by the Office of Enforcement of the Department of Energy.

DATES AND ADDRESSES: Comments must be filed on or before April 18, 1981, and should be addressed to the Office of Hearings and Appeals, Department of Energy, 2000 M Street, N.W., Washington, D.C. 20461. All comments should display conspicuously a reference to case numbers BEF-0021 and BEF-0034.

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Acting Deputy Director, Office of Hearings and Appeals, Department of Energy, 2000 M Street NW., Washington, D.C. 20461, (202) 653-3137.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(b) of the procedural regulations of the Department of Energy, 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision and Order relates to two consent orders. One consent order was entered into by the Aluminum Company of America (Alcoa) and the Office of Enforcement of the DOE's Economic Regulatory Administration. *See* 44 FR 41908 (1979); 44 FR 67210 (1979). The Alcoa consent order was intended to settle all disputes between the DOE and Alcoa regarding Alcoa's first sale prices of natural gas liquids (NGLs) from its Point Comfort natural gas processing plant during the period September 1973 through December 1978. Under the terms of the consent order, Alcoa has deposited $1,100,000 into an escrow account. The other consent order was entered into by Palo Pinto Oil and Gas Company (Palo Pinto) and the ERA's Office of Enforcement. *See* 44 FR 41286 (1979). The Palo Pinto consent order was intended to settle all disputes between the DOE and Palo Pinto regarding first sale prices of NGLs from the firm's Markley natural gas processing plant during the period September 1973 through December 1978. Under the terms of this consent order, Palo Pinto has deposited $529,000 into an escrow account. In both consent orders, the parties stipulated that the refunds would be distributed by the DOE pursuant to 10 CFR, Part 205, Subpart V.

The Proposed Decision and Order sets forth procedures and standards that the DOE has tentatively formulated in order to distribute the contents of the escrow accounts funded by Alcoa and Palo Pinto. The DOE has tentatively decided that Applications for Refund should be accepted from the three initial purchasers of NGLs from the two plants during the covered period. We have also determined that Applications for Refund should be accepted from downstream

customers who bought products produced with or from the NGLs sold by Alcoa or Palo Pinto during the relevant time period. The Proposed Decision and Order states that in order to establish entitlement to some portion of the funds, a purchaser should provide all relevant information pertaining to a claim, including information concerning the date and place of purchase of the relevant product, information concerning whether increased costs incurred were retained or passed through to other purchasers by the claimant, and information reflecting the extent of any injury incurred, including the price and volume of product purchased.

The Proposed Decision and Order further provides a mechanism for distributing the funds remaining after all valid claims are paid.

The Proposed Decision and Order states DOE's view that the remainder of the consent order funds should be distributed through the three initial purchasers to persons or groups of persons who are likely to have suffered any overcharge injury. The DOE therefore solicits proposals from those three firms which set forth appropriate mechanisms for returning these moneys to the parties who likely paid increased prices as a result of the alleged overcharges. The DOE also invites proposals from other entities as well.

It should be pointed out that until final procedures are adopted, no claims for refunds can be accepted. Applications for Refund therefore should *not* be filed at this time. Appropriate public notice, including notice published in the **Federal Register**, will be given when the processing of claims is begun. No less than 90 days from publication of such notice in the **Federal Register** will be provided for the filing of claims.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to submit two copies of their comments. Comments should be submitted on or before April 18, 1981, and should be addressed to the address set forth at the beginning of this notice. All comments received in this proceeding will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals, located in Room B–120, 2000 M Street, N.W., Washington, D.C. between the hours of 1:00 to 5:00 p.m., Monday through Friday, except Federal holidays.

Dated: March 13, 1981.

Thomas L. Wieker,

Acting Director, Office of Hearings and Appeals.

Proposed Decision and Order of the Department of Energy

March 13, 1981.

Special Refund Procedures

Name of Petitioner: Office of Enforcement, Economic Regulatory Administration: In the Matters of Aluminum Company of America and Palo Pinto Oil and Gas Company

Dates of Filing: December 15, 1980; February 13, 1981

Case No. BEF–0021; BEF–0034

Under the procedural regulations of the Department of Energy, the Economic Regulatory Administration's Office of Enforcement (OE) may request the Office of Hearings and Appeals to formulate and implement a specially-designed process to distribute funds received as a result of an enforcement proceeding in order to remedy the effects of alleged violations of the DOE regulations. 10 CFR, Part 205, Subpart V. In accordance with these regulatory provisions, the OE recently filed Petitions for the Implementations of Special Refund Procedures in connection with Consent Orders entered into with the Aluminum Company of America (Alcoa) and Palo Pinto Oil and Gas Company (Palo Pinto). Pursuant to the two Consent Orders, Alcoa and Palo Pinto agreed to make refunds for alleged violations of the DOE price regulations in the amounts of $1,100,000 and $529,000, respectively. The funds are now being held in an escrow account under the jurisdiction of the DOE pending receipt of instructions from the DOE regarding their final distribution.

I. Background

Both Alcoa and Palo Pinto are "gas plant owners" within the meaning of 10 CFR 212.162. During the relevant time periods, they were therefore subject to the Mandatory Petroleum Price Regulations set forth in 6 CFR, Part 150, Subpart L, and 10 CFR, Part 212, Subparts E and K. Those regulations governed the prices charged in the first sales of natural gas liquids (NGLs). As a part of its enforcement activities, the OE conducted audits of certain Alcoa and Palo Pinto natural gas processing plants. The funds involved in this decision were obtained as a result of Consent Orders agreed to in settlement of alleged overcharge by the two firms in the sale of NGLs.

The ERA's audit of Alcoa's Point Comfort gas plant revealed possible pricing violations with respect to Alcoa's first sales of NGLs during the period September 1973 through December 1978. Alcoa's sole purchaser of NGLs from the Point Comfort plant during this period was the Tenneco Oil Company (Tenneco). In order to settle all claims and disputes between the parties regarding Alcoa's first sale prices of NGLs from the Point Comfort plant, Alcoa and the ERA entered into a Proposed Consent Order on June 18, 1979. In the Proposed Consent Order, Alcoa agreed to pay $1,100,000 to the DOE. The parties further agreed that the $1,100,000 would be distributed by the DOE pursuant to 10 CFR, Part 205, Subpart V. Notice of the Proposed Consent Order was published in the **Federal Register** on July 18, 1979. *See* 44 FR 41908 (1979). Interested persons were provided an opportunity to comment on the terms of the Proposed Consent Order and to submit written notice to ERA of potential claims against the settlement funds. In response, Tenneco submitted a claim for the $1,100,000 fund. No comments were received. The Proposed Consent Order was finalized without modification on November 16, 1979. *See* 44 FR 67210 (1979).

In its audit of Palo Pinto's Markley gas plant, the ERA similarly found possible violations with respect to first sales of NGLs during the period September 1973 through December 1978. Palo Pinto sold NGLs from the Markley Gas plant to only two refiners during this period: Warren Petroleum Corporation (Warren) and GTM Corporation (GTM). According to the ERA, 94.4 percent of the total alleged overcharges are attributable to sales to Warren, which purchased NGLs from Palo Pinto for 35 months of the relevant period. The ERA calculated that 5.6 percent of the alleged overcharges occurred in sales to GTM, which purchased NGLs from Palo Pinto during only four months of the relevant period.

On June 28, 1979, the ERA and Palo Pinto entered into a Consent Order under which Palo Pinto agreed to refund $529,000 (*1*) in settlement of all claims and disputes between the parties arising out of the Markley gas plant audit. Again, the parties stipulated that the refunds were to be distributed by the DOE pursuant to Subpart V proceedings. Notice of the Consent Order was published in the **Federal Register** on July 16, 1979. *See* 44 FR 41286 (1979). Interested parties were given an opportunity to comment on the terms of the Consent Order and invited to submit notice of potential claims against the refund account. The DOE also issued a press release regarding the proposed Consent Order. No comments or claims

were received in response to the Notices.

II. Jurisdiction

Section 205.280 of the DOE procedural regulations provides that special refund procedures may be adopted by the Office of Hearings and Appeals upon petition by a DOE enforcement official when that official is unable to readily identify persons who are entitled to refunds specified in a remedial order or in a consent order. In the Alcoa and Palo Pinto Consent Orders, the parties stipulated that since the initial purchasers from the firms were refiners, it is likely that any overcharges have been passed through as higher prices to subsequent purchasers. Because the ultimate consumers who paid higher prices are not readily identifiable, the parties to the Alcoa and Palo Pinto Consent Orders agreed that refunds would be made pursuant to Subpart V proceedings.

In reaching a determination to accept jurisdiction in prior Subpart V proceedings, we have considered the following factors: (1) whether the refund amount at issue is large enough to justify the employment of special refund procedures; (2) the complexity of the issues involved; and (3) the importance of providing notice and opportunity to comment to interested parties. *See generally Office of Enforcement*, 4 DOE ¶82,567 (1979).

The Alcoa case involves $1,000,000. In the Palo Pinto case, $529,000 is at issue. These amounts are certainly substantial enough to justify the employment of special refund procedures. *See, e.g., Office of Enforcement*, 4 DOE § 82,574 (1979). On several prior occasions, we have held that cases in which there were only a few initial purchasers did not present issues of sufficient complexity to warrant the implementation of special refund procedures. *See, e.g., Office of Enforcement*, 5 DOE ¶82,520 (1980). However, those decisions were reached at a time when the DOE had a comprehensive price regulation scheme in effect which could facilitate the channeling of refunds through price reductions to ultimate consumers.

As a result of decontrol, there is uncertainty regarding the effectiveness of price rollbacks as a method of making restitution to purchasers who were overcharged in the past. Moreover, to effect restitution to the parties actually injured by the alleged overcharges, a determination must be made regarding the extent to which the first purchasers absorbed the overcharges, or passed the higher costs through to their customers by raising their prices. As noted above, the sole first purchaser of the NGLs from Alcoa's Point Comfort plant during the period covered by the consent order was Tenneco. Similarly, Palo Pinto had only two first purchasers during the relevant period—Warren and GTM. We believe that the present Subpart V proceedings offer the most appropriate forum in which to adjudicate the claims of these three firms to portions of the consent order funds. Furthermore, we think that Tenneco, Warren, and GTM can effectively assist the DOE in identifying the downstream customers who are entitled to receive any remaining portions of the consent order funds. Accordingly, we will grant the Office of Enforcement's Petitions for Implementation of Special Refund Procedures, and accept Subpart V jurisdiction over the consent order funds obtained from Alcoa and Palo Pinto.

III. Authority to Fashion Refund Procedures

In several recent decisions we have explained the OHA's authority to conduct special refund proceedings under Subpart V. *See, e.g., Office of Enforcement*, No. DFF-0006, 46 FR 15320 (1981) (Proposed decision) (hereinafter cited as *Vickers); Office of Special Counsel*, 4 DOE ¶82,511 (1979). Subpart V authorizes the Office of Hearings and Appeals to fashion special procedures to distribute refunds obtained as part of settlement agreements. These provisions of the DOE regulations are intended to implement several different statutes. Congress provided for the mandatory allocation and pricing of crude oil, residual fuel oil, and refined petroleum products in the Emergency Petroleum Allocation Act of 1973 (EPAA), 15 U.S.C. 751 *et seq.* (1976). Natural gas liquids are petroleum products for the purposes of the EPAA and are therefore subject to its provisions. *Mobil Oil Corp. v. FEA*, 566 F.2d 87 (Temp. Emer. Ct. App. 1977). The enforcement mechanisms for regulations issued under the EPAA were specified in the Economic Stabilization Act (ESA), 12 U.S.C. 1904 note (1970). EPAA, § 5(a), 15 U.S.C. 754(a).

The authority contained in the foregoing statutes to issue and enforce regulations with respect to petroleum allocation and pricing was delegated to the Administrator of the Federal Energy Administration and subsequently to the Secretary of Energy. Federal Energy Administration Act (FEAA), § 5, 15 U.S.C. 765 (1974); Department of Energy Organization Act (DOE Act), 201(a), 42 U.S.C. 7151(a) (1979). To carry out the statutory mandates, the regulations of the Cost of Living Council, the Federal Energy Office, the Federal Energy Administration, and the Department of Energy have provided throughout the existence of the price control program for the issuance of remedial orders "requiring a person to cease a violation or to eliminate or compensate for the effects of a violation, or both." 6 CFR 155.81(b) (1973); 10 CFR 205.2 (1974) (defining "remedial order").

In order to implement these statutory and regulatory goals the DOE's enforcement process is designed to accomplish two independent ends: disgorgement of the fruits of a regulatory violation from the wrongdoer, and restitution to persons injured by the regulatory violation. *See generally, Vickers*, slip op. at 4. The latter objective—restitution to overcharged persons—furthers the specific EPAA goals of "equitable distribution of * * * refined petroleum products at equitable prices * * * among all users" and "economic efficiency." 15 U.S.C. 753(b)(1)(F), (H).

IV. Proposed Refund Procedures

In view of the objectives expressed in the statutes and regulations discussed above, and the Consent Orders themselves, procedures should be devised in these two cases which, to the maximum extent practicable, provide for the distribution of the refund amounts to parties on whose behalf the settlements were negotiated.

As we stated in *Vickers*, restitution is the primary focus of Subpart V, which authorizes the Office of Hearings and Appeals to formulate and implement a process "pursuant to which refunds may be made to injured persons in order to remedy the effects of a violation" of DOE regulations. 10 CFR 205.280. The Subpart V process is intended to provide refunds whenever possible to the persons or firms who were injured by overcharges during a particular period. It offers a means of compensation for many individuals who lack the resources or the financial stake to institue their own private lawsuits under Section 210 of the ESA. The Subpart V process can also be an efficient administrative mechanism for returning overcharges to affected parties which avoids lengthy and costly court actions. The distribution of funds to overcharged persons should generally take place in two primary ways: (1) payment of funds to persons and firms who file individual applications for refund and prove they are entitled to a portion of the funds held in trust, and (ii) payment of funds on behalf of injured persons to entities which can themselves implement restitution which furthers the foregoing purposes. The Subpart V regulations specify that "any

remaining funds * * * shall be deposited in the United States Treasury or distributed in any other manner specified in the Decision and Order referred to in § 205.282(c)." 10 CFR 205.288(c).

A. Refunds to Identifiable Purchasers

As a first step, the consent order funds should be distributed to claimants who successfully identify themselves as adversely affected purchasers. While we recognize that it is likely that Tenneco, Warren, and GTM (the first purchasers) passed on some portions of the alleged overcharges to their own customers, they will of course be afforded an opportunity to demonstrate the extent to which they did not actually do so. To the extent that Tenneco, Warren, and GTM can establish that they absorbed the price increases rather than passing them through to customers, they will be entitled to receive refunds themselves. In order to qualify for a refund, a first purchaser will be required to demonstrate that during the period covered by the relevant Consent Order it could have kept its prices at the same level if it had experienced a cost reduction equal to the amount of the refund claimed. In order to show this, a firm must demonstrate that at the time it purchased covered products from Alcoa or Palo Pinto it had unrecovered product costs which were at least equal to the amount of the refund claim, and that market conditions would not permit it to increase its prices to pass through the higher costs. In addition, it must have maintained a "bank" of unrecovered costs during each month thereafter in order to demonstrate that it did not subsequently recover these costs by increasing its prices. The amount of the refund will be limited to the amount of unrecovered costs available to the claimant for recovery through price increases. *See Office of Special Counsel for Compliance*, 4 DOE ¶ 82,511. If the three initial purchasers are able to make these showings, the entire amount of the funds at issue in this proceeding will be disbursed to them. In the event they are unable to make a satisfactory showing, the next group of persons who will be entitled to receive a portion of these funds are those firms and individuals who purchase NGLs and natural gas liquid products (NGLPs) from the first purchasers.

In order to establish entitlement to a refund, any person identifying itself as an injured party must demonstrate initially that it purchased a specific quantity of products which were produced with or from the NGLs sold by Alcoa or Palo Pinto during the relevant time period. Privity with Alcoa, Palo Pinto, or one of the three refiner-first purchasers need not be established; evidence need only be presented that the products purchased by the claimants flowed through a chain of distribution from Alcoa or Palo Pinto. In addition, unless the purchaser is an ultimate consumer, it must demonstrate that it did not pass through any cost increases resulting from the alleged overcharges to its own customers. For example, purchasers who resold the identified products must show that market conditions did not permit them to raise prices charged to downstream customers, and that as a result they were forced to absorb any cost increases incurred. In the absence of that showing, we must conclude that the claimant was not injured in any way by the alleged overcharge. *See Vickers*, slip. op. at 6; *Office of Special Counsel for Compliance*, 4 DOE ¶ 82,511 at 85,043–44 (1979). Refunds to purchasers who establish their entitlement to a refund would be made on a volumetric basis—*i.e.*, the refund would be based on the proportion of NGLs purchased by the applicant to the total amount of NGLs sold by Alcoa from the Point Comfort gas processing plant and by Palo Pinto from the Markley gas processing plant.

Any purchaser claiming a portion of the refund amount will be entitled to file an Application for Refund pursuant to 10 CFR 205.283. Applications should provide all relevant information pertaining to a claim for refunds of alleged overcharges, including the type of information described above concerning the date and place of purchase, the retention of increased costs, and information reflecting the extent of any injury incurred, including the price and volume of product purchased.

Detailed procedures for filing applications will be provided in a final Decision and Order. Before disposing of any of the funds received from Alcoa and Palo Pinto, we intend to provide the maximum possible notice of the distribution process and the opportunity to file claims. This notice will be provided to parties who may wish to request a refund by identifying themselves as adversely affected purchasers.

In addition to publishing notice in the **Federal Register**, notice will be provided in trade journals and in the areas in which Tenneco, Warren, and GTM marketed their respective products during the period covered by the Consent Orders. As a final matter, we note that refund applications filed on behalf of groups of claimants identifying themselves as adversely affected purchasers will be considered. Applications that are submitted on behalf of groups of purchasers will be evaluated on a case-by-case basis as received.

B. Distribution of the Remainder of the Refund Amount

After the claims of parties identifying themselves as adversely affected purchasers of the Alcoa and Palo Pinto NGLs have been filed and appropriate refunds to those purchasers have been made, the refund amounts provided by the firms pursuant to the Consent Orders are likely to be diminished but not exhausted. In view of the relatively small sums of money likely to be involved in many ultimate consumer claims, and the improbability that such consumers will possess detailed records regarding the validity of their claims, we anticipate that the foregoing showing of entitlement can be made by only limited numbers of persons. *See Vickers*, slip. op. at 7. The fact that claims to specific refunds may not have been proven, however, does not mean that injury has not occurred. Rather, the absence of claims for the full amount of the settlement would tend to reflect the difficulty of establishing a valid claim for a portion of the consent order funds.

As discussed above, the remaining amount should be distributed in accordance with the broadly conceived goals announced in the DOE's enabling legislation and implementing regulations. Consequently, the remaining funds should be distributed to groups of ultimate consumers who were likely to have borne a portion of the higher prices charged by Alcoa and Palo Pinto. This philosophy was reflected in our recent decision in *Vickers*, in which we proposed to return unclaimed portions of the consent order funds to ultimate consumers through organizations such as public utilities which are required by law to pass through the benefits of any cost reductions to their customers. In that decision we stated our belief that the class of customers of public utilities in the affected area was likely to bear a close relationship to the class of customers who were adversely affected by Vickers' pricing policies. *See Vickers*, slip. op. at 8–10.

The present case, however, is significantly different from *Vickers*. As an initial matter, the marketing and distribution of NGLs is much different from the marketing of motor gasoline through independent retail outlets. A significant proportion of the NGLs involved here were in all likelihood sold

for processing into other types of products such as petrochemicals. Although the effect of Vickers' pricing policies were isolated in an eight-state area, there is no indication in the present record regarding the geographic area in which the impact of the price increases was likely to have occurred.

As noted earlier, we believe that the first purchasers of the NGLs from Alcoa and Palo Pinto could most effectively assist the DOE in channeling the remaining Consent Order funds to persons who are most likely to have suffered any overcharge injury. Consequently, we propose to distribute any funds remaining after payments are made to successful claimants through Tenneco, Warren, and GTM. We solicit proposals from those three firms which set forth appropriate mechanisms for returning these moneys to the parties who likely paid increased prices as a result of the alleged overcharges. These plans should identify groups of end-users who were likely to have been adversely affected by the Alcoa and Palo Pinto price increases. To this end, each firm should take into account its distribution and marketing system and its method of calculating prices during the relevant period. To the extent that product purchases from the Point Comfort and Markley gas plants can be isolated in the appropriate distribution systems, the plans should limit the proposed refunds to customers who were downstream purchasers of the NGLs covered by the Consent Orders. The plans should also provide, as much as practicable, for a method by which to exclude from participation in this stage of the refund proceeding any purchasers who recovered a portion of the consent order funds during the prior distribution to successful claimants. In developing the foregoing plans, the first purchasers should give paramount consideration to the cost efficiency and an administrative ease of any proposed refund plan. For example, to the extent that the NGLs were used by agricultural producers, the plan may propose to distribute funds through agricultural cooperatives in the affected areas rather than to individuals.

We believe that the first purchasers of the Alcoa and Palo Pinto NGLs are, in the present cases, uniquely situated to provide a mechanism whereby refunds can be made to adversely affected parties. Of course, there may be other entities that might wish to submit proposals suggesting either a distribution scheme through which the first purchasers could channel remaining funds to injured parties, or an alternative method of distribution for the unclaimed Alcoa and Palo Pinto consent order funds. We invite any party interested in submitting such a plan to do so.

It is therefore ordered that: The $1,100,000 refund amount provided by the Aluminum Company of America and the $529,000 refund amount provided by Palo Pinto Oil and Gas Company will be distributed in accordance with the foregoing Decision.

Footnote

(1) The total refund amount of $529,000 includes a principal amount of $434,822 and interest of $94,178.

[FR Doc. 81-8524 Filed 3-18-81; 8:45 am]
BILLING CODE 6450-01-M

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals Department of Energy.

ACTION: Notice of implementation of special refund procedures and solicitation of comments.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy solicits comments concerning the appropriate procedures to be followed in refunding to members of the public a $2,000,000 fund established by Conoco, Inc., in settlement of enforcement proceedings brought by the Office of Special Counsel for Compliance of the Department of Energy.

DATES AND ADDRESSES: Comments must be filed on or before April 18, 1981, and should be addressed to the Office of Hearings and Appeals, Department of Energy, 2000 M Street, N.W., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Acting Deputy Director, Office of Hearings and Appeals, Department of Energy, 2000 M Street, NW., Washington, D.C. 20461, (202) 653-3137.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(b) of the procedural regulations of the Department of Energy, 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision and Order relates to a consent order between Conoco, Inc. and the Office of Special Counsel for Compliance of the DOE's Economic Regulatory Administration. *See* 43 FR 38925 (1978). The consent order is intended to settle various disputes between the DOE and Conoco with regard to prices charged by the firm in sales of motor gasoline and No. 2 heating oil to Foremost Petroleum Company and M & A Petroleum Company during the period March 6, 1973 through November 30, 1973. Under the terms of the consent order, Conoco has deposited $2,000,000 plus interest into an escrow account. The DOE agreed in the consent order to establish and administer a claims procedure to be followed by persons asserting a right to any portion of the payment which Conoco made.

The Proposed Decision and Order sets forth procedures and standards that the DOE has tentatively formulated in order to distribute the contents of the escrow account funded by Conoco. Since Foremost and M & A have agreed to waive all claims for refunds which they might have against Conoco, the DOE has tentatively decided that Applications for Refund should be accepted from purchasers of motor gasoline or No. 2 heating oil sold by foremost or M & A during the period covered by the consent order. The Proposed Decision tentatively identifies an area consisting of fourteen states (Texas, Louisiana, Mississippi, Alabama, Georgia, Tennessee, South Carolina, North Carolina, Virginia, Maryland, Pennsylvania, Delaware, New Jersey and New York) and the District of Columbia in which purchasers affected by the alleged Conoco overcharge are most likely to be found. The Proposed Decision and Order states that in order to establish entitlement to some portion of the funds, a purchaser including should provide all relevant information pertaining to a claim, information concerning the date and place of purchase of heating oil or motor gasoline traceable to Foremost or M & A, information concerning whether increased costs incurred were retained or passed through to other purchasers by the claimant, and information reflecting the extent of any injury incurred, including the price and volume of product purchased.

The Proposed Decision and Order further provides a mechanism for distributing the funds remaining after all valid claims by purchasers of the refined products are paid. The Proposed Decision and Order states DOE's view that the remainder of the Conoco funds should be distributed directly to the types of organizations that are required by applicable law to pass through the benefits of the refund to ultimate consumers of energy in the area in which the effects of the alleged overcharges were experienced. The DOE therefore proposes in the present case to distribute the remaining portions of the Conoco funds to electric utilities which have fuel adjustment clauses or other mechanisms requiring the benefit

of a refund to be passed through to the consuming public in the form of lower electric utility rates. Of course, there may be other entities, such as state governments in the affected areas, which can provide an identical service in distributing these refunds, and we solicit comments on the extent to which refunds should be made to these organizations as well. Comments are invited on the propriety of this approach to distribute the Conoco funds and the standards for distributing the funds if this approach is adopted in a final Decision and Order in this case.

It should be pointed out that until final procedures are adopted, no claims for refunds can be accepted. Applications for Refund therefore should *not* be filed at this time. Appropriate public notice, including notice published in the **Federal Register**, will be given when the processing of claims is begun. No less than 90 days from publication of such notice in the **Federal Register** will be provided for the filing of claims.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to submit two copies of their comments. Comments should be submitted on or before April 18, 1981, and should be addressed to the address set forth at the beginning of this notice. All comments received in this proceeding will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals, located in Room B–120, 2000 M Street, N.W., Washington, D.C., between the hours of 1:00 to 5:00 p.m., Monday through Friday, except Federal holidays.

Dated: March 13, 1981.

Thomas L. Wieker,

Acting Director, Office of Hearings and Appeals.

Proposed Decision and Order of the Department of Energy

Special Refund Procedures

March 13, 1981.

Name of Petitioner: Office of Special Counsel, for Compliance: In the Matter of Conoco, Inc.

Date of Filing: April 20, 1979

Case No. DFF–0003

On August 21, 1980, the Office of Hearings and Appeals (OHA) issued an interlocutory order stating that we would implement special refund procedures to disburse $2,000,000 obtained through a Consent Order which was entered into by Continental Oil Company, now Conoco, Inc. (Conoco) and the Office of Special Counsel for Compliance (OSC) on August 11, 1978. *See* 43 FR 38925 (August 31, 1978). Pursuant to the terms of the Consent Order, on September 25, 1978, OSC had accepted a check from Conoco in the amount of $2,000,000 plus accrued interest. Because of the difficulties involved in specifically identifying purchasers who may have been injured by Conoco overcharges, and in determining the amounts of any overcharges, the Office of Special Counsel requested on April 20, 1979 that special refund procedures be implemented pursuant to 10 CFR, Part 205, Subpart V. In the present decision, we consider the procedures under which the $2,000,000 plus interest earned should be distributed.

I. Background

The Conoco Consent Order resulted from an investigation initiated in March 1977 by the Federal Energy Administration (FEA) and later completed by the DOE. The investigation was undertaken after representatives of Conoco informed the FEA that in 1973 Conoco employees might have engaged in a scheme to sell motor gasoline and No. 2 heating oil at unlawful prices. The OSC investigation generally confirmed the information that had been provided by Conoco and further revealed that the purchasers of the products in question, Foremost Petroleum Company (Foremost) and M & A Petroleum Company (M&A), had voluntarily participated in the scheme. *See* 43 FR 38925 (August 31, 1978).

After completing its investigation, the OSC referred the matter to the Department of Justice for investigation of possible criminal violations by Conoco, Foremost, and M&A. The three firms, the DOE, and the Department of Justice subsequently agreed to the following disposition of the pending proceedings: Conoco entered a plea of *nolo contendere* to a felony charge of making false records under 18 U.S.C. 1001 and a misdemeanor count of violating Cost of Living Council regulations. It paid $15,000 in criminal fines. M&A entered a plea of *nolo contendere* to one felony count of violating 18 U.S.C. 1001 and paid $10,000 in criminal fines. Foremost entered a plea of *nolo contendere* to one misdemeanor count of violating Cost of Living Council regulations and paid $5,000 in criminal fines.

Conoco, M&A, and Foremost also entered into separate Consent Orders with the DOE. In the Conoco Consent Order, the firm agreed to tender a certified check for $2,000,000 to the United States government. This payment was deemed to satisfy any administrative remedial action that might be sought by the DOE for the refund of overcharges by Conoco in sales of gasoline and No. 2 heating oil to M&A and Foremost during the period March 6, 1973 through November 30, 1973. Conoco and the DOE agreed in the Consent Order that the payment to the United States government represented the most effective means of achieving restitution to persons ultimately affected by Conoco's allegedly unlawful practices.

In addition, the DOE agreed in the Consent Order to establish and administer a claims procedure to be followed by persons asserting a right to any portion of the payment which Conoco made to the United States. The Department stated that it would evaluate these claims and make refunds to persons who were able to prove that they had been overcharged. At the same time, Conoco agreed to cooperate with the DOE in the evaluation of those claims.

Finally, Conoco agreed to pay the United States an additional $985,000 in civil penalties in complete settlement of all administrative remedial actions that might be undertaken by the DOE against Conoco with regard to the matters described in the Consent Order.

In the other two Consent Orders, also executed on August 11, 1978, M&A and Foremost agreed to pay $40,000 and $45,000, respectively, in civil penalties in settlement of all administrative remedial actions that might be undertaken in connection with the transactions with Conoco. M&A and Foremost further agreed to waive all claims for refunds which they might have against Conoco with respect to the transactions involved.

On April 20, 1979, the OSC filed a Petition for Implementation of Special Refund Procedures in which it requested the Office of Hearings and Appeals to institute proceedings under the provisions of 10 CFR, Part 205, Subpart V, for the disposition and distribution of the $2 million payment which Conoco made to the United States pursuant to the August 11, 1978 Consent Order. On August 21, 1980, we accepted jurisdiction to adjudicate the disposition of the funds. *Office of Enforcement*, 6 DOE ¶ 82,572 (1980). Our determination to accept jurisdiction over the Conoco matter was based on the amount of money involved, the complexity of disbursing this sum, and the importance of providing notice so that persons who may have an interest in the funds have an opportunity to participate in the refund proceedings. *Id.* at 85,220. Implementation of proceedings pursuant to the provisions of Subpart V will discharge the obligations of the DOE

under the Conoco Consent Order "to provide for a claims procedure to be followed by persons asserting a right to any portion of the payment" and "to evaluate such claims and make refunds to those persons who are able to support such claims." Consent Order at 7.

The Office of Hearings and Appeals has received and reviewed extensive comments submitted in connection with this matter. On April 9, 1980, twenty consumer and public interest groups represented by common counsel filed a Comment and Request concerning the OSC Petition. (1) In their submission, the consumer and public interest groups request that the Conoco Consent Order funds be used to provide the initial funding for an independent entity called the Public Energy Trust. This organization would use the funds remaining after payments are made to individual consumers who are able to prove that they were overcharged to finance projects designed to assist consumers in coping with energy costs. The OSC supported this proposal. Conoco has filed comments in opposition.

Subsequently, we solicited views from a broad spectrum of interested parties. On September 10, 1980, the Office of Hearings and Appeals issued a Notice of Solicitation of Comments, in which we requested written comments on the manner in which all Consent Order funds currently under the control of the DOE should be disbursed. 45 FR 59627. The Consent Orders involved at that time were entered into by six independent and major integrated petroleum firms, including Conoco. A total of 101 written comments were received. The comments presented the views of major integrated refiners, independent refiners, petroleum marketers and resellers, trade associations, a broad range of consumer groups and several local, State, and Federal Government agencies. In issuing the procedures set forth below we have accorded careful consideration to these comments. We wish to emphasize that the conclusions which follow are tentative and may be revised upon consideration of submissions received in the comment stage of this proceeding. A copy of the final Decision and Order establishing refund procedures issued by the Office of Hearings and Appeals will be served upon each of the commenting parties. In addition, this proposed determination will be published in the **Federal Register.** We encourage interested parties to fully respond to the proposals advanced in this decision. The issuance of this tentative determination does not bar commenting parties from submitting alternative proposals concerning the proper disposition of the Conoco Consent Order funds.

II. Proposed Refund Procedures

A. Authority To Fashion Refund Procedures

The authority of the Office of Hearings and Appeals to fashion appropriate refund procedures was discussed in detail in a recent Decision involving the Vickers Energy Corporation. *Office of Enforcement,* No. DFF-0006 (February 27, 1981) (proposed decision) (hereinafter cited as *"Vickers"*). In that Decision we found that the regulations in Subpart V authorize the Office of Hearings and Appeals to fashion special procedures to distribute refunds obtained as part of settlement agreements. We reviewed the background of the Subpart V regulations and found that they are intended to implement several different statutes. Congress provided for the mandatory allocation and pricing of crude oil, residual fuel oil, and refined petroleum products in the Emergency Petroleum Allocation Act of 1973 (EPAA), 15 U.S.C. 751 *et seq.* (1976). The enforcement mechanisms for regulations issued under the EPAA were specified in the Economic Stabilization Act (ESA), 12 U.S.C. 1904 note (1970). EPAA, Section 5(a), 15 U.S.C. 754(a).

The authority contained in the foregoing statutes to issue and enforce regulations with respect to petroleum allocation and pricing was delegated to the Administrator of the Federal Energy Administration and subsequently to the Secretary of Energy. Federal Energy Administration Act (FEAA) Section 5, 15 U.S.C. 765 (1974); Department of Energy Organization Act (DOE Act) Section 301(a), 42 U.S.C. 7151(a) (1979). To carry out the statutory mandates, the regulations of the Cost of Living Council, the Federal Energy Office, the Federal Energy Administration, and the Department of Energy have provided throughout the existence of the price control program for the issuance of remedial orders "requiring a person to cease a violation or to eliminate or compensate for the effects of a violation, or both." 6 CFR 155.81(b), 38 FR 21981 (1973); 10 CFR 205.2, 39 FR 1925 (1974) (defining "remedial order").

We noted in the Vickers proceeding that in order to implement these statutory and regulatory goals the DOE's enforcement process is designed to accomplish two independent ends: disgorgement of the fruits of a regulatory violation from the wrongdoer, *Bulzan v. Atlantic Richfield Co.,* 620 F. 2d 278, 281 (Temp. Emer. Ct. App. 1980), and restitution to persons injured by the regulatory violation, *Bonray Oil Co. V. DOE,* 472 F. Supp. 899, 903–04 (W.D. Okla. 1978), *aff'd per curiam,* 601 F. 2d 1191 (Temp. Emer. Ct. App. 1979). The latter objective—restitution to overcharged persons—furthers the specific EPAA goals of "equitable distribution of * * * refined petroleum products at equitable prices * * * among all users" and "economic efficiency." 15 U.S.C. 753(b)(1)(F), (H). These provisions correspond to Section 102 of the DOE Act, which states that one of the Act's purposes is "to promote the interests of consumers through the provision of an adequate supply of energy at the lowest reasonable cost." 42 U.S.C. 7102. The DOE Act also reflects stated goals of the Federal Energy Administration Act of 1974, in which Congress expressed its purpose of maintaining "fair and reasonable consumer prices" for energy supplies, 15 U.S.C. 761(a), and of "prevent[ing] unreasonable profits within the various segments of the energy industry," 15 U.S.C. 764(b)(5).

In *Vickers,* it was also noted with regard to the goal of restitution that Congress had re-enacted enabling authority for the DOE and its predecessors on several occasions during periods in which the agency had been issuing remedial orders directing that refunds be made to remedy the effects of regulatory violations. This fact was viewed as specific congressional approval of DOE's authority to order restitution. *See Mobil Oil Corp. v. FEA,* 566 F. 2d 87, 100 (Temp. Emer. Ct. App. 1977); *cf. Commissioner v. Noel's Estate,* 380 U.S. 678, 682 (1965) (a long-standing administrative interpretation, applying to a substantially re-enacted statute, is deemed to have received congressional approval and has the effect of law). Moreover, it is highly significant that Congress specifically authorized the DOE to issue "Remedial Orders," 42 U.S.C. 7193(a), a term previously defined by the FEA and DOE regulations to encompass directions "to eliminate or to compensate for the effects of a violation." 10 CFR § 205.2. In addition, the Temporary Emergency Court of Appeals has held that the DOE is authorized by its enabling legislation to enforce compliance with its regulations by requiring violators to disgorge the benefits so obtained and to make refunds to injured parties for the purpose of restitution. *See, e.g., Bonray Oil Co. v. DOE; Univ. of Southern California v. COLC,* 472 F. 2d 1065, 1070 (Temp. Emer. Ct. App. 1972).

We conclude, as we did in *Vickers*, that restitution is the primary focus of Subpart V, which authorizes the Office of Hearings and Appeals to formulate and implement a process "pursuant to which refunds may be made to injured persons in order to remedy the effects of a violation" of DOE regulations. 10 CFR 205.280. The Subpart V process is intended to provide refunds whenever possible to the persons or firms who were injured by overcharges during a particular period. The distribution of funds to overcharged persons should generally take place in two primary ways: (i) payment of funds to persons and firms who file individual applications for refund and prove they are entitled to a portion of the funds held in trust; and (ii) payment of funds on behalf of injured persons to entities which can themselves implement restitution which furthers the foregoing purposes. The Subpart V regulations specify that "any remaining funds * * * shall be deposited in the United States Treasury or distributed in any other manner specified in the Decision and Order referred to in § 205.282(c)." 10 CFR 205.288(c).

The relevant portion of the Conoco Consent Order reads as follows:

> The Department of Energy agrees that it will accept and discharge the full administrative responsibility for establishing and administering a program which will provide for a claims procedure to be followed by persons asserting a right to any portion of the payment. The Department of Energy will evaluate such claims and make refunds to those persons who are able to support such claims. Conoco agrees to cooperate with the Department of Energy in the evaluation of claims filed by persons asserting a right to any portion of the payment. Such evaluation will be made prior to disposition of the funds to the Treasury of the United States.

Consent Order at 7. We find that the language quoted from the Consent Order clearly confirms that the DOE agreed to implement a procedure for evaluating individual claims for refunds by Conoco's customers. It does not, however, exclude the possibility that, after considering individual claims, the DOE might for administrative convenience distribute any remaining portions of the funds to entities which could further implement restitution to injured or overcharged persons who were unable to submit individual claims. Moreover, the Consent Order leaves open the possibility that residual Consent Order funds might be deposited in the United States Treasury if other distribution methods prove inappropriate.

Persons generally interested in Subpart V proceedings have suggested that additional types of distribution be made of refund amounts. For example, it has been suggested that funds subject to Subpart V proceedings should be used to assist entities in developing alternative energy resources or to subsidize public transit rather than refunded to injured members of the public. In *Vickers* we rejected these suggestions in the following manner:

> The goal of the Subpart V process is restitution to injured firms and consumers. This process offers the only means of compensation for individuals who lack the resources or the financial stake to institute their own private lawsuits under Section 210 of the Economic Stabilization Act. It can also be an efficient administrative mechanism for returning price increases to affected parties which avoids lengthy and costly court actions. While the funding of entities engaged in the development of alternative energy resources or the subsidization of public transit may well benefit the public at large, it is not so closely related to the statutory goals referred to above or to the objectives of the enforcement program as the interests of injured persons. Although there may be cases in which some of these forms of disbursement of Subpart V funds may be appropriate, particularly if the Consent Order specifies that type of distribution, this is not such a case. As indicated below, when it is possible to effectuate restitution to the class that may have been injured by the alleged regulatory violations, that class should enjoy a priority over other classes that are more removed from the actions giving rise to the refund.

Id., slip op. at 5.

In view of the objectives expressed in the statutes and regulations discussed above, and the Consent Order itself, procedures must be devised for the distribution of the $2,000,000 refund amount (plus interest) to affected parties. As a first step, this money should be distributed to claimants who successfully identify themselves as adversely affected purchasers. In the event that the claims of these persons do not exhaust the funds in the settlement account, an appropriate remaining portion should be distributed to other members of the classes of injured purchasers on whose behalf the settlement funds were negotiated. However, with respect to the latter group, since members of the injured class not filing as claimants may be extremely numerous and impossible to identify specifically, we will attempt to devise a special procedure. This procedure should operate to distribute funds to a group that corresponds as closely as possible to the group on whose behalf the settlement funds were negotiated. The courts have sanctioned restitution made for the benefit of an injured class as an appropriate exercise of equitable discretion. *See, e.g., Bebchick v. Public Utilities Comm'n*, 318 F.2d 187 (D.C. Cir. 1962) *(en banc), cert. denied*, 373 U.S. 913 (1963); *Democratic Central Committee v. Washington Metropolitan Area Transit Comm'n* 485 F.2d 922 (D.C. Cir. 1968). One approach of this type was proposed in the *Vickers* proceeding. Funds remaining after the completion of this two-step process should be distributed to the U.S. Treasury.

B. Refunds to Identifiable Purchasers

It is stipulated in the Conoco Consent Order that the $2,000,000 refund amount is in settlement of alleged overcharges by Conoco in sales of motor gasoline and No. 2 heating oil to Foremost and M&A during the period March 6, 1973 through November 30, 1973. However, M&A and Foremost have agreed in their Consent Orders to waive all claims for refunds which they might have against Conoco.

Any injury attributable to the alleged Conoco overcharge would have been experienced by Foremost and M&A or by the chain of customers who purchased motor gasoline or heating oil from those two firms. Because Foremost and M&A have waived their claims, our inquiry will extend solely to the latter group of firms and individuals. (2) Consequently, in order to establish entitlement to a refund, a purchaser identifying itself as an injured party must demonstrate initially that it purchased a specific quantity of motor gasoline or No. 2 heating oil from Foremost or M&A or from a firm which sold motor gasoline or No. 2 heating oil traceable to Foremost or M&A during the relevant time period (March 6, 1973 through November 30, 1973). Privity with Foremost or M&A need not be established; evidence need only be presented that the motor gasoline or heating oil purchased was initially marketed by one of them. In addition, unless the purchaser is an ultimate consumer, it must demonstrate that it did not pass on any cost increases implemented by Foremost or M&A to the purchaser's own customers. For example, purchasers who resold the products must show that market conditions did not permit them to raise prices charged to downstream customers, and that as a result they were forced to absorb any cost increases incurred. In the absence of that showing, we must conclude that the reseller was not injured in any way by the alleged overcharge. *See Office of Special Counsel for Compliance*, 4 DOE § 82,511 at 85,043–44 (1979). Refunds to purchasers who establish their entitlement to a refunds would be made on a volumetric basis—*i.e.*, the refund

would be based on the proportion of motor gasoline or heating oil purchased by the applicant to the total amount of the relevant prodoucts marketed by Foremost and M&A during the relevant period.

Any purchaser claiming a portion of the refund amount will be entitled to file an Application for Refund pursuant to 10 CFR 205.283. Applications should provide all relevant information pertaining to a claim for refunds of alleged overcharges resulting from purchases of Foremost or M&A motor gasoline or heating oil, including the type of information described above concerning the date and place of purchase, the retention of increased costs, and information reflecting the extent of any injury incurred, including the price and volume of product purchased.

Detailed procedures for filing applications will be provided in a final Decision and Order. Before disposing of any of the funds received from Conoco, we intend to provide the maximum possible notice of the distribution process and the opportunity to file claims. This notice will be provided to parties who may wish to request a refund by identifying themselves as adversely affected purchasers. In addition to publishing notice in the Federal Register, notice will be provided in newspapers and trade journals in the areas in which Foremost and M&A market motor gasoline or heating oil. We also intend to request Foremost and M&A to supply lists of their motor gasoline and heating oil customers during the relevant period so that direct mail notice may be provided to those customers. In addition, notice will be provided to business and consumer organizations in the areas in which these firms distributed motor gasoline or heating oil during the period covered by the Consent Order. As a final matter, we note that refund applications filed on behalf of groups of claimants identifying themselves as adversely affected purchasers will be considered. Applications that are submitted on behalf of groups of purchasers will be evaluated on a case-by-case basis as received.

C. Distribution of the Remainder of the Refund Amount

After the claims of parties identifying themselves as adversely affected purchasers of heating oil or motor gasoline from Foremost or M&A during the relevant period have been filed and appropriate refunds to those purchasers have been made, the fund provided by Conoco pursuant to the August 11 Consent Order is likely to be diminished but not exhausted. In view of the relatively small sums of money likely to be involved in many ultimate consumer claims, and the improbability that such consumers will possess detailed records regarding the validity of their claims, we anticipate that the foregoing showing of entitlement can be made by only limited numbers of persons. As discussed above, the remaining amount should be distributed in accordance with the broadly conceived goals announced in DOE's enabling legislation and implementing regulations.

In the present case, the distribution chain for the motor gasoline and heating oil marketed by Foremost and M&A appears to cover broad regions of the United States ranging from Texas through the New York City metropolitan area. The preliminary information which we have received from Conoco reveals that Foremost and M&A conducted most of their reselling operations during 1973 in Texas and the Southeast. Conoco has indicated that motor gasoline and heating oil sold to Foremost and M&A during 1973 could be traced to Conoco's Lake Charles refinery in Louisiana. The products were then transported through the Colonial Pipeline which, with its branches, distributes refined products in a fourteen state area (Texas, Louisiana, Mississippi, Alabama, Georgia, Tennessee, South Carolina, North Carolina, Virginia, Maryland, Pennsylvania, Delaware, New Jersey and New York) and the District of Columbia. We have tentatively decided to treat this region as the area likely to have been affected by the alleged overcharges, although we expect that further information, including data supplied by Foremost and M&A and persons commenting on the Proposed Decision, may lead us to modify this determination.

The fact that claims to specific refunds may not have been proven does not mean that injury has not occurred. Rather, the absence of claims for the full amount of the settlement would tend to reflect the difficulty of filing a valid individual claim and to indicate that some resellers of products pruchased from M&A or Foremost were not injured because they passed on to their customers the increased costs which they incurred. The persons who were injured in these cases were all users of motor gasoline-powered vehicles or oil-fired furnaces who purchased motor gasoline or heating oil from these firms in the affected area during the relevant period. It is extremely likely that these purchasers paid higher prices for these refined products than they would have paid absent the alleged Conoco violation. This group in our view corresponds to a very considerable degree to energy consumers generally in that area. Moreover, it is very likely that persons who purchased motor gasoline and heating oil in a particular area reside there as well, and are also ultimate consumers of electricity.

Consequently, we have concluded that any portions remaining of the Conoco refund amount after identifiable claims are paid should be distributed directly to the types of organizations that are required by applicable law to pass through the benefits of the refund to ultimate consumers of energy in the area of the country in which the effects of the pricing violations are likely to have been experienced. Voluntary agreements could also be fashoned to achieve the same result. This result is supported by the comments received in response to the Notice of Solicitation of Comments placed by the Office of Hearings and Appeals in the Federal Register, 45 FR 59627, many of which supported distribution of refunds to organizations that are in a position to pass through the benefits of the refunds to ultimate consumers.

This plan of distribution can be accomplished in the relevant area by electric utilities which have fuel adjustment clauses or other mechanisms requiring the passthrough of a refund to ultimate consumers. Generally, a fuel adjustment clause of the desired type would require the benefit of a refund to be treated as a reduction in the cost of purchased fuels that can be passed through to the consuming public in the form of lower electric utility rates. We note that in the Vickers proceeding we tentatively decided to make use of natural gas utilities as well. However, since in the Conoco proceeding customers of these utilities often would not have borne any portion of the burden resulting from alleged overcharges on the sale of heating oil, we have determined that natural gas utilities would not be the most appropriate mechanism for effectuating restitution to the persons actually injured by the alleged Conoco overcharge. In contrast, all injured persons can be expected to use electricity and thereby receive benefits from this method of implementing restitution.

We believe that this proposal has a number of advantages. In the first place, the group of ultimate consumers of electricity in the area where the effects of the alleged overchargers were experienced bears a close relationship to the consumers who will not file individual claims and on whose behalf

the settlement amount was negotiated. In addition, this proposal is very desirable from a standpoint of administrative efficiency, since it may be implemented quickly and economically, and can be easily monitored. It represents, moreover, an appropriate balancing of the costs and benefits involved in identifying and effectuating restitution to a group of consumers corresponding to the group actually injured. Of course, there may be other entities which can provide an identical service in distributing these refunds, and we solicit comments on the extent to which refunds should be made to these organizations as well.

It is also possible to give preference to any municipalities that purchased motor gasoline or heating oil from Foremost or M&A during the relevant period in the event they cannot make claims as identifiable purchasers. Preference could also be given to public utilities that were purchasers of these refined products from Foremost or M&A during the audit period. State governments in the affected areas also may be designated as refund recipients for the purpose of reducing energy-related expenses (such as automobile licensing fees) subject to their direct control. In general, recipient organizations would receive refund amounts in proportion to the volumes of gasoline and heating oil marketed by Foremost or M&A in their areas. Determinations of the specific organizations to be chosen, the amount distributed to each organization, and the exact method of distribution will be based upon further information, including data supplied by the firms concerning the distribution of their refined products and upon proposals submitted by organizations or entities identified as potential distributors of the remainder of the refund amount. In general, however, we would tend to favor reduction in utility costs for residential users as opposed to commercial users, since commercial use would include offices occupied by persons who also own residences, and this could produce an unintended double measure of benefits for the persons involved. Industrial customers could also be excluded if the firm involved did not purchase commensurately large amounts of gasoline or heating oil in the area during the relevant period.

Refunds of this nature will benefit ultimate consumers of motor gasoline and heating oil in the areas where the effects of any overcharges have been experienced. These procedures will enable the DOE to order the refund of price increases under circumstances in which adversely affected purchasers are not specifically identifiable. In most instances, ultimate consumers will be the beneficiaries of this mechanism, and this is consistent with the fact that claims to specific refunds by this group are difficult to make and administer.

We believe the refund procedures outlined above will maintain a close relationship or nexus between the class of purchasers injured and the class of persons receiving the restitution proposed. The procedures selected reflect the agency's determination to fulfill its Congressional mandate to, *inter alia*, assure "equitable prices" for "refined petroleum products" in the United States. 15 U.S.C. 753(b)(1). As we stated in the Vickers Decision, we are unable to accept the proposition, advanced by some commenters(*3*), that the DOE lacks the authority to order refunds to an entity because the consumer's specific identity or degree of injury may not be ascertained. That position would be contrary to the intention of Congress in enacting the EPAA and related statutes, and contrary to the public interest. *Vickers*, slip op. at 10. *Cf. Bonray Oil Co. v. DOE*, 472 F. Supp. 899, 903–04 (W.D. Okla. 1978), *aff'd per curiam*, 610 F.2d 1191 (Temp. Emer. Ct. App. 1979), (ordering of refunds is implied power under EPAA); *Univ. of Southern California v. COLC*, 472 F.2d 1065, 1070 (Temp. Emer. Ct. App. 1972) (broad grant of authority to enforce program carries with it authority to order refunds).

It is therefore ordered that: The $2,000,000 refund amount provided by Conoco, Inc. in accordance with the August 11, 1978 Consent Order, plus interest earned, will be distributed in the manner set forth in the foregoing Decision.

Footnotes

1. The twenty consumer and public interest groups are as follows:
Consumer Energy Council of America
Citizen/Labor Energy Coalition
Conference on Alternative State and Local Policies
Consumer Federation of America
Critical Mass Energy Project
Energy Action Educational Foundation
Environmental Policy Center
International Association of Machinists and Aerospace Workers
International Union, Unted Auto Workers
Massachusetts Fair Share
National Community Action Agency Executive Directors Association
National Consumers League
National Council of Senior Citizens
National Farmers Union
National Urban Coalition
Public Citizens Congress Watch
Rural America
Solar Lobby
United States Conference of Mayors
United Steelworkers of America

2. Foremost and M&A contend that they did not pass through to their own purchasers any portion of the cost increases attributable to the alleged Conoco overcharges. This cannot be verified, for neither Foremost nor M&A was subject to price restrictions in sales of motor gasoline or No. 2 heating oil from March 8, 1973 until June 13, 1973. In the uncontrolled environment, the prices charged by Foremost and M&A in all likelihood were affected by their increased marginal costs. Accordingly, absent strong evidence to the contrary, M&A and Foremost can be treated as having passed through their increased costs to their puchasers. Although these purchasers were not victims of unlawful prices charged by foremost or M&A, they suffered injury by paying higher prices than would have prevailed absent the alleged Conoco overcharge.

3. *See generally* comments submitted in response to Notice of Solicitation of Comments, 45 FR 57627 (September 10, 1980), concerning proper disposition of consent order funds.

In other contexts as well, interested parties have discussed the scope of DOE's authority to distribute Consent Order funds. For example, at the request of the Honorable John D. Dingell, Chairman of the House Subcommittee on Energy and Power, the Comptroller General of the United States has issued an opinion, dated October 10, 1980, concerning the terms of a Consent Order entered into by the DOE and Getty Oil Company (Getty) on December 3, 1979. *See* Notice of Proposed Consent Order, 44 FR 71453 (December 11, 1979); Notice of Action on Consent Order, 45 FR 9992 (February 14, 1980). The Getty Consent Order was intended to settle, with certain exceptions, all disputes between Getty and DOE concerning the firm's compliance with price and allocation regulations in effect during the period August 19, 1973 through December 31, 1978. By its terms, the Consent Order required Getty to deposit $25,000,000 into an escrow account.

The Comptroller General commented on a proposal for distributing the $25,000,000 refund amount announced by the DOE on July 11, 1980. Under that plan, $21,000,000 was to be distributed to twenty state governments in proportion to Getty's home heating oil sales in those states, and $4,000,000 was to be distributed to lower pay grade military servicemen in states where heating oil was sold by the firm. The state governments would be required to distribute the settlement funds granted to them to low income residents for the purpose of defraying home heating oil costs.

The Comptroller General concluded that the Getty refund plan failed to meet certain requirements specified in DOE's enabling legislaion and implementing regulations. The Comptroller General observed, moreover, that "distribution of the Getty funds must be made in approximate proportion to the injury actually sustained to Getty customers and to ultimate consumers of Getty products who were the victims of the overcharges." Opinion of the Comptroller General at 7.

Because the July 11, 1980 plan was designed to effectuate restitution to low

income consumers only, the plan was found not to satisfy these requirements. In the words of the Comptroller General, "all ultimate consumers of Getty heating oil, regardless of income, were injured by the violations and should be entitled to a portion of the refunds." *Id.* at 9. As a result of these and other deficiencies, the Comptroller General concluded that the Getty funds should have been designated for distribution pursuant to the Subpart V process.

The disposition proposed in this Decision of the $2,000,000 refund amount involved in the Conoco case is not subject to the deficiencies referred to in the Comptroller General's Opinion. In the first place, the Conoco funds are, as recommended, being distributed pursuant to the Subpart V process. Moreover, the method of distribution proposed in this decision is intended initially to effectuate restitution to any injured consumer establishing entitlement to a refund, regardless of income level. Furthermore, remaining refund portions would be distributed to a group of ultimate consumers bearing a close relationship to the consumers on whose behalf the settlement amount was negotiated. As a result, this method of distribution is consistent with the views of the Comptroller General, who in the October 10 opinion specifically recognized that "it is frequently not possible to identify each individual customer or consumer who has been overcharged nor is it always possible to make a precise determination of the amounts each individual has been overcharged. So long as a good faith effort was made to identify overcharged individuals, we would not view a distribution scheme which lacked dollar for dollar precision as unauthorized." *Id.* at 10.

[FR Doc. 81-8524 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

Criteria for Radioactive Wastes

Cross Reference: For a document withdrawing a document seeking public comment on environmental protection criteria for storage and disposal of all forms of radioactive wastes, see FR Doc. 81-8403 in the Proposed Rule section of this issue.

[EW-FRL 1782-3]

Georgia Pretreatment Program Approval

AGENCY: Environmental Protection Agency.

ACTION: Notice of approval of the national pollutant discharge elimination system pretreatment program of the State of Georgia.

SUMMARY: On March 12, 1981, the Environmental Protection Agency approved the State of Georgia's National Pollutant Discharge Elimination System State Pretreatment Program. This action authorizes the State of Georgia to administer the National Pretreatment Program as it applies to municipalities and industries within the State.

FOR FURTHER INFORMATION CONTACT: George E. Young, Permits Division (EN-336), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, 202-755-0750.

SUPPLEMENTARY INFORMATION:

Background

The Pretreatment Program, required by the Clean Water Act of 1977, governs the control of industrial wastes introduced into Publicly Owned Treatment Works (POTWs). The objectives of the Pretreatment Program are to: (1) prevent introduction of pollutants into POTWs which will interfere with the operation of the POTW or contaminate the sewage sludge; (2) prevent introduction of pollutants into POTWs which will pass through treatment works into receiving waters or the atmosphere or otherwise be incompatible with the works; (3) improve opportunities to recycle and reclaim wastewaters and the sludges resulting from wastewater treatment. Local pretreatment programs will be the primary vehicle for administering, applying and enforcing pretreatment standards for industrial users of POTWs. The EPA and States approved to administer the National Pollutant Discharge Elimination System (NPDES) Pretreatment Program will enforce the national standards where local governments do not develop a pretreatment program. To receive pretreatment program approval a State must submit to the EPA a modification to its NPDES program pursuant to the requirements and procedures of the General Pretreatment Regulation (40 CFR Part 403).

"Federal Register" Notice of Approval of State NPDES Programs or Modifications

Under the Consolidated Permit Regulations (45 FR 33290, May 19, 1980), EPA will provide **Federal Register** notice of any action by the Agency approving or modifying a State NPDES program. Each notice will include a table similar to the following one, setting forth the current status of program approval. This table will provide the public with an up-to-date list of the status of NPDES permitting authority throughout the country.

	Approved State NPDES permit program	Approved to regulate Federal facilities	Approved State pretreatment program
Alabama	10/19/79	10/19/79	10/19/79
California	05/14/73	05/05/78	
Colorado	03/27/75		
Connecticut	09/26/73		
Delaware	04/01/74		
Georgia	06/28/74	12/08/80	3/12/81
Hawaii	11/28/74	06/01/79	
Illinois	10/23/77	9/20/79	
Indiana	01/01/75	12/09/78	
Iowa	08/10/78	08/10/78	
Kansas	06/28/74		
Maryland	09/05/74		
Michigan	10/17/73	12/09/78	
Minnesota	06/30/74	12/09/78	07/16/79
Mississippi	05/01/74		
Missouri	10/30/74	06/26/79	
Montana	06/10/74		
Nebraska	06/12/74	11/02/79	
Nevada	09/19/75	08/31/78	
New York	10/28/75	06/13/80	
North Carolina	10/19/75		
North Dakota	06/13/75		
Ohio	03/11/74		
Oregon	09/26/73	03/02/79	03/12/81
Pennsylvania	06/30/78	06/30/78	
South Carolina	05/10/75	09/26/80	
Tennessee	12/28/77		
Vermont	03/11/74		
Virgin Islands	06/30/74		
Virginia	03/31/75		
Washington	11/14/73		
Wisconsin	02/04/74	11/26/79	12/24/80
Wyoming	01/30/75		

Dated: March 12, 1981.

Walter C. Barber,
Acting Administrator.

[FR Doc. 81-8397 Filed 3-18-81; 8:45 am]

BILLING CODE 6560-33-M

[EN-FRL 1782-4]

Oregon Pretreatment Program Approval

AGENCY: Environmental Protection Agency.

ACTION: Notice of Approval of the national pollutant discharge elimination system pretreatment program of the State of Oregon.

SUMMARY: On March 12, 1981, the Environmental Protection Agency approved the State of Oregon's National Pollutant Discharge Elimination System State Pretreatment Program. This action delegates to the State of Oregon the authority to administer the national Pretreatment Program as it applies to municipalities and industries within the State.

FOR FURTHER INFORMATION CONTACT:
George E. Young, Permits Division (EN-336), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, 202-755-0750.

SUPPLEMENTARY INFORMATION:

Background

The Pretreatment Program, required by the Clean Water Act of 1977, governs the control of industrial wastes introduced into Publicly Owned Treatment Works (POTWs). The objectives of the Pretreatment Program are to: (1) prevent introduction of pollutants into POTWs which will interfere with the operation of the POTW or contaminate the sewage sludge; (2) prevent introduction of pollutants into POTWs which will pass through treatment works into receiving waters or the atmosphere or otherwise be incompatible with the works; (3) improve opportunities to recycle and reclaim wastewaters and the sludges resulting from wastewater treatment.

Local pretreatment programs will be the primary vehicle for administering, applying and enforcing pretreatment standards for industrial users of POTWs. The EPA and States approved to administer the National Pollutant Discharge Elimination System (NPDES) Pretreatment Program will enforce the national standards where local governments do not develop a pretreatment program. To receive pretreatment program approval a State must submit to the EPA a modification to its NPDES program pursuant to the requirements and procedures of the General Pretreatment Regulation (40 CFR Part 403).

"Federal Register" Notice of Approval of State NPDES Programs or Modifications

Under the Consolidated Permit Regulations (45 FR 33290, May 19, 1980), EPA will provide **Federal Register** notice of any action by the Agency approving or modifying a State NPDES program. Each notice will include a table similar to the following one, setting forth the current status of program approval. This table will provide the public with an up-to-date list of the status of NPDES permitting authority throughout the country.

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Delaware	04/01/74		
Georgia	06/28/74	12/08/80	03/12/81
Hawaii	11/28/74	06/01/79	
Illinois	10/23/77	09/20/79	
Indiana	01/01/75	12/09/78	
Iowa	08/10/78	08/10/78	
Kansas	06/28/74		
Maryland	09/05/74		
Michigan	10/17/73	12/09/78	
Minnesota	06/30/74	12/09/78	07/16/79
Mississippi	05/01/74		
Missouri	10/30/74	06/26/79	
Montana	06/10/74		
Nebraska	06/12/74	11/02/79	
Nevada	09/19/75	08/31/78	
New York	10/28/75	06/13/80	
North Carolina	10/19/75		
North Dakota	06/13/75		
Ohio	03/11/74		
Oregon	09/26/73	03/02/79	03/12/81
Pennsylvania	06/30/78	06/30/78	
South Carolina	05/10/75	09/26/80	
Tennessee	12/28/77		
Vermont	03/11/74		
Virgin Islands	06/30/74		
Virginia	03/31/75		
Washington	11/14/73		
Wisconsin	02/04/74	11/26/79	12/24/80
Wyoming	01/30/75		

Dated: March 12, 1981.

Walter C. Barber,

Acting Administrator.

[FR Doc. 81-8396 Filed 3-18-81; 8:45 am]

BILLING CODE 6560-33-M

[TSH-FRL 1779-8; OPTS-59043A]

Polyester(1,4-Butanediol/Isophthalic Acid, Dimethyl Ester/ Poly(Oxyethylene/Oxypropylene)/ Terephthalic Acid, Dimethyl Ester); Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On February 6, 1981, EPA received from E. I. du Pont de Nemours and Co., Inc. (du Pont) an application for a test marketing exemption (TM-81-1) from the premanufacture notification requirements of section 5 of the Toxic Substances Control Act (TSCA). The manufacturer has claimed the chemical identity and specific use confidential.

EPA has determined that the manufacturer's test marketing of this chemical substance will not present any unreasonable risk of injury to health or the environment. Therefore, the Agency has granted this manufacturer an exemption from the TSCA premanufacture reporting requirements for test marketing of the substance in the manner described in the application.

FOR FURTHER INFORMATION CONTACT:
David Dull, Chemical Control Division (TS-794), Environmental Protection Agency, Rm. E-206, Washington, D.C. 20460, (202-426-2601).

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

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

The application was assigned tests marketing exemption number TM-81-1. EPA issued a notice of receipt of the application published in the **Federal Register** of March 3, 1981 (46 FR 14960).

Du Pont claimed the specific chemical identity, the specific use, and the amount of the PMN substance to be manufactured as confidential business information.

The substance is described generically as "polyester(1,4-butanediol/ isophthalic acid, dimethyl ester/ poly(oxyethylene/oxypropylene)/ terephthalic acid, dimethyl ester). Its generic use is as an extruded or molded plastic. A limited quantity of the material (deemed confidential business information by the manufacturer) will be

manufactured during the test marketing period (approximately 4 months) for sampling by a limited number of companies engaged in the fabrication of up to five different types of industrial products. A maximum of 100 persons is expected to be exposed dermally to the new polymer during manufacture of the industrial goods. No consumer exposure to the new polymer is anticipated by du Pont.

EPA has established that the test marketing of TM-81-1, under the conditions set out in the application, will not present any unreasonable risk of injury to health or the environment for the reasons explained below.

There were no significant health or environmental concerns for the TME substance. Based on estimates of its molecular weight, the polymer is not expected to be absorbed. Polyesters of this type have been approved for use as components of packaging material in direct contact with food products. The acute lethal dose of materials of this type is greater than 25,000 mg/kg of body weight. The manufacturing process for production of the polymer is an essentially closed system.

Based on the facts and information obtained and reviewed, EPA grants du Pont a test marketing exemption for TM-81-1, effective on March 12, 1981 but subject to all conditions set out in the exemption application, and in particular those enumerated below:

1. This exemption is granted solely to du Pont;

2. The applicant must maintain records of the date(s) of shipment(s) to any customers specified in the application who will test market the substance, and the quantities shipped in each shipment, and must make these records available to EPA upon request;

3. Each bill of lading that accompanies a shipment of the substance during the test marketing period must state that the use of the substance is restricted to that described to EPA in the test marketing exemption application;

4. The production volume of the new substance may not exceed the quantity stated in the confidential version of the test market application;

5. The test marketing activity approved in this notice is limited to a four-month period commencing on the date of publication of the notice in the **Federal Register**;

6. The number of workers should not exceed that specified in the application and the exposure levels and duration of exposure should not exceed that specified;

7. The public will have until April 20, 1981 to submit comments on this test marketing exemption. The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusion that the test marketing of the substance will not present an unreasonable risk of injury to human health or the environment.

Dated: March 12, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

[FR Doc. 81-8305 Filed 3-18-81; 8:45 am]

BILLING CODE 6560-32-M

[Docket No. A-80-46; AD-FRL-1782-6]

Revisions to the Guideline on Air Quality Models

AGENCY: Environmental Protection Agency, Washington, D.C.

ACTION: Notice of Delay in Revisions to the Guideline on air quality models.

SUMMARY: This notice announces a delay in the schedule for the revision of the Guideline on Air Quality Models (EPA-450/2-78-027). The draft revised guideline is now expected to be completed by the end of 1981. Public hearings on the revised guideline can be anticipated in early 1982. The Conference on Air Quality Modeling required by Section 320 of the Clean Air Act will still be held in Washington, D.C., this summer. It will be an information exchange meeting to discuss modeling issues, primarily those concerning the accuracy of air quality models and their role in regulatory decision-making. There will be a notice of the Conference published in the **Federal Register** when the date and agenda are finalized. The guideline revisions will *not* be a Conference agenda item.

DATES AND SCHEDULE: The dates and other details of the Conference on Air Quality Modeling will be announced in the **Federal Register** in the summer of 1981. The hearing on the revised Guideline on Air Quality Models will be announced in the **Federal Register** in late 1981.

ADDRESSES: The Conference will be held in Washington, D.C. The precise location will be indicated in the later **Federal Register** notice.

FOR FURTHER INFORMATION CONTACT: Charlotte J. Hopper, Source Receptor Analysis Branch (MD-14), Office of Air Quality Planning and Standards, United States Environmental Protection Agency, Research Triangle Park, North Carolina 27711; phone (919) 541-5681.

SUPPLEMENTARY INFORMATION: In October 1980 the Environmental Protection Agency presented to the public proposed revisions to the Guideline on Air Quality Models at three meetings (Washington, D.C.; Seattle, Washington; and Chicago, Illinois). It was announced at the three meetings, and also in the **Federal Register** notice of those meetings, that a draft of the revised guideline would be available for comment at the Conference on Air Quality Modeling to be held in early 1981. This schedule has been changed and revisions to the guideline have been delayed.

Numerous comments were received on the proposed revisions presented in October 1980. Several of the commenters requested EPA to consider the costs associated with the implementation of the proposed revisions. Many requested additional consideration be given to model accuracy and also requested a re-examination of the role of air quality models in regulatory decision-making. EPA believes the time required to complete a cost analysis and to further analyze the issues of model accuracy and application will be beneficial. EPA also wishes to review and evaluate the National Commission on Air Quality recommendations to Congress.

For the above reasons EPA has determined that a delay in the revisions to the guideline will be advantageous to all concerned. It is anticipated that a draft of the revised guideline will be available for public comment by late 1981.

The Conference on Air Quality Modeling required by Section 320 of the Clean Air Act will be held in the summer of 1981. The format for the Conference will encourage an information exchange rather than solicit comments on EPA proposals. Discussions at the Conference will include such topics as the use of models in regulatory processes and the accuracy and reliability of models.

Until further notice, the Guideline on Air Quality Models, EPA 450/2-78-027

(April 1978) is the applicable guidance for the use of models in such applications as prevention of significant deterioration, new source review and the revision of state implementation plans. EPA Regional Offices should be contacted for more detailed information concerning the interpretation and use of that guideline.

Dated: March 13, 1981.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 81-8290 Filed 3-18-81; 8:45 am]

BILLING CODE 6560-26-M

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 80-766; Transmittal 191]

RCA American Communications, Inc.; Correction

AGENCY: Federal Communications Commission.

ACTION: Erratum to memorandum opinion and order.

SUMMARY: The Federal Communications Commission corrects a typographical error in a Memorandum Opinion and Order (March 2, 1981; 46 FR 14816) that denied a petition filed by RCA American Communications, Inc. to consolidate this proceeding with the Commission's ongoing competitive carrier rulemaking proceeding in Docket No. 79-252.

DATES: Comment dates are the same as were stated in the original order.

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

FOR FURTHER INFORMATION CONTACT: Carl E. Douglas, Common Carrier Bureau, (202) 632-6817.

SUPPLEMENTARY INFORMATION: In the matter of RCA American Communications, Inc., revisions to Tariff F.C.C. Nos. 1 and 2, CC Docket No. 80-766, Transmittal No. 191 (46 FR 14816).

Released: March 5, 1981.

The Memorandum Opinion and Order in the above entitled matter, released February 19, 1981, is corrected to read in paragraph seven, line 14, "May 26, 1981" instead of "May 31, 1981."

Joseph A. Marino,

Acting Chief, Common Carrier Bureau.

[FR Doc. 81-8367 Filed 3-18-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL RESERVE SYSTEM

Alsip Bancorporation, Inc.; Formation of Bank Holding Company

Alsip Bancorporation, Inc., Alsip, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Alsip Bank and Trust, Alsip, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than April 12, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 13, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8475 Filed 3-18-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than April 11, 1981.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

Citicorp, New York, New York (real estate lending activities; California): to expand the previously approved activities of an existing office of its subsidiary, Citicorp Homeowners, Inc., located in San Jose, California, to include the making, acquiring, and servicing, for its own account and for the account of others, extensions of credit secured by liens on residential real estate. The previously approved activities of the office include the making, acquiring and servicing of extensions of credit secured by second liens on residential real estate; and the originating, for its own account and the account of others, of 1-4 family residential mortgage loans. The previously approved service area of the office, comprised of the metropolitan San Jose area, will also be expanded to include the entire State of California for all the activities of the office.

B. *Federal Reserve Bank of Cleveland* (Harry W. Hunning, Vice President) 1455 East Byrd Street, Richmond, Virginia 23261:

Pittsburgh National Corporation, Pittsburgh, Pennsylvania (mortgage banking activities; Virginia and Maryland): to engage, through its wholly-owned subsidiary The Kissel Company, in mortgage banking, including the making or acquiring and servicing for its own account or the account of others loans and other extensions of credit. These activities will be conducted from an office in Manassas, Virginia, serving Clarke, Culpeper, Fauquier, Prince William, Rappahanock, Stafford and Warren Counties, Virginia; an office in Annandale, Virginia, serving Fairfax and Loudoun Counties, Virginia; and an office in Baltimore, Maryland, serving

Baltimore, Carroll, Harford, Kent, and Queen Anne Counties, Maryland.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, March 12, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8487 Filed 3-18-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for the application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than April 12, 1981.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

Manufacturers Hanover Corporation, New York, New York (commercial leasing and financing activities; Missouri, Kansas, and Southern Illinois): to engage, through its subsidiary Manufacturers Hanover Leasing Corporation in leasing real and personal property on a full payout basis, acting as agent, broker or adviser in leasing such property, making or acquiring for its own account or for the account of others loans and other extensions of credit, such as would be made by a commercial finance or commercial mortgage company, with respect to real and/or personal property, and servicing such leases, loans and other extensions of credit, as permitted under § 225.4(a) (1), (3) and (6) of Regulation Y. These activities would be conducted from a *de novo* office of Manufacturers Hanover Leasing Corporation to be located at 34 North Meramec, Clayton, Missouri, and serving the areas listed in the caption above.

B. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

Security Pacific Corporation, Los Angeles, California (escrow activities; California): to engage through its subsidiary, S.P.M.C. Escrow, Inc., in acting as escrow agent for the purchase and sale of real property and in all other activities engaged in by an escrow company under California law. These activities would be conducted from an office in Downey, California, serving the State of California.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, March 13, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8488 Filed 3-18-81; 8:45 am]

BILLING CODE 6210-01-M

Brighton Bancshares Corp.; Formation of Bank Holding Company

Brighton Bancshares Corporation, Brighton, Tennessee, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Brighton Savings Bank, Brighton, Tennessee. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 12, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 13, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8476 Filed 3-18-81; 8:45 am]

BILLING CODE 6210-01-M

Campbell State Co.; Formation of Bank Holding Company

Campbell State Company, Campbell, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of Campbell State Bank, Campbell, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 12, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 13, 1981.

Jefferson A. Walker,

Assistance Secretary of the Board.

[FR Doc. 81-8477 Filed 3-18-81; 8:45 am]

BILLING CODE 6210-01-M

Chisholm Financial Services, Inc.; Acquisition of Bank

Chisholm Financial Services, Inc., Richardson, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 82 per cent, less directors' qualifying shares, of the voting shares of Chisholm National Bank, Plano, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than April 12, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 13, 1981.

Jefferson A. Walker,

Assistance Secretary of the Board.

[FR Doc. 81-8478 Filed 3-18-81; 8:45 am]

BILLING CODE 6210-01-M

Commercial Bancshares, Inc.; Formation of Bank Holding Company

Commercial Bancshares, Inc., Champaign, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent, less directors' qualifying shares, of the voting shares of the successor by merger to The Commercial Bank of Champaign, Champaign, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 10, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 13, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8479 Filed 3-18-81; 8:45 am]

BILLING CODE 6210-01-M

Crosstown Holding Co.; Formation of Bank Holding Company

Crosstown Holding Company, Ham Lake, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of Crosstown State Bank of Ham Lake, Inc., Ham Lake, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than April 12, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 13, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8480 Filed 3-18-81; 8:45 am]

BILLING CODE 6210-01-M

Faribault Bancshares, Inc.; Formation of Bank Holding Company

Faribault Bancshares, Inc., Faribault, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring at least 93.64 per cent or more of the voting shares of The State Bank of Faribault, Faribault, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 12, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 13, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8481 Filed 3-18-81; 8:45 am]

BILLING CODE 6210-01-M

Live Oak Bancshares Corp.; Formation of Bank Holding Company

Live Oak Bancshares Corporation, George West, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First National Bank in George West, George West, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received no later than April 12, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 13, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8482 Filed 3-18-81; 8:45 am]

BILLING CODE 6210-01-M

Mercer Bancorp, Inc.; Formation of Bank Holding Company

Mercer Bancorp, Inc., Mercer, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 8142(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of The Peoples Bank of Mercer, Mercer, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal reserve System, Washington, D.C. 20551 to be received no later thn April 12, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 13, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8483 Filed 3-18-81; 8:45 am]

BILLING CODE 6210-01-M

NBA International Banking Corp.; Corporation To Do Business Under Section 25(a) of the Federal Reserve Act

An application has been submitted for the Board's approval of the organization of a corporation to do business under section 25(a) of the Federal Reserve Act ("Edge Corporation"), to be known as NBA International Banking Corporation, Seattle, Washington. NBA International Banking Corporation would operate as a subsidiary of National Bank of Alaska, Anchorage, Alaska. The factors that are considered in acting on the application are set forth in § 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than April 12, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identify specifically any questions of fact that are in dispute and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 13, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8484 Filed 3-18-81; 8:45 am]

BILLING CODE 6210-01-M

Ohio Citizens Bancorp., Inc.; Acquisition of Bank

Ohio Citizens Bancorp., Inc., Toledo, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of the Farmers & Merchants Deposit Company, Swanton, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than April 12, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 13, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8485 Filed 3-18-81; 8:45 am]

BILLING CODE 6210-01-M

Orchard Valley Financial Corp.; Formation of Bank Holding Company

Orchard Valley Financial Corporation, Hotchkiss, Colorado, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of First State Bank of Hotchkiss, Hotchkiss, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than April 12, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 13, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8486 Filed 3-18-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities; Pittsburgh National Corp.

The bank holding company listed in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to the application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on the application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for the application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than April 10, 1981.

A. *Federal Reserve Bank of Cleveland* (Harry W. Hunning, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

Pittsburgh National Corporation, Pittsburgh, Pennsylvania (mortgage banking, Michigan): to engage *de novo*, through a wholly-owned subsidiary, The Kissell Company, Springfield, Ohio in the activity of mortgage banking, including the making or acquiring and servicing for its own accounts and or the accounts of others, loans and other extensions of credit. The proposed office will be located in Grand Rapids, Michigan and will serve the metropolitan area of Grand Rapids, Michigan, and Kent, Montcalm, Muskegon, Oceana, Newaygo, Mecosta, Isabella, Gratiot, Osceola, Lake, Mason, Ionia, Calhoun, Shiawassee, Livingston, Ingham, Genessee, Ottawa, Clinton, Allegan, Barry, Van Büren, Kalmazoo, Berrien, St. Joseph Branch and Jackson counties, Michigan.

B. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, March 17, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8689 Filed 3-18-81; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Prairie Farms Dairy Incorporated is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all voting securities of Muller-Pinehurst Dairy, Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Prairie Farms. Neither agency intends to take action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: February 27, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-8518 Filed 3-18-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Madison Fund Incorporated is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of AM International Incorporated. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: March 5, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-8519 Filed 3-18-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Roxboro Investments (1976) Ltd. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Bache Group, Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Roxboro. Neither agency intends to take action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: March 3, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-8520 Filed 3-18-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Celanese Corporation is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain assets of Monsanto Company. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to requests for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: March 2, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of

1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-8521 Filed 3-18-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources Administration

National Advisory Council on Health Professions Education; 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 April 1981:

Name: National Advisory Council on Health Professions Education.
Date and Time: April 22-24, 1981, 8:30 a.m.
Place: Conference Room 6, 6th Floor, Building 31—C Wing, National Institutes of Health, Bethesda, Maryland 20205.
Closed April 22, 1981.
Open April 23 and 24, 1981.

Purpose. The Council advises the Secretary with respect to the administration of programs of financial assistance for the health professions and makes recommendations based on its review of applications requesting such assistance. This also involves advice in the preparation of regulations with respect to policy matters.

Agenda. The open portion of the meeting will cover: report of the Acting Administrator; welcome and opening remarks; budget update; legislative update; report on Health Promotion and Disease Prevention; and future agenda items. The meeting will be closed to the public on April 22, 1981, from 8:30 a.m. to 5:00 p.m., for the review of grant applications for Health Careers Opportunity Program and Residency Training in the General Practice of Dentistry. The closing is in accordance with the provision set forth in section 552b(c)(6), Title 5 U.S. Code, and the Determination by the Acting Administrator, Health Resources Administration, pursuant to Pub. L. 92-463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should write to or contact Mr. Robert L. Belsley, 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: March 13, 1981.

Irene D. Skinner,

Advisory Committee Management Officer, Health Resources Administration.

[FR Doc. 81-8366 Filed 3-18-81; 8:45 am]

BILLING CODE 4110-83-M

DEPARTMENT OF THE INTERIOR

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Amoco Production Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS-G 4090 and 4398, Blocks 294 and 293, West Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 12, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-8363 Filed 3-18-81; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Land Management

Arizona Wilderness Inventory Program: Decision on Protests to the Final Intensive Wilderness Inventory

SUMMARY: This notice is to advise the public of my decisions on the protests received on the "Final Intensive Wilderness Inventory for Arizona."

SUPPLEMENTARY INFORMATION:

Background

On November 7, 1980, I announced my Final Intensive Wilderness Inventory Decision for Arizona. The above notice advised the public of their right to file a protest to my decision. All units recommended as Wilderness Study Areas (WSAs) were protested. Twenty-one units which were recommended to be released from the constraints of Section 603 of the Federal Land Policy and Management Act (FLPMA) were protested.

As a result of the evaluation of information contained in these protests, I am announcing amendments to eleven inventory unit decisions.

Amended Decisions

The inventory decision amendments are summarized as follows:

Arizona Strip District

AZ-010-031: Because of new information supplied by the public, ways were judged to be roads. These changes resulted in 665 acres being dropped from the unit. It is now 39,242 acres.

AZ-010-033A: Five ways have been recognized as roads and cherrystemmed from the unit. The boundary was adjusted near Tom Lamb Reservoir adding approximately 20 acres. The net result in acreage after the deletions and one area of addition remains the same. The unit remains at 63,682 acres.

AZ-010-034A: Grandfathered mining activity within the unit has expanded the area of impact. An additional 230 acres are dropped. The unit is now 9,441 acres.

AZ-010-104B: A way was judged to be a road after a field check because of new information supplied by the public. The road deletes 1,338 acres from the unit. It remains a WSA of 25,912 acres.

AZ-010-111: A way was judged to be a road. This road forms a new boundary which deletes 4,065 acres from the unit. The unit remains a WSA of 33,985 acres.

Phoenix District

AZ-020-083: The public supplied information which changed the status of a way to a road. The road deletes 2,400 acres from the unit. The unit remains a WSA of 21,800 acres.

AZ-020-125: Field investigation proved a vehicle access route which was formerly judged to be a way is actually a road. The road deletes 18,025 acres. The portion dropped was judged to lack outstanding opportunities for solitude or a primitive, unconfined type of recreation. The original unit remains a WSA of 40,575 acres.

AZ-020-176: The accumulation of minor works of man resulted in the decision to drop this unit from WSA status. The 10,665 acre unit is dropped from further consideration.

AZ-020-187: An area which contains minor works of man was deleted because of their cumulative effect. The area dropped is 700 acres. The unit remains a WSA of 6,268 acres.

Safford District

AZ-040-014: A way was judged to be a road. The road deletes 10 acres from the unit. The unit remains a WSA of 15,003 acres.

AZ-040-065: A road was cherrystemmed from the edge of the unit. The change deletes two acres from the unit. The WSA contains 16,769 acres.

Decisions Which Will Remain as Previously Announced

The Final Decision is in effect on the following WSAs.

Arizona Strip District

AZ-010-106A	AZ-010-099
AZ-010-106B	AZ-010-008A/19
AZ-010-106C	AZ-010-008B
AZ-010-106D	AZ-010-009
AZ-010-041	AZ-010-091
AZ-010-050	AZ-010-093
AZ-010-051	AZ-010-096A
AZ-010-052	AZ-010-104A
AZ-010-096C	AZ-010-132
AZ-010-096D	AZ-010-136
AZ-010-097	

Phoenix District

AZ-020-001A	AZ-020-119
AZ-020-007	AZ-020-126A
AZ-020-008	AZ-020-138
AZ-020-009	AZ-020-136
AZ-020-010	AZ-020-142/144
AZ-020-12/42	AZ-020-157
AZ-020-014	AZ-020-160
AZ-020-015	AZ-020-163
AZ-020-021	AZ-020-164
AZ-020-024	AZ-020-172
AZ-020-028/029	AZ-020-194
AZ-020-068	AZ-020-197
AZ-020-071	AZ-020-202
AZ-020-075	AZ-020-203B
AZ-020-084A	AZ-020-204
AZ-020-099	AZ-020-205
AZ-020-100	

Safford District

AZ-040-001A	AZ-040-048
AZ-040-008	AZ-040-060
AZ-040-016	AZ-040-076
AZ-040-22/23/24(A)	AZ-040-077
AZ-040-22/23/24(B)	

Yuma District

AZ-050-005B	AZ-050-017
AZ-050-007C/5-46/2-52	AZ-050-023A
AZ-050-012	AZ-050-023B
AZ-050-013	AZ-050-031
AZ-050-014A/B	AZ-050-033
AZ-050-015A	AZ-050-034

The Final Decision to release the following units is in effect. Therefore, these units are released from the constraints of Section 603 of FLPMA and the Interim Management Guidelines.

Arizona Strip District

AZ-010-131
AZ-010-133

Phoenix District

AZ-020-107	AZ-020-132/133
AZ-020-108	AZ-020-155A
AZ-020-126B	AZ-020-155B
AZ-020-127A	AZ-020-169
AZ-020-130	AZ-020-175
AZ-020-131	

Safford District

AZ-040-001B	AZ-040-017
AZ-040-013	AZ-040-083

Yuma District

AZ-050-009	AZ-050-040
AZ-050-038	

Right To Appeal

The publication of this **Federal Register** starts a 30-day appeal period.

An appeal from these decisions must be taken to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations in 43 CFR Part 4, Subparts A, B, and E. However, if an appeal is taken, the Notice of Appeal must be filed in this office (not the Board), so that the permanent document file(s) can be transmitted to the Board. A copy of the Notice of Appeal and of any statement of reasons, written arguments, or briefs must be served on the Field Solicitor, U.S. Department of the Interior, 2080 Valley Bank Center, Phoenix, Arizona 85073 not later than 15 days after filing the document. To avoid summary dismissal of the appeal, there must be strict compliance with the regulations.

Clair M. Whitlock,

State Director.

March 11, 1981.

[FR Doc. 81-8358 Filed 3-18-81; 8:45 am]

BILLING CODE 4310-84-M

Boise District Public Meetings—Wilderness Study

The Bureau of Land Management Boise District is beginning the study phase of the wilderness review. BLM will now study these areas as part of the land use planning process and make a recommendation to the Secretary of Interior on whether the areas are suitable or unsuitable for Wilderness designation. The final decision is made by Congress.

Public meetings have been scheduled for:

April 15, 1981: Boise District Office Conference Room, 3948 Development Ave., Boise, Idaho.

April 16, 1981: Homedale County Agent's Office, Marsing, Idaho (Hwy 78—across from the gradeschool).

April 22, 1981: American Legion Hall, Bruneau, Idaho.

At each session, 12 noon to 7:30 p.m. will be open house, and 7:30 p.m. to 10 p.m. will be a public meeting.

The purpose of these meetings will be to obtain public comment and recommendations on planning and criteria, and to discuss alternate land uses in each area. For details on planning criteria, refer to **Federal Register** of December 19, 1980, Part III. During this planning, 23 wilderness study areas will be considered, all lying within the 5½ million acres managed by the Boise District in southwestern Idaho.

Also to be discussed at the meetings will be the intensive inventory for those areas proposed as wilderness study areas along the Idaho-Oregon and Idaho-Nevada borders. Completion of the inventory in these Stateline units has been delayed because of an earlier appeal. The appeal has now been settled and the Bureau will proceed with intensive inventory on these 10 units.

A map showing the exact locations of these areas is available from the BLM Boise District, 3948 Development Avenue, Boise, Idaho 83705. For further information contact John Benedict or Steve Addington at 208-334-1582, above address.

James Gabettas,

Acting District Manager.

March 9, 1981.

[FR Doc. 81-8365 Filed 3-18-81; 8:45 am]

BILLING CODE 4310-84-M

Carson City District Grazing Advisory Board; Meeting

ACTION: Notice of meeting.

SUMMARY: This notice announces the agenda of the next meeting of the Board.

DATE: April 23, 1981—9:30 a.m.

ADDRESS: Bureau of Land Management, Carson City District Office, 1050 East Highway 50, Suite 335, Carson City, Nevada 89701.

FOR FURTHER INFORMATION CONTACT: Stephen Weiss, Public Affairs Officer, Carson City District Office, (702) 882-1631.

SUPPLEMENTARY INFORMATION: The Carson City District Grazing Advisory Board is chartered to advise the District Manager regarding the development of allotment management plans and the utilization of range betterment funds.

The agenda for the meeting will include discussion of allotment management plans, range improvement projects, the proposed Management Framework Plan for the Reno Planning Area, and consultation with permittees.

The meeting is open to the public. Any person may attend, file a written statement by mail, or appear before the Board at 3:00 p.m.

Thomas J. Owen,

District Manager.

March 10, 1981.

[FR Doc. 81-8314 Filed 3-18-81; 8:45 am]

BILLING CODE 4310-84-M

[Colorado 23733]

Colorado: Realty Action; Non-Competitive Sale of Public Lands in Fremont County

March 10, 1981.

The following described land has been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713), at no less than the appraised fair market value. ($1,275.00)

New Mexico Principal Meridan

T. 48 N., R. 10 E.,
Sec. 10, Lot 2.

The tract described contains 0.85 acres in Fremont County.

The sale of this land will be held on approximately the twelfth day of May, 1981. The lands are being offered as a direct, non-competitive sale to Mr. Clarence Canterbury, the owner of the adjoining tract and a water well inadvertently drilled on lot 2 prior to the boundaries of the public lands in the vicinity being identified and monumented under a dependent resurvey of the township. Disposal by direct sale to Mr. Canterbury, rather than by public auction, will legalize his use of the parcel and protect his equity investment in his improvements on the land and avoid an undue hardship if he were required to cease his use of the land. The sale will resolve an unauthorized use situation.

The triangular-shaped parcel is part of a public land tract. Its northwest boundary is the Fremont County road along West Creek. The road effectively separates it from the larger area of public land northwest of the road, and non-federal land adjoins all of the south and east boundaries. The parcel has not been used, and is not suitable for, nor needed for management by another Federal Department or agency. Disposal would best serve the public interest.

The sale will be consistent with the Bureau of Land Management's planning for the lands. Disposal would have no adverse impact on local planning and zoning. The Fremont County Commissioners have not objected to sale of the land.

The terms and conditions applicable to the sale are:

The patent will include a reservation of a right of way for ditches and canals constructed by the authority of the United States in accordance with 43 U.S.C. 945.

2. All mineral rights will be reserved to the United States.

3. The sale of this land will be subject to all valid existing rights, including the right of way for the county road along West Creek.

Detailed information concerning the sale, including the environmental assessment report and land report, is available for review at the Bureau of Land Management Canon City District Office, 3080 East Main Street, Canon City, Colorado 81212.

On or before April 16, 1981, interested parties may submit comments to the Secretary of the Interior (LLM-320), Washington, D.C. 20240. Any adverse comments will be evaluated by the Secretary of the Interior who may vacate or modify this realty action and issue a final determination. In the absence of any action by the Secretary of the Interior, this realty action will become the final determination of the Department of the Interior and the required payment, plus the cost of publishing the notice, shall be requested of Mr. Canterbury. Such payment, in full, shall be in accordance with 43 CFR 1822.1-2.

Harold R. Martin,

Acting State Director.

[FR Doc. 81-8360 Filed 3-18-81; 8:45 am]

BILLING CODE 4310-84-M

Monument Resource Management Plan

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of intent to prepare Resource Management Plan and Environmental Impact Statement for public lands in Blaine, Minidoka, Lincoln, Jerome, Gooding, and Power Counties, Idaho.

SUMMARY: Pursuant to 43 CFR 1600, the Shoshone District, Bureau of Land Management is developing a Resource Management Plan (RMP) and accompanying Environmental Impact Statement (EIS), covering approximately 1,200,000 acres of public land in southcentral Idaho. The RMP and EIS will analyze resource management alternatives ranging from production to protection, including a no action alternative, and are scheduled for completion in mid-1985. The Shoshone District invites members of the public, other Federal agencies, State and local governments, and Indian tribes to identify resource management issues and opportunities to be considered during the preparation of the Monument RMP.

Meetings to facilitate issues and opportunity identification will be held in late April in various areas (to be announced at a later date) within the planning area. All concerned parties are invited to attend the meetings. Opportunities for public participation will be made available throughout the process.

The interdisciplinary team will include the following disciplines: Economics, Public Affairs, range, wildlife, recreation, watershed (soil, water, and air), cultural resources, visual resources, minerals, lands, and realty.

DATE: Written comments concerning resource management issues and opportunities for the Monument RMP should be sent to the BLM District Manager, Shoshone District Office, P.O. Box 2 B, Shoshone, Idaho 83352. Comments must be received by May 15, 1981.

FOR FURTHER INFORMATION CONTACT: Ervin R. Cowley, Monument Area Manager, Shoshone BLM District Office, P.O. Box 2 B, Shoshone, Idaho 83352 (208) 886-2206.

SUPPLEMENTARY INFORMATION: As the planning is developed, documents will be available for inspection at the above address.

Dated: March 12, 1981.

Charles J. Haszier,

District Manager.

[FR Doc. 81-8377 Filed 3-18-81; 8:45 am]

BILLING CODE 4310-84-M

Arizona; Safford District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Safford District Grazing Advisory Board will be held on Friday, April 24, 1981.

The meeting will begin at 9:30 a.m. in the conference room of the Bureau of

Land Management, 425 E. 4th Street, Safford, Arizona 85546.

The agenda for the meeting will include: (1) Election of chairman and vice-chairman; (2) Final rulemaking on grazing regulations; (3) Progress update on implementation of Upper Gila-San Simon Environmental Statement; (4) Drought conditions; (5) Update on Stewardship program; (6) Business from the floor.

The meeting will be open to the public. Interested persons may make oral statements to the Board between 10:30 a.m. and 11:30 a.m. A written copy of the oral statement must be provided at the conclusion of the presentation. Written statements may also be filed for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management 425 E. 4th Street, Safford, Arizona 85546, by 4:15 p.m., April 23, 1981.

Summary minutes of the Board meeting will be maintained in the District Office and be available for public inspection and reproduction (during regular business hours) within thirty (30) days following the meeting.

Dated: March 12, 1981.

Fritz U. Rennebaum,

Acting District Manager.

[FR Doc. 81-8424 Filed 3-18-81; 8:45 am]

BILLING CODE 4310-84-M

[1784.2]

Cedar City District Grazing Advisory Board; Meeting; Correction

The April 9, 1981 meeting of the Cedar City District Grazing Advisory Board announced in the **Federal Register**, Volume 46, No. 41, page 14973 on Tuesday March 3, 1981 has been rescheduled for April 7, 1981. All other information remains the same.

Morgan S. Jensen,

District Manager.

March 11, 1981.

[FR Doc. 81-8430 Filed 3-18-81; 8:45 am]

BILLING CODE 4310-84-M

Eastern States; Transfer of Submarginal Lands; Bad River Indian Reservation

1. Pursuant to Public Law 94–114 (89 Stat. 577) and Sec. 2 thereof, the land described in paragraph 3 of this notice, together with all minerals underlying this land, whether acquired or otherwise owned by the United States, are hereby declared to be held by the United States in trust for the use and benefit of the Bad River Band of the Lake Superior Tribe of Chippewa Indians of Wisconsin, subject to all valid rights, reservations, rights-of-way, and easements of record. The land shall be part of the established Bad River Indian Reservation. These lands were submarginal lands acquired under Title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), and Sec. 55 of the Act of August 24, 1935 (49 Stat. 750, 781). This notice is issued under the authority delegated to me by Bureau Order No. 701, dated July 23, 1946, as amended.

2. Any existing mineral leases, including oil and gas leases, which have been issued on this land will remain in force and effect in accordance with the terms and provisions of the Act under which the leases were issued. The lease files will be transferred to the Office of the Area Director, Bureau of Indian Affairs, Minneapolis, Minnesota. Future rentals for these leases will be paid to and collected by that office. Jurisdiction of these mineral leases is transferred from the Bureau of Land Management to the Bureau of Indian Affairs in trust for the Bad River Band of the Lake Superior Tribe of Chippewa Indians of Wisconsin.

3. Fourth Principal Meridian, Wisconsin

T. 46 N., R. 2 W.,
- Sec. 1, Lots 1 and 3, N½N½SE¼NE¼, N½SW¼;
- Sec. 2, Lots 3 and 4, S½NW¼;
- Sec. 3, Lots 1 and 2, S½NE¼;
- Sec. 4, Lots 3 and 4, SW¼SW¼, NW¼SE¼;
- Sec. 5, Lots 3 and 4;
- Sec. 6, Lots 1 and 2, SW¼NE¼, SE¼NE¼, NE¼SW¼, NW¼SE¼;
- Sec. 7, Lot 2, SE¼NE¼, SE¼NW¼, NE¼SE¼, NW¼NE¼, NE¼NW¼;
- Sec. 8, S½SW¼, N½SE¼, SW¼NE¼, NW¼NW¼;
- Sec. 9, N½SW¼, S½SW¼, S½SE¼, NE¼NE¼, NW¼NE¼, NE¼NW¼, NW¼NW¼, SW¼NW¼;
- Sec. 10, SE¼NW¼, NE¼SE¼, NW¼NW¼, NW¼NE¼, NE¼SE¼, S½SE¼;
- Sec. 11, S½NE¼, W½SW¼, SW¼NW¼, NE¼SE¼;
- Sec. 12, NE¼NE¼, N½NW¼, N½SW¼;
- Sec. 14, NE¼SW¼, SE¼SW¼;
- Sec. 15, SE¼SW¼, NW¼SE¼;
- Sec. 16, N½NW¼;
- Sec. 17, NE¼NE¼; SE¼NE¼, E½SE¼, NW¼NE¼;
- Sec. 18, SE¼NE¼, W½W½E½NW¼NE¼, W½NW¼NE¼, E½NE¼NW¼, E½W½NE¼NW¼;
- Sec. 21, W½SE¼, S½NW¼;
- Sec. 23, S½S½SE¼;
- Sec. 26, N½NE¼;
- Sec. 27, SE¼SW¼, W½NE¼;
- Sec. 28, S½SW¼, NE¼NE¼, E½NW¼NE¼;
- Sec. 29, SE¼NE¼, NE¼SE¼;
- Sec. 30, SW¼NE¼, NE¼NW¼, N½NE¼SW¼, S½SE¼, SE¼NW¼;
- Sec. 31, SE¼SW¼, SW¼SE¼, NE¼NW¼, Lots 1 and 4;
- Sec. 32, SW¼NW¼, NW¼SW¼;
- Sec. 35, S½S½N½N½NW¼, S½N½NW¼, N½N½N½N½S½NW¼; and
- Sec. 36, NW¼NE¼, SW¼NE¼, SE¼NE¼, NE¼NW¼, NE¼SE¼.

T. 47 N., R. 2 W.,
- Sec. 1, SE¼NW¼;
- Sec. 3, SE¼NW¼, SE¼;
- Sec. 5, SE¼SE¼;
- Sec. 6, E½SE¼, SE¼NW¼;
- Sec. 7, NE¼SE¼;
- Sec. 8, S¼NE¼;
- Sec. 10, E½SW¼, SW¼SW¼;
- Sec. 11, NE¼SW¼, N½SE¼;
- Sec. 12, E½NW¼ NE¼NE¼;
- Sec. 13, NW¼, NE¼SE¼, N½SW¼;
- Sec. 14, SE¼SW¼, S½NE¼;
- Sec. 17, SW¼NE¼;
- Sec. 18, NW¼NW¼, NE¼NW¼, SW¼SW¼, SE¼SW¼, SW¼NE¼, NE¼SW¼;
- Sec. 19, W½NW¼, S½ except for E½SE¼;
- Sec. 20, N½NE¼, N½NW¼, N½SW¼, S½SE¼;
- Sec. 21, N½NE¼, SW¼NE¼, SE¼NW¼;
- Sec. 22, W½NW¼, SE¼SW¼, NE¼SW¼, N½SE¼, SE¼SE¼;
- Sec. 23, W½NE¼NW¼, SW¼SW¼;
- Sec. 25, NE¼SE¼, SE¼SW¼, N½NE¼, NW¼SW¼;
- Sec. 26, W½NE¼;
- Sec. 27, W½NW¼, NW¼NE¼, E½SE¼NE¼, SE¼SE¼;
- Sec. 28, E½NE¼NE¼, SE¼NW¼, NE¼SW¼;
- Sec. 29, S½NE¼;
- Sec. 30, E½NW¼, NE¼SW¼, NW¼SW¼, N½SE¼;
- Sec. 31, W½NW¼, S½SW¼;
- Sec. 32, NW¼, W½SE¼;
- Sec. 33, E½SE¼, NE¼NW¼, SW¼¼SW¼, SE¼SW¼, W½NW¼;
- Sec. 34, N½SE¼, N½SE¼SE¼, S½SE¼SE¼, S½SE¼NE¼, S½SW¼, N½NE¼;
- Sec. 35, NW¼NE¼, S½SE¼, S½NW¼; and
- Sec. 36, SW¼NE¼, E½NW¼, W½SW¼, NE¼NE¼, W½NW¼, N½SE¼SE¼, NW¼NE¼.

T. 48 N., R. 2W.,
- Sec. 35, SW¼SE¼.

T. 46 N., R. 3W.,
- Sec. 1, Lots 2 and 11, SW¼NE¼, S½SE¼, NE¼SE¼, NW¼SE¼;
- Sec. 3, Lots 2 and 3, SW¼SW¼, SE¼NW¼, NE¼SW¼;
- Sec. 4, SE¼SE¼;
- Sec. 5 SW¼SE¼NE¼;
- Sec. 10, SE¼SE¼;
- Sec. 11, NW¼SW¼;
- Sec. 12, Lot 2, SE¼SE¼;
- Sec. 13, W½SW¼;
- Sec. 15, NE¼SW¼, SW¼SW¼, S½SE¼;
- Sec. 17, N½NE¼, NW¼SW¼;
- Sec. 18, SW¼SE¼;
- Sec. 21, E½E½E½W½NE¼, W½E½NE¼, W½W½E½E½NE¼, E½W½ E½E½NE¼, E½E½E½NE¼;
- Sec. 22, W½W½W½NW¼, W½W½ E½W½NW¼;

Sec. 24, Lot 5, N½NW¼;
Sec. 25, S½NW¼;
Sec. 35, NW¼SW¼; and
Sec. 36, S½NW¼.
T. 47 N., R. 3 W.,
Sec. 1, S½SW¼;
Sec. 2, W½NE¼, E½NE¼;
Sec. 9, S½NW¼SW¼, N½N½ SW¼SW¼;
Sec. 11, SW¼NE¼, N½NW¼SW¼;
Sec. 12, Lots 1, 3, 4, and 5, S½SW¼ NW¼, SW¼SW¼, NW¼NW¼, N½SW¼ NW¼;
Sec. 13, Lots 1 and 11, SE¼SW¼, NW¼SE¼;
Sec. 16, E½NW¼SW¼;
Sec. 24, SE¼SW¼, NE¼SE¼, NW¼SE¼;
Sec. 25, NE¼NE¼, SE¼NE¼;
Sec. 26, NE¼SW¼, NW¼SW¼;
Sec. 27, NE¼SW¼;
Sec. 30, SW¼NW¼;
Sec. 32, W½SE¼;
Sec. 33, W½E½E½W½NW¼, W½E½ W½NW¼, E½W½W½NW¼, W½W½SW¼, "ERR17" E½E½ W½SW¼, E½E½SW¼, W½W½W½ SE¼, E½NE¼;
Sec. 34, NW¼SW¼, S½SW¼; and
Sec. 36, S½SE¼.
T. 48 N., R. 3 W.,
Sec. 25, Lot 7, and also, a parcel of land Beginning at a point 1617 feet west of the SE corner of the SW¼SE¼ of Sec. 25, aforesaid, thence 313 feet, thence north 15° West 418 feet, thence east 313 feet, thence south 15° east 418 feet to place of beginning described as follows: Beginning at a point in the west boundary line of the tract described above, 189 feet from the southwest corner thereof, and running thence southerly along the easterly boundaryline of said 181 feet, thence easterly parallel to the southerly boundaryline of said tract 163 feet, thence northerly parallel with the easterly bouundaryline of said tract 221 feet thence southerly to the point of beginning, comprising a total of. 653 acres in Steam's Addition in Village of Odanah, Wisc.;
Sec. 26, Lots 3, 4, 5, 7, 8, 9, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, & 25, comprising a total of 4.757 acres in Browns subdivision in Village of Odanah, Wisc.; Lots 2, 3, 4, 7, & 8, all in Block 1; Lots 1, 2, 3, 4, 5, 6, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, & 23, all in Block 2; Lots 1, 2, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, & 20, all in Block 3; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, & 20, all in Block 4; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, & 20, all in Block 5; and Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, & 14, all in Block 7; comprising a total of 7.696 acres in Blatchford's Addition in Village of Odanah, Wisc.;
Sec. 35, E½W½SE¼, E½W½W½SE¼; and
Sec. 36, Lots 2, 4, 6, 7, and 10, SW¼NE¼, SW¼SW¼.

4. The areas described aggregate 13,148.81 acres, more or less.

5. All inquiries relating to these lands should be sent to the Director (921), Eastern States Office, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304, on or before May 4, 1981.

Pieter J. VanZanden,

Acting Eastern States Director.

[FR Doc. 81-8426 Filed 3-18-81; 8:45 am]

BILLING CODE 4310-84-M

[Coal Lease Modification Application C-22644]

Land in Routt County, Colo.; Public Hearing and Request for Public Comment

March 13, 1981.

The Department of the Interior, Bureau of Land Management, Colorado State Office, Denver, Colorado hereby gives notice that a public hearing will be held on April 21, 1981 at 7:00 p.m. in the Yampa Valley Electric Building, 32 10th Street, Steamboat Springs, Colorado. Application has been made by Energy Fuels Corporation for modification of coal lease C-22644 to include certain coal resources in the public lands hereinafter described. The purpose of the hearing is to obtain public comments on the following items: (1) The method of mining to be employed to obtain maximum economic recovery of the coal; (2) the impact that mining the coal in the proposed leasehold may have on the area, including, but not limited to, impacts on the environment; and (3) methods of determining the fair market value of the coal to be offered. Written requests to testify orally at the April 21, 1981 public hearing should be received at the Craig District Office, Bureau of Land Management, P.O. Box 248, Craig, Colorado 81625, prior to the close of business April 20, 1981. People who indicate they wish to testify when they check in at the hearing room may have an opportunity to testify if time is available after the listed witnesses have been heard.

Both oral and written comments will be received at the public hearing, but speakers will be limited to a maximum of three or five minutes each depending on the number of persons desiring to comment. The time limitation will be strictly enforced, but the complete text of prepared speeches may be filed with the presiding officer at the hearing, whether or not the speaker has been able to finish oral delivery in the allotted minutes. Substantive comments, whether written or oral, will receive equal consideration prior to any lease offering.

In addition, the public is invited to submit written comments concerning the fair market value of the coal resource to the Bureau of Land Management and the U.S. Geological Survey. Public comments will be utilized in establishing fair market value for the coal resources in the described lands.

Comments should address specific factors related to fair market value including, but not limited to: the quantity and quality of the coal resources, the price that the mined coal would bring in the market place, the cost of producing the coal, the probable timing and rate of production, the interest rate at which anticipated income streams would be discounted, depreciation and other accounting factors, the expected rate of industry return, the value of the surface estate (if private surface), and the mining method or methods which would achieve maximum economic recovery of the coal. Documentation of similar market transactions, including location, terms, and conditions may also be submitted at this time.

These comments will be considered in the final determination of fair market value as determined in accordance with 30 CFR 211.63 and 43 CFR 3422.1-2. Should any information submitted as comments be considered to be proprietary by the commenter, the information should be labeled as such and stated in the first page of the submission. Comments should be sent to both the State Director, Colorado State Office, Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, and to the Deputy Conservation Manager, Conservation Division (RE), C/R, Geological Survey, Box 25046, Denver Federal Center, Denver, Colorado 80225, to arrive no later than April 22, 1981.

The coal resource to be offered is limited to strippable coal reserves in the Wadge seam and any overlying coal seams. The 1.3 million estimated recoverable tons are located in the following lands approximately 13 miles southeast of Milner, Colorado:

A parcel of land located in Section 19 and the NW¼NW¼ of Section 20, T4N, R86W of the 6th P.M., whose description is more particularly described as follows:

Beginning at the NW corner of said Section 20; thence along the North line of Section 20, N. 89°47'28" E., 329.08 feet, to the NE corner of the NW¼NW¼NW¼NW¼ of Section 20; thence along the East line of the NW¼NW¼NW¼NW¼ of Section 20, S. 00°01'00" E., 330.00 feet to the SE corner of the NW¼NW¼NW¼NW¼ of Section 20; thence along the south line of the NW¼NW¼NW¼NW¼ of Section 20, S. 89°47'28" W., 329.09 feet, to the East line of said Section 19; thence along the North line of the S½NE¼NE¼NE¼ of said Section 19, S. 89°59'54" W., 660.00 feet; thence along the

West line of the NE¼NE¼NE¼ of said Section 19, S. 00°01'00" E., 328.98 feet, to the SW corner of the NE¼NE¼NE¼ of said Section 19; thence along the North line of the S½NE¼NE¼ of said Section 19, West 660.00 feet, to a point on the West line of the NE¼NE¼ of said Section 19; thence along the West line of the NE¼NE¼ of said Section 19, S. 00°01'00" E., 329.90 feet; thence along the North line of the S½S½NW¼NE¼ of said Section 19, N. 89°59'52" W., 1320.01 feet, to a point on the North-South centerline of said Section 19; thence along the North-South centerline of said Section 19, S. 00°01'00" E., 989.74 feet, to a point on the East line of Lot 8 of said Section 19; thence N. 89°59'22" W., 660.00 feet, to the center of Lot 8 of said Section 19; thence S. 00°01'01" E., 659.72 feet, to a point on the South line of Lot 8 of said Section 19; thence along the South line of Lot 8 of said Section 19, N. 89°59'19" W., 660.00 feet, to the NE corner of Lot 10; thence along the East line of said Lot 10, S. 00°01'01" E., 659.78 feet; thence N. 89°59'07" W., 660.00 feet, to the center of said Lot 10; thence S. 00°00'59" E., 329.88 feet, to a point on the North-South centerline of said Lot 10; thence N. 89°59'04" W., 659.99 feet, to a point on the West line of said Lot 10; thence S. 00°01'03" E., 329.86 feet, to the NE corner of Lot 14 of said Section 19; thence N. 89°58'56" W., 660.00 feet, to a point on the North line of said Lot 14; thence N. 4°28'28" E., 1093.03 feet; thence N. 53°29'00" E., 4819.85 feet, to the northeast corner of the W½NW¼NE¼ of said Section 19; thence along the North line of said Section 19, N. 89°59'46" E., 1980.00 feet to the point of beginning, said parcel containing 148.12 acres more or less.

The application and the case file will be available for public inspection at the Colorado State Office, Bureau of Land Management at the address set out above.

Rodney A. Roberts,

Leader, Craig Team, Branch of Adjudication.

[FR Doc. 81-8437 Filed 3-18-81; 8:45 am]

BILLING CODE 4310-84-M

[ES 26171, Survey Group 79]

Michigan; Filing of Plat of Survey Stayed

On Tuesday, February 3, 1981, there was published in the **Federal Register**, Volume 46, Number 22, at page 10543, a notice of the filing of plat of survey of two islands in Buhl Lake, T. 30 N., R. 4 W., Michigan Meridian, Michigan, accepted October 20, 1980.

The official filing of the plat is hereby stayed pending consideration and final determination of all protests and objections to the plat filing.

All inquiries relating to lands described in the notice published on February 3, 1981, should be sent to the Director, Eastern States Office, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304.

Pieter J. VanZanden,

Acting Eastern States Director.

[FR Doc. 81-8427 Filed 3-18-81; 8:45 am]

BILLING CODE 4310-84-M

Montana Wilderness Inventory; Miles City and Lewistown Districts; Decisions on Protests of Intensive Inventory Decisions

March 13, 1981.

The final intensive wilderness inventory decisions for the Miles City and Lewistown Districts were announced in the **Federal Register** of November 14, 1980 (pages 75589–75590). The decisions were subject to a 45-day protest period which ended December 31, 1980. Nineteen inventory units from a total of 136 units inventoried were protested. The protests included 15 units in the Lewistown District and 4 units in the Miles City District.

The State Director has modified his decision on 4 of the units in the Lewistown District. The decisions on the remaining 11 protested units in the Lewistown District and the decisions on all the protested units in Miles City District remain unchanged.

A. The State Director's final decisions to designate the following inventory units as wilderness study areas remain unchanged:

Unit No.	Name	Acreage
	LEWISTOWN DISTRICT	
MT-067-207	Big Horn Tackon	4,470
MT-068-244	Dog Creek South	5,230
MT-066-250	Stafford	4,700
MT-066-253	Ervin Ridge	12,000
MT-066-256	Cow Creek	36,200
MT-065-278	Burnt Lodge/Sage Creek	15,000
Total		77,600
	MILES CITY DISTRICT	
MT-024-675	Bridge Coulee	5,650
Total		5,650
Grand total		83,250

B. The State Director's final decision to eliminate the following inventory units, or portions of units, from further wilderness consideration remain unchanged.

Unit No.	Name	Acreage
	LEWISTOWN DISTRICT	
MT-068-245	Chimney Bend	16,700
MT-066-249	The Wall	12,200
MT-066-250	Stafford	2,477
MT-066-253	Ervin Ridge	10,527
MT-066-255	Bullwhacker	40,851
MT-066-256	Cow Creek	34,913
MT-064-330	Caravan	5,580
MT-064-336	Marsh Hawk Hills	78,340
Total		201,588
	MILES CITY DISTRICT	
MT-027-701	Zook Creek	12,060
MT-027-715	Dead Horse Badlands	26,140
MT-027-736	Tongue River Breaks Contiguity	520
Total		38,740
Grand total		240,328

C. After careful consideration of the protests received and a field evaluation, the State Director has modified his decision on the following inventory units:

Lewistown District

Unit No. and name	Acreage identified for WSA status	Acreage eliminated from further wilderness consideration
MT-068-231—Two Calf Creek:		
Former decision	8,500	6,500
Present decision (−8,500)	0	15,000
MT-067-205—Burnt Timber Canyon:		
Former decision	0	10,988
Present decision (+3,955)	3,955	7,033
MT-068-246—Woodhawk:		
Former decision	0	17,000
Present decision (+7,855)	7,895	9,145
MT-068-266—Antelope Creek:		
Former decision	9,400	12,100
Present decision	12,340	9,160
Total, present decision	24,150	40,338

Any person who is adversely affected by this decision has the right of appeal to the Interior Board of Land Appeals in Washington, D.C. Information on appeals may be obtained by writing: Montana State Director (931), Bureau of Land Management, 222 North 32nd Street, P.O. Box 30157, Billings, Montana 59107.

Michael J. Penfold,

State Director.

[FR Doc. 81-8428 Filed 3-18-81; 8:45 am]

BILLING CODE 4310-84-M

New Mexico; Intent to File Survey Plat

March 13, 1981.

Notice is hereby given, pursuant to § 1813.1–2 of Code 43 Federal Regulations of intent to file the survey plat of Township 2 South, Range 1 East, New Mexico Principal Meridian, New Mexico, accepted February 3, 1981.

The plat, in five sheets, representing the dependent resurvey of a portion of the New Mexico Principal Meridian, a portion of the north boundary of the Socorro Grant, a portion of the subdivisional lines of the township, and certain boundaries of small holding claims, the subdivision of sections 7, 18, 19 and 30, the survey of accreted lands, and riparian surveys in 7, 18, 19, 30, and 31, T. 2 S., R. 1 E., New Mexico Principal Meridian, New Mexico, for Group No. 768.

This survey was executed to meet certain administrative needs of the Bureau.

The plat will be officially filed in the Records Section of the Bureau of Land Management, New Mexico State Office, Santa Fe, New Mexico, on April 27, 1981.

Purpose of this notice is to inform the public of the foregoing described action. Interested persons desiring to oppose filing of the plat should address their views promptly to the Director, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Robert Sanchez,

Acting Chief, Division of Management Services.

[FR Doc. 81-8429 Filed 3-18-81; 8:45 am]

BILLING CODE 4310-84-M

[1203 (943)]

Redelegation of Authority

March 11, 1981.

Pursuant to the authority contained in section 1.1(a) of Bureau order 701, as amended, the following specific authorities delegated to the State director in the cited Bureau order are hereby redelegated to the incumbents of the positions designated. The specific authorities redelegated are those listed in the designated sections of the Bureau order and are subject to the limitations listed in that order together with any additional limitations outlined below.

Section 3.9[g]. *Materials other than forest products.* The district managers may take action on any sale or contract for sale of materials, other than forest products, or the free use of materials other than forest products, under 43 CFR Part 3610. The area managers may take action on any sale or contract for sale of materials, other than forest products, or the free use of materials other than forest products, under 43 CFR 3610 except transactions in which the materials are valued in excess of $2,000.

All of the above authorities redelegated to the area managers are to be performed in their respective areas of responsibility and in accordance with existing policies and regulations and under the direct supervision of the district manager. The district manager may at any time temporarily restrict or withhold any portion of the above-delegated authority through use of district manual supplements.

This redelegation of authority supersedes the redelegation regarding sale of materials other than forest products dated August 14, 1978 (43 FR 36005).

EFFECTIVE DATE: This redelegation is effective on May 1, 1981.

FOR FURTHER INFORMATION CONTACT: Harold A. Berends (943)(503-231-6904) Oregon State Office, BLM, P.O. Box 2965, Portland, Oregon 97208.

William G. Leavell,

State Director.

[FR Doc. 81-8448 Filed 3-18-81; 8:45 am]

BILLING CODE 4310-84-M

[W-60227]

Wyoming; Termination of Proposed Withdrawal and Reservation of Lands

March 11, 1981.

The Fish and Wildlife Service, U.S. Department of the Interior, filed an application, serial number W-60227, on July 19, 1977, for withdrawal of the following described public lands for use as a district administrative headquarters site for Animal Damage Control activities:

Sixth Principal Meridian, Wyoming

T. 19 N., R. 105 W.,
Sec. 22, Lots 22, and 23.

The area described contains 11.21 acres in Sweetwater County, Wyoming.

The proposed withdrawal and reservation of lands for W-60227 was published as **Federal Register** Document 77-27526 on Page 47887 of the issue for September 22, 1977. This notice segregated the above-described lands from settlement, sale, location, or entry under all of the general land laws, including the mining laws, for a period of two (2) years from date of publication. The lands are still withdrawn for use by the Bureau of Land Management as an administrative site by Public Land Order 1778, dated January 14, 1959, and remain segregated from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. However, all minerals in the above-described lands are in non-Federal ownership.

The Fish and Wildlife Service has cancelled its application for withdrawal of the above lands, and requested authorization for use of the site by a right-of-way grant pursuant to Section 507 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2781; 43 U.S.C. 1767). The segregative effect of proposed withdrawal W-60227, terminated on September 21, 1979. The lands were open to operation of the public land laws at that time, subject to valid existing rights and the provisions of existing withdrawals.

Questions concerning these lands should be addressed to the undersigned at the Bureau of Land Management, Wyoming State Office, P.O. box 1828, Cheyenne, Wyoming 82001.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-8430 Filed 3-18-81; 8:45 am]

BILLING CODE 4310-84-M

[AA-24612]

Alaska Native Claims Selection

Correction

In FR Doc. 81-5787, published on page 13385, in the issue of Friday, February 20, 1981, in the second column, under "T.1 N., R.13W.," the following should appear after the third line: "Sec. 35, N½ SE¼."

BILLING CODE 1505-01-M

INTERSTATE COMMERCE COMMISSION

[Volume No. 8]

Applications, Alternate Route Deviations, and Intrastate Applications

Republications of Grants of Operating Rights; Authority Prior to Certification Notice

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authorrity over that previously noticed in the **Federal Register.**

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General rules of Practice* (49 CFR 1100l.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served

concurrently upon the carrier's representative, or carrier if no representative is named.

MC 113843 (Sub-265) (Republication), filed July 23, 1979, published in the **Federal Register** issue of February 14, 1980, and republished, this issue: Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, MA 02210. Representative: Lawrence T. Sheils (same as above). A Decision of the Commission, *Division 1*, decided January 6, 1981, and served January 13, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *common carrier*, by motor vehicle, transporting *frozen foods*, from the facilities of Campbell Soup Company, Inc., and from the facilities of the subsidiaries and affiliates of Campbell soup company, Inc., at or near (a) Salisbury and Pocamoke City, MD, (b) Clayton and Milford, DE, (c) Downingtown and Philadelphia, PA, and (d) Camden, NJ, to points in Illinois, Michigan, Ohio, Kentucky, West Virginia, Virginia, Pennsylvania, New York, New Jersey, Connecticut, Rhode Island, Vermont, Maine, Massachusetts, New Hampshire, Nebraska, Texas, Arkansas, South Carolina, and Georgia; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code and the Commission's regulations. The purpose of this republication is to indicate and give proper notice that service being rendered from the facilities of Campbell Soup Company, Inc., also includes its subsidiaries and/or affiliates.

Motor Carrier Intrastate Applications(s); Notice

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the appliction is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 60272, filed February 19, 1981. Applicant: DELTRAN, INC., 25662 Minoa, Mission Viejo, CA 92691. Representative: Gary W. Wigand, 13031 San Antonia Dr., Suite 214, Norwalk, CA 90650. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: A. Displays, padded and crated, and electronics. B. From, to and within all points and places within the State of California. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to California Public Utilities Commission, California State Bldg., 350 McAllister Street, San Francisco, CA 94102, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-1418, filed February 17, 1981. Applicant: ACORN TRANSPORTATION, INC., No. 3 Sussex Road, East Greenbush, NY 12016. Representative: Neil D. Breslin, Esq., 600 Broadway, Albany, NY 12207. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General Commodities—Between all points in the Counties of Albany, Rensselaer and Schenectady. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to Department of Transportation, 1220 Washington Ave., State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8447 Filed 3-18-81; 8:45 am]

BILLING CODE 7035-01-M

[No. AB-6 (Sub-69)]

Burlington Northern, Inc.—Abandonment Between West Quincy and Kirksville, MO; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision decided February 18, 1981, a finding, which is administratively final, was made by the Commission stating that, the public convenience and necessity permit the abandonment by the Burlington Northern, Inc. of that portion of its line of railroad and operations between milepost 1.99 near West Quincy, MO and milepost 70.68 at Kirksville, MO, subject to the conditions for the protection of employees discussed in *Oregon Short Line R. Co.—Abandonment Goshen*, 360 I.C.C. 91 (1979). A certificate of abandonment will be issued to the Burlington Northern, Inc., based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 15 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued. The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed. An offer may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made on the Commission to set conditions or amount of compensation, a certificate of abandonment will be issued no later than 50 days after notice is published. Upon notification to the Commission of the execution of an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96-448, effective October 1, 1980). All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8443 Filed 3-18-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-13)]

Denver and Rio Grande Western Railroad Co. Exemption for Contract Tariff ICC-DRGW-C-0001

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Provisional Exemptions.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The previously filed contract tariff will become effective on one day's notice but not before April 1, 1981. This exemption may be revoked if protests are filed within 15 days of publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall (202) 275-7656.

SUPPLEMENTARY INFORMATION: The Denver and Rio Grande Western Railroad Company (DRGW) has requested an exemption from the requirement of 49 U.S.C. 10713(e) that its contract tariff ICC-DRGW-C-0001 be made effective on a minimum of 30 days' notice. This tariff is currently scheduled to take effect on April 7, 1981. DRGW seeks to advance this effective date by 6 days to April 1, 1981. The tariff reflects a contract of 3 months duration with Chrysler Corporation. During the term of the agreement, Chrysler agrees to ship a fixed minimum volume of assembled automobiles and trucks by railroad under applicable rates. After a specified time DRGW will refund shipper a percentage of the total revenues derived from transportation under the provisions of the contract. Chrysler's financial difficulties have prompted this request. The advancement of the dates of Tariff ICC-DRGW-C-0001 would allow the parties to fulfill the contract terms within normal monthly accounting periods. This will result in a savings of money and time.

The carrier does not indicate whether protests are expected. However, we note that the Ex Parte No. 387 (Sub-1, 2, 5 and 8) exemption orders also cover special arrangements with automobile manufacturers. This proposal should enhance carrier service by encouraging efficient movement and should not impair the carrier obligation to provide service to other shippers. An earlier effective date is necessary to assist Chrysler in its financial condition.

In this unusual situation, we believe an exemption should be granted. DRGW has already indicated in its petition a willingness to be bound by the following conditions, which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding, on its own initiative or on complaint, to review this contract and to disapprove it during the period specified in 49 U.S.C. 10713.

Thus, subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30-day notice requirement in this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed on or before April 3, 1981.

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

(49 U.S.C. 10505)

Dated: March 12, 1981.

By the Commission, Division 1, Commissioners Clapp, Alexis, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8446 Filed 3-18-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the Federal Register of July 3, 1980, at 45 FR 45539. 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 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirments of Title 49, Subtitle IV, United States Code, and the Commission's regulations. 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 interest in the form of verified statements filed on or before [45 days from the date of publication], (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1-074

Decided: March 12, 1981.

By the Commission, Review Board No. 1. Members Parker, Chandler, and Taylor.

MC 128720 (Sub-12), filed February 6, 1981. Applicant: MERCHANTS FREIGHT LINE, INC., 1185 Omohundro Drive, Nashville, TN 37210. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004. Transporting *general commodities* (except classes A and B explosives), between Nashville, TN, on the one hand, and, on the other, points in the U.S.

Note.—Applicant intends to tack this authority with applicant's existing regular-route authority.

MC 144630 (Sub-54), filed February 5, 1981. Applicant: STOOPS EXPRESS, INC., P.O. Box 287, Anderson, IN 46015. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *pulp, paper, and related products*, between Chicago, IL, on the one hand, and, on the other, points in IN, MI, OH, and KY.

MC 153821, filed January 21, 1981. Applicant: ROSALIE E. STOUT, d.b.a. PLEASURE TOURS, 295 E. Main St., Chillicothe, OH 45601. Representative: Rosalie E. Stout (same address as applicant). As a *broker*, at Chillicothe, OH, in arranging for the transportation of *passengers and their baggage*, beginning and ending at points in Ross County, OH, and extending to points in the U.S.

Volume No. OP2-042

Decided: March 10, 1981.

By the commission, Review Board No. 1, Members, Parker, Chandler and Taylor.

MC 151533 (Sub-11), filed February 6, 1981. Applicant: BESTWAY FREIGHT LINES, LTD., 1749 Wilbur Cross Hwy, Berlin, CT 06037. Representative: Gerald A. Joseloff, P.O. Box 3258, Hartford, CT 06103. Transporting *such commodities* as are dealt in by manufacturers and distributors of electrical wire and electrical supplies, between the facilities of Kerite Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 153952, filed January 23, 1981. Applicant: HAMEL BUS CO., Highway 140, Box 354, Hamel, IL 62046. Representative: Raymond E. Haun (same as applicant), (618) 633-2664. Transporting *passengers and their baggage*, in the same vehicle with passengers, beginning and ending at points in Madison County, IL, and extending to points in U.S.

MC 154473, filed January 22, 1981. Applicant: INTERNATIONAL TRAVEL, INC., 3720 Hillsboro Road, Nashville, TN 37215. Representative: Bernerd G. Krohn (same as applicant), (615) 385-1222. To engage in operations, in interstate or foreign commerce, as a *broker*, at Nashville, TN arranging for the transportation, by motor vehicle, of *passengers and their baggage*, in the same vehicle with passengers, in round trip, special and charter operations, beginning and ending at points in AL, GA, KY, SC and TN, and extending to points in the U.S.

Volume No. OP3-201

Decided: March 11, 1981.

By the Commission, Review Board No. 2, Members, Carlton, Fisher and Williams.

MC 107295 (Sub-1012), filed January 21, 1981. Previously published in the **Federal Register** issue of February 20, 1981. Applicant: PRE-FAB TRANSIT CO., a corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Duance Zehr (same address as applicant). Transporting *materials and supplies* used in the manufacture and distribution of insulation, from points in the U.S., to points in Ottawa County, MI; and (2) *materials and supplies* used in the manufacture and distribution of metal roofing, from points in the U.S., to points in Kent County, MI.

Note.—This republication modifies the commodity and territorial description.

MC 138505 (Sub-14), filed February 2, 1981. Applicant: METROPOLITAN CONTRACT SERVICES, INC., 6000 South Ulster, Suite 206, Englewood, CO 80111. Representative: Ralph F. Fox (same address as applicant), (303) 773-8883. Transporting *office products*, between points in the U.S., under continuing contract(s) with Boise Cascade Office Products Division, of Houston, TX.

MC 145494 (Sub-6), filed February 5, 1981. Applicant: EDINA CARTAGE COMPANY, a corporation, P.O. Box 42, Mauricetown, NJ 08329. Representative: Laurence J. DiStefano, Jr., 1101 Wheaton Ave., Millville, NJ 08332. Transporting *containers, container closures, and container ends*, between the facilities of All-Pak Inc., at points in the U.S. on the one hand, and, on the other, points in the U.S.

MC 147644 (Sub-8), filed January 26, 1981. Applicant: J.M.C. TRANSPORT, INC., 1719 Potters Lane, Jeffersonville, IN 47130. Representative: Steven H. Dorne, 4 Professional Dr., Suite 145, Gaithersburg, MD 20760. Transporting *such commodities* as are dealt in or used by producers and distributors of alcoholic beverages, between Kansas City, and St. Louis, MO, Cincinnati, OH, and points in IN and KY, on the one hand, and, on the other, Phoenix and Tuscon, AZ, LIttle Rock, AR, Harahan, Lafayette, and Shreveport, LA, and Amarillo, Corpus Christi, Dallas, El Paso, Ft. Worth, Houston, Odessa, and San Antonio, TX.

MC 152134 (Sub-4), filed February 3, 1981. Applicant: BESTWAY TRANSPORT CO., a corporation, Route 2, Willard, OH 44890. Representative: Lewis Witherspoon, 88 E. Broad St., Columbus, OH 43215, (614) 224-2477. Transporting *sugar*, between New York City, NY, Philadelphia, PA, and Baltimore, MD, on the one hand, and, on the other, points in OH.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8442 Filed 3-18-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. 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.

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".

Volume No. OP1-076

Decided: March 12, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler and Taylor.

MC 121650 (Sub-1), filed February 17, 1981. Applicant: UTAH PACKAGE XPRESS, INCORPORATED, 961 W 1820 S, Salt Lake City, UT 84104. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111 (801) 531-1300. Transporting *shipments weighing 100 pounds* or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. Condition: Upon issuance of a certificate in this proceeding, the certificate issued in MC 121650 will be cancelled.

MC 147461 (Sub-5), filed February 18, 1981. Applicant: FEDERAL ARMORED EXPRESS, INC., 7675 Canton Center Drive, Baltimore, MD 21224. Representative: Eugene T. Liipfert, Suite 1100 1660 L St., NW., Washington, DC 20036 (202) 452-7422. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions) between points in the U.S.

Volume OPY-2-011

Decided: March 10, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler and Taylor.

MC 87103 (Sub-90), filed February 19, 1981. Applicant: MILLER TRANSFER AND RIGGING CO., P.O. Box 322, Cuyahoga Falls, OH 44222. Representative: Walter C. Keal (Same as Applicant) (216) 673-2600. *Transporting Shipments Weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Volume OPY-4-26

Decided: March 13, 1981.

By the Commission, Review Board No. 2, Members Carlton, Fisher and Williams.

MC 67996 (Sub-10), filed February 23, 1981. Applicant: DISTILLERY TRANSFER SERVICE, INC., P.O. Box H, Bardstown, KY 40004. Representative: Robert H. Kinker, 314 West Main St., P.O. Box 464, Frankfort, KY 40602 (502) 223-8244. Transporting, for or on behalf of the United States Government, (1) *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S., and (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no package exceeds 100 pounds, between points in the U.S.

MC 138686 (Sub-14), filed March 2, 1981. Applicant: L C W TRUCKING, INC., P.O. Box 728, Crowley, TX 76036. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76013 (817) 332-4718. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 139006 (Sub-27), filed February 23, 1981. Applicant: RAPIER SMITH, Rural Route 5, Loretto Rd., Bardstown, KY 40004. Representative: Robert H. Kinker, 314 West Main St., P.O. Box 464, Frankfort, KY 40602 (502) 223-5966. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used houshold goods, hazardous or secret materials, and sensitive weapons and munitions), and (2) *shipments weighing 100 pounds or less*, if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 154466, filed February 6, 1981. Applicant: RAINBOW TRANSPORTATION BROKERS, P.O. Box 9224, Baltimore, MD 21222. Representative: Charles Berube (same address as applicant) (301) 285-6564. As a *broker of general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-8440 Filed 3-18-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environmental 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 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".

Volume No. OP1–075

Decided: March 12, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler and Taylor.

MC 381 (Sub-27), filed February 9, 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*, between the facilities used by Hoeganaes Corporation, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 2860 (Sub-218), filed March 3, 1981. Applicant: NATIONAL FREIGHT, INC., 71 West Park Ave. Vineland, NJ 08360. Representative: Richard M. Parnicky (same address as applicant). Transporting *food and related products*, between points in Cook County, IL, on the one hand, and, on the other, points in IA, IL, IN, KY, MI, MO, and WI.

MC 52460 (Sub-316), filed February 23, 1981. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, 1420 W. 35th St., Tulsa, OK 74107. Representative: Don E. Kruizinga (same address as applicant) (918) 446–4434. Transporting *food and related products*, between points in Santa Cruz County, CA, on the one hand, and, on the other, points in IL, IA, LA, MO, OK and TX.

MC 52460 (Sub-317), filed February 27, 1981. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th St., P.O. Box 9637, Tulsa, OK 74107. Representative: Don E. Kruizinga (same address as applicant) (918) 446–4434. Transporting *food and related products*, between points in Ford County, KS, on the one hand, and, on the other, points in CA, CO, IL, IA, MN and NE.

MC 82841 (Sub-304), filed February 9, 1981. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" St., Omaho, NE 68127. Representative: Donald L. Stern, 7171 Mercy Rd., Suite 610, Omaha, NE 68106 (402) 392–1220. Transporting (1) *Lumber and wood products*, (2) *pulp, paper and related products*, and (3) *forest products*, between points in (1) UT and MN, on the one hand, and, on the other, points in AR, CO, IA, IL, IN, KS, KY, MI, MN, MO, NC, NE, OH, PA, SC, SD, TN, WI, WV, and WY, (2) Navajo County, AZ, on the one hand, and, on the other, points in Bernalillo County NM and (3) CA, on the one hand, and, on the other, points in AZ, AR, CO, ID, IL, IN, IA, KS, KY, LA, MI, MN, MO, MT, NV, NE, NM, NC, OH, OK, OR, PA, SC, SD, TN, TX, UT, WA, WV, WI, and WY.

MC 82841 (Sub-306), filed February 27, 1981. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" St., Omaho, NE 68127. Representative: Donald L. Stern, 7171 Mercy Rd., Suite 610, Omaha, NE 68106 1–402–392–1220. Transporting *such commodities* as are dealt in or used by manufacturers and dealers of agricultural equipment, industrial equipment, and lawn and leisure products, between points in Denver County, CO, on the one hand, and, on the other, points in ID,UT, those in that part of OK on and west of U.S. Hwy 183, those in that part of TX on and north of a line beginning at the NM-TX state line and extending along U.S. Hwy 60 to junction TX Hwy 86, then along TX Hwy 86 to junction U.S. Hwy 287, then along U.S. Hwy 287 to junction U.S. Hwy 183, then along U.S. Hwy 183 to the TX-OK state line, and those in that part of MT on and south of a line beginning at the ID-MT state line and extending along Interstate Hwy 90 to junction Interstate Hwy 94, then along Interstate Hwy 94 to the MT-ND state line.

MC 111231 (Sub-343), filed March 2, 1981. Applicant: JONES TRUCK LINES, INC., 610 East Emma Ave., Springdale, AR 72764. Representative: James H. Berry (same address as applicant) (501) 751–4806. Transporting *lumber and wood products*, between points in Searcy County, AR, on the one hand, and, on the other, points in the U.S.

MC 117380 (Sub-4), filed February 24, 1981. Applicant: EWING BROS. INC., 1200 North "A" St., Las Vegas, NV 89106. Representative: Fred H. Mackensen, 2029 Century Park East, Suite 4150, Los Angeles, CA 90067 (213) 879–5955. Transporting *transportation equipment*, between points in NV, AZ, CA, and UT.

MC 120621 (Sub-3), filed February 27, 1981. Applicant: ILLINOIS FREIGHT SYSTEM, INC., 618 Brookwood Dr., East Alton, IL 62024. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701 (217) 544–5468. Transporting (1) *construction materials*, and (2) *metal products*, between points in IL, IN, MO, and WI. Condition: Issuance of a certificate in this proceeding is conditioned upon coincidental cancellation, at applicant's written request, of its Certificate of Registration in No. MC 120621 (Sub-1).

MC 120761 (Sub-70), filed March 2, 1981. Applicant: NEWMAN BROS. TRUCKING COMPANY, 6559 Midway Road, Fort Worth, TX 76117. Representative: Clint Oldham, 1108 Continental Life Bldg., Fort Worth, TX 76102 (817) 332–4415. Transporting (1) *forest products* and (2) *lumber and wood products*, between points in AL and MS, on the one hand, and, on the other, points in the U.S.

MC 120981 (Sub-36), filed February 10, 1981. Applicant: BESTWAY EXPRESS, INC., 905 Visco Drive, Nashville, TN 37210. Representative: George M. Catlett, 708 McClure Bldg. Frankfort, KY 40601 (502) 227–7384. Transporting *general commodities* (except classes A and B explosives), (A) over regular routes, (1) between Mobile, AL, and Baton Rouge, LA, from Mobile, AL, over Interstate Hwy 10 to junction Interstate Hwy 12, then over Interstate Hwy 12 to Baton Rouge, LA, and return over the same route, serving all intermediate points, (2) between Montgomery, AL, and Jackson, MS, from Montgomery, AL, over U.S. Hwy 30 to junction Interstate Hwy 20, then over Interstate Hwy 20 to Jackson, MS, and return over the same route, serving all intermediate points, (3) between Mobile, AL, and Jackson, MS, from Mobile, AL, over U.S. Hwy 98 to junction U.S. Hwy 49, then over U.S. Hwy 49 to Jackson, MS, and return over the same route, serving all intermediate points, (4) between Lexington, KY, and Delaplain, KY, from Lexington, KY, over U.S. Hwy 25 to junction KY U.S. Hwy 620, then over KY Hwy 620 to Delaplain, KY, and return over the same route, serving all intermediate points, (5) between Lexington, KY, and Cynthiana, KY, from Lexington, KY, over Interstate Hwy 75 to junction U.S. Hwy 62, then over U.S. Hwy 62 to Cynthiana, KY, and return over the same route, serving all intermediate points, and (B) Over irregular routes, (1) between points in Scott County, KY, on the one hand, and, on the other, points in OH, those points in PA on and west of U.S. Hwy 219, and those points in NY on and west of NY Hwy 14, and (2) between Baton Rouge, LA, and points in Hinds County, MS.

and Davidson County, TN, on the one hand, and, on the other, those points in TX on and east of Interstate Hwy 35, and those points in LA on and south of a line beginning at the TX–LA State line and extending along Interstate Hwy 10 to junction Interstate Hwy 12, then along Interstate Hwy 12 to the LA–MS State line.

Note.—Applicant intends to tack this authority with its existing regular-route authority.

MC 125650 (Sub-22), filed February 18, 1981. Applicant: MOUNTAIN PACIFIC TRUCKING CORPORATION, Route 2, Missoula, MT 59801. Representative: Michael D. Duppenthaler, 211 S. Roshington St., Seattle, WA 98104 (206) 622–3220. Transporting *such commodities* as are dealt in or used by grocery stores, drug stores, hardware stores and food business houses, between points in MT, WY, ID, WA, OR, NV, UT, CA, CO, ND, and SD.

MC 125771 (Sub-9), filed February 19, 1981. Applicant: CAYUGA SERVICE, INC., 121 Ridge Rd. (Drawer C), Lansing, NY 14882. Representative: Robert L. Wilkinson (same address as applicant) (607) 533–4291. Transporting *salt products* between points in the U.S., under continuing contract(s) with Cargill, Inc., of Lansing, MI.

MC 134271 (Sub-2), filed March 2, 1981. Applicant: PRUITT MOVING AND STORAGE COMPANY, 800 West Hardin St., Findlay, OH 45840. Representative: Andrew Jay Burkholder, 275 East State St. Columbus, OH 43215 (614) 228–8575. Transporting *rubber and plastic products*, between points in Cuyahoga County, OH, on the one hand, and, on the other, points in the U.S. in and east of TX, OK, KS, IA, and MN.

MC 135231 (Sub-53), filed February 23, 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 *general commodities* (except classes A and B explosives), between points in Hennepin County, MN, on the one hand, and, on the other, points in the U.S.

MC 135691 (Sub-52), filed February 26, 1981. Applicant: DALLAS CARRIERS CORP., 12661 Perimeter Drive, Dallas, TX 75228. Representative: J. Max Harding, 4211 South 33rd St., P.O. Box 6645, Lincoln, NE 68506. Transporting *Metal products*, between points in Dallas County, TX, on the one hand, and, on the other, points in the U.S.

MC 143061 (Sub-10), filed February 9, 1981. Applicant: ELECTRIC TRANSPORT, INC., P.O. Box 528, Eden, NC 27288. Representative: Archie W. Andrews (same address as applicant) (919) 623–9106 Transporting *textile mill products*, between points in the U.S. under continuing contract(s) with Blue Bell, Inc., of Greensboro, NC.

MC 143280 (Sub-16), filed March 2, 1981. Applicant: SAFE TRANSPORTATION COMPANY, A Corporation, 6834 Washington Ave. South, Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118 (612) 457–6889. Transporting *food and related products*, between points in Chippewa County, WI and Big Stone and Sibley Counties, MN, on the one hand, and, on the other, points in the U.S.

MC 145950 (Sub-90), filed February 9, 1981. Applicant: BAYWOOD TRANSPORT, INC., 2611 University Parks Dr., Waco, TX 76706. Representative: Arthur W. Grimes (same address as applicant) (817) 752–1613. Transporting (1) *general commodities* (except classes A and B explosives), between points in Washington County, MD, on the one hand, and, on the other, points in the U.S., (2) *machinery*, between points in Washington County, MD, Berkeley and Jefferson Counties, WV, on the one hand, and, on the other, points in the U.S., (3) *general commodities* (except classes A and B explosives), between the facilities used by Ralston Purina Company in the U.S., on the one hand, and, on the other, points in the U.S., and (4) *food and related products*, between points in McLennan and Bosque Counties, TX, on the one hand, and, on the other, points in KS, NE, IA, and MN.

MC 148380 (Sub-8), filed March 2, 1981. Applicant: CRESCO LINES, INC., 13900 South Keeler Ave., Crestwood, IL 60445. Representative: Edward G. Bazelon, 39 South La Salle St., Chicago, IL 60603., (312) 236–9375. Transporting *clay, concrete, glass or stone products*, between points in the U.S., under continuing contract(s) with National Tile Industries, Inc., of Shawnee, OK.

MC 148670 (Sub-2), filed February 26, 1981. Applicant: STOKLEY TRANSPORTATION CORP., P.O. Box 159, Glassboro, NJ 08020. Representative: Michael R. Werner, 167 Fairfield Rd., P.O. Box 1409, Fairfield, NJ 07006, (201) 575–7700. Transporting *metal and metal products*, between points in the U.S., under continuing contract(s) with Shieldalloy Corporation, Division of Metallurg, Inc., of Newfield, NJ.

MC 149411 (Sub-1), filed February 10, 1981. Applicant: HEUERTZ TRUCKING, INC., 436 Second Ave., N.W., LeMars, IA 51031. Representative: D. Douglas Titus, 340 Insurance Exchange Bldg., Sioux City, IA 51101. Transporting *ores and minerals*, between points in IA, NE, MN, and SD.

MC 150180 (Sub-2), filed February 13, 1981. Applicant: MENCHVILLE MARINE SUPPLY CORPORATION, 494 Menchville Rd., Newport News, VA 23602. Representative: T.V. Morrison, Jr., P.O. Box Box 1003, (9308 Warwick Blvd.) Newport News, VA 23601. Transporting *food and related products*, between points in the U.S. under continuing contract(s) with Associates Research Management, Inc., of Crystal Lake, IL.

MC 152021 (Sub-5), filed February 23, 1981. Applicant: IMPALA TRANSPORTATION SERVICES, INC., P.O. Box 678, Irving, TX 75060. Representative: Larry P. Cardin (same address as applicant). Transporting *pulp, paper and related articles*, between points in the U.S., under continuing contract(s) with Crown Zellerbach Corporation, of Bogalusa, LA.

MC 152140, filed February 27, 1981. Applicant: GRIMES TRUCKING COMPANY, 600 N. Ellis Road, P.O. Box 37587, Jacksonville, FL 32205. Representative: William E. Scheu, P.O. Box 479, Jacksonville, FL 32201. Transporting *food and related products*, between points in Duval, Nassau, Baker, Union, Bradford, Alachua, Marion, Lake, Orange, Seminole, Osceola, Brevard, Volusia, Flagler, Putnam, St. Johns, Clay, Palm Beach, Broward, Dade, Pinellas, Hillsborough, Polk and Columbia Counties, FL.

MC 152930 (Sub-1), filed February 10, 1981. Applicant: BOTTAMILLER ENTERPRISES, INC., 12121 N. Springmill Road, Carmel, IN 46032. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244–2329. Transporting *machinery*, between points in Hamilton County, IN, on the one hand, and, on the other, San Francisco and Los Angeles, CA, and points in Washoe County, NV.

MC 154360, filed February 10, 1981. Applicant: ERZAK LIMOUSINES, LTD., 39 Magnolia Lane, Hamilton Township, NJ 08610. Representative: Myron D. Milch, 660 Stuyvesant Ave., Irvington, NJ 07111, (201) 399–2500. Transporting *passengers and their baggage*, between John F. Kennedy International Airport and LaGuardia Airport, NY, Newark International Airport, NJ, and Philadelphia International Airport, PA, on the one hand, and, on the other, Bensalem, PA, and Atlantic City and Trenton, NJ, under continuing contract(s) with Commercial Capital

Co., Inc., of Bensalem, PA, and The Money Store of Trenton, NJ.

MC 154420, filed February 27, 1981. Applicant: DAVID L. DURBANO CONSTRUCTION, INC., d.b.a. D L D TRUCKING, P.O. Box 1544, 680 West 21st St., Ogden, UT 84402. Representative: David L. Durbano (same address as applicant), (801) 621–5311. Transporting *metal and metal products*, between points in the U.S. under continuing contract(s) with Nucor Steel, a division of Nucor Corporation, of Charlotte, NC.

MC 154421, filed February 27, 1981. Applicant: ART DESERANO, INC., 420 Gilbertville Road, Elk Run Heights, IA 50707. Representative: Thomas J. Beener, 67 Wall St., New York, NY 10005, (212) 269–2540. Transporting *general commodities* (except classes A and B explosives), between points in Boone, Bureau, Carroll, De Kalb, Fulton, Grundy, Hancock, Henderson, Henry, Jo Daviess, Kane, Kendall, La Salle, Lee, Livingston, McDonough, McHenry, McLean, Marshall, Mason, Mercer, Ogle, Peoria, Putnam, Rock Island, Stark, Stephenson, Tazewell, Warren, Whiteside, Winnebago, and Woodford Counties, IL, Adams, Columbia, Crawford, Dane, Dunn, Eau Claire, Grant, Green, Iowa, Jackson, La Crosse, Lafayette, Monroe, Pierce, Richland, Rock, St. Croix, Sauk, Trempealeau, Vernon, and Walworth Counties, WI, Blue Earth, Brown, Carver, Chippewa, Cottonwood, Dakota, Dodge, Faribault, Fillmore, Freeborn, Goodhue, Hennepin, Houston, Jackson, Lac qui Parle, Le Sueur, Lincoln, Lyon, McLeod, Martin, Mower, Murray, Nicollet, Nobles, Olmsted, Pipestone, Ramsey, Redwood, Renville, Rice, Rock, Scott, Sibley, Steele, Waseca, Washington, Watonwan, and Yellow Medicine Counties, MN, on the one hand, and, on the other, points in IA.

MC 154450, filed February 27, 1981. Applicant: MILTON LEE SIMS, d.b.a. M & S TRANSIT, 3412 Westminster Ave., Santa Ana, CA 92703. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Transporting *food and related products*, between points in Los Angeles County, CA, on the one hand, and, on the other, points in AR, AZ, CA, CO, ID, IL, IA, KS, LA, MN, MO, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, WI, and WY.

MC 154550 filed February 20, 1981. Applicant: TOURS A LA CARTE, INC., Spread Eagle Village, Wayne, PA 19087. Representative: Dixie R. McAfee, Arbordeau, #6 Brettagne, Devon, PA 19333, (215) 644–1957. As a *broker*, at Chadds Ford, PA, in arranging for the transportation of *passengers and their baggage*, between points in the U.S.

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Decided: March 12, 1981.

By the Commission, Review Board No 1, Members Parker, Chandler and Taylor.

MC 1263 (Sub-40), filed February 23, 1981. Applicant: MCCARTY TRUCK LINE, INC., 17th and Harris, Trenton, MO 64683. Representative: James M. McCarty (same address as applicant), 816–359–2253. Transporting *general commodities* (except classes A and B explosives) (1) between points in Jackson, Clay, Platte, and Cass Counties, MO, Wyandotte, Leavenworth, and Johnson Counties, KS, on the one hand, and, on the other, those points in the U.S., in and east of ID, UT, and AZ, (2) between points in Livingston County, MO, on the one hand, and, on the other, those points in the U.S., in and east of ID, UT, and AZ, (3) between points in Lee and Whiteside Counties, IL, on the one hand, and, on the other, those points in the U.S., in and east of ID, UT, and AZ, and (4) between the facilities of (a) Carnation Company, (b) Donaldson Company, Inc., (c) Heinz U.S.A., Division of H. J. Heinz Co., (d) Mid-Continent Bottlers, Inc., (e) L. T. York, Inc., (f) Purex Corporation, (g) Modine Manufacturing Corporation, (h) Young Radiator Company, and (i) Brown Transfer & Storage Co., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 63562 (Sub-86), filed February 9, 1981. Applicant: BN TRANSPORT, INC., 6775 East Evans Ave., P.O. Box 22694—Wellshire Station, Denver, CO 80222. Representative: Cecil L. Goettsch, 1100 Des Moines Bldg., Des Moines, IA 50307, 515–243–4191. Over *regular routes*, transporting *general commodities* (except classes A and B explosives) (1) between St. Louis, MO and Houlton, ME: from St. Louis over Interstate Hwy 64 to junction Interstate Hwy 95, then over Interstate Hwy 95 to junction Interstate Hwy 295, then over Interstate Hwy 295 to junction New Jersey Turnpike, then over New Jersey Turnpike to junction Interstate Hwy 95, then over Interstate Hwy 95 to Houlton, and return over the same route, (2) between Galesburg, IL and Cincinnati, OH, over Interstate Hwy 74, (3) between Gary, IN and Cleveland, OH: from Gary over Interstate Hwy 65 to Louisville, KY, then over Interstate Hwy 71 to Cleveland, and return over the same route, (4) between Staunton, VA and intersection Interstate Hwy 81 and the International Boundary line between the U.S. and Canada, over Interstate Hwy 81, (5) between Chicago, IL and Boston, MA, over Interstate Hwy 90, (6) between St. Louis, MO and Baltimore, MD, over Interstate Hwy 70, (7) between Chicago, IL and intersection Interstate Hwy 87 and the International Boundary line between the U.S. and Canada: from Chicago over Interstate Hwy 80 to junction Interstate Hwy 95, then over Interstate Hwy 95 to intersection Interstate Hwy 87, then over Interstate Hwy 87 to the International Boundary line between the U.S. and Canada, and return over the same route, (8) between Cleveland, OH and Erie, PA: from Cleveland over Interstate Hwy 77 to junction Interstate Hwy 79, then over Interstate Hwy 79 to Erie, and return over the same route, (9) between Lexington, KY and Muskegon, MI: from Lexington over Interstate Hwy 75 to junction Interstate Hwy 96, then over Interstate Hwy 96 to Muskegon, and return over the same route, (10) between Philadelphia, PA and junction Interstate Hwys 76 and 71, over Interstate Hwy 76 to junction Interstate Hwy 71, (11) between Baltimore, MD and Jersey City, NJ: from Baltimore over Interstate Hwy 83 to junction Interstate Hwy 81, then over Interstate Hwy 81 to junction Interstate Hwy 78, then over Interstate Hwy 78 to Jersey City, and return over the same route, (12) between New Haven, CT and intersection Interstate Hwy 91 and the International Boundary line between the U.S. and Canada, over Interstate Hwy 91, and (13) serving all intermediate points in routes (1) through (12) above, and serving points in CT, DE, IN, KY, MA, MD, ME, MI, NH, NJ, NY, OH, PA, RI, VA, VT, and WV, as off-route points in connection with carrier's authorized regular routes.

MC 114273 (Sub-774), filed March 3, 1981. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant), (319) 396–4400. Transporting *general commodities* (except classes A and B explosives), between the facilities used by ITOFCA, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 114273 (Sub-775), filed March 3, 1981. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant), (319) 396–4400. Transporting *transportation equipment* (1) between Nashville, TN on the one hand, and, on the other, Chicago, IL, and (2) between Nashville, TN and Cleveland, OH, on the one hand, and, on the other, Kansas City and St. Louis, MO, and St. Paul, MN.

Note.—Applicant indicates intention to tack part (1) of the instant application at Chicago, IL with authority in Sub 224(1).

MC 120822 (Sub-7), filed February 23, 1981. Applicant: INDUSTRIAL FREIGHT SYSTEM, INC., 9120 San Fernando Rd., Sun Valley, CA 91352. Representative: Gary W. Wigand, 13031 San Antonio Dr., Suite 214, Norwalk, CA 90650 (213) 863–8818. Transporting *general commodities* (except classes A and B explosives), between points in CA, CO, FL, GA, IL, IN, KS, LA, MN, MO, MT, NJ, NY, OH, TN, TX, VA, and WI.

MC 129712 (Sub-41), filed February 27, 1981. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569, McDonough, GA 30253. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., NE, Atlanta, GA 30326 (404) 237–6472. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of (1) lumber and wood products, and (2) building materials, between points in the U.S., under continuing contract(s) with Erb Lumber Company, of Birmingham, MI.

MC 138493 (Sub-10), filed March 2, 1981. Applicant: JAKUM TRUCKING, INC., Rural Route 2, Miley Rd., Sheboygan Falls, WI 53085. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703 (608) 256–7444. Transporting *bananas*, between points in the U.S., under continuing contract(s) with Schultz-Sav-O Stores, Inc., of Sheboygan, WI.

MC 142672 (Sub-164), filed March 2, 1981. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701 (501) 521–8121. Transporting *such commodities* as are dealt in or used by discount, variety, and grocery stores, between the facilities of Mass Merchandisers, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 144692 (Sub-5), filed February 23, 1981. Applicant: GARY L. MANN, d.b.a. G. L. MANN TRUCKING, 16500 Fischer Ave., Hastings, MN 55033. Representative: Val M. Higgins, 1600 TCF Tower, Minneapolis, MN 55402, 612–333–1341. Transporting *coal and coal products*, between points in IA, MN, and WI.

MC 146753 (Sub-19), filed March 3, 1981. Applicant: SAM YOUNG, INC., P.O. Box 337, Wolcott, IN 47995. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th Street, N.W. Washington, DC 20001 (202) 628–9243. Transporting *chemicals and related products* between Atlanta, GA and Chicago, IL, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, KS, OK, AND TX.

MC 147003 (Sub-11), filed February 23, 1981. Applicant: RAWHIDE CARRIERS, INC., P.O. Box 1171, Grand Island, NE 68802. Representative: Max H. Johnston, P.O. Box 6597, Lincoln, NE 68506 (402) 488–4841. Transporting *food and related products*, between points in Hall and Lancaster Counties, NE, on the one hand, and, on the other, points in the U.S.

MC 150783 (Sub-13), filed February 27, 1981. Applicant: SCHEDULED TRUCKWAYS, INC., P.O. Box 757, Rogers, AR 72756. Representative: Ronnie Sleeth (same as applicant) (501) 636–1979. Transporting (1) *transportation equipment*, (2) *machinery*, and (3) *rubber and plastic products*, between the facilities of Union Carbide Corporation, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 150953 (Sub-2), filed February 25, 1981. Applicant: SEVERS YARN EXPRESS, INC., Suite 724, 3450 Drummond St., Montreal, Quebec H3G 1Y2, Canada. Representative: Eric Meierhoefer, Suite 423, 1511 K St., NW, Washington, DC 20005 (202) 347–9332. Transporting *textile mill products*, between points in TN, on the one hand, and, on the other, ports of entry on the international boundary line between the U.S. and Canada in NY.

MC 151682, filed March 3, 1981. Applicant: T. R. WOODS TRUCKING, INC., 1908 Gravois Rd., High Ridge, MO 63049. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101 (314) 241–9333. Transporting *chemicals and related products* between St. Louis, and points in Pemiscot County, MO, on the one hand, and, on the other, points in AR, IA, IL, IN, KY, MO, MS and TN

MC 151993, filed February 27, 1981. Applicant: FRANK SMITH d.b.a. FRANK SMITH TRUCKING, Rte. 1, Box 3, Marble Falls, TX 78654. Representative: Robert J. Birnbaum, Suite 151, 3636 Executive Center Drive, Austin, TX 78731, 5120. Transporting *clay, concrete, glass or stone products*, between points in the U.S., under continuing contract(s) with Calcium Carbonate Company, Division of J. M. Huber Corporation, of Marble Falls, TX.

MC 153082 (Sub-1), filed February 23, 1981. Applicant: TRANS CONTINENTAL TRANSPORT, INC., P.O. Box 7583, Boise, ID 83707. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111 (801) 531–1306. Transporting *lumber and wood products, metal products, machinery, and building materials*, between points in the U.S., under continuing contrast(s) with Trus Joist Corporation, of Boise, ID.

MC 153282 (Sub-1), filed February 27, 1981. Applicant: FINLEY TANK TRUCKING, INC., Rte No. 1, Box 1190, Parma, ID 83660. Representative: Jack Finley (same address as applicant). Transporting *food and related products*, and chemicals and related products, between points in ID, WA, OR, NV, UT and MT.

MC 154232, filed February 9, 1981. Applicant: SLX TRANSPORT, INC., 1703 Highway Two, Duluth, MN 55810. Representative: E. L. Newville (same address as applicant) 218–624–4801. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of salt, cement, lime, calcium chloride, fly ash and soda ash, between points in MN, MI, IN, IL, IA, NE, WY, MT, ND, SD, and WI. Condition: The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. § 11343, or submit an affidavit indicating why such approval is unnecessary.

MC 154493, filed February 25, 1981. Applicant: DANVILLE TRAVEL SERVICE, INC., WBTM Bldg., 710 Grove St., Danville, VA 24541. Representative: Peter A. Greene, 1920 N St., NW, Washington, DC 20036 (202) 331–8800. As a *broker* at Danville, VA, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, in special and charter operations, between points in the U.S.

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Decided: March 10, 1981.

By the Commission, Review Board No. 2. Members Carlton, Fisher and Williams.

MC 1515 (Sub-296), filed February 9, 1981. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: L. J. Celmins (same address as applicant) (602) 248–2942. Over regular routes, transporting (1) *passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, (a) between Pensacola, FL and Panama City, FL over U.S. Hwy 98, (b) between junction U.S. Hwy 231 and FL Hwy 20 and Tallahassee, FL, from junction U.S. Hwy 231 and FL Hwy 20 over FL Hwy 20 to Tallahassee, and return over the same route; and (2) over irregular routes, transporting *passengers and their baggage*, in the same vehicle with passengers, in charter operations,

beginning and ending at points in FL, and extending to points in the U.S.

MC 15975 (Sub-46), filed February 10, 1981. Applicant: BUSKE LINES, INC., 123 W. Tyler Ave., Litchfield, IL 62056. Representative: Howard H. Buske (same address as applicant) (217) 324–2141. Transporting *general commodities* (except classes A and B explosives), between the facilities of Sweet Sue Kitchens, Inc., at or near Athens, AL, on the one hand, and, on the other, points in the U.S.

MC 29934 (Sub-28), filed February 13, 1981. Applicant: LO BIONDO BROTHERS MOTOR EXPRESS, INC., P.O. Box 160, Bridgeton, NJ 08302. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006 (201) 575–7700. Transporting *general commodities* (except classes A and B explosives), between points in NY, NJ, PA, CT, RI, MA, NH, ME, VT, WV, VA, OH, DE, MD, NC, and DC. Condition: Issuance of a certificate in this proceeding is subject to coincidental cancellation of carrier's existing certificate in No. MC–29934 and related subs, at applicant's written request.

MC 52704 (Sub-292), filed February 10, 1981. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Box Drawer "H", LaFayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345 (404) 321–1765. Transporting *pulp, paper and related products*, between those points in the U.S. in and east of MN, IA, MO, OK, and TX.

MC 94565 (Sub-5), filed February 10, 1981. Applicant: B.K.W. COACH LINE d.b.a. B.K.W. TOURS, Hummels Wharf, PA 17831. Representative: Anthony C. Vance, 1307 Dolley Madison Blvd., Suite 301, Mclean, VA 22101 (703) 821–1305. As a *broker*, at Hummels Wharf and Sunbury, PA, in arranging for the transportation of *passengers and their baggage*, in special and charter operations, beginning and ending at points in Hummels Wharf and Sunbury, PA, and extending to points in the U.S.

MC 107515 (Sub-1414), filed February 10, 1981. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Rd., NE, 5th Floor-Lenox Towers South, Atlanta, GA 30326 (404) 262–7855. Transporting *general commodities* (except classes A and B explosives), between the facilities of Union Camp Corporation, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 107515 (Sub-1415), filed February 10, 1981. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga 30050. Representative: Alan E. Serby, 3390 Peachtree Rd., NE, 5th Floor-Lenox Towers South, Atlantic, GA 30326 (404) 262–7855. Transporting *metal products*, between points in Madison County, TN, Tishomingo County, Ms, and Washington County, OH, 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.

MC 116254 (Sub-325), filed February 9, 1981. Applicant: CHEM–HAULERS, INC., P.O. Box 339, Florence, AL 35631. Representative: Hampton M. Mills (same address as applicant) (205) 766–9111. Transporting *commodities in bulk*, between points in the U.S., under continuing contract(s) with Union Carbide Corporation, of New York, NY.

MC 116544 (Sub-239), filed February 9, 1981. Applicant: ALATRUK FREIGHT SYSTEMS INC., 1703 Embarcadero Rd Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303 (415) 856–0117. Transporting *such commodities* as are dealt in or used by grocery and food business houses, between points in FL, on the one hand, and , on the other, points in AL, CT, DE, GA, ID, IN, KY, ME, MD, MA, MI, NH, NJ, NY, NC, OH, OR, PA, RI, SC, TN, VT, WA, WV, and ports of entry on the international boundary line between the United States and Canada in the U.S.

MC 116915 (Sub-142), filed February 9, 1981. Applicant: ECK MILLER TRANSPORTATION CORP., Route No. 1, Box 248, Rockport, IN 47635. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602 (502) 227–2254. Transporting *machinery*, between points in the U.S.

MC 124154 (Sub-108), filed February 10, 1981. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, GA 31702. Representative: Thoma F. Panebianco, P.O. Box 1200, Tallahassee, FL 32302 (904) 576–1221. Transporting *general commodities* (except classes A and B explosives), between those points in and east of MN, IA, MO, AR, and TX, on the one hand, and, on the other, points in the U.S.

MC 126555 (Sub-88), filed February 12, 1981. Applicant: UNIVERSAL TRANSPORT, INC., Box 3000, rapid City, SD 57709. Representative: Truman A. Stockton, Jr., 1365 Logan St., Suite 100, Denver, CO 80203 (303) 861–4273. Transporting *metal products*, between points in SD, MN, ND, MT, WY, IA, NE, CO, UT, IL IN, NV, KS, WI, OH, PA, MI, MO, OK, TX, LA, AR, NM, AZ, ID, WA, OR, and MD.

MC 126904 (Sub-41), filed February 10, 1981. Applicant: H.C. PARRISH TRUCK SERVICE, INC., Rural Route 2, P.O. Box 264, Freeburg, IL 62243. Representative: James W. Patterson, 1200 Western Savings Bank Building, Philadelphia, PA 19107 (215) 735–3090. Transporting *metal* and *rubber and plastic products*, between points in Sangamon and Montgomery Counties, IL, Prentiss County, MS and Marshall County, KY on the one hand, and, on the other, points in the U.S.

MC 126904 (Sub-42), filed February 10, 1981. Applicant: H.C. PARRISH TRUCK SERVICE, INC., Rural Route 2, P.O. Box 264, Freeburg, IL 62243. Representative: James W. Patterson, 1200 Western Savings Bank Building, Philadelphia, PA 19107 (215) 735–3090. Transporting *alcoholic and malt beverages*, (1) between points in AL, AR, IA, IL, IN, KY, LA, MI, MN, MO, MS, OH, TN, TX and WI, and (2) between points in AL, AR, IA, IL, IN, KY, LA, MI, MN, MO, MS, OH, TN, TX and WI on the one hand, and, on the other, points in the U.S. in and east of NY, PA, WV, VA, NC, GA, and FL.

MC 124154 (Sub-108), filed February 10, 1981. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, GA 31702. Representative: Toma F. Panebianco, P.O. Box 1200, Tallahassee, FL 32302 (904) 576–1221. Transporting *General commodities* (except classes A and B explosives), between those points in and east of MN, IA, MO, AR, and TX, on the one hand, and, on the other, points in the U.S.

MC 133695 (Sub-4), filed February 12, 1981. Applicant: WILLIAM NORDSTROM d.b.a. PIGGY BACK CARTAGE COMPANY, 1518 Garst Avenue, Boone, IA 50036. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309 (515)–245–4300. Transporting (1) *food and related products*, (2) *pulp, paper and related products*, and (3) *household goods*, between points in Hamilton, Boone, Greene and Story Counties, IA, on the one hand, and, on the other, points in IL, IN, MO, KS, NE, SD, ND, MN and WI.

MC 135605 (Sub-16), filed February 10, 1981. Applicant: WILKINSON TRANSPORT, INC., P.O. Box 25, Barton, AR 72312. Representative: R. Connor Wiggins, Jr., Suite 909, 100 N. Main Bldg., Memphis, TN 38103 (901)–526–4114. Transporting *chemicals and related products* between points in the U.S.

MC 140484 (Sub-86), filed February 10, 1981. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Myers, FL 33902. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., NW, Washington, DC

20005 (202) 296–3555. Transporting *general commodities* (except classes A and B explosives), between points in Lee, Charlotte, and Collier Counties, FL, on the one hand, and, on the other, points in the U.S.

MC 140665 (Sub-130), filed February 10, 1981. Applicant: PRIME, INC., P.O. Box 4208, Springfield, MO 65804. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266 (216) 296–2877. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Lamb-Weston, Inc., of Portland, OR.

MC 140665 (Sub-131), filed February 10, 1981. Applicant: PRIME, INC., P.O. Box 4208, Springfield, MO 65804. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266 (216)–296–2877. Transporting *food and related products*, (1) between points in MO, IN, NE, OH, PA, KS, IA, MN and WV, on the one hand, and, on the other, points in the U.S., and (2) between points in Clark County, SD, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO and NM.

MC 141424 (Sub-6), filed February 10, 1981. Applicant: P-Y TRANSPORT, INC., 50 S. Williams St., York, PA 17404. Representative: Maxwell A. Howell, 1100 Investment Bldg. 1511 K St., N.W. Washington, DC 20005 (202) 783–7900. Transporting (1) *Gypsum and gypsum products*, (2) *building materials*, (3) *paper and paper products*, (4) *chemicals and related products*, and (5) *rubber and plastic products*, between points in the U.S.

MC 144115 (Sub-15), filed February 10, 1981. Applicant: DIVERSIFIED CARRIERS, INC., 903 6th St., NW, Rochester, MN 55901. Representative: Charles E. Dye, P.O. Box 971, West Bend, WI 53095 (414) 677–2586. Transporting *such commodities* as are dealt in or used by grocery and food business houses, between the facilities of Carnation Co. at points in the U.S., on the the one hand, and, on the other, points in the U.S.

MC 144474 (Sub-3), filed February 10, 1981. Applicant: MORGAN MOVING & STORAGE, INC., Route 2, Highway 45 South, Booneville, MS 38829. Representative: W. H. Timlinson, 1601 13th Street, Suite B, Columbus GA 31906 (404)–322–8404. Transporting *rubber and plastic products*, between points in Alcorn County, MS, on the one hand, and, on the other, points in the U.S.

MC 145084 (Sub-), filed February 10, 1981. Applicant: THOMASSON TRANSPORTATION COMPANY, A CORPORATION, P.O. Box 264 (Height Rd.), Noxapater, MS 39346. Representative: Ronald L. Stichweh, 727 Frank Nelson Bldg., Birmingham, AL 35203 (205) 251–5223. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (1) Decatur Aeration & Temperature, of Decatur, IL, (2) Pine Belt Wood Preserving, Inc., of Laurel, MS, (3) Santiam Midwest Lumber Co.-Utica, of Utica, MI, (4) structural steel service, Inc., of Meridian, MS, (5) T. H. Webb Construction Co., Inc., of Meridian, MS, (6) Forest Lumber Company, Meridian, MS, (7) Indland Pacific Forest Products, Inc., of Elgin, IL, (8) B & P Lumber Company, Inc., of College Park, GA, (9) Morgan Building Corporation, of Dallas, TX, and (10) Woodstock, Inc., of Terry, MS.

MC 145384 (Sub-56), filed February 10, 1981. Applicant: ROSE-WAY, INC., 1914 East Euclid Ave., Des Moines, IA 50306. Representative: James M. Hodge, 1980 Financial center, Des Moines, IA 50309 (515) 245–4300. Transporting *metal products*, (1) between points in Allen County, IN, on the one hand, and, on the other, points in CA, and (2) between Detroit, MI, and points in New Haven County, CT, on the one hand, and, on the other, points in the U.S.

MC 145734 (Sub-15), filed February 9, 1981. Applicant: B D TRUCKING CO., P.O. Box 817, Ripon, CA 95366. Representative: E. J. Hegarty, 100 Bush Street, 21st Floor, San Francisco, CA 94104 (415) 986–5778. Transporting *general commodities* (except classes A and B explosives), between Tacoma, WA, on the one hand, and, on the other, points in CA.

MC 146355 (Sub-2), filed February 10, 1981. Applicant: P-N-J KORNACKER, INC., 3030 West 10th St., Waukegan, IL 60085. Representative: Albert A. Andrin, 180 North La Salle St., Chicago, IL 60601, (312) 332–5106. Transporting *salt, calcium chloride, animal and poultry feed, turf maintenance supplies and equipment*, and *irrigation equipment and supplies*, between points in the U.S.

MC 146464 (Sub-6), filed February 10, 1981. Applicant: NEVADA GENERAL TRANSPORTATION, INC., P.O. Box 1181, Lamoille, NV 89828. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701, (208) 336–5955.Transporting (1) *Mercer commodities*, and (2) *contractors and mining equipment*, between points in CA, OR, WA, ID, NV, AZ, UT, MT, WY, CO, NM, ND, SD, NE, KS, OK, TX, MN, IA, MO, AR, and LA.

MC 147404 (Sub-5), filed February 10, 1981. Applicant: DONALD J. GETTELFINGER, d.b.a. GETTELFINGER FARMS, Rural Route 2, Box 241, Palmyra, IN 47164. Representative: Robert W. Loser, II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204, (317) 635–2339. Transporting *food and related products*, between points in the U.S. under continuing contract(s) with Armour and Company, of Phoenix, AZ.

MC 148284 (Sub-2), filed February 12, 1981. Applicant: DON YOUNGBLOOD TRUCKING COMPANY, INC., P.O. Box 309, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701, (501) 521–8121. Transporting *food and related products*, between points in Crawford County, AR, on the one hand, and, on the other, points in the U.S.

MC 148494 (Sub-2), filed February 13, 1981. Applicant: QUALITY READY MIX CONCRETE CO., a Corporation, 1415–14th Ave., Fulton, IL 61252. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701 (217) 544–5468. Transporting *fertilizer*, between points in Whiteside County, IL, and Dubuque County, IA, on the one hand, and, on the other, points in IA, MN, and WI.

MC 148344 (Sub-6), filed February 10, 1981. Applicant: TRAVIOLI AND SONS TRUCKING, INC., Rural Route 31, Box 169A, Terre Haute, IN 47803. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204 (317)–635–2339. Transporting *printed matter*, between points in the U.S. under a continuing contract(s) with World Color Press, Inc., of Effingham, IL.

MC 149244 (Sub-3), filed February 10, 1981. Applicant: PEAKE, INC., 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304 (515) 245–2730. Transporting *chemicals and related products*, between points in NE and IA.

MC 150954 (Sub-15), filed February 12, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E Collier, 8918 Tesoro Dr., Suite 515, San Antonio, TX 78217 (512) 826–6496. Transporting *lumber and wood products, building materials*, and *pulp, paper, and related products*, between points in CA, ID, and OR, on the one hand, and, on the other, points in the U.S.

MC 150954 (Sub-16), filed February 12, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Avenue, Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesoro Drive, Suite 515, San Antonio, TX 78217 (512) 826–6496. Transporting *malt beverages*, between points in

Multnomah County, OR, on the one hand, and, on the other, points in the U.S.

MC 151655 (Sub-3), filed February 11, 1981. Applicant: FRANK BROS. TRUCKING CO., a corporation, P.O. Box 241, 349 Abbott Ave., Hillsboro, TX 76645. Representative: Charles E. Munson, 500 West Sixteenth St., P.O. Box 1945, Austin, TX 78767, (512) 478–9808. Transporting *metal products*, between points in Ellis County, TX, on the one hand, and, on the other, points in the U.S.

MC 153314 (Sub-2), filed February 10, 1981. Applicant: M & D TRANSPORTATION, INC., 6538 North 57th Ave., Box 775, Glendale, AZ 85301. Representative: Michael S. Varda, 121 South Pinckney St., Madison, WI 53703, (608) 255–8891. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of material handling equipment, between points in AZ, CA, NM, and NV, on the one hand, and, on the other, points in the U.S.

MC 154165 (Sub-1), filed February 10, 1981. Applicant: RICHARD M. SEAWICK, d.b.a. SEAWICK TRANSPORT, 6815 Dorr St., Toledo, OH 43615. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215, (614) 464–4103. Transporting *such commodities* as are dealt in or used by manufacturers or distributors of iron and steel articles, between Youngstown, OH, and points in Lorain, Erie, Huron, Sandusky, and Seneca Counties, OH, and Westmoreland and Allegheny Counties, PA, on the one hand, and, on the other, points in IN, KY, MI, OH, PA, and WV.

MC 154234, filed February 10, 1981. Applicant: LAMBERT TRANSFER COMPANY, a corporation, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304, (515) 245–2730. Transporting *cement*, between points in MN and WI.

MC 154335, filed February 17, 1981. Applicant: FUELL TRANSPORTATION CO., INC., 1401 Fairfax Trafficway, Bldg. D, Kansas City, KS 66115. Representative: Arthur J. Cerra, 2100 Charterbank Center, P.O. Box 19251, Kansas City, MO 64141, (816) 842–8600. Transporting *chemicals, building materials, machinery*, and *metal products*, between points in KS, MO, and MS, on the one hand, and, on the other, points in the U.S.

MC 154374, filed February 17, 1981. Applicant: SUN COAST TOURS, 6401 Ocean Ave., Wildwood Crest, NJ 08260. Representative: Richard S. Adelizzi (same address as applicant), (609) 522–0206. As a *broker* in arranging for the transportation or *passengers and their baggage*, between Philadelphia, PA, and Wildwood Crest, NJ.

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Decided: March 10, 1981.

By the Commission Review Board No. 2, Members, Carlton, Fisher and Williams.

MC 2095 (Sub-35), filed February 10, 1981. Applicant: KEIM TRANSPORTATION, INC., P.O. Box 226, Sabetha, KS 66534. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612, (913) 233–9629. Transporting (1) *fertilizer*, and (2) *feed and feed ingredients*, between points in MO, AR, KS, NE, IA, OK, TX, IL, and CO.

MC 73134 (Sub-3), filed February 10, 1981. Applicant: SUPREME EXPRESS & TRANSFER CO., a corporation, 3311 Chouteau Ave., St. Louis, MO 63101. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101, (314) 241–0333. Transporting *copper and copper products*, between points in the U.S., under continuing contract(s) with Cerro Copper Products Company, of East St. Louis, IL.

MC 107295 (Sub-1020), filed February 17, 1981. Applicant: PRE-FAB TRANSIT CO., a corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant), (309) 928–2141. Transporting *bottle washing machines*, between points in Hennepin and Anoka Counties, MN, on the one hand, and, on the other, points in the U.S.

MC 112854 (Sub-40), filed February 11, 1981. Applicant: HOLLEBRAND TRUCKING, INC., P.O. Box 164, Otario Center, NY 14520. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580, (716) 265–9510. Transporting *food and related products*, between points in Cattaraugus, Chautauqua, Erie, Livingston, Monroe, Niagara, Onondaga, Ontario, Orleans, Wayne, and Yates Counties, NY, on the one hand, and, on the other, points in CT, DE, IL, IN, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and DC.

MC 124835 (Sub-28), filed February 19, 1981. Applicant: PRODUCERS TRANSPORT CO., a Corporation, P.O. Box 4022, Chattanooga, TN 37405. Representative: David K. Fox (same address as applicant) (615) 756–7678. Transporting *clay, concrete, glass or stone products*, between points in Washington County, TN, on the one hand, and, on the other, points in AL, GA, KY, NC, SC, TN, VA, and WV.

MC 125535 (Sub-24), filed February 12, 1981. Applicant: NATIONAL SERVICE LINES, INC., 2275 Schuetz Rd., St. Louis, MO 63141. Representative: Donald S. Helm (same address as applicant), (314) 569–1161. Transporting *clay, concrete, glass or stone products*, between points in Hawkins and Sullivan Counties, TN, and points in Taylor County, WA, on the one hand, and, on the other, points in the U.S.

MC 125535 (Sub-25), filed February 17, 1981. Applicant: NATIONAL SERVICE LINES INC. OF NEW JERSEY, 2275 Schuetz Rd., St. Louis, MO 63141. Representative: Donald S. Helm (same address as applicant), (314) 569–1161. Transporting *clay, concrete, glass or stone products*, between points in the U.S., under continuing contract(s) with C–E Glass, Combustion Engineering, Inc., of Cinnaminson, NJ.

MC 126305 (Sub-154), filed February 10, 1981. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., RFD 1, Box 18, Clayton, AL 36016. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 234–0301. Transporting *food and related products*, between those points in the U.S. in and east of ND, NE, SD, KS, OK, and TX.

MC 127974 (Sub-27), filed February 10, 1981. Applicant: P. LIEDTKA TRUCKING, INC., 110 Patterson Avenue, Trenton, NJ 08610. Representative: Alan Kahn, 1430 Land Title Building, Philadelphia, PA 19110, (215) 561–1030. Transporting *general commodities* (except classes A and B explosives), between points in CT, DE, ME, MD, MA, NH, NJ, NY, NC, OH, PA, RI, VT, VA, WV, and DC.

Note.—Issuance of a certificate is subject to prior or coincidental cancellation, at applicant's written request, of Certificate No. 127974 and Subs thereunder.

MC 129784 (Sub-16), Filed: February 13, 1981. Applicant: DAVISON TRANSPORT, INC., P.O. Drawer 846, Ruston, LA 71720. Representative: Tom E. Moore (same address as applicant), (318) 255–3850. Transporting *commodities in bulk*, between points in AR and LA, on the one hand, and, on the other, points in the U.S.

MC 133194 (Sub-24), Filed: February 10, 1981. Applicant: WOODLINE MOTOR FREIGHT, INC., Airport Rd., P.O. Box 1047, Russellville, AR 72801. Representative: Richard Streeter, 1729 H. St., N.W., Washington, DC 20006 (202) 337–6500. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Greenville, TX, and Kansas City, KS, from Greenville, TX, over U.S.

Hwy 24 to junction U.S. Hwy 75, then over U.S. Hwy 75, to junction Interstate Hwy 44, then over Interstate Hwy 44 to junction U.S. Hwy 71, then over U.S. Hwy 71 to junction U.S. Hwy 70, then over U.S. Hwy 70 to Kansas City, KS, and return over the same route. (2) between Fort Smith, AR, and Tulsa, OK, from Fort Smith, AR, over Interstate Hwy 40 to junction Muskogee Turnpike, then over Muskogee Turnpike to Tulsa, OK, and return over the same route. (3) between Bentonville, AR, and Joplin, MO, over U.S. Hwy 71, and return over the same route, (4) between Bear Creek Springs, AR, and Joplin, MO, from Bear Creek Springs, AR, over U.S. Hwy 65 to junction Interstate Hwy 44, then over Interstate Hwy 44, to junction U.S. Hwy 71, then over U.S. Hwy 71, to Joplin, MO, and return over the same route, (5) between Fort Smith, AR, and Greenville, TX, from Fort Smith, AR, over Interstate Hwy 40 to junction U.S. Hwy 75, then over U.S. Hwy 75, to junction U.S. Hwy 24, then over U.S. Hwy 24, to Greenville, TX.

Note.—Applicant intends to interline and tack this authority with its existing regular route authority.

MC 134105 (Sub-97), Filed: February 11, 1981. Applicant: CELERYVALE TRANSPORT, INC., 1706 Rossville Ave., Chattanooga, TN 37408. Representative: James E. Elgin (same address as applicant), (615) 756–4066. Transporting *food and related products*, between the facilities of American Pantry, Inc., in the U.S., on the one hand, and, on the other, points in the U.S.

MC 139434 (Sub-10), filed February 17, 1981. Applicant: MID AMERICA EXPRESS, INC., P.O. Box 9, Nebraska City, NE 68401. Representative: Arthur J. Cerra, 2111 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141, (816) 842–8600. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Land O' Lakes, of Schuyler, NE.

MC 140665 (Sub-132), filed February 10, 1981. Applicant: PRIME, INC., P.O. Box 4204, Springfield, MO 65804. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266, (216) 296–2877. Transporting *chemicals and related products*, between points in the U.S.

MC 140665 (Sub-133), filed February 10, 1981. Applicant: PRIME, INC., P.O. Box 4208, Springfield, MO 65804. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266, (216) 296–2877. Transporting (1) *glass bottles*, between points in San Francisco County, CA, on the one hand, and, on the other, points in Comal County, TX, (2) *furniture and fixtures*, between points in Laclede County, MO, on the one hand, and, on the other, points in WA, OR, UT, CA, MN, and TX, (3) *automotive parts*, between Los Angeles, CA, and Chicago, IL, on the one hand, and, on the other, points in the U.S., (4) *wire staples, tools and tool boxes*, between Cleveland and Youngstown, OH, New Orleans, LA, Port Elizabeth, NJ, Baltimore, MD, Wilmington, DE, Houston, TX, Seattle, WA, Los Angeles and San Francisco, CA, on the one hand, and, on the other, points in the U.S., (5) *artificial flowers, plastic articles, cloth, dried flowers*, and *floral supplies*, between points in Polk County, MO, on the one hand, and, on the other, points in the U.S., and (6) *bearings, machines, and machine parts*, between Cleveland, OH, on the one hand, and, on the other, points in the U.S.

MC 141424 (Sub-7), filed February 10, 1981. Applicant: P–Y TRANSPORT, INC., 50 S. Williams St., York, PA 17404. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St. NW., Washington, DC 20005, (202) 783–7900. Transporting *clay, concrete, glass or stone products*, between Cumberland County, PA and New Hanover County, NC.

MC 143394 (Sub-23), filed February 12, 1981. Applicant: GENIE TRUCKING LINE, INC., 70 Carlisle Springs Rd., P.O. Box 840, Carlisle, PA 17013. Representative: G. Kenneth Bishop (same as applicant) (717)–249–2425. Transporting *general commodities*, between points in the U.S., under continuing contract(s) with Trans-Am Shippers Cooperative Association, of Chicago, IL.

Note.—To the extent the certificate granted in this proceeding authorizes the transportation of classes A and B explosives it will expire 5 years from the date of issuance.

MC 145894 (Sub-3), filed February 10, 1981. Applicant: EQUIPMENT SUPPLIES, INC., 7736 W. 62nd Place, Summit, IL 60501. Representative: Stephen H. Loeb, Suite 2027, 33 North LaSalle St., Chicago, IL 60602. (312)–726–9722. transporting *general commodities* (except classes A and B explosives), between Chicago, IL, on the one hand, and, on the other, New York, NY, Newark, NJ and Baltimore, MD, and points in KY, MO, MN and OH.

MC 146075 (Sub-7), filed February 13, 1981. Applicant: TEXAS INTERMOUNTAIN TRANSPORTATION, INC., 6161 West 29th Place, Wheatridge, CO 80214. Representative: Delbert D. Ewing (same address as applicant) (303) 429–4065. Transporting *food and related products*, between points in AR, CO, LA, ID, MT, NM, OK, TX, UT, and WY.

MC 148874 (Sub-4), filed February 18, 1981. Applicant: PROFICIENT FOOD CO., a corporation, 17872 Cartwright Rd., Irvine, CA 92705. Representative: Floyd L. Farano, 2555 E. Chapman Ave., Suite 415, Fullerton, CA 92631, (714) 773–4111. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with George A. Hormel & Co., of Austin, MN. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(a) or submit an affidavit indicating why such approval is unnecessary.

MC 150954 (Sub-18), filed February 17, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesoro Drive, Suite 515, San Antonio, TX 78217 (512)–826–6496. Transporting *lumber and wood products* and *building materials*, between points in the U.S., under continuing contract(s) with Edward Hines Lumber Co., of Chicago, IL.

MC 152074 (Sub-1), filed February 9, 1981. Applicant: KEY-STONE FREIGHT, INC., 767 St. George St., Woodbridge, NJ 07095. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934 (201)–435–7140. Transporting *Toilet preparations and personal care products*, between points in the U.S., under continuing contract(s) with Charles of the Ritz, of Holmel, NJ.

MC 151445, filed February 10, 1981. Applicant: DUO TRUCKING CORP., 901 Castle Rd., Secaucus, NJ 07094. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934 (201)–435–7140. Transporting *general commodities*, (1) between points in the New York, NY, Commercial Zone, and (2) between New York, NY, on the one hand, and, on the other, points in NY, NJ, CT, MA, PA, DE, and MD.

Note.—To the extent the certificate granted in this proceeding authorizes the transportation of classes A and B explosives it will expire 5 years from the date of issuance.

MC 154014 (Sub-1), filed February 12, 1981. Applicant: ALLEN TRUCK AND TRAILER LEASING, INC., 125 West Peach St., P.O. Box 724, Connellsville, PA 15425. Representative: Guy H. Postell, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326 (404)–237–6472. Transporting *such commodities as dealt in or used by manufacturers of cosmetics*, between points in the U.S., under continuing contract(s) with Avon Products, Inc., of New York, NY.

MC 154134 (Sub-1), filed February 10, 1981. Applicant: H & B TRUCKING CO., INC., 224 Oregon St., El Segundo, CA 90245. Representative: R. J. Rees (same address as applicant) (213) 322–0508. Transporting *food and related products*, between the facilities of Bavarian Specialty Foods, in Los Angeles County, CA, on the one hand, and, on the other, points in the U.S.

MC 154184, filed February 13, 1981. Applicant: AMERICAN PACIFIC POWER APPARATUS, CO., INC., P.O. Box 515, Aurora, OR 97002. Representative: C. Jack Pearce, Suite 1200, 1000 Connecticut Ave., N.W. Washington, DC 20036 (202) 785–0048. Transporting (1) *metal products*, and (2) *machinery*, between points in the U.S. under continuing contracts with Wellons, Inc., of Sherwood, OR, Fahey Machinery Co., of Portland, OR, Layton Sales and Supply Co., Wilsonville, OR, and D & D Equipment Wholesalers, Inc., of Spokane, WA.

MC 154265, filed February 10, 1981. Applicant: MIKE WILLIAMS TRANSFER, INC., 2 Foxhurst Court, Manhasset Hills, NY 11040. Representative: Arthur J. Piken, Queens Office Tower, 95–25 Queens Blvd., Rego Park, NY 11374 (212) 275–1000. Transporting *machinery*, between points in the U.S., under continuing contract(s) with H. O. Penn Machinery Co., of Armonk, NY.

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Decided: March 12, 1981.

By the Commission, Review Board No. 3, Members Carleton, Fisher and Williams.

MC 148706 (Sub-3), filed February 23, 1981. Applicant: AKIN BARNES d.b.a. AKIN BARNES TRUCKING, Rt. 2, Halls, TN 38040. Representative: Edward G. Grogan, Twentieth Fl., First Tennessee Bldg., Memphis, TN 38103 (901) 525–8231. Transporting *furniture and fixtures*, between points in the U.S., under continuing contract(s) with Office Equipment Distributors, Inc., of Atlanta, GA and Memphis, TN.

MC 151386 (Sub-1), filed February 23, 1981. Applicant: COLDRITE CORPORATION d.b.a. S & J TRUCKING AND LEASING CO., 2045 E. Vernon Ave., Vernon, CA 90058. Representative: Harold D. Samson (same address as applicant) (213) 231–4351. Transporting *food and related products*, between points in CA and AZ.

MC 153156 (Sub-1), filed February 27, 1981. Applicant: DEN-COL CARTAGE & DISTRIBUTION, INC., 3400 Walnut St., Denver, CO 80205. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609 (213–945–2745). Transporting *general commodities* (except classes A and B explosives), between Denver, CO, on the one hand, and, on the other, points in CO, ID, NM, UT, and WY.

MC 154486, filed March 2, 1981. Applicant: CARROLL DAVIS d.b.a. CARROLL DAVIS TRUCKING CO., 2621 Mills Park Rd., Bryant, AR 72022. Representative: Thomas B. Staley, 1550 Tower Bdlg., Little Rock, AR 72201 (501) 375–9151. Transporting (1) *clay, concrete, glass or stone products* and (2) *ores and minerals*, between points in Saline County, AR, on the one hand, and, on the other, points in the U.S.

Volume No. OPY4–25

Decided March 13, 1981.

By the Commission, Review Board No. 2 Members Carleton, Fisher and Williams.

MC 67646 (Sub-97), filed February 27, 1981. Applicant: HALL'S MOTOR TRANSIT CO., 6060 Carlisle Pike, Mechanicsburg, PA 17055. Representative: Edward W. Kelliher (same address as applicant), (717) 790–8543. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) Between Syracuse and Alexandria, NY: From Syracuse over U.S. Hwy 11 (also over Interstate Hwy 81) to Watertown, NY, then over Interstate Hwy 81 to junction NY Hwy 12 near Fishers Landing, then over NY Hwy 12 to Alexandria Bay, and return over the same route, serving all intermediate points, and (2) Between Watertown and Glenfield, NY: (a) From Watertown over NY Hwy 3 to junction NY Hwy 26, then over NY Hwy 26 to juction NY Hwy 12, then over NY Hwy 12 to Glenfield, and return over the same route, (b) From Watertown over NY Hwy 12 to Glenfield, and return over the same route, serving all intermediate points and the off-route points of Beaver Falls and Croghan, NY.

MC 97186 (Sub-4), filed February 23, 1981. Applicant: SOUTH PARK MOTOR LINES, INC., d.b.a. COLORADO ALL STATE TRANSPORTATION, P.O. Box 16, Jefferson CO 80456. Representative: David M. Sherman, Suite 475, Capitol Life Center, Denver, CO 80203, (303) 861–2509. Transporting (1) *lumber and wood products*, (2) *pulp, paper and related products*, (3) *chemicals and related products*, (4) *petroleum, natural gas and their products*, (5) *coal and coal products*, (6) *rubber or plastic products*, (7) *clay, concrete, glass or stone products*, (8) *metal products*, (9) *machinery and supplies, transportation equipment*, and (11) *hazardous materials*, between points in CO, AZ, ID, UT, KS, WY, ND, SD, NE, OK, NM, and MT.

MC 117786 (Sub-131), filed February 26, 1981. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014, (602) 264–4891. Transporting *such commodities* as are dealt in or used by grocery, retail, and department stores, between points in Los Angeles County, CA, on the one hand, and, on the other, points in AZ.

MC 120316 (Sub-6), filed February 23, 1981. Applicant: WALTON TRANSPORTATION CO., a corporation, 13020 Sarah Lane, Houston, TX 77015. Representative: Joe G. Fender, 9601 Katy Freeway, Suite 320, Houston, TX 77024, (713) 827–1407. Transporting (1) *Mercer commodities*, (2) *metal products*, and (3) *those commodities* which because of their size or weight require the use of special handling or equipment, between points in TX.

MC 125916 (Sub-19), filed February 9, 1981. Applicant: NORWOOD TRANSPORTATION, INC., 2232 So. 7200 West, Megna, UT 84044. Representative: Macoy A. McMurray, 800 Beneficial Life Tower, 36 So. State St., Salt Lake City, UT 84111. Transporting *salt and salt products*, in containers, between points in Grand County, UT, on the one hand, and, on the other, points in AZ, CA, CO, ID, KS, MT, NE, NM, NV, OR, TX, WA, and WY.

MC 138176 (Sub-9), filed February 26, 1981. Applicant: RENTZ FARM SUPPLY, INC., Route 1, Brinson, GA 31725. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd. NE., Atlanta, GA 30326 (404) 237–6472. Transporting *petroleum, natural gas and their products*, between points in FL, AL, and GA.

MC 139906 (Sub-151), filed February 27, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORP., P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501, (401) 476–1144. Transporting *kerosene heaters*, between points in the U.S.

MC 139596 (Sub-2), filed February 23, 1981. Applicant: D & S EXPRESS, INC., 365 Route 22, Green Brook, NJ 08805. Representative: Ken Wilson, 167 Sylvan Rd., Bloomfield, NJ 07003, (201) 338–4425. Transporting *general commodities* (except classes A and B explosives), between points in NJ, on the one hand, and, on the other, points in VA, DE, MD, NY, CT, MA, RI, PA, VT, NH and NJ.

MC 147536 (Sub-30), filed February 27, 1981. Applicant: D. L. SITTON MOTOR LINES, INC., P.O. Box 1567, Joplin, MO 64801. Representative: David L. Sitton

(same address as applicant), (417) 782–2600. Transporting *such commodities* as are dealt in and used by grocery, dairy and food business houses, between points in the U.S.

MC 150496 (Sub-13), filed March 2, 1981. Applicant: P.A.M. TRANSPORT, INC., P.O. Box 188, Tontitown, AR 72770. Representative: Robert W. Weaver (same address as applicant), (501) 361–2545. Transporting *such commodities* as are dealt in or used by discount and variety stores, between points in Dale County, AL, Boone County, AR, Orleans Parish, LA, Dakota and Lancaster City Counties, NE, Washoe County, NV, and Tarrant County, TX, on the one hand, and, on the other points in the U.S.

MC 150656 (Sub-5), filed March 2, 1981. Applicant: FARM SERVICE & SUPPLIES, INC., P.O. Box 154, Marengo, IL 60152. Representative: Robert J. Gill, First Commercial Bank Bldg., 410 Cortez Rd. W., Bradenton, FL 33507, (813) 758–4153. Transporting *such commodities* as are dealt in or used by manufactures of stairs, paint spraying booths, and railroad crossings, between points in Cook, DuPage, Lake, and McHenry Counties, IL, and Hinds and Rankin Counties, MS, on the one hand, and on the other, points in the U.S.

MC 152056 (Sub-2), filed March 2, 1981. Applicant: RHETT BUTLER TRUCKING, INC., Route 6, Box 83, Andalusia, AL 36420. Representative: Maurice F. Bishop, 603 Frank Nelson Bldg., Birmingham, AL 35203, (205) 251–2881. Transporting (1) *farm products*, and (2) *machinery*, between points in AL, FL, and GA, on the one hand, and, on the other points in AR, AL, AZ, FL, GA, IL, KY, IN, LA, MS, NC, SC, TN, and TX.

MC 154536, filed March 2, 1981. Applicant: LES–MAR TRUCKING, INC., 1316 Central Ave., Union City, NJ 07087. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934 (201) 435–7140. Transporting *commodities in bulk*, between points in Hudson and Bergen Counties, NJ, on the one hand, and, on the other, points in NJ, NY, PA, MA, MD, DE, CT, RI, VA, NC, and DC.

Volume No. OP4–68

Decided: March 12, 1981.

By the Commission Review Board No. 2. Members Carlton, Fisher, and Williams.

MC 67646 (Sub-95), filed February 4, 1981, previsouly noticed in the **Federal Register** issue of February 26, 1981, and republished this issue. Applicant: HALL'S MOTOR TRANSIT COMPANY, a corporation, 6060 Carlisle Pike, Merchanicsburg, PA 17055. Representative: Edward W. Kelliher (same address as applicant). Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Richmond, VA, and Charleston, WV: from Richmond over Interstate Hwy 64 to junction U.S. Hwy 60, then over U.S. Hwy 60 to Charleston, and return over the same route, serving all intermediate points, and (b) from Richmond over U.S. Hwy 60 to Charleston, serving all intermediate points, (2) between Charleston, WV, and Chicago, IL: from Charleston over Interstate Hwy 64 to Louisville, KY, then over Interstate Hwy 65 to junction Interstate Hwy 94, then over Interstate Hwy 94 to Chicago, and return over the same route, serving all intermediate points; and (3) between Cincinnati, OH, and Danville, KY: (a) from Cincinnati over Interstate Hwy 75 to junction Interstate Hwy 64, then over Interstate Hwy 64 to junction U.S. Hwy 127, then over U.S. Hwy 127 to Danville, and return over the same route, and (b) from Cincinnati over Interstate Hwy 75 to junction KY Hwy 922, then over KY Hwy 922 to KY Hwy 4, then over KY Hwy 4 to junction KY Hwy 68, then over U.S. Hwy 68 to junction U.S. Hwy 127, then over U.S. Hwy 127 to Danville, and return over the same route, serving in (a) and (b) above all intermediate points, and serving points in Boyle County, KY, as intermediate or off-route points.

Note.—(a) The purpose of this republication is to correctly state the requested authority, and (b) Applicant states it intends to tack the above routes with one another, and with its existing authority.

MC 150776 (Sub-4), filed February 5, 1981. Applicant: ALFRED DANIELS, INC., Rt. 1, P.O. Box 272–I, Jackson, OH 45640. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215 (614) 228–1541. Transporting *chemnicals and related products*, between points in Lawrence County, PA, Boyd County, KY, Cabell and Wayne Counties, WV, and Pittsburgh, PA, on the one hand, and, on the other, points in the U.S.

MC 154548, filed February 3, 1981. Applicant: DOROTHY J. COLEMAN, d.b.a. D AND D TRANSPORT, 101 Amherst Rd., S. Hadley, MA 01075. Representative: Dorothy J. Coleman (same address as applicant). Transporting *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with National Blank Book Co., Inc., of Holyoke, MA.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8441 Filed 3-18-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-109 (Sub-1)]

Quanah Acme & Pacific Railway Co.; Abandonment Between Acme and Floydada in Cottle, Motley, Floyd, and Hardeman Counties, TX; Findings: Correction [1]

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and Decision decided January 26, 1981, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, the present and future public convenience and necessity permit the abandonment by the Quanah, Acme & Pacific Railway Company of the line of railroad between milepost 766 at or near Paducah, TX to milepost 833.2 at or near Floydada, TX a distance of approximately 67.2 miles. The total distance of the above segment is subject to the conditions for the protection of employees discussed in *Oregon Short Line R. Co.—Abandonment Goshen*, 360 I.C.C. 91 (1979). A certificate of public convenience and necessity permitting abandonment was issued to the Quanah, Acme & Pacific Railway Company. Since the investigation has been completed, the requirement of § 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (Section 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than March 30, 1981. The offer, as filed, shall contain information required pursuant to § 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment

[1] Republished to cure defects in our February 10, 1981 notice.

shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8444 Filed 3-18-81; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-C-10796]

Shipments Weighing 100 Pounds or Less

AGENCY: Interstate Commerce Commission.

ACTION: Notice of declaratory order proceeding.

SUMMARY: In response to a petition filed by the American Package Express Carriers Association, Inc., (APECA), the Commission is instituting a declaratory order proceeding to give our interpretation of "shipments weighing 100 pounds or less" under 49 U.S.C. 10922(b)(4)(D). Petitioner requests that the Commission promulgate rules which will include language in all certificates issued pursuant to the involved section defining "shipments weighing 100 pounds or less" as "one or more packages weighing in the aggregate 100 pounds or less transported from a consignor to a consignee on any one day." It argues that the statutory language is ambiguous and the failure of the Commission to clarify this section could lead to unauthorized transportation under the involved fitness-only procedure. Although we do not believe a rulemaking proceeding is warranted, we agree that a certain ambiguity exists within the statute as to the meaning of the involved phrase. Therefore, we will exercise our discretion and issue a declaratory order to clarify the meaning of the involved section.

DATES: Comments are due on or before April 20, 1981.

ADDRESS: Send an original and, if possible, 15 copies of any comments to: MC-C-10796, Room 5416, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20432.

FOR FURTHER INFORMATION CONTACT:

Richard J. Osterman, Jr., (202) 275-7893

or

Edward E. Guthrie, (202) 275-7691.

SUPPLEMENTARY INFORMATION: By petition filed December 10, 1980, the American Package Express Carriers Association, Inc., (APECA) requests that this Commission institute a proceeding to promulgate rules which will incorporate language in all certificates issued pursuant to 49 U.S.C. 10922(b)(4)(D), defining the 100-pound shipments authorized, as "shipments of not more than 100 pounds a day from one consignor to one consignee." Petitioner notes that the Motor Carrier Act of 1980 does not define "100-pound shipments" and that the phrase, therefore, may be subject to a variety of interpretations. To prevent unauthorized transportation by carriers which are granted certificates under the involved fitness only procedure, petitioner seeks the incorporation of language in each certificate which will set forth the Congressional intent.

We believe that a rulemmaking is not the appropriate way to handle this matter; however, since we believe petitioner is correct in noting that an ambiguity exists in the meaning of the phrase "shipments weighing 100 pounds or less" as used in 49 U.S.C. 10922(b)(4)(D), we shall exercise our discretion to issue a declaratory order to clarify the matter.[1]

The term "shipment" has been defined by the Commission to mean "a quantity of freight received from one shipper, at one time, at one place, consigned to one consignee at a single destination under one bill of lading." See *East Express, Inc., Ext.—High Point*, 117 M.C.C. 383, 386 (1972). Under this definition, a certificate authorizing the transportation of "shipments weighing 100 pounds or less" might be interpreted to authorize the transportation of several packages aggregating more than 100 pounds from one consignor to one consignee as long as each package is shipped on a separate bill of lading and does not exceed 100 pounds. However, an examination of the legislative history of subsection (b)(4)(D) seems to preclude this interpretation.

The report of the House Committee on Public Works and Transportation states that under subparagraph (4)(D):

> A shipment is one or more packages weighing in the aggregate 100 pounds or less transported from a consignor to a consignee on any one day. This will allow carriers receiving a certificate under this subparagraph to transport up to 100 pounds from one consignor at any one location to one consignee at any one location on any day.

H.R. Rep. No. 96-1069, 96th Cong., 2d. Sess. 16 (1980). Thus, on any given day, a carrier holding a certificate under this subparagraph appears authorized to transport only a package or aggregate of packages weighing 100 pounds or less from one consignor to one consignee. To prevent confusion as to the interpretation of the phrase "shipments weighing 100 pounds or less", we believe we must declare that the Congressional intent as set forth in House Report 96-1069 is the proper interpretation of the transportation authorized under the involved fitness related application procedure.

All interested persons are invited to comment about this clarification and its impact. This action does not appear to affect significantly either the quality of the human environment or conservation of energy resources. However, anyone may comment on this aspect of the proceeding.

It is ordered:

The petition is denied.

Pursuant to 5 U.S.C. 554(e), and in the sound exercise of our discretion, a declaratory proceeding is instituted.

Decided: March 6, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8438 Filed 3-18-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-15)]

Southern Pacific Transportation Exemption for Contract Tariff ICC-SP-C-0003

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Provisional Exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The contract tariff to be filed will become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT:

Richard B. Felder or Jane F. Mackall (202) 275-7656.

SUPPLEMENTARY INFORMATION: By petition filed March 9, 1981, Southern Pacific Transportation Company (SP) has requested an exemption from the requirement of 49 U.S.C. 10713(e) that its proposed contract tariff ICC-SP-C-0003 be made effective on a minimum of 30 days' notice. SP seeks to file the contract tariff on one day's notice with an effective date of March 23, 1981. The duration of the contract is one year.

The contract involves the movement of pipe for the Northern Border Pipeline Project over the lines of SP, the St. Louis

[1] While petitioner's request for inclusion of language contained in House Report 96-1069 is denied, we note that the statutory language will be included in certificates issued pursuant to 49 U.S.C. 10922(b)(4)(D). See Ex Parte No. 55 (Sub-No. 43A), *Acceptable Forms of Requests for Operating Authority (Motor Carriers and Brokers of Property)*, 45 Fed. Reg. 86798, December 31, 1980.

Southwestern, the Norfolk and Western and Soo Line. The shipping schedule has recently undergone a significant change. The new schedule accelerates the beginning date for shipments by two weeks with a starting date of March 23, 1981. Corresponding commitments for the receipt of pipe shipments have been made by the receiver. Petitioner thus contends that a 30-day waiting period would be extremely disruptive to the scheduling to which the shipper and receiver have already committed themselves.

SP does not expect any protest of the contract tariff to be filed. It alleges that the contract is of limited scope because it involves a single commodity moving over a single route and has only a year duration. It also contends that the 30 day notice period is not required to protect shippers from any abuse of market power. SP will use a pool of leased rail cars to provide service under the contact, so its own fleet of rail cars will be available to meet its common carrier obligation to serve other shippers. For these reasons, petitioner argues that the requested exemption is warranted.

There is no provision for waiving the section 10713(e) requirement that contracts must be filed to become effective on not less than 30 nor more than 60 days' notice. Cf. former section 10762(d)(1). However, we may address the same relief under our section 10505 exemption authority and we do so here.

The contract at issue is designed to allow responsive transportation service in connection with a major energy project. To permit the contract to become effective only after a 30-day period could seriously disrupt shipping and production schedules already in place. The contract proposal should enhance carrier service by encouraging efficient use of transportation facilities. It should not impair the carriers' obligation to provide service to other shippers because SP will use a pool of lease cars to move the pipe. Thus, we conclude that a provisional exemption should be granted.

SP has already agreed in its petition to be bound by the following conditions, which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding, on its own initiative or on complaint, to review the contract or to disapprove it during the periods specified in 49 U.S.C. 10713.

In Ex Parte No. 387 (Sub-11), *Southern Pacific Transportation Company Exemption for Contract Tariff ICC–SP–C–0002*, served February 27, 1981, we advised S. P. that the filing of an exemption request on such short notice with no explanation as to why the request was not made earlier will be considered a strong indication that the requested exemption is not actually required. While SP has complied in part to our advice by filing earlier, in the future the Commission will require more detail as to why a shipper made commitments for shipment weeks before the contract's original effective date, April 6, 1981.

Subject to compliance with the conditions set out above, under 49 U.S.C. 10505(a) we find that the 30-day notice requirement in this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. The contract tariff may become effective on one day's notice. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed on or before April 3, 1981.

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

Authority: 49 U.S.C. 10505.

Decided: March 13, 1981.

By the Commission, Division 1, Commissioners Clapp, Alexis, and Gilliam. Commissioner Gilliam was absent and did not participate.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-8445 Filed 3-18-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed by Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of

effectiveness of this decision-notice or the application of a non-complying applicant shall stand denied.

Dated: March 12, 1981.

By the Commission, Review Board No. 3. Members Krock, Joyce, and Dowell.

MC-F-14577F, filed February 17, 1981. DON WARD, INC. d.b.a. DON WARD & CO. (Ward) (241 West 56th Avenue, Denver, CO 80216)—Purchase—Lynden Transport, Inc. (Lynden) (P.O. Box 433, Lynden, WA 98264). Representative: Steven E. Napper, 1700 Western Federal Building, Denver, CO 80202. Ward seeks authority to purchase the interstate operating rights of Lynden. Don A. Ward is the majority stockholder of Ward, and as a condition to the approval of this transaction, he will be required to join in the application. Ward is purchasing those rights contained in Lynden's Permit in MC 136438 (Sub 1), which authorizes the transportation of *Liquid concrete admixtures*, in bulk or tank vehicles, From Seattle, WA to points in OR, ID, MT and that part of CA lying on and north of a line beginning at Eureka and extending along U.S. Highway 101 to junction California Highway 299, thence along California Highway 299 to the California/Nevada state line, with no transportation for compensation on return except as otherwise authorized. The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Master Builders, Division of Martin Marietta Corporation. Ward is a common carrier operating under MC 111434. An application for temporary lease has not been filed. Condition: Approval and authorization of this transaction is conditioned upon the prior receipt by the Commission of an affidavit signed by Don A. Ward stating that he is the person in control of transferee and that he joins in this application.

MC-F-14574, filed February 11, 1981. ALLTRANS PILOT, INC. (AP) (Two Robert Speck Parkway, Suite 1050, Mississauga, Ontario, Canada L5A 353)—Control—PILOT FREIGHT CARRIERS, INC., (Pilot) (Cherry Street & Polo Road, Winston-Salem, NC 27102). Representatives: Jack Goodman c/o Axelrod, Goodman, Steiner and Bazelon, 39 South La Salle Street, Chicago, IL 60603 and Pansy Beroth, P.O. Box 615, Cherry Street & Polo Road, Winston-Salem, NC 27102. Authority is sought by AP to control Pilot through ownership of its capital stock. AP is controlled by a noncarrier, Alltran Holdings, Inc. (AH) which, in turn, is controlled by a noncarrier, Thomas Nationwide Transport Limited (TNTL), whose stock is widely held. AH also controls a motor common carrier, Alltrans Express USA, Inc. (AXUSA), which in turn controls a freight forwarder, Alltrans Alasko Freight, Inc. (AAF). AH also controls a motor common carrier, MMar Transportation, Inc. (MMT). TNTL controls a noncarrier, Alltrans Canada, Inc. which in turn controls a motor common carrier TNT Canada, Inc. (TC). TC controls a motor common carrier, Trojan Freight Lines, Limited (TFL), a motor common carrier, Overland Western International, Inc. (OWI), and a carrier Champlain Steptilles Express, Inc. (CSX). CSX in turn owns 49 percent of the outstanding capital stock of a noncarrier, Champlan Express, Inc. which in turn controls a motor common carrier, Champlain Express Transport (CXT). TNTL corporate-system carriers hold operating rights generally authorizing transportation of general and specified commodities in Washington, Oregon, California, Arizona, Missouri, Illinois, Wisconsin, Michigan, Ohio, Maryland, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire and Maine. AP proposes to control Pilot which holds operating rights generally authorizing transportation of (1) general commodities (serving all intermediate and off-route points) of specified commodities in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Ohio, West Virginia, Kentucky, Indiana and the District of Columbia. The authorities which AP or its affiliates hold duplicate authorities which AP would control through Pilot. A more detailed description of the carrier operating rights are on file as part of the application at the Commission's main office in Washington, DC and at its Regional Office in Atlanta, GA. To avoid conflict with 49 U.S.C. 11323, the authority of AAF will be transferred to Pilot prior to consummation of the instant transaction. Impediment: Duplication exists between the authorities of the TNTL corporate system carriers and Pilot. Therefore, applicants should submit a plan for eliminating duplicate authority.

Notes.—(1) AP has filed an application for temporary control of Pilot. (2) Pilot has filed a directly-related application under 49 U.S.C. 11301 in Finance Docket No. 29583 for authority issue 1,000,000 shares of $1.00 par value common stock to AP as part of the control transactions. At the time of issuance, Pilot will have no authorized stock outstanding because it previously will have redeemed and cancelled its outstanding stock as a earlier step in the control transaction.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8539 Filed 3-18-81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Volume No. OP1-073]

Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of opposing verified statements must be filed with the Commission within 45 days after the date of this **Federal Register** notice. Applicant may file a verified statement in rebuttal within 60 days. Such pleadings shall comply with 49 CFR 1100.247 (renumbered 1100.251) addressing specifically the issue(s) indicated as the purpose for republication. Special Rule 247 (renumbered 251) was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

MC 144621 (Sub-22) (republication), filed August 13, 1980, published in the **Federal Register** of August 26, 1980, and republished this issue. Applicant: CENTURY MOTOR LINES, INC., Box 66, 52275 U.S. Highway 31, North 46637, South Bend, IN 46624. Representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. A decision by the Commission, Division 2, acting as an Appellate Division, decided February 23, 1981, and served February 27, 1981, finds that applicant is authorized to operate as a *common carrier* transporting (1) *buffing, polishing, and cleaning compounds, personal care products, and foodstuffs* (except commodities in bulk), (a) from the facilities of Alberto-Culver Co., at or near Melrose Park, IL, to points in AZ, CA, GA, ID, MA, NJ, NV, NY, OR, PA, TX, and WA, (b) from the facilities of Alberto-Culver Co., at or near Sparks, NV, to points in AZ, CA, ID, OR, and WA, and (c) from the facilities of Alberto-Culver Co., at or near Atlanta, GA, to points in FL, IL, MD, NJ, and NY, and (2) *materials, equipment and supplies* used in the manufacture and disposition of the commodities in (1) in the reverse direction. Applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this

republication is to indicate that applicant has been granted authority to serve points in NV, WA, and OR, which were inadvertently omitted from the initial publication.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8439 Filed 3-18-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

Correction

In FR Doc. 81-5301, appearing at page 12863 in the issue for Wednesday, February 18, 1981, make the following correction:

On page 12864, in the second column, in paragraph "MC 108359 (Sub-1-2TA)", application of "Western New York Motor Lines, Inc.", in the twenty-fourth line, "Cleveland, OH." should have read "Cleveland, OH, with other carriers), and interline passengers at Cleveland, OH."

BILLING CODE 1505-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

[Amendment to Redelegation of Authority No. 99.1.3]

Chief, Excess Property Division, et al., Redelegation of Authority Regarding Excess Property

Pursuant to the authority redelegated to me by Redelegation of Authority No. 99.1.3 dated May 1, 1973, from the Assistant Administrator for Program and Management Services (38 FR 12834), I hereby further amend Redelegation of Authority No. 99.1.3, as amended (38 FR 12837) to substitute "607(c)" for "607(b)" in paragraph A.5 of the Redelegation.

This amendment is effective immediately.

Dated: February 23, 1981.

Hugh L. Dwelley,

Director, Office of Contract Management.

[FR Doc. 81-8304 Filed 3-18-81; 8:45 am]

BILLING CODE 4710-02-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 80-10]

Ganes Chemicals, Inc.; Partial Denial of Registration

On March 25, 1980, the Acting Administrator of the Drug Enforcement Administration [DEA] issued to Ganes Chemicals, Inc., Lessee of Siegfried Chemical, Inc., of Pennsville, New Jersey, an Order to Show Cause as to why Ganes Chemicals' application for registration as a manufacturer of controlled substances in Schedules II, III and IV should not be denied. The Order to Show Cause specified a number of instances in which Ganes [hereinafter referred to as "the Respondent"] had failed to provide adequate security and had failed to maintain complete and accurate records with respect to certain controlled substances it manufactured; particularly, these specifications related to methaqualone, a Schedule II substance which the Respondent manufactured in bulk quantities.

On April 23, 1980, the Respondent requested a hearing on the issues raised by the Order to Show Cause and this matter was placed on the docket of Administrative Law Judge Francis L. Young. Following the completion of prehearing proceedings, a hearing was scheduled to be held in Salem, New Jersey, commencing on January 13, 1981.

Contemporaneously with the issuance of the Order to Show Cause in this matter, the United States Attorney for the District of New Jersey filed, in the United States District Court for that jurisdiction, a complaint seeking the assessment of civil penalties against the Respondent. The civil complaint alleged recordkeeping violations similar to those specified in the administrative proceeding.

During the pendency of the civil and administrative proceedings, attorneys and principals representing DEA, the U.S. Attorney's office and the Respondent met on numerous occasions to discuss alternatives to the full sanctions sought in these actions. During this period, the Respondent invested extensively in physical and procedural security measures designed to improve the firm's overall security posture and to prevent a recurrence of the conditions which led to the initiation of these proceedings. Ultimately, on December 9, 1980, agreement was reached on terms for the settlement of both the civil and administrative matters. The scheduled hearing was cancelled and, on February 26, 1981, all proceedings pending before the Administrative Law Judge were terminated.

The agreement reached between representatives of the Government and the Respondent provides, essentially, that the Respondent has withdrawn its opposition to the proposed denial of its application to be registered as a bulk manufacturer of methaqualone and has agreed not to reapply for such registration until 1984. DEA has agreed to withdraw the Order to Show Cause proposing to deny the Respondent's applications in all other respects. The Government further agreed to permit the Respondent to complete the production of all methaqualone in various stages of production at the Respondent's facility and to facilitate the acquisition of this material by the Respondent's single customer for this drug. The Respondent agreed to pay, and has paid, a civil penalty in the sum of $25,000.00 in settlement of the civil action in New Jersey. Additional penalties are provided for if the Respondent fails to dispose of its entire inventory of methaqualone within the allotted time.

The Administrator finds that settlement of this matter, according to the terms agreed upon by the parties, is in the public interest. The record clearly establishes that adequate grounds for the denial of the Respondent's application to manufacture methaqualone exist. Furthermore, the Administrator is confident that the Respondent has taken, and will in the future take, all necessary measures to prevent the diversion of controlled substances into other than legitimate medical, scientific and industrial channels. The Congress, in enacting the Controlled Substances Act, has mandated that all handlers of controlled substances do so under conditions designed to prevent the diversion of these substances into illicit channels. The requirements relating to manufacturers, such as the Respondent, are particularly stringent because of the extremely large quantities of dangerous drugs they handle. The vast majority of manufacturers and other commercial registrants take their responsibilities under the law very seriously. The casual disregard of these responsibilities, by a registrant, cannot, and will not, be tolerated.

Accordingly, under the authority vested in the Attorney General by Sections 303(a) and 303(d) of the Controlled Substances Act, 21 U.S.C. 823(a) and 823(d), the Administrator hereby denies the application of Ganes Chemicals, Inc., to be a bulk manufacturer of methaqualone. In all other respects, the Order to Show Cause

of March 25, 1960, is withdrawn. The Respondent's applications to be registered as a manufacturer of various controlled substances other than methaqualone will be processed and, in due course, issued. Until such processing is completed, the Respondent remains appropriately registered pursuant to the provisions of 21 CFR 1301.47. This order is effective upon execution by the Administrator.

Dated: March 13, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-8376 Filed 3-18-81; 8:45 am]

BILLING CODE 4410-09-M

National Institute of Justice

Efficient Use of Police Resources; Solicitation

The National Institute of Justice plans to initiate a program of research to investigate alternative means of utilizing State and local police agency resources to develop policies, programs or actions that would increase the efficiency and/or productivity of police departments given austere budget environments. This research is prompted by the current situation surrounding the police agency which is placing unusual demands on police resources. There is increasing pressure from the public for governmental fiscal restraint while at the same time Federal aid to police agencies is decreasing. But high crime levels persist and the public continues its demand for more and improved police service. This situation of diminishing resources and rising service demands present police administrators and the police research community new challenges to investigate more efficient alternatives to current police methods and operations.

The solicitation, entitled "Research on Efficient Use of Police Resources" asks for the submission of preliminary proposals rather than concept papers or full proposals. The selection of the final applicants will be determined by a peer review panel process in accordance with the criteria set forth in the solicitation. In order to be considered, all submissions must be postmarked no later than June 1, 1981. Two or more grants or cooperative agreements are planned for award in September 1981 with total funding support not to exceed $200,000 and a time period of 12–18 months in duration. To maximize competition for this award, both profit-making and non-profit organizations are eligible.

Copies of the solicitation may be obtained by sending a mailing label to: Solicitation Request, "Research on Efficient Use of Police Resources", National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850.

Further information regarding the solicitation can be obtained by contacting George Shollenberger or Joseph Kochanski, Office of Research Programs, National Institute of Justice, 633 Indiana Avenue, N.W., Washington, D.C. 20531 (301/492–9110).

Dated: March 3, 1981.

Approved:

Harry Bratt,

Acting Director, National Institute of Justice.

[FR Doc. 81-8451 Filed 3-18-81; 8:45 am]

BILLING CODE 4410-18-M

Fiscal Year 1981 Research Solicitations

During fiscal year 1981, the National Institute of Justice plans to fund research in the following areas:

Victim Responses to Violent Crime—an analysis of victimization data to explore the effects of victims' resistance or non-resistance to such crimes as robbery, rape, mugging and other criminal violence.

**The Role and Impact of Police Collective Bargaining*—a study of the effects of collective bargaining on police administration and operations, focusing on the experience of the last decade. Deadline for proposals is April 30, 1981.

Efficient Use of Police Resources—an open solicitation that will invite proposals that investigate approaches for increasing police efficiency and productivity in a time of budget cutbacks.

Comparative Analysis of Various Dispute Resolution Programs—an assessment of the effectiveness of various approaches to developing and operating dispute resolution programs and the advantages and disadvantages of dispute resolution compared to traditional court processing.

**Methods for Alleviating Racial Tensions in Prisons*—an open solicitation for research that focuses on improving techniques for managing institutions where racial tensions are high and the potential for racial conflict exists. Deadline for proposals is April 14, 1981.

**Critical Issues Relating to the Operations and Use of Jails (Jail Research)*—an open solicitation for research that can yield empirically-derived knowledge about the role of jails and their impact. Deadline for proposals is April 20, 1981.

Synthesis of Research on Neighborhood Crime Prevention—a grant that will synthesize and assess research on informal social control processes in neighborhoods, describe the current state of knowledge and areas where new information is needed, and draw implications for citizen crime prevention activities.

Evaluation of the Differential Police Response Field Test—an assessment of an NIJ-sponsored field experiment that is testing the feasibility and utility of a system of alternative responses to non-emergency calls for police service.

**Unsolicited Research Program*—grants in the $10,000 to $120,000 range for creative approaches to justice research issues. Deadline for proposals is June 30, 1981.

Programs marked with an asterisk have already been announced in the **Federal Register**; other solicitations will be announced as issued. Additional topics for research may also be announced in future months. All prospective applicants must obtain a copy of the full solicitation before submitting proposals. Readers interested in receiving a copy of a particular program announcement should write to: *National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850.* Please specify the title of the announcement.

Dated: March 10, 1981.

Harry M. Bratt,

Acting Director, National Institute of Justice.

[FR Doc. 81-8452 Filed 3-18-81; 8:45 am]

BILLING CODE 4410-18-M

Office of Juvenile Justice and Delinquency Prevention

Postponement of Submission Date

The Office of Juvenile Justice and Delinquency Prevention is postponing the date for submission of Planning and Coordination Grant applications as announced in Part VIII of the January 9, 1981 **Federal Register** until further notice.

For additional information, contact Mr. William Modzeleski, Office of Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue N.W., Washington, D.C., 20531, 202/724–7751.

Charles A. Lauer,

Acting Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 81-8449 Filed 3-18-81; 8:45 am]

BILLING CODE 4410-18-M

METRIC BOARD

American National Metric Council Instrument Sector Conversion Plan Available For Public Comment

The United States Metric Board (USMB) was established by the Metric Conversion Act of 1975 (Pub. L. 94–168) to coordinate the voluntary increasing use of the metric system. Section 6(3) of that Act directs the USMB to keep interested parties informed and to encourage broad participation in private sector metric conversion planning activities. That is the purpose of this notice.

At the request of the American National Metric Council (ANMC) the USMB is announcing the availability for public comment of the third and final draft of the Instrument Sector Metric Conversion Plan which was developed under the auspices of the ANMC. ANMC is a private, nonprofit organization acting as a principal representative of the private sector in formulating and coordinating industrywide metric conversion plans.

The ANMC Instrument Plan has been under development for a period of four years by a group of company and trade association representatives. During that period, the plan has been available for public comment on two previous occasions.

In the event that the USMB is called upon to review this plan the record of public review and comment will be carefully examined. Therefore the Board urges the public to avail itself of this final opportunity to participate in the development of this important industry plan. Comments on the plan may be made in writing to ANMC on or before June 15, 1981.

Additional information or copies of the Instrument Sector Metric Conversion Plan may be obtained by contacting: Instrument Sector Program Manager, American National Metric Council, 1625 Massachusetts Avenue, NW., Washington, D.C. 20036. Telephone (202) 232–4545.

Dated: March 12, 1981.

Malcolm E. O'Hagan,

Executive Director, United States Metric Board.

[FR Doc. 81-8359 Filed 3-18-81; 8:45 am]

BILLING CODE 6820-94-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel; Meeting

AGENCY: National Foundation on the Arts and the Humanities.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the provision of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meeting of the Humanities Panel will be held at 806 15th Street, N.W., Washington, D.C. 20506:

Date: April 16–17, 1981.
Time: 9:00 a.m. to 5:30 p.m.
Room: 1134.
Program: This meeting will review applications submitted for General Research Program: Research Conferences Panel Division of Research Programs, for projects beginning after June 1, 1981.

The proposed meeting is for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meeting will consider information that is likely to disclose.

(1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(2) Information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and

(3) Information the disclosure of which would significantly frustrate implementation of proposed agency action;

pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that this meeting will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, Untied States Code.

Further information about this meeting can be obtained form Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506, or call (202) 724–0367.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 81-8394 Filed 3-18-81; 8:45 am]

BILLING CODE 7536-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 81-12]

Reports, Recommendations and Responses; Availability

Aircraft Accident Report—Scenic Airlines, Inc., Cessna 404, N2683S, Near Grand Canyon National Park Airport, Tusayan, Arizona, July 21, 1980 (NTSB–AAR–81–2).—The National Transportation Safety Board's investigation showed that the Cessna, on a VFR commuter flight to Phoenix, Ariz., crashed approximately 3 miles after takeoff from Tusayan. The aircraft cut a swath through densely wooded area on a magnetic heading of 165° and came to rest upright about 230 feet from the initial point of impact with trees. The pilot and the seven passengers died as a result of the accident.

The Safety Board determined that the probable cause of the accident was a substantial loss of power from the left engine at a critical point in the takeoff and the failure of the pilot to establish a minimum drag configuration which degraded the marginal single-engine climb performance of the aircraft. The loss of power resulted from seizure of the turbocharger following progressive failure of the turbine wheel blades initiated by foreign object ingestion which had occurred previous to this flight and was not detected during maintenance on the engine 4 days before the accident.

As a result of this investigation, the Safety Board reiterated recommendation A–79–80, issued to the Federal Aviation Administration on October 17, 1979 (44 FR 61477, October 25, 1979), and reiterated recommendations A–80–90 through –95, issued last September 9 as a result of Board study on general aviation accidents involving postcrash fires between 1974 and 1978 (45 FR 62233, September 18, 1980).

Safety Effectiveness Evaluation of Rail Rapid Transit Safety NTSB–SEE–81–1).—The Safety Board reports on the public hearing which it held last July 28 and 29, during which 25 witnesses testified on fire safety issues, emergency evacuation from rail rapid transit systems and safety oversight of transit systems. The Board examined fire safety issues involving transit car design; emergency exit from cars; emergency tunnel ventilation; evacuation from tunnels; emergency procedures including training, drilling, and testing; emergency communications, equipment, and mobility; and local/State/Federal safety oversight of rail rapid transit properties.

Based on the findings of this evaluation, the Safety Board on February 11 made the following recommendations:

—to the Secretary of Transportation:

Propose legislation to explicitly authorize the Secretary of Transportation to regulate the safety of rail rapid transit systems which receive Federal financial assistance. Such legislation should include the authority to establish Federal minimum safety standards, to enforce compliance, to conduct inspections, to conduct investigations of accidents and incidents, and such other general powers and duties as are necessary to provide for effective safety oversight. (R–81–1)

Pending the enactment of legislation conferring direct regulatory authority, require the Urban Mass Transportation Administration to establish Federal guidelines for equipment and operations, to aggressively utilize existing grant programs and investigative authority to promote conformance with Federal guidelines, and to conduct a program of substantially increased safety oversight of Federal assisted rail rapid transit systems. (R–81–2)

—to the Urban Mass Transportation Administration:

In cooperation with rail rapid transit authorities and local fire officials, immediately survey the facilities, communication systems, fire safety and other emergency equipment, and emergency plans of existing rail rapid transit systems to determine their capability for evacuation of passengers under various operational and passenger load conditions. (R–81–3)

Establish procedures to consult organizations, such as the United States Fire Administration, the International Association of Fire Chiefs, the International Association of Fire Fighters, the National Fire Protection Association, and employee unions, as apporpriate, in addition to the American Public Transit Association and individual transit properties, in developing Federal guidelines for car and tunnel design, safety equipment requirements, training programs (including emergency response) and other appropriate safety areas. (R–81–4)

Make appropriate organizational changes to provide for more direct consideration of safety issues in the formulation of the Administration's rail rapid transit policies and priorities. (R–81–5)

Establish, on a priority basis, Federal guidelines for the elimination or minimization of combustible and toxic gas and smoke-generating materials in existing rail rapid transit cars. Wherever possible, adherence to these guidelines should be made mandatory as a condition of Federal financial assistance. (R–81–6)

In cooperation with rail rapid transit authorities and local fire officials, assess the need for modification or retrofit of existing rail rapid transit cars to reduce the potential for the exposure of combustible or toxic materials to fire. (R–81–7)

Include in Federal financial assistance to rail rapid transit systems and ability to provide funding for acquisition of emergency equipment and for periodic inspection, maintenance, and testing of such equipment after it is installed. (R–81–8)

Develop and publish for public comment a comprehensive, 5-year safety program plan for increased safety oversight of new rail rapid transit systems as they are developed and for improving the safety of existing systems. (R–81–9)

Develop and publish for public comment a comprehensive, 5-year plan for rail rapid transit safety research and development. (R–81–10)

Establish a process, based upon testing and evaluation in accordance with such criteria as the Administration shall establish, for the certification or identification of specific products and materials used in the construction of rail rapid transit cars as meeting minimum safety standards or guidelines, and provide this information to rail rapid transit authorities on a regular basis. (R–81–11)

Develop and publish for public comment a formal plan for the review, evaluation, and certification of rail rapid transit system safety plans. (R–81–12)

Establish a fire safety research and testing program to assess the combustibility and toxic gas and smoke generation of materials used in the construction of rail rapid transit cars and to evaluate the fire safety of rail rapid transit cars through full-scale testing. (R–81–13)

Offer to assist and cooperate with the United States Fire Administration in its development of a national training curriculum for fire service personnel involved in the administration of fire protection on rail rapid transit systems. (R–81–14)

Develop Federal guidelines for training programs for rail rapid transit employees, to include actual performance, under simulated conditions, of the duties they may be required to perform in the event of a fire or other emergency. (R–81–15)

Conduct research to determine the most effective means of informing rail rapid transit passengers of the actions to be taken in the event of an emergency, the location of emergency equipment, and the means of operating vehicle exit doors, and promulgate Federal guidelines. (R–81–16)

Study and evaluate the need for fire suppression systems on new rail rapid transit vehicles and conduct research and development, and develop and promulgate Federal guidelines if so indicated. (R–81–17)

Require rail rapid transit authorities to have a formal, continuing process for including local fire and emergency medical service officials in reviews of fire and life safety considerations during system planning, design, construction, and operation. (R–81–18)

Include local fire and emergency response services in onsite reviews performed by the Administration of new and existing rail rapid transit systems. (R–81–19)

Until such time as comprehensive, formal safety standards have been established for rail rapid transit, publish an annual report assessing the degree of conformance or nonconformance of rail rapid transit systems with each Federal safety guideline established by the Administration. (R–81–20)

—to the United States Fire Administration:

Offer to assist and cooperate with the Urban Mass Transportation Administration in its development of rail rapid transit system training program guidelines which address fire safety concerns, such as tunnel rescue in a smoke and/or fire environment. (R–81–21)

In consultation with the Urban Mass Transportation Administration, develop a national training curriculum for fire service personnel involved in the administration of fire protection on rail rapid transit systems. (R–81–22)

—to the International Association of Fire Chiefs:

Offer to assist and cooperate with the Urban Mass Transportation Administration in its development of rail rapid transit system training program guidelines which address fire safety concerns, such as tunnel rescue in a smoke and/ or fire environment. (R–81–23)

Offer to assist and cooperate with the United States Fire Administration in its development of a national training curriculum for fire service personnel involved in the administration of fire protection on rail rapid transit systems. (R–81–24)

Offer to assist and cooperate with the Urban Mass Transportation Administration in its determination of minimum fire safety equipment needs of rail rapid transit systems. (R–81–25)

—to the International Association of Firefighters:

Offer to assist and cooperate with the Urban Mass Transportation Administration in its development of rail rapid transit system training program guidelines which address fire safety concerns, such as tunnel rescue in a smoke and/or fire environment. (R–81–26)

Offer to assist and cooperate with the United States Fire Administration in its development of a national training curriculum for fire service personnel involved in the administration of fire protection on rail rapid transit systems. (R–81–27)

—to the National Fire Protection Association:

Offer to assist and cooperate with the Urban Mass Transportation Administration in its determination of minimum fire safety equipment needs of rail rapid transit systems. (R–81–28)

—to the International Transport Workers Union of America, AFL–CIO:

Offer to assist and cooperate with the Urban Mass Transportation Administration in its determination of minimum training and equipment needs to improve the ability of rail rapid transit employees to respond to emergencies (including smoke and/or fire conditions) in transit environments. (R–81–29)

—to the Amalgamated Transit Union:

Offer to assist and cooperate with the Urban Mass Transportation Administration in its determination of minimum training and equipment needs to improve the ability of rail rapid transit employees to respond to emergencies (including smoke and/or fire conditions) in transit environments. (R–81–30)

—to the American Public Transit Association:

Encourage and facilitate paraticipation by organizations having related safety interests in safety meetings and other safety activities of the Association. (R–81–31)

Recommendations R–81–3 and R–81–6 are designated "Class I, Urgent Action." All other of the above recommendations are designated "Class II, Priority Action."

Safety Board Member Patricia A. Goldman, in a separate concurring and dissenting statement appearing in the report, contends that (1) mandatory Federal standards or regulations are not essential to achieve the desired level of safety; (2) increases safety oversight should not be entirely a Federal responsibility; (3) the historical lack of effective Federal safety oversight is based more on philosophy and lack of resources than on deficient legal authority, therefore R–81–1 is not justified at this time; and (4) R–81–21 through –30 are redundant of other recommendations and should not be issued to the addressees, since these organizations have already pledged their support.

Responses to Safety Recommendations

A–80–35, from the Federal Aviation Administration, February 26, 1981.—Response supplements FAA's letter of last August 6 (45 FR 55878, August 21, 1980) regarding recommendation stemming from the September 19, 1978, incident at Washington (D.C.) National Airport involving a Piper aircraft, Model PA–31–350. While the aircraft was being taxied, the nose gear assembly collapsed.

FAA provides a copy of a proposal to adopt an airworthiness directive to require inspection of the nose wheel and replacement of wheels found with cracks on certain Piper models PA–31, PA–31–325, and PA–31–350 airplanes (Docket No. 80–SO–78). Also, FAA has recommended to Piper Lakeland that a production change be instituted to make available a preferred spare Cleveland Nose Wheel P/N 40–140 or an equivalent wheel supplied by any other wheel manufacturer. The P/FN 40–140 wheel is more rugged and should provide longer life, and was developed as a replacement for the P/N 40–120a covered by the AD and approved by Piper Lock Haven for the PA–31T.

A–80–139 and –140, from the National Oceanic and Atmospheric Administration, February 27, 1981.—Response is to recommendations issued January 5 following investigation of the crash last June 12 near Valley, Nebr., of an Air Wisconsin Swearingen SA–226 Metro (46 FR 7113, January 22, 1981).

Re A–80–139, NOAA believes that present criteria for issuing Center Weather Advisories (CWA's) are satisfactory. The Weather Service Operations Manual, Chapter D–25, "Support to Air Traffic Facilities," describes three circumstances in which a Center Weather Service Unit meteorologist will issue a CWA.

Re A–80–140, NOAA notes that Severe Weather Warnings are not intended for inflight operations. Their effectiveness would be minimal to the highly mobile aviation user, since none of their navigational aids contain the local references used in Warnings. Pilots, and even controllers, are also unlikely to be familiar with all of these references. Thus, the relay of Warnings as suggested by A–80–140 would not enhance the accuracy or detail of weather intelligence available to the aviation community.

H–77–31, from the Chicago Rock Island and Pacific Railroad Company, March 3, 1981.—Response is to Safety Board inquiry of February 9, 1981, seeking information as to implementation of this recommendation, issued following investigation of the July 1, 1976, railroad/highway grade crossing accident at Des Moines, Iowa (42 FR 60237, November 25, 1977). The recommendation suggested a modification of the approach track circuit at the crossing where the accident occurred. The response indicates that the crossing signal apparatus at Northeast 56th Street was updated in March 1979 from conventional track circuits to Safetran 500 motion sensors and termination shunts.

M–79–112 and –113, from the U.S. Coast Guard, February 26, 1981.—Refers to the Board's comments of last May 21 on Coast Guard's initial response dated March 13, 1980 (45 FR 26189, April 17, 1980). The recommendations stemmed from the collision of the *SS Sea-Land Venture* and the *M/T Nelly Maersk* in the Galveston inner bar channel, August 27, 1978.

Re M–79–112, Coast Guard agrees with the Board's comments in that meeting or overtaking at bends in the channel constitutes a higher risk than such maneuvers in straight sections of the channel, but is concerned that a single traffic management regulation may force pilots into even more hazardous maneuvers in order to maintain a reasonable traffic flow. Coast Guard notes that in certain situations, usually emergencies, the Houston-Galveston Vessel Traffic Service does recommend that vessels refrain from meeting and/or overtaking maneuvers, and when this VTS becomes mandatory, such maneuvers may be prohibited in emergencies.

Re M–79–113, Coast Guard continues to not concur, believing that no master, pilot, or watch officer should rely on helmsmen to keep him informed of the rudder's position. Although the recommended system is standard procedure for U.S. military seagoing services, Coast Guard finds no justification to impose this requirement on the civilian sector. A proposed amendment to SOLAS 74, requiring rudder angle and propeller RPM indicators to be readable from the conning position, has been approved by the IMCO Navigation Safety Subcommittee.

Note.—Single copies of Board reports are available without charge as long as limited supplies last. Copies of recommendation letters, responses and related correspondence are also free of charge. All requests must be in writing, identified by recommendation or report number. Address requests to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of Board reports may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaison Officer.

March 13, 1981.

[FR Doc. 81–8372 Filed 3–18–81; 8:45 am]

BILLING CODE 4910–58–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Subcommittee on La Salle County Station; Notice of Meeting

The ACRS Subcommittee on the La Salle County Station will hold a meeting on April 3 and 4, 1981 at the Holiday Inn, Route 47 at Interstate 80, Morris, IL to review the application of Commonwealth Edison Company for a license to operate Units 1 and 2 of the La Salle County Station.

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 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:

Friday, April 3, 1981—2:00 p.m. until the conclusion of business

Saturday, April 4, 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 Commonwealth Edison Company, 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: March 16, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-8413 Filed 3-18-81; 8:45 am]

BILLING CODE 7590-01-M

Receipt of Petition Concerning Financial Qualifications of Nuclear Power Plant Licensees; Request for Action

Notice is hereby given that by petition dated January 2, 1981, Mr. John Abbotts requested the Commission to order nuclear power plant licensees to show cause why their operating licenses and/or construction permits should not be revoked on the basis that these licensees have allegedly not demonstrated their ability to finance the costs which could result from serious nuclear plant accidents similar to that which occurred at the Three Mile Island Unit #2 nuclear power plant on March 28, 1979. This petition is being treated as a request for action under 10 CFR 2.206 of the Commission's regulations, and accordingly, action will be taken on the petition within a reasonable period of time.

Copies of the petition are available for inspection in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. 20555.

Dated at Bethesda, Maryland, this 12th day of March, 1981.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 81-8400 Filed 3-18-81; 8:45 am]

BILLING CODE 7590-01-M

[Byproduct Material License No. 37-14600-01 EA-80-64]

Applied Health Physics, Inc.; Order to Modify License and Terminate Show Cause Order Dated December 8, 1980

I

Applied Health Physics, Inc., 2896 Industrial Boulevard, Bethel Park, Pennsylvania 15102 (the "licensee") is the holder of Byproduct Material License No. 37-14600-01 (the "license") issued by the Nuclear Regulatory Commission (the "Commission"). The license authorizes the company to receive and possess packages containing waste byproduct material for the purpose of transferring the packages to authorized land burial facilities. The license was issued on September 4, 1975, and was due to expire on August 31, 1980. The license continues in force on a timely renewal application.

II

As a result of the manner in which waste byproduct material was being handled at the licensee's facility, on December 8, 1980 the Director, Office of Inspection and Enforcement, issued an order to the licensee which limited the authority for possession of licensed material to the six (6) containers of transuranics currently in the licensee's possession, required disposal by immediate transfer to an authorized recipient of any other containers of radioactive material possessed by the licensee, prohibited any acquisition of additional licensed materials, and ordered the licensee to show cause why the requirements should not be made permanent.

The licensee responded by filing a written answer to the Order to Show Cause on January 27, 1981. The licensee set forth corrective measures for inspection and packaging of radioactive wastes, including revisions to its quality assurance program and guidelines for preparation of radioactive shipments. The licensee also described steps taken to improve the storage of licensed waste materials at its site. On the basis of an evaluation of the licensee's response, the Director, Office of Inspection and Enforcement, has determined that the specific plans, procedures and facility modifications if implemented as described by the licensee are adequate to enable the licensee to conduct future activities involving licensed material in compliance with Commission requirements. The Director has further determined that the public health, safety and interest requires that these commitments be made requirements effective immediately in lieu of the modifications ordered by the December 8, 1980 Order.

III

In view of the foregoing and pursuant to section 161(b) of the Atomic Energy Act of 1954, as amended, and the regulations in 10 CFR Parts 2, 20 and 30, *it is hereby ordered, effective immediately, that:*

A. (1) The Order to Show Cause Why Such Modifications Should Not Be Made Permanent dated December 8, 1980 is terminated.

(2) Conditions 1, 2 and 3 imposed by Order to Modify License (Effective Immediately) dated December 8, 1980 are deleted.

B. License No. 37-14600-01 is amended to incorporate as requirements the statements made by the licensee in his letter dated January 27, 1981 "response to Show Cause Order dated December 8, 1980." This amendment will remain in effect until a new license is issued pursuant to licensee's renewal application dated July 29, 1980.

IV

Any person who has an interest affected by this Order may request a hearing on this Order within 25 days of its issuance. A request for hearing shall be submitted to the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request also shall be sent to the

Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which that interest is affected by this Order. *Any request for a hearing shall not stay the effectiveness of this order.*

If a hearing is requested by a person who has an interest affected by this Order, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such hearing shall be:

Whether, on the basis of the matters set forth in section II of this Order, License No. 37–14600–01 should be modified as set forth in section III.B of this Order.

Dated: March 9, 1981.

For the Nuclear Regulatory Commission.

Victor Stello, Jr.,

Director, Office of Inspection and Enforcement.

[FR Doc. 81–8414 Filed 3–18–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–313]

Arkansas Power & Light Co.; Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 52 to Facility Operating License No. DPR–51, issued to Arkansas Power and Light Company (the licensee), which revised the Technical Specifications for operation of Arkansas Nuclear One, Unit No. 1 (the facility) located in Pope County, Arkansas. The amendment is effective as of the date of issuance.

The amendment modifies the Technical Specifications to support operation at full rated power during Cycle 5.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4), and environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 30, 1981 as supplemented February 12 and 26, 1981, (2) Amendment No. 52 to License No. DPR–51, and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Arkansas Polytechnic College, Russelville, Arkansas. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 9th day of March 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81–8415 Filed 3–18–81; 8:45 am]

BILLING CODE 7590–01–M

[Byproduct Material License No. 37–00611–09 EA 81–25]

Automation Industries, Inc.; Order

I

Automation Industries, Inc., Nuclear Encapsulation Facility, Kimberton Road, Route 113 South, Phoenixville, Pennsylvania 19460 (the "licensee") is the holder of Byproduct Material License No. 37–00611–09 (the "license") issued by the Nuclear Regulatory Commission (the "commission"). The license authorizes the company to fabricate, test, store and distribute sealed sources of irridium-192 for use in industrial radiography and to test, store and distribute sealed sources of cobalt-60 for the same use. The license was originally issued October 4, 1966 and has been renewed periodically, most recently on October 3, 1978. The license expires on October 31, 1983.

II

As a result of the manner in which licensed material was used at the licensee's facility, an Order Suspending License and an Order To Show Cause Why The Suspension Should Not Be Continued, Pending Further Order was issued on February 17, 1981 to the licensee.

The licensee responded by filing a written answer dated February 27, 1981 to the Order Suspending License and Order to Show Cause Why the Suspension Should Not Be Continued, Pending Further Order. In this answer, the licensee described changes in the management of the facility and its radiation safety program, which together with procedural changes, were intended to assure adequate control of the operation of the facility. After a careful review of the licensee's February 27, 1981 response, it was determined that the proposed corrective procedures (1.a-1.g.) appear to be adequate to assure sufficient management control of the licensee's byproduct materials program and that these commitments should be made temporary requirements and formalized by Order pending approval of an amendment finalizing these procedures. Further information and specific details may be required prior to issuance of this amendment. Accordingly, the director, Office of Inspection and Enforcement, has determined that the February 17, 1981 Suspension Order should be terminated and that the actions Ordered in Section III are required by the public health, safety and interest.

III

In view of the foregoing and pursuant to Sections 81 and 161(b) of the Atomic Energy Act of 1954, as amended, and the regulations in 10 CFR Parts 2 and 30, *it is hereby ordered, effective immediately, that:*

A. (1) The February 17, 1981 order to Show Cause Why The Suspension of The License Should Not Be Continued, Pending Further Order, is terminated.

(2) The February 17, 1981 Order Suspending License is rescinded.

B. License No. 37–00611–09 is amended temporarily to incorporate as requirements the procedures submitted in the licensee's February 27, 1981 "Answer to Order Suspending License and to Show Cause Why The Suspension of the License Should Not Be Continued, Pending Further Order." This amendment will remain in effect until the licensee submits an amendment application and the amendment finalizing these procedures is issued. The amendment application shall be submitted no later than March 20, 1981.

IV

Any person who has an interest affected by this Order may request a hearing on this Order within 25 days of its issuance. A request for hearing shall be submitted to the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the request shall also be sent to the Secretary of the Commission and The

Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which that interest is affected by this Order. *Any request for a hearing shall not stay the immediate effectiveness of this order.*

If a hearing is requested by a person who has an interest affected by this Order, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such hearing shall be:

Whether License No. 37–00611–09 should be modified as set forth in section IIIB of this Order.

Dated at Bethesda, Maryland this 6th day of March 1981.

For the Nuclear Regulatory Commission.

Victor Stello, Jr.,

Director, Office of Inspection and Enforcement.

[FR Doc. 81–8416 Filed 3–18–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–373 and 50–374]

Commonwealth Edison Co.; Availability of Safety Evaluation Report for La Salle County 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 La Salle County Station, Units 1 and 2, to be located in Brookfield Township, La Salle County, Illinois. Notice of receipt of the application for facility operating licenses submitted by the Commonwealth Edison Company was published in the **Federal Register** on June 9, 1977 (42 FR 29576).

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, NW., Washington, D.C. 20555, and at the Illinois Valley Community College, Rural Route #1, Oglesby, Illinois 16348 for inspection and copying. The report (Document No. NUREG–0519) can also be purchased, at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

Dated at Bethesda, Maryland this 13th day of March 1981.

For the Nuclear Regulatory Commission.

B. J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 81–8417 Filed 3–18–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–255, License No. DPR–20, EA 81–18]

Consumers Power Co. (Palisades Nuclear Power Facility); Order Confirming Licensee Actions To Upgrade Facility Performance

I

The Consumers Power Company (the "licensee") is the holder of Provisional Operating License No. DPR–20 (the "license") which authorizes the operation of the Palisades Nuclear Power Facility (the "facility") at a steady state reactor core power level not in excess of 2,530 megawatts thermal (rated power). The license was issued for less than full power levels on March 24 and November 20, 1971 and September 1, 1972 and for full power on October 16, 1972. The facility, a pressurized light water moderated and cooled reactor (PWR), is located at the licensee's site in Covert Township, Van Buren County, Michigan.

II

Over the past several years, this facility has been cited for a number of violations of regulatory requirements. The items for each year from 1975 through 1980 are shown in the attachment to this Order. As part of the NRC's Systematic Appraisal of Licensee's Performance (SALP), a meeting was held with licensee management on November 24, 1980 to discuss the results of the appraisal for the period September 1, 1979 to September 1, 1980. Inspections conducted during this period disclosed a total of 41 items of noncompliance.

Escalated enforcement action was taken on two occasions. On one occasion, November 9, 1979, an order modifying the license was issued and a civil penalty of $450,000 was proposed for a continuing violation of containment integrity and related procedural violations. The civil penalty action is being contested by the licensee, though the licensee has admitted the underlying procedural violations. On the other occasion, September 16, 1980, a $16,000 civil penalty was proposed (which was subsequently paid by the licensee) for two separate events relating to personnel errors which involved misvalving safety-related equipment. As a result of these findings, the licensee's performance in the area of reactor operations and radiation protection was rated "below average" as compared to other Region III licensees. In summarizing the licensee's regulatory performance the SALP report stated, "There are recent indications of some improvements in regulatory performance, but it is too soon to draw meaningful conclusions. If regulatory performance does not show improvement, additional escalated enforcement action will be taken."

III

On January 6, 1981, an electrical repairman did not follow procedures when conducting a surveillance test. This caused the two 125-volt battery banks to be isolated in violation of the Limiting Condition for Operation in Technical Specification 3.7.1.f. Had there been a loss of offsite power, there might not have been power available for operation of safety-related equipment at the plant. This condition existed for one hour while the plant was operating. Short-term corrective actions were addressed in an Immediate Action Letter, dated January 9, 1981, to the licensee from the NRC Region III office.

IV

The recent personnel error described in Section III, when evaluated with the undesirable level of regulatory performance as discussed in Section II, indicates that major changes in the licensee's management controls are necessary to assure that the licensee can operate the Palisades facility without undue risk to the health and safety of the public. At the request of the licensee, representatives of Region III and the licensee's management met on February 18, 1981. The licensee presented a planned program of intended actions to assure that the Palisades facility will operate without undue risk to the health and safety of the public while major, long-term actions are implemented to upgrade the facility performance. The Region III representatives emphasized that it is essential that broad, significant changes in the licensee's control of licensed activities accompany long-term operation of the facility. Region III representatives cautioned the licensee that these changes must be carried out in a timely fashion without adversely impacting the safety of near-term operations. In a letter to Region III dated February 23, 1981, and in a telephone conservation on March 3, 1981, between Mr. R. F. Heishman of the NRC Region III office and Mr. D. F. Hoffman of the

licensee's corporate staff, the licensee provided additional commitments related to short- and long-term improvements in the quality of operations at the Palisades facility.

Because the licensee has committed to take actions listed in the Immediate Action Letter of January 9, 1981, which are confirmed in a clarified and revised form in Section V.A of this Order, and because the licensee has committed to other supplemental actions, as confirmed in Sections V.B and C of this Order, there is reasonable assurance that the Palisades facility can be operated safely in the near-term. However, continued operation over the long-term requires significant changes in the licensee's control of licensed activities, as described and confirmed in Section V.D of this Order. Accordingly, I have determined that these commitments are required in the interest of public health and safety and, therefore, should be confirmed by an immediately effective order.

V

In view of the foregoing, pursuant to Section 161(i) of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Part 2 and 10 CFR Part 50, it is hereby ordered effective immediately that:

A. The licensee shall continue to operate under the following provisions which are a clarified and revised form of the provisions of the Immediate Action Letter issued January 9, 1981:

1. The licensee shall conduct an audit of plant operations daily by a corporate management representative. This representative may be any Consumers Power Company employee from within the Energy Supply Department holding at least the title of Staff Engineer or its equivalent.

2. A committee comprised of a member of corporate management (in addition to the corporate representative referenced in item 1 above), a Senior Reactor Operator, and another qualified individual shall review, prior to use, all Technical Specification surveillance procedures to assure that:

a. Each procedure is specifically identified as being safety-related, or as having the potential to affect safety-related equipment;

b. Authorization to perform work is required from plant management;

c. Special notification of work performed is made to the Shift Supervisor;

d. System conditions to perform work are defined;

e. Minimum personnel skill-level is defined; and

f. Return-to-normal verification requirements are specified.

Credit can be taken for the review performed in response to the NRC's November 9, 1979 Order.

3. The licensee shall reinstruct all personnel who perform safety-related work or other work in vital areas of the importance of strict adherence to procedures and the necessity for performance of all assigned duties in a disciplined and professional manner.

4. The licensee shall verify by a second qualified individual, that all activities involving the manipulation of safety-related circuits or systems outside the control room have been completed as required. Qualified individuals will be designated by the Plant General Manager for the specific tasks.

5. The licensee shall review the specific circuitry involved in the January 6, 1981 event to determine if control room indications are required to show when an abnormal line-up exists. Necessary circuit modifications will be performed on a schedule to be agreed to by Region III of the NRC.

The Director of Region III may relax or terminate any of the preceding conditions in writing for good cause.

B. Extended overtime on the part of licensed operators shall be avoided by restricting the overtime for licensed operators as follows:

(1) No more than 4 overtime hours in any 24-hour period;

(2) No more than 24 overtime hours in any 7-day period;

(3) No more than 64 overtime hours in any 28-day period;

The Director of Region III may relax or terminate any of the preceding conditions in writing for good cause.

C. A corporate review team shall perform independent reviews of safety-related events which are reportable as Licensee Event Reports per Technical Specification 6.9 and which are caused by personnel errors or procedural inadequacies. The review team shall be chaired by the Chairman of the Safety and Audit Review Board. Serving on the review team shall be one member, holding at least the title of Staff Engineer or its equivalent, from each of the following departments: Quality Assurance—Nuclear operations; Nuclear Services Department; and Nuclear Activities Department.

These members and their replacements shall be selected such that the team shall have experience and expertise in quality assurance, plant operations and plant systems.

For each occurence reviewed, the team shall recommend to the Palisades Plant General Manager and the Vice President for Nuclear Operations appropriate corrective actions to prevent recurrence.

The director of Region III may relax or terminate any of the preceding conditions in writing for good cause.

D. the licensee shall submit to the Director of Region III of the NRC, within 30 days of this Order, a comprehensive paln of action that will ensure sufficient controls will be implemented to prevent recurrence of valving and system misalignments and other operational errors similar to those set forth in Sections II and III above. The plan shall include a description of the actions to be taken, required impelmenting staff and their qualifications, documentation requirements, and the plan's schedule with important milestones. The milestones shall not be changed without prior written approval by the Director of Region III. The plan shall include at least the elements itemized below.

1. An independent outside consultant hired by the licensee shall evaluate current organizational responsibilities, management controls, staffing levels and competence, training and retraining programs, communications, and operating practices both at the facility and the corporate office. This consultant shall be directed to make recommendations for changes in the aforementioned areas that will assist the licensee in meeting NRC requirements. The licensee shall submit a copy of the independent evaluation to the Director of Region III.

2. The licensee shall review, evaluate and modify, as necessary, presently approved safety/related procedures and the process used in the development and approval of these procedures to ensure that prerequisites, precautions and limitations necessary to safe operation of the facility are included.

3. The licensee shall review, evaluate and modify, as necessary, the program for training and retraining of personnel (licensed and unlicensed) involved in safety/related activities in vital areas to ensure that the program adequately addresses these activities.

4. The licensee shall review and evaluate the adequacy of the current plant operations staff, including licensed operators and senior operators, to safely perform the necessary plant operation functions.

5. The licensee shall establish measures, including incentives and disciplinary action, to motivate personnel adherence to administrative controls and safety/related procedures.

6. The licensee shall develop and implement a system of audits by management representatives aimed at

assuring conformance to procedures and continued adherence to changes which result from the reviews identified in items V.D.1 through V.D.4 above.

VI

Any person who has an interest affected by this Order may request a hearing on this Order within 25 days of its issuance. A request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request shall also be sent to the Executive Legal Director at the same address.If a hearing is requested by a person other than the licensee, that person shall describe in accordance with 10 CFR 2.714(a)(2) the nature of the person's interest and the manner in which that interest is affected by this Order. Any request for a hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by a person who has an interest affected by this Order, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such hearing shall be:

Whether, on the basis of the matters set forth in Sections II and III of this Order, this Order should be sustained.

In the event that a need for further inforcement action becomes apparent, either in the course of a hearing or any other time, appropriate action will be taken by the Director.

Effective date: March 9, 1981, Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Victor Stello, Jr.,

Director, Office of Inspection and Enforcement.

Palisades Noncompliance Data

Year	Number of items of noncompliance	Action points
1975	33	282
1976	30	268
1977	35	238
1978	34	268
1979	31	418
1980	36	282

[FR Doc. 81-8418 Filed 3-18-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-366]

Georgia Power Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 23 to Facility Operating License No. NPF-5, issued to Georgia Power Company, Oglethrope Power Corporation, Municipal Electric Authority of Georgia, and City of Dalton, Georgia, which revised the license and Technical Specifications for operation of the Edwin I. Hatch Nuclear Plant Unit No. 2 (the facility) located in Appling County, Georgia. The amendment is effective as of its date of issuance.

This amendment deletes a satisfied license condition and revises the Technical Specifications to add Limiting Conditions for Operation and Surveillance Requirements for the system to monitor the output of the power supply for the Reactor Protection System. This amendment also corrects an identified deficiency in the specifications for the AC inverter associated with the Low Pressure Injection System.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 15, 1980, as supplemented November 11, 1980, (2) Amendment No. 23 to License No. NPF-5, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Appling County Public Library, Parker Street, Baxley, Georgia 31513. A copy of items (2) and (3) may be obtained upon request addressd to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 6th day of March 1981.

For the Nuclear Regulatory Commission.

Robert W. Reid,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-8419 Filed 3-18-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-309]

Maine Yankee Atomic Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 54 to Facility Operating License No. DPR-36, issued to Maine Yankee Atomic Power Company, which revised Technical Specifications for operation of the Maine Yankee Atomic Power Station (the facility) located in Lincoln County, Maine. The amendment is effective as of the date of issuance.

The amendment consists of additions to the Technical Specifications to provide greater assurance that redundancy in decay heat removal capability will be maintained in all modes of operation.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 3, 1980, (2) Amendment No. 54 to License No. DPR-36, and (3) the Commission's letters dated June 11, 1980 and March 5, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission,

Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 5th day of March 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-8420 Filed 3-18-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-272 OLA (Proposed Issuance of Amendment to Facility Operating License No. DPR-70)]

Public Service Electric & Gas Co., et al. (Salem Nuclear Generating Station, Unit 1); Oral Argument

Notice is hereby given that, in accordance with the Appeal Board's order of March 12, 1981, oral argument on the appeals of the Township of Lower Alloways Creek and Alfred C. and Eleanor G. Coleman from the October 27, 1980, initial decision of the Licensing Board will be heard at *10:00 a.m. on Thursday, April 30, 1981,* in the NRC Public Hearing Room, Fifth Floor, East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland.

Dated: March 12, 1981.

For the Appeal Board.

C. Jean Bishop,

Secretary to the Appeal Board.

[FR Doc. 81-8421 Filed 3-18-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-244]

Rochester Gas & Electric Corp.; Issuance of Amendment to Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 37 to Provisional Operating License No. DPR-18 to Rochester Gas and Electric Corporation (the licensee) which revised the license for operation of the R. E. Ginna Nuclear Plant located in Wayne County, New York. The amendment is effective as of the date of issuance and the portion relating to Safeguards Contingency is to be fully implemented within 30 days of Commission approval in accordance with the provisions of 10 CFR 73.40(b).

The amendment adds a license condition to include the Commission-approved Safeguards Contingency Plan as part of the license, and revises the license condition relating to the Security Plan to incorporate approved changes.

The licensee's filings comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

The licensee's filings (transmitted by letter dated April 3, 1980, July 24, 1980, and September 10, 1980) are being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendment No. to License No. DPR-18, and (2) the Commission's related letter to the licensee dated March 11, 1981. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Rochester Public Library, 115 South Avenue, Rochester, New York 14627. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 11th day of March, 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-8422 Filed 3-18-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-29]

Yankee Atomic Electric Co.; Extension of Completion Date

By letter dated February 17, 1981, Yankee Atomic Electric Company (the licensee) requested that the U.S. Nuclear Regulatory Commission (the Commission) grant an extension for installation of rated fire-sealant material for four penetrations through fire barriers at Yankee Nuclear Power Station (Yankee-Rowe), located in Franklin County, Massachusetts.

The Commission's Director of Nuclear Reactor Regulation has concluded that good cause has been shown and that such postponement will not adversely affect the health and safety of the public. Accordingly, pursuant to 10 CFR 50.48(d), the request has been granted.

For further details with respect to this action, see (1) the licensee's request dated February 17, 1981, and (2) the Director's letter to the licensee dated March 11, 1981.

Dated at Bethesda, Maryland, this 11th day of March, 1981.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 81-8423 Filed 3-18-81; 8:45 am]

BILLING CODE 7590-01-M

Privacy Act of 1974; Minor Amendments to Systems of Records

AGENCY: United States Nuclear Regulatory Commission.

ACTION: Proposed Minor Amendments of Systems of Records.

SUMMARY: The Nuclear Regulatory Commission is proposing minor amendments to the NRC Systems of Records, NRC-24. The amendments clarify and update the information contained in the NRC Systems of Records, in order to facilitate planned direct interface with the NRC Accounting, Payroll and Personnel Systems. For control purposes, these systems must maintain the same key fields. The Social Security Account Number is the key for individual person identifiers.

COMMENT DATE: Comments are due on or before April 20, 1981.

ADDRESS: Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

FOR FURTHER INFORMATION CONTACT: Sarah N. Wigginton, FOI/PA Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Phone: (301) 492-8133.

SUPPLEMENTARY INFORMATION: In accordance with the Privacy Act of 1974, the Nuclear Regulatory Commission has published notices of those systems of records maintained by the NRC which contain personal information about individuals and from which such information can be retrieved by an individual identifier. The notices were published as documents subject to publication in the annual compilation of the Privacy Act documents. Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization

Act of 1974, as amended, and sections 552 and 552a of Title 5 of the United States Code, as amended, notice is hereby given that adoption of the following amendments to the NRC Systems of Records is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch by April 20, 1981. Copies of comments on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street, N.W., Washington, DC.

1. The paragraphs of NRC–24 entitled "Categories of records in the system" and "Retrievability" are amended to read as follows:

NRC–24

SYSTEM NAME:

Property and Supply System (PASS)–NRC.

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain information about the equipment (type, make, model, serial number, etc.), and information about the custodians of the equipment (social security account number, office, and office location).

* * * * *

RETRIEVABILITY:

Accessed by social security account number, office, and office location.

* * * * *

Dated at Bethesda, Maryland this 10th day of March 1981.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 81-8412 Filed 3-18-81; 8:45 am]

BILLING CODE 7590-01-M

Privacy Act of 1974; New System of Records

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of New System of Records.

SUMMARY: The Nuclear Regulatory Commission (NRC) is establishing a new system of records identified as Employee Alcoholism and Drug Abuse Program Files. The purpose of the system is to enable the system manager to maintain confidential records pertaining to the counselling, referral, and treatment of individuals seeking assistance through the program.

EFFECTIVE DATE: April 20, 1981.

FOR FURTHER INFORMATION CONTACT: Sarah N. Wigginton, FOI/PA Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone: 301–492–8133.

SUPPLEMENTARY INFORMATION: The new system, "Employee Alcoholism and Drug Abuse Program Files," NRC–14, will consist of confidential records taken by the system manager during the course of counselling an NRC employee or any members of the employee's family. The records will be used for statistical purposes in conjunction with the program.

A notice of the proposed new system of records was published in the **Federal Register** on January 15, 1981 (46 FR 3693). No comments were received on the proposed new system of records.

Notice is hereby given that the Commission has established the new system of records, "Employee Alcoholism and Drug Abuse Program Files," NRC–14. The text of NRC–14 is identical except for minor grammatical corrections with the text of the proposed NRC–14 published on January 15, 1981.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552, 552a, and 553 of Title 5 of the United States Code, the following notice of NRC Systems of Records, Employee Alcoholism and Drug Abuse Program Files, NRC–14, is published as a document subject to publication in the annual compilation of Privacy Act Documents.

Dated at Bethesda, Maryland, this 11th day of March 1981.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

NRC–14

SYSTEM NAME:

Employee Alcoholism and Drug Abuse Program files—NRC.

SYSTEM LOCATION:

Office of Administration, U.S. Nuclear Regulatory Commission, 7735 Old Georgetown Road, Bethesda, Maryland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NRC employees and/or family members who have been counselled by or referred to the Manager of the Employee Alcoholism and Drug Abuse Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains records of NRC employees and/or their families who have been referred to the manager of the Employee Alcoholism and Drug Abuse Program for counselling, and the results of any counselling which may have taken place. The records contain information as to the nature of each individual's problem, progress, and subsequent treatment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 4561; 21 U.S.C. 1180.

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

Information in these records may be used:

a. For statistical reporting purposes.

b. Any disclosure of information pertaining to an individual will be made in compliance with the Confidentiality of Alcohol and Drug Abuse Patient Records regulation, as authorized by 21 U.S.C. 1175 and 42 U.S.C. 4582, as amended.

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

STORAGE:

Maintained on paper in file folders.

RETRIEVABILITY:

Information accessed by name of the individual counselled.

SAFEGUARDS:

Files are maintained in a safe under the immediate control of the Manager of the Employee Alcoholism and Drug Abuse Program.

RETENTION AND DISPOSAL:

Retained for one year after successful completion of treatment or other termination of contact, then destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Manager, Employee Alcoholism and Drug Abuse Program, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

RECORD ACCESS PROCEDURES:

Same as "Notification procedure."

CONTESTING RECORD PROCEDURES:

Same as "Notification procedure."

RECORD SOURCE CATEGORIES:

Information compiled by the Manager of the Employee Alcoholism and Drug Abuse Program during the course of counselling with an NRC employee and/or members of the employee's family.

[FR Doc. 81-8411 Filed 3-18-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

March 16, 1981.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 U.S.C., Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);
The office of the agency issuing this form;
The title of the form;
The agency form number, if applicable;
How often the form must be filled out;
Who will be required or asked to report;
The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;
Whether small businesses or organizations are affected;
A description of the Federal budget functional category that covers the information collection;
An estimate of the number of responses;
An estimate of the total number of hours needed to fill out the form;
An estimate of the cost to the Federal Government;
The number of forms in the request for approval;
The name and telephone number of the person or office responsible for OMB review; and
An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Assistant Director for Regulatory and Information Policy, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—703-697-1195

New

• Departmental and Others
The 1981 National Survey of Prospects for Military Service
Nonrecurring
Individuals or housholds
Youth ages 16-21
Department of Defense—Military, 1,435 responses, 717 hours; $217,000 Federal cost, 1 form
Kenneth B. Allen, 202-395-3785

The fiscal year 81 authorization bill mandated the test of an educational assistance program. The collection effort described in the attached supporting statement and document will collect data with which to study (1) advertising and recruiting effectiveness, (2) perceptions of the value of educational assistance, (3) importance of educational benefits as a means to increase enlistment propensity, and (4) the appeal of prop. edu. and other benefits not included in the test.

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202-426-5030

Revisions

• Office of Postsecondary Education
Lender's request for interest and special allowance
Guaranteed student loan program and parent loans for Undergraduate students
Ed 799 (formerly OE 1166)
Annually
Businesses or other institutions
Financial and credit institutions
Sic: 822, 601, 602, 603, 604, 605
Education, training, employment, and social services, 45,000 responses, 63,000 hours; $103,141 Federal cost, 1 form
• Laverne V. Collins, 202-395-6880

This form is used by the lender to bill for interest and special allowances on a quarterly, semi-annually, and annual basis.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202-245-7488

New

• Health Care Financing Administration
National Assessment of Medicare Diagnostic and Surgical
Data Quality HCFA-259
Nonrecurring
Businesses or other institutions
Fifty-four hospitals located country-wide
Sic: 806
Health, 54 responses, 216 hours; $80,000 Federal cost, 1 form
Richard Eisinger, 202-395-6880

The information collected is needed to evaluate the quality of data which is critical to the users of the medicare statistical system. Thus, it will be necessary to determine data low steps

and processes between the fiscal intermediaries and hospitals and processes between the fiscal intermediaries and HCFA to identify cost effective measures for improving and monitoring data quality on a national basis.

• Food and Drug Administration
License Applications for the Manufacture of viral, bacterial Alergenics, and Plasma Derivatives products and General
FDA 3210, 3211, 3212, 3213, 3214
On occasion
Businesses or other institutions
Respd. are drug mfgs of biolog. prod. (vaccines, etc.)
Sic: 283
Small businesses or organizations
Consumer and occupational health and safety, 144 responses, 288 hours; $18,220 Federal cost, 5 forms
Gwendolyn Pla 202–395–6880

Section 351 of the Public Health Service Act and 21 CFR 601.2 requires all manufacturers of biological products to submit applications for review and approval to the Bureau of biologics prior to marketing a product. A separate license is issued to the manufacturer for each approved product application. The data is used to determine if the manufacturer is in compliance with license provisions of the regulations.

• Food and Drug Administration
Premarket Approval Application
On occasion
Businesses or other institutions
Medical device manufacturers
Sic: 382, 383, 384, 385
Consumer and occupational health and safety, 100 responses, 100,000 hours; $2,400,000 Federal cost, 1 form
Gwendolyn Pla 202–395–6880

Information is reviewed to assure that devices are safe for commercial distribution.

• Health Care Financing Administration
Medicare Reimbursement Settlement Data for Hospitals and Skilled Nursing Facilities
HCFA–247
Annually
Businesses or other institutions
Hosp. and skilled nurs. fac. which use the odr as their inte.
Sic: 806, 805
Health, 345 responses, 4,485 hours; $76 Federal cost, 1 form
Richard Eisinger 202–395–6880

This form is used by the Office of Direct Reimbursement (ODR) in HCFA for cost settlement of its provider's fiscal year. It indicates which services have been paid and which remain to be paid by ODR. This information allows the provider and ODR to reconcile their records as of the date of final settlement.

• Health Care Financing Administration
Letter to Collect Data on State Regulation of Medigap insurance Policies
HCFA–L–263
Nonrecurring
State or local governments
Insurance commissioners in all 53 States
Sic: 911
Health, 53 responses, 27 hours; $71,851 Federal cost, 1 form
Richard Eisinger 202–395–6880

This letter will be issued by the supplemental health insurance panel. It collects information on State legislative and regulatory programs relative to medicare supplemental health insuranmedigap) policies.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—202–755–5184

Reinstatements

• Housing Programs
Application for Insurance Benefits and General Assisgnment
HUD 2777, 2777A, and 2777B
On occasion
Businesses or other institutions
FHA aprroved mortgagees
Sic-Multiple
Small businesses or organizations
Mortgage credit and thrift insurance, 5,000 responses, 2,500 hours; $30,000 Federal cost, 3 forms
Richard Sheppard, 202–395–6880

The Federal Housing Commissioner may approve the assignement of any mortgage covering a one to four family residence if he finds that the default was due to circumstances beyond the mortgagors control. Form HUD–2777, is used to notify the Secretary that the approved assignment has been filed for record. Form 2777A is a duplicate copy for internal distributor and form 2777B is used in submitting fiscal data in support of the claim.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Winsor—202–426–1887

Extensions (Burden Change)

• Coast Guard
Application for Enlistment
CG-2520
On occasion
Individuals or households
All per. who apply for enlistment in U.S. CG Reserve
Water transportation, 30,000 responses, 15,000 hours; $114,000 Federal cost, 1 form
Terry Grindstaff 202–395–7340

This Form collects required background data to determine an individual's eligibility for enlistment in accordance with the U.S. Code, CFR and Coast Guard regulations. Meets requirement of 45.01–34, Title 33, CFR and Coast Guard Regulations. Meets requirement of 45.01–34, Title 33, CFR and warns applicant against giving false data which would make their englistment fraudulent.

TENNESSEE VALLEY AUTHORITY

Agency Clearance Officer—Eugene E. Mynatt—615–857–2596

Reinstatements

• Home Insulation Program Participant Survey
TVA–6254J
Monthly
Individuals or households
Households serviced by the 160 TVA distributors
Multiple functions, 25,661 responses, 4,276 hours; $62,174 Federal cost, 1 form
Charles A. Ellett 202–395–7340

The information collected on this form will be aggregated and used to determine the characteristics of TVA program participants for both internal and external purposes. In-House analysis will aid in progress reporting and development of promotional strategies. Externally, DOJ's Title VI (28 CFR 42.406) regu will be fulfilled with race/ethnic, sex, and age data gathered.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—202–389–2146

New

• Solicitation of Identification Data
21–8332A
Nonrecurring
Individuals or households
Veterans and spouses
Income security for veterans, 700,000 responses, 116,667 hours; $210,000 Federal cost, 1 form
Robert Neal, 202–395–6880

Social Security numbers will be used in the identification of Veterans or persons claiming or receiving VA benefits and their records and may be used to verify social security benefit entitlement (including amounts payable) with the Social Security Administration. (38 CFR 1.575)

C. Louis Kincannon,
Assistant Administrator For Reports Management.

[FR Doc. 81–8527 Filed 3–18–81; 8:45 am]
BILLING CODE 3110–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 21962; 70-6563]

Allegheny Power System, Inc.; Proposal by Holding Company To Become Bonded as Surety for Public-Utility Subsidiary Company

March 13, 1981.

Notice is hereby given that Allegheny Power System, Inc. ("Allegheny") 320 Park Avenue, New York, New York 10022, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 12(b) and 12(f) of the Act as applicable to the following proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Allegheny proposes to become bonded as surety to the State of West Virginia in such amount as shall be determined by the West Virginia Public Service Commission for prompt refund by Allegheny's wholly-owned subsidiary, The Potomac Edison Company ("Potomac"), of all amounts Potomac, under certain tariffs filed with said Commission on December 23, 1980, may collect or receive in excess of such rates and charges as may be finally fixed by said Commission, plus interest at such annual rate as such Commission may determine by order to be necessary and appropriate. The purpose of the proposed transaction is to enable Potomac, as permitted by West Virginia law, to begin applying the new increased rates prior to completion of the West Virginia Commission's investigation, hearing, and decision with respect thereto. It is expected that the amount of the bond will not exceed $13,200,000, which is the estimated additional annual revenue that the new rates will provide.

The fees and expenses incurred by Allegheny in connection with the proposed transaction are estimated not to exceed $2,200, including legal fees. The declaration states that no state commission and no federal commission, other than this Commission has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 9, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-8386 Filed 3-18-81; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 17627; SR-CBOE-80-28]

Chicago Board Options Exchange, Inc.; Order Approving Proposed Rule Change

March 13, 1981.

On December 29, 1980, the Chicago Board Options Exchange, Incorporated, 141 West Jackson Street, Chicago, Illinois 60604 filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change which permits, when unusual trading conditions exist, two floor officials to waive the requirements of Rule 8.7(b)(i), with respect to maximum bid/ask differentials, in those options series 10 or more points in the money to allow marketmakers to make bid/ask differentials as wide as the quotation in the primary market for the underlying security.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 17485, January 26, 1981) and by publication in the **Federal Register** (46 FR 10580, February 3, 1981). No comments were received with respect to the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-8387 Filed 3-18-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17626; File No. SR-DTC-81-1]

Depository Trust Co; Proposed Rule Change; Self-Regulatory Organizations

Relating to an upper limit on the aggregate amount of all contributions to its Participants Fund.

Comments requested on or before April 9, 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 February 25, 1981, The Depository Trust Company 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 proposed rule change involves placing an upper limit on the aggregate amount of all contributions to the Participants Fund of The Depository Trust Company (DTC). Whenever the aggregate amount of all contributions to the Participants Fund would exceed $200,000,000, the contribution of each DTC Participant will be reduced pro rata so that the aggregate amount of all contributions to the Participants Fund will not exceed $200,000,000. Such pro rata reductions will be calculated monthly. The formula pursuant to which contributions to the Participants Fund are fixed is unchanged and the minimum contribution for each Participant remains at $10,000.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule change places an upper limit on the size of the DTC Participants Fund. The Participants Fund was almost $225,000,000 at the end of January 1981 and had increased by $102,000,000 in 1980 alone because of high settlement volume at DTC. After consideration, DTC concluded that a Participants Fund of $200,000,000 appears adequate for the foreseeable future. Moreover, although Participants receive the interest earned by their securities pledged to secure open account indebtedness to the Participants Fund, the necessity of providing DTC with qualifying securities in some cases creates a burden for those Participants which do not own such securities in the required amounts.

The proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934 and the rules and regulations thereunder applicable to DTC because it equitably allocates Participants Fund contributions among DTC Participants. The proposed rule change will be implemented consistently with the safeguarding of securities and funds in DTC's custody or control or for which it is responsible since placing an upper limit on the size of the Participants Fund will still leave substantial resources in the Particpants Fund, which is available in addition to DTC's extensive insurance and its retained earnings and undivided profits. Moreover, DTC's Rules provide for a further call if needed equal to 100% of all Participants' contributions to the Participants Fund before any participant could withdraw from DTC in order to terminate DTC's right to call for additional contributions from the Participant.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC perceives no impact on competition by reason of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change received from Members, Participants or Others

Written comments on the proposed rule change from DTC Participants or others have not been solicited or received. All Participants have been notified of the proposed rule change by the DTC Important Notice attached as Exhibit 2 to DTC's filing on Form 19b–4, File No. SR–DTC–81–1.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W, Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before April 9, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: March 13, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-8388 Filed 3-18-81; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 11682; 812-4699]

Keystone Provident Life Insurance Co., et al.; Application

March 13, 1981.

In the matter of Keystone Provident Life Insurance Company, KMA Variable Account, American Liquid Trust, Keystone Custodian Fund, Series B–1, Keystone Custodian Fund, Series B–2, Keystone Custodian Fund, Series B–4, Keystone Custodian Fund, Series S–1, Keystone Custodian Fund, Series S–3, Keystone Custodian Fund, Series S–4, Massachusetts Fund and Money Market/Options Investment, Inc., 99 High Street, Boston, Massachusetts 02110. Notice of application for an order pursuant to Section 11 of the act approving certain offers of exchange and pursuant to Section 6(c) of the act granting exemptions from Sections 2(a)(32), 2(a)(35), 22(c), 26(a), 27(c)(1), 27(c)(2), and 27(d) of the act, and Rule 22c–1 thereunder.

Notice is hereby given that Keystone Provident Life Insurance Company ("Keystone" or the "Company"), a stock life insurance company established under the laws of the State of Rhode Island, and KMA Variable Account ("Variable Account"), a separate account of Keystone registered under the Investment Company of 1940 ("Act") as a unit investment trust, and American Liquid Trust ("ALT"), Keystone Cutodian Fund, Series B–1 ("Series B–1"), Keystone Custodian Fund, Series B–2 ("Series B–2"), Keystone Custodian Fund, Series B–4 ("Series B–4"), Keystone Custodian Fund, Series S–1 ("Series S–1"), Keystone Custodian Fund, Series S–3 ("Series S–3"), Keystone Custodian Fund, Series S–4 ("Series S–4"), Massachusetts Fund and Money Market/Options Investments, Inc. ("Money Market/Options"), each registered under the Act as an open-end management investment company (collectively "Applicants"), filed an application on July 5, 1980, and amendments thereto on November 21, 1980, January 21, 1981, and March 10, 1981, for an order of the Commission pursuant to Section 11 of the Act approving certain offers of exchange and pursuant to Section 6(c) of the Act granting exemptions from Sections

2(a)(32), 2(a)(35), 22(c), 26(a), 27(c)(1), 27(c)(2), and 27(d) of the Act and Rule 22c–1 thereunder to the extent necessary to permit the transactions described below. 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.

Background

The Company is a wholly-owned subsidiary of Keystone Custodian Funds, Inc., which is a wholly-owned subsidiary of The Travelers Corporation of Hartford, Connecticut.

The Company is the depositor and sponsor of the Variable Account. The Variable Account is a segregated investment account of the Company established to act as the funding entity for the Individual Flexible Purchase Payment Variable Annuity Contracts (the "Contracts") to be issued by the Company.

Keystone Custodian Funds, Inc. ("KCF") is trustee for Series B–1, Series B–2, Series B–4, Series S–1, Series S–3 and Series S–4, and the investment adviser for the Massachusetts Fund and Money Market/Options. An affiliate of KCF, ALT Management Corporation, is the investment adviser for ALT.

The purchase payments under the Contracts will be allocated to the Variable Account and will be invested in one or more of ALT, Series B–1, Series B–2, Series B–4, Series S–1, Series S–3, Series S–4, Massachusetts Fund, and Money Market/Options at net asset value in accordance with the selection made by the contract owner in the application.

The Contracts will be sold by licensed insurance agents in those States where the Contract may be lawfully sold. Such agents will be registered representatives of broker-dealers registered under the Securities Exchange Act of 1934 which are members of the National Association of Securities Dealers, Inc. The Contracts will be distributed through Keystone Massachusetts, Inc. ("KMI") which is affiliated with KCF.

The Contracts permit purchasers to make investments in such amount and at such frequency as they elect, and to change such election as to prospective payments at will. The Contracts will be offered without the imposition of a sales charge deduction at time of sale. However, the Contracts contain a provision which imposes a deferred sales charge in the event there is a redemption in the early years of the Contract. The charge is referred to as a Contingent Deferred Sales Charge and is intended to reimburse the Company for expenses incurred which are related to contract sales.

A Contingent Deferred Sales Charge is deducted, except as noted below, in the event of a partial or complete redemption. The Contingent Deferred Sales Charge is based on a graded table of charges but in no event will the charge exceed 5% of the lesser of the amount redeemed or the purchase payments, less amounts redeemed during the previous five years which were subject to the Contingent Deferred Sales Charge. After the first Contract Anniversary, a contract owner may, not more frequently than once annually on a noncumulative basis, make a withdrawal of up to 7% of purchase payments per Contract Year without payment of any Contingent Deferred Sales Charges. The Contingent Deferred Sales Charge will be waived on distributions made pursuant to the death of the annuitant.

The Contingent Deferred Sales Charge will be applied in accordance with the table below:

Year	Deduction (percent)
1	5
2	4
3	3
4	2
5	1
6 and thereafter	0

The Custodian for the Contracts and for the Vairable Account is the Bradford Trust Company of Boston, Massachusetts, which performs all custodian and administrative functions for the Contracts and the Variable Account.

The Contracts are subject to a Contract Maintenance Charge which is deducted from the contract value on each Contract Anniversary and is currently $30 per Contract Year. The Contracts offered by the Company are unlike traditional variable annuity contracts in that there is no expense quarantee. Applicants agree that if the exemptions applied for are granted they shall remain in effect only so long as there is no increase in the charges made in connection with the Contracts. The Company also deducts premium taxes where applicable.

Contingent Deferred Sales Charge

Section 2(a)(35)

Section 2(a)(35) of the Act defines "sales load" as the difference between the price of a security to the public and that portion of the proceeds from its sale which is received and invested or held for investment by the issuer, less any portion of such difference deducted for trustees' or custodians' fees, insurance premiums, issue taxes or administrative expenses or fees which are not properly chargeable to sales or promotitonal expenses.

Applicants submit that the proposed Contingent Deferred Sales Charge is consistent with the intent of the definition of sales load contained in the Act. The charge would be imposed by the Company to reimburse it for expenses related to the sale of the Contracts, which the Applicants submit is within the Section 2(a)35) definition of sales load but for the timing of the imposition of the charge.

Nevertheless, Applicants have requested an exemption from the provisions of Section 2(a)(35) to the extent such exemption may be necessary to implement the proposed pricing of their Contracts.

Section 22(c) and Rule 22c–1

Rule 22c–1, promulgated under Section 22(c) of the Act, in pertinent part, prohibits a registered investment company issuing a redeemable security from selling, redeeming or repurchasing any such security except at a price based on the current net asset value of such security. When the contract owner surrenders all or a part of the contract value, the proceeds paid on such surrender will be based on the current net asset value. The Contingent Deferred Sales Charge, if applicable, will be deducted at the time of surrender in arriving at the contract owner's proportionate share or account value.

While Applicants do not believe that the imposition of the Contingent Deferred Sales Charge is violative of Section 22(c) or Rule 22c–1, they have requested an exemption from the provisions of Section 22(c) and Rule 22c–1 thereunder, to the extent necessary, to offer the Contracts as proposed.

Sections 26(a) and 27(c)(2)

Section 27(c)(2) of the Act prohibits a registered investment company or depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than sales loads, on such certificates are deposited with a trustee or custodian having the qualifications prescribed in Section 26(a)(1) of the Act and are held by such trustee or custodian under an agreement containing substantially the provisions required by Sections 26(a)(2) and 26(a)(3) of the Act.

Section 26(a) of the Act further provides as here pertinent, in substance,

that no payment to the depositor or principal underwriter of a unit investment trust shall be allowed the custodian bank as an expense, except a fee, not exceeding such reasonable amounts as the Commission may prescribe, as compensation for performing bookkeeping and other administrative expenses normally performed by the custodian.

Applicants allege that the Contingent Deferred Sales Charge to be imposed (if any) upon the surrender of the Contracts issued with respect to the Separate Account is designed to recover distribution costs relating to the sales of the Contracts. The Contracts merely defer the time when the sales charge may be imposed.

Applicants further allege that since there is nothing in the Act to suggest that if Contingent Deferred Sales Charges were being used at the time the Act was promulgated, that deductions for such sales charges would not have been permitted, and, since it is in the contract owners' best interests that the entire amount of their purchase payments be invested at the time when made, they have requested an exemption from the provisions of Sections 26(a)(2)(C) and 27(c)(2) of the Act, to the extent necessary, in order to permit the offer and sale of the Contracts subject to the Contingent Deferred Sales Charge as described above.

Sections 2(a)(32) and 27(d)

Section 2(a)(32) of the Act, in pertinent part, defines "redeemable security" as any security under the terms of which the holder, upon its presentation to the issuer, is entitled to receive approximately his proportionate share of the issuer's current net assets or the cash equivalent thereof.

Section 27(d) of the Act, in pertinent part, requires that the holder of a periodic payment plan certificate be able to surrender the certificate under certain circumstances with the recovery of certain front-end sales charges. Applicants assert that the Contracts offered are not periodic payment contracts but request exemption from such Sections, to the extent necessary, to offer the Contracts. Applicants submit that the imposition of a Contingent Deferred Sales Charge does not violate Sections 2(a)(32) and 27(d).

Applicants assert that Sections 2(a)(32) and 27(d) contemplate the assessment of an initial sales load and that under the Contracts the net amount invested is the gross purchase payments. Thus, the owner's proportionate share or account value would be the gross Purchase Payments, plus or minus any increase or decrease in value less the charge. Applicants assert that deferring the imposition of the charge in no way restricts the contract owner from receiving his proportionate share or account value upon redemption. Applicants contend that the charge is contingent upon an event which might never occur, and that the purchaser's initial amount invested is maximized, thus providing a benefit to the purchaser. Applicants have requested an exemption from the provisions of Sections 2(a)(32) and 27(d), to the extent necessary, to permit the imposition of the Contingent Deferred Sales Charge and to offer the Contracts.

Section 27(c)(1)

Sections 27(c)(1) of the Act, in pertinent part, prohibits any registered investment company from issuing periodic payment plan certificates, or depositor or underwriter of such company, from selling any such certificate unless it is a redeemable security. Applicants assert that the Contracts issued are not periodic payment plans but nevertheless request an exemption to the extent necessary to offer the Contracts.

Applicants submit that the Contingent Deferred Sales Charge is not a restriction on redemption under Section 27(c)(1). Applicants assert that deferring the imposition of the sales charge in no way restricts the contract owner from receiving his proportionate share or current value or surrender and has the effect, through deferral of sales charge until contract value is withdrawn, of increasing the contract value available for redemption. However, Applicants have requested an exemption from the operation of the provisions of Section 27(c)(1) to the extent necessary to permit the charge to be imposed only upon surrender of contract values.

Annual Administrative Charge

As previously noted, the Contracts are subject to an annual administrative charge of $30. If the value of a Contract is surrendered for its full value on other than the Contract Anniversary date, the Administrative Charge will be deducted from the owner's redemption proceeds.

Because the provisions of the Act discussed above under the heading "Contingent Deferred Sales Charge" may be said to be equally applicable in this situation, Applicants hereby request an exemption from the provisions of Sections 2(a)(32), 2(a)(35), 22(c), 26(a), 27(c)(1), 27(c)(2), 27(d) and Rule 22c–1, to the extent necessary, to permit the deduction of the annual Administrative Charge under the circumstances described.

Deduction and Payment of Contract Charges and Fees

Sections 26(a) and 27(c)(2)

Sections 26(a) and 27(c)(2), as here pertinent, provide in substance that a registered unit investment trust and any depositor of or underwriter for such trust are prohibited from selling periodic payment plan certificates unless the proceeds of all payments, other than amounts deducted for sales load, are deposited with a qualified bank as trustee or custodian. Section 26(a)(2)(D) provides that the custodian have possession of all securities and other property in which the funds of the trust are invested subject only to the charges and collections allowed under clauses (A), (B) and (C) of Section 26(a)(2) until distribution thereof to the security holders of the trust. Section 27(c)(2) applies the same restrictions to periodic payment plan certificates.

The Applicants request an exemption from the provisions of Sections 26(a) and 27(c)(2) to the extent necessary to permit the deduction and payment of: (1) the Contract Maintenance Charge; (2) the Mortality Risk fee; and (3) applicable annuity premium taxes.

The Applicants consent that the foregoing requested exemptions from Sections 26(a) and 27(c)(2) may be made subject to the following conditions: (1) that the deductions under the Contracts for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe and the Commission may reserve jurisdiction for such purpose; and (2) that the payment of sums and charges out of the assets of the Variable Account shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that the Applicants' consent to this condition shall not be determined to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets, other than the charges for administrative services, and the Applicants reserve the right in any proceeding before the Commission, or in any suit or action in any court, to assert that the Commission has no authority to regulate the payment of such other sums and charges.

Exchanges

Section 11

Section 11(a) of the Act makes it unlawful for any registered open-end investment company or principal underwriter therefor to make an offer to the holder of a security of such company or

of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged unless the terms of the offer have first been submitted to the Commission. Section 11(c) provides that the provisions of subsection (a) shall be applicable irrespective of the basis of exchange to any offer of exchange of any security of a registered open-end company for a security of a registered unit investment trust and to any type of offer of exchange of the securities of registered unit investment trusts for the securities of any other investment company.

Applicants assert two distinct requests for exemptive relief pursuant to Section 11. The first pertains to a proposal to permit shareholders of ALT, Series B–1, Series B–2, Series B–4, Series S–1, Series S–3, Series S–4, Massachusetts Fund and Money Market/Options to exchange their shares for the Contracts. That is, the Applicants propose to permit shareholders, who are shareholders of record upon the effective date of the prospectus for the Variable Account of ALT, Series B–1, Series B–2, Series B–4, Series S–1, Series S–3, Series S–4, Massachusetts Fund, and Money Market/Options, to exchange their shares for the Contracts. Such shareholders will be notified of the offer to exchange and will be permitted to make such an exchange without payment of a fee, sales load, transfer charge or Administrative Charge. All such exchanges will be accomplished at net asset value.

The second request pertains to a proposal to permit contract owners to reallocate their contract values among ALT, Series B–1, Series B–2, Series B–4, Series S–1, Series S–3, Series S–4, Massachusetts Fund and Money Market/Options. There is no limitation on such transfers, and in no event will solicitation of existing shareholders be made until such shareholders have been provided with a currently effective prospectus for the Contracts and for the particular underlying investment medium involved.

The Applicants submit that the proposed transfer rights will afford an owner the availability of choice among shares of mutual funds having different investment objectives, and that the granting of such rights is in recognition of the potentially changing nature of the owner's investment objectives and retirement needs over the years.

The Applicants further assert that the proposed transfer rights involve only a change in the underlying accumulation or annuity units related to a Contract, which are merely accounting units of measure to quantify contract value and, thus, do not involve the exchange of a unit investment trust security for the security of any other investment company. However, to avoid any questions that might be raised as to the applicability of Section 11(c), the Applicants request an order pursuant to Section 11 to the extent necessary to permit the proposed offer of transfer rights described above.

Section 6(c)

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provision of the Act or any rule or regulation under the Act if, and to the extent, 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.

Notice is further given that any interested person may, no later than April 7, 1981 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his/her interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he/she may request that he/she be notified if the Commission shall order a hearing thereon. Any such Communications 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 the Applicants 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 April 7, 1981 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 notice or 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. 81-8089 Filed 3-16-81; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21961; 70-6556]

Louisiana Power & Light Co.; Proposed Issuance and Sale of First Mortgage Bonds at Competitive Bidding

March 13, 1981.

Notice is hereby given that Louisiana Power & Light Company ("Louisiana"), 142 Delaronde Street, New Orleans, Louisiana 70174, a wholly-owned subsidiary of Middle South Utilities, Inc., a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Louisiana proposes to issue and sell, at competitive bidding, up to $75,000,000 principal amount of its first mortgage bonds ("Bonds") of a new series having a term of not less than five nor more than thirty years. In light of uncertainties in the present capital markets, however, and to provide the company with flexibility in responding to capital market requirements prior to the time of bidding, Louisiana seeks to reserve the right to reduce the principal amount of the Bonds to be issued and sold and/or to change the maturity of the Bonds to a maturity of not less than five nor more than 29 years. If Louisiana exercises this right, it will give appropriate notice of such change and/or reduction not later than 24 hours preceding the time fixed for the presentation of bids. Furthermore, Louisiana may file an amendment seeking an exception from competitive bidding if market conditions, in the opinion of management, are not propitious for the competitive bidding of the Bonds.

The interest rate of the Bonds (which will be a multiple of ⅛th of 1%) and the price, exclusive of accrued interest, to be paid to Louisiana for the Bonds (which will be not less than 98% nor more than 101¾% of the principal amount thereof) will be determined by competitive bidding. The Bonds will be

issued under the company's Mortgage and Deed of Trust, dated as of April 1, 1944, as heretofore supplemented by various indentures and as it is to be further supplemented by a Twenty-ninth Supplemental Indenture to be dated as of the first day of the calendar month in which the Bonds are issued. The supplemental indenture will include a prohibition against refunding the Bonds, directly or indirectly, with funds borrowed at a lower interest cost for a period of not more than five years.

Louisiana will use the Bond proceeds primarily to reduce short-term borrowings estimated to be $110,000,000 at the time of the Bond offering and to finance in part Louisiana's construction expenditures estimated to total $280,200,000 in 1981.

The fees and expenses to be incurred in connection with the proposed transactions are estimated to be $207,737, including legal fees of $57,000, rating fees of $31,875, and printing costs of $48,000. The successful bidders for the Bonds will pay legal fees and expenses estimated to be $23,000.

It is stated that no State commission and no Federal commission other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 6, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-8390 Filed 3-18-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17624; File No. SR-MCC-81-1]

Midwest Clearing Corp.; Proposed Rule Change; Self-Regulatory Organizations

Relating to a price revision to the Midwest Clearing Corporation pricing schedule.

Comments requested on or before April 9, 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 March 9, 1981, the Midwest Clearing Corporation filed with the Commission the proposed rule change as described in Item 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 on the Terms of Substance of the Proposed Rule Change

Attached as Exhibit A is the proposed Price Revision Schedule effective January 1, 1981.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) the proposed rule change is a revision of the Midwest Clearing Corportion (MCC) pricing schedule. The revised prices are necessitated by increased operational costs due to inflationary pressures and management decisions to enhance the MCC System.

Improvements to the system include additional computer hardware to serve as a back-up to the existing system, the acquisition of two high-speed printers for report preparation, and conversion from keypunch to key-to-disc equipment to improve throughput and the accuracy of the system.

(2) The proposed rule change is consistent with the requirements of Section 17A of the Securities Exchange Act of 1934. Midwest Clearing Corporation believes the improvements to the system will ensure all participants a more efficient system for the prompt and accurate settlement and clearance of trades and the safekeeping of assets. Consequently, the resultant costs from the upgrades must be offset by increased revenues. The proposed increases will be equitably allocated among all participants using the services.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Price Revision Schedule was adopted to reflect increased inflation and operational costs and the Midwest Clearing Corporation believes that no burdens have been placed on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Porposed Rule Change Received from Members, Participants, or Others

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of the Securities Exchange Act rule 19b-4. At any time within 260 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments,

all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before April 9, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: March 13, 1981.

George A. Fitzsimmons,

Secretary.

Exhibit A—MCC Price Revisions

[Effective January 1, 1981]

	Old	New
Trade Recording and Processing		
1–1000 trades/mo. (side)	$.97	$.99
1001–2000 trades/mo. (side)	.87	.89
2001–4000 trades/mo. (side)	.78	.79
4001–8000 trades/mo. (side)	.69	.70
over 8000 trades/mo. (side)	.59	.60
Price includes services associated with regular trade recording plus additional services and reports provided to Specialist Accounts.		
Service Charges		
Account Maintenance Fees (month)	105.00	125.00
Secondary Specialist Trdg. and Market Maker Account (month)	75.00	100.00
Trade Recording		
Pre-compared O/L, M/L, R/L:		
MSE R/L M/L	0.57	0.52
MSE O/L	.42	.52
Comes. Market Place	.47	.52
NSCC	.47	.52
PCC	.47	.52
PBW	.47	.52
CINN	.47	.52
OCC	.57	.52
Processed for comparison:		
OTC	.57	.62
Non-machine readable trade input submitted will be subject to a $0.10 fee per transaction to be charged to the submitting participant.		
Settlement Services		
Trade for trade processing:		
Delivery	2.25	2.50
Receipt	2.25	2.50
Settling trade option long settling trades to DF or LF (month)	30.00	50.00
Dividends		
Automatic entry	0.35	0.50
Auto stock loan (percent)	4.2	4.2
Special Services		
Collateral loan:		
Service charge reg. acct. (month)	35.00	50.00
Spec. and trading acct. (month)		50.00
Processing charge	3.00	3.00
Communication system:		
Equipment (rebillable at cost):		
Line charge (month)	185.00	195.00
Access fee	300.00	300.00
Long distance lines (mile)	.16	.16
Input correction charge	1.50	2.50
Dividend settlement service:		
Claimant (claiming part.) (item)	1.00	2.00
Recipient (part. charged) (item)	.50	1.00
Form preparation (participant serv-ices) (ticket)	4.00	5.00
Member to member stock loans:		
Delivery (loan or return of loan) (delivered)	2.25	2.50
Receipt (received)	2.25	2.50
Mandatory (item)	20.00	25.00
Request (item)	8.00	10.00
Voluntary (item)	5.00	5.00
Microfiche service:		
Per michrofiche card (net position activity report, purchase and sales, security glossary)	2.90	3.25
Duplicate additional cards	.90	1.00
OTC envelope settlement service:		
Delivery	2.50	3.00
Receipt	1.50	1.75
Late delivery (11:00–11:30 p.m.)	5.00	7.50
Special security movement settlement services (SSM):		
Delivery	2.00	5.00
Receipt	1.50	2.50
Late delivery (11:00–11:30 p.m.)	5.00	7.50

[FR Doc. 81-8091 Filed 3-18-81; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21963; 70-6574]

New England Power Co.; Proposed Amendment of Charter and By-Laws To Increase Authorized Preferred Stock

March 13, 1981.

Notice is hereby given that New England Power Company ("NEP") 25 Research Drive Westborough, Massachusetts 01581, a subsidiary of New England Electric System, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 of the Act as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

NEP has three authorized classes of preferred stock: 6% Cumulative Preferred Stock ("6% Preferred Stock") of which there is one series outstanding; Dividend Series Preferred Stock ("$100 Par Stock") of which there are seven series outstanding; and Preferred Stock-Cumulative ("$25 Par Stock") of which there is one series outstanding. The $100 Par Stock and the $25 Par Stock are collectively referred to as the Cumulative Preferred Stock. The three classes of preferred stock have cumulative dividends and are of equal rank as to dividends and assets, but differ in various respects such as dividends rates and redemption prices for each series.

On July 31, 1980, NEP amended its Articles of Organization and By-Laws to increase from $150,000,000 to $250,000,000 the aggregate par value of Cumulative Preferred Stock it could issue without a majority vote of the shares of said stock then outstanding (HCAR No. 21634 (June 20, 1980)). NEP now proposes to amend its Articles of Organization and By-Laws to use the same limit in establishing the par value of Cumulative Preferred Stock it can issue without a majority vote of the shares of stock having general voting rights. Holders of NEP's Common Stock and 6% Preferred Stock have general voting rights. NEP's Cumulative Preferred Stock presently issued and outstanding has an aggregate par value of $101,764,000.

As a result of recent amendments to the Massachusetts General Laws, Massachusetts electric companies may now have authorized but unissued shares. In the past, the need to secure from stockholders with general voting rights approval of each series of preferred stock prior to issuance significantly increased the lead time required for these financings, and, thereby, reduced NEP's flexibility in placing its preferred stock. To better respond to capital markets, NEP wishes to take advantage of the statutory amendments by having stockholders authorize additional shares of Cumulatove Preferred Stock to be available for future issuance as necessary.

Proceeds from the issues of new preferred stock will be used to pay a portion of NEP's construction program. NEP's 1981–1985 construction program is estimated to total about $984 million, including allowance for funds used during construction. Included in the construction program are $916 million for generating facilities, $59 million for transmission lines and substations, and $9 million for other facilities.

NEP's Articles of Organization and By-Laws will be amended to provide that the company may not issue any series of Dividend Series Preferred Stock or Preferred Stock-Cumulative, without a majority vote of stock generally entitled to vote, if after such issue the aggregate outstanding par value of all issues of Dividend Series Preferred Stock and Preferred Stock-Cumulative would exceed $250 million. The Articles of Organization will be amended to increase the authorized number of shares of Dividend Series Preferred Stock from 780,140 to 2,262,500, or an increase of 1,482,360, and to increase the number of shares authorized of Preferred Stock-Cumulative from 1,000,000 to 6,879,440, or an increase of 5,879,440. (As 50,000 previously authorized shares have been retired, the company could issue 5,929,440 additional shares of Preferred Stock-Cumulative. This will permit the Board of Directors to issue either

Dividend Series Preferred Stock or Preferred Stock-Cumulative, or both, up to the $250 million maximum, as the market may demand.

NEP intends to submit the proposed amendments of its Articles of Organization by By-Laws to its stockholders at the Special in lieu of Annual Meeting to be held on April 15, 1981. The increase in the number of authorized shares of capital stock will require a vote of the majority of the Common Stock and 6% Preferred Stock voting together as a single class. The related amendments to the Articles of Organization and By-Laws will require a two-thirds vote of the Common Stock and 6% Preferred Stock voting together as a single class. It is anticipated that NEES, which owns all of the Common Stock, will vote in favor of each of the proposals, thereby assuring the necessary vote in each case.

It is stated that no state commission and no federal commission, other than this Commission, has jurisidiction over the proposed transactions. The fees and expenses to be incurred in connection with the proposed transactions are estimated at $4,125.

Notice is further given that any interested person may, not later than April 9, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-8393 Filed 3-18-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 740]

Declaration of Hostile Action

Pursuant to 22 CFR Subchapter T, Section 191.1,* I declare that:

(1) As of November 4, 1979, and for a period deemed to continue until January 1, 1983, individuals in the civil or uniformed services of the United States rendering personal services to the United States abroad similar to the service of a civil officer or employee of the United States, have been placed in captive status in Iran because of hostile action abroad directed against the United States.

(2) Occurring or continuing after November 4, 1979, and for a period deemed to continue until January 1, 1983, Diego C. Asencio, and individual in the civil service of the United States, and Richard Starr, a United States citizen rendering personal services abroad similar to the service of a civil officer or employee, were placed in captive status in Colombia because of hostile action abroad directed against the United States.

Dated: February 26, 1981.

Alexander M. Haig, Jr.,

Secretary of State.

[FR Doc. 81-8361 Filed 3-18-81; 8:45 am]

BILLING CODE 4710-10-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 81-020]

Coast Guard Academy Advisory Committee; Open Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the Coast Guard Academy Advisory Committee to be held at the U.S. Coast Guard Academy, New London, CT, on Monday, Tuesday and Wednesday April 27-29 1981. The session on Monday will be held from 10:30 to 11:45 a.m and from 2:00 to 3:15 p.m. An open session will also be held on Wednesday from 10:15 to 11:45 a.m.

The agenda for this meeting is as follows: (a) faculty, (b) curricula.

The Coast Guard Academy Advisory Committee was established in 1937 by Pub. L. 75-38 to advise on the course of instruction at the Academy, and to make recommendations as necessary.

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 or present oral statements at the hearing should notify, not later than the day before the meeting: CAPT Roderick M. White, USCG, Dean of Academics/Executive Secretary of the Academy Advisory Committee, U.S. Coast Guard Academy, New London, CT 06320, phone (203) 444-8275.

Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C., on March 5, 1981.

J. B. Hayes,

Admiral, U.S. Coast Guard, Commandant.

[FR Doc. 81-8529 Filed 3-18-81; 8:45 am]

BILLING CODE 4910-14-M

[CGD 79-077]

International Association of Drilling Contractors; Meeting

AGENCY: U.S. Coast Guard, DOT.

ACTION: Notice of meeting, amendment.

SUMMARY: This document amends the date of a notice of meeting that appeared at page 15402 in the Federal Register of Thursday, March 5, 1981 (46 FR 15402). At the request of the International Association of Drilling Contractors, the meeting originally scheduled for March 24, 1981, has been rescheduled for April 7, 1981.

DATE: April 7, 1981, 10:00 a.m. to 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: Lt. Dennis Cashman, U.S. Coast Guard Headquarters, Commandant (G-MP-3), Washington, DC 20593 (202/472-5160).

Henry H. Bell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 81-8528 Filed 3-18-81; 8:45 am]

BILLING CODE 4910-14-M

*Published elsewhere in this Federal Register.

Federal Aviation Administration

Air Traffic Procedures Advisory Committee; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the Federal Aviation Administration Air Traffic Procedures Advisory Committee to be held from April 6 at 1 p.m. through April 10 at 1 p.m., in Conference Rooms 7A and B at FAA Headquarters, 800 Independence Avenue, S.W., Washington, D.C.

The agenda for this meeting is as follows: A continuation of the Committee's review of present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, Mr. L. Lane Speck, Executive Director, Air Traffic Procedures Advisory Committee, Air Traffic Service, AAT-300, 800 Independence Ave., S.W., Washington, D.C. 20591, telephone (202) 426-3725.

Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on March 13, 1981.

James M. O'Malley,

Executive Secretary.

[FR Doc. 81-8352 Filed 3-18-81; 8:45 am]

BILLING CODE 4910-13-M

[Docket No. 81-ASW-3AC]

Gulfstream American Corp. Models 690D and 695A; Aircraft Certification and Availability of Documents

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Specification of closing dates for receipt of comments concerning the type certification program for the Gulfstream American, formerly Rockwell International Models 690D and 695A.

SUMMARY: This document specifies the closing date for comments regarding the announcement of the Certification Program and Type Certification Basis for the Gulfstream American Models 690D and 695A. This announcement was published in 46 FR 14248, February 26, 1981.

DATES: The closing date for submitting comments, views, or data is April 20, 1981.

ADDRESSES: Send comments on the program in duplicate to: Regional Counsel, Attention: Docket No. 81-ASW-3AC, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

FOR FURTHER INFORMATION CONTACT: James L. Patras, Airframe Section, Engineering and Manufacturing Branch, ASW-212, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624-4911, extension 516.

SUPPLEMENTARY INFORMATION: Persons may participate in the cerification proceedings by submitting their views or data. Communications must identify the regulatory docket number and be submitted in duplicate to the above address. Comments received on or before the closing date will be considered and may cause the program to be changed if comments received justify the issuance of special conditions or retroactive application of previously adopted airworthiness regulations. Comments can be examined in the office of Regional Counsel, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas. Request for copies of this announcement must include the docket number and be submitted to the Federal Aviation Administration, Public Affairs Officer, Southwest Region, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624-4911, extension 207.

BACKGROUND: On June 14, 1977, Gulfstream American applied to the FAA, Southwest Region, for type certification of the Models 690C and 695. These models would be an outgrowth of the already certificated Model 690B (Type Certificate Data Sheet 2A4). Changes to the wing, fuselage, engines, systems, and equipment were proposed. A preliminary Type Certification Board Meeting was held under Delegation Option Authorization procedures with FAA personnel in attendance on November 15, 1977. At an Interim Type Certification Board Meeting requested by Gulfstream American with FAA participation, Gulfstream American advised that it was their intent to accomplish their original proposed changes (Models 690C and 695) on four models rather than two. Therefore, they intended to certify models designated as 690C, 695, 690D, and 695A. The changes that would be accomplished on each model were defined at this meeting held on August 29, 1978. Application for type certificate for the Models 690D and 695A was received on July 16, 1979. Models 690C and 695 were subsequently certificated under Delegation Option Authorization and are now included in the Type Certificate Data Sheet 2A4.

The Model 690D will be the same as the Model 690C except for the following changes:

1. Increased gross weight.
2. Increase in cabin pressure.
3. Revised interior items.

The Model 695A will be the same as the Model 690D except for the following changes:

1. Install Garrett TPF 331-501K engines.
2. Increased fuel capacity.
3. Increased gross weight.
4. Increased speed.

Based on the date of application, July 16, 1979, and pursuant to Section 21.17(a)(1), the type certification basis of the Models 690D and 695A airplanes will be:

CAR 3 dated May 15, 1956, including paragraphs 3.197, 3.270, 3.395, and 3.396 of Amendment 3-2 dated August 12, 1957; Amendment 3-3 dated May 17, 1958, 3-4 dated October 6, 1958, 3-6 dated September 13, 1961, paragraphs 23.473, 23.479, 23.481, and 23.483 of FAR 23, Amendment 23-7 dated September 14, 1969, plus Special Conditions letter dated April 1, 1965, and August 12, 1970; Docket No. 10506.

FAR 36 dated December 1, 1969, through Amendments 36-6 dated January 24, 1977.

Note.—This is a nonrulemaking proceeding within the meaning of the administrative procedure provision of 5 U.S.C. 551 *et seq.* Notices of Proposed Rule Making (NPRM) will be used for the issuance of special conditions and retroactive application of previously adopted airworthiness regulation.

Issued in Fort Worth, Texas, on March 9, 1981.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 81-8266 Filed 3-18-81; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA), Special Committee 145—Digital Avionics Software; 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 145 on Digital Avionics Software to be held on April 7-9, 1981 in Conference Rooms 9A-B-C, DOT/Federal Aviation Administration Building, 800 Independence Avenue,

SW., 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 the Third Meeting Held on January 13–15, 1981; (3) Review First Draft of Committee Report; (4) Working Groups Meet in Separate Sessions; (5) Committee Plenary Session; 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 March 10, 1981.

Karl F. Bierach,

Designated Officer.

[FR Doc. 81-8350 Filed 3-18-81; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; Mendocino County, Calif.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Mendocino County, California.

FOR FURTHER INFORMATION CONTACT: Mr. Jerry L. Budwig, Division Engineer, Central Direct Federal Division, P.O. Box 25246, Denver, CO 80225, Attention: Mr. Robert Arensdorf (303) 234–4798.

SUPPLEMENTARY INFORMATION: The Forest Highway Program Agencies (FHWA-lead agency, U.S. Forest Service, and California Department of Transportation) and Mendocino County are proposing to improve 7.3 miles of California Forest Highway Route 7 (Mendocino County Route 338). This proposal begins 5.3 miles northeast of Covelo, California at the Short Creek bridge and proceeds eastward 7.3 miles to the U.S. Forest Service work station at the Middle Fork Eel River bridge. The proposal crosses private, Round Valley Indian Reservation, and U.S. Forest Service lands. The proposed action will follow closely the existing asphalt surfaced roadway, and will include regrading, widening, drainage improvement, channel relocation and bank stabilization (Williams Creek), paving, and the reconstruction of bridges over Williams Creek and the Middle Fork Eel River. The improvements are considered necessary to provide a highway facility that will safely accommodate existing and anticipated future traffic volumes.

Alternatives under consideration include (A) taking no action, and (B) reconstructing the existing roadway. (B1), (B2), and (B3) are design alternatives for a 1-mile section along Williams Creek.

Letters announcing the proposed action and soliciting comments have been sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have expressed interest in this proposal. Interagency and public meetings were held in Covelo, California on March 15, 1978, and a public hearing was held in Covelo on July 16, 1980. Coordination with interested agencies, organizations and citizens will continue throughout the EIS process. The draft EIS will be available for public and agency review and comment.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program.

Issued on March 13, 1981.

J. L. Budwig,

Division Engineer, Denver, Colorado.

[FR Doc. 81-8431 Filed 3-18-81; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

Head and Neck Injury Criteria; Consensus Workshop

Notice is hereby given of a Consensus Workshop on Head and Neck Injury Criteria to be held on March 26, and 27, 1981. Invited participants from national and international centers of expertise in this field (academic, industry, and government agencies) will review the latest data and critique the existing standards for Head and Neck Injury Tolerances (e.g., the HIC). Intensive group discussions aimed at human and human surrogate data sources by the participants will result in a published report embodying resolutions and specific recommendations for further research to develop more rigorous criteria. The meetings will start at 8:30 a.m. at the Dulles Marriott Hotel near Dulles Airport. Attendance is open to the interested public but limited to the space available. Members of the public may present a written statement to the Workshop Chairman, Dr. A. K. Ommaya, at the National Highway Traffic Safety Administration, Room 6226, Mail Code NRD–12, 400 7th Street, S.W., Washington, D.C. 20590.

R. Rhoads Stephenson,

Associate Administrator for Research and Development.

[FR Doc. 81-8089 Filed 3-18-81; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. IP81-6; Notice 1]

Cooper Tire & Rubber Co.; Receipt of Petition for Determination of Inconsequential Noncompliance

The Cooper Tire & Rubber Co. of Findlay, Ohio, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et. seq.*) for a noncompliance with 49 CFR 571.109, Motor Vehicle Safety Standard No. 109, *New Pneumatic Tires—Passenger Cars*. The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition for a determination of inconsequentiality is published in accordance with section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417), and does not represent any agency decision or other exercise of judgement concerning the merits of the petition.

Paragraph S4.3(b) requires that the sidewalls of each passenger car tire be labeled with the maximum permissible inflation pressure. Because of an erroneous mold, Cooper produced L78–15 Falls Avenger polyster/fiberglass belted, tubeless white sidewall tires between the 39th and 50th weeks of 1980 labeled with a maximum inflation pressure of 35 psi. The correct value is 32 psi. Cooper was able to recover and rebrand some of the tires but about 1800 remain uncorrected.

In the belief that tire strength would be the only factor possibly adversely affected by inflation to 35 psi, Cooper tested two of the mislabeled tires "finding * * * plunger energy of 3310

inch pounds (average of the two tires) which is well in excess of the required 2600 inch pounds under FMVSS 109 * * *." For this reason, the company argues that its noncompliance is inconsequential as it relates to motor vehicle safety, noting that the tires otherwise comply with Standard No. 109.

Interested persons are invited to submit written data, views and arguments on the petition of Cooper Tire & Rubber Co. described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

The engineer and attorney primarily responsible for this notice are Art Neill and Taylor Vinson, respectively.

Comment closing date: April 15, 1981.

(Sec. 102, Pub. L. 93-492, 99 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on March 10, 1981.

Michael M. Finklestein,

Associate Administrator for Rulemaking.

[FR Doc. 81-8088 Filed 3-18-81; 8:45 am]

BILLING CODE 4910-59-M

Research and Special Programs Administration

Applications for Renewal or Modification of Exemptions or Applications To Become a Party to an Exemption

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of applications for renewal or modification of exemptions or application to become a party to an exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Except as otherwise noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) they are described in footnotes to the application number. Application numbers with the suffix "X" denote renewal; application numbers with the suffix "P" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comment period closes on April 3, 1981.

ADDRESS COMMENTS TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, S.W., Washington, DC.

Application No.	Applicant	Renewal of exemption
1862-X	Greer Hydraulics, Inc., Los Angeles, CA.	1862
2708-X	Union Carbide Corporation, Linde Division, Tarrytown, NY.	2708
2805-X	Sunolin Chemical Co., Claymont, DE.	2805
4177-X	Hydrodyne Industries, Inc., Hauppauge, L.I., NY.	4177
5206-X	Austin Powder Company, Cleveland, OH.	5206
5206-X	Monsanto Company, St. Louis, MO.	5206
5643-X	Union Carbide Corporation, Linde Division, Tarrytown, NY.	5643
6113-X	Process Engineering, Inc., Plaistow, NH.	6113
6215-X	E.I. du Pont de Nemours & Company, Inc., Wilmington, DE.	6215
6253-X	Akzo Zout Chemie Nederland, Amsterdam, Holland.	6253
6253-X	Leschaco, Inc., Houston, TX	6253
6253-X	Hapag Lloyd, Hamburg, Germany.	6253
6293-X	Olin Corporation, East Alton, IL	6293
6557-X	General Fire Extinguisher Corporation, Northbrook, IL.	6557
6752-X	Pennwalt Corporation, Philadelphia, PA.	6752
6793-X	Trafpak Limited, Aylesbury, England (see footnote 1).	6793
7010-X	Dow Chemical Company, Midland, MI.	7010
7446-X	Kaiser Aluminum & Chemical Corporation, Erie, PA.	7446
7451-X	Union Carbide Corporation, Linde Division, Tarrytown, NY.	7451
7513-X	MG Burdett Gas Products Company, Reading, PA.	7513
7625-X	Van Waters & Rogers, Saint Paul, MN.	7625
7849-X	Southern Oxygen Supply Company, Atlanta, GA.	7849
7872-X	Magna Corporation, Houston, TX.	7872
7943-X	Chem Lab Products, Inc., Anaheim, CA (see footnote 2).	7943
7943-X	Hill Brothers Chemical Company, Orange, CA.	7943
7985-X	Process Engineering, Inc., Plaistow, NH.	7985
8005-X	Hugonnet S.A., Paris, France	8005
8050-X	XMAS Corporation, Tulsa, OK	8050
8307-X	U.S. Department of Energy, Washington, DC (see footnote 3).	8307
8489-X	FMC Corporation, Philadelphia, PA (see footnote 4).	8489
8558-X	International Minerals and Chemical Corporation, Allentown, PA.	8558

[1] To authorize cumene hydroperoxide, classed as an organic peroxide, as an additional commodity.

[2] To modify location of top flap handholes in the corrugated fiberboard box similar to DOT Specification 12B.

[3] To authorize rail, water, and cargo-only aircraft as additional modes of transportation.

[4] To authorize rail as an additional mode of transportation.

Application No.	Applicant	Parties to exemption
5206-P	Nelson Brothers, Inc., Parrish, AL.	5206
6418-P	Simplot Soilbuilders, Moses Lake, WA.	6418
7052-P	Signode Corporation, Glenview, IL.	7052
7060-P	Las Vegas Airlines, Inc., Las Vegas, NV.	7060
7060-P	Econo-Flight, Inc., Hillsboro, OR	7060
7259-P	Exxon Chemical International Supply, Florham Park, NJ.	7259
7259-P	Monsanto Company, St. Louis, MO.	7259
7777-P	Stabilex, Limited, Wellington W. Palm Beach, FL.	7777
7929-P	International Minerals and Chemical Corporation, Allentown, PA.	7929
8073-P	FIBA Leasing, Westboro, MA	8073
8116-P	Department of Defense, Washington, DC.	8116
8362-P	Bunker Ramo Corporation, Westlake Village, CA.	8362
8401-P	Maritime Helicopters, Homer, AK.	8401
8441-P	Department of Energy, Washington, DC.	8441
8445-P	Owens-Corning Fiberglas Corporation, Granville, OH.	8445
8572-P	H.L. & A.G. Balsinger, Inc., Bridgeville, PA.	8572

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on March 10, 1981.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-8087 Filed 3-18-81; 8:45 am]

BILLING CODE 4910-60-M

Applications for Exemptions

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of Applicants for Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

DATES: Comment period closes April 20, 1981.

ADDRESS COMMENTS TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, SW., Washington, DC.

New Exemptions

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8573-N	Shenango Enterprises, Incorporated, Fountain Valley, CA.	49 CFR 173.217	To manufacture, mark and sell non-DOT specification polyethylene bottles for shipment of certain oxidizers in four 15 pound bottles or two 20 pound bottles overpacked in a DOT Specification 12B fiberboard box (modes 1, 2, 3).
8574-N	Enterprise Steel Drum Corporation, Berlin, NJ	49 CFR 173.28(o), 178.118-10(a)	To authorize conversion of non-DOT specification tight head 18 gauge stainless steel 55 gallon drums to DOT Specification 17H except for marking for shipment of all commodities authorized in a DOT Specification 17H drum (modes 1, 2, 3, 4).
8575-N	Cincinnati Drum Service, Inc., Ludlow, KY	49 CFR 173.28(o), 178.118-10(a)	To authorize conversion on non-DOT specification tight head 18 gauge steel 55 gallon drums to DOT Specification 17H except for marking for shipment of all commodities authorized in a DOT specification 17H drum (modes 1, 2, 3, 4).
8576-N	Crown Zellerbach Corporation, San Francisco, CA.	49 CFR 172.28(m)(1)	To authorize reuse of new DOT Specification 17H drums which were previously used to ship a flammable liquid and to refill them with the same or similar material without thoroughly cleaning them (mode 1).
8577-N	Micor Company, Inc., Milwaukee, WI	49 CFR 172.312, 173.249	To authorize shipment of a corrosive liquid in a 25 mil., two quart capacity plastic bottle overpacked in a tray type polyethylene liner all overpacked into a DOT Specification 37C steel drum containing a non-regulated material (modes 1, 2, 3).
8578-N	Republic Tank and Supply Company, Temple, TX.	49 CFR 173.119(a)(17), 173.245(a)(30)(31), 178.340-8, 178.342-5, 178.343-5.	To manufacture, mark and sell non-DOT specification cargo tanks complying generally with DOT Specification MC-307/312 except for bottom outlet valve variations for transportation of flammable or corrosive waste liquids or semi-solids (mode 1).
8579-N	E. I. du Pont de Nemours and Company, Wilmington, DE.	49 CFR 176.410(d)	To authorize shipment of ammonium nitrate fertilizer in strapped or stretch wrapped palletized loaded bags aboard cargo vessel exempt from spacing criteria for bags and location (mode 3)
8580-N	Priority Air, Incorporated, Sanford, FL	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107 Appendix B.	To authorize carriage of Class A, B, and C explosives not permitted for air shipment or in quantities greater than those prescribed for air shipment (mode 4).
8581-N	U.S. Environmental Protection Agency, Research Triangle Park, NC.	49 CFR Parts 100-199	To authorize shipment of minute quantities (no greater than 100 milligrams) of various poison B liquids, flammable liquids, corrosive and ORM-A materials shipped as analytical standards when packed in specially designed packaging (modes 1, 2, 3, 4, 5)
8582-N	Missouri Pacific Railroad Company, St. Louis, MO.	49 CFR Parts 100-177	To authorize carriage of railway torpedoes and fuses packed in metal kits, in motor vehicles by railroad maintenance crews as non-regulated rail carrier equipment (mode 1).
8583-N	Process Engineering Incorporated, Plaistow, NH.	49 CFR 172.101, 173.315(a)	To manufacture, mark and sell non-DOT specification cargo tanks for shipment of certain flammable gases (cryogenic liquids) (mode 1).
8584-N	Safety-Kleen Corporation, Elgin, IL	49 CFR Part 173.245	To authorize shipment of a compound, cleaning, liquid, classed as a corrosive liquid, n.o.s. in non-DOT specification reusable 16 gallon removable head steel drums similar to a DOT Specification 37A (mode 1).
8585-N	Bergen Barrel and Drum Company, Demarest, NJ.	49 CFR 173, Subpart F	To manufacture, mark and sell a non-DOT specification reusable, tight-head polyethylene drum not to exceed 30 gallon capacity for shipment of those corrosives presently authorized in a DOT Specification 34 (modes 1, 2, 3).
8586-N	Bennett Paper Corporation, Maryland Heights, MO.	49 CFR 172.400, 172.402(a)(2)(3)(4), 172.504(a), 173.345(a), 173.364(a), 175.30.	To manufacture, mark and sell a packaging for the shipment of certain small quantities of class B poisonous liquids and solids, to be excepted from labeling requirements and flammable solids from placarding requirements (modes 1, 2, 4).
8587-N	Thatcher Chemical Company, Salt Lake City, UT.	49 CFR 173.256	To authorize shipment of a compound, cleaning, liquid, containing hydrofluoric acid, classed as a corrosive liquid in 5 gallon DOT Specification 2U polyethylene containers in a DOT Specification 12P fiberboard overpack. (mode 1).
8588-N	Sohio Alaska Petroleum Company, Anchorage, AK.	49 CFR 173.119a, 173.119	To authortze a DOT Specification 57 steel or stainless steel portable tank for shipment of flammable and combustible liquids by water (mode 3).
8589-N	Cowboy Oil Company, Pocatello, ID	49 CFR 173.315, 173.33	To authorize shipment of liquefied petroleum gas (propane) in a non-DOT specification cargo tank constructed in year 1969 in accordance with the ASME Code (mode 1).
8590-N	Hugonnet, S.A., Paris, France	49 CFR 173.119, 173.125, 173.245, 173.346(a), 173.505.	To authorize shipment of certain flammable, corrosive, poison B liquids and ORM-A materials in non-DOT specification IMCO Type I portable tanks with gravity discharge and bottom openings (modes 1, 2, 3)

New Exemptions—Continued

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8591-N	Hugonnet, S.A., Paris France	49 CFR 173.119, 173.125, 173.245, 173.346(a), 173.505	To authorize shipment of certain flammable, corrosive, poison B liquids and ORM-A materials in non-DOT specification IMCO Type I portable tanks with pressure discharge and no bottom outlets (modes 1, 2, 3)

This notice of receipt of applications for new exemptions is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on March 10, 1981.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-8086 Filed 3-18-81; 8:45 am]

BILLING CODE 4910-60-M

[No. WASP-1]

Civil Aircraft Allocation Order

AGENCY: Research and Special Programs Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: This notice updates the Civil Aircraft Allocation Order published in the **Federal Register**, September 15, 1964 (29 FR 12939).

FOR FURTHER INFORMATION CONTACT: George W. Barry, Office of Emergency Transportation, Room 8330, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

SUPPLEMENTARY INFORMATION: With the passage of the Airline Deregulation Act of 1978 (Pub. L. 95-504), it is appropriate to redefine the statutory bases under which civil air carrier resources for the War Air Services Program (WASP) are allocated to the Civil Aeronautics Board. Accordingly, the following notice supersedes that of September 15, 1964 (29 FR 12939).

[No. WASP-1]
CIVIL AIRCRAFT
Allocation Order

Pursuant to authority under the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), enabling Executive Order 10480, as amended, DMO-3, as amended (44 CFR Part 322.3 as amended), and Executive Order 11490, as amended, there is allocated to the Civil Aeronautics Board for use in the War Air Services Program (WASP) fleet, the following civil air carrier aircraft:

All aircraft operated by air carriers holding certificates issued by the Board under the following provisions of the Federal Aviation Act of 1958, as amended: Sections 401 (scheduled route and charter air carriers), and 418 (domestic all-cargo air carriers) and aircraft operated by commuter air carriers designated by the Civil Aeronautics Board to provide essential air service to small communities under Section 419 with the exception of those allocated or reallocated from time to time to the Department of Defense for use in the Civil Reserve Air Fleet (CRAF) Program.

This material supersedes the material appearing in FR Doc. 64-9308, filed September 14, 1964, and published in **Federal Register** dated Tuesday, September 15, 1964, page 12939.

Issued in Washington, D.C., on March 12, 1981.

Howard Dugoff,

Administrator, Research and Special Programs Administration.

[FR Doc. 81-8089 Filed 3-18-81; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Department Circular; Public Debt Series—No. 8-81]

Treasury Notes of March 31, 1985, Series G-1985; Invitation for Tenders

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond act, as amended, invites tenders for approximately $3,500,000,000 of United States securities, designated Treasury Notes of March 31, 1985, Series G-1985 (CUSIP No. 912827 LS 9). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury Securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1. The securities will be dated March 31, 1981, and will bear interest from that date, payable on a semiannual basis on September 30, 1981, and each subsequent 6 months on March 31 and September 30 until the principal becomes payable. They will mature March 31, 1985, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in

effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Tuesday, March 24, 1981. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, March 23, 1981.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000 and larger bids must be in mulitples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a spcified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tneders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government secutities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.000. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.5., must be made or completed on or before Tuesday, March 31, 1981. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Friday, March 27, 1981. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the

Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81-8357 Filed 3-18-81; 11:01 am]

BILLING CODE 4810-40-M

VETERANS ADMINISTRATION

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on March 30, 1981, at 8:30 a.m., the Veterans Administration Regional Office, St. Petersburg, Florida, Station Committee on Educational Allowances, shall, at the Federal Building, Room 621, 144 1st Avenue South, St. Petersburg, Florida, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons pursuing Apprenticeship Training for Power Plant Operator II, City of Tallahassee, Arva Hopkins Generating Station, Tallahassee, Florida, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: March 11, 1981.

Carlos L. Rainwater,

Director.

[FR Doc. 81-8433 Filed 3-18-81; 8:45 am]

BILLING CODE 8320-01-M

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on March 30, 1981, at 8:00 a.m., the Veterans Administration Regional Office, St. Petersburg, Florida, Station Committee on Educational Allowances, shall, at the Federal Building, Room 621, 144 1st Avenue South, St. Petersburg, Florida, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in the on-the-job training program for Police Officers at City of Lakeland, Police Department, Lakeland, Florida, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: March 11, 1981.

Carlos L. Rainwater,

Director.

[FR Doc. 81-8432 Filed 3-18-81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 53
Thursday, March 19, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., Friday, March 27, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6374.

[S-439-81 Filed 3-17-81; 11:22 am]

BILLING CODE 6351-01-M

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, March 24, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C. fifth floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED: Proposed Dealer Option Regulations.

The Commission will consider recommendations of the Office of the General Counsel to publish a **Federal Register** notice of a proposed rule governing dealer option transactions.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6374.

[S-440-81 Filed 3-17-81; 11:26 am]

BILLING CODE 6351-01-M

3

FEDERAL COMMUNICATIONS COMMISSION.

Special Closed Commission Meeting

The Federal Communications Commission will hold a Special Closed Meeting on the subject listed below on Thursday, March 19, 1981 at 9:30 A.M., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

General—1—Relocation of FCC Headquarters.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: March 13, 1981.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[S-442-81 Filed 3-17-81; 1:56 pm]

BILLING CODE 6712-01-M

4

FEDERAL COMMUNICATIONS COMMISSION.

Closed Commission Meeting

The Commission will hold a Closed Meeting Monday, April 6, 1981, for the purpose of issuing instructions to the staff following scheduled oral argument.

The Oral Argument, which is open to the public is scheduled to start at 1:00 P.M. on the issue of the authorized rate of return for the American Telephone and Telegraph Company on its interstate and foreign services, CC Docket No. 79-63 in Room 856, at 1919 M Street, N.W., Washington, D.C. (See Order, FCC 81-114, released March 13, 1981).

The Closed Meeting will take place at the same location after the conclusion of the Oral Argument.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: March 16, 1981.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[S-443-81 Filed 3-17-81; 1:57 pm]

BILLING CODE 6712-01-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

Changes in Subject Matter

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, March 16, 1981, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Director John G. Heimann (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,705-SR—Citizens State Bank, Carrizo Springs, Texas

Case No. 44,710-L—First Augusta Bank & Trust Company, Augusta, Georgia

Case No. 44,711-L—Franklin National Bank, New York, New York

Memorandum and Resolution re: North Point State Bank, Arlington Heights, Illinois

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(4), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(9)(B), and (c)(10)).

Dated: March 16, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-436-81 Filed 3-17-81; 11:00 am]

BILLING CODE 6714-01-M

6

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Tuesday, March 24, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Personnel. Compliance. Litigation. Audits. Labor/Management Relations.

* * * * *

DATE AND TIME: Thursday, March 26, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Certifications
Advisory opinions:
  Draft AO 1981-10: C. Normand Poirier, General Counsel, United States International Communication Agency
  Draft AO 1981-15: Joseph F. McBride, Treasurer, Citizens for Spellman Committee
Pending legislation
Appropriations and budget
Classification actions
Routine administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; Telephone: 202-523-4065.

Marjorie W. Emmons,

Secretary of the Commission.

[S-444-81 Filed 3-17-81; 2:27 pm]

BILLING CODE 6715-01-M

7

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 17006, March 16, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., March 18, 1981.

CHANGE IN THE MEETING: The following Docket No. and Company is being added to Item CAM-4:

Item No., Docket No., and Company

CAM-4. RA80-33, Phillips and Munzel Shell.

Kenneth F. Plumb,

Secretary.

[S-441-80 Filed 3-17-81; 12:15 pm]

BILLING CODE 6450-85-M

8

POSTAL RATE COMMISSION.

TIME AND DATE: Periodic meetings scheduled on short notice on business days during the period March 18 through April 17, 1981.

PLACE: Conference Room 500, 2000 L Street, N.W., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Reconsideration of Commission Opinion and Recommended Decision in Docket R80-1 issued on February 19, 1981.

[Closed pursuant to 5 U.S.C. § 552b(c)(10)]

CONTACT PERSON FOR MORE INFORMATION: Dennis Watson, Information Officer, Postal Rate Commission, Room 500, 2000 L Street, N.W., Washington, D.C. 20268; Telephone (202) 254-5614.

[S-437-81 Filed 3-16-81; 4:40 pm]

BILLING CODE 7715-01-M

federal register

Thursday
March 19, 1981

Part II

Department of Transportation

Federal Aviation Administration

Advisory Circular for Performance Standards, Retread, Repair and Alterations of Aircraft Tires

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[AC No. 145-XX]

Advisory Circular for Performance Standards, Retread, Repair and Alterations of Aircraft Tires

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Draft advisory circular and request for comments.

SUMMARY: The draft Advisory Circular (AC) is intended to provide guidance for the development, qualification, and approval of aircraft tire repair and retread process specifications, and the use of special nondestructive inspection techniques. It also provides information related to certain rule changes having particular emphasis on aircraft tires used on transport aircraft in order that tire reliability will be enhanced, and the incident of tire failure decreased.

DATES: Comments must identify the AC No. 145-XX and be received on or before May 18, 1981.

ADDRESSES: Send all comments on the draft advisory circular to: Federal Aviation Administration, Attention: General Aviation and Commercial Branch (AWS-340), 800 Independence Ave., S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Angelo R. Mastrullo, General Aviation and Commercial Branch, Aircraft Maintenance Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Ave., S.W., Washington, D.C. 20591; Telephone (202) 426-8204.

Comments received on the draft AC may be inspected in Room 313, FAA Headquarters Building (FOB-10A), 800 Independence Ave., S.W., Washington, D.C. 20591, between the hours of 8:30 and 5:00 p.m.

SUPPLEMENTARY INFORMATION:

Comments Invited

Comments are solicited from all interested persons. A copy of the draft AC referenced herein may be obtained by contacting the person identified under "For Further Information Contact".

Discussion of the Draft Advisory Circular

This advisory circular provides INTERIM guidance for the inspection, repair, and retreading of aircraft tires to enhance tire reliability and decrease the incidence of tire failure.

The FAA's safety surveillance and analysis of aircraft tires with respect to cause of tire failure disclosed that complex landing gear systems, unprecedented high maximum aircraft operating weights, the operation of aircraft at higher taxi speeds on long taxi distances, and the quality of the inservice tire maintenance were among the significant factors in tire failures.

In the interest of safety to meet the increasingly severe tire operation conditions, Federal Aviation Regulations (FAR) Part 25, Airworthiness Standards: Transport Category Airplanes, and Technical Standard Order TSO -C62c, Aircraft Tires, were amended to incorporate updated and improved minimum performance standards applicable to main landing gear and nose wheel aircraft type design standards covering tire loads and speed ratings.

In keeping with those improved requirements, in the interest of safety, the FAA has decided to issue interim guidance by way of this advisory circular covering tire retread process specifications that are consistent with the test and dynamometer testing specified in the TSO under which the tire was built or requalified by testing.

The FAA has recognized the need to identify minimum performance levels for aircraft tire retreading, inspection, repair and retreading process specifications predicated upon substantial data. The FAA anticipates future data inputs from two major sources. The Office of Airworthiness has established a project plan agreement with the Transportation System Center (TSC) in Cambridge, Mass., through the FAA Technical Center in Atlantic City, N.J., to develop this technology to assure the continued airworthiness of aircraft tires.

The object of this project is to set forth standards for inservice tire qualifications, tests, inspections, and will include life and retread limits for these tires. It will also establish standards for nondestructive inspection which will include the latest state-of-the-art technology. In addition, the FAA will rely on aircraft tire manufacturers who are required to furnish the FAA with maintenance data as a condition of TSO authorizations that include the inspection criteria for tires to determine the eligibility of used tires to be continued in service. Recapping procedures are required to be included in the maintenance information along with any specific repair methods applicable to the tire and special nondestructive inspection techniques.

The recommendations received from the FAA aircraft tire project, along with the tire manufacturers' data provided the FAA, will be evaluated and the analysis of the findings will be used to update this interim AC.

Issued in Washington, D.C., on March 12, 1981.

George J. Pour,

Acting Director of Airworthiness.

AC145-XX—Advisory Circular

Dated: March 12, 1981.

Subject: Performance standards, retread, repair and alterations of aircraft tires.

1. *Purpose.* This advisory circular (AC) provides interim guidance for the development, qualification, and approval of aircraft tire repair and retread process specifications, and the use of special nondestructive inspection techniques. It also provides information related to certain rule changes having particular emphasis on aircraft tires used on transport aircraft in order that tire reliability will be enhanced, and the incidence of tire failure decreased.

2. *Related FAR.* FAR Part 25, Airworthiness Standards: Transport Category Airplanes, FAR Part 43, Maintenance, Preventative Maintenance, Rebuilding and Alteration, Technical Standard Order —C62c —Aircraft Tires. FAR Part 145, Repair Stations.

3. *Related Reading Materials.* TSO —C62, —C62a, —C62b and —C62c, Aircraft Tires. Tire manufacturers maintenance and repair instructions.

4. *Background.* Federal Aviation Administration (FAA) Technical Standard Order TSO —C62c —Aircraft Tires, which sets forth the minimum performance standards applicable to the main landing gear and nose wheel aircraft tires, has been amended to incorporate updated and improved minimum performance standards. In addition, FAR Section 25.733 was amended to include more comprehensive transport category airplane type design standards related to tire loads and speed ratings. Those revisions were necessary in the interest of safety to meet increasingly severe tire operating conditions.

5. *Terminating the Use of Certain Tires.* Tires manufactured and approved under TSO —C62, —C62a, or —C62b may be continued to be manufactured under the provisions of their original approval and be continued in use on aircraft except that after December 31, 1982, no person may identify or mark a tire having a speed rating above 160 mph with those TSO numbers (Ref: TSO —C62c Paragraph (d)).

6. *Ground Load.* The ground loads which tires must support is based on the most critical combination of aircraft gross weight (up to maximum ramp weight), center of gravity position, and the effect of engine thrust, reacted by inertia at the airplane center of gravity on each main wheel tire and nose wheel tire with some exceptions.

a. *Dynamic Loading.* Since the maximum ramp weight of the airplane may be significantly greater than the maximum take-off weight, it is considered important in relation to the tire design. To account for dynamic loading conditions, and to be consistent with TSO standards, the FAR specify limiting ground reaction loads for

aircraft tires in terms of the tire load rating (Ref: FAR Section 25.733(a)(b) and (c)).

b. *Turning.* Turning loads subject the aircraft landing gear structure, wheel carriage, rims and tires to high loads. Turning loads should be computed using the most critical combination of ramp weight, center of gravity position, and engine thrust, reacted by inertia at the airplane center of gravity on each main wheel tire and nose wheel tire.

7. *Multiple Mounted Tires.* When more than one wheel and tire are mounted on a single landing gear axle, disproportionate loads on individual tires may occur. Such unequal tire loading between adjacent tires may cause temporary overloading of individual tires and subsequent tire failure.

a. *Overload Test.* The FAA has concluded that derating the main wheel tire rated load by 7 percent (i.e., a load factor of 1.07), in combination with other changes, is appropriate. The change requires high-speed tires to withstand an overload of 1.61 times the present load rating (Ref: FAR Section 25.733 (c), (1), and (2)).

b. *Matching Tires.* To assist in equalizing loads on pairs of tires on the same axle, it is recommended that tire pairs, be from the same manufacturer, be inflated to the same tire pressure, and have equal amounts of tread on each tire. These measures will help ensure equal deflection of both tires on an axle. A slight difference in tire diameter between pairs can cause excessive deflection in the larger tire, with consequent overheating; this can result in sidewall damage.

8. *Technical Data Requirements.* Manufacturers are required to provide the FAA with tire speed and load rating, rated inflation pressure, tire mold skid depth, size, width, outside diameter, nominal loaded radius at rated load and inflation pressure, permissable tolerance on the normal loaded radius, the actual loaded radius of the test tire at rated load and inflation pressure, weight, static unbalance of test tire, wheel rim designation, and manufacturer's part number. For high-speed tires a load deflection curve at loads up to 1.5 times load rating, and a summary of the loan-speed-time parameters used in the dynamometer test, are also required. The term "high-speed tire" as used herein means a tire tested at a speed greater than 120 miles per hour (mph). (Ref: TSO–C62c, Paragraph (c)(1)).

9. *Maintenance and Repair Instructions.* Manufacturers are required to furnish the FAA with maintenance data that includes the inspection criteria for tires to determine the eligibility of used tires to be continued inservice. Recapping procedures must be included in the maintenance information along with any specific repair methods applicable to the tire and special nondestructive (NDT) inspection techniques (Ref: TSO –C62c, Paragraph (c) (2)).

10. *Retread, Repair and Alteration of Aircraft Tires.*

a. *Retread.* The term "retread", for the AC, refers to several means of restoring a used tire by renewing the tread alone, or by renewing the tread plus one or both sidewalls. It refers as well to the process of extending new sidewall material to cover the bead area of the tire. Repairs are included in the retreading of tires. The retread and repair of a tire is considered to be a major repair because it cannot be done by an elementary operation and, if improperly done, would affect the airworthiness of the tire. The terms recap and recapping as used in this AC are synonymous with the terms retread and retreading.

b. *Data.* A repair station that is certificated to retread aircraft tires is required by FAR Section 145.33 to perform that work in accordance with a process specifications approved by the FAA. Before the process specification is approved by the FAA, it is required to meet the requirements of FAR Section 43.13(a) and (b), and be qualified by dynamometer testing. In addition, testing such as cross section sliver inspection, NDT inspection, etc., may be required. The manufacturer of an aircraft tire is now required to furnish maintenance data that includes maintenance and repair, recapping information, and special NDT inspection techniques. Such information provided by a tire manufacturer does not constitute an approved process specification. However, such data may be acceptable for use by a retreading agency in developing its process specifications to be submitted for approval. Required testing for approval is as follows:

(1) *For retreading tires manufactured under TSO –C62b,* the process is required to meet the requirements of FAR Section 43.13(a) and (b), be qualified by the test and dynamometer testing as outlined in AC 43.13–1A, Acceptable Methods, Techniques, and Practices, Aircraft Inspection and Repair, Chapter 8, Paragraph 332. Aircraft tires manufactured under TSO –C62b may continue to be retreaded using FAA approved process specifications for the TSO –C62b tires for use on aircraft.

(2) *Since the revised TSO –C62c* –Aircraft Tires, contains updated and improved minimum performance standards, repair stations who retread TSO –C62c tires will be required to requalify their retread process specifications to substantiate that the process can produce a product that meets the requirements of FAR Section 43.13 (a) and (b), and be qualified by the test and dynamometer testing as outlined in the TSO under which the tire was built.

(3) *Aircraft tires manufactured under TSO –C62b* which are requalified to TSO –C62c in order to remain a –C62c tire will be required to be retreaded under a process specification approved by the FAA for use on a –C62c tire. If any other process is used the tire will revert back to a –C62b aircraft tire.

c. *Performance.* The maintenance performance rules of FAR Section 43.13(a) and (b) state in part that, a product after undergoing maintenance shall be at least equal to its original or properly altered condition. This makes it necessary for a tire on which maintainance was performed to continue to meet the requirements outlined in the TSO under which it was built or qualified by testing. Retread tires are required to meet the same qualifications as when the tire was new in regard to speed rating, load rating, size, material, weight, skid depth, etc. Any deviations from the specifications under which a tire was built or qualified by testing would be an alteration to the tire and it would be considered a new product. As a new product, it would be necessary for the altered tire to be tested for approval under the TSO, and, be approved for use on each aircraft of which it would be a part.

11. *Tire Repairs.* The following represent industry practices regarding aircraft tire repairs.

a. *For high-speed tires:*

(1) *Tread Area.* Cuts, cracks, or other tread injuries 1½ inches in length and ¼ inch in width or less on the first cord body ply, and which do not extend through more than 40 percent of the actual tire cord body plies, may be repaired without an inside reinforcement. However, any tread injury repaired by skiving or resping methods must not have the final repair greater than 2 inches in length.

(2) *Major Tread.* Repairs to tread areas are limited to six (6) per tire and must be no closer than 60 degrees apart along the tire circumference. Major repairs consist of repairs to tread injuries that penetrate a distance equal to 40 percent of the actual tire cord body plies, and are 1½ inches in length or less on the first cord body ply.

(3) *Tread Injuries.* Injuries that are less than major repairs are not limited.

(4) *Punctures.* Punctures that penetrate through the cord body are not repairable.

(5) *Sidewall Rubber.* Surface defects of any degree (checking radial and circumferential cracks, cuts and snags) may be repaired provided the injuries do not penetrate into the cord body fabric plies.

(6) *Sidewalls.* Sidewalls that display a significant amount of ozone cracking or weather checking shall be veneered during retreading. Retreaders must be equipped to recover sidewalls on all of an airline's tire sizes processed by a particular retreader.

(7) *Bead area.* Bead areas must be free of cuts, snags, separations, deformations or other irregularities. Minor damage to the bead area may be repaired provided the cord body plies are not damaged.

(8) *Bead seal.* The bead seal must not be affected or intersected by impressions or depressions.

(9) *Bead Face and Bead Heel.* Those areas must be smooth.

(10) *Bead Toe.* The bead toe must be trimmed so that no edges are exposed above the bead face and so that any bead toe flash remaining does not protrude more than ⅛ inch from the face contour of the bead. If trimming of the bead toe is necessary, the trimming shall not cut or expose the tire cord material or more than one layer of chafer fabric.

(11) *Chafer Strip.* Minor injuries in the chafer strip or slight tire tool injuries in the general bead area, if they do not extend into the plies of the tire and there is no sign of separation in the bead area, can be repaired. Loose or blistered chafer strips can be repaired or replaced.

(12) *Inner Liner.* Inner liner surface damage and defects other than liner splices that are less than two inches in length, may be repaired. A maximum of ten of these repairs are acceptable with no more than three repairs in any one quadrant. Liner splice

damage and defects may be repaired if less than ten inches in length.

(13) *Exposed Cord.* Exposed cord, either in the breaker or carcass ply, must not exceed one percent of the buffed total tread area on one spot or more than two percent for the entire tire. Exposed fabric shall not exceed one carcass ply in depth.

(b) *For low speed tires.*

(1) *Bead Injuries.* Repairs may be made where only the chafe resistant material is damaged or loose, or where minor injuries do not penetrate into more than 25 percent of the tire plies up to three damaged plies.

(2) *Tread or Sidewalls.* Injuries may be repaired by the spot method. This includes cuts in the tread area that are smaller than ½ inch in length and do not penetrate more than the following number of plies into the cord body.

Ply rating	Maximum cut depth (plies)
Less than 6	
6 through 16	2
More than 16	4

12. *Retreadable Tires.* Tires with sound cord bodies and beads, or those with flat spots which do not extend into the carcass plies, are retreadable. This should be established by appropriate NDT using the equipment, techniques, and procedures which are recommended by the tire manufacturer or those outlined in the repair station's process specification approved by the FAA.

a. *Number of Retreads.* The wide variation in tire operating environments which may affect total carcass life and serviceability make it inadvisable to prescribe arbitrarily the maximum number of times a tire should be retreaded. Tire studies have disclosed that due to the complexity of aircraft tires, the propagation mechanism is critically influenced by the overall structural strength and structural uniformity of the carcass. Small separations in a weak carcass may propagate very fast while the same separation in a very strong carcass will propogate very slowly and go through many R levels before it will lead to a terminal failure. Accordingly, the number of times a tire can be recapped can only be controlled by a thorough inspection of the carcass, using all the appropriate NDT methods for each area of the carcass being inspected.

b. *Marking of Retreaded Tires.* Whenever it is necessary to replace the area containing the required original markings (Ref: TSO–C62 as applicable), or if those markings are damaged, such markings are required to be replaced. When retreading tires for certain air carriers, they may require additional tire markings. In addition, each retreaded tire sidewall should be permanently embossed with the retread information as follows:

(1) *The letter "R"* followed by a number "1", "2", etc., to signify the sequential number of retreads applied therein.

(2) *The month and year* of retread application.

(3) *The name* or identifying letters of the person who retreaded the tire.

(4) *The plant location* of the retreader.

c. *Balance Marker.* To indicate the lightweight point of the tire, remove the old balance marker and durably affix a new relocation balance marker, consisting of a single red dot of appropriate size, to the sidewall of the tire immediately above the bead. The dot should remain for any period of storage plus the retread life of the tire.

d. *Tread Design.* All tires will have a full circumferential groove tread design. The grooves will be continuous, uninterrupted, and of constant depth around the tire circumference.

e. *Tread Reinforcement Fabric.* The uppermost ply of tread fabric must be placed at least 1/32 inch below the bottom of the tread grooves to prevent cord fraying or breaking. The tread reinforcing fabric must not end directly under an outer tread groove.

f. *Balance Tolerance.* Initially an attempt must be made to balance all tires to zero unbalance, but nose tires must be statically or dynamically balanced to within one ounce of zero unbalance, and main tires must be statically or dynamically balanced to within two ounces of zero unbalance.

g. *Tire Weight.* The weight of a tire will not be greater than the applicable aircraft type certificate limitations unless specified otherwise.

h. *Balance Pads.* Balance pads must be removed prior to performing the initial liner leak check.

i. *Tire Venting.* All existing vent holes shall be rebored if not venting during air needle test or if covered during the retreading operation.

j. *Tire Dimensional Roundness Control.* Tire will be placed in a drying room at a temperature of 150°F+10°F under a relative humidity of less than 15 percent for at least twelve hours before retreading. Tires shall preferably be laid flat and supported off the floor by utilizing pallets.

13. *Nonrepairable Aircraft Tires.* If any of the following conditions exists, repair of the tire is not recommended.

a. *Injuries to the bead* or bead area (except repairs may be made where only the chafe resistant material is damaged or loose if damages do not extend into the plies of the tire and if there is no sign of separation in the bead area).

b. *Bead injuries* that affect the seal of the bead on tubeless tires.

c. *Evidence of separation* between plies or around bead wire.

d. *Injuries* requiring reinforcement and all injuries requiring sectional repair.

e. *Kinked or broken* bead.

f. *Weather checking* or radial cracks that expose body cords.

g. *Evidence of* flex breaks.

h. *Loose,* internally damaged or broken cords.

i. *Broken or cut cords* in the outside, sidewall, or shoulder area.

j. *Evidence of blisters or heat damage* to the bead seat where reversion, scorching or rubber flaking has occurred.

k. *Cracked, deteriorated,* or damaged inner liners.

l. *Flat spots and skid burns* that have penetrated more than one carcass ply.

m. *Tires that have been* heavily saturated with grease or oil.

n. *A tire run flat* or partially flat due to loss of air pressure, melting, or failure of fuse plugs should be scrapped, even though no unusual damage is evident. It is recommended that a dual mounted tire should also be removed and not repaired or reused. The only exception would be if the tire lost air and was not run in an underinflated condition.

o. *Tires when sidewalls have been buffed and veneered three times.*

14. *Certification of a Repair Station for Aircraft Tire Retreading.* A limited rating-specialized service for aircraft tire retreading is issued to an operator who desires to operate a repair station to retread aircraft tires. The wide differences in the techniques, materials and processes used by the aircraft tire manufacturers makes it necessary for a tire retreader to provide specific detailed process data for the repair and retreading of aircraft tires.

a. *Repair stations* may obtain such data from the respective tire manufacturer or may develop its own for inclusion in its process specification required by FAR Section 145.33(c). The process specification requirements are outlined in paragraph 10(b) of this AC.

b. *Since a process specification* for the retreading of aircraft tires contains in-depth details and instructions for the inspection, repair and retreading process, the document should be given a title and number by the applicant. The process specification should identify all types of tires to which the process specification applies, including qualification test reports and outlines of the procedure for the use of the specification by repair station personnel. A statement should be included to show that all changes to the process specification must be submitted to the FAA for approval before being implemented. The specification should also relate that if there are any current or future requirements of the FAR, the FAR requirements will take precedence. After the process specification is approved by the FAA, it is required to be referenced on the Repair Station Operations Specifications, FAA Form 8000–4–1 by title, number and date approved.

c. *Since the revised* TSO–C62c contains updated and improved minimum performance standards, repair stations will be required to requalify their retread process to substantiate that the process can produce a product equal to those new standards.

d. *Repair stations retreading tires* for an air carrier having a continuous airworthiness program under FAR Parts 121, 125, 127, or 135 must perform that work in accordance with the procedures as outlined in the air carrier's maintenance manual.

(1) Air carriers should assure that its maintenance manual content will provide that a retreaded tire meets the performance rules of FAR 43.13(a) and (b) and the TSO under which the tire was built or qualified by testing.

(2) Aircraft operators should consider keeping a detailed history of a tire. A copy of this record sent to the retread agency would be an asset to help determine if it would be economical for a tire to be retreaded, and possibly prevent an in-service failure of a

retreaded tire. The history should contain information such as, tire serial number, brand name, the date of manufacture, total time in service, number of landings, reasons for prior removals or repairs made to the tire during prior retreads, etc.

(3) A copy of that record should be supplied to the retread agency along with information as to why the tire is now being sent to that agency. Such as, rejected take-off, underinflation, dual mounted on axle with a failed tire, went flat static, went flat in motion, fuse plug blew, etc.

e. *The retreader's record* of work performed for each tire processed should at least contain information as follows:

(1) *Brand name.*
(2) *Tire size.*
(3) *Load rating.*
(4) *Speed rating.*
(5) *Serial number.*
(6) *Ply rating.*
(7) *Retread number.*
(8) *Skid Depth.*
(9) *Repairs made* to carcass prior to retreading and previous repairs noted that were not recorded.
(10) *Manufacturer's Part No.*
(11) *Type of tread applied.*
(12) *Plant Code.*
(13) *Month and year applied.*
(14) *Applicable TSO Number.*

f. *The retreader's quality control system* is expected to maintain a satisfactory level of workmanship throughout the retread process, including assurance that each retreaded tire meets the qualification specifications as outlined in the TSO under which the tire was built or qualified by testing. It should contain an acceptable means for determining that the methods, techniques, and practices utilized in the retread process will continue to produce a tire that meets the requirements of FAR Section 43.13, and that the work is done in accordance with the retreader's FAA approved process specification, by subjecting a representative tire to the qualification tests as outlined in the TSO under which the tire was built or qualified by testing. In addition, a representative tire of each R number escalation should also be subjected to those tests.

15. *Tire Inspection.* The life span of an aircraft tire is expected to include several retreads. In order to provide an increase in tire life span, it is necessary to subject the worn or defective tire to inspection procedures and limiting defect criteria to qualify the tire for repair, retread and return to service. Continued research is being conducted to improve tire inspection methods and criteria that will improve existing levels of tire performance, and enhance the safety of tires in service.

a. *An aircraft tire* is passed through a repair agency's inspection system to determine if the tire has defects that would make it uneconomical for retreading. The first unrepairable defect that is noted is cause for the tire to be marked for scrap and no further work is done on the tire.

b. *All repairable damage and/or defects found* are marked and identified on the work sheet for attention during the retread process.

16. *Inspection Methods.* Only three inspection procedures are now in relatively widespread use by tire retread agencies. (1) Visual, (2) air needle, and (3) holographic. Other candidate procedures require testing and validation before they can be considered effective for insuring the airworthiness of tire casings. Each procedure has limitations and should be used with full knowledge of the risks of overlooking potentially damaging defects. As inspection technology evolves, and after suitable validation, a candidate procedure will be added to these recommendations. A list and description of other candidate inspection procedures is also included in this document. Inspection procedures presently being used and evaluated by tire retread agencies are as follows:

a. *Visual Inspection.* A detailed visual inspection is the first inspection that a qualified inspector makes of an aircraft tire's outer surfaces. Any external damage that would be a reason to reject a tire for retread is usually detected during the visual inspection. Consequently, the visual tire inspection process will qualify a tire for retreading and continued service, reject it, or recommend nondestructive inspection (NDI). Visual inspection will include cuts, breaks, ply separations, exposed cords and bead damage. Specifically the visual tire inspection will include the items listed below:

(1) *Age*: Review it's history sheet, date of manufacture, use environment, number of retreads, and repair history.

(2) *Weather Checking*: Examine for sidewall checking that has exposed cords beyond repair limits.

(3) *Cuts and Punctures*: Check for injuries which have penetrated the ply structure beyond the repair limits.

(4) *Exposed Fabric*: Check for exposed fabric resulting from excessive tread wear, heavy scuffing, and bead damage that has exposed turn-up plies and/or chafer fabric.

(5) *Ply Separation*: Examine for visual signs of carcass separations in the tread, shoulder, and bead areas.

(6) *Bead Damage*: Check for bead damage that might affect the bead seal, abrasions, exposed bead wires, and evidence of excessive heat.

(7) *Internal Breaks or Ruptures*: Inspect for breaks or ruptures to the liner that will allow air to pass into the carcass.

(8) *Removal of Balance Pads*: Examine for damage to the liner, i.e. exposed fabric, etc.

(9) *Spot Repairs*: Inspect the casing to determine the need for spot repairing, determine whether the strength of the tire is affected, and approve or disapprove the repairs accordingly.

(10) *Foreign Material*: Examine the casing to ensure that the casing is free of embedded stones, nails, glass, and other foreign materials.

(11) *Pass-Fail Criteria*: See Paragraph 16b(3) this AC.

b. *Air Needle Inspection.* Aircraft tires will be inspected twice using the air needle method during each retread process. The first inspection is made after the visual inspection to check for liner and bead leaks, ply separations, and other defects such as improper venting. After the tire is repaired and the retread is cured, a second air needle inspection is acomplished to verify satisfactory vent hole function and to check for leaks, ply separations and defects that occured during retreading.

(1) *Equipment Description:* The operation requires:

(i) A rack for holding the tires in an upright position.

(ii) Hypodermic needles, 15 to 16 gauge, .050 inch ID, and approximately ½" long with special adapters allowing them to be attached to high pressure hoses.

(iii) A regulator capable of adjusting and monitoring air pressure at 125 psi.

(iv) A line trap within the system to collect moisture, oil and dirt.

(v) A portable light for close inspection work.

(vi) An air gun spray for applying leak indicator solution.

(2) *Test Method:* For the test two separate needles are inserted into each sidewall of the tire approximately 180° opposite each other. The needles are inserted in the ply turn-up region (just outboard of the annular rings) at a 45° angle to the sidewall surface with the needle point outboard away from the bead so the needle penetrates into the carcass plies taking care to use a needle length that will not penetrate the liner and cause a liner leak.

(i) The ply structure of the casing will be pressurized to 125 psi, for a minimum of 15 minutes.

(ii) The vent holes are sprayed with a leak indicator solution. Air leakage from the vent holes will verify that air pressure has migrated throughout the carcass.

(iii) Leak solution is then sprayed on the liner and over both bead areas. The surfaces are visually inspected for air bubbles, and by touch, for bulges.

(iv) Bulges are probed to determine the depth of the separation and/or cord breakage. Small isolated leakage, if only the liner, may be repairable by patching.

(v) All excess leak detector solution is cleaned from the tire. The inspection results are noted on the tire work sheets and the tire is forwarded to a drying room prior to repair or retreading.

(vi) After retreading, cleaning and trimming, the tire is given the second or final air needle test. Retreaded tires rechecked by air needle inspection station for defects, are returned to shop for correction or rejection.

(3) *Pass/Fail Criteria* described in this AC represent a consensus of industry practice and not verified test results. Tests are presently in progress to establish safe flaw sizes for tire operating condition. When these tests are complete the results will be included as part of the pass/fail criteria. When any of the following conditions become evident, the tire should be rejected:

(i) In tire sizes:

40 x 14, 20 ply rated, 120 MPH
40 x 14, 22 & 24 ply rated, 225 MPH
41 x 15, 22 ply rated, 225 MPH
(A) Shoulder separations larger than ¾"
(B) Crown separations larger than ¾"

(ii) In tire sizes:

40 x 17, 30 ply rated, 210 MPH
50 x 20, 32 & 34 ply rated, 225 MPH
(A) Shoulder separations larger than ½"
(B) Crown separations larger than 1"

(C) Any ply separation in the bead areas, including the turnups and chafers, shall cause the tire to be rejected.

c. *Holographic Inspection.* This system uses a photographic technique to detect distortion of a tire surface in an unstressed condition as compared to that same surface in a stressed condition. The stress is applied by enclosing the tire in a controlled vacuum environment.

(1) *A photographic film* is double exposed with the first exposure of the tire surface in the unstressed position in ambient air and the second exposure of the same tire surface stressed with the tire in the vacuum chamber.

(2) *Holography is a process* of three dimensional photography that requires a coherent or single frequency light. A laser is used and the beam is split into two distinct paths. One path is called the object beam, used to illuminate the object and is reflected back from the object to the film plane. The second path is the reference beam, brought directly onto the film plane by a system of mirrors. It is the interference of the reflected light waves from the object and the reference beam that creates an interference pattern that is recorded on the film producing a "hologram."

(3) *Capillaries* in the cord plies of a tire and the micropores in the rubber contain air. The quickly induced vacuum allows expansion of this air, causing swelling of the tire and a small movement of the tire surface towards the camera. A separation defect would permit a local increase in movement or bulging.

(4) *Using the double exposure holographic technique,* small surface movements change the length of the reflected light path. This difference in optical path length creates a series of interference lines on the hologram. If the surface of the stressed tire moves uniformly toward the film plane, the interference fringe lines are horizontal and uniform. If the object contains a structural defect, it would produce distorted fringe lines in the local defect area.

(5) *Different types of structural defects* produce their own characteristic of distorted fringe lines. By learning to recognize those different types, the location, type and size of structural defects can be noted.

(6) *Bead to bead inspection* is readily available with holographic nondestructive testing using two different techniques, inside mirror view or outside camera view. Due to the complex shape of the tire, the crown, shoulders and mid-sidewall regions are inspected together in one view from the inside. The lower bead region can be viewed from the inside by inserting mirrors into the tire and looking at the reflected image. There is currently available a camera which can view the crown, shoulder and mid-sidewall areas from the inside and can be moved from the inside to the outside of the tire to view the lower bead region from the outside. This transition from the inside to outside can be accomplished in a matter of seconds.

(7) *Equipment Description:* Holographic equipment is available commercially and consists of the following:

(i) A platform supporting a turntable upon which the tire is mounted for inspection.

(ii) A laser and interferometer mounted on the same platform so that a fixed relationship with a tire can be maintained. All elements involved in the photographic process are uniformly vibration isolated on the platform.

(iii) Camera and interferometer optics mounted at the center of the turntable.

(iv) A dome over the entire assembly within which a partial vacuum may be created.

(v) A device used to spread the tire beads for the insertion of spreader bars.

(vi) A hologram viewer illuminated by a laser light source. Adequate floor space is necessary for the flat storage of tires, while allowing for dimensional stabilization after spreading.

(8) *Inspection Procedure.*

(i) The tire's beads are spread apart and the tire is allowed to stabilize for about 30 minutes.

(ii) The tire is loaded on the machine's turntable and fixed into position; the dome is brought down over it.

(iii) The tire is illuminated by a laser and is photographed.

(iv) Without moving the tire, a vacuum is induced within the chamber and the tire is again photographed, double exposing the hologram.

(v) Steps (iii) and (iv) are repeated until all four quadrants of the tire have been photographed.

(vi) The film is developed and the hologram is read.

(9) *Pass/Fail Criteria.* See Paragraph 16b(3) of this AC.

d. *Other Nondestructive Inspection Techniques.* Several promising techniques are beginning to be considered for aircraft tire integrity confirmation. While some show great potential, none has the ability to consistently demonstrate the ability to find flaws related to tire airworthiness. The criterion for acceptance of a potential technique should answer to the question: "Is the technique valuable in identifying tires which may fail to remain airworthy during the next cycle between retreads?" No known inspection method can find all flaws, but several have proved to be cost effective in reducing the number of tire removals between retreads, when used in the appropriate circumstances. As nondestructive technology evolves, new methods will become available which meet these criteria. The FAA in its approval procedure will compare the proposed overall inspection procedure to the anticipated maximum service severity of the carrier, in order to determine whether the procedure provides the necessary safeguards to maintain tire airworthiness. It is presently recognized, that a method for efficient casing selection prior to retreading tires is essential for an overall tire quality assurance program. Some of the other nondestructive inspection techniques are:

(1) *Air Needle Buffing.* This is accomplished on a machine designed to permit tire buffing and air needle inspection at the same time.

(i) The tire to be inspected is installed onto the expandable rim of the tire buffing machine. The rim is expanded by air pressure and the tire is inflated by air pressure to force the beads outward against the rim flanges and firm the tire to its inflated position. The air needles are put in place and the tire is slowly rotated to check needle hoses for clearance while rotating.

(ii) The buffing operation is started in a normal manner. As the heavy tread and shoulder rubber and tread reinforcement plies are buffed off, separation may become apparent on the buffed surface since outward surface bulges are no longer suppressed by the heavy outer rubber.

(iii) The machine operator continually observes the surface for separation evidence and may stop the machine for closer inspection. Carcass ply separation is cause for disqualifying a tire for retread. Isolated separations between outer carcass ply and undertread rubber may be repairable.

(2) *X-ray Method.* Present day X-rays use a video image of a flouroscope screen for direct observation by the tire inspector in place of the use of film to record a tire image.

(i) The machinery used is composed of two enclosures that are air conditioned. The radiation enclosure houses the tire manipulator, and drive the X-ray source, generator system, cooling system, and the image system. The second is the operator enclosure that houses the systems controls and the operator's video display used during inspection. A radiation protective window is provided adjacent to the console so the operator has a direct view of the tire as it is manipulated during the inspection.

(ii) Analysis of defective areas in the structure of a tire requires a knowledge of tire construction. Anomalies appear as an area of greater distinguishable brightness than the surrounding area of similar construction for surface gouge or some separations. X-ray detects the tire construction components by their relative transparency to radiation. A single ply flaw in a multi-ply tire cause a small difference in overall X-ray transparency and is difficult to detect. In tires that contain multiple bead wire bundles, one bundle screens the X-ray penetration from the others and they are difficult to view. X-ray has a limited use in the inspection of a tire carcass.

(3) *Ultrasonic* is a system that uses sound waves passed through the tire to inspect the integrity of the laminated structure of the tire. The tire being inspected by a sonic method may be surrounded by various media, usually air or water, through which the sound travels from transmitter to the tire and then to the receiver. Testing in a media is necessary since the transducers are not in direct contact with the tire surface. By detecting the changes in sound wave transmission, it is possible to detect anomalies in the tire. Following are two systems in general use.

(i) *Through-Transmission.* This type uses a device (transducer) to generate sound waves near one surface of the tire and one or more receivers on the opposite side of the tire to detect the sound wave and converts the intensity of the received sound into an electrical voltage signal which is displayed as a wave form trace on an oscilloscope. When a ply separation or other tire defect is in the path of the transmitted sound, the wave form is changed in relation to the anomaly. A ply separation makes a noticeable reduction in the intensity of the sound at the receiver.

causing an altered wave form. A comparison of the altered wave forms displayed when the sound is received in an area of the tire containing a defect, with a region of the tire without a defect confirms the presence of the defect and usually shows the type and size of the anomaly.

(ii) *Pulse-echo.* This system also uses transducers to transmit a sound wave at very short intervals and to receive the delayed reflected sound waves from the intersurface of the tire laminate layers in the path of the transmitted waves. The reflected sound waves or echos from successive laminations are received at successively later times as the distance traveled by the transmitted and reflected sound increases. Each layer in the tire laminate affects the reflected wave froms in accordance with the layer material's sound transmission and sound impedance characteristics, as does an anomaly within the laminate. On an oscilloscope display the wave form differences can be evaluated to determine the type and extent of tire anomalies.

e. *100 percent tire inspection.* A review of tire studies shows that no single NDT inspection method can detect all the possible unsafe tire defects. It is therefore necessary to use multiple tire inspections to cover the entire tire structure to locate all possible defect areas.

(1) In order to quickly identify a tire that is not economical for retreading, it is recommended that the visual inspection should be done first in conjunction with an air needle inspection to check for liner leakage and vent hole function. This should provide identification of liner leaks to be considered for repairs or scrapping of the tire and to check the integrity of any earlier repairs. After those inspections, advanced NDT methods should than be used to further qualify a tire carcass for retreading.

(2) The holographic inspection method is the primary advanced method which is used on aircraft tires as a routine retread qualification method. It is used to search for separations in the bead, mid-sidewall, shoulder, and crown areas of tires and to check the overall structural integrity of a tire carcass as related to defects such as separation, poor adhesion, weak or loose splices, undercure, flex breaks, integrity of repairs, and porosity. Holographic tire inspection equipment in commercially available, and, considering the vast background experience in the process and analysis, this is ideal for use after the initial inspection to further qualify tires for retreading or as a final inspection to qualify the retread process.

(3) There is no off-the-shelf ultrasonic test equipment available for aircraft tires. Until such equipment is available, its use will be limited.

(4) X-ray inspection equipment is commercially available for aircraft tires and is used widely for examination of tire construction, but little of it is used for the qualification of aircraft tires for retread.

17. *High-Speed Tire Maintenance and Operational Practices.* Studies show that tire failure and carcass deterioration of inservice tires can be alleviated by proper maintenance and operational practices. Advisory Circular No. 20-97 provides information on the causes of aircraft tire failures and methods of increasing tire reliability. This advisory circular is available from the U.S. Department of Transportation, Publications Section, M-443.1, Washington, D.C. 20591.

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Part III

Department of Transportation

Research and Special Programs Administration

Listing of Hazardous Materials

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 172

[Docket No. HM-145C Amdt. No. 172-66]

Listing of Hazardous Materials

March 10, 1981

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rule amends the Hazardous Materials Regulations to include materials that have been determined by EPA to be "hazardous substances," as that term is defined in the comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), also known as the "Superfund" Act. Section 306(a) of that Act requires that each hazardous substance which is listed or designated as such shall, within 90 days after the date of enactment of the Act, be listed as a hazardous material under the Hazardous Materials Transportation Act. The effect of this rule is to initiate coordination of the MTB hazardous materials program with the implementation of CERCLA.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Thomas Charlton (202-426-2075), Standards Division, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Washington, D.C. 20590.

SUPPLEMENTARY INFORMATION:

Background

Section 306(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) requires that, within 90 days after the date of enactment of the Act, each substance that is listed or designated as a hazardous substance under the Act shall be listed as a hazardous material under the Hazardous Materials Transportation Act (HMTA). Section 306(b) provides that common and contract carriers shall not be liable under CERCLA for releases of hazardous substances prior to the effective date of the listing of that substance as a hazardous material unless it is demonstrated that the carrier has actual knowledge of the identity or nature of the substance.

The purpose of these provisions is twofold: First, to assure coordination of the implementation of CERCLA (as it relates to transportation) with the administration of the HMTA so as to avoid regulatory inconsistencies and overlaps; and, second, to provide reasonable notice, through the HMTA regulatory system, to transporters of hazardous substances that they are subject to the liability and other provisions of CERCLA.

Listings

The purpose of this final rule is to fulfill the requirements of Section 306(a) of CERCLA by listing as hazardous materials those substances that EPA has determined to be "hazardous substances," as defined in Section 101(14). That definition incorporates six lists of substances, five of which have been developed under other statutory authorities:

1. Section 311(b)(2)(A) of the Federal Water Pollution Control Act (FWPCA);
2. Section 3001 of the Solid Waste Disposal Act;
3. Section 307(a) of the FWPCA;
4. Section 112 of the Clean Air Act; and
5. Section 7 of the Toxic Substances Control Act (TSCA).

The sixth list is comprised of substances for which authority to designate is granted to EPA in Section 102 of CERCLA.

The listing in this rule does not include:

1. Substances listed under Section 311(b)(2)(A) of the FWPCA. These substances were incorporated into the Hazardous Materials Table on May 22, 1980, (45 FR 34560) and are currently covered by the Hazardous Materials Regulations. It is therefore unnecessary to repeat them in this listing.

2. Substances under Section 7 of the TSCA. No substances have yet been designated under this authority.

3. Substances designated under Section 102 of CERCLA. No substances have yet been designated under this authority.

The listing in this rule includes substances designated under Section 307(a) of the FWPCA, Section 3001 of the Solid Waste Disposal Act, and Section 112 of the Clean Air Act. It should be noted that many of these substances either are already listed in the Hazardous Materials Table or meet an existing hazard class definition and are currently subject to the Hazardous Materials Regulations. Today's listing indicates by asterisk (*) those materials that were listed as hazardous substances in the Department's May 22, 1980, final rule. With respect to the other substances listed, reference should be made to the existing regulations to determine their applicability to those substances.

Effect of Listings

This rule meets the requirement of Section 306(a) of CERCLA since hazardous substances, as defined in Section 101(14) of CERCLA, are listed as hazardous materials under the Hazardous Materials Transportation Act. It does not, however, extend the applicability of the Department's Hazardous Materials Regulations to any materials that are not already covered by those regulations. For example, if in the past shipping papers were not required by 49 CFR 172.200 for a material included in this new listing, they will not now be required as a result of the listing. Specifically, the Department is not at this time incorporating these materials into the list of "hazardous substances," as defined in the Hazardous Materials Regulations (49 CFR 171.8), nor is the Department assigning reportable quantities (RQs) for purposes of the Hazardous Materials Regulations.

Section 102 of CERCLA provides that, pending establishment by EPA of a different quantity, the RQ for all hazardous substances shall be one pound. The Hazardous Materials Regulations provide that shipping papers must be issued for all shipments of hazardous substances (as defined in § 171.8) that equal or exceed their reportable quantity. Therefore, the effect of listing the materials covered by this action as "hazardous substances," as defined by the Department, and assigning an RQ of one pound would be to vastly increase the number of shipments requiring shipping papers under the Hazardous Materials Regulations. For example, every shipment of galvanized steel containing more than one pound of zinc would require a hazardous materials shipping paper. This result would not promote the purposes of CERCLA, and it would be contrary to the Department's goal of minimizing paperwork requirements.

At such time as EPA exercises its authority under Section 102 to establish RQs for particular substances, the Department will determine the appropriateness of listing those substances as "hazardous substances" and assigning those RQs to them.

It should be noted that, as discussed above, some of the materials listed in this rule are already designated as hazardous substances in the Hazardous Materials Table, and RQs for these materials have already been assigned.

Section 102 of CERCLA provides that all materials in today's listing that have not been assigned an RQ shall have an RQ of one pound pending establishment

of a different quantity by EPA. Section 103 (a) and (b) of CERCLA requires that all releases of an RQ of a hazardous substance into the environment be reported to the National Response Center. While the Department does not currently contemplate changing its general incident reporting requirements (49 CFR 171.15 and 171.16), EPA is currently developing a notice explaining how it will implement the requirements of Section 103 (a) and (b) of CERCLA. Shippers and transporters of materials listed in this rule should contact EPA (Mr. H. D. Van Cleave, Acting Director, Emergency Response Division (WH-548), Office of Hazardous Emergency Response, U.S. EPA, 401 M Street, SW., Washington, D.C. 20460, (202) 245-3045) for additional information regarding these reporting requirements.

With respect to those materials listed in this rule that are not already covered by the Hazardous Materials Regulations, the Department is aware that, since shipping papers are not required for these materials, carriers will not always be aware that CERCLA's release notification requirements apply to them. While this uncertainty is unfortunate, it is far preferable to the imposition of extensive new shipping paper and other regulatory requirements that would be necessary to provide carriers with certainty. Furthermore, this uncertainty is an interim consequence of the enactment of CERCLA; as EPA establishes RQs for these materials, the Department will begin to incorporate them into the Hazardous Materials Table as "hazardous substances" and assign RQs to them, at which point the Department's requirements of the Hazardous Materials Regulations will apply.

With respect to the release notification requirements for hazardous substances, (as defined in 49 CFR 171.8), it should be noted that, in addition to the requirements of 49 CFR 171.17 for releases "into or upon the navigable waters or adjoining shorelines," Section 103 (a) and (b) of CERCLA requires the reporting of such releases into the "environment," which is defined broadly to include surface water, ground water, land surface, and ambient air.

Regulatory Impact

The listing contained in this rulemaking, which is required by Section 306(a) of CERCLA to be promulgated within 90 days after the date of enactment of that Act, is essentially informational in nature since no new regulatory requirements are imposed as a result of the listing. Therefore, this rule does not constitute a "major rule" as defined in Executive Order 12291 and DOT implementing procedures (44 FR 11034).

With regard to the requirements of the Administrative Procedure Act (5 U.S.C. 553), the Department finds that notice and public procedure thereon are impracticable and unnecessary because this rule is required to be promulgated within 90 days after the enactment of CERCLA.

In consideration of the foregoing, Part 172 of Title 49 Code of Federal Regulations is amended as follows:

PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

1. Section 172.101 is amended by adding the following after the Hazardous Materials Table:

§ 172.101 Hazardous Materials Table.

* * * * *

CERCLA List

Note.—The following listing fulfills the requirement of Section 306(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), that all "hazardous substances," as defined in that Act, shall be listed as hazardous materials under the Hazardous Materials Transportation Act. That definition includes substances listed under Section 311(b)(2)(A) of the Federal Water Pollution Control Act (FWPCA). Those materials have already been listed as hazardous substances in the Hazardous Materials Table of this section, and that listing is not repeated here. The definition of "hazardous substance" in CERCLA also includes substances designated under Section 307(a) of the FWPCA, Section 3001 of the Solid Waste Disposal Act, and Section 112 of the Clean Air Act. The following listing consists of materials designated under those authorities. Materials indicated in the listing by an asterisk (*) are also listed in the Hazardous Materials Table as hazardous substances. With respect to other materials in the following listing, those that are not forbidden materials or fall within a hazard class are not subject to the requirements of this Subchapter.

It should be noted that Section 306(b) of CERCLA provides that common and contract carriers may be held liable under that Act for the release of a "hazardous substance" as defined in that Act, after the effective date of the listing of that substance as a hazardous material under the Hazardous Materials Transportation Act.

Specific Chemical Wastes

EPA hazardous waste No.	Substance
U001	*Acetaldehyde (I)
U034	Acetaldehyde, trichloro-
U187	Acetamide, N-(4-ethoxyphenyl)-
U005	Acetamide, N-9H-fluoren-2-yl-
U112	Acetic acid, ethyl ester (I)
U144	*Acetic acid, lead salt
U214	Acetic acid, thallium (I) salt
U002	Acetone (I)
U003	Acetonitrile (I,T)
U004	Acetophenone
U005	2-Acetylaminofluorene
U006	*Acetyl Chloride (C,R,T)
U007	Acrylamide
U008	Acrylic acid (I)
U009	*Acrylonitrile
U150	Alanine, 3-[p-bis(2-chloroethyl)amino]phenyl-, L-
U011	Amitrole
U012	*Aniline (I,T)
U014	Auramine
U015	Azaserine
U010	Azirino(2',3':3,4)pyrrolo(1,2-a)indole-4,7-dione,6-amino-8-[(aminocarbonyl)oxy)methyl]-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-
U157	Benz[j]aceanthrylene,1,2-dihydro-3-methyl-
U016	Benz[c]acridine
U016	3,4-Benzacridine
U017	Benzalchloride
U018	Benz[a]anthracene
U018	1,2-Benzanthracene
U094	1,2-Benzanthracene,7,12-dimethyl-
U012	*Benzenamine (I,T)
U014	Benzenamine, 4,4-carbonimidoylbis(N,N-dimethyl-
U049	Benzenamine, 4-chloro-2-methyl-
U093	Benzenamine, N,N-dimethyl-4-phenylazo-
U158	Benzenamine, 4,4'-methylenebis(2-chloro-
U222	Benzenamine, 2-methyl-, hydrochloride
U181	Benzenamine, 2-methyl-5-nitro-
U019	*Benzene (I,T)
U038	Benzeneacetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy-, ethyl ester
U030	Benzene, 1-bromo-4-phenoxy-
U037	*Benzene, chloro-
U190	1,2-Benzenedicarboxylic acid anhydride
U028	1,2-Benzenedicarboxylic acid, [bis(2-ethylhexyl)] ester
U069	*1,2-Benzenedicarboxylic acid, dibutyl ester
U088	1,2-Benzenedicarboxylic acid, diethyl ester
U102	1,2-Benzenedicarboxylic acid, dimethyl ester
U107	1,2-Benzenedicarboxylic acid, di-n-octyl ester
U070	*Benzene, 1,2-dichloro-
U071	*Benzene, 1,3-dichloro-
U072	*Benzene, 1,4-dichloro-
U017	Benzene, (dichloromethyl)-
U223	Benzene, 1,3-diisocyanatomethyl-(R,T)
U239	*Benzene, dimethyl-(I,T)
U201	*1,3-Benzenediol
U127	Benzene, hexachloro-
U056	*Benzene, hexahydro-(1)
U188	*Benzene, hydroxy-
U220	*Benzene, methyl-
U105	*Benzene, 1-methyl-2,4-dinitro-
U106	*Benzene, 1-methyl-2,6-dinitro-
U203	Benzene, 1,2-methylenedioxy-4-allyl-
U141	Benzene, 1,2-methylenedioxy-4-propenyl-
U090	Benzene, 1,2-methylenedioxy-4-propyl-
U055	Benzene, (1-methylethyl)-(I)
U169	*Benzene, nitro-(I,T)
U183	Benzene, pentachloro-
U185	Benzene, pentachloro-nitro-
U020	Benzenesulfonic acid chloride (C,R)
U020	Benzenesulfonyl chloride (C,R)
U207	Benzene, 1,2,4,5-Tetrachloro-
U023	Benzene, (trichloromethyl)-(C,R,T)
U234	Benzene, 1,3,5-trinitro-(R,T)
U021	Benzidine
U202	1,2-Benzisothiazolin-3-one, 1,1-dioxide
U120	Benzo[j,k] fluorene
U022	Benzo[a]pyrene
U022	3,4-Benzopyrene
U197	p-Benzoquinone
U023	Benzotrichloride (C,R,T)
U050	1,2-Benzphenanthrene
U085	2,2'-Bioxirane (I,T)
U021	[1,1'-Biphenyl]-4,4'-diamine
U073	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dichloro-
U091	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethoxy-
U095	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethyl-
U024	Bis(2-chloroethoxy) methane
U027	Bis(2-chloroisopropyl) ether
U244	Bis(dimethylthiocarbamoyl) disulfide
U028	Bis(2-ethylhexyl) phthalate
U246	Bromine cyanide
U225	Bromoform

Specific Chemical Wastes—Continued

EPA hazardous waste No.	Substance
U030	4-Bromophenyl phenyl ether
U128	1,3-Butadiene, 1,1,2,3,4,4,-hexachloro-
U172	1-Butanamine, N-butyl-N-nitroso-
U035	Butanoic acid, 4-[Bis(2-chloroethyl) amino]- benzene-
U031	1-Butanol (I)
U159	2-Butanone (I,T)
U160	2-Butanone peroxide (R,T)
U053	*2-Butenal
U074	2-Butene, 1,4,-dichloro-(I,T)
U031	n-Butyl alcohol (I)
U136	Cacodylic acid
U032	*Calcium chromate
U238	Carbamic acid, ethyl ester
U178	Carbamic acid, methylnitroso-, ethyl ester
U176	Carbamide, N-ethyl-N-nitroso-
U177	Carbamide, N-methyl-N-nitroso-
U219	Carbamide, thio-
U097	Carbamoyl chloride, dimethyl-
U215	Carbonic acid, dithallium(I) salt
U156	Carbonochloridic acid, methyl ester (I,T)
U033	Carbon oxyfluoride (R,T)
U211	*Carbon tetrachloride
U033	Carbonyl fluoride (R,T)
U034	Chloral
U035	Chlorambucil
U036	*Chlordane, technical
U026	Chlornaphazine
U037	*Chlorobenzene
U245	1-(p-Chlorobenzoyl)-5-methoxy-2-methylindole-3-acetic acid
U039	4-Chloro-m-cresol
U041	1-Chloro-2,3-epoxypropane
U042	2-Chloroethyl vinyl ether
U044	*Chloroform
U046	Chloromethyl methyl ether
U047	beta-Chloronaphthalene
U048	o-Chlorophenol
U049	4-Chloro-o-toluidine, hydrochloride
U032	*Chromic acid, calcium salt
U050	Chrysene
U051	Creosote
U052	*Cresols
U052	Cresylic acid
U053	*Crotonaldehyde
U055	Cumene (I)
U246	Cyanogen bromide
U197	1,4-Cyclohexadienedione
U056	*Cyclohexane (I)
U057	Cyclohexanone (I)
U130	*1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-
U058	Cyclophosphamide
U240	*2,4-D, salts and esters
U059	Daunomycin
U060	*DDD
U061	*DDT
U142	*Decachlorooctahydro-1,3,4-metheno-2H-cyclobuta [c,d]-pentalen-2-one
U062	Diallate
U133	Diamine (R,T)
U221	Diaminotoluene
U063	Dibenz [a,h] anthracene
U063	1,2:5,6-Dibenzanthracene
U064	1,2:7,8-Dibenzopyrene
U064	Dibenz [a,i] pyrene
U066	1,2-Dibramo-3-chloropropane
U069	*Dibutyl phthalate
U062	S-(2,3-Dichloroallyl) diisopropylthiocarbamate
U070	*o-Dichlorobenzene
U071	*m-Dichlorobenzene
U072	*p-Dichlorobenzene
U073	3,3'-Dichlorobenzidine
U074	1,4-Dichloro-2-butene (I,T)
U075	Dichlorodifluoromethane
U192	3,5-Dichloro-N-(1,1-dimethyl-2-propynyl) benzamide
U060	*Dichloro diphenyl dichloroethane
U061	*Dichloro diphenyl trichloroethane
U078	*1,1-Dichloroethylene
U079	1,2-Dichloroethylene
U025	Dichloroethyl ether
U081	2,4-Dichlorophenol
U082	2,6-Dichlorophenol
U240	*2,4-Dichlorophenoxyacetic acid, salts and esters
U083	*1,2-Dichloropropane
U084	*1,3-Dichloropropane
U085	1,2:3,4-Diepoxybutane (I,T)
U108	1,4-Diethylene dioxide
U086	N,N-Diethylhydrazine
U087	O-O-Diethyl-S-methyl-dithiophosphate
U088	Diethyl phthalate
U089	Diethylstilbestrol
U148	1,2-Dihydro-3,6-pyradizinedione
U090	Dihydrosafrole
U091	3,3'-Dimethoxybenzidine
U092	*Dimethylamine (I)
U093	Dimethylaminoazobenzene
U094	7,12-Dimethylbenz[a] anthracene
U095	3,3'-Dimethylbenzidine
U096	alpha,alpha-Dimethylbenzylhydroperoxide (R)
U097	Dimethylcarbamoyl chloride
U098	1,1-Dimethylhydrazine
U099	1,2-Dimethylhydrazine
U101	*2,4-Dimethylphenol
U102	Dimethyl phthalate
U103	Dimethyl sulfate
U105	*2,4-Dinitrotoluene
U106	*2,6-Dinitrotoluene
U107	Di-n-octyl phthalate
U108	1,4-Dioxane
U109	1,2-Diphenylhydrazine
U110	Dipropylamine (I)
U111	Di-n-propylnitrosamine
U001	*Ethanal (I)
U174	Ethanamine, N-ethyl-N-nitroso-
U067	*Ethane, 1,2-dibromo-
U076	Ethane, 1,1-dichloro-
U077	*Ethane, 1,2-dichloro-
U114	1,2-Ethanediylbiscarbamodithioic acid
U131	Ethane, 1,1,1,2,2,2-hexachloro-
U024	Ethane, 1,1'-(methylenebis(oxy))bis [2-chloro-
U003	*Ethanenitrile (I,T)
U117	Ethane, 1,1'-oxybis-(I)
U025	Ethane, 1,1'-oxybis [2-chloro-
U184	Ethane, pentachloro-
U208	Ethane, 1,1,1,2-tetrachloro-
U209	Ethane, 1,1,2,2-tetrachloro-
U218	Ethanethioamide
U227	Ethane, 1,1,2-trichloro-
U043	Ethene, chloro-
U042	Ethene, 2-chloroethoxy-
U078	*Ethene, 1,1-dichloro-
U079	Ethene, trans-1,2-dichloro-
U210	Ethene, 1,1,2,2-tetrachloro-
U173	Ethanol, 2,2'-(nitrosoimino)bis-
U004	Ethanone, 1-phenyl-
U006	*Ethanoyl chloride (C,R,T)
U112	Ethyl acetate (I)
U113	Ethyl acrylate (I)
U238	Ethyl carbamate (urethan)
U038	Ethyl 4,4'-dichlorobenzilate
U114	Ethylenebis(dithiocarbamic acid)
U067	*Ethylene dibromide
U077	*Ethylene dichloride
U115	Ethylene oxide (I,T)
U116	Ethylene thiourea
U117	Ethyl ether (I)
U076	Ethylidene dichloride
U118	Ethyl methacrylate
U119	Ethyl methanesulfonate
U139	Ferric dextran
U120	Fluoranthene
U122	*Formaldehyde
U123	*Formic acid (C,T)
U124	Furan (I)
U125	*2-Furancarboxaldehyde (I)
U147	*2,5-furandione
U213	Furan, tetrahydro- (I)
U125	*Furfural (I)
U124	Furfuran (I)
U206	D-Glucopyranose, 2-deoxy-2(3-methyl-3-nitrosoureido)-
U126	Glycidylaldehyde
U163	Guanidine, N-nitroso-N-methyl-N'-nitro-
U127	Hexachlorobenzene
U128	Hexachlorobutadiene
U129	*Hexachlorocyclohexane (gamma isomer)
U130	*Hexachlorocyclopentadiene
U131	Hexachloroethane
U132	Hexachlorophene
U243	Hexachloropropene
U133	Hydrazine (R,T)
U086	Hydrazine, 1,2-diethyl-
U098	Hydrazine, 1,1-dimethyl-
U099	Hydrazine, 1,2-dimethyl-
U109	Hydrazine, 1,2-diphenyl-
U134	*Hydrofluoric acid (C,T)
U134	*Hydrogen fluoride (C,T)
U135	Hydrogen sulfide
U096	Hydroperoxide, 1-methyl-1-phenylethyl- (R)
U136	Hydroxydimethylarsine oxide
U116	2-Imidazolidinethione
U137	Indeno [1,2,3-cd] pyrene
U245	Indomethacin
U139	Iron dextran
U140	Isobutyl alcohol (I,T)
U141	Isosafrole
U142	*Kepone
U143	Lasiocarpine
U144	*Lead acetate
U145	Lead phosphate
U146	Lead subacetate
U129	*Lindane
U147	*Maleic anhydride
U148	Maleic hydrazide
U149	Malononitrile
U150	Malphalan
U151	Mercury
U152	Methacrylonitrile (I,T)
U092	*Methanamine, N-methyl-(I)
U029	Methane, bromo-
U045	Methane, chloro-(I,T)
U046	Methane, chloromethoxy-
U068	Methane, dibromo-
U080	Methane, dichloro-
U075	Methane, dichlorodifluoro-
U138	Methane, iodo-
U119	Methanesulfonic acid, ethyl ester
U211	*Methane, tetrachloro-
U153	Methanethiol (I,T)
U225	Methane, tribromo-
U044	*Methane, trichloro-
U121	Methane, trichlorofluoro-
U123	*Methanoic acid (C,T)
U036	*4,7-Methanoindan, 1,2,4,5,6,7,8,8-octachloro-3a,4,-7,7a-tetrahydro-
U154	Methanol (I)
U155	Methapyrilene
U154	Methyl alcohol (I)
U029	Methyl bromide
U186	1-Methylbutadiene (I)
U045	Methyl chloride (I,T)
U156	Methyl chlorocarbonate (I,T)
U226	Methyl chloroform
U157	3-Methylcholanthrene
U158	4,4'-Methylenebis(2-chloroaniline)
U132	2,2'-Methylenebis(3,4,6-trichlorophenol)
U068	Methylene bromide
U080	Methylene chloride
U122	*Methylene oxide
U159	Methyl ethyl ketone (I,T)
U160	Methyl ethyl ketone peroxide (R,T)
U138	Methyl iodide
U161	Methyl isobutyl ketone (I)
U162	*Methyl methacrylate (I,T)
U163	N-Methyl-N'-nitro-N-nitrosoguanidine
U161	4-Methyl-2-pentanone (I)
U164	Methylthiouracil
U010	Mitomycin C
U059	5,12-Naphthacenedione, (8S-cis)-8-acetyl-10-[(3-amino-2,3,- 6-trideoxy-alpha-L-lyxo-hexopyranosyl) oxy]-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-
U165	*Naphthalene
U047	Naphthalene, 2-chloro-
U166	1,4-Naphthalenedione
U236	2,7-Naphthalenedisulfonic acid, 3,3'-[(3,3'-dimethyl-(1,1'-biphenyl)-4,4'diyl)]-bis(azobis(5-amino-4 hydroxy)-, tetrasodium salt
U166	1,4-Naphthaquinone
U167	1-Naphthylamine
U168	2-Naphthylamine
U167	alpha-Naphthylamine
U168	beta-Naphtylamine
U026	2-Naphthylamine, N,N'-bis(2-chloromethyl)-
U169	*Nitrobenzene (I,T)
U170	*p-Nitrophenol
U171	2-Nitropropane (I)
U172	N-Nitrosodi-n-butylamine
U173	N-Nitrosodiethanolamine
U174	N-Nitrosodiethylamine
U111	N-Nitrosodi-n-propylamine
U176	N-Nitroso-N-ethylurea
U177	N-Nitroso-N-methylurea
U178	N-Nitroso-N-methylurethane
U179	N-Nitrosopiperidine
U180	N-Nitrosopyrrolidine

Specific Chemical Wastes—Continued

EPA hazardous waste No.	Substance
U181	5-Nitro-o-toluidine
U193	1,2-Oxathiolane, 2,2-dioxide
U058	2H-1,3,2-Oxazaphosphorine, 2-[bis(2-chloroethyl) amino] tetrahydro-2-oxide
U115	Oxirane (I,T)
U041	*Oxirane, 2-(chloromethyl)-
U182	Paraldehyde
U183	Pentachlorobenzene
U184	Pentachloroethane
U185	Pentachloronitrobenzene
U242	*Pentachlorophenol
U186	1,3-Pentadiene (I)
U187	Phenacetin
U188	*Phenol
U048	Phenol, 2-chloro-
U039	Phenol, 4-chloro-3-methyl-
U081	Phenol, 2,4-dichloro-
U082	Phenol, 2,6-dichloro-
U101	*Phenol, 2,4-dimethyl-
U170	*Phenol, 4-nitro-
U242	*Phenol, pentachloro-
U212	Phenol, 2,3,4,6-tetrachloro-
U230	*Phenol, 2,4,5-trichloro-
U231	*Phenol, 2,4,6-trichloro-
U137	1,10-(1,2-Phenylene)pyrene
U145	Phosphoric acid, lead salt
U087	Phosphorodithioic acid, O,O-diethyl-, S-methyl ester
U189	Phosphorous sulfide (R)
U190	Phthalic anhydride
U191	2-Picoline
U192	Pronamide
U194	1-Propanamine (I,T)
U110	1-Propanamine, N-propyl-(I)
U066	Propane, 1,2-dibromo-3-chloro-
U149	Propanedinitrile
U171	Propane, 2-nitro-(I)
U027	Propane, 2,2'oxybis[2-chloro-
U193	1,3-Propane sultone
U235	1-Propanol, 2,3-dibromo-, phosphate (3:1)
U126	1-Propanol, 2,3-epoxy-
U140	1-Propanol, 2-methyl-(I,T)
U002	2-Propanone (I)
U007	2-Propenamide
U084	*Propene, 1,3-dichloro-
U243	1-Propene, 1,1,2,3,3,3-hexachloro-
U009	*2-Propenenitrile
U152	2-Propenenitrile, 2-methyl-(I,T)
U008	2-Propenoic acid (I)
U113	2-Propenoic acid, ethyl ester (I)
U118	2-Propenoic acid, 2-methyl-, ethyl ester
U162	*2-Propenoic acid, 2-methyl-, methyl ester (I,T)
U233	*Propionic acid, 2-(2,4,5-trichlorophenoxy)-
U194	n-Propylamine (I,T)
U083	*Propylene dichloride
U196	Pyridine
U155	Pyridine, 2-[(2-dimethylamino)ethyl)-2-thenylamino]-
U179	Pyridine, hexahydro-N-nitroso-
U191	Pyridine, 2-methyl-
U164	4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-
U180	Pyrrole, tetrahydro-N-nitroso-
U200	Reserpine
U201	*Resorcinol
U202	Saccharin and salts
U203	Safrole
U204	Selenious acid
U204	*Selenium dioxide
U205	Selenium disulfide (R,T)
U015	L-Serine, diazoacetate (ester)
U233	*Silvex
U089	4,4'-Stilbenediol, alpha, alpha'-diethyl-
U206	Streptozotocin
U135	Sulfur hydride
U103	Sulfuric acid, dimethyl ester
U189	Sulfur phosphide (R)
U205	Sulfur selenide (R,T)
U232	*2,4,5-T
U207	1,2,4,5-Tetrachlorobenzene
U208	1,1,1,2-Tetrachloroethane
U209	1,1,2,2-Tetrachloroethane
U210	Tetrachloroethylene
U212	2,3,4,6-Tetrachlorophenol
U213	Tetrahydrofuran (I)
U214	Thallium(I) acetate
U215	Thallium(I) carbonate
U216	Thallium(I) chloride
U217	Thallium(I) nitrate
U218	Thioacetamide
U153	Thiomethanol (I,T)
U219	Thiourea
U244	Thiram
U220	Toluene
U221	Toluenediamine
U223	Toluene diisocyanate (R,T)
U222	o-Toluidine hydrochloride
U011	1H-1,2,4-Triazol-3-amine
U226	1,1,1-Trichloroethane
U227	1,1,2-Trichloroethane
U228	*Trichloroethene
U228	*Trichlorethylene
U121	Trichloromonofluoromethane
U230	*2,4,5-Trichlorophenol
U231	*2,4,6-Trichlorophenol
U232	*2,4,5-Trichlorophenoxyacetic acid
U234	sym-Trinitrobenzene (R,T)
U182	1,3,5-Trioxane, 2,4,5-trimethyl-
U235	Tris(2,3-dibromopropyl) phosphate
U236	Trypan blue
U237	Uracil, 5[bis(2-chloromethyl)amino]-
U237	Uracil mustard
U043	Vinyl chloride
U239	*Xylene (I)
U200	Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-[(3,4,5-trimethoxy-benzoyl)oxy]-, methylester
P012	*Arsenic(III) oxide
P011	*Arsenic pentoxide
P011	*Arsenic(V) oxide
P012	*Arsenic trioxide
P038	Arsine, diethyl-
P054	Aziridine
P013	*Barium cyanide
P024	Benzenamine, 4-chloro-
P077	Benzenamine, 4-nitro-
P028	*Benzene, (chloromethyl)-
P042	1,2-Benzenediol, 4-[1-hydroxy-2-(methylamino) ethyl]-
P014	Benzenethiol
P028	*Benzyl chloride
P015	Beryllium dust
P016	Bis(chloromethyl) ether
P017	Bromoacetone
P018	Brucine
P021	*Calcium cyanide
P123	Camphene, octachloro-
P103	Carbamimidoselenoic acid
P022	*Carbon bisulfide
P022	*Carbon disulfide
P095	*Carbonyl chloride
P033	*Chlorine cyanide
P023	Chloroacetaldehyde
P024	p-Chloroaniline
P026	1-(o-Chlorophenyl)thiourea
P027	3-Chloropropionitrile
P029	Copper cyanides
P030	Cyanides (soluble cyanide salts), not elsewhere specified
P031	Cyanogen
P033	*Cyanogen chloride
P036	Dichlorophenylarsine
P037	*Dieldrin
P038	Diethylarsine
P039	*O,O-Diethyl S-[2-(ethylthio)ethyl] phosphorodithioate
P041	Diethyl-p-nitrophenyl phosphate
P040	O,O-Diethyl O-pyrazinyl phosphorothioate
P043	Diisopropyl fluorophosphate
P044	Dimethoate
P045	3,3-Dimethyl-1-(methylthio)-2-butanone, O-[(methyl- amino)carbonyl] oxime
P071	*O,O-Dimethyl O-p-nitrophenyl phosphorothioate
P082	Dimethylnitrosamine
P046	alpha,alpha-Dimethylphenethylamine
P047	4,6-Dinitro-o-cresol and salts
P034	4,6-Dinitro-o-cyclohexylphenol
P048	*2,4-Dinitrophenol
P020	Dinoseb
P085	Diphosphoramide, octamethyl-
P039	*Disulfoton
P049	2,4-Dithiobiuret
P109	Dithiopyrophosphoric acid, tetraethyl ester
P050	*Endosulfan
P088	Endothall
P051	*Endrin
P042	Epinephrine
P046	Ethanamine,1,1-dimethyl-2-phenyl-
P084	Ethenamine,N-methyl-N-nitroso-
P101	Ethyl cyanide
P054	Ethyleneimine
P097	Famphur
P056	Fluorine
P057	Fluoroacetamide
P058	Fluoroacetic acid, sodium salt
P065	Fulminic acid, mercury (II) salt (R,T)
P059	*Heptachlor
P051	*1,2,3,4,10,10-Hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-endo,endo-1,4:5,8-dimethanonaphthalene
P037	*1,2,3,4,10,10-Hexachloro-6,7-epoxy,1,4,4a,5,6,7,8,8a-octahydro-endo,exo-1,4:5,8-dimethanonaphthalene
P060	1,2,3,4,10,10-Hexachloro-1,4,4a,5,6,8a-hexahydro-1,4:5,8-endo,endo-dimethanonaphthalene
P004	*1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a-hexahydro-1,4:5,8-endo,exo-dimethanonaphthalene
P060	Hexachlorohexahydro-exo,exo-dimethanonaphthalene
P062	Hexaethyl tetraphosphate
P116	Hydrazinecarbothioamide
P068	Hydrazine, methyl-
P063	*Hydrocyanic acid
P063	*Hydrogen cyanide
P096	Hydrogen phosphide
P064	Isocyanic acid, methyl ester
P007	3(2H)-Isoxazolone,5-(aminomethyl)-
P092	Mercury,(acetato-O)phenyl-
P065	Mercury fulminate (R,T)
P016	Methane,oxybis(chloro-
P112	Methane, tetranitro-(R)
P118	Methanethiol, trichloro-
P059	*4,7-Methano-1H-indene,1,4,5,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-
P066	Methomyl
P067	2-Methylaziridine
P068	Methyl hydrazine
P064	Methyl isocyanate
P069	*2-Methyllactonitrile
P071	*Methyl parathion
P072	alpha-Naphthylthiourea
P073	Nickel carbonyl
P074	Nickel cyanide
P074	Nickel(II) cyanide
P073	Nickel tetracarbonyl
P075	Nicotine and salts
P076	Nitric oxide
P077	p-Nitroaniline
P078	*Nitrogen dioxide
P076	Nitrogen(II) oxide
P078	*Nitrogen(IV) oxide
P081	Nitroglycerine (R)
P082	N-Nitrosodimethylamine
P084	N-Nitrosomethylvinylamine
P050	*5-Norbornene-2,3-dimethanol, 1,4,5,6,7,7-Hexachloro cyclic sulfite
P085	Octamethylpyrophosphoramide
P087	Osmium oxide
P087	Osmium tetroxide
P088	7-Oxabicyclo[2.2.1] heptane-2,3-dicarboxylic acid
P089	*Parathion
P034	Phenol, 2-cyclohexyl-4,6-dinitro-
P048	*Phenol, 2,4-dinitro-
P047	Phenol, 2,4-dinitro-6-methyl-
P020	Phenol, 2,4-dinitro-6-(1-methylpropyl)-
P009	Phenol, 2,4,6-trinitro-, ammonium salt (R)
P036	Phenyl dichloroarsine
P092	Phenylmercuric acetate
P093	N-Phenylthiourea
P094	Phorate
P095	*Phosgene
P096	Phosphine
P041	Phosphoric acid, diethyl p-nitrophenyl ester
P044	Phosphorodithioic acid, 0,0-dimethyl S-[2-(methyl-amino)-2-oxoethyl] ester
P043	Phosphorofluoric acid, bis(l-methylethyl) ester
P094	Phosphorothioic acid, O,O-diethyl S-(ethylthio)methyl ester
P089	*Phosphorothioic acid, O,O-diethyl O-(p-nitrophenyl) ester
P040	Phosphorothioic acid, O-O-diethyl O-pyrazinyl ester
P097	Phosophorothioic acid, O,O-dimethyl O-[p-((dimethyl-amino)-sulfonyl)phenyl) ester
P110	*Plumbane, tetraethyl-

Specific Chemical Wastes—Continued

EPA hazardous waste No.	Substance
P098	*Potassium cyanide
P099	Potassium silver cyanide
P070	Propanal, 2-methyl-2-(methylthio)-, O-[(methylamino) carbonyl] oxime
P101	Propanenitrile
P027	Propanenitrile, 3-chloro-
P069	*Propanenitrile, 2-hydroxy-2-methyl-
P081	1,2,3-Propanetriol, trinitrate (R)
P017	2-Propanone, 1-bromo-
P102	Propargyl alcohol
P003	*2-Propenal
P005	*2-Propen-1-ol
P067	1,2-Propylenimine
P102	2-Propyn-1-ol
P008	4-Pyridinamine
P075	Pyridine, (S)-3-(1-methyl-2-pyrrolidinyl)-, and salts
P111	*Pyrophosphoric acid, tetraethyl ester
P103	Selenourea
P104	Silver cyanide
P105	Sodium azide
P106	*Sodium cyanide
P107	Strontium sulfide
P108	*Strychnidin-10-one, and salts
P018	Strychnidin-10-one, 2,3-dimethoxy-
P108	Strychnine and salts
P115	*Sulfuric acid, thallium(I) salt
P109	Tetraethyldithiopyrophosphate
P110	*Tetraethyl lead
P111	*Tetraethylpyrophosphate
P112	Tetranitromethane (R)
P062	Tetraphosphoric acid, hexaethyl ester
P113	Thallic oxide
P113	Thallium(III) oxide
P114	Thallium(I) selenite
P115	*Thallium(I) sulfate
P045	Thiofanox
P049	Thioimidodicarbonic diamide
P014	Thiophenol
P116	Thiosemicarbazide
P026	Thiourea, (2-chlorophenyl)-
P072	Thiourea, 1-naphthalenyl-
P093	Thiourea, phenyl-
P123	*Toxaphene
P118	Trichloromethanethiol
P119	Vanadic acid, ammonium salt
P120	*Vanadium pentoxide
P120	*Vanadium(V) oxide
P001	Warfarin
P121	*Zinc cyanide
P122	*Zinc phosphide (R,T)
F001	The following spent halogenated solvents used in degreasing: tetrachlorethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride, and chlorinated fluorocarbons; and sludges from the recovery of these solvents in degreasing operations.
F002	The following spent halogenated solvents: tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, orthodichlorobenzene, and trichlorofluoromethane; and the still bottoms from the recovery of these solvents.
F003	The following spent non-halogenated solvents: xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone, and methanol; and the still bottoms from the recovery of these solvents.
F004	The following spent non-halogenated solvents: cresols and cresylic acid, and nitrobenzene; and the still bottoms from the recovery of these solvents.
F005	The following spent non-halogenated solvents: toluene, methyl ethyl ketone, carbon disulfide, isobutanol, and pyridine; and the still bottoms from the recovery of these solvents.
F006	Wastewater treatment sludges from electroplating operations except from the following processes: (1) sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.
F019	Wastewater treatment sludges for the chemical conversion coating of aluminum.
F007	Spent cyanide plating bath solutions from electroplating operations (except for precious metals electroplating spent cyanide plating bath solutions).
F008	Plating bath sludges from the bottom of plating baths from electroplating operations where cyanides are used in the process (except for precious metals electroplating plating bath sludges).
F009	Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process (except for precious metals electroplating spent stripping and cleaning bath solutions).
F010	Quenching bath sludge from oil baths from metal heat treating operations where cyanides are used in the process (except for precious metals heat-treating quenching bath sludges).
F011	Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations (except for precious metals heat treating spent cyanide solutions from salt bath pot cleaning).
F012	Quenching wastewater treatment sludges from metal heat treating operations where cyanides are used in the process (except for precious metals heat treating quenching wastewater treatment sludges).
F015	Spent cyanide bath solutions from mineral metals recovery operations.
K001	Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote and/or pentachlorophenol.
K002	Wastewater treatment sludge from the production of chrome yellow and orange pigments.
K003	Wastewater treatment sludge from the production of molybdate orange pigments.
K004	Wastewater treatment sludge from the production of zinc yellow pigments.
K005	Wastewater treatment sludge from the production of chrome green pigments.
K006	Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).
K007	Wastewater treatment sludge from the production of iron blue pigments.
K008	Oven residue from the production of chrome oxide green pigments.
K009	Distillation bottoms from the production of acetaldehyde from ethylene.
K010	Distillation side cuts from the production of acetaldehyde from ethylene.
K011	Bottom stream from the wastewater stripper in the production of acrylonitrile.
K013	Bottom stream from the acetonitrile column in the production of acrylonitrile.
K014	Bottoms from the acetonitrile purification column in the production of acrylonitrile.
K015	Still bottoms from the distillation of benzyl chloride.
K016	Heavy ends or distillation residues from the production of carbon tetrachloride.
K017	Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.
K018	Heavy ends from the fractionation column in ethyl chloride production.
K019	Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.
K020	Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.
K021	Aqueous spent antimony catalyst waste from fluoromethanes production.
K022	Distillation bottom tars from the production of phenol/acetone from cumene.
K023	Distillation light ends from the production of phthalic anhydride from naphthalene.
K024	Distillation bottoms from the production of phthalic anhydride from naphthalene.
K093	Distillation light ends from the production of phthalic anhydride from ortho-xylene.
K094	Distillation bottoms from the production of phthalic anhydride from ortho-xylene.
K025	Distillation bottoms from the production of nitrobenzene by the nitration of benzene.
K026	Stripping still tails from the production of methyl ethyl pyridines.
K027	Centrifuge and distillation residues from toluene diisocyanate production.
K028	Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.
K029	Waste from the product steam stripper in the production of 1,1,1-trichloroethane.
K095	Distillation bottoms from the production of 1,1,1-trichloroethane.
K096	Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane.
K030	Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene.
K083	Distillation bottoms from aniline production.
K103	Process residues from aniline extraction from the production of aniline.
K104	Combined wastewater streams generated from nitrobenzene/aniline production.
K085	Distillation or fractionation column bottoms from the production of chlorobenzenes.
K105	Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes.
K071	Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used.
K073	Chlorinated hydrocarbon waste from the purification step of the diaphram cell process using graphite anodes in chlorine production.
K106	Wastewater treatment sludge from the mercury cell process in chlorine production.
K031	By-product salts generated in the production of MSMA and cacodylic acid.
K032	Wastewater treatment sludge from the production of chlordane.
K033	Wastewater and scrub water and scrub water from the chlorination of cyclopentadiene in the production of chlordane.
K034	Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane.
K097	Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane.
K035	Wastewater treatment sludges generated in the production of creosote.
K036	Still bottoms from toluene reclamation distillation in the production of disulfoton.
K037	Wastewater treatment sludges from the production of disulfoton.
K038	Wastewater from the washing and stripping of phorate production.
K039	Filter cake from filtration of diethylphosphorodithioic acid in the production of phorate.
K040	Wastewater treatment sludge from the production of phorate.
K041	Wastewater treatment sludge from the production of toxaphene.
K098	Untreated process wastewater from the production to toxaphene.
K042	Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.
K043	2,6-Dichlorophenol waste from the production of 2,4-D.
K099	Untreated wastewater from the production of 2,4-D.
K044	Wastewater treatment sludges from the manufacturing and processing of explosives.
K045	Spent carbon from the treatment of wastewater containing explosives.
K046	Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.
K047	Pink/red water from TNT operations.
K048	Dissolved air flotation (DAF) float from the petroleum refining industry.
K049	Slop oil emulsion solids from the petroleum refining industry.
K050	Heat exchanger bundle cleaning sludge from the petroleum refining industry.

Specific Chemical Wastes—Continued

EPA hazardous waste No	Substance
K051	API separator sludge from the petroleum refining industry.
K052	Tank bottoms (leaded) from the petroleum refining industry.
K061	Emission control dust/sludge from the primary production of steel in electric furnaces
K062	Spent pickle liquor from steel finishing operations.
K069	Emission control dust/sludge from secondary lead smelting.
K100	Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting.
K084	Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.
K101	Distillation tar residues form the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.
K102	Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.
K086	Solvent washes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps, and stabilizers containing chromium and lead.
K060	Ammonia still lime sludge from coking operations.
K087	Decanter tank tar sludge from coking operations.

BILLING CODE 4910-60-M

Chemicals listed by EPA under Section 307(a) of the Clean Water Act

Acenaphthylene
Acenaphthene
*Acetic acid
*Acrolein
Anthracene
Antimony
*Antimony pentachloride
*Antimony potassium tartrate
*Antimony tribromide
*Antimony trichloride
*Antimony trifluoride
*Antimony trioxide
Arsenic
Arsenic acid
*Arsenic disulfide
*Arsenic pentoxide
*Arsenic trichloride
*Arsenic trioxide
Asbestos
Benz[a] anthracene
*Benzene
Benzidine
Benzo[ghi] perylene
Benzo[a] pyrene
Beryllium
*Beryllium chloride
*Beryllium fluoride
*Beryllium nitrate
Bis(2-chloroethoxy)methane
Bis(2-chloroethyl)ether
Bis(2-chloroisopropyl)ether
Bis(2-ethylhexyl) phthalate*
Bromomethane
4-Bromophenyl phenyl ether
Butyl benzyl phthalate
*n-Butyl phthalate
Cadmium
*Cadmium acetate
*Cadmium bromide
*Cadmium chloride
*Carbon tetrachloride
*Chlordane
*Chlorobenzene
Chlorodibromomethane

Benzo[b] fluoranthene

Benzo[k] fluoranthene

2-Chloroethyl vinyl ether

*Chloroform

Chloromethane

Chloromethyl methyl ether

Chloronaphthalene (all isomers)

2-Chloronaphthalene

Chlorophenol

2-Chlorophenol

2-Chloronaphthalene

4-Chlorophenyl phenyl ether

Chromium

*Chromic acetate

*Chromic acid

*Chromic sulfate

*Chromous chloride

Chrysene

Copper

Copper cyanide

*Cupric acetate

*Cupric acetoarsenite

*Cupric chloride

*Cupric nitrate

p-Chloro-m-cresol

Choroethane

*Cupric oxalate

*Curpic sulfate

*Cupric sulfate ammoniated

*Cupric tartrate

*Cyanides (soluble salts and complexes),n.o.s.

*Cyanogen chloride

2-Cyclohexyl-4, 6-dinitrophenol

*DDD

DDE

*DDT

Dibenz[a,h] anthracene (Dibenzo[a,h] anthracene)

Dibenzo [a,e] pyrene

Dibenzo[a,h] pyrene

Dibenzo[a,i] pyrene

Dibromomethane

*Di-n-butyl phthalate

*Dichlorobenzene (all isomers)

Dichlorobenzidine (all isomers)

3,3'-Dichlorobenzidine

Dichlorobromomethane

Dichloroethane (all isomers)

1,1-Dichloroethane

1,2-Dichloroethane

*Dichloroethylene (all isomers)

*1,1-Dichloroethylene

*1,2-Dichloroethylene

Dichloromethane

Dichloronaphthalene (all isomers)

Dichlorophenol (all isomers)

2,4-Dichlorophenol

2,6-Dichlorophenol

Dichlorophenylarsine

*Dichloropropane (all isomers)

*Dichloropropene-Dichloropropane mixture

*Dichloropropene(s) (all isomers)

*1,3-Dichloropropene

*Dieldrin

Diethylarsine

Diethyl phthalate

7,12-Dimethylbenz[a] anthracene

Dimethylnitrosamine

*2,4-Dimethylphenol

Dimethyl phthalate

4,6-Dinitro-o-cresol

*Dinitrotoluene (all isomers)

*2,4-Dinitrotoluene

*2,6-Dinitrotoluene

Di-n-octyl phthalate

Di-n-propylnitrosamine

*Endosulfan (all isomers)

Endosulfan sulfate

*Endrin and metabolites

*Ethyl benzene

Ethyl cyanide

*Ethylene dichloride

Fluoranthene

Fluorene

*Heptachlor

Heptachlor epoxide

Hexachlorobenzene

*Hexachlorobutadiene

Hexachlorocyclohexane (all isomers)

*Hexachlorocyclopentadiene

Hexachloroethane

Hexachlorophene

Indeno(1,2,3-cd)pyrene

Iodomethane

Isophorone

Lead

*Lead acetate

*Lead arsenate

*Lead chloride

*Lead fluoborate

*Lead fluoride

*Lead iodide

*Lead nitrate

Lead phosphate

*Lead stearate

Lead subacetate

*Lead sulfate

*Lead sulfide

*Lead thiocyanate

*Mercuric cyanide

*Mercuric nitrate

*Mercuric sulfate

Mercuric thiocyanate

*Mercurous nitrate

Mercury

Nickel

*Nickel ammonium sulfate

*Nickel chloride

*Nickel hydroxide

*Nickel nitrate

*Nickel sulfate

*Nitrobenzene

*Nitrophenol (all isomers)

*2-Nitrophenol

*4-Nitrophenol

N-Nitrosodi-n-butylamine

N-Nitrosodiethanolamine

N-Nitrosodiethylamine

N-Nitrosodimethylamine

N-Nitrosodiphenylamine

N-Nitrosodi-n-propylamine

N-Nitrosomethylethylamine

N-Nitrosomethylvinylamine

Octachloronaphthalene

Pentachlorobenzene

Pentachloroethane

*Pentachlorophenol

Phenanthrene

*Phenol

Phenyl dichloroarsine

Phenylmercury acetate

*Polychlorinated biphenyl(s) (PCBs)

Potassium silver cyanide

Nickel carbonyl

Nickel cyanide

Selenium

Selenium oxide

Selenium sulfide

Silver

Silver cyanide

*Silver nitrate

Tetrachlorobenzene

1,2,4,5-Tetrachlorobenzene

2,3,7,8-Tetrachlorodibenzo-p-dioxin

Tetrachloroethane (all isomers)

1,1,1,2-Tetrachloroethane

1,1,2,2-Tetrachloroethane

Tetrachloroethene (Tetrachloroethylene)

*Tetrachloromethane

Tetrachlorophenol (all isomers)

2,3,4,6-Tetrachlorophenol

*TDE

Thallium

Thallic oxide

Thallium (I) acetate

Thallium (I) carbonate

Thallium (I) chloride

Pyrene

Selenious acid

Trichlorfon

Trichloroethane (all isomers)

1,1,1-Trichloroethane

1,1,2-Trichloroethane

*Trichloroethylene

*Trichlorophenol (all isomers)

*2,4,5-Trichlorophenol

*2,4,6-Trichlorophenol

Vinyle chloride

Zinc

*Zinc acetate

*Zinc ammonium chloride

*Zinc borate

*Zinc bromide

*Zinc carbonate

*Zinc chloride

*Zinc cyanide

*Zinc fluoride

*Zinc formate

*Zinc hydrosulfite

*Zinc nitrate

*Zinc phenolsulfonate

Thallium (I) nitrate

Thallium (I) selenite

*Thallium (I) sulfate

*Toluene

*Toxaphene

Tribromomethane

Trichlorobenzene (all isomers)

1,2,4-Trichlorobenzene

BILLING CODE 4910-60-C

*Zinc phosphide

*Zinc silicofluoride

*Zinc sulfate

*Zirconium nitrate

*Zirconium potassium fluoride

*Zirconium sulfate

*Zirconium tetrachloride

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, Appendix A to Part 1)

Note.—The Materials Transportation Bureau has determined that this document will not result in a "major rule" under the terms of Executive Order 12291 and is not a significant regulation under DOT's regulatory policy and procedures (44 FR 11043), nor require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321) et seq.). A regulatory evaluation and an environmental assessment are available for review in the docket.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 81-8340 Filed 3-18-81; 8:45 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

[Last Listing February 19, 1981; last cumulative listing for the 96th Congress (1980), January 7, 1981.]

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2. The relationship between Federal Register and the Code of Federal Regulations.
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4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.

WHEN: April 10 and 24; at 9 a.m. (identical sessions).

WHERE: Office of the Federal Register, Room 9409, 1100 L Street NW., Washington, D.C.

RESERVATIONS: Call King Banks, Workshop Coordinator, 202–523–5235.

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